

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 4, 2026
TYPE OF AGENDA ITEM: Public Hearing
AGENDA OUTLINE NUMBER: 5.A.

TO: City Council

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

FROM: Daniel Butler, Principal Planner
Tina Deater, Community Development Director

DATE: April 28, 2026

SUBJECT: First Reading of Ordinance 26-06-LC -**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RENUMBERING THE EXISTING ARTICLE 11 OF THE LAND DEVELOPMENT CODE AS ARTICLE 7; CHANGING THE NAME OF EXISTING “ARTICLE 11 COASTAL MANAGEMENT AND CONSERVATION” TO “ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY”; ADDING THE FOLLOWING EXISTING SECTIONS OF THE LAND DEVELOPMENT CODE TO “ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY”: SECTION 7.05.00 - PROTECTION AND PRESERVATION OF ARCHEOLOGICAL AND HISTORIC RESOURCES, SECTION 7.17.04 - OUTDOOR LIGHTING STANDARDS FOR THE MARINE TURTLE CONSERVATION ZONE, AND SECTION 7.20.00 - SMALL-SCALE ALTERNATIVE ENERGY GENERATION REGULATIONS; 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 7 was presented to the City Council at its workshop on October 28, 2024, and their comments have been incorporated into the proposed Ordinance, along with public comments and recommendations from the Local Planning Agency and the Harbor and Waterways Board.

II. DISCUSSION:

Drafts of *Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability* have been available for public review since April 2024. Article drafts have gone through several review iterations with Community Development Staff, other Departments and the City’s Land Use Attorney, and public review and discussion at several LPA and Harbor and Waterways Board meetings. Criteria for evaluating the existing and proposed LDC regulations include the LDC’s purpose and intent, public comments, feedback from the City Council, LPA and other boards, and compliance with the City’s adopted Comprehensive Plan and State Statutes.

Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability establishes regulations that are focused on protecting Destin’s environment and natural resources, while balancing property rights. The Article focuses on coastal protection, flood mitigation, protection and restoration of wetlands, and enhancing the quality of life and development. The revised Article 7 makes it easier to understand what the Bay Shoreline, Gulf Shoreline, and other environmentally sensitive regulations are and where they are applicable. It also places all natural and historical resource protection regulations in one location, making it easier for staff and customers to find the applicable requirements. Further, the Marina Siting section (Section 7.03) has been updated and is focused on actual development rather than behavior. Many regulations that exist in the current Marina Siting section have to do with post-development activities, such as no dumping of waste, not actual development standards, and these are slated to be moved to the City's Code of Ordinances. The structure of the Net Positive Environmental Benefit Fee in Section 7.03.05, which is intended to support funding of infrastructure improvements that protect and enhance water quality in the Destin Harbor, has also been revised from a percentage of construction cost to an annual flat fee per slip. The residential slip fee is proposed to be \$50 and the non-residential slip fee is proposed to be \$100. Homesteaded properties would be exempt from the fee and property owners that paid into the fund in the last 10 years would also be exempted from the fee on a prorated basis.

The new Article 7 includes the regulations from the current Article 11 and the following Sections from the current Article 7:

Article 7 - Zoning Regulatory Controls

- Section 7.05.00 Protection of archeological and historic resources.
- Section 7.20.00. Small-scale alternative energy generation regulations.

Recent Updates/Changes to Organization

Below is an overview of the organizational and language changes to Article 7 that have occurred since the October 28, 2024, City Council workshop.

- Added Natural Groundwater Aquifer, Sand, and Gravel Recharge (7.01.07)
- Added Floodplain Management (7.02.00)
- Added Potential NBEB Reductions via environmentally friendly materials (7.03.05.C)
- Added Discharge Monitoring (7.05.04)
- NPEB Fee Structure (7.03.05)

February 19, 2026 LPA Meeting:

At the regularly scheduled LPA meeting on February 19, 2026, the LPA voted for Staff to revise the Net Positive Environmental Benefit (NPEB) section of Article 7 to reflect the LPA's recommendation to City Council. The LPA's recommended methodology consists of charging a property owner annually for each slip on the premises. Residential slips would be charged \$50 per slip per year, while non-residential slips would be charged \$100 per slip per year. Homesteaded properties would be 100% exempt from this NPEB fee. Additionally, there is an exemption for any property that paid into the existing NPEB fee structure within the last ten (10) years. While reviewing the revisions, the agency liaison also recommended that Staff remove the NPEB reduction allowances, stating they were geared more towards the methodology that utilized cost of construction, and not applicable to this new fee structure.

March 26, 2026 Harbor and Waterways (HWB) Meeting:

At the regularly scheduled HWB meeting on Thursday, March 26, 2026, the HWB voted 4-1 to support the LPA recommended methodology for NPEB collection.

April 2, 2026 LPA:

At the regularly scheduled LPA meeting on Thursday, April 2, 2026, the LPA unanimously voted to recommend City Council approval of Ordinance 26-06-LC.

A. Link to Strategic Goals / Objectives: I. Financially sound city providing service excellence.

II. Enhanced quality of life and safety for all families.

III. Economic development and revitalization.

IV. Effective, efficient, and aesthetically pleasing infrastructure.

V. A green and sustainable environment.

B. Effect on Budget (EOB): The proposed NPEB fee collection methodology would provide for an improved budgeting process by the funding source becoming more predictable.

C. Level of Service (LOS): City services could be improved by having a more predictable funding source that is easier for Staff to administer.

D. Legislative Sponsor: N/A

E. Business Impact Statement: See attached.

III. CONCLUSION:

As proposed, Article 7 establishes regulations that are focused on protecting Destin's environment and natural resources, while balancing property rights. The Article focuses on coastal protection, flood mitigation, protection and restoration of wetlands, and enhancing the quality of life and development. Ordinance 26-06-LC creating Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability will establish a new article in the Land Development Code (LDC), which will become effective on October 1, 2026, provided that it is

adopted by the City Council and signed by the Mayor prior to October 1, 2026.

IV. RECOMMENDED MOTION:

I move that the City Council approve proposed Ordinance 26-06-LC on first reading.

ALTERNATIVE MOTION:

I move that the City Council approve proposed Ordinance 26-06-LC on first reading with the following modification: _____.

Attachments:

1. Ord. 26-06-LC -
Article 7 May 4
2026 Council Mtg
2. Exhibit A to
Ordinance 26-06-
LC - Article 7
3. Article 7
WORKING
DRAFT
4. 2-19-26 LPA
Minutes
5. City Council
Workshop
Minutes Article 7
6. NPEB Fee
Summary W
Trend rv 2026
0319
7. Ord. 26-06-LC
Business Impact
Statement
8. LDC Approval
Timeline_04.28.26

ORDINANCE NO. 26-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RENUMBERING THE EXISTING ARTICLE 11 OF THE LAND DEVELOPMENT CODE AS ARTICLE 7; CHANGING THE NAME OF EXISTING “ARTICLE 11 COASTAL MANAGEMENT AND CONSERVATION” TO “ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY”; ADDING THE FOLLOWING EXISTING SECTIONS OF THE LAND DEVELOPMENT CODE TO “ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY”: SECTION 7.05.00 - PROTECTION AND PRESERVATION OF ARCHEOLOGICAL AND HISTORIC RESOURCES, SECTION 7.17.04 - OUTDOOR LIGHTING STANDARDS FOR THE MARINE TURTLE CONSERVATION ZONE, AND SECTION 7.20.00 - SMALL-SCALE ALTERNATIVE ENERGY GENERATION REGULATIONS; 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 February 19, 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 11 - Coastal Management and Conservation of the Land Development Code is hereby renumbered as Article 7 - Resource Conservation, resiliency, and Sustainability and additionally modified 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 on October 1, 2026, provided it is adopted by the City Council and signed by the Mayor prior to October 1, 2026.

(Signature Page Follows)

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

By: _____
Bobby Wagner, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____

Second Reading: _____

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Table of Contents

ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY	2
SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION	2
SECTION 7.01.01 PURPOSE.....	2
SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE	2
SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE	3
SECTION 7.01.04 WHITE SAND PROTECTION ZONES.....	4
SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS	5
SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION	8
SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE	9
SECTION 7.02 FLOOD PLAIN MANAGEMENT	10
SECTION 7.02.01 ADMINISTRATION AND APPLICABILITY.....	10
SECTION 7.02.02 FLOODPLAIN ADMINISTRATOR	12
SECTION 7.02.03 PERMITS.....	15
SECTION 7.02.04 SITE PLANS AND CONSTRUCTION DOCUMENTS	17
SECTION 7.02.05 INSPECTIONS.....	19
SECTION 7.02.06 VARIANCES AND APPEALS.....	19
SECTION 7.02.07 VIOLATIONS	21
SECTION 7.02.08 FLOOD RESISTANT DEVELOPMENT	22
SECTION 7.02.09 DEFINITIONS	27
SECTION 7.03 MARINA SITING	33
SECTION 7.03.01 PURPOSE	33
SECTION 7.03.02 GENERAL REGULATIONS	33
SECTION 7.03.03 COMMERCIAL REGULATIONS	34
SECTION 7.03.04 DIMENSIONAL AND DENSITY LIMITATIONS.....	34
SECTION 7.03.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE.....	36
SECTION 7.04 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION	36
SECTION 7.04.01 PURPOSE	36
SECTION 7.04.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES	36
SECTION 7.05 ILLICIT DISCHARGE DETECTION AND ELIMINATION	37
SECTION 7.05.01 PURPOSE	37
SECTION 7.05.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS.....	37
SECTION 7.05.03 EXEMPTIONS	39
SECTION 7.05.04 DISCHARGE MONITORING	39
SECTION 7.06 ALTERNATIVE ENERGY DEVELOPMENT	40
SECTION 7.06.01 PURPOSE AND INTENT	40
SECTION 7.06.02 APPLICABILITY AND GENERAL PROVISIONS.....	40
SECTION 7.06.03 STANDARDS FOR REVIEW AND REGULATION	41

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY

SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION

SECTION 7.01.01 PURPOSE

- A. The purpose of this Section is to provide regulations intended to protect the City's existing environmental and natural resources, especially the coastal resources. Therefore, this Section intends to establish regulations to mitigate the impacts of floods, protect and restore wetlands, limit the impact of development, and enhance the quality of life and property.
- B. It is also the purpose of this Section to ensure that publicly funded infrastructure shall not be built within any Coastal High Hazard Area (CHHA) unless the facility is for any of the following:
 1. Protection of public health and safety
 2. Creation of open space
 3. Implementation of beach restoration
 4. Shoreline erosion protection programs

SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE

- A. The Bay Shoreline Protection Zone is applicable to properties lying within the City limits along the waterfront of Choctawhatchee Bay, Joe's Bayou, Marler Bayou and Indian Bayou. This zone is defined as a 50-foot buffer that begins at the mean high-water line and extends landward 50 feet. This buffer zone shall consist of preserved native vegetation, including canopy, understory, and ground cover.
- B. The following regulations shall apply to all development and redevelopment within the Bay Shoreline Protection Zone of the City:
 1. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable.
 2. The minimum setback for principal habitable structures shall be 50 feet from the mean high-water line.
 - a. If the 50-foot setback cannot be achieved due to depth of property prior to platting of lots, right-of-way easements, utility easements, or access easements existing at the time of adoption of this ordinance, the maximum width achievable shall be provided.
 - b. An applicant claiming inability to comply with the 50-foot setback requirement because of the above-stated causes must submit documentation certified by an engineer as to the limitations on the property which make compliance impossible.
 - c. Minor structures and accessory uses are allowed within this buffer zone, provided these improvements do not constitute more than 40 percent of the square footage within the buffer zone.
 - i. These improvements shall comply with Article 6 of this Code.
 3. Other uses and activities permitted in the Bay Shoreline Protection Zone are those that are compatible with the protection and conservation of the areas, as described below:
 - a. Scenic, historic, wildlife, or scientific preserves,
 - b. Minor maintenance or emergency repair to existing structures or improved areas, and

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- c. Bulkheads and/or seawalls along or within property lines.

SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE

- A. The Gulf Shoreline Protection Zone consists of the area that commences at the mean high-water line, runs to, and includes ten feet (10') landward of the primary dune system.
 1. The 10' landward area of the dune system shall function as a buffer, and shall be planted with native plantings, excluding trees.
 2. Whenever any construction activity is to be undertaken in the area between the CCCL and the landward limit of the Gulf Shoreline Protection Zone, and such construction would alter any portion of the primary dune, the City shall require the implementation of an FDEP approved Beach and Dune Restoration Plan to mitigate any damage which would result from the construction.
 - a. Proof of FDEP review shall be submitted at the time of Development Order application.
 - b. Proof of FDEP approval shall be submitted at time of construction permitting.
 3. Public expenditures within any Gulf Shoreline Protection Zone shall comply with the LDC and shall be limited to the following:
 - a. Recreational uses,
 - b. Protection or restoration of valuable natural resources, or
 - c. Increase the public's access to the shoreline.
- B. Prohibitions
 1. The following activities shall be prohibited within the Gulf Shoreline Protection Zone:
 - a. Construction of buildings and structures
 - b. Removal of vegetation, except as allowed pursuant to an approved FDEP permit,
 - c. Planting new vegetation, except for native, salt-resistant species suitable for beach and dune stabilization,
 - d. Installation of temporary or permanent coastal armoring, unless a Building Permit is obtained, and all construction complies with applicable Federal, State, and Local regulations.
 - e. Exceptions
 - i. Minor structures authorized by FDEP; albeit the minimum setback for construction within properties fronting the Gulf of Mexico shall not be less than 50 feet from the mean high-water line.
 - ii. The prohibitions listed above shall not apply to construction landward of the Coastal Construction Control Line nor to any structure or activity permitted by FDEP.
 - iii. Beach boxes.
- C. Dune enhancement.
 1. All persons constructing elevated boardwalks on property located in the Gulf Shoreline Protection Zone shall include in their plans provisions to enhance and revegetate the dune system on their property.
- D. The following development standards shall apply to all developments located within the Gulf Shoreline Protection Zone:
 1. Point source and non-point source discharges are prohibited, except for stormwater, in accordance with Section 7.05 of this Article.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. Siltation and erosion control measures shall be applied to stabilize disturbed areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

SECTION 7.01.04 WHITE SAND PROTECTION ZONES

- A. The purpose of this Section is to prohibit and/or regulate the use of clays, sand-clay mixtures or any other material subject to wind and water transport that can be potentially discoloring to the natural white sands and to the waters of the City, and to regulate and require permitting for use of these materials in other areas of the City. The provisions of this Section shall apply to all types of construction.
- B. Approvable Materials
 1. Zone 1: White sand must be used as fill material in a White Sand Zone 1.
 2. Zone 2: White sand, sandy soil which is indigenous to Zone 2, or other sandy soil which is as light or lighter than the undisturbed indigenous soil on site may be used in Zone 2.
 3. Prior to any development or redevelopment on properties or portions thereof which are located within a White Sand Zone 1 or Zone 2, a sample of existing and proposed fill shall be provided to the Planning Division for final decision of approval / disapproval.
 4. Special purpose materials, as described below, may be used within a White Sand Zone 1 or 2:
 - a. Discoloring material used for horticulture and landscaping may be used if discoloration is limited to the planted area by containment safeguards. Any discoloration to public or other private property is unlawful. It shall be the responsibility of the permitted property owner to clean and restore any discolored public or other private property affected by landscaping or horticultural activity.
 - b. Beneath building foundations, parking lots, and roadbeds, limestone, dolomite, crushed lime rock, and other similar stabilizing materials containing no red clay, red sand, tan sand, or other adversely deeply tinted material, may be used if both of the following measures have been incorporated:
 - i. The material is contained by a concrete curb or solid concrete block wall extending not less than one foot below grade and as deep as necessary to provide containment.
 - ii. The material must be covered by a permanent cover such as asphalt, concrete or other appropriate material within five (5) calendar days (120 hours) of placement.
 - (a) If it is not practical to permanently cover the material until the completion of construction, the material must be physically sealed by a wind- and water-resistant membrane as soon as possible, in no case more than five (5) calendar days (120 hours) after its placement and must be permanently covered at the completion of construction prior to the issuance of a Certificate of Occupancy or Completion, whichever is applicable.
 - c. Driveways and parking lots within any White Sand Zone may use oyster shell, granite, or washed, coarse aggregate rock meeting FDOT standards for final driveway or parking lot material, provided these materials shall be contained to those areas and shall not be spread elsewhere on the site as fill material.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- i. Driveways and parking lots within White Sand Zone 1 shall contain these materials by utilizing concrete curbing that extends no less than one (1) foot below grade.
 - ii. Sections of driveways located within the right-of-way must be solid surfaced, in accordance with Article 6.
5. Reconstruction & Redevelopment
 - a. At any time of reconstruction or redevelopment where previously utilized materials that are not compliant with this Section are disturbed, the nonconforming materials/soils shall be removed from the site and from the zone using safeguards to prevent discoloring the natural sand and water at the site and adjacent properties. Such removal shall be completed within five (5) business days.
 - i. If the native soil of such site does not comply with this Section, the applicant shall demonstrate that the use of the native soil shall not alter or adversely affect the surrounding properties.
 - ii. In no case shall any red clay, red dirt, or other staining material be allowed to remain on site.

SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS

- A. The purpose of this Section is to protect the City's Environmentally Sensitive Areas (ESAs), which have special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.
 1. At a minimum, Norriego Point and all lands within the defined Coastal High Hazard Area (CHHA) and any functioning wetlands, as defined by United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) shall be included.
 2. A developer shall obtain a determination of the boundaries of a protected Environmentally Sensitive Area and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information pertinent to the project.
 3. Development plans submitted to the City shall comply with applicable federal, state and water management district regulations relating to Environmentally Sensitive Areas. In all cases, the strictest of the applicable standards shall apply.
 - a. Such development plans shall include a Wetland Report, prepared by appropriately licensed engineers, biologists, landscape architects, or other similar design or land planning experts.
 4. Handling and storage of fuel, hazardous/toxic substances, and waste
 - a. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.
 - b. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- c. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.
- B. Wetland Protection Zones
 1. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Florida Department of Environmental Protection as authorized by F.S. Ch. 403.
 - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 1, River and Harbor Act.
 - c. Areas within the jurisdiction of the Northwest Florida Water Management District.
 - d. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the property lies within any jurisdictional wetlands.
 2. Development activities allowed within Wetland Protection Zones.
 - a. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Wetland Protection Zones.
 - b. The activities below may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Wetland Protection Zone.
 - c. For the reasons described above, the following uses and activities are permitted within a Wetland Protection Zone, provided it does not conflict with any other provisions of this Code:
 - i. Scenic, historic, wildlife or scientific preserves.
 - ii. Minor maintenance or emergency repair to existing structures or improved areas.
 - iii. Cleared walking trails with no structural components.
 - iv. Timber catwalks and docks four (4) feet or less in width.
 - v. Cultivating agricultural or horticultural products that occur naturally on the site.
 - vi. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code.
 - (a) Such evidence shall be provided by the applicant to FDEP for review.
 3. The following special design standards apply to any development within Wetland Protection Zones:
 - a. Wherever possible, natural buffers shall be retained between all development and all Wetland Protection Zones.
 - i. If a natural buffer does not exist, an equivalent buffer shall be created.
 - ii. The size of the buffer shall meet the minimum requirements as defined by the Northwest Florida Water Management District (NFWMD) to prevent significant adverse effects on the protected area.
 - iii. At no point shall a buffer have less than an average width of twenty-five feet (25'), with a minimum width of fifteen feet (15').
 - b. The developer shall completely restore any portion of a wetland protection zone damaged during construction.
 - i. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- c. Other reasonable protective measures necessary to prevent significant adverse effects on a Wetland Protection Zone may be required. Protective measures may include, but are not limited to:
 - i. Maintain natural drainage patterns.
 - ii. Limiting the normal removal of vegetation to the minimum amount necessary to conduct the development activity.
 - iii. Expediently replanting disturbed areas.
 - iv. Stabilizing banks and other unvegetated areas by siltation and erosion control measures.
 - v. Minimizing the amount of fill used in the development activity.
 - vi. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
 - vii. Constructing channels at the minimum depth and width necessary to achieve their intended purposes and designing them to prevent slumping and erosion and allow revegetation of banks.
 - viii. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning and other cycles and activities of wildlife.
 - ix. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage.
 - x. Prohibiting septic tanks, or
 - xi. Requiring the developer and successor to record deed restrictions and other legal mechanisms to protect the environmentally sensitive areas and maintain the development.
 - d. The City Council may require additional environmental protection measures to provide sufficient protection for Wetland Protection Zones.
 - e. Clustering Development
 - i. In the case that any proposed development is located on property with wetlands, the allowable density and/or intensity of the total site shall be applied to the developable area outside of the wetlands.
 - ii. In no case shall the proposed density and/or intensity be greater than the allowable density of the total site.
 - iii. Clustering development allowances only apply if the developer does not build within the wetlands, and all protective measures, as identified above, are implemented to reduce adverse impacts to the wetlands.
- C. Coastal Marsh Vegetation Protection Zones
- 1. This Section shall apply to any property that contains coastal marsh vegetation.
 - 2. Regulations for structures built over Coastal Marsh Vegetation Protection Zones
 - a. The structure shall be designed to have the smallest footprint practicable.
 - b. The elevation of the structure shall be a minimum of eight feet (8') above the coastal marsh vegetation area floor level.
 - c. The width of the structure shall be limited to a maximum of four feet (4').
 - d. The gaps between the boards for the structure shall comply with FDEP standards.
 - e. The structures shall be aligned in a north-south direction wherever practicable.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

3. Prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. No person shall remove, cut, or alter the natural growth of coastal marsh vegetation.
 - b. No herbicide or pesticide is to be used on coastal marsh vegetation.
 - c. No placement of riprap on coastal marsh vegetation or within five feet (5') of coastal marsh vegetation.
 - d. No placement or construction of seawalls in areas containing coastal marsh vegetation.
 - e. No storage of hazardous chemicals or materials.
4. Exceptions to prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. Walls may be built as upland retaining walls with a minimum distance of five feet (5') upland of the coastal marsh vegetation.
5. The following standards apply to post-development activities taking place within any Coastal Marsh Vegetation Protection Zones.
 - a. Point source and non-point source discharges.
 - i. Absent an amendment to a development order, point source and non-point source discharges shall continue to meet the standards applicable to the original development.
 - b. Clearing
 - i. Absent an amendment to a development order, no person shall clear more vegetation than was permitted for the original development.
6. Fertilizers, herbicides, or pesticides shall not be applied in any Coastal Marsh Vegetation Protection Zones, except for projects conducted under the authority of F.S. §§ 373.451—373.4595, the Surface Water Improvement and Management Act, and government authorized mosquito control programs.
7. Spray vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from open waters, as well as cleaning/discharging into any Coastal Marsh Vegetation Protection Zones.
8. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of as required by law.

SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION

- A. It is the purpose of this Section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the city. It is the intent of this Section to require that an appropriate amount of land shall be set aside to protect the habitat of rare, endangered or of special concern plant and animal species.
 1. Areas subject to the standards of this Section shall be those identified by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), or any other local, State, or Federal agency.
- B. Habitat Management Plan
 1. It shall be the responsibility of the applicant to inform Staff whether a site contains plant or animal species which are endangered, threatened, or a species of special concern.
 - a. If any of these species are present, the applicant shall submit and obtain a Habitat Management Plan to the Florida Fish and Wildlife Conservation Commission (FWC), the

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services.
- b. This habitat plan shall include a field survey, written comments, and recommendations concerning the impact of the proposed use on such species from the appropriate agency.
 - c. City Council may utilize this information to consider including conditions of approval as deemed appropriate.
2. The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.
 3. The final development plans approved for development shall substantially conform to the recommendations in the Habitat Management Plan.
 4. Where land on a proposed development site is to be preserved as a habitat of rare, endangered, or special concern species, such land shall be adjacent to existing viable habitat, a significant wetlands system, floodplain, or wildlife corridor.
 - a. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality to provide a viable habitat as documented in the study required by this Section.
 - b. A conservation easement shall be recorded by the applicant for all land, including wetlands, which are to be preserved as a condition or a requirement of development approval.
- C. Marine Turtle Conservation Zone.
1. These regulations are intended to accomplish the following:
 - a. Protect marine turtle hatchlings from the adverse effects of artificial lighting.
 - b. Provide overall improvement in nesting habitat degraded by light pollution.
 - c. Increase successful nesting activities and production of hatchlings on the beaches located within the City of Destin.
 2. All new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone shall comply with the outdoor lighting standards outlined in Article 6.
 3. Existing artificial light fixtures that are replaced for any reason shall comply with the marine turtle outdoor lighting standards provided in this Code.
 4. The following activities are prohibited within a Marine Turtle Conservation Zone:
 - a. The use of laser source light or any similar high intensity light for outdoor advertising.
 - b. The operation of searchlights or beacons.
 - c. All other outside light sources shall comply with this Code.

SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE

- A. The Floridan Aquifer is not recharged within Okaloosa County. Protection of wells which draw potable water from the aquifer and their respective cones of influence is, however, a requirement of local government. Sand-and-gravel aquifers which overlie the impervious limestone strata covering the Floridan Aquifer yield water for irrigation purposes and is [are] also subject to conservation and protective measures of local government (policy 10.F.1).

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- B. The Local Government Comprehensive Planning and Land Development Regulation Act (LGCPDRA) requires that local governments "generally identify and depict existing and planned water wells and cones of influence where applicable," within the land use elements of comprehensive plans (F.S. § 163.3177).
 - 1. A cone of influence is defined in rule 9J-5 as an area around one or more major water wells the boundary of which is determined by the Northwest Florida Water Management District (NFWWMD) or any other government agency that has specific statutory authority to make such a determination based on groundwater travel or drawdown depth (9J-5.003(18) FAC).
 - 2. The term "water well" is defined by rule 9J-5 as wells excavated, drilled, dug or driven for the supply of industrial, agricultural or potable water for general public consumption (9J-5.003(18) FAC).
- C. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In order to determine whether to allow the proposed withdrawal, NFWWMD staff must determine the impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:
 - 1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet.
 - 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet.
 - 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 - 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 - 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
- D. The location of potable wells within the City of Destin is depicted in figure 7-1, chapter 7, foundation document. To protect these sites, no land use or construction shall be permitted within a 200-foot radius of each well that is known to adversely affect the quality and quantity of water sources. Prohibited land uses within the 200-foot well site include, but are not limited to, the following: junkyards, landfills, septic tanks, storing of hazardous waste or regulated substances.
- E. With the adoption of this Code, the City shall require that all shallow wells which tap the sand-and-gravel aquifer obtain a permit from the City. Applications for a sand-and-gravel well permit shall include the location of the proposed well on lot plats (objective 10.F.1; policies 10.F.1.1 and 10.F.1.2).
 - 1. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only.
 - 2. Sand-and-gravel wells may not be located within 25 feet of another shallow well.

SECTION 7.02 FLOOD PLAIN MANAGEMENT

SECTION 7.02.01 ADMINISTRATION AND APPLICABILITY

- A. The provisions of these regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling,

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

- B. The purposes of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- C. These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- D. The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.
- E. Disclaimer of liability. These regulations shall not create liability on the part of the City Council of the City of Destin or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- F. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- G. Areas to which this applies. These regulations shall apply to all flood hazard areas within the City of Destin, as established in Section 7.02.01.H of these regulations.
- H. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida, and Incorporated Areas dated March 9, 2021 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM) and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida.
- I. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - 1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
 - 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- J. Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, state or federal law.
- K. Abrogation and greater restrictions. These regulations supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including land development regulations, zoning ordinances, stormwater management regulations, and the Florida Building Code. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.
- L. Interpretation. In the interpretation and application of these regulations, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberal construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 7.02.02 FLOODPLAIN ADMINISTRATOR

- A. The Floodplain Administrator shall be a position located in the Community Development Department or the Public Services Department or as assigned by the City Manager or their designee. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in these regulations without the granting of a variance pursuant to Section 7.02.06 of these regulations.

- C. The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modifications of any existing development in flood hazard areas for compliance with the requirements of Land Development Code Section 7.02, and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas;
 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries' a person contesting the interpretation shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by the applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue Floodplain Development Permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with Land Development Code Section 7.02 is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of Land Development Code Section 7.02 and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas.
- D. For applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement;" and

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the Florida Building Code and these regulations is required.
- E. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 7.02.06 of these regulations.
- F. The Floodplain Administrator and the Building Official shall coordinate the issuance of all necessary notices or orders to ensure compliance with these regulations and the flood resistant construction requirements of the Florida Building Code.
- G. The Floodplain Administrator shall make the required inspections as specified in Section 7.02.05 of these regulations for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. For buildings and structures subject to the Florida Building Code, the Floodplain Administrator shall make the required inspections of structures specified in Section 7.02.05 of these regulations and Florida Building Code, Building Section 110. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. The Floodplain Administrator shall have other duties, including but not limited to:
 1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 7.02.01.D of these regulations;
 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
 4. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code and these regulations to determine that such certifications and documentations are complete;
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Destin are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- I. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida 32541.

SECTION 7.02.03 PERMITS

- A. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Community Development Department and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations have been satisfied.
- B. Floodplain Development Permits or approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code, Building Section 102.2 and any further exemptions provided by law, are subject to the requirements of these regulations:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 1. Identify and describe the development to be covered by the permit or approval.
 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section 7.02.04 of these regulations.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.
 8. For projects proposing to enclose areas under elevated dwellings, include signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- E. The issuance of a floodplain development permit or approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration. If the work described in any permit has not been initiated within six months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new permit has been obtained. Additionally, if work described in the building permit issued was commenced within six months after the date of issuance thereof, then work must be substantially completed within two years from the date of issuance.
- G. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or is in violation of these regulations or any other City ordinance, regulation or requirement.
- H. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 1. The Northwest Florida Water Management District; F.S. § 373.036.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

SECTION 7.02.04 SITE PLANS AND CONSTRUCTION DOCUMENTS

- A. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, all provisions of section 2.18.02 and the following applicable to the proposed development:
 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s).
 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 7.02.04.C of these regulations.
 3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 7.02.04.C of these regulations.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
 8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
 9. Existing and proposed alignment of any proposed alteration of a watercourse.
- B. The City Manager upon request of the Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.
- C. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, approximate Zone A, the Floodplain Administrator shall:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator do not reasonably reflect

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is not less than two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- D. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 7.02.04.E of these regulations and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section Section 7.02.04.E of these regulations.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- E. Submission of additional data to FEMA. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Further, it shall be the responsibility of the applicant to notify the City of any response received from FEMA in connection with the requested letter of map change from FEMA.

SECTION 7.02.05 INSPECTIONS

- A. Development for which a permit or approval is required shall be subject to inspection by the Floodplain Administrator.
- B. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- C. The Floodplain Administrator shall inspect buildings and structures subject to the Florida Building Code to determine compliance with the flood load and flood resistant construction requirements of issued building permits and the Florida Building Code.
- D. The Floodplain Administrator shall inspect buildings and structures exempt from the Florida Building Code to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- E. Buildings and structures exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building or structure exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 7.02.04.C.3.b of these regulations, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- F. Buildings and structures exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 7.02.05.E of these regulations.
- G. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 7.02.06 VARIANCES AND APPEALS

- A. The Board of Adjustment shall hear and decide on requests for appeals and requests for adjustments from the strict application of these regulations. Pursuant to F.S. § 553.73(5), the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- strict application of the flood resistant construction requirements of the Florida Building Code. The Board of Adjustment shall not have the power to issue variances to any requirement of the Florida Building Code, Building, Section 3109 applicable seaward of the coastal construction control line.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or the Building Official in the administration and enforcement of these regulations or the flood load and flood resistant construction requirements of the Florida Building Code. Any person aggrieved by the decision of Board of Adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.
- C. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 7.02.06.G of these regulations, the conditions of issuance set forth in Section 7.02.06.H of these regulations, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations. Pursuant to F.S. § 553.73(5), variances shall not be granted to the requirements of Section 3109 of the Florida Building Code applicable to structures seaward of the coastal construction control line.
- D. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 7.02.04.C. of these regulations.
- E. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in these regulations, provided the variance meets the requirements of this Code, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the community;

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 7. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 8. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- H. Conditions for issuance of variances. Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render any provision of these regulations or the elevation standards of the Florida Building Code inappropriate;
 2. Determination by the Board of Adjustment that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the official records of Okaloosa County in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a building, or substantial improvement of a building, below the elevation required by the Florida Building Code or required by these regulations, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 7.02.07 VIOLATIONS

- A. Any development in a flood hazard area that is not within the scope of the Florida Building Code but that is regulated by these regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided. Therefore, in such circumstances, the burden shall be on the alleged violator to provide evidence of compliance with these regulations.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- B. For development that is not within the scope of the Florida Building Code but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to chapter 14, City Code of Ordinances, and any other penalties as prescribed by law.

SECTION 7.02.08 FLOOD RESISTANT DEVELOPMENT

A. Subdivisions

- 1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- 2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the information required in Section 7.02.04.C of these regulations; and
 - c. Compliance with the site improvement and utilities requirements of Section 7.02.08.A of these regulations.

B. Site Improvements, Utilities, and Limitations

- 1. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- 2. Minimum requirements sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 4. Limitations on sites in regulatory floodways. Development, site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 7.02.04.D.1 of these regulations demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 5. Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
 6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 7.02.04.D.4 of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 7.02.08.F.8.c of these regulations.
- C. Manufactured Homes
1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the requirements.
 2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance the foundation requirements of the Florida Building Code, Residential Section R322.2 and these regulations.
 - b. In floodways, are designed in accordance with ASCE 24.
 - c. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and these regulations.
 3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

4. Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).
 5. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.
 6. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.
- D. Recreational Vehicles and Park Trailers
1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
 2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 7.02.08.D.1 of these regulations for temporary placement shall meet the requirements of Section 7.02.08.C of these regulations for manufactured homes.
- E. Tanks
1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 2. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of Section 7.02.08.E.3 of these regulations shall:
 - a. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - b. Not be permitted in coastal high hazard areas (Zone V).
 3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- F. Other Development
1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of Section 7.02.08.B.4 of these regulations if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - d. Be constructed of flood damage-resistant materials; and
 - e. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
 2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the limitations of Section 7.02.08.B.4 of these regulations.
 3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 7.02.08.B.4 of these regulations.
 4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 7.02.08.B of these regulations. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 7.02.04 of these regulations.
 5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - a. Structurally independent of the foundation system of the building or structure;
 - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - c. Have a maximum slab thickness of not more than four inches.
 6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to adjacent buildings and structures.
 - c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
 - d. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent elevated buildings and structures. Such other development activities include but are not limited to:
- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 7.02.09 DEFINITIONS

A. General

1. Unless otherwise expressly stated, the following words and terms shall, for the purposes of these floodplain regulations, have the meanings shown in this section.
2. Where terms are not defined in these floodplain regulations and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
3. Where terms are not defined in these regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

B. Definitions

Accessory building. A building of not more than 100 square feet of gross floor area with a cost of not more than \$1,000.00 that is unfinished inside, constructed with flood-resistant materials, and used only for storage.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator interpretation of any provision of these regulations.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building Official. The officer or other designated authority charged with the administration and enforcement of the Florida Building Code, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Building permit. An official document or certificate issued by the community which authorizes performance of specific activities that are determined to be compliant with the Florida Building Code.

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Declaration of Land Restriction (Nonconversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated dwellings.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Encroachment. The advancement or infringement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before July 6, 1988 [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of these regulations.

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic buildings/structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value of the building or structure adjusted to approximate market value by a factor provided by the County Property Appraiser.

New construction. For the purposes of administration of these regulations and the building code, structures for which the "start of construction" commenced on or after July 6, 1988 and includes any subsequent improvements to such structures.

Nonresidential. Any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24. [Also see definition in ASCE 24.]

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Portable building. A structure fully licensed and ready for highway use and must be on wheels at all times, attached to a quick disconnect utility hook-up, and having no permanently attached additions. A quick disconnect utility hook-up means an electrical, water, sewer, gas, or other utility

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

connection which can be disconnected by hand in less than five minutes. Portable buildings as defined herein are exempt from all provision of Section 7.02. Floodplain Management.

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b)]

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the City of Destin or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of these regulations, or the flood load and flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

SECTION 7.03 MARINA SITING

SECTION 7.03.01 PURPOSE

- A. This Section establishes and regulates standards by which the City controls and regulates development, construction, and activities within and contiguous to the Harbor and waterways of Destin.

SECTION 7.03.02 GENERAL REGULATIONS

- A. The requirement of a Harbor and Waterways Board (HWB) application, and any applicable public hearings, shall be in accordance with Article 2 of this Code.
- B. All marine construction projects shall provide the City with the applicable homeowner's association (if applicable), State, and Federal approvals at the time of building permit submittal.
- C. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock.
 1. All navigation/security night-lights shall be illuminated continuously from dusk to dawn every night of the year.
 2. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection.
 - a. Each light shall be installed within 90 days after adoption of this Code.
- D. No utility services shall be installed upon any dock without a permit obtained from the City.
- E. Aerators or circulation devices may be required as determined by the City when water circulation is deemed to be impacted negatively by the proposed facilities.
- F. Docking facilities for any nonresidential, commercial, or multi-unit development may be denied if the City Council determines that the proposed facility does not meet the criteria outlined below:
 1. Land use compatibility
 - a. The applicant shall demonstrate that the proposed development, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.
 2. Proper use of mitigative infrastructure

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- a. The applicant shall demonstrate the proposed development and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to surface waters.
- 3. Hazardous waste
 - a. The proposed development shall not generate hazardous waste or require the use of hazardous materials in its operation without the use of city-approved mitigative techniques designed to prevent any adverse impacts to adjacent surface waters. The development shall include best management principles and practices.
- G. Exemption:
 - 1. Any dock located on a private lake controlled by an active owner's association is exempt from the regulations of this Section.

SECTION 7.03.03 COMMERCIAL REGULATIONS

- A. Commercial marine businesses located within the city that rent or operate passenger vessels must provide designated docking facilities, whether privately owned or leased.
- B. All commercial docks shall be designed with at least one (1) sewage pump-out station for public use. Such sewage pump-out stations shall be operable and maintained.
- C. All commercial docks shall be designed with the necessary firefighting facilities, as specified by the City or Destin Fire Control.
- D. All nonresidential, commercial, mixed use, and/or multi-unit development that borders Destin Harbor, the East Pass or Choctawhatchee Bay that also builds a pier, dock, marina, or other marine development shall also include a water taxi stop by providing a minimum of one loading/unloading area or slip, which shall be reserved for use by a water taxi.
 - 1. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi.
- E. Transient Slips
 - 1. Non-rental transient slips
 - a. If a non-rental transient slip is provided in any marine construction development, then a rental fee cannot be charged for use of the slip.
 - b. No vessel may occupy a non-rental transient slip for more than six (6) hours.
 - 2. Short-term transient slips
 - a. If a short-term transient slip is provided, a rental fee may be charged.
 - b. No vessel may occupy a short-term transient slip for longer than seven (7) days.

SECTION 7.03.04 DIMENSIONAL AND DENSITY LIMITATIONS

- A. Length
 - 1. The following table includes the maximum dock length allowed for any new dock construction or modifications. For the purposes of this subsection, lots may be combined with neighboring lots, however no dock may exceed the limitations outlined in this Section.

Table 7.02-1 Dock Length	
<u>Dock Location</u>	<u>Maximum Length Allowed</u>
<u>Any waterfront property not adjacent to Choctawhatchee Bay or</u>	<u>The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.</u>

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

<u>zoned South Harbor Mixed Use (SHMU)</u>	
<u>Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)</u>	<u>1.5 times the width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.</u>
<u>Waterfront property adjacent to Choctawhatchee Bay.</u>	<u>1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.</u>
<u>Waterfront Property with less than 50 feet of waterfront shoreline.</u>	<u>No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with this section</u>

2. Measurement of length shall start at the waterward most point of the Mean High-Water Line. See Figure 7.02-1: Dock Length below.
3. From the waterward most point identified per paragraph 2 above, a perpendicular line is drawn waterward the distance allowed per the Table 7.02-1 above.
4. At the maximum distance of length allowed, another perpendicular line is drawn from between the identified or implied riparian lines.

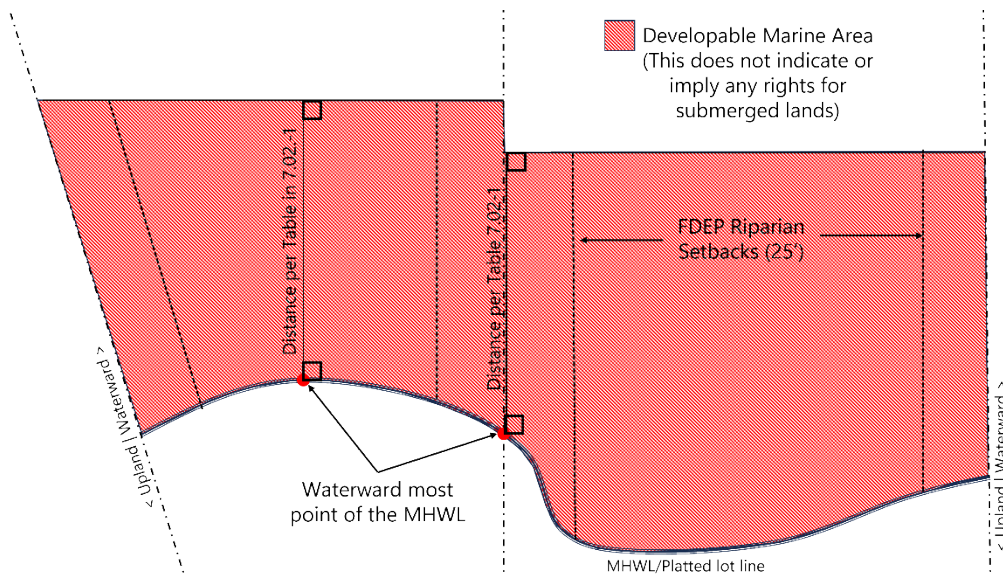


Figure 7.02-1: Dock Length

- B. No pier shall extend more than six (6) feet into a canal right-of-way.
- C. Density
 1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage.
 2. Docks along canals shall not have more than one (1) slip per 45 linear feet of waterfrontage.
 3. Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

SECTION 7.03.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE

- A. A Net Positive Environmental Benefit (NPEB) fee shall be assessed to each property owner, annually, for each slip within the Destin Harbor. Such NPEB fee shall be assessed at the beginning of each fiscal year, and shall be paid by January 1 of each year. The NPEB fee shall be assessed at the following rate:
1. Non-residential slips: \$100 per slip on the premises.
 2. Residential slips (both single-family and multi-family): \$50 per slip on the premises.
- B. Exemptions
1. Homesteaded properties shall not be assessed any annual NPEB fees.
 2. Any person, property owner, or entity that paid an NPEB fee in the year 2026 shall be granted a ten (10) year exemption from this NPEB fee. If payment was made in the year 2025, then a nine (9) year exemption shall be granted from this NPEB fee. This schedule shall continue in the like manner, with the exemption period decreasing by one (1) year for each additional year elapsed since any payment was made.
 - a. It shall be the responsibility of the person, property owner, or entity to provide Staff with proof of payment of the NPEB fee.
 - b. This exemption shall run with the property and not the individual payor.
 - c. Upon expiration of the applicable exemption periods, the person, property owner, or entity shall be responsible for the NPEB fee in full annually.

SECTION 7.04 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION

SECTION 7.04.01 PURPOSE

- A. The protection and preservation of sites identified and documented as being significant either in American or local history, architecture, archaeology, engineering, or culture by the Florida Department of State, Division of Historic Resources or by the City of Destin is essential. They reflect the prehistoric occupation and historical development of the nation, state, and local community..

SECTION 7.04.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES

- A. Any time a proposed development may impact a historic or archeological site within the City, as deemed by the State, the following subsections of this Section shall apply. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the proposed development may impact such identified sites within the City.
1. Historic structures shall be exempt from the provisions of the Florida Building Code if any modification, repair, or restoration activity would jeopardize their historical integrity.
 2. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.
 3. A project classified as a development of regional impact (DRI) shall contain a description of historical or archaeological sites within the proposed development and suggested mitigation measures for such resources if present. DRIs shall be submitted to the Compliance and Review Section in the Florida Department of State's Bureau of Historic Preservation.
 4. For any proposed development activity on a historic site previously identified in this Section, all Development Order applications (if applicable) or Building Permit applications shall include

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- an archeological and historic review summary, provided by the applicant. Such review summary shall be reviewed and approved by the City and Florida Department of State, Division of Historical Resources.
5. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of an archaeological salvage excavation plan approved by the City and the Florida Department of State, Division of Historical Resources.
 - a. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by Florida Department of State, Division of Historical Resources.
 6. The City shall prepare reports describing any developments that have discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur.
 7. For any proposed development within the City's Harbor District Overlay or the Zerbe-Calhoun Overlay, see Article 4.

SECTION 7.05 ILLICIT DISCHARGE DETECTION AND ELIMINATION

SECTION 7.05.01 PURPOSE

- A. The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of Destin through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- B. This Section also establishes minimum standards and methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) to ensure compliance with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

SECTION 7.05.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS

- A. Illicit discharge
 1. Aside from stormwater, no substances, materials, or effluent (chemical or physical) shall be discharged or caused to be discharged, by any person or entity, into the municipal storm drain system, adjacent properties, or watercourses.
 2. If a discharge is found, the City reserves the right to enforce this Section.
- B. Prohibition of illicit connections.
 1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - b. A person is considered to be in violation of this Section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - c. A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the City.
- C. Suspension of access to a municipal storm sewer system.
 1. The City may suspend access to the MS4 if any of the following situations occur:
 - a. Suspension due to illicit discharges in emergency situations.
 - i. The City, without prior notice, may suspend MS4 discharge access to a person or entity, when such suspension is necessary to stop an actual or threatened discharge which

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
- ii. If the violator fails to comply with a suspension order issued in an emergency, the City may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - iii. The violator shall be responsible for reimbursing the City or their agent for all costs incurred from the corrective action.
- b. Suspension due to the detection of illicit discharge.
- i. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
- c. Industrial or construction activity discharges.
- i. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit.
 - (a) Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- D. Private Single-Family/Duplex Illicit Discharges.
1. Direct or indirect non-stormwater contaminant or wastewater shall not leave said private property and enter an adjacent private property without receiving the adjacent property owner's express written consent.
 - a. Irrigation sprinkler overspray is exempt from this requirement.
 2. Swimming pool backwash/flush water, car wash water, pond, fountain, or any other water feature that receives periodic pumping out and/or cleaning shall either:
 - a. Provide facilities to collect and hold wastewater on-site until it percolates or evaporates completely, without creating a mosquito breeding environment or any other hazard, or
 - b. Discharge into an approved industrial sewer.
 3. The system shall not be overwhelmed and allowed to spill over onto an adjacent property or Environmentally Sensitive Areas.
- E. Industrial or construction activity discharges.
1. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Destin prior to allowing discharges to the MS4.
 2. Use of Best Management Practices (BMPs)
 - a. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other waste into the MS4 or watercourses through the use of these structural and nonstructural BMPs.
 - b. Any person responsible for a property or premises, which is, or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants into the MS4.
 - c. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- d. The identified BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 7.05.03 EXEMPTIONS

- A. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:
 1. Water line flushing or other potable water sources,
 2. Landscape irrigation or lawn watering,
 3. Diverted stream flows,
 4. Rising ground water,
 5. Ground water infiltration to storm drains,
 6. Uncontaminated pumped ground water,
 7. Foundation or footing drains (not including active groundwater dewatering systems),
 8. Crawl space pumps,
 9. Air conditioning condensation,
 10. Springs,
 11. Non-commercial washing of vehicles,
 12. Natural riparian habitat or wet-land flows,
 13. Swimming pools (if dechlorinated less than one part per million chlorine),
 14. Firefighting activities,
 15. Other water source not containing pollutants,
 16. Discharges specified in writing by the City as being necessary to protect public health and safety, or
 17. Dye testing, given a written notification is provided to the City at least 48 hours prior to the time of the test.
- B. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA).
 1. The permitted discharger shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Such written approval shall be maintained on site.

SECTION 7.05.04 DISCHARGE MONITORING

- A. The following regulations apply to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
 1. The City shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measure in force which requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.
 2. Facility operators shall allow the City access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

3. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
4. The City shall have the right to monitor any permitted facility with devices as necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this section. An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
7. If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 7.06 ALTERNATIVE ENERGY DEVELOPMENT

SECTION 7.06.01 PURPOSE AND INTENT

- A. The purpose and intent of this section is to allow opportunities for certain alternative forms of energy generation with the installation and operation of small-scale alternative energy generating systems.
- B. This section intends to protect and promote public health, safety, community welfare and the aesthetic quality of the city while promoting and encouraging the use of small-scale alternative energy generating systems due to their positive environmental impact, cost savings, and sustainability benefits.

SECTION 7.06.02 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this Section shall apply to the following accessory uses as they are defined in Article 11 of this Code:
 1. Energy Conversion Systems, Small-scale Solar.
 2. Energy Conversion Systems, Small-scale Wind.
- B. General Provisions
 1. Small-scale solar and wind energy conversion systems shall be deemed, and are hereby declared to be, an accessory use allowed in all zoning districts, provided they comply with the standards set forth in Section 7.05.03 below.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. Approval of a small-scale solar or wind energy conversion system shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply any easement or right of access to wind or sunlight. The City of Destin expressly declares that it shall not be a party to any effort, negation or acquisition of any such access or right to wind and sunlight.
3. The allowance of small-scale solar or wind energy conversion systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, covenants, or other restrictions that may apply to a premise.
4. It shall be unlawful for a person to operate a small-scale solar or wind energy conversion system that does not conform to all provisions of the Land Development Code and conditions of approval of the City of Destin building permit.

SECTION 7.06.03 STANDARDS FOR REVIEW AND REGULATION

- A. A building permit shall be required prior to the commencement of construction of a small-scale solar or wind energy conversion system.
- B. Small-scale solar and wind energy conversion systems shall comply with all building and construction codes and all other governmental regulations as amended.
- C. No portion of a small-scale solar and wind energy conversion systems shall be located between the principle building and front property line, along any street frontage, or within any required setback area.
- D. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- E. If a ground mounted small-scale solar or wind energy conversion system is removed, any earth disturbances as a result of the removal shall be returned to natural grade and provided with appropriate ground cover.
- F. A small-scale solar and wind energy conversion systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the system provided they comply with Land Development Code sign regulations.
- G. The following standards apply only to small-scale solar energy conversion systems and are in addition to those listed directly above in A through F.
 1. Ground mounted small-scale solar energy conversion systems may not encroach into any setback area when oriented at maximum design tilt.
 2. In addition to the building setback, the collector surface and mounting devices for roof-mounted small-scale solar energy conversion systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 3. Small-scale solar energy conversion systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 4. Building, roof, pole or ground mounted small-scale solar energy conversion systems shall not exceed the height maximum allowed in the zoning district in which it is located.
 5. Whenever practical, all equipment must be attached to a building or located on an impervious surface.

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

6. All on-site utility and transmission lines shall be placed underground.
- H. The following standards apply only to small-scale wind energy conversion systems and are in addition to those listed directly above in A through F.
 1. There shall be no more than one small-scale wind energy conversion system per property, and it shall be located on the same property as the principle building.
 2. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet will be required to obtain a determination from the Federal Aviation Administration of "No Hazard to Aviation" status.
 3. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet shall submit such application to the Eglin Air Force Base installation commander or his or her designee, and no determination of the application shall be made sooner than 30 days after receipt of such submittal by the Air Force. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.
 4. The small-scale wind energy conversion system shall have a rated capacity not to exceed ten kilowatts (KW).
 5. Small-scale wind energy conversion systems shall be located a minimum distance of 20 feet from all property lines of the property upon which the small-scale wind energy conversion system is located. A small-scale wind energy conversion system may not be located in a dedicated easement or right-of-way.
 6. Small-scale wind energy conversion system shall comply, at all times, with the maximum allowable noise levels set forth in the City of Destin Code of Ordinances.
 7. Colors of all external surfaces of the small-scale wind energy conversion system must uniformly be matte grey or other neutral colors which best blend the small-scale wind energy conversion system into its surroundings.
 8. The small-scale wind energy conversion system shall be equipped with an automatic braking, governing, or feathering system to assure that over-rotation cannot occur.
 9. The small-scale wind energy conversion system shall be equipped with a manual override system to allow shutdown in case of an emergency.
 10. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
 11. All on-site utility and transmission lines shall be placed underground.
 12. A building mounted small-scale wind energy conversion system shall be permanently attached to a permitted principle or accessory building on the property.
 13. When a building mounted small-scale wind energy conversion system is attached to the wall, gable or eave of a building, the support structure shall be positioned and attached to the building so that its relative position is a close to the building as can be practically and reasonably accomplished.
 14. The tower upon which the small-scale wind energy conversion system is attached shall be a self-supporting monopole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis the City Manager or designee may approve other types of towers based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- the tower plans are designed, signed, sealed and dated by a licensed professional engineer registered in the State of Florida.
15. The maximum total height of a building mounted small-scale wind energy conversion system which is attached directly to the roof of a building shall be ten feet above the highest point of the roof upon which the small-scale wind energy conversion system is attached. The maximum total height of a small-scale wind energy system which is attached to a building in any manner other than directly to the roof shall be ten feet (10') above the highest point of the roof to which it is most closely located. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.
 16. The maximum total height of any freestanding small-scale wind energy conversion system shall be thirty-five feet (35') above the adjacent natural grade.
 17. The distance between the bottom of rotor blades, at their lowest point of arc, to grade shall be a minimum of fifteen feet (15').
 18. No permanently attached mechanism for access to or onto the tower, which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within 12 feet of the grade directly below.
 19. Appropriate warning signage shall be placed on both the small-scale wind energy conversion system and tower in accordance with the manufacturer's recommendations.
 20. The horizontal distance between the tower and all overhead public utility lines shall be 25 percent greater than the total height of the small-scale wind energy conversion system.
 21. All small-scale wind energy conversion systems shall be maintained in good working order according to manufacturer recommendations. A small-scale wind energy conversion system shall be deemed to be abandoned if the use has been discontinued for a period of 180 consecutive days. Upon such abandonment, the owner of the small-scale wind energy conversion system shall have an additional ninety (90) days within which to reactivate the use of the small-scale wind energy conversion system or dismantle and remove the tower and wind generator.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Table of Contents

ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY	2
SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION	2
SECTION 7.01.01 PURPOSE.....	2
SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE	2
SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE	3
SECTION 7.01.04 WHITE SAND PROTECTION ZONES.....	4
SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS	5
SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION	9
SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE.....	10
SECTION 7.02 FLOOD PLAIN MANAGEMENT	11
SECTION 7.02.01 ADMINISTRATION AND APPLICABILITY.....	11
SECTION 7.02.02 FLOODPLAIN ADMINISTER.....	13
SECTION 7.02.03 PERMITS.....	16
SECTION 7.02.04 SITE PLANS AND CONSTRUCTION DOCUMENTS	17
SECTION 7.02.05 INSPECTIONS.....	19
SECTION 7.02.06 VARIANCES AND APPEALS.....	20
SECTION 7.02.07 VIOLATIONS	22
SECTION 7.02.08 FLOOD RESISTANT DEVELOPMENT	23
SECTION 7.02.09 DEFINITIONS	27
SECTION 7.03 MARINA SITING	34
SECTION 7.03.01 PURPOSE	34
SECTION 7.03.02 GENERAL REGULATIONS	34
SECTION 7.03.03 COMMERCIAL REGULATIONS	35
SECTION 7.03.04 DIMENSIONAL AND DENSITY LIMITATIONS.....	35
SECTION 7.03.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE.....	36
SECTION 7.04 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION	38
SECTION 7.04.01 PURPOSE	38
SECTION 7.04.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES	38
SECTION 7.05 ILLICIT DISCHARGE DETECTION AND ELIMINATION	39
SECTION 7.05.01 PURPOSE	39
SECTION 7.05.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS.....	39
SECTION 7.05.03 EXEMPTIONS	41
SECTION 7.05.04 DISCHARGE MONITORING	41
SECTION 7.06 ALTERNATIVE ENERGY DEVELOPMENT	42
SECTION 7.06.01 PURPOSE AND INTENT	42
SECTION 7.06.02 APPLICABILITY AND GENERAL PROVISIONS.....	42
SECTION 7.06.03 STANDARDS FOR REVIEW AND REGULATION	43

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY

SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION

SECTION 7.01.01 PURPOSE

- A. The purpose of this Section is to provide regulations intended to protect the City's existing environmental and natural resources, especially the coastal resources. Therefore, this Section intends to establish regulations to mitigate the impacts of floods, protect and restore wetlands, limit the impact of development, and enhance the quality of life and property.
- B. It is also the purpose of this Section to ensure that publicly funded infrastructure shall not be built within any Coastal High Hazard Area (CHHA) unless the facility is for any of the following:
 1. Protection of public health and safety
 2. Creation of open space
 3. Implementation of beach restoration
 4. Shoreline erosion protection programs

SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE

- A. The Bay Shoreline Protection Zone is applicable to properties lying within the City limits along the waterfront of Choctawhatchee Bay, Joe's Bayou, Marler Bayou and Indian Bayou. This zone is defined as a 50-foot buffer that begins at the mean high-water line and extends landward 50 feet. This buffer zone shall consist of preserved native vegetation, including canopy, understory, and ground cover.
- B. The following regulations shall apply to all development and redevelopment within the Bay Shoreline Protection Zone of the City:
 1. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable.
 2. The minimum setback for principal habitable structures shall be 50 feet from the mean high-water line.
 - a. If the 50-foot setback cannot be achieved due to depth of property prior to platting of lots, right-of-way easements, utility easements, or access easements existing at the time of adoption of this ordinance, the maximum width achievable shall be provided.
 - b. An applicant claiming inability to comply with the 50-foot setback requirement because of the above-stated causes must submit documentation certified by an engineer as to the limitations on the property which make compliance impossible.
 - c. Minor structures and accessory uses are allowed within this buffer zone, provided these improvements do not constitute more than 40 percent of the square footage within the buffer zone.
 - i. These improvements shall comply with [Article 6](#) of this Code.
 3. Other uses and activities permitted in the Bay Shoreline Protection Zone are those that are compatible with the protection and conservation of the areas, as described below:
 - a. Scenic, historic, wildlife, or scientific preserves,
 - b. Minor maintenance or emergency repair to existing structures or improved areas, and

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- c. Bulkheads and/or seawalls along or within property lines.

SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE

- A. The Gulf Shoreline Protection Zone consists of the area that commences at the mean high-water line, runs to, and includes ten feet (10') landward of the primary dune system.
 1. The 10' landward area of the dune system shall function as a buffer, and shall be planted with native plantings, excluding trees.
 2. Whenever any construction activity is to be undertaken in the area between the CCCL and the landward limit of the Gulf Shoreline Protection Zone, and such construction would alter any portion of the primary dune, the City shall require the implementation of an FDEP approved Beach and Dune Restoration Plan to mitigate any damage which would result from the construction.
 - a. Proof of FDEP review shall be submitted at the time of Development Order application.
 - b. Proof of FDEP approval shall be submitted at time of construction permitting.
 3. Public expenditures within any Gulf Shoreline Protection Zone shall comply with the LDC and shall be limited to the following:
 - a. Recreational uses,
 - b. Protection or restoration of valuable natural resources, or
 - c. Increase the public's access to the shoreline.
- B. Prohibitions
 1. The following activities shall be prohibited within the Gulf Shoreline Protection Zone:
 - a. Construction of buildings and structures
 - b. Removal of vegetation, except as allowed pursuant to an approved FDEP permit,
 - c. ~~Planting of~~Planting new vegetation except for native, salt-resistant species suitable for beach and dune stabilization,
 - d. Installation of temporary or permanent coastal armoring, unless a Building Permit is obtained, and all construction complies with applicable Federal, State, and Local regulations.
 - e. Exceptions
 - i. Minor structures authorized by FDEP; albeit the minimum setback for construction within properties fronting the Gulf of Mexico shall not be less than 50 feet from the mean high-water line.
 - ii. The prohibitions listed above shall not apply to construction landward of the Coastal Construction Control Line nor to any structure or activity permitted by FDEP.
 - iii. ~~Beach Boxes for beach recreational equipment are permitted on private beaches provided they meet the following regulations:~~
 - (a) ~~No excavation can occur to set or establish a beach box.~~
 - (b) ~~Beach boxes shall not exceed the following dimensions:~~
 - (i) ~~Height: four feet (4')~~
 - (ii) ~~Depth/Length: six feet (6')~~
 - (iii) ~~Width: eight feet (8')~~
 - (c) ~~Location:~~
 - (i) ~~Shall stay off any and all vegetation.~~

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

~~(ii) Primary dune setback: A beach box shall be located between five feet (5') and fifteen feet (15') from the waterward primary dune line.~~

~~(iii) At no time shall a beach box be located in a way to obstruct the traversing of any individual or vehicle.~~

~~(d) Number:~~

~~(i) No more than one (1) box per fifty feet (50') of water frontage.~~

~~(e) Color:~~

~~(i) All beach boxes shall be painted white or off white.~~

C. Dune enhancement.

1. All persons constructing elevated boardwalks on property located in the Gulf Shoreline Protection Zone shall include in their plans provisions to enhance and revegetate the dune system on their property.

D. The following development standards shall apply to all developments located within the Gulf Shoreline Protection Zone:

1. Point source and non-point source discharges are prohibited, except for stormwater, in accordance with Section 7.05. of this Article.
2. Siltation and erosion control measures shall be applied to stabilize disturbed areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

SECTION 7.01.04 WHITE SAND PROTECTION ZONES

A. The purpose of this Section is to prohibit and/or regulate the use of clays, sand-clay mixtures or any other material subject to wind and water transport that can be potentially discoloring to the natural white sands and to the waters of the City, and to regulate and require permitting for use of these materials in other areas of the City. The provisions of this Section shall apply to all types of construction.

B. Approvable Materials

1. Zone 1: White sand must be used as fill material in a White Sand Zone 1.

2. Zone 2: White sand, sandy soil which is indigenous to Zone 2, or other sandy soil which is as light or lighter than the undisturbed indigenous soil on site may be used in Zone 2.

~~2.3. Prior to any development or redevelopment on properties or portions thereof which are located within a White Sand Zone 1 or Zone 2, a sample of existing and proposed fill shall be provided to the Planning Division for final decision of approval / disapproval.~~

~~3.4. Special purpose materials, as described below, may be used within a White Sand Zone 1 or 2:~~

~~a. Discoloring material used for horticulture and landscaping may be used if discoloration is limited to the planted area by containment safeguards. Any discoloration to public or other private property is unlawful. It shall be the responsibility of the permitted property owner to clean and restore any discolored public or other private property affected by landscaping or horticultural activity.~~

~~b. Beneath building foundations, parking lots, and roadbeds, limestone, dolomite, crushed lime rock, and other similar stabilizing materials containing no red clay, red sand, tan sand,~~

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

or other adversely deeply tinted material, may be used if both of the following measures have been incorporated:

- i. The material is contained by a concrete curb or solid concrete block wall extending not less than one foot below grade and as deep as necessary to provide containment.
- ii. The material must be covered by a permanent cover such as asphalt, concrete or other appropriate material within five (5) calendar days (120 hours) of placement.
 - (a) If it is not practical to permanently cover the material until the completion of construction, the material must be physically sealed by a wind- and water-resistant membrane as soon as possible, in no case more than five (5) calendar days (120 hours) after its placement and must be permanently covered at the completion of construction prior to the issuance of a Certificate of Occupancy or Completion, whichever is applicable.
- c. Driveways and parking lots within any White Sand Zone may use oyster shell, granite, or washed, coarse aggregate rock meeting FDOT standards for final driveway or parking lot material, provided these materials shall be contained to those areas and shall not be spread elsewhere on the site as fill material.

i. Driveways and parking lots within White Sand Zone 1 shall contain these materials by utilizing concrete curbing that extends no less than one (1) foot below grade.

ii. Sections of driveways located within the right-of-way must be solid-surfaced, in accordance with Article 6.

4.5. Reconstruction & Redevelopment

- a. At any time of reconstruction or redevelopment where previously utilized materials that are not compliant with this Section are disturbed, the nonconforming materials/soils shall be removed from the site and from the zone using safeguards to prevent discoloring the natural sand and water at the site and adjacent properties. Such removal shall be completed within five (5) business days.
 - i. If the native soil of such site does not comply with this Section, the applicant shall demonstrate that the use of the native soil shall not alter or adversely affect the surrounding properties.
 - ii. In no case shall any red clay, red dirt, or other staining material be allowed to remain on site.

SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS

- A. The purpose of this Section is to protect the City's Environmentally Sensitive Areas (ESAs), which have special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.
 1. At a minimum, Norriego Point and all lands within the defined Coastal High Hazard Area (CHHA) and any functioning wetlands, as defined by United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) shall be included.
 2. A developer shall obtain a determination of the boundaries of a protected Environmentally Sensitive Area and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- the developer's right to ownership or control of the land, and other information pertinent to the project.
3. Development plans submitted to the City shall comply with applicable federal, state and water management district regulations relating to Environmentally Sensitive Areas. In all cases, the strictest of the applicable standards shall apply.
 - a. Such development plans shall include a Wetland Report, prepared by appropriately licensed engineers, biologists, landscape architects, or other similar design or land planning experts.
 4. Handling and storage of fuel, hazardous/toxic substances, and waste
 - 5.a. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.
 - 6.b. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.
 - 7.c. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.
- a.
- B. Wetland Protection Zones
1. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Florida Department of Environmental Protection as authorized by F.S. Ch. 403.
 - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 1, River and Harbor Act.
 - c. Areas within the jurisdiction of the Northwest Florida Water Management District.
 - d. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the property lies within any jurisdictional wetlands.
 2. Development activities allowed within Wetland Protection Zones.
 - a. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Wetland Protection Zones.
 - b. These activities below may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Wetland Protection Zone.
 - c. For the reasons described above, the following uses and activities are permitted within a Wetland Protection Zone, provided it does not conflict with any other provisions of this Code:
 - i. Scenic, historic, wildlife or scientific preserves.
 - ii. Minor maintenance or emergency repair to existing structures or improved areas.
 - iii. Cleared walking trails with no structural components.
 - iv. Timber catwalks and docks four (4) feet or less in width.
 - v. Cultivating agricultural or horticultural products that occur naturally on the site.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- vi. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code.
 - (a) Such evidence shall be provided by the applicant to FDEP for review.
- 3. The following special design standards apply to any development within Wetland Protection Zones:
 - a. Wherever possible, natural buffers shall be retained between all development and all Wetland Protection Zones.
 - i. If a natural buffer does not exist, an equivalent buffer shall be created.
 - ii. The size of the buffer shall meet the minimum requirements as defined by the Northwest Florida Water Management District (NFWMD) to prevent significant adverse effects on the protected area.
 - iii. At no point shall a buffer have less than an average width of twenty-five feet (25'), with a minimum width of fifteen feet (15').
 - b. The developer shall completely restore any portion of a wetland protection zone damaged during construction.
 - i. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.
 - c. Other reasonable protective measures necessary to prevent significant adverse effects on a Wetland Protection Zone may be required. Protective measures may include, but are not limited to:
 - i. Maintain natural drainage patterns,
 - ii. Limiting the normal removal of vegetation to the minimum amount necessary to conduct the development activity,
 - iii. Expeditiously replanting disturbed areas,
 - iv. Stabilizing banks and other unvegetated areas by siltation and erosion control measures,
 - v. Minimizing the amount of fill used in the development activity,
 - vi. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage,
 - vii. Constructing channels at the minimum depth and width necessary to achieve their intended purposes and designing them to prevent slumping and erosion and allow revegetation of banks,
 - viii. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning and other cycles and activities of wildlife,
 - ix. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage,
 - x. Prohibiting septic tanks, or
 - xi. Requiring the developer and successor to record deed restrictions and other legal mechanisms to protect the environmentally sensitive areas and maintain the development.
 - d. The City Council may require additional environmental protection measures to provide sufficient protection for Wetland Protection Zones.
 - e. Clustering Development

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- i. In the case that any proposed development is located on property with wetlands, the allowable density and/or intensity of the total site shall be applied to the developable area outside of the wetlands.
 - ii. In no case shall the proposed density and/or intensity be greater than the allowable density of the total site.
 - iii. Clustering development allowances only apply if the developer does not build within the wetlands, and all protective measures, as identified above, are implemented to reduce adverse impacts to the wetlands.
- C. Coastal Marsh Vegetation Protection Zones
 1. This Section shall apply to any property that contains coastal marsh vegetation.
 2. Regulations for structures built over Coastal Marsh Vegetation Protection Zones
 - a. The structure shall be designed to have the smallest footprint practicable.
 - b. The elevation of the structure shall be a minimum of eight feet (8') above the coastal marsh vegetation area floor level.
 - c. The width of the structure shall be limited to a maximum of four feet (4').
 - ~~d.~~ ~~The gaps between the boards for the structure should be a minimum of one inch (1")~~ ~~wideshall comply with FDEP standards.~~
 - ~~d.e.~~ The structures shall be aligned in a north-south direction wherever practicable.
 3. Prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. No person shall remove, cut, or alter the natural growth of coastal marsh vegetation.
 - b. No herbicide or pesticide is to be used on coastal marsh vegetation.
 - c. No placement of riprap on coastal marsh vegetation or within five feet (5') of coastal marsh vegetation.
 - d. No placement or construction of seawalls in areas containing coastal marsh vegetation.
 - e. No storage of hazardous chemicals or materials.
 4. Exceptions to prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. Walls may be built as upland retaining walls with a minimum distance of five feet (5') upland of the coastal marsh vegetation.
 5. The following standards apply to post-development activities taking place within any Coastal Marsh Vegetation Protection Zones.
 - a. Point source and non-point source discharges.
 - i. Absent an amendment to a development order, point source and non-point source discharges shall continue to meet the standards applicable to the original development.
 - b. Clearing
 - i. Absent an amendment to a development order, no person shall clear more vegetation than was permitted for the original development.
 - ~~c. Handling and storage of fuel, hazardous/toxic substances, and waste~~
 - ~~i. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the~~

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

~~water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.~~

- ~~ii. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.~~
- ~~iii. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.~~

6. Fertilizers, herbicides, or pesticides shall not be applied in any Coastal Marsh Vegetation Protection Zones, except for projects conducted under the authority of F.S. §§ 373.451—373.4595, the Surface Water Improvement and Management Act, and government authorized mosquito control programs.
7. Spray vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from open waters, as well as cleaning/discharging into any Coastal Marsh Vegetation Protection Zones.
8. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of as required by law.

SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION

- A. It is the purpose of this Section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the city. It is the intent of this Section to require that an appropriate amount of land shall be set aside to protect the habitat of rare, endangered or of special concern plant and animal species.
 1. Areas subject to the standards of this Section shall be those identified by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), or any other local, State, or Federal agency.
- B. Habitat Management Plan
 1. It shall be the responsibility of the applicant to inform Staff whether a site contains plant or animal species which are endangered, threatened, or a species of special concern.
 - a. If any of these species are present, the applicant shall submit and obtain a Habitat Management Plan to the Florida Fish and Wildlife Conservation Commission (FWC), the United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services.
 - b. This habitat plan shall include a field survey, written comments, and recommendations concerning the impact of the proposed use on such species from the appropriate agency.
 - c. City Council may utilize this information to consider including conditions of approval as deemed appropriate.
 2. The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The plan shall document the presence of affected species; the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.
 3. The final development plans approved for development shall substantially conform to the recommendations in the Habitat Management Plan.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

4. Where land on a proposed development site is to be preserved as a habitat of rare, endangered, or special concern species, such land shall be adjacent to existing viable habitat, a significant wetlands system, floodplain, or wildlife corridor.
 - a. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality to provide a viable habitat as documented in the study required by this Section.
 - b. A conservation easement shall be recorded by the applicant for all land, including wetlands, which are to be preserved as a condition or a requirement of development approval.
- C. Marine Turtle Conservation Zone.
 1. These regulations are intended to accomplish the following:
 - a. Protect marine turtle hatchlings from the adverse effects of artificial lighting.
 - b. Provide overall improvement in nesting habitat degraded by light pollution.
 - c. Increase successful nesting activities and production of hatchlings on the beaches located within the City of Destin.
 2. All new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone shall comply with the outdoor lighting standards outlined in ~~the City's Design Manual~~ [Article 6](#).
 3. Existing artificial light fixtures that are replaced for any reason shall comply with [the marine turtle outdoor lighting standards provided in this Code](#).~~this Section~~.
 4. The following activities are prohibited within a Marine Turtle Conservation Zone:
 - a. The use of laser source light or any similar high intensity light for outdoor advertising.
 - b. The operation of searchlights or beacons.
 - c. All other outside light sources shall comply with this Code.

SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE

- A. The Floridan Aquifer is not recharged within Okaloosa County. Protection of wells which draw potable water from the aquifer and their respective cones of influence is, however, a requirement of local government. Sand-and-gravel aquifers which overlie the impervious limestone strata covering the Floridan Aquifer yield water for irrigation purposes and is [are] also subject to conservation and protective measures of local government (policy 10.F.1).
- B. The Local Government Comprehensive Planning and Land Development Regulation Act (LGCPLDRA) requires that local governments "generally identify and depict existing and planned water wells and cones of influence where applicable," within the land use elements of comprehensive plans (F.S. § 163.3177).
 1. A cone of influence is defined in rule 9J-5 as an area around one or more major water wells the boundary of which is determined by the Northwest Florida Water Management District (NFWFMD) or any other government agency that has specific statutory authority to make such a determination based on groundwater travel or drawdown depth (9J-5.003(18) FAC).
 2. The term "water well" is defined by rule 9J-5 as wells excavated, drilled, dug or driven for the supply of industrial, agricultural or potable water for general public consumption (9J-5.003(18) FAC).
- C. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

order to determine whether to allow the proposed withdrawal, NFWFMD staff must determine the impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:

1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet.
 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet.
 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
- D. The location of potable wells within the City of Destin is depicted in figure 7-1, chapter 7, foundation document. To protect these sites, no land use or construction shall be permitted within a 200-foot radius of each well that is known to adversely affect the quality and quantity of water sources. Prohibited land uses within the 200-foot well site include, but are not limited to, the following: junkyards, landfills, septic tanks, storing of hazardous waste or regulated substances.
- E. With the adoption of this Code, the City shall require that all shallow wells which tap the sand-and-gravel aquifer obtain a permit from the City. Applications for a sand-and-gravel well permit shall include the location of the proposed well on lot plats (objective 10.F.1; policies 10.F.1.1 and 10.F.1.2).
1. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only.
 2. Sand-and-gravel wells may not be located within 25 feet of another shallow well.

SECTION 7.02- FLOOD PLAIN MANAGEMENT

SECTION 7.02.01 ADMINISTRATION AND APPLICABILITY

- A. The provisions of these regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- B. The purposes of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- C. These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- D. The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.
- E. Disclaimer of liability. These regulations shall not create liability on the part of the City Council of the City of Destin or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.
- F. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- G. Areas to which this applies. These regulations shall apply to all flood hazard areas within the City of Destin, as established in **Section 7.02.01.H** ~~section 11.04.02.C~~ of these regulations.
- H. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida, and Incorporated Areas dated March 9, 2021 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM) and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida.
- I. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, ~~pursuant to Section 7.02.04~~ ~~section 11.04.05~~ of these regulations the Floodplain Administrator may require submission of additional data. Where field surveyed

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- J. Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, state or federal law.
- K. Abrogation and greater restrictions. These regulations supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including land development regulations, zoning ordinances, stormwater management regulations, and the Florida Building Code. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.
- L. Interpretation. In the interpretation and application of these regulations, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberal construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 7.02.02 FLOODPLAIN ADMINISTER

- A. The Floodplain Administrator shall be a position located in the Community Development Department or the Public Services Department or as assigned by the City Manager or their designee. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in these regulations without the granting of a variance pursuant to Section 7.02.06 ~~section 11.04.07~~ of these regulations.
- C. The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modifications of any existing development in flood hazard areas for compliance with the requirements of Land Development Code Section 7.02~~section 11.04.00~~ and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas;

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries' a person contesting the interpretation shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by the applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue Floodplain Development Permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with Land Development Code ~~Section 7.02~~ ~~section 11.04.00~~ is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of Land Development Code ~~Section 7.02~~ ~~section 11.04.00~~ and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas.
- D. For applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement;" and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the Florida Building Code and these regulations is required.
- E. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to ~~Section 7.02.06~~ ~~section 11.04.07~~ of these regulations.
- F. The Floodplain Administrator and the Building Official shall coordinate the issuance of all necessary notices or orders to ensure compliance with these regulations and the flood resistant construction requirements of the Florida Building Code.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- G. The Floodplain Administrator shall make the required inspections as specified in ~~section 11.04.06~~ Section 7.02.05 of these regulations for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. For buildings and structures subject to the Florida Building Code, the Floodplain Administrator shall make the required inspections of structures specified in ~~section 11.04.06~~ Section 7.02.05 of these regulations and Florida Building Code, Building Section 110. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. The Floodplain Administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to ~~section 11.04.03.D~~ Section 7.02.01.H of these regulations;
 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
 4. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code and these regulations to determine that such certifications and documentations are complete;
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Destin are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- I. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

for public inspection at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida 32541.

SECTION 7.02.03 PERMITS

- A. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Community Development Department and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations have been satisfied.
- B. Floodplain Development Permits or approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code, Building Section 102.2 and any further exemptions provided by law, are subject to the requirements of these regulations:
- D.1. Railroads and ancillary facilities associated with the railroad.
 - E.2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 - F.3. Temporary buildings or sheds used exclusively for construction purposes.
 - G.4. Mobile or modular structures used as temporary offices.
 - H.5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, are directly involved in the generation, transmission, or distribution of electricity.
 - I.6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - J.7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - K.8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - L.9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- M.D. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- N.1. Identify and describe the development to be covered by the permit or approval.
 - O.2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- P.3. Indicate the use and occupancy for which the proposed development is intended.
- Q.4. Be accompanied by a site plan or construction documents as specified in Section 7.02.04 section 11.04.05 of these regulations.
- R.5. State the valuation of the proposed work.
- S.6. Be signed by the applicant or the applicant's authorized agent.
- T.7. Give such other data and information as required by the Floodplain Administrator.
- U.8. For projects proposing to enclose areas under elevated dwellings, include signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- V.E. The issuance of a floodplain development permit or approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- W.F. Expiration. If the work described in any permit has not been initiated within six months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new permit has been obtained. Additionally, if work described in the building permit issued was commenced within six months after the date of issuance thereof, then work must be substantially completed within two years from the date of issuance.
- X.G. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or is in violation of these regulations or any other City ordinance, regulation or requirement.
- Y.H. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 - Z.1. The Northwest Florida Water Management District; F.S. § 373.036.
 - AA.2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
 - BB.3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
 - CC.4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
 - DD.5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - 1.6. Federal permits and approvals.

SECTION 7.02.04 SITE PLANS AND CONSTRUCTION DOCUMENTS

- A. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, all provisions of section 2.18.02 and the following applicable to the proposed development:

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s).
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 7.02.04.C of these regulations.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 7.02.04.C of these regulations.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.
- B. The City Manager upon request of the Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.
- C. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, approximate Zone A, the Floodplain Administrator shall:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator do not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is not less than two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
 4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- D. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 7.02.04.E of these regulations and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 7.02.04.E of these regulations.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- E. Submission of additional data to FEMA. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Further, it shall be the responsibility of the applicant to notify the City of any response received from FEMA in connection with the requested letter of map change from FEMA.

SECTION 7.02.05 INSPECTIONS

- A. Development for which a permit or approval is required shall be subject to inspection by the Floodplain Administrator.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- B. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- C. The Floodplain Administrator shall inspect buildings and structures subject to the Florida Building Code to determine compliance with the flood load and flood resistant construction requirements of issued building permits and the Florida Building Code.
- D. The Floodplain Administrator shall inspect buildings and structures exempt from the Florida Building Code to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- E. Buildings and structures exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building or structure exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 7.02.04.C.3.b of these regulations, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- F. Buildings and structures exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 7.02.05.E of these regulations.
- G. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 7.02.06 VARIANCES AND APPEALS

- A. The Board of Adjustment shall hear and decide on requests for appeals and requests for adjustments from the strict application of these regulations. Pursuant to F.S. § 553.73(5), the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. The Board of Adjustment shall not have the power to issue variances to any requirement of the Florida Building Code, Building, Section 3109 applicable seaward of the coastal construction control line.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or the Building Official in the administration and enforcement of these regulations or the flood load and flood resistant construction requirements of the Florida Building Code. Any person aggrieved by the decision of Board of Adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- C. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 7.02.06.G of these regulations, the conditions of issuance set forth in Section 7.02.06.H of these regulations, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations. Pursuant to F.S. § 553.73(5), variances shall not be granted to the requirements of Section 3109 of the Florida Building Code applicable to structures seaward of the coastal construction control line.
- D. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 7.02.04.C. of these regulations.
- E. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in these regulations, provided the variance meets the requirements of this Code, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the community;
 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 7. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 8. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render any provision of these regulations or the elevation standards of the Florida Building Code inappropriate;

2. Determination by the Board of Adjustment that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the official records of Okaloosa County in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a building, or substantial improvement of a building, below the elevation required by the Florida Building Code or required by these regulations, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 7.02.07 VIOLATIONS

A. Any development in a flood hazard area that is not within the scope of the Florida Building Code but that is regulated by these regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided. Therefore, in such circumstances, the burden shall be on the alleged violator to provide evidence of compliance with these regulations.

B. For development that is not within the scope of the Florida Building Code but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

violation or unsafe condition, shall be subject to chapter 14, City Code of Ordinances, and any other penalties as prescribed by law.

SECTION 7.02.08 FLOOD RESISTANT DEVELOPMENT

A. Subdivisions

1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the information required in Section 7.02.04.C.1 of these regulations; and
 - c. Compliance with the site improvement and utilities requirements of Section 7.02.08 of these regulations.

B. Site Improvements, Utilities, and Limitations

1. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Minimum requirements sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
4. Limitations on sites in regulatory floodways. Development, site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- unless the floodway encroachment analysis required in Section 7.02.04.D.1 of these regulations demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
5. Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
 6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 7.02.04.D.4 of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 7.02.08.F.8.c of these regulations.
- C. Manufactured Homes
1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the requirements.
 2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance the foundation requirements of the Florida Building Code, Residential Section R322.2 and these regulations.
 - b. In floodways, are designed in accordance with ASCE 24.
 - c. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and these regulations.
 3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
 4. Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).
 5. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

6. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

D. Recreational Vehicles and Park Trailers

1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

a. Be on the site for fewer than 180 consecutive days; or

b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 7.02.08.D.1 of these regulations for temporary placement shall meet the requirements of Section 7.02.08.C of these regulations for manufactured homes.

E. Tanks

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of Section 7.02.08.E.3 of these regulations shall:

a. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

b. Not be permitted in coastal high hazard areas (Zone V).

3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

F. Other Development

1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Section 7.02.08.B.4 of these regulations if located in a regulated floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and
- e. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the limitations of Section 7.02.08.B.4 of these regulations.
3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 7.02.08.B.4 of these regulations.
4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 7.02.08.B of these regulations. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 7.02.04 of these regulations.
5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - a. Structurally independent of the foundation system of the building or structure;
 - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - c. Have a maximum slab thickness of not more than four inches.
6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to adjacent buildings and structures.
- c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
 - d. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent elevated buildings and structures. Such other development activities include but are not limited to:
- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 7.02.09 DEFINITIONS

A. General

1. Unless otherwise expressly stated, the following words and terms shall, for the purposes of these floodplain regulations, have the meanings shown in this section.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. Where terms are not defined in these floodplain regulations and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
3. Where terms are not defined in these regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

B. Definitions

Accessory building. A building of not more than 100 square feet of gross floor area with a cost of not more than \$1,000.00 that is unfinished inside, constructed with flood-resistant materials, and used only for storage.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator interpretation of any provision of these regulations.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building Official. The officer or other designated authority charged with the administration and enforcement of the Florida Building Code, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

Building permit. An official document or certificate issued by the community which authorizes performance of specific activities that are determined to be compliant with the Florida Building Code.

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Declaration of Land Restriction (Nonconversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated dwellings.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The advancement or infringement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before July 6, 1988 [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of these regulations.

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic buildings/structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value of the building or structure adjusted to approximate market value by a factor provided by the County Property Appraiser.

New construction. For the purposes of administration of these regulations and the building code, structures for which the "start of construction" commenced on or after July 6, 1988 and includes any subsequent improvements to such structures.

Nonresidential. Any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24. [Also see definition in ASCE 24.]

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Portable building. A structure fully licensed and ready for highway use and must be on wheels at all times, attached to a quick disconnect utility hook-up, and having no permanently attached additions. A quick disconnect utility hook-up means an electrical, water, sewer, gas, or other utility connection which can be disconnected by hand in less than five minutes. Portable buildings as defined herein are exempt from all provisions of Section 7.02. Floodplain Management.

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b)]

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

such maps are adopted by the City of Destin or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of these regulations, or the flood load and flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

SECTION 7.03 MARINA SITING

SECTION 7.03.01 PURPOSE

- A. This Section establishes and regulates standards by which the City controls and regulates development, construction, and activities within and contiguous to the Harbor and waterways of Destin.

SECTION 7.03.02 GENERAL REGULATIONS

- A. The requirement of a Harbor and Waterways Board (HWB) application, and any applicable public hearings, shall be in accordance with [Article 2](#) of this Code.
- B. All marine construction projects shall provide the City with the applicable homeowner's association (if applicable), State, and Federal approvals at the time of building permit submittal.
- C. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock.
 1. All navigation/security night-lights shall be illuminated continuously from dusk to dawn every night of the year.
 2. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection.
 - a. Each light shall be installed within 90 days after adoption of this Code.
- D. No utility services shall be installed upon any dock without a permit obtained from the City.
- E. Aerators or circulation devices may be required as determined by the City when water circulation is deemed to be impacted negatively by the proposed facilities.
- F. ~~Development classified as Class 3, per [Article 2](#) of this Code, shall be denied if the City Council determines that the proposed facility development does not meet the criteria outlined in this Section below; and further, if the proposed development is averse to the public's interest. Listed below are the criteria for Class 3 Development:~~
 1. Land use compatibility
 - a. The applicant shall demonstrate that the proposed development, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.
 2. Proper use of mitigative infrastructure
 - a. The applicant shall demonstrate the proposed development and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to surface waters.
 3. Hazardous waste
 - a. The proposed development shall not generate hazardous waste or require the use of hazardous materials in its operation without the use of city-approved mitigative techniques designed to prevent any adverse impacts to adjacent surface waters. The development shall include best management principles and practices.
- G. Exemption:
 1. Any dock located on a private lake controlled by an active owner's association is exempt from the regulations of ~~this Section~~ [Section 7.02 Marina Siting of this Article](#).

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

SECTION 7.03.03 COMMERCIAL REGULATIONS

- A. Commercial marine businesses located within the city that rent or operate passenger vessels must provide designated docking facilities, whether privately owned or leased.
- B. All commercial docks shall be designed with at least one (1) sewage pump-out station for public use. Such sewage pump-out stations shall be operable and maintained.
- C. All commercial docks shall be designed with the necessary firefighting facilities, as specified by the City or Destin Fire Control.
- D. All nonresidential, mixed use and multifamily development that borders ~~the Destin~~ Destin Harbor, the East Pass or Choctawhatchee Bay that also build a pier, dock, marina, or other marine development shall also include a water taxi stop by providing a minimum of one loading/unloading area or slip, which shall be reserved for use by a water taxi.
 - 1. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi.
- E. Transient Slips
 - 1. Non-rental transient slips
 - a. If a non-rental transient slip is provided in any marine construction development, then a rental fee cannot be charged for use of the slip.
 - b. No vessel may occupy a non-rental transient slip for more than six (6) hours.
 - 2. Short-term transient slips
 - a. If a short-term transient slip is provided, a rental fee may be charged.
 - b. No vessel may occupy a short-term transient slip for longer than seven (7) days.

SECTION 7.03.04 DIMENSIONAL AND DENSITY LIMITATIONS

- A. Length
 - 1. The following table includes the maximum dock length allowed for any new dock construction or modifications. For the purposes of this subsection, lots may be combined with neighboring lots, however no dock may exceed the limitations outlined in this ~~Section~~Section.

Dock Location	Maximum Length Allowed
Any waterfront property not adjacent to Choctawhatchee Bay or zoned South Harbor Mixed Use (SHMU)	The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)	1.5 times the width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property adjacent to Choctawhatchee Bay.	1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.
Waterfront Property with less than 50 feet of waterfront shoreline.	No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with this section

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. Measurement of length shall start at the waterward most point of the Mean High-Water Line. See Figure 7.02-1: Dock Length below.
3. From the waterward most point identified per paragraph 2 above, a perpendicular line, ~~of perpendicular line~~, to the tangent for a curved MHWL, is drawn waterward the distance allowed per the Table 7.02-1 above.
4. At the maximum distance of length allowed, ~~above~~ another perpendicular line is drawn from between the identified or implied riparian lines.

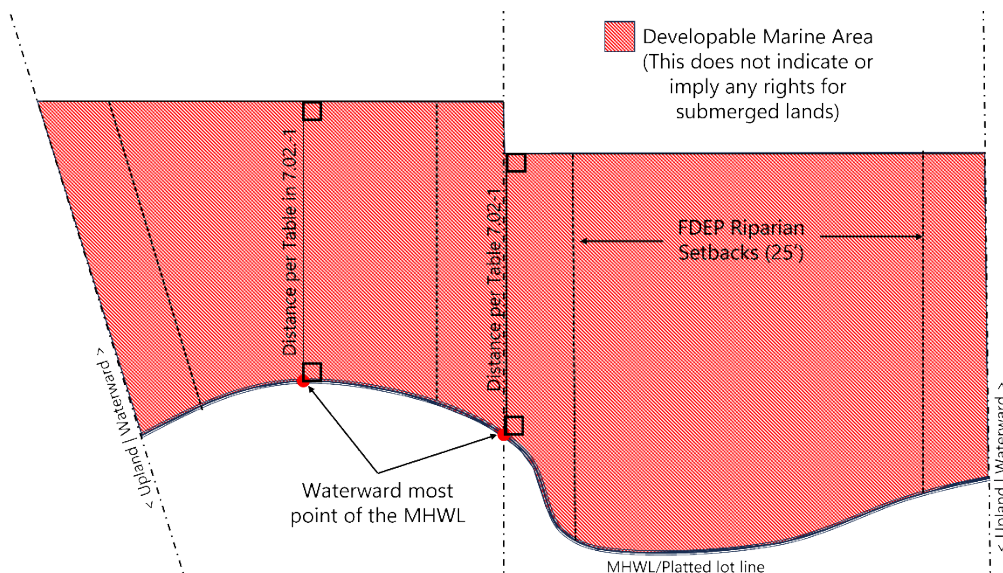


Figure 7.02-1: Dock Length

- B. No pier shall extend more than six (6) feet into a canal right-of-way.
- C. Density
 1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage.
 2. Docks along canals shall not have more than one (1) slip per 45 linear feet of waterfrontage.
 3. Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

SECTION 7.03.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE

A. A Net Positive Environmental Benefit (NPEB) fee shall be assessed to each property owner, annually, for each slip within the Destin Harbor. Such NPEB fee shall be assessed at the beginning of each fiscal year, and shall be paid by January 1 of each year. The NPEB fee shall be assessed at the following rate:

1. Non-residential slips: \$100 per slip on the premises.
2. Residential slips (both single-family and multi-family): \$50 per slip on the premises.

A Net Positive Environmental Benefit (NPEB) fee, equal to twenty-five percent (25%) of the cost of construction shall be made to the City of Destin by the applicant prior to issuance of a building permit for each construction project authorized by this Article, which is located within the Destin Harbor.

The twenty-five percent (25%) fee applies to the cost of materials and labor only (construction costs).

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- ~~The NPEB fee shall be assessed on all new marine construction projects or any portion of expansion to existing marine facilities or docks.~~
- ~~The NPEB fee is applicable for all marine construction projects located waterward of the mean high-water line or platted lot line and are proposed along upland properties directly adjacent to the Destin Harbor or any canals that connect to the Destin Harbor.~~
- ~~Maintenance, Repairs, and Replacement~~
 - ~~Regular maintenance, repair, or replacement is allowed for decking only and not subject to the NPEB fee.~~
 - ~~Any replacement of piles or other structural element of the dock or marine facility shall be assessed the NPEB fee as applicable.~~
- ~~Reduction of NPEB Fee~~
 - ~~The NPEB fee can be reduced if the marine project uses eco-friendly salt water rated alternative materials for construction or the utilizes a biological element that provides an ecological benefit proven to offset the impacts of marine based activities.~~
 - ~~The NPEB fee shall not be reduced to lower than ten percent (10%) of the cost of construction in any case.~~
 - ~~The material used to reduce the NPEB fee shall only be replaced or repaired with the same or similar material that meets the same benefit. If a dock or marine facility that received a reduction of the NPEB fee is replaced or repaired with a material that does not meet the allowance of for a reduction, the full twenty-five percent (25%) NPEB fee shall be assessed based on the original cost of construction.~~
 - ~~The following elements may allow for a reduction of the assessed NPEB fee:~~
 - ~~Composite piles and decking which are rated for salt water:~~
 - ~~If the project uses only composite piles the total NPEB fee will be fifteen percent (15%).~~
 - ~~If the project uses only composite decking the total NPEB fee will be fifteen percent (15%).~~
 - ~~If the project uses composite materials for the whole project the total NPEB will be ten percent (10%).~~
 - ~~Greenheart wood, or similar hardwood~~
 - ~~If the project uses only Greenheart piles the total NPEB fee will be twenty percent (20%).~~
 - ~~If the project uses only Greenheart decking the total NPEB fee will be twenty percent (20%).~~
 - ~~If the project uses Greenheart wood for the whole project the total NPEB will be fifteen percent (15%).~~
 - ~~An alternative construction material that evidence is submitted meets the same intent as composite or greenheart wood and approved by the City Manager or designee.~~
 - ~~The applicant is responsible for providing a report or letter from a licensed marine expert detailing the following:~~
 - ~~The specific environmental benefit the alternative provides, and~~
 - ~~A recommendation of the NPEB fee reduction amount, not to be lower than ten percent (10%) of the cost of construction.~~
 - ~~Biological elements such as living shorelines or non-commercial oyster aquaculture or gardening may be granted a reduction on the NPEB fee.~~
 - ~~The applicant is responsible for providing a report or letter from a licensed marine expert detailing the following:~~

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- ~~The specific environmental benefit the alternative provides, and~~
3. ~~A recommendation of the NPEB fee reduction amount, not to be lower than ten percent (10%) of the cost of construction.~~

B. Exemptions

1. ~~Homesteaded properties shall not be assessed any annual NPEB fees.~~
~~The following marine construction activities are exempt from the NPEB fee:~~
 - ~~Boat lifts (new piles will be assessed the NPEB fee)~~
 - ~~Seawall upland of the mean high-water line or platted lot line~~
 - ~~Upland slips or cuts~~
2. ~~Board for board decking maintenance, repair, or replacement~~ Any person, property owner, or entity that paid an NPEB fee in the year 2026 shall be granted a ten (10) year exemption from this NPEB fee. If payment was made in the year 2025, then a nine (9) year exemption shall be granted from this NPEB fee. This schedule shall continue in the like manner, with the exemption period decreasing by one (1) year for each additional year elapsed since any payment was made.
 - a. ~~It shall be the responsibility of the person, property owner, or entity to provide Staff with proof of payment of the NPEB fee.~~
 - b. ~~This exemption shall run with the property and not the individual payor.~~
 - c. ~~Upon expiration of the applicable exemption periods, the person, property owner, or entity shall be responsible for the NPEB fee in full annually.~~
 - a.—

SECTION 7.04 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION

SECTION 7.04.01 PURPOSE

- A. ~~The Florida Department of State, Division of Historic Resources has identified six sites within Destin of historic significance. Such s~~The protection and preservation of sites have been identified and documented as being significant either in American or local history, architecture, archaeology, engineering, or culture by the Florida Department of State, Division of Historic Resources or by the City of Destin is essential. They reflect the prehistoric occupation and historical development of the nation, state, and local community. ~~Their protection and preservation, therefore, is essential.~~

SECTION 7.04.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES

- A. Any time a proposed development may impact a historic or archeological site within the City, as deemed by the State, the following subsections of this Section shall apply. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the proposed development may impact such identified sites within the City.
 1. Historic structures shall be exempt from the provisions of the Florida Building Code if any modification, repair, or restoration activity would jeopardize their historical integrity.
 2. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.
 3. A project classified as a development of regional impact (DRI) shall contain a description of historical or archaeological sites within the proposed development and suggested mitigation

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- measures for such resources if present. DRIs shall be submitted to the Compliance and Review Section in the Florida Department of State's Bureau of Historic Preservation.
4. For any proposed development activity on a historic site previously identified in this Section, all Development Order applications (if applicable) or Building Permit applications shall include an archeological and historic review summary, provided by the applicant. Such review summary shall be reviewed and approved by the City and Florida Department of State, Division of Historical Resources.
 5. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of an archaeological salvage excavation plan approved by the City and the Florida Department of State, Division of Historical Resources.
 - a. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by Florida Department of State, Division of Historical Resources.
 6. The City shall prepare reports describing any developments that ~~discovered~~have discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur.
 7. For any proposed development within the City's Harbor District Overlay or the Zerbe-Calhoun Overlay, see [Article 4](#).

SECTION 7.05 ILLICIT DISCHARGE DETECTION AND ELIMINATION

SECTION 7.05.01 PURPOSE

- A. The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of Destin through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- B. This Section also establishes minimum standards and methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) to ensure compliance with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

SECTION 7.05.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS

- A. Illicit discharge
 1. Aside from stormwater, no substances, materials, or effluent (chemical or physical) shall be discharged or caused to be discharged, by any person or entity, into the municipal storm drain system, adjacent properties, or watercourses.
 2. If a discharge is found, the City reserves the right to enforce this Section.
- B. Prohibition of illicit connections.
 1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - b. A person is considered to be in violation of this Section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - c. A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the City.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- C. Suspension of access to a municipal storm sewer system.
 - 1. The City may suspend access to the MS4 if any of the following situations occur:
 - a. Suspension due to illicit discharges in emergency situations.
 - i. The City, without prior notice, may suspend MS4 discharge access to a person or entity, when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
 - ii. If the violator fails to comply with a suspension order issued in an emergency, the City may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - iii. The violator shall be responsible for reimbursing the City or their agent for all costs incurred from the corrective action.
 - b. Suspension due to the detection of illicit discharge.
 - i. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
 - c. Industrial or construction activity discharges.
 - i. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit.
 - (a) Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- D. Private Single-Family/Duplex Illicit Discharges.
 - 1. Direct or indirect non-stormwater contaminant or wastewater shall not leave said private property and enter an adjacent private property without receiving the adjacent property owner's express written consent.
 - a. Irrigation sprinkler overspray is exempt from this requirement.
 - 2. Swimming pool backwash/flush water, car wash water, pond, fountain, or any other water feature that receives periodic pumping out and/or cleaning shall either:
 - a. Provide facilities to collect and hold wastewater on-site until it percolates or evaporates completely, without creating a mosquito breeding environment or any other hazard, or
 - b. Discharge into an approved industrial sewer.
 - 3. The system shall not be overwhelmed and allowed to spill over onto an adjacent property or Environmentally Sensitive Areas.
- E. Industrial or construction activity discharges.
 - 1. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Destin prior to allowing discharges to the MS4.
 - 2. Use of Best Management Practices (BMPs)
 - a. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other waste into the MS4 or watercourses through the use of these structural and nonstructural BMPs.
 - b. Any person responsible for a property or premises, which is, or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- structural and nonstructural BMPs to prevent the further discharge of pollutants into the MS4.
- c. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- d. The identified BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 7.05.03 EXEMPTIONS

- A. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:
 - 1. Water line flushing or other potable water sources,
 - 2. Landscape irrigation or lawn watering,
 - 3. Diverted stream flows,
 - 4. Rising ground water,
 - 5. Ground water infiltration to storm drains,
 - 6. Uncontaminated pumped ground water,
 - 7. Foundation or footing drains (not including active groundwater dewatering systems),
 - 8. Crawl space pumps,
 - 9. Air conditioning condensation,
 - 10. Springs,
 - 11. Non-commercial washing of vehicles,
 - 12. Natural riparian habitat or wet-land flows,
 - 13. Swimming pools (if dechlorinated less than one part per million chlorine),
 - 14. Firefighting activities,
 - 15. Other water source not containing pollutants,
 - 16. Discharges specified in writing by the City as being necessary to protect public health and safety, or
 - 17. Dye testing, given a written notification is provided to the City at least 48 hours prior to the time of the test.
- B. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA).
 - 1. The permitted discharger shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Such written approval shall be maintained on site.

SECTION 7.05.04 DISCHARGE MONITORING

- A. The following regulations apply to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
 - 1. The City shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measure in force which requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. Facility operators shall allow the City access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
3. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
4. The City shall have the right to monitor any permitted facility with devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this section. An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
7. If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 7.06 ALTERNATIVE ENERGY DEVELOPMENT

SECTION 7.06.01 PURPOSE AND INTENT

- A. The purpose and intent of this section is to allow opportunities for certain alternative forms of energy generation with the installation and operation of small-scale alternative energy generating systems.
- B. This section intends to protect and promote public health, safety, community welfare and the aesthetic quality of the City while promoting and encouraging the use of small-scale alternative energy generating systems due to their positive environmental impact, cost savings, and sustainability benefits.

SECTION 7.06.02 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this Section shall apply to the following accessory uses as they are defined in Article 11 of this Code:
 1. Energy Conversion Systems, Small-scale Solar.
 2. Energy Conversion Systems, Small-scale Wind.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

B. General Provisions

1. Small-scale solar and wind energy conversion systems shall be deemed, and are hereby declared to be, an accessory use allowed in all zoning districts, provided they comply with the standards set forth in Section 7.05.03 below.
2. Approval of a small-scale solar or wind energy conversion system shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply any easement or right of access to wind or sunlight. The City of Destin expressly declares that it shall not be a party to any effort, negotiation or acquisition of any such access or right to wind and sunlight.
3. The allowance of small-scale solar or wind energy conversion systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, covenants, or other restrictions that may apply to a premise.
4. It shall be unlawful for a person to operate a small-scale solar or wind energy conversion system that does not conform to all provisions of the Land Development Code and conditions of approval of the City of Destin building permit.

SECTION 7.06.03 STANDARDS FOR REVIEW AND REGULATION

- A. A building permit shall be required prior to the commencement of construction of a small-scale solar or wind energy conversion system.
- B. Small-scale solar and wind energy conversion systems shall comply with all building and construction codes and all other governmental regulations as amended.
- C. No portion of a small-scale solar and wind energy conversion systems shall be located between the principle building and front property line, along any street frontage, or within any required setback area.
- D. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- E. If a ground mounted small-scale solar or wind energy conversion system is removed, any earth disturbances as a result of the removal shall be returned to natural grade and provided with appropriate ground cover.
- F. A small-scale solar and wind energy conversion systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the system provided they comply with Land Development Code sign regulations.
- G. The following standards apply only to small-scale solar energy conversion systems and are in addition to those listed directly above in A through F.
 1. Ground mounted small-scale solar energy conversion systems may not encroach into any setback area when oriented at maximum design tilt.
 2. In addition to the building setback, the collector surface and mounting devices for roof-mounted small-scale solar energy conversion systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 3. Small-scale solar energy conversion systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

4. Building, roof, pole or ground mounted small-scale solar energy conversion systems shall not exceed the height maximum allowed in the zoning district in which it is located.
5. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
6. All on-site utility and transmission lines shall be placed underground.
- H. The following standards apply only to small-scale wind energy conversion systems and are in addition to those listed directly above in A through F.
 1. There shall be no more than one small-scale wind energy conversion system per property, and it shall be located on the same property as the principle building.
 2. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet will be required to obtain a determination from the Federal Aviation Administration of "No Hazard to Aviation" status.
 3. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet shall submit such application to the Eglin Air Force Base installation commander or his or her designee, and no determination of the application shall be made sooner than 30 days after receipt of such submittal by the Air Force. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.
 4. The small-scale wind energy conversion system shall have a rated capacity not to exceed ten kilowatts (KW).
 5. Small-scale wind energy conversion systems shall be located a minimum distance of 20 feet from all property lines of the property upon which the small-scale wind energy conversion system is located. A small-scale wind energy conversion system may not be located in a dedicated easement or right-of-way.
 6. Small-scale wind energy conversion system shall comply, at all times, with the maximum allowable noise levels set forth in the City of Destin Code of Ordinances.
 7. Colors of all external surfaces of the small-scale wind energy conversion system must uniformly be matte grey or other neutral colors which best blend the small-scale wind energy conversion system into its surroundings.
 8. The small-scale wind energy conversion system shall be equipped with an automatic braking, governing, or feathering system to assure that over-rotation cannot occur.
 9. The small-scale wind energy conversion system shall be equipped with a manual override system to allow shutdown in case of an emergency.
 10. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
 11. All on-site utility and transmission lines shall be placed underground.
 12. A building mounted small-scale wind energy conversion system shall be permanently attached to a permitted principle or accessory building on the property.
 13. When a building mounted small-scale wind energy conversion system is attached to the wall, gable or eave of a building, the support structure shall be positioned and attached to the building so that its relative position is as close to the building as can be practically and reasonably accomplished.

WORKING DRAFT

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

14. The tower upon which the small-scale wind energy conversion system is attached shall be a self-supporting monopole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis the City Manager or designee may approve other types of towers based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided the tower plans are designed, signed, sealed and dated by a licensed professional engineer registered in the State of Florida.
15. The maximum total height of a building mounted small-scale wind energy conversion system which is attached directly to the roof of a building shall be ten feet above the highest point of the roof upon which the small-scale wind energy conversion system is attached. The maximum total height of a small-scale wind energy system which is attached to a building in any manner other than directly to the roof shall be ten feet (10') above the highest point of the roof to which it is most closely located. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.
16. The maximum total height of any freestanding small-scale wind energy conversion system shall be thirty-five feet (35') above the adjacent natural grade.
17. The distance between the bottom of rotor blades, at their lowest point of arc, to grade shall be a minimum of fifteen feet (15').
18. No permanently attached mechanism for access to or onto the tower, which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within 12 feet of the grade directly below.
19. Appropriate warning signage shall be placed on both the small-scale wind energy conversion system and tower in accordance with the manufacturer's recommendations.
20. The horizontal distance between the tower and all overhead public utility lines shall be 25 percent greater than the total height of the small-scale wind energy conversion system.
21. All small-scale wind energy conversion systems shall be maintained in good working order according to manufacturer recommendations. A small-scale wind energy conversion system shall be deemed to be abandoned if the use has been discontinued for a period of 180 consecutive days. Upon such abandonment, the owner of the small-scale wind energy conversion system shall have an additional ninety (90) days within which to reactivate the use of the small-scale wind energy conversion system or dismantle and remove the tower and wind generator.

DRAFT

**LOCAL PLANNING AGENCY
MEETING MINUTES
FEBRUARY 19, 2026 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, February 19, 2026, at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Members Present</u>
James T. Wood, Jr.	Bree Uptigrove	Kim Montgomery Deputy City Clerk
Todd Buhr		Daniel Butler Principal Planner
Marcie Bell		Jesse Hernandez Senior Planner
Ken Wampler		Chris Rush Planner
Tammy Weidenhamer		Krystal Strickland Financial Director
Jay Purut		Kimberly Kopp City Attorney

3. AGENDA APPROVAL:

Motion to amend the agenda was made by Agency member Bell with Chairman Wampler providing the second. The motion passed 6-0.

4. APPROVAL OF MINUTES: None

5. NEW BUSINESS:

- A. Proposed Ordinance 26-12-LC Allowing indoor recreation establishments as a permitted use in the Industrial Zoning District and associated parking requirements.**

Principle Planner, Mr. Daniel Butler presented proposed Ordinance 26-12 LC explaining that the ordinance was brought forward at the direction of City Council following their February 2, 2026, meeting. He explained further that this ordinance would:

- Allow indoor recreation establishments as a permitted use within the industrial zoning district.
- Establish associated parking requirements.
 - The parking proposal is based on the specific use currently being pursued:

DRAFT

- Two parking spaces per batting cage, plus
- One parking space per 500 square feet of gross floor area, not associated with batting cages.

Mr. Butler noted that this was a Council-directed ordinance, not a traditional applicant-driven ordinance, though the prospective property owner is present and available to answer any questions the Agency members may have.

• **Board Discussion – Scope of Use / Concern with NAICS Code**

Chairman Wood stated that in comparison to the prior coffee roaster case, it appears that the specific site under consideration tonight already has substantial parking.

Agency member Buhr shifted the discussion from the specific site to the long-term impacts of the ordinance language on the code as a whole.

- He stated that the ordinance, as written, relied on NAICS Code 713990, which is broad and could encompass many different recreational uses.
- He asked staff to confirm that if the uses were listed as permitted uses under that code, then any use under the code in industrial zoning would be automatically approvable by staff if all technical criteria were met.

City Attorney Kim Kopp confirmed that interpretation.

Agency member Buhr read and summarized portions of the industrial zoning district description from the staff packet and said the broad NAICS code might allow uses not appropriate for industrially zoned land. He then referenced examples potentially covered under the code, including uses such as:

- Archery ranges
- Billiard parlors
- Dance halls
- Curling facilities
- Flying clubs
- Fishing piers
- Go-kart racing
- Bowling-related uses
- Paintball-related uses

Agency member Buhr expressed concern that some of these could be inappropriate in the city's limited industrial areas and said he was trying to avoid "the law of unintended consequences."

The City Attorney responded that if the members are uncomfortable with the broad code reference, the code number could be removed, and the use could instead be more narrowly defined.

DRAFT

- **Parking Discussion Agency member Buhr**

- Agency member Buhr asked whether the parking section's listed subcategories were intended to be the only allowed uses, or whether they were simply examples of parking treatment.

Mr. Butler clarified that those were use categories expanded upon for parking purposes, and that anything else under the broader code would fall under more general parking formulas. Adding that the distinct parking ratios were intended to account for activity types with large open spaces, such as batting ranges/cages, that have lower occupancy than other recreational uses.

- **Discussion of Conditional Use vs. Permitted Use**

Agency member Buhr suggested that instead of making the use permitted, would the board consider making it a conditional use, which would require each application to come back for site-specific review by the LPA and City Council.

- Pointing out that a conditional use would provide an extra "set of eyes" and allow review for compatibility with surrounding land uses, parcel location, and future industrial land needs.
- The City Attorney confirmed that a Conditional Use would require separate approval by City Council and could be conditioned or denied based on merit and compatibility.

Motion by Agency member Buhr to recommend to the City Council for the approval of Ordinance 26-12-LC with one change, that the use be made Conditional rather than permitted, with Agency member Bell providing the second.

- The Chair summarized:
 - Conditional use so each application returns to the LPA and City Council for case-by-case review.

Agency member Bell asked whether the issue was specifically about outdoor activity versus indoor activity.

Agency member Buhr stated that the concern is not indoor versus outdoor activity, but rather the overly broad nature of the NAICS code and the possibility that future uses could be incompatible with nearby properties or with the city's limited industrial land supply. He clarified that the concern was the breadth of uses that would become allowed automatically if it is under the "P" for permitted in the table.

Chairman Wood opened the hearing to provide input.

- Potential applicant, Brendan McMahon, 4522 Old Plantation Place, asked how changing the use from permitted to conditional would affect his process.

According to the City Attorney:

DRAFT

- If permitted, the applicant could proceed directly through staff review and development order/permitting.
- If Conditional, that would add another application and another approval process, and if City Council denied the conditional use, the project could not proceed.

She then provided another possible approach:

- Remove the broad NAICS code referenced and instead create a more specific use entry tailored to what Council had actually directed staff to consider.
- It was acknowledged that the broad code had been included mainly for consistency with other code tables.
- Members discussed whether the ordinance should cover a more broad but limited category.
- Mr. McMahan described the concept as a family-oriented indoor sports facility where some children could use batting cages while others engaged in related entertainment or activity areas.
- The City Attorney suggested that “indoor sports recreation” might be the appropriate focus.
- It was also noted that food service would be part of the concept but would be subordinate to the primary sports use.
- Staff suggested the board could:
 - Create a new line item for indoor sports establishments, subordinate to the broader recreation code.
- Further discussion addressed whether items like cornhole, ping pong, obstacle play areas, or arcade-like elements would be accessory uses.
- Concern was also raised about avoiding an overly vague term such as “entertainment.”
- Mr. Butler suggested a possible definition based on a generalized definition of indoor recreation establishments: Indoor sports establishments are facilities situated within completely enclosed buildings offering for a fee or public use active sports active sports. Key examples include: bowling alleys, indoor skating rinks, arcades, bowling alleys, skating rinks, batting cages, swimming pools which may include accessory food service.
- Discussion also clarified that the ordinance should not be interpreted to allow sports betting or gambling-related activity.

Agency member Bur withdrew his motion on the floor with Agency member Bell withdrawing her second.

Agency member Buhr moved to recommend City Council approval of Proposed Ordinance 26-12 LC with the following modifications:

- **Create a separate line item (rather than relying on the broad NAICS reference),**

DRAFT

- **Add a glossary definition for the new use using the one-sentence concept discussed during the meeting, with the word “entertainment” removed,**
- **Keep the use as a permitted use**
- **Add language clarifying that leisure activities do not include sports betting.**

The motion was seconded by Agency member Bell.

• Additional Discussion Before Final Vote

- Agency member Weidenhamer asked whether the industrial district should include any limitation on hours of operation for this type of use.
- Staff noted that the code includes hour limitations for certain uses, such as alcohol sales, but not for indoor sports-type uses.
- The applicant stated they proposed operating hours were expected to be approximately:
 - Weekdays: 11:00 a.m. to 9:00 p.m.
 - Weekends: 8:00 a.m. to 9:00 p.m.
- Staff indicated that because the use would be indoors and in an industrial area, they did not foresee major noise impacts.
- A question was asked whether the applicant would have to return to the LPA if the motion passed.
- Staff clarified that if the use remained permitted, the applicant would not need to return for a conditional use hearing, though a development order would still be required.

With no further discussion, the motion passed 5-0.

Agency member Buhr asked to see the financials prior to attending the Harbor and Waterways Board meeting on February 26th.

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

Mr. Butler presented proposed Ordinance 26-06 LC, the rewrite of Article 7 of the Land Development Code. He further explained that Article 7 contains material drawn largely from the existing Article 11 and addresses matters such as:

- White sand shoreline protection zones
- Bay shoreline protection zones
- Marine siting / dock regulations
- Archaeological and historical resource protection
- Floodplain management
- Natural groundwater, aquifer, sand, and gravel recharge
- Illicit discharge monitoring
- Alternative energy development
- Net Positive Environmental Benefit (NPEB) fee provisions

DRAFT

Mr. Butler noted that since prior review sessions, staff had added several sections, including floodplain management and groundwater/aquifer recharge language.

- He stated that one unresolved component of Article 7 involved the method for calculating the NPEB fee for marine construction in the harbor.
- He explained that:
 - The current code uses a fee equal to 25% of project construction cost.
 - The LPA and Harbor & Waterways Board had recommended different methods in prior discussions.
 - City Council had asked staff for a financial analysis comparing methodologies.
- He then introduced the Finance Director, Krystal Strickland to present the analysis.

❖ **Background Framed by Agency Member Buhr**

- Prior to Krystal’s presentation, Agency member Buhr provided a brief context of the history of the subject.
- He summarized that:
 - The issue had originated from citizen input in March 2024.
 - Harbor property owner Mr. Mike Abadie had raised concerns about the fairness and sufficiency of the one-time fee system.
 - The LPA studied the matter over multiple meetings and adopted a separate proposal in July/August 2024.
 - The purpose of the NPEB fee is to ensure that those who use and impact the harbor help fund harbor maintenance and environmental needs.

❖ **Financial Analysis by Finance Director, Krystal Strickland**

- Ms. Strickland explained the following to the Agency members:
 - Looking at actual fee collections from 2006 through 2025, and excluding 2024 as an outlier year, average annual NPEB collections were still just under \$25,000 per year, pointing out that the current revenue stream, is not sufficient for ongoing harbor-related costs.
 - The annual and recurring costs tied to harbor maintenance are:
 - Utilities/electricity to run the harbor pump
 - Quarterly water analysis
 - Maintenance of the five stormwater outfalls discharging into the harbor
 - Total recurring annual cost estimated to be between \$50,000 and \$60,000
- Ms. Strickland further explained capital and periodic costs:
 - The last harbor dredge in 2020 cost roughly \$350,000, shared 50/50 with the county.
 - The upcoming 2026 dredge was projected at approximately \$850,000, though about 50% grant funding was expected.
 - To maintain a dredging cycle approximately every three years, the city should be setting aside around \$66,000 annually for dredging.

DRAFT

- The harbor pump house and harbor pump together are about a \$1 million asset with an expected life of about 20 years, translating to another major long-term funding need.
- She stated that, in comparison, the LPA's prior proposal of:
 - \$50 per residential slip
 - \$100 per non-residential/commercial slip would generate approximately \$95,000 annually.
- This would provide a steadier and more reliable funding source than the current 25%-of-construction-cost model.

❖ **Homestead Exemption Discussion**

- The board discussed whether homesteaded properties should receive an exemption and whether homesteaded properties would pay the fee under the \$50/\$100 annual structure.

According to Ms. Strickland:

- Properties with homestead exemption on the harbor represent less than 10% of the affected dock/slip properties,
- Citywide, out of the roughly 16,000 parcels approximately 13% of parcels are homesteaded.
- Members discussed:
- A previously recommended 75% homestead exemption, and 100% homestead exemption was discussed.
- The conclusion is that a full homestead exemption would have relatively little effect on overall annual collections.
- Some members voiced support for a 100% exemption for homesteaded properties.
- Equity concerns were mentioned regarding residential versus commercial users.

❖ **Prior Contributors / Exemption Schedule**

- Members also discussed how to handle property owners who had recently paid large one-time NPEB fees under the current system.
- A prior LPA motion had created a look-back exemption schedule:
 - If an owner had paid an NPEB fee recently, that owner would receive a temporary exemption from the annual per-slip fee for a set number of years.
 - The concept was described as a sliding scale:
 - A payment in the current year = 10-year exemption
 - Prior year = 9-year exemption
 - And so on down the line.
- Ms. Strickland estimated that only a small number of people, likely fewer than 20 would be affected by this prior-payment exemption.

❖ **Alternative Methodologies Discussion**

- Agency member Buhr suggested there might be value in considering a third methodology based on the calculation already used by the Florida Department of Environmental Protection (FDEP) for submerged land leases.

DRAFT

- The idea was that the city might mirror or piggyback on the state's square-footage-based calculation rather than continue a construction-cost-based fee.
- Krystal stated she had not modeled that approach before the meeting but noted that FDEP's submerged land lease fee was approximately \$0.16 per square foot.
- Agency member Purut questioned whether adding a third option would unnecessarily complicate the issue.
- The board returned to the point that the current 25% methodology does not reliably fund harbor needs and that any shortfall is currently made up from the General Fund.

❖ Placement of Fee in LDC vs. Fee Schedule

- Krystal also raised a policy/administrative question:
 - Whether the actual fee calculation should remain embedded in the Land Development Code, or whether the code should simply state that a fee is required while the actual dollar amounts are maintained in the city's fee schedule.
- According to the City Attorney, the fee schedule is easier for Council to amend by resolution, whereas changing the LDC requires ordinance procedures and public hearings.
- Members discussed whether moving the fee out of the LDC would reduce the LPA's role in future revisions.
- Agency member Buhr responded that because the issue is already embedded in the LDC rewrite process, the board should continue moving forward with its recommendation rather than re-route the matter midstream.

❖ Draft Clarification

- Mr. Butler clarified that the draft Article 7, currently before the board still contains the existing 25% construction-cost methodology, because staff had to place something in the draft pending direction.
- He stated that if they wanted that replaced with the LPA's previously approved per-slip structure, staff could revise the language accordingly.

Agency member Buhr mentioned there are four courses of action that can take place:

- Send this forward as it is
- Remove what's in there now and have a 7.02.03 placeholder rewritten with what reflects the motion that was passed by the LPA, since we are by Florida statute, the recommender to City Council for the LDC.
- Provide two versions of the paragraph and have both paragraphs in the draft document when it goes for first reading the Council could choose which paragraph to read approve for the document.
- Have staff or City Manager, Mr. Jones's to bring it up and to take those two for clarification and direction before it comes back to us or have Council make the decision to have it put into chapter 7.

DRAFT

Agency member Bell made a motion, based on the number two scenario, with the LPA being the recommending body to City Council, that we recommend that what goes to the City Council is what we proposed initially in August 28, 2024 and based on the information that received tonight from the Finance Director, Krystal Strickland, that Article 7, draft should be revised so that the NPEB section reflects the LPA's previously approved fee structure rather than the current 25% NPEB cost of construction methodology. Chairman Wood provided the second. During discussion, the motion was amended with the following addition of:

- **\$100 per non-residential slip**
- **\$50 per residential slip**
- **a 100% homestead exemption (amending the earlier 75% concept)**
- **and a prior-payment exemption schedule for those who recently paid NPEB fees**
- **Bring the revised language back to the LPA for review before it proceeds to Council.**

The motion was additionally amended to include appointing the Agency member Buhr, who had carried much of the NPEB discussion, as a liaison to work with staff on the revised language.

A question was posed asking if the city could legally impose the proposed fee structure. According to the City Attorney, Ms. Kopp stated that they could. Agency member Bell mentioned the fee schedule that is adopted and amended by City Council and if this body was positive, they wanted to change the portion of the Article to turn it over to Council by Fee Schedule Resolution. According to the City Attorney, it is easier to update the fees if they are moved over to the fee schedule, which is adopted by Resolution instead of in the LDC, which has to be done in the form of an Ordinance with two public hearings at this level and two public hearing at Council level. The members agreed to turn it over to the fee schedule process. **Chairman Wood called for the vote and the motion passed 6-0.**

❖ **Continued Article 7 Discussion – Floodplain Management**

The board then returned to the remainder of Article 7.

Agency member Buhr raised concerns about the newly added floodplain management section, stating that:

- While he supported floodplain management itself, the section appeared to reintroduce separate permitting, variance, and procedural language that seemed inconsistent with the stated goal of the LDC rewrite, which was to consolidate and streamline permitting and procedural standards.

According to Mr. Butler the floodplain section had been kept together because it tracks State and FEMA requirements, and the variance and procedural language differs greatly from the city's general Variance procedures.

DRAFT

According to the City Attorney, the city must periodically adopt and submit floodplain-related ordinance language to maintain compliance and rating status.

Agency member Buhr acknowledged the explanation but noted that the section looked different from the rest of the reorganized code and created some whiplash when reading it.

He then raised a question about the removal of beach box language from one section.

Mr. Butler explained that the language had not been deleted because it is more appropriate in the Code of Ordinances. Additionally, in reviewing Beach Management in the Code it was determined that the beach box language this exact same language was in the beach management ordinance, which will be brought before them an informational item.

Motion by Agency member Bell, seconded by Agency member Wampler to recommend approval of Article 7 in total, be combined with the portion being reworked and brought back to the LPA for their review prior to going forward to Council.

C. Proposed Ordinance 26-06-LC - Land Development Code - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

➤ Item 4B – Article 2, LDC Rewrite

Mr. Butler presented the final item, the rewrite of Article 2 of the Land Development Code.

- He stated that Article 2 had previously been reviewed by the LPA on December 4, 2025, and that only a few changes had been made since then.
- He summarized the changes as follows:
 - Addition of change-of-use vesting language requested by the LPA.
 - Minor formatting revisions.
 - Removal of the word “weather” from the conditional use section.
 - Addition of “Ad Hoc” language regarding the ex officio military installation representative.
 - Revisions making shared parking analysis requests consistent with recently adopted parking reduction language, so such requests would be treated as a major development order requiring Council approval.
 - Clarification to the development-order exemption language by adding “or deviation thereof,” to reflect how staff had historically interpreted those exemptions.
 - Removal of references to the Destin Design Manual.
- Agency member Buhr asked about references to “City Standards” and whether those should be defined, since the Design Manual was being removed in the glossary. Mr. Butler stated that defining “City Standards” had already been flagged from a prior meeting.
- Agency member Buhr then directed the attention to the new change-of-use vesting language and asked that it be displayed. He stated he liked the draft language and wanted to confirm that it achieved the board’s earlier intent.

DRAFT

- Using short-term rental and restaurant examples, he walked through how the provision would work if a use had been approved, established within two years, then later went vacant or switched temporarily without physical modifications.
- Staff confirmed that, as drafted, once the approved change of use is established within two years, it remains vested so long as the approved conditions are not materially changed or modified.

Motion by Agency member Wampler, seconded by Agency member Purut hat the LPA recommend approval of Ordinance 25-24-LC by City Council. The motion passed with a vote of 6-0.

- Chairman Wood reminded staff that, with the Design Manual going away, anything needing to be reincorporated into the LDC for clarity should be brought back appropriately.
- Mr. Butler responded that the City Engineer was actively reviewing applicable material from the Design Manual and expected most of it to be integrated into Article 6.

The Chair then moved to final comments and opened the hearing for public comments. With no public present, he closed the public comment portion of the meeting.

Agency member Bell commented that, although the meetings are long, she appreciated the input and participation from board members and staff, stating that participation is part of being “a good citizen and a participating member” of the community.

The Chair thanked everyone for their work and participation.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:35 p.m.

Adopted and approved this _____ day of _____ 2025.

James T. Wood, Jr. Chairman

Kimberly Montgomery Deputy City Clerk

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
OCTOBER 28, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Bobby Wagner
Councilmember Jim Bagby
Councilmember Kevin Schmidt
Councilmember John Stephens

Councilmember Dewey Destin
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

Interim City Manager Larry Jones
Projects/Grants/Contract Manager Jeffrey Cozadd
Senior Planner Daniel Butler
Planner Jesse Hernandez
Special Projects Counsel Kyle Bauman

City Clerk Rey Bailey
Principal Planner Steve o'Connor
Planner Sherry Burney
Planner Ashley Dominguez

PUBLIC COMMENTS: None

WORKSHOP

A. Draft Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability

Principal Planner Steve O'Connor introduced the focus of the new article, which consolidates and restructures existing environmental regulations, particularly those from the current Article 11 related to beach and resource management. The updated article, renamed "Resource Conservation, Protection, Resiliency, and Sustainability," integrates sections on sustainability and resiliency scattered throughout the current code to streamline and clarify these issues in a single location.

Mr. O'Connor emphasized the town's reliance on its natural environment, asserting that the community's identity and existence depend heavily on preserving its natural beauty and resources. Due to this significance, considerable effort was devoted by staff to ensure the article reflects both community needs and modern regulatory practices. Staff sought to address longstanding confusion over existing regulations, incorporating updated policy guidance and best practices to offer clarity.

Mr. O'Connor then introduced the Senior Planner Daniel Butler noting that Mr. Butler and a former city employee Rachel Hoag, were instrumental in drafting the new article. Both

have educational and professional backgrounds in environmental fields—Mr. Butler in fishery management and Ms. Hoag in sustainability—which formed the basis for this critical regulatory framework.

Senior Planner Daniel Butler gave the following presentation:

Language

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

Format:

- **Significant deviation from the current LDC format**
- **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**

Mr. Butler provided an overview of Article 7, focusing on resource conservation, protection, resiliency, and sustainability. He noted that the new article consolidates much of the material from Article 11 of the existing Land Development Code (LDC), along with specific portions of Article 7, particularly regarding alternative energy generation. He stated that the current LDC structure has proven cumbersome for staff, contractors, and citizens alike due to its complex language and format.

The revision aims to streamline and simplify this language, making the content clearer and more accessible. They have reduced the legalistic language to make it easier for all users to read, understand, and implement in their everyday practice. He emphasized that the updated format departs significantly from the existing LDC’s dense paragraphs and lengthy sentences. Instead, the revised version presents information in lists and concise, user-friendly formats.

One key improvement is the inclusion of a graphic-based chart for determining allowable dock lengths, which replaces a series of text-heavy descriptions. He explained that current regulations for marina siting, for example, are scattered across sentences and cross-referenced footnotes, making them difficult to follow. The new chart allows users to quickly locate their property’s zoning designation—such as Upland Zone, South Harbor Mixed Use, or Choctawhatchee Bay—then refer directly to the chart to identify the permitted dock length for that specific area. The update to Article 7 reflects a concerted effort to make the LDC more navigable and functional for all users.

Organization and Consolidation:

- **Section 7.01**
 - ❖ **Bay Shoreline Protection Zone – 11.01.10**
 - ❖ **Gulf Shoreline Protection Zone – 11.01.01, 11.03.01**

- ❖ **White Sand Protection Zone – 11.07.00**
- ❖ **Environmentally Sensitive Areas – 11.01.03, 11.01.04, 11.01.06, 11.01.07, 11.01.09, 11.03.02**
- ❖ **Significant Environments and Wildlife Protection – 7.17.04**
- **Section 7.02**
 - ❖ **Marina Siting – 11.05.00**
- **Section 7.03**
 - ❖ **Archeological and Historical Resource Protection – 7.05.00**
- **Section 7.04**
 - ❖ **Illicit Discharge Detection and Elimination – 11.09.00**
- **Section 7.05**
 - ❖ **Alternative Energy Development – 7.20.00**

Mr. Butler highlighted that the ordinances related to shoreline protection, Gulf shoreline preservation, and white sand areas are now consolidated in a single section, whereas previously they were dispersed throughout Article 11. He also noted that upcoming code sections will cover Marina Siting, including the recently debated Net Positive Environmental Benefit (NPEB) fee, a prominent topic for discussion in the city.

Public Workshops and LPA Meetings

- **Staff conducted multiple public meetings discussing Article 7 and specific topics pertaining to Article 7**
 - ❖ **March 7, 2024 – LPA Meeting (NPEB)**
 - ❖ **March 28, 2024 – HWB (NPEB)**
 - ❖ **April 11, 2024 – LPA Meeting**
 - ❖ **May 16, 2024 – LPA Meeting (NPEB)**
 - ❖ **June 6, 2024 – LPA Meeting (NPEB)**
 - ❖ **July 18, 2024 – LPA Meeting**
 - ❖ **August 8, 2024 – LPA Meeting**
- ***Net Positive Environmental Benefit (NPEB): Section 7.02.05.***
Staff has discussed the NPEB fee and how it should be collected with the HWB and LPA at multiple regularly scheduled meetings. At the April 25, 2024 HWB meeting, the HWB recommended altering the method of NPEB collection, with the LPA recommending a separate method of NPEB collection at the July 18, 2024 LPA meeting.
 - ❖ **HWB Recommendation:** *Chairman Green recommend to the City Council that the current NPEB fee be maintained and the liability of the funds for the NPEB not covered, come from the General Fund with Board member Jones providing the second. After additional discussion regarding the 25%, 10 % & 7% that Council did not approve of, Chairman Green amended his motion to Modify the existing fee structure so that tier one is 10%, tier two at 10% for the canals and commercial is tier three of 25% and anything that is not covered by that, the city would make up the difference from the General Fund for the cost of maintaining the harbor. The motion passed with a unanimous vote of 5-0.*

- ❖ **LPA Recommendation:** *Motion by Agency member Buhr to have a structure set up for nonresidential (430 docks) are charged \$100.00 per year (per slip), residential both multifamily and single family are charged \$50.00 per year (per slip), additionally he recommends two exemptions, one a homestead exemption that allows for 75% as well as an exemption for owners that have previously paid into the NPEB fee, however, it would be on the owner to provide staff with proof of payment towards their NPEB fee with documentation for the following:*
 - *Paid NPEB in 2024 - 10-year exemption per slip*
 - *Paid in 2023 – 9-year exemption*
 - *Paid in 2022 – 8-year exemption*
 - *Paid in 2021 – 7-year exemption*
 - *Paid in 2020 – 6-year exemption*
 - *Paid in 2019 – 5-year exemption*
 - *Paid in 2018 – 4-year exemption*
 - *Paid in 2017 – 3-year exemption*
 - *Paid in 2016 – 2-year exemption*
 - *Paid in 2015 – 1-year exemption*
- ❖ *Agency member Bell provided the second. In discussion, Agency member Buhr, he feels this would be an easy way for staff to regulate and enforce by working with the County and provide fund solvency.*
- ❖ *Agency member Bell questioned how the other impacts regarding the usage of the harbor, that are not generated by any of these slips, factor in the equation. According to Agency member Buhr, that is a great question, however, it is currently not written into the current regs for collection towards the fund. Adding that is on Council to make those changes. The motion passed 5-0.*

DISCUSSION:

Subsequent discussions focused on recommendations from the Harbor and Waterways Board and the Local Planning Agency (LPA) regarding the net positive environmental benefit (NPEB) fee structure for dock and marina projects within the city's harbor. The goal was to determine the preferred direction regarding fee structures to support harbor maintenance, environmental protections, and infrastructure. Senior Planner Daniel Butler presented the topic, explaining that the Harbor and Waterways Board proposed an NPEB fee structure based on a percentage of construction costs: 10% for small, self-certifiable residential projects (Tier 1), 10% for residential docks with 10 or more slips (Tier 2), and 25% for commercial marinas (Tier 3). Currently, the city charges a flat 25% fee on all applicable construction projects. The alternative LPA recommendation bases the fee on slip count, with a \$100 annual fee per slip and a 75% reduction for homesteaded slips. This slip-count structure could provide more stable revenue since it charges existing slips, not just new construction projects, which can vary from year to year.

Councilmember Schmidt questioned if there could be an environmental component to the fee, proposing potential reductions for high-quality, environmentally friendly materials that reduce contamination. He also suggested that dock owners could engage in environmental rehabilitation projects, like oyster reefs, which might qualify them for a fee reduction.

Councilmember Stephens stated that adding that fee variations could account for different vessel types and impacts, with higher fees for larger, commercial, or environmentally taxing boats, while recreational vessels might incur a lower fee.

Councilmember Hebert supported this view, emphasizing the need to distinguish fees for commercial versus residential slips, citing environmental concerns, especially from commercial activities like boat painting and maintenance in the harbor.

Mayor Wagner suggested further legal review of the proposed fee structures, given the complexities raised and the need to ensure all methods comply with city regulations.

Councilmember Bagby expressed concern over the stability of revenue under the existing construction-cost model, as it fluctuates depending on new projects. He supported the LPA's slip-count model for consistent funding. However, he asked for a thorough review by the city's legal team to ensure that both fee structures align with legal standards.

Principal Planner Steve O'Connor confirmed that the LPA model would increase revenue consistency, with an estimated \$43,000 annual intake from the proposed \$100-per-slip fee. In contrast, the Harbor and Waterways Board's tiered model would generate less due to the lower percentages proposed.

Councilmember Bagby requested a five-year comparative revenue analysis to evaluate the potential income under both fee structures, comparing historical data to estimate future stability. Staff confirmed that the average annual revenue since 2006 is around \$24,000, with occasional peaks when large marinas are renovated or constructed.

Councilmember Destin supported maintaining the construction-cost-based fee, proposing instead to increase the fee percentage if more revenue is needed. He argued this approach aligns more closely with environmental impact by incentivizing better materials and environmentally friendly construction methods.

There was a suggestion for a hybrid of the LPA's slip-count approach and the Harbor Board's construction-cost model, advocating for a tiered fee based on vessel size and usage. It was noted that the environmental impact of vessels varies, with larger vessels and commercial activities posing a greater risk than smaller, recreational boats.

Councilmember Bagby expressed concern about reliance on self-reported construction costs, as this could lead to underreporting. He proposed that the city retain the right to review contractors' cost estimates for accuracy but acknowledged that it might be invasive.

Councilmember Geile noted from his professional experience that municipalities struggle to enforce accurate reporting on contractor proposals, a significant challenge in managing fee assessments tied to construction costs.

The council discussed applying fee reductions for homesteaded properties, potentially reducing financial burdens for residents. Homestead properties would pay a reduced rate under the LPA model, while commercial and non-homesteaded properties would contribute more significantly.

Councilmember Destin supported a simpler percentage-based approach, tied to new construction and repair projects, that avoids complicating fee structures. He proposed increasing the percentage to ensure sufficient funds rather than adding more complexity. He also highlighted the importance of providing credits for environmentally friendly construction materials, like composite pilings, which help reduce environmental impact.

The council concluded by asking staff to conduct a five-year financial analysis comparing revenue under both models and to verify the legal standing of each approach. Additionally, they requested further consideration of environmental impact factors, particularly fees that correlate to slip size, vessel type, and material choice in construction projects. Staff will bring back the requested information and recommendations for Council review and decision-making.

❖ ***Dock Length:*** The current measurement of dock length has previously caused some confusion, as there is a maximum limit on docks in the Harbor to two-hundred feet (200'). This is generally measured much like a buffer is measured from the mean high-water line (MHWL) waterward to the maximum allowable length up to 200'.

- ***HWB & LPA Recommendation:*** *Measurement of dock length shall start at the waterward most point of the Mean-High Water Line (MHWL). From the waterward point, a perpendicular line (or perpendicular line to the tangent for a curved MHWL) is drawn the distance allowed waterward. At the maximum length allowed, another perpendicular line (parallel to the MHWL) is drawn between the identified or implied riparian lines. This area depicts the developable marine area (please see graphic in Staff Report for reference). There was no support to include shuttle parking reduction from the discussion at the April 11 meeting. Staff will not include any parking reduction provisions for shuttle parking.*

DISCUSSION

The discussion addressed updates to the regulations regarding dock lengths within various city waterways, specifically focusing on a proposal to simplify the measurement methodology. Currently, dock length requirements vary based on the property's location, whether on a harbor, bay, or bayou, with maximum allowable lengths stated directly in the LDC. The proposed change involves presenting these guidelines in a chart format, making them easier to interpret based on the property's specific location. Additionally, a new graphical illustration, included in meeting packets, was reviewed. This graphic was previously endorsed by both the Harbor Waterways Board and the LPA for its clarity and transparency.

The updated measurement methodology simplifies determining allowable dock length by establishing a defined "developable area" using clear spatial guidelines. Under this approach, property owners would identify the waterward-most point of their property, measure a perpendicular line outward to the maximum allowable dock length (e.g., 200 feet), and then draw a parallel line back to the shore, creating a "box" that marks the dock's permissible construction zone. This method, staff explained, helps avoid potential misinterpretations that could arise from varying property layouts, as seen in previous marina projects.

Staff expressed that this format is more transparent and easier to communicate to residents. The council was invited to provide feedback, raise concerns, or suggest alternative methods.

Councilmember Destin raised questions regarding the rationale behind dock length restrictions on bayfront properties in Destin, contrasting it with the harbor area where a shoreline limits encroachment. He noted that in the harbor, dock lengths were based on a formal study to maintain navigational safety due to the proximity of the shore, but no similar study had been conducted for bayfront properties where shoreline is further away, often miles distant.

Mr. Butler responded by explaining that, according to current code, dock lengths in bay areas are restricted to 1.5 times the lot width at the mean water line or 200 feet, whichever is shorter. However, he confirmed that to his knowledge, no study had been conducted to justify these particular restrictions in bay areas. He clarified that while no changes to these dock length restrictions were proposed, if an applicant needs a longer dock to reach sufficient water depth, they could seek a variance from the Board of Adjustment (BOA) to address site-specific environmental conditions.

Principal Planner Steve O'Connor acknowledged that the current bayfront dock length limitations were set in the city code without an accompanying study or clear justification. He added that the city limits extend only to the mean high-water line on Choctawhatchee Bay, further complicating the enforcement of these regulations. He concurred with Councilmember Destin's assessment that the dock length limits appear arbitrary, acknowledging they were likely adopted without a defined basis but stated there was no current plan to modify them.

❖ ***Comprehensive Plan Policy 6-1.11.3: Consider Scenic Views in Site Plans: Current policy in the Comprehensive Plan requires any waterfront development to include design measures that provide, enhance, and preserve scenic views of the water for the general public from public rights-of-way. Currently, there are no LDC requirements that would implement this policy. Staff discussed potential requirements or incentives with the LPA at both the July 18, 2024 and the August 8, 2024 meetings, with the below recommendation.***

- **LPA Recommendation:** The LPA recommended that any proposed waterfront non-residential or multi-family development (or redevelopment) that provides a perpetual public access easement or dedication to the public from the public right-of-way to the Waterfront may reduce the required open space by 15 percent (15%), provided the Perpetual Public Access Easement or the plot of dedication to the public shall be a minimum of five foot wide (5'), and the development shall dedicate at least four (4) vehicle parking spaces for the public to use as parking, while meeting ADA parking standards.
- ***Motion by Agency member Bell, seconded by Agency member Purut to recommend approval to the City Council of the Draft Article 7 - Resource Conservation and Protection, as presented and discussed. The motion passed unanimous vote of 5-0.***

DISCUSSION:

City staff presented a proposed LDC amendment to implement Policy 6-1.11.3 from the city's comprehensive plan, which focuses on preserving scenic views in waterfront development. Senior Planner Daniel Butler outlined that currently, the comprehensive plan mandates design measures to enhance public scenic views of waterfront areas, but this has not yet been enacted in the LDC. The proposed amendment would require any non-residential or multifamily waterfront development or redevelopment to establish a minimum 5-foot-wide, perpetual public access easement from a public right-of-way to the waterfront. In exchange, developers would be allowed a 15% reduction in required open space if they provide this easement, along with four public parking spaces near the access point. The previously reviewed this proposal and gave it unanimous approval.

Councilmember Destin raised questions about the practical design of the easement, emphasizing its role as a public corridor that would also maintain scenic views. He likened it to a "view corridor" rather than solely a pathway to the beach, suggesting it should prevent the appearance of a continuous wall of buildings and instead provide gaps for scenery. Destin further inquired if the easement could be designed as a "meandering" path, which, though narrow, could still offer a clear line from the roadway to the waterfront.

Councilmember Bagby emphasized that while the 15% open space reduction might incentivize developers to provide public access, he preferred to cap the reduction at 15%. He shared concerns from prior experiences, where developers, even when required to provide view corridors, often landscaped these areas heavily, thereby limiting actual scenic views with dense vegetation. He pointed out that these concerns would need to be considered in the final language to avoid unintended outcomes.

Principal Planner Steve O'Connor provided additional context, clarifying the policy's application specifically to non-residential and multifamily development, which would primarily affect properties along the Gulf and, potentially, certain areas along Holiday Isle. He explained that the city's open space requirements, typically 25-30%, are fairly lenient as they include any area not occupied by buildings or vehicle use, such as pools and decks.

The council agreed that further internal discussion was needed to refine the proposal, with an emphasis on ensuring scenic views while allowing practical public access to waterfront areas.

❖ ***Definition of 'Beach'***

❖ ***Current Definition (Wheeled Vehicle – LDC Section 11.08.02.C.2)***

- 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. Also, the definition of beach includes: (1) any undeveloped property wherein a federal spoils easement exists for the placement of fill from a dredging operation; (2) any undeveloped sandy areas, including sea oats, within a 1,000-foot radius of the Army Corp of Engineers jetty located on the eastern shore of the East Pass; (3) any sandy areas, including sea oats, seaward of any home or condominium building, located between the Army Corp

of Engineers jetty located on the eastern shore of the East Pass, and the entrance of the Destin Harbor; or (4) any undeveloped sandy areas, including sea oats, located on Norriego Point, including the City park, and any sandy areas within 1,000 feet of the park and on Norriego Point.

❖ ***Proposed Rewritten Definition (also in Glossary currently)***

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

DISCUSSIONS:

The Senior Planner presented on the city's efforts to redefine "beach" within the LDC, specifically for clarity and enforcement. He highlighted two current definitions: one found in the "wheel vehicle vendors" section and a second, simpler definition in the glossary, which is proposed for the LDC rewrite. Both definitions contain complexities that make enforcement challenging, particularly with phrases like "physiographic form" and "line of permanent vegetation," which lack clear boundaries. To streamline this, he suggested using the state-established Coastal Construction Control Line (CCCL) as a simple, consistent demarcation of beach areas. This change would help enforce restrictions more effectively.

Councilmember Schmidt supported this simplified approach, advocating for an unambiguous definition. He emphasized that if an area is sandy and undeveloped, it should be classified as "beach" to avoid loopholes.

Councilmember Hebert agreed, stating that a clearer, "dumbed-down" version would prevent ambiguity. She suggested labeling all sandy, undeveloped areas as beach to simplify public understanding and staff enforcement.

Mayor Wagner also supported the CCCL proposal, acknowledging the importance of using a reliable, survey-based boundary that could be referenced citywide. He pointed out that using a defined line would reduce code enforcement complications.

The council discussed implementing a beach bonfire program similar to Walton County's, which generates revenue while allowing controlled, permitted beach bonfires.

Councilmember Schmidt expressed strong support, noting its potential for revenue and enhanced beach experiences. He shared his positive experiences with similar programs in other counties and suggested the city adopt a similar, well-regulated model.

Councilmember Bagby expressed caution, noting potential enforcement issues, such as unauthorized operators and the need for code enforcement to manage compliance, especially during events like weddings. He recommended a structured and enforceable framework to avoid conflicts and negative interactions.

Next, the council addressed concerns about remaining septic systems and the impact of seawalls versus living shorelines.

Councilmember Bagby highlighted the urgency of phasing out septic tanks to protect the Choctawhatchee Bay. He urged the city to enforce the one-year state requirement for connecting to the municipal sewer system where it's available. He asked for this issue to be formally addressed after the newly seated council is sworn-in suggesting potential state or federal grants as support.

Principal Planner Steve O'Connor confirmed that Destin Water Users has data on properties not connected to the sewer system and noted that past city actions were more lenient due to the financial burden on residents. He supported a clearer, enforceable timeline for conversions while considering assistance options for those with financial hardships.

Councilmember Stephens added that the city could pursue grants to offset costs for residents required to convert from septic systems. He suggested that the council looks into ways to make the process affordable for low-income residents.

On living shorelines, Councilmember Schmidt advocated for incentives over seawalls, as living shorelines offer a more sustainable solution for erosion control. He proposed a streamlined permitting process and potential incentives for residential properties willing to adopt this option, noting that seawalls often exacerbate shoreline erosion.

The council addressed concerns regarding marina signage and dock permitting, specifically related to consistency with Army Corps of Engineers and state guidelines.

Councilmember Stephens raised the issue of discrepancies between city and state dock plans, which have previously led to complications.

Mr. O'Connor clarified that recent policies have resolved these issues, requiring applicants to submit the same dock plans to both the city and state agencies to ensure alignment.

PUBLIC COMMENTS:

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:55 PM.

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk



NPEB Summary Analysis

Background

- Net Positive Environmental Benefit (NPEB) fees support funding of infrastructure improvements that benefit or enhance quality water in the Destin Harbor. *Comprehensive Plan Policy 6-1.2.3*
- Annual operating costs (\$50k/year) in harbor include pump utility costs and costs for Professional Services
- Renewal/replacement costs for harbor pump and pumphouse estimated at total cost \$1M every 20 years
- Dredging of the harbor improves water quality and **could** be funded by NPEB funds

LPA Proposal

- **Fully funds** harbor yearly operating costs
- Partially funds 20 year renewal/replacement costs
- Small yearly fee per slip (**homestead fully exempt**)
- Provides predictable funding (*improves budget process*)
- Easier to administer (*reduces staff burden*)
 - Removes 'integrity check' by not utilizing construction costs in the calculation
- Encourages renovation of existing docks through cost reduction to owner (i.e. - removes City's existing 25% fee)

Without Dredging

	Current NPEB	LPA Proposal	LPA Mod Comm=\$250
NPEB Fees	\$36k	\$87.3k	\$151.8k
Operating	(\$50k)	(\$50k)	(\$50k)
Renew/Repl	(\$50k)	(\$50k)	(\$50k)
Dredging	(\$0.0k)	(\$0.0k)	(\$0.0k)
Total – 1yr	(\$64k)	(\$12.7k)	+\$51.8k
Total – 5yr	(\$320k)	(\$63.5k)	+259k
Total – 10yr	(\$640k)	(\$127k)	+518k

With Dredging

	Current NPEB	LPA Proposal	LPA Mod Comm=\$250
NPEB Fees	\$36k	\$87.3k	\$151.8k
Operating	(\$50k)	(\$50k)	(\$50k)
Renew/Repl	(\$50k)	(\$50k)	(\$50k)
Dredging	(\$66.6k)	(\$66.6k)	(\$66.6k)
Total – 1yr	(\$130.6k)	(\$79.3k)	(\$14.8k)
Total – 5yr	(\$653k)	(\$396k)	(\$74k)
Total – 10yr	(\$1.31M)	(\$793k)	(\$148.6k)

PROPOSED FEE SCHEDULE:

last updated: 3/11/2026 2:39 PM

Harbor Slip Type	Proposed	
	Slip Count	Annual Fee
Non-Residential (aka Commercial)	430	\$ 100 \$ 43,000
Single Family Residential	530	\$ 50 \$ 26,500
Multi-Family Residenetial	516	\$ 50 \$ 25,800 <i>LESS EXEMPTIONS</i>
TOTAL	1476	\$ 95,300 -8000 \$ 87,300

Account Description						BUDGET					
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Npeb (NOTE A)	1,884	5,575	54,961	122,967	57,937	25,000	87,300	87,300	87,300	87,300	87,300
Interest earned (NOTE B)	540	281	1,409	10,647	10,636	5,000	5,847	7,509	9,183	3,865	-
NPEB HARBOR FUND CASH IN	2,424	5,856	393,207	133,614	68,573	30,000	93,147	94,809	96,483	91,165	87,300
Professional Services (NOTE C)	-	32,500	-	-	6,368	-	14,252	14,679	15,120	15,573	16,040
Harbor Pump Utilities & Op Fees	-	-	-	1	29,566	36,905	31,400	32,300	33,300	34,300	35,300
Dredging (NOTE D)	-	-	-	20,580	-	110,000	-	-	200,000	-	-
Harbor Pump Renewal/Replacement (NOTE E)	-	18,025	(884)	147,438	-	-	-	-	-	450,000	-
NPEB HARBOR FUND CASH OUT	-	50,525	335,953	168,019	35,934	146,905	45,652	46,979	248,420	499,873	51,340
NET CHANGE	2,424	(44,669)	57,254	(34,406)	32,639	(116,905)	47,495	47,830	(151,937)	(408,708)	35,960
BEGINNING BALANCE	270,710	273,134	228,465	285,719	251,314	283,953	167,048	214,543	262,372	110,436	(298,272)
ENDING BALANCE	273,134	228,465	285,719	251,314	283,953	167,048	214,543	262,372	110,436	(298,272)	(262,312)

NOTE A: Start new fee schedule FY 2027

NOTE B: Interest earned on bank and investment account balances (fund "ending balance")

NOTE C: Water Quality Analysis (9/25 points x \$3184 1/4ly); Annual cleaning 5/15 Stormwater Outfalls x \$15k/yr; CBA monitoring 2/15 x \$35k/yr

NOTE D: Dredge every 3 years \$400k (50/50 NPEB/Grant). FY 2020 Dredging was \$301k covered 50/50 by grant and Gen Fund. FY 2026 Dredging is \$838 (\$478k grants + \$250k Gen Fund + \$110k NPEB fund). FY 26 is expensive because it has been nearly 6 years since previous dredging. The \$20k in FY 24 was for a bathymetric study for Bid Document prep.

NOTE E: The Harbor Pump had major rennovations FY21 and FY24 \$300,000 paid by General Fund. This did not include the motor and pumphouse. Renewal & Replacement schedule recommends rennovations to the Pumphouse in 2030 (est \$450k) and to replace or rennovate the Pump in 2036 (est \$750k).

CURRENT NPEB FEE SCHEDULE:

last updated: 3/11/2026 2:39 PM

25% of the cost of construction for all marinas, docks, piers or other similar development within the Destin harbor and adjacent canals.

Account Description	TB Actuals	TB Actuals	TB Actuals	TB Actuals	TB Actuals	YTD Actuals	Projections	Projections	Projections	Projections	Projections
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Npeb	1,884	5,575	54,961	122,967	57,937	25,000	25,000	25,000	25,000	25,000	25,000
Interest earned	540	281	1,409	10,647	10,636	9,938	6,020	5,507	4,930	-	-
NPEB HARBOR FUND CASH IN	2,424	5,856	393,207	133,614	68,573	34,938	31,020	30,507	29,930	25,000	25,000
Professional Services	-	32,500	-	-	6,368	-	14,252	14,679	15,120	15,573	16,040
Harbor Pump Utilities & Op Fees	-	-	-	1	29,566	36,905	31,415	32,315	33,315	34,315	35,300
Dredging	-	-	-	20,580	-	110,000	-	-	200,000	-	-
Harbor Pump Renewal/Replacement	-	18,025	(884)	147,438	-	-	-	-	-	450,000	-
NPEB HARBOR FUND CASH OUT	-	50,525	335,953	168,019	35,934	146,905	45,667	46,994	248,435	499,888	51,355
NET CHANGE	2,424	(44,669)	57,254	(34,406)	32,639	(111,967)	(14,647)	(16,487)	(218,505)	(474,888)	(26,355)
BEGINNING BALANCE	270,710	273,134	228,465	285,719	251,314	283,953	171,986	157,339	140,851	(77,653)	(552,541)
ENDING BALANCE	273,134	228,465	285,719	251,314	283,953	171,986	157,339	140,851	(77,653)	(552,541)	(578,897)

City of Destin Business Impact Statement – Ord 26-06-LC – Land Development Code (LDC)
Rewrite DRAFT Article 7 – ‘Resource Conservation, Protection, Resiliency, and
Sustainability’

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. 26-06-LC relates to the Land Development Code (LDC) rewrite. It consolidates all regulations regarding various environmental protections from existing Article 11 and 7 consolidates them into one Article 7 – ‘Resource Conservation, Protection, Resiliency, and Sustainability’.

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

The proposed ordinance will potentially have positive impacts on private, for-profit businesses, as this ordinance proposes a new methodology to collect Net Positive Environmental Benefit (NPEB) fees, which would be assessed to property owners on an annual basis, based on number of slips. This would replace the current methodology of the NPEB fee being based off the cost of construction. This would be a positive change in the fact that private contractors’ costs would not be directly effecting the NPEB fee paid by the property owner. The remainder of the ordinance will have no economic impact on such businesses, as most of the regulations contained herein are existing.

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

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

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

The adoption of this proposed ordinance proposes a new methodology to collect Net Positive Environmental Benefit (NPEB) fees, which would be assessed to property owners

on an annual basis, based on number of slips. This would replace the current methodology of the NPEB fee being based off the cost of construction.

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

The new NPEB collection methodology in the proposed ordinance would increase revenue in the NPEB fund. This fund is used for harbor operating costs, such as the pump, as well as to fund water quality studies, etc. This new methodology would provide more predictable funding and budgeting, be easier for Staff to administer, and would encourage renovation of existing docks. However, Staff is not aware of the costs associated with assessing this fee to the property owners each year at this time.

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

The only type of businesses that would be impacted by this ordinance are marine contractors, in a very limited capacity, which as stated previously is a positive impact.

City of Destin LDC Rewrite Approval Timeline

