



# City of Destin

---

June 26, 2003

Order No. 03-18

**Final Amended Development Order:**

**"BEACH POINTE CONDOMINIUMS, 1<sup>st</sup> AMENDMENT"  
A MAJOR DEVIATION TO A PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-03-04)**

Based upon the City Council's approval of this amended development order on June 16, 2003, this document will serve as your Final Amended Development Order, to include all of the provisions of the attached Technical Review Committee Report and with the following conditions, as specified by the City Council:

**BACKGROUND / ISSUE:**

**Applicant:** Choctaw Engineering, Inc., on behalf of Daniel J. Fitzpatrick, is requesting approval of a Major Deviation to a previously approved Major Development identified as "Beach Pointe Condominiums, 1<sup>st</sup> Amendment."

**Request:** The proposed development consists of amending the existing development order, which allowed for two (2) three-story lodging unit condominium buildings (each: 3,414 sq. ft. and totaling: 6,218 sq. ft.), with a total of six (6) lodging units. This amendment is requesting a single, 4-story, 4 dwelling unit residential condominium building.

**Location:** The proposed development is located 3659 Scenic Highway 98, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0000-0041-0000.

**Parcel Size:** The total site area is 0.459 acres, more or less.

**Future Land Use:** Crystal Beach Resort (CBR)

**Zoning District:** Business Tourism (BT)

**Density:** Allowed: 12 dwelling units per acre or 24 lodging units per acre (5 dwelling units or 11 lodging units for this 0.459 acres site, more or less)  
Provided: 4 dwelling units

**Intensity:** Not applicable

**Application Date:** February 3, 2003

**TRC Date:** February 19, 2003

**Approved Site Plan Date:** May 19, 2003

**Planning Commission Date:** June 5, 2003

**City Council Date:** June 16, 2003

## DETERMINATIONS:

1. The Destin City Council held a hearing on June 16, 2003. The City Council approved the development by a vote of 5-0. The recommended motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated May 19, 2003, and amended June 6, 2003, and June 17, 2003.
2. The Planning Commission considered the proposal on June 5, 2003, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 4-0; and
3. All the findings of the Technical Review Committee report dated May 19, 2003, and amended June 6, 2003, and June 17, 2003, are incorporated herein.

## CONDITIONS OF APPROVAL FOR "BEACH POINTE CONDOMINIUM, 1<sup>st</sup> AMENDMENT" A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-03-04):

1. Pursuant to the City of Destin Land Development Code and the City of Destin Code of Ordinances:

Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on June 26, 2003 (no later than June 26, 2004), and must be completed as shown on plans approved by the Technical Review Committee.

**WARNING: If the applicant/owner has not obtained a building permit(s) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.**

**NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC for further explanation of the Development Order extension process.**

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Beach Pointe Condominiums, 1<sup>st</sup> Amendment" will be protected. **However, the protected concurrency status will be lost if:**
  - A. **Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, or**

**B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.**

3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
  - A. Disturbance of the City's right-of-way.
  - B. Pavement cuts.
  - C. Construction of any kind.
  - D. Clearing, grubbing, or demolition.
  - E. Paving, grading, drainage, sidewalks.
  - F. Signage.
  - G. Installation of utilities.
  - H. Construction trailers.
4. All conditions from original Development Order No. 02-32 remain in affect.
5. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
6. **Prior to the issuance of a Building Permit for development activity**, all FDEP approvals must be issued and forwarded to the City of Destin.
7. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
8. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting must be inspected and approved by the Community Development Department.
9. **Prior to the issuance of a Certificate of Occupancy**, the plat will have to be recorded and the following will have to be provided to the City: 1) One (1) copy of the recorded mylar plat & recorded condominium documents, 2) Three (3) blueprints of the recorded plat, and 3) Two (2) 11" x 17" reduced copies of the recorded plat.
10. **Prior to the issuance of a Certificate of Occupancy**, the Condominium documents must be reviewed and approved by the City Land Use Attorney. The Condominium documents must contain, at a minimum, the provisions stated in the Condominium affidavit dated October 30, 2001. Additionally, a copy of the Condominium documents that have been recorded with the state must be filed with the City of Destin.
11. Compatibility Analysis Conditions:
  - A. No lighting plan has proposed as part of the site plan. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill over and illumination into the night sky. The source of all illumination should not be visible from off-site.

12. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.
13. The site is very tight and any blockage of traffic would cause significant traffic problems, no construction vehicle parking OR storing of construction materials, equipment, trash dumpsters or port-o-lets shall be in the right-of-way. No off-loading of materials or equipment that would require blocking one or both driving lanes of Scenic 98 shall be allowed.
14. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and a revised stormwater plan shall be re-submitted for review and approval.
15. **Prior to obtaining any city permit**, a copy of the NPDES & FDEP stormwater & coastal systems approvals shall be forwarded to the City Engineer's office.
16. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

## TECHNICAL REVIEW COMMITTEE REPORT

### "BEACH POINTE CONDOMINIUMS, 1<sup>ST</sup> AMENDMENT" A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-03-04)

TRC Report: May 19, 2003, and amended June 6, 2003, and June 17, 2003

#### ISSUE:

**Applicant:** Choctaw Engineering, Inc., on behalf of Daniel J. Fitzpatrick, is requesting approval of a Major Deviation to a previously approved Major Development identified as "Beach Pointe Condominiums, 1<sup>st</sup> Amendment."

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**Location:** The proposed development is located 3659 Scenic Highway 98, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0000-0041-0000.

**Parcel Size:** The total site area is 0.459 acres, more or less.

**Future Land Use:** Crystal Beach Resort (CBR)

**Zoning District:** Business Tourism (BT)

**Density:** Allowed: 12 dwelling units per acre or 24 lodging units per acre (5 dwelling units or 11 lodging units for this 0.459 acres site, more or less)  
Provided: 4 dwelling units

**Intensity:** Not applicable

**Application Date:** February 3, 2003

**TRC Date:** February 19, 2003

**Approved Site Plan Date:** May 19, 2003

**Planning Commission Date:** June 5, 2003

**City Council Date:** June 16, 2003

#### DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of Daniel J. Fitzpatrick, is requesting approval of a Major Deviation to a previously approved Major Development identified as "Beach Pointe Condominiums, 1<sup>st</sup> Amendment." The proposed development consists of amending the existing development order, which allowed for two (2) three-story lodging unit condominium buildings (each: 3,414 sq. ft. and totaling: 6,218 sq. ft.), with a total of six (6) lodging units. This amendment is requesting a single, 4-story, 4 dwelling unit residential condominium building. The proposed development is located 3659 Scenic Highway 98, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0000-0041-0000. The total site area is 0.459 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions as described on pages 9 and 10 of this report. Refer to the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated May 30, 2003.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review. This project is not located within the Community Redevelopment Agency District

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions as stated below.

**COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Crystal Beach Resort (CBR) and a Zoning designation of Business Tourism (BT). The proposed use is consistent with the CBR Future Land Use designation and is a permitted principal use within the BT zoning district.

**COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions. Refer to the complete Compatibility Analysis from the City's Compatibility Consultant; dated May 30, 2003.

**DENSITY:**

The CBR Future Land Use designation allows for 12 dwelling units per acre. The subject property contains 0.459 acres, more or less. The allowable density for this parcel size is 5 dwelling units. The applicant is requesting 4 dwelling units, which is below the allowable density of 5 dwelling units.

**HEIGHT:**

The BT zoning district does not have a maximum building height. However, the Crystal Beach Resort (CBR) Future Land Use Designation states that all new development, residential and nonresidential, shall not exceed 4 stories, and shall not exceed 50 feet in height as measured from the crown of the road. The limit of 4 stories or 50 feet includes both habitable and non-habitable space. Non-habitable space includes, but is not limited to, parking. Therefore, the maximum building height for this project is determined by the CBR Future Land Use designation because the Land Development Code (BT Zoning District) cannot supersede the requirements set forth within the Comprehensive Plan (CBR Future Land Use Designation). The proposed height of the condominium building is (4 stories) and 49.67 feet from the crown of the road.

**FLOOR AREA RATIO:**

Floor Area Ratio (FAR) calculations are not applicable to residential dwelling uses in the CBR Future Land Use designation.

**RIGHT-OF-WAY DEDICATION:**

No right-of-way dedication is required for this project.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: **X**  
Potable Water: **X**  
Sanitary Sewer: **X**  
Traffic: **X**  
Stormwater Management: **X**

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., dated February 19, 2003, the proposed development will have no impact to US Hwy 98. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibit "D").

**SUBDIVISION OR PUD - PLAT:**

The applicant has a signed Condominium Affidavit indicating their intent. The following is a brief excerpt from the affidavit:

- A. The Condominium Declaration will include a restriction, enforceable by the Beach Pointe Condominiums Owners Association, providing that all four (4) dwelling units may be rented or leased for a term of less than thirty (30) days;
- B. Mr. Daniel J. Fitzpatrick, or authorized agent, will provide a draft of the Condominium Declaration for the Beach Pointe Condominiums, with the above-referenced provisions, to the City's Community Department at least fourteen (14) days prior to recording the documents; and
- C. Mr. Daniel J. Fitzpatrick, or authorized agent, will provide a copy of the final recorded version of the Condominium Declaration for the Beach Pointe Condominiums with the above-referenced provisions to the City's Community Department at least seven (7) days prior to application for Certificate of Occupancy.

**WHITE SANDS ZONE:**

The project property is located within White Sand Zone I.

**PHASING:**

The development is not to be phased.

**AIRPORT PROTECTION:**

The subject site is not located within the airport protection area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

**SETBACKS:**

The proposed buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District.

	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front (north):	0'	10' FP	10.10' including the 10' FP
Back (south):	Determined by FDEP	N/A	125' +/-
Side (east):	20'	5' CB	20.67' including the 5' CB
Side (west):	20'	5' CB	20.65' including the 5' CB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard ten (10) foot front perimeter landscape buffer on the northern property line and a five (5) foot common boundary buffers along the eastern and western property lines.

**SIGNS:**

No sign approval is part of this application. All future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated February 13, 2003

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated February 19, 2003.

**GULF POWER:**

Gulf Power approved the project in a letter dated February 18, 2003.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated February 19, 2003.

**SPRINT:**

Sprint approved the project in a letter dated February 10, 2003.

**WATER/SEWER PROVIDER:**

South Walton Utility, Inc., approved the project in a letter dated April 29, 2003.

**UTILITIES:**

Underground utilities are required.

**STORMWATER:**

The City Engineer approved the stormwater plan in a letter dated February 11, 2003, and had the following **stormwater** related conditions:

1. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and a revised stormwater plan shall be re-submitted for review and approval.
2. **Prior to obtaining any city permit**, a copy of the NPDES & FDEP stormwater & coastal systems approvals shall be forwarded to the City Engineer's office
3. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

**INGRESS/EGRESS:**

A 24' wide ingress/egress access will be provided off of Scenic Highway 98.

**REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service located within the first floor parking area.

**SIDEWALKS:**

A 5' wide sidewalk must be installed along the entire length of the Scenic Highway 98 right-of-way (ROW) and the 5' wide sidewalk and pedestrian crosswalk across Scenic Highway 98 prior to any Certificate of Occupancy.

**OPEN SPACE/LANDSCAPE:**

**Open Space Requirements:**

Development Area: 19,996.05 sq. ft. (0.459 acres, more or less)  
 Required 18% Open Space: 3,599.29 sq. ft.  
 Provided Open Space: 9,046.23 sq. ft. (20.7%)

**Tree Requirements:**

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree):	0
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>0</u>
 Reforestation Trees (1 per every .10 of an acre: 0.459 x 10 = 5) Required on Site:	 5

**Note: Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.**

Total Reforestation Trees Required on Site:	5
Front Perimeter Trees (1 per 25') Required on Site:	4
Parking Lot Trees (1 per end row and landscape island) Required on Site:	0
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	N/A
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site: (Conditional Compatibility Vegetation):	N/A
	<hr/>
<b>TOTAL TREES REQUIRED:</b>	<b>9</b>
<b>TOTAL TREES PROVIDED:</b>	<b>10</b>

A five (5) foot Common Boundary Landscape Area is required along eastern and western property lines. A ten (10) foot Front Perimeter Landscape Area is required along the northern property line. The required five (5) foot Common Boundary landscaping along the eastern and western property lines shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. All required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department.**

**PARKING:**

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

Per code:

Dwelling, multi-family: 2.25 spaces per dwelling unit

Per site plan:

Dwelling, multi-family: 2.25 x 4 dwelling units = 9 spaces

**TOTAL REQUIRED: 9 parking spaces (including 1 handicap space)**  
**TOTAL PROVIDED: 9 parking spaces (including 1 handicap space)**

**LOADING SPACE (ZONE):**

The project meets the loading space requirements of the Destin Land Development Code as indicated on the approved plans and are as follows:

**TOTAL REQUIRED: 0 loading space**  
**TOTAL PROVIDED: 1 temporary loading space is identified on the site plan with conditions that parked vehicles loading/unloading shall not encroach or block sidewalks and sidewalk shall be a minimum of 6" thick and reinforced for truckloads.**

**STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT**

1. FDEP Coastal Systems & Stormwater
2. NPDES Stormwater

**IMPACT FEES:**

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. Any claims for exemption or credits must be made no later than the time a Certificate of Occupancy is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the final impact fee amounts prior to the issuance of a Certificate of Occupancy:

Park: The park impact fees were calculated using the "Multi-family per unit = \$113.03" amount.

Multi-family:

4 dwelling units x \$113.03 = \$452.12

**Total for Park: \$452.12**

Public Library: The public library impact fees were calculated using the “Multi-family per unit = \$76.19” amount.

Multi-family:

4 dwelling units x \$76.19= \$304.76

**Total for Library: \$304.76**

Police Protection: The police protection impact fees were calculated using the “Residential – U.S. 98 Corridor Hotel/motel per unit = \$14.50” amount.

Multi-family:

4 dwelling units x \$14.50 = \$58.00

**Total for Police Protection: \$58.00**

Road: The road impact fees were calculated using the “Multi-family Dwelling Unit = \$577.00” amount.

Multi-family:

4 dwelling units x \$577.00 = \$2,308.00

**Total for Road: \$2,308.00**

Totals:

Parks:	=	<b>\$452.12</b>
Public Library:	=	<b>\$304.76</b>
Police Protection:	=	<b>\$58.00</b>
Roads:	=	<b>\$2,308.00</b>
<b>TOTAL:</b>	=	<b>\$3,122.88</b>

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available. The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	<b>Paid</b>
City Compatibility Consultant:	<b>Paid</b>
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	<b>Paid</b>
Re-Review Fees (Engineering Dept.)	<b>Paid</b>
Administrative Costs:	<b>\$8.15</b>
Planning Commission Advertising:	<b>\$55.08</b>
City Council Advertising:	<b>\$58.32</b>
<b>TOTAL (as of 6/16/03) =</b>	<b>\$121.55 (Subject to change)</b>

**COMMENTS/CONDITIONS:**

**Public Input:**

No public comments have been presented to staff at the time of this report.

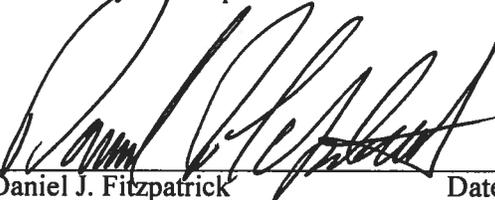
**Per Community Development Department:**

1. All conditions from original Development Order No. 02-32 remain in affect.
2. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
3. **Prior to the issuance of a Building Permit for development activity**, all FDEP approvals must be issued and forwarded to the City of Destin.
4. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
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Per Engineering Department Approval Letter dated May 19, 2003:

1. The site is very tight and any blockage of traffic would cause significant traffic problems, no construction vehicle parking OR storing of construction materials, equipment, trash dumpsters or port-o-lets shall be in the right-of-way. No off-loading of materials or equipment that would require blocking one or both driving lanes of Scenic 98 shall be allowed.
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Gerald F. Mucci, AICP      6-26-03  
Community Development Director      Date

  
Daniel J. Fitzpatrick      6/30/23  
Owner      Date