



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

March 28, 2008

Order No. 08-12

Final Development Order:

"DESTIN WATERSPORTS" A MINOR DEVELOPMENT (SP-07-16)

Based upon the City's approval and issuance of this Development Order, on March 28, 2008, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

BACKGROUND / ISSUE:

Applicant: Destin Watersports, Inc., on behalf of Oak Harbor Holdings, Inc. is requesting approval of "Destin Watersports," a Minor Development.

Request: The proposed development consists of one 883 square feet 1-story office building for a water sport rental business.

Location: The proposed development is located at 390 Harbor Boulevard in the City of Destin of Okaloosa County, Florida, more specifically identified with the following Tax Parcel I.D. Number: 00-2S-22-0630-0000-05A0 and 00-2S-22-0630-0000-05A1.

Parcel Size: The current site area is 1.61 acres, more or less.

Future Land Use: South Harbor Mixed Use (SHMU)

Zoning District: South Harbor Mixed Use (SHMU)

Density: Allowed: N/A

Proposed: N/A

Intensity: Allowed: .60 Floor Area Ratio (FAR)

Proposed: 0.012 FAR

Application Date: April 10, 2007

TRC Date: May 16, 2007

Approved Site Plan Date: March 18, 2008

DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated March 18, 2008 are incorporated herein.

CONDITIONS OF APPROVAL FOR "DESTIN WATERSPORTS" A MINOR DEVELOPMENT (SP-07-16):

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

Construction of infrastructure 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 March 28, 2008 (no later than March 28, 2009), 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) for either the construction of infrastructure or construction of the entire project and that construction has not commenced within one (1) year of issuance of the final development order, the final development order will become null and void and the application for development order approval must be re-initiated. (Article 2, Section 2.21.00)

NOTE: Construction of infrastructure shall be defined as site work, grading, or other construction activity (not including clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. (Article 2, Section 2.21.00)

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline for either the construction of infrastructure or construction of the entire project must submit a written 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 of infrastructure or construction of the entire project. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, of the Destin Land Development Code 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 “Destin Watersports” will be protected. **However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:**
 - A. **Construction permit(s) in association with construction of infrastructure or construction of the entire project are not obtained in accordance with Article 2, Section 2.10.00 of the Land Development Code to maintain concurrency, or**
 - B. **Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued so that concurrency is not maintained under Article 6 of the Destin Land Development Code.**
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 (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - 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. **Conditions Per Community Development Department:** Refer to pages 12 thru 14 of the attached TRC Report dated March 18, 2008.
5. **Conditions Per Engineering Department:** Refer to page 14 thru 15 of the attached TRC report dated March 18, 2008.
6. **Conditions Per Destin Water Users, Inc.:** Refer to page 15 of the attached TRC Report dated March 18, 2008.

TECHNICAL REVIEW COMMITTEE REPORT

“DESTIN WATERSPORTS” A MINOR DEVELOPMENT (SP-07-16)

TRC Report: March 18, 2008

ISSUE:

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DISCUSSION/FINDINGS:

Destin Watersports, Inc., on behalf of Oak Harbor Holdings, Inc. is requesting approval of “Destin Watersports,” a Minor Development. The proposed development consists of one 883 square feet 1-story office building for a water sport rental business. The proposed development is located at 390 Harbor Boulevard in the City of Destin of Okaloosa County, Florida, more specifically identified with the following Tax Parcel I.D. Number: 00-2S-22-0630-0000-05A0 and 00-2S-22-0630-0000-05A1. The current site area is 1.61 acres, more or less.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which includes a technical and Concurrency Management review.

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 South Harbor Mixed Use (SHMU) and a Zoning designation of South Harbor Mixed Use (SHMU). The proposed use is consistent with the South Harbor Mixed Use (SHMU) and Future Land Use designation and is a permitted principal use within the South Harbor Mixed Use (SHMU) and Zoning Districts.

LAND USE TRANSITION & SPECIAL DESIGN CRITERIA:

Comprehensive Plan: 2010 Policy 1-2.1.7 requires that *“All property designated for nonresidential use on the FLUM shall be developed and designed to ensure a smooth land use transition between the said nonresidentially designated property and any directly abutting low rise residential property, either existing or identified on the FLUM.”* The LDC requirements regulating “special design criteria” are *“...to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Destin.”* This section also states, *“These standards and regulations are intended to promote and protect the desired character of the City, including promoting multimodal transportation opportunities, and that ensure compatibility with surrounding development.”* [LDC, §7.09.00].

Criteria for consideration to ensure smooth land use transition and special design include:

- Surrounding development
- Mechanical equipment
- Outdoor storage and display
- Solid waste collection areas
- Parking, loading, or accessway areas

Surrounding development:

The proposed development consists of one 883 square feet 1-story building for office space of a water sport rental business. The following is a description of the surrounding area:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	North Harbor Mixed Use (NHMU)	North Harbor Mixed Use (NHMU)	North: Commercial (Mae Center Office Building)
South	Destin Harbor	Destin Harbor	Destin Harbor
East	South Harbor Mixed Use (SHMU)	South Harbor Mixed Use (SHMU)	East: Commercial (Inn of Destin Harbor)
West	South Harbor Mixed Use (SHMU)	South Harbor Mixed Use (SHMU)	West: Multi-Family (Destin Yacht Club)

As described herein, the surrounding uses include office space, hotel/motel, multi-family and the harbor. The intensity and density of development is below the maximum intensity provided for in the Land Development Code and density provided in the Comprehensive Plan. The density and Floor Area Ratio of the project is detailed below.

Mechanical equipment:

Condition: Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other

equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement.

Solid waste collection areas:

All non-construction related dumpsters, trashcans, and recycling bins are to be placed in solid waste collection areas or inside a building. Solid waste collection areas are to be set back a minimum of ten feet from any property line that abuts single-family, duplex or townhome uses.

Condition: All solid waste collection areas shall be enclosed by a 100 percent opaque fence, wall, or hedge that is a minimum of six feet in height. All enclosures shall have gates that are 100 percent opaque. These gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, please post a sign on the gates requesting that these gates remain closed.

Parking, loading, or accessway areas (abutting residential uses):

Areas used or set aside for parking, loading, accessways or service and utility areas are separated by at least ten feet from the property line abutting single-family residential homes.

The site plan for “Destin Watersports” complies with the City of Destin Comprehensive Plan Policy 1-2.1.7 and the Land Development Code §7.09.00.

Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to further analysis if required pursuant to provisions of the Comprehensive Plan [Policy 1-2.1.7] and Land Development Code [LDC, §7.09].

MASSING (WIDTH AND DEPTH) AND HEIGHT:

The proposed development consists of one 883 square feet 1-story building for office space for a water sport rental business. The proposed new building measures 13.8 feet wide by 64.0 feet deep. This proposed building is one story with a proposed building height of approximately 12.0 feet measured to the cornice line.

DENSITY:

Not applicable.

INTENSITY:

The FAR calculation methodology results in an FAR of 0.012, which is also below .60 and is calculated as follows:

Total sq. ft. of existing and proposed buildings / sq. ft. of subject parcel = FAR

883 sq. ft. /70,132 sq. ft. = 0.012 FAR

SETBACKS AND BUFFERS:

The proposed development meets all of the required setbacks for the SHMU Zoning Districts.

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (North):	5' -15'	N/A	approx. 143.40'
Side (East):	0'	5' CB	approx. 10.0' including 5' CB
Side (West):	0'	5' CB	approx. 183.90' including 5' CB
Rear (South):	0'	N/A	approx. 121.10'
Between Bldgs.:	10'	N/A	N/A (all buildings structurally connected)

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Zone and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: a five-foot common boundary buffer along the eastern and western property line.

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 transportation/traffic concurrency review conducted by the City's Transportation Manager, currently represented by Renaissance Planning Group (RPG), Inc., and approved on January 18, 2008, the proposed development will not degrade the level of service of those major transportation modes and facilities in the City of Destin and complies with the goals, objectives, and policies of the multimodal transportation district as found in the City's Comprehensive Plan: 2010.

As a requirements of the City's multimodal transportation district, as adopted in Comprehensive Plan: 2010, the City's Transportation Manager has reviewed and approved the applicant's traffic impact analysis dated March 27, 2007.

SUBDIVISION OR PUD - PLAT:

Not applicable.

AIRPORT PROTECTION:

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion 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.

WHITE SANDS ZONE:

The proposed project is located within White Sands Zone I. All fill material will have to comply with the White Sands Ordinance for this area.

SIGNS:

No overall 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.

UTILITIES:

All proposed utilities are required to be placed underground.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated May 14, 2007.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated March 18, 2008.

GULF POWER:

Gulf Power approved the project in a letter dated May 3, 2007.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated May 15, 2007.

EMBARQ:

Embarq Corporation approved the project in a letter dated May 14, 2007.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated March 18, 2007; please refer to conditions on page 15 of the TRC report dated March 18, 2008.

ENGINEERING:

The City of Destin Engineering Department approved the project in a memo dated March 17, 2008; please refer to conditions on page 14 thru 15 of the TRC report dated March 18, 2008.

STORMWATER:

The City approved the stormwater management plan on January 18, 2008; please refer to conditions on pages 13 - 14 of the TRC report dated March 18, 2008.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by an existing 21.97' wide ingress only accessway and a 20.00' wide egress only accessway off of Harbor Boulevard.

PARKING:

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

Per code:

Commercial Watersports: 1 space per employee AND
Waverunners: 1 space per 4 Waverunners
Parasail/Pontoon Boats: 1 space per 4 seats on the boats
A minimum of 10% of required parking spaces for bicycle parking

Per site plan:

Waverunners: 25 Waverunners/4 seats = 6.25 Parking Spaces
Parasail Boats: 2 – 12 seat boats = 24 seats/4 seats = 6 Parking Spaces
Pontoon Boats: 6 – 12 seat boats = 72 seats/4 seats = 18 Parking Spaces
6 Employees: 6 Parking Spaces

Total Maximum Parking Required: 37 parking spaces
Total Minimum Parking Required (80% of maximum): 30 parking spaces
Bicycle Parking required: 10% of parking spaces provided
Automobile and Bicycle Parking Provided: 33 parking spaces including 2 handicap space and 25 bicycle space

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirements of the Land Development Code.

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. The proposed dumpster must be screened by a gated opaque enclosure at least six feet tall. The gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, please post a sign on the gates requesting that these gates remain closed.

SIDEWALKS/BOARDWALKS:

A 15-foot wide pedestrian/flex zone easement is required along Harbor Boulevard. A 25' pedestrian/flex zone easement is required along the Harbor Boardwalk. Once finalized, the Harbor Boulevard pedestrian flex zone design shall be incorporated into the approved site plans. **Condition:** Prior to any request for a certificate of occupancy or completion, the necessary easements, as finalized and depicted on the approved site plan, shall be granted and accepted by the City.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 70,132 sq. ft. (1.61 acres, more or less)
Required 25% Open Space: 17,533 sq. ft.
Provided Open Space: 47,849 sq. ft (68.2%)

Landscape Requirements:

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 (11 trees x 3 credits per tree):	33
Credits for Existing Trees (13" to 19" diameter) on Site (9 trees x 4 credits per tree):	36
Credits for Existing Trees (20" or 24" diameter) on Site (4 tree x 5 credits per tree):	20
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	89

Reforestation Trees (1 per every .10 of an acre: 1.61 x 10 = 16.1) Required on Site: 17

Total Reforestation Credits: 89

Total Reforestation Trees Required on Site: 0

Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site: 0

Replacement Trees (removal of trees over 12" d.b.h.) Required on Site: 11

Front Perimeter Trees (1 per 25') Required on Site: 9

Parking Lot Trees (1 per end row and landscape island) Required on Site: 12

TOTAL TREES REQUIRED: 32

TOTAL TREES PROVIDED: 32

Trees shall be a minimum of ten (10) feet in height and have a two and one-half (2½) caliper at the time of planting. Trees having an average mature spread of crown less than 20 feet shall be arranged in groupings so as to create the equivalent of a 20-foot crown spread. Shrubs 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.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the number of units receiving a certificate of occupancy (C.O.) or certificate of completion (C.C.). Final impact fee amounts will also be determinant whether exemption or credits are applicable and reevaluated at the time a C.O. or C.C. is requested. Any claims for exemption or credits must be made no later than the time a C.O. or C.C. is requested.

The land uses identified below are from the "Fee Schedule" tables found in Article 19 of the Land Development Code and are those deemed most closely related to the land uses proposed in this development. The fee payer has the option of paying the fees identified below for the identified land use or they shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a C.O. or C.C. is sought. The determination made by the City Manager may be appealed to the City Council by filing a written request with the City Manager within 10 days of the City Manager's determination. We advise the applicant to submit any independent fee calculation study as soon as possible for a determination. 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 C.O. or C.C.:

Police Protection: The police protection impact fees were calculated using the “Retail/Commercial use per 1,000 sq.ft. = \$31.00.” The “Retail/Commercial” uses are the most closely attributable uses to the proposed use for calculating the Police Protection projected impact fee. The police protection impact fees were calculated using the following rates and fees.

Retail/Commercial:

Impact Fee Rate = \$31.00 per 1,000 square feet

Office Area = 883 square feet

Impact Fee for Retail/Commercial = 883 sq. ft. x \$31.00 per 1,000 sq. ft. = **\$27.37**

Total Police Protection Impact Fees to be paid for “Destin Watersports”: **\$27.37**

Transportation: The transportation impact fees were calculated using the “Marina use per berth = \$223.00.” The “Marina” use is the most closely attributable uses to the proposed uses for calculating the projected transportation impact fee. The transportation impact fees were calculated using the following rates and fees.

Marina:

Impact Fee Rate = \$223.00 per berth

Marina Area= 11 berths (2 parasail berths, 1 shuttle boat berth, 6 pontoon berths & 2 jet ski area berths)

Impact Fee for Marina = 11 berths x \$223.00 = **\$2,453.00**

Total Roads Impact Fees to be paid for “Destin Watersports”: **\$2,453.00**

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$27.37
Roads:	=	\$2,453.00
TOTAL IMPACT FEES	=	<u>\$2,480.37</u>

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (March 28, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Compatibility Consultant:	N/A
City Surveyor:	N/A
City Traffic Consultant:	\$20.19
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering)	Paid
TOTAL (as of March 28, 2008) =	\$20.19

COMMENTS/CONDITIONS:

Public Input:

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

Per Community Development Department:

1. **Prior to the issuance of any City permit**, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. **Prior to the issuance of any City permit**, a copy of the FDEP stormwater and a NPDES Stormwater Construction Generic Permit (if applicable) approval shall be forwarded to the City Engineer's office.
3. **Prior to the issuance of a Certificate of Occupancy**, the necessary easements, as finalized and depicted on the approved site plan, shall be granted and accepted by the City.
4. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
5. **Prior to the issuance of a Certificate of Occupancy**, assigned address numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts. *Ref. LDC Section 7.18.04.*
6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan which shall be submitted prior to the issuance of any city permit must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
7. **Prior to the issuance of a Certificate of Occupancy**, all required parking and related landscaping shall be installed, inspected, and approved by the Community Development Department.
8. **Prior to the issuance of a Certificate of Occupancy**, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
9. **Condition:** The property owner agrees to a future adopted mutually agreed upon incentive program between the property owner and the City, which will provide the financial ability to design and construct the Harbor Boardwalk.
10. **Condition:** Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line or any property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement.
11. **Condition:** Inoperable motor vehicles shall be stored within screened areas and must be kept on the same site of motor vehicle repair facilities and motor vehicle service centers that will be

performing the repair of said inoperable motor vehicle. No inoperable motor vehicle shall be stored onsite for a period exceeding 60 consecutive days. *Ref. LDC Section 7.09.02.B.2.c.*

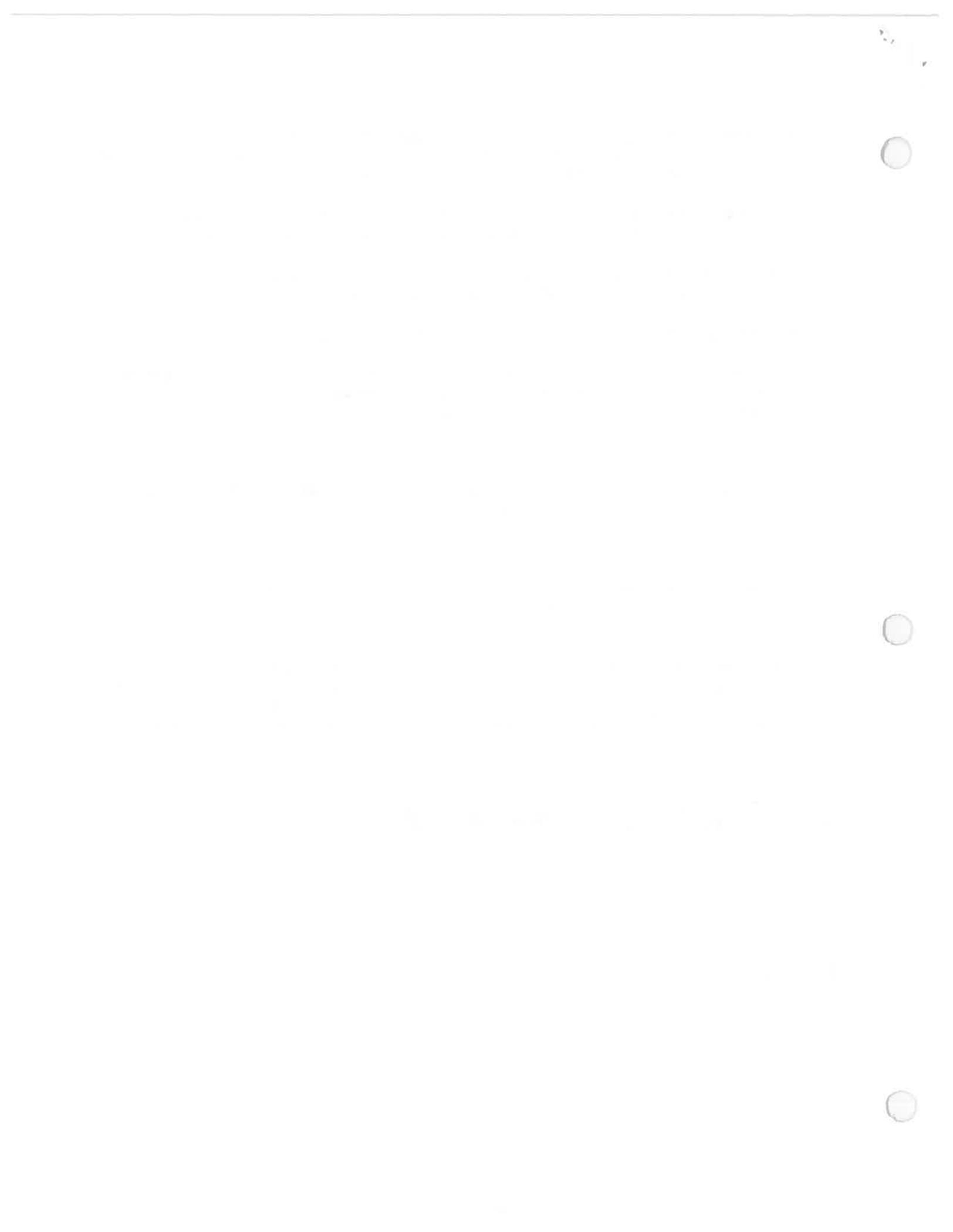
12. **Condition:** No storage or display of merchandise or new or used motor vehicles, boats, recreational vehicles, mobile homes, and other such vehicles shall be permitted outside of approved storage or display areas as designated for such use on the approved site plan. Storage or display areas cannot be located in areas designated for landscaping or open swales or open retention areas used for stormwater management purposed. *Ref. LDC Section 7.09.02.B.2.d.*
13. **Condition:** All solid waste collection areas shall be enclosed by a 100 percent opaque fence, wall, or hedge that is a minimum of six feet in height. All enclosures shall have gates that are 100 percent opaque. These gates shall remain closed at all times except for when waste management services are collecting refuse from the site. *Ref. LDC Section 7.09.02.B.3.*
14. **Condition:** All wheel stops adjacent to sidewalks and walls shall be installed at least 30 inches from the adjacent sidewalk. *Ref. LDC Section 8.06.11.B.*
15. **Condition:** Curb ramps shall be provided at locations where a sidewalk intersects a curb.
16. **Condition:** Curb ramps shall be provided at all locations where an ADA-accessible route or access aisle intersects a curb.
17. **Condition:** Each handicap accessible parking space must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Such sign must also indicate the penalty for illegal use of the space. **This penalty shall be a minimum \$250 fine.**
18. **Condition:** A visual screen of vegetation running the entire length of the western, southern, and eastern property lines shall be installed within a five-foot side yard landscaped strip. Such vegetation shall provide a minimum of 50 percent opacity for that area between the finished grade level at the common boundary line and six feet above said level and horizontally along the length of all common boundaries within three years of planting. *Ref. LDC Section 12.04.04.B.1.b.*
19. **Condition:** The slab for all structures shall be constructed a minimum of 12 inches above the crown of the nearest street, except where topography will provide adequate drainage as certified by a professional engineer registered in the State of Florida. *Ref. LDC Section 10.03.02.A.5.*
20. **Condition:** All existing and proposed utility lines on the subject property shall be located underground. *Ref. LDC Section 20.12.00.*
21. **Condition:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
22. **Condition:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management," particularly those guidelines set forth for the construction and maintenance of exfiltration trenches.
23. **Condition:** All perforated piping and exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling. Prior to inspection by the City, the Engineer of Record shall submit an inspection report that certifies the compliance of the

perforated pipe and exfiltration beds.

24. **Condition:** Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members.

Per City of Destin Engineering Department:

25. **Prior to the issuance of any City permits,** obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
26. **Prior to the issuance of a Certificate of Occupancy,** all temporary construction driveway entrances shall be removed and the right-of-way re-graded, restored and re-vegetated to original or better condition.
27. **Condition:** Landscaping adjacent to the right-of-way (ROW) shall conform to the location requirements outlined in the Land Development Code, Article 8.
28. **Condition:** Refer to LDC Article 8.01.00.B.2. Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet from any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection.
29. **Condition:** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROW's:
- a. Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.
 - b. Trees or shrubs shall not be planted within five feet from all streets or sidewalks, recreational trails, and bicycle ways.
30. **Condition:** Contractor shall not be allowed to utilize **ANY** public rights-of-ways for any loading/unloading, staging or storage of construction materials, equipment or vehicles or unauthorized construction. Failure to comply with this requirement may void your city right-of-way construction permit until the violation is corrected.
31. **Condition:** Refer to LDC Article 8.03.06. Clear visibility triangle. In order to provide a clear view of intersecting streets to motorist, there shall be a triangular area of clear visibility formed by two intersecting streets.
32. **Condition:** Provide a 24 hour contact person's phone number; that person shall have demonstrated ability in maintenance of erosion control measures.
33. **Condition:** Areas not being worked for 30 days or more shall be vegetated.
34. **Condition:** The proposed silt fence shall encompass the entire perimeter of the construction area and shall be shown on the grading plan.





CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

March 6, 2009

Oak Harbor Holdings, Inc.
Attn: Mr. John T. Heiser
185 Grand Boulevard
Suite 100
Miramar Beach, Florida 32550

Subject: Destin Watersports – Final Development Order No. 08-12 Extension Request

Dear Mr. Heiser:

This letter is in response to your correspondence received by the City Manager's office on February 27, 2009 and my office on March 5, 2009. As required, your request for an extension to Final Development Order No. 08-11 was received at least 30 days prior to the expiration date of March 28, 2009. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.B and C (See attached), the 12-month deadline to obtain a building permit and commence construction is conditionally granted.

I recommend consulting with your engineer of record as to the affects of the extension request due the requirements of Article 2, Section 2.21.01.C. Changes to the code may benefit or could result in site design changes that you may feel are detrimental to your currently approved plan. I would advise you and your engineer of record to periodically contact the City Clerk's Office to obtain any newly adopted ordinances and review them to determine the effects on the property. I understand the constraints you are facing. However, I would advise you to seriously consider moving forward with your project sooner rather than later so as to not be affected by any subsequent code requirements adopted after the issuance of your final development order.

I suggest you meet with my staff to discuss your existing plan, any changes required, and the review process involved several weeks prior to your application for any city permit to ensure compliance with Article 2, Section 2.21.00. Please don't hesitate to call me if you have any further questions or concerns.

If you feel any of these determinations or decisions have been made in error, you have the right to appeal the decision to the City's Board of Adjustment. The Administrative Appeal application is available at Destin City Hall in the Community Development Department and must be received completed within 30 calendar days from the date of this letter. The appeal process is typically a two or three month process.

Please don't hesitate to call me if you have any further questions or concerns.

COMMUNITY DEVELOPMENT DEPARTMENT

Phone – (850) 837-4242 ext 3173 • Fax – (850) 837-5267 • E-mail – agraoa@cityofdestin.com

Sincerely,



R. Ashley Grana
Planning Manager

RAG/

Attachments:

Article 2, Section 2.21.01.B and C

cc: Greg Kisela, City Manager
Ken Gallander, Community Development Director
Building Permit File: 390 Harbor Blvd.
File: 2008 Final Development Order Binder
File: SP-07-16
File: Letter Log

COMMUNITY DEVELOPMENT DEPARTMENT

Voice – (850) 837-4242, ext. 3175 • Fax – (850) 837-6267 • E-mail – agrana@cityofdestin.com

- b. Cashiers check;
 - c. Money order; or
 - d. Cash.
3. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment).
 4. In addition to the future improvement payment, developer shall pay an administrative fee.
- D. *Future improvement payment* shall be made prior to the to issuance of a development order for commercial projects or a building permit for residential projects.
- E. *Future improvement payment.* At such time that the improvements can be made to the public right-of-way, easement, or City owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to developer. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the City.
- (Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 07-32-LC, § 5, 5-7-07)

2.21.00. Final development order and extension of the commencement of construction deadline.

A final development order is valid for a period of one year from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within one year from the date of issuance of the final development order or a building permit is issued and construction has not commenced within one year from the date of issuance of the final development order, then the development order

becomes null and void. "construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 2.21.01.

2.21.01. Criteria for a request to extend the 12-month deadline to obtain a building permit and commence construction.

- A. An applicant who desires to extend the 12-month deadline shall submit a written request to the community development department, no less than 30 days, prior to the expiration of the 12-month deadline to obtain a building permit and commence construction.
- B. An applicant may receive only one extension, and such extension shall not exceed one year.
- C. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.

2.21.02. Determination regarding request for extension. All applications for extensions, as identified in section 2.21.01, shall be reviewed by the community development director with input from the appropriate technical review committee members for approval, approval with conditions, or disapproval.

2.21.03. Establishing an application fee. The City reserves the right to establish, by resolution,

an application fee, for processing and reviewing requests for extensions of time authorized by section 2.21.01.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.22.00. Appeals.

When it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official or the local planning agency in the enforcement of any requirement of this Code, the Code of Ordinances or Land Development Code, now existing or to be promulgated in the future by the City, the issue in dispute shall be taken before the board of adjustment. Such issue may include, but it not limited to, a finding of concurrency deficiency or refusal on the part of the City to issue a final development order.

2.22.01. Any appeal by any citizen must be filed in writing with the City Manager, or designee, within 30 calendar days of rendition of the decision in question, and the reasons for such appeal shall be set forth therein. The City Manager, or designee, shall arrange for an appeal hearing before the board of adjustment and notify the appellant in writing of the date, time and place of the hearing.

2.22.02. The appellant shall have the burden of affirmatively demonstrating that the decision in question was in error. The administrative official(s) involved, or chairman of the planning commission, shall have the opportunity to present information and argument to support their decision.

2.22.03. The board of adjustment shall base its decision on the requirements of the City's comprehensive plan and this code. The board shall make its decision based upon its usual voting procedures, the decision shall be issued in writing stating the reasoning involved, and it shall be rendered within 60 days of the close of the hearing. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.23.00. Reserved.

Editor's note—Ord. No. 04-26-LC, § 3, adopted Sept. 8, 2004, repealed § 2.23.00, which pertained to deviations to a final development order. See also the Land Development Code Comparative Table.

2.24.00. Development agreements.

A. *Definitions.* For the purpose of this section, the definitions set forth in F.S. § 163.3221, are hereby adopted by reference and shall apply and control all development agreements entered into by the City of Destin.

B. *Development agreement requirements.*

1. All development agreements shall, at a minimum, include the following:
 - a. A legal description of the land subject to the agreement.
 - b. A statement identifying the legal and equitable interest of all persons having any interest in the property described in a. above. The statement of ownership interests of any joint ventures, partnerships or corporations shall reveal all principals or directors and officers, as appropriate. Such statements shall be certified by a title company or an attorney-at-law licensed to practice in the State of Florida.
 - c. The duration of the agreement, which shall meet the terms set forth in subsection C. of this section.
 - d. The development uses permitted on the land, including population densities, and building intensities and height.
 - e. The land use designation under the City's comprehensive plan for all property included within the terms of the proposed agreement.
 - f. The current zoning classification of the property.
 - g. A description of public facilities that will service the development, including who shall provide and maintain such facilities.



CITY of DESTIN

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COMMUNITY DEVELOPMENT

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kgallander@cityofdestin.com

December 21, 2009

Mr. Keith Howard
President
Oak Harbor Holdings, Inc.
215 Grand Boulevard, Suite 102
Miramar Beach, FL 32550

Subject: Destin Watersports – Final Development Order No. 08-12 Special Economic Condition Extension Request

Dear Mr. Howard:

This letter is in response to your correspondence I received on December 21, 2009. As required, your request for an extension to Final Development Order No. 08-12 was received prior to January 1, 2010. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.D, the extension is granted until December 31, 2011 from the date of your written correspondence (December 21, 2009). This extension vests the final development order and enables the holder of the orders to delay commencement or continuance of construction, if necessary, until December 31, 2011.

Please do not hesitate to call me if you have any further questions or concerns.

Sincerely,

Kenrick S. Gallander, AICP
Community Development Director

KSG/

cc: File: Letter Log
Planning Manager, Ashley Grana - File: SP-07-16

