



# City of Destin

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October 13, 2003

Order No. 03-34

Final Development Order:

**"COURTYARD TOWNHOMES"  
A MAJOR DEVELOPMENT  
(SP-03-07)**

Based upon the City Council's approval of this development order on August 18, 2003, this document will serve as your Final 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:** Regional Engineering, Inc., on behalf Bonafide Business Associates, Inc., is requesting approval of a Major Development identified as "Courtyard Townhomes."

**Request:** The proposed development consists of a 30-unit townhouse project.

**Location:** The proposed development is located at 1000 Airport Road (directly north of the Destin Urgent Care Center), more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0025-0000-0010.

**Parcel Size:** The total proposed site area is 2.69 acres, more or less

**Future Land Use:** Mixed Use (MU)

**Zoning District:** Residential General Development (RGD)

**Density:** Allowed: 19.9 dwelling units per acre  
Proposed: 30 dwelling units / 2.69 acres = 11 lodging units per acre

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.35 FAR (per Code Definition: -0.15 FAR)

**Application Date:** March 3, 2003

**TRC Date:** March 19, 2003

**Approved Site Plan Date:** July 2, 2003

**City Council Date:** August 18, 2003

**DETERMINATIONS:**

1. The Destin City Council held a public hearing on August 18, 2003. The Council voted unanimously, 7-0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order and TRC report dated July 2, 2003, and amended August 19, 2003, with all necessary changes and updates, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated July 2, 2003, and amended August 19, 2003, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "COURTYARD TOWNHOMES" A MAJOR DEVELOPMENT (SP-03-07):**

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 October 13, 2003 (no later than October 13, 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 "Courtyard Townhomes" 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. **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.
5. **Prior to the issuance of a Demolition/Grading Permit**, the demolition/grading plan must be submitted and approved by the Community Development Department.
6. **Prior to the issuance of any Building Permit for construction activity**, City Staff and City Council must approve the plat. Once approved, the plat shall be released back to the developer and recorded.
7. **Prior to the issuance of any Building Permit for structures**, the owner/developer shall provide a "disclosure statement" when the units are to be sold and provide increased construction standards for the structures because the project is within an airport protection area, more specifically the Airport Noise Zone "C".
8. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
9. **Prior to the issuance of a Certificate of Occupancy**, the Declaration of Covenants, Conditions, and Restriction documents must be reviewed and approved by the City Land Use Attorney. Additionally, a copy of the Declaration of Covenants, Conditions, and Restriction documents that have been recorded with the state must be submitted to the City of Destin.
10. **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 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.
11. 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.
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. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered to be non-compliant and a revised stormwater plan shall be re-submitted for review and approval.
14. **Prior to obtaining any city permit**, a copy of the FDEP stormwater approval.

15. **Prior to obtaining any city permit**, provide an NPDES Stormwater Construction Generic Permit (CGP) approval.
  
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

### "COURTYARD TOWNHOMES" A MAJOR DEVELOPMENT (SP-03-07)

TRC Report: July 2, 2003, and amended August 19, 2003

#### ISSUE:

**Applicant:** Regional Engineering, Inc., on behalf Bonafide Business Associates, Inc., is requesting approval of a Major Development identified as "Courtyard Townhomes."

**Request:** The proposed development consists of a 30-unit townhouse project.

**Location:** The proposed development is located at 1000 Airport Road (directly north of the Destin Urgent Care Center), more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0025-0000-0010.

**Parcel Size:** The total proposed site area is 2.69 acres, more or less

**Future Land Use:** Mixed Use (MU)

**Zoning District:** Residential General Development (RGD)

**Density:** Allowed: 19.9 dwelling units per acre  
Proposed: 30 dwelling units / 2.69 acres = 11 lodging units per acre

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.35 FAR (per Code Definition: -0.15 FAR)

**Application Date:** March 3, 2003

**TRC Date:** March 19, 2003

**Approved Site Plan Date:** July 2, 2003

**City Council Date:** August 18, 2003

#### DISCUSSION/FINDINGS:

Regional Engineering, Inc., on behalf Bonafide Business Associates, Inc., is requesting approval of a Major Development identified as "Courtyard Townhomes." The proposed development consists of a 30-unit townhouse project. The proposed development is located at 1000 Airport Road (directly north of the Destin Urgent Care Center), more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0025-0000-0010. The total site area is 2.69 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 8 and 9 of the TRC Report. Refer to the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated August 12, 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 located within the "Town Center" 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 Mixed Use (MU) and a Zoning designation of Residential General Development (RGD). The proposed use is consistent with the MU Future Land Use designation and is a permitted principal use within the RGD zoning district.

**COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the requirements with conditions. Refer to the complete Compatibility Analysis from the City's Compatibility Consultant; Mr. Les Solin dated August 12, 2003.

**DENSITY:**

Allowed: 19.9 dwelling units per acre  
Proposed: 30 dwelling units / 2.69 acres = 11 lodging units per acre

**HEIGHT:**

The RGD (four or more family – fewer than 3 floors) Zoning District has a maximum building height of 40 feet. The proposed structures are two stories and on average 25 feet high. Refer to the complete Compatibility Analysis Report from Les Solin, dated August 12, 2003, which finds the proposed project compatible with the surrounding area in regards to height.

**FLOOR AREA RATIO:**

The Mixed Use (MU) Future Land Use designation has a maximum floor area ratio (FAR) of 1.07.

The FAR calculation methodology as defined in Article 3, Section 3.00.01 "Floor Area Ratio" of the Destin Land Development Code is as follows:

$$\frac{(\text{Total gross floor area}) - (\text{Total square feet of required setbacks and open space} + \text{parking})}{\text{Total square feet of site}} = \text{FAR}$$

$$\frac{41,214 \text{ sq. ft.} - 58,621 \text{ sq. ft.}}{117,176 \text{ sq. ft.}} = \text{FAR}$$

$$-17,407 / 117,176 \text{ sq. ft.} = -0.15 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of -0.15 is below the maximums of 1.07 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update results in an FAR of 0.20, which is below 1.07 and is calculated as follows:

$$\text{Total square feet of existing and proposed buildings} / \text{square feet of subject parcel} = \text{FAR}$$

$$41,214 \text{ sq. ft.} / 117,176 \text{ sq. ft.} = 0.35 \text{ FAR}$$

**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**

Please refer to file SP-03-07 for approved Concurrency Evaluation Certificates.

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's Transportation Manager, and approved on June 24, 2003, the proposed development will generate 1 PM Peak Hour directional trips on Segment "B." As of the date of the TRC approval, Segment "B" had 553 PM Peak Hour directional trips available. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager.

**SUBDIVISION OR PUD - PLAT:**

This project will require plat approval. The plat must be reviewed, approved, and recorded prior to any building permit being issued. Prior to the issuance of a Certificate of Occupancy, the Declaration of Covenants, Conditions, and Restriction documents must be reviewed and approved by the City Land Use Attorney. Additionally, a copy of the Declaration of Covenants, Conditions, and Restriction documents that have been recorded with the state must be submitted to the City of Destin.

**WHITE SANDS ZONE:**

The project property is not located in either White Sand Zone I or II.

**AIRPORT PROTECTION:**

**The subject site is located within an airport protection area, more specifically the Airport Noise Zone. As a result of the subject site located within the Airport Noise Zone, it is a condition that the owner provides a "disclosure statement" if the property is to be sold and provide increased construction standards for the structures to be built.** 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.

**PHASING:**

The proposed development will not be a phased development.

**SETBACKS:**

The proposed buildings meet and exceed all of the required setbacks for the RGD Zoning District.

	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front (north):	20'	10' FP	20' including the 10' FP
Side (east):	10'	10' FP	17.26' including the 10' FP
Side (west):	10'	10' FP	33' including the 10' FP
Rear (south):	10'	5' CB	53.5' including the 5' CB
Between Bldgs.:	10'	N/A	10'

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 five (5) foot common boundary buffers along the southern property lines and the 10' FP is required along the northern, eastern, and western property lines. **There is no room for error in locating the structures. The structures proposed along the northern property line are at the minimum setback distance of 20'. Also, the distances between structures throughout the property are at the minimums of 10'.**

**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:**

Underground utilities/service (existing and proposed) are required.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated March 11, 2003.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated June 18, 2003.

**GULF POWER:**

Gulf Power approved the project in a letter dated March 10, 2003.

**OKALOOSA GAS:**

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

**SPRINT:**

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



**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated July 2, 2003.

**STORMWATER:**

The City Engineer approved the stormwater plan on June 30, 2003, and had the following stormwater related conditions:

1. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
2. Prior to obtaining any city permit, provide an FDEP Stormwater approval.
3. Prior to obtaining any city permit, provide an NPDES Stormwater Construction Generic Permit (CGP) approval.
4. **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:**

Each individual townhome will have access from one of the four private access roads. None of the townhomes will have access directly onto Airport Road. The two existing perpendicular accessways connecting to Airport Road provide the main ingress/egress points to the proposed development and to the four ingress/egress access points directly onto the property.

**PARKING:**

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

*Per code:*

Dwelling, townhouse: 2.25 spaces per dwelling unit

*Per site plan:*

30 townhouse dwelling units x 2.25 spaces per dwelling unit = 68 spaces

**TOTAL REQUIRED: 68 parking spaces**

**TOTAL PROVIDED: 88 parking spaces**

**LOADING SPACE (ZONE):**

Not applicable.

**REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service and curbside removal. All proposed dumpsters must be screened by a gated enclosure at least six feet tall.

**SIDEWALKS:**

A 4' wide sidewalk is required.

**OPEN SPACE/LANDSCAPE:**

**Open Space Requirements:**

Development Area (Total Area): 117,176 sq. ft. (2.69 acres, more or less)  
Required 18% Open Space: 21,092 sq. ft.  
Provided Open Space: 42,176 sq. ft. (36%)

**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: 2.69 x 10 = 27 Required on Site):	<u>27</u>
<b>Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:</b>	<u><b>0</b></u>

**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:	27
Front Perimeter Trees (1 per 25') Required on Site:	40
Parking Lot Trees (1 per end row and landscape island) Required on Site:	8
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	N/A
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>5</u>
<b>TOTAL TREES REQUIRED:</b>	<b>80</b>
<b>TOTAL TREES PROVIDED:</b>	<b>88</b>

A five (5) foot Common Boundary Landscape Area is required along the southern property line. A ten (10) foot Front Perimeter Landscape Area is required along the northern, eastern, and western property lines. The required five (5) foot Common Boundary landscaping 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. If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted, 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.**

**IMPACT FEES:**

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the development and 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:

**Parks:** The park fees were calculated using the “Multi-family = \$113.03 per unit” amount.

**Multi-family:**

30 proposed units x \$113.03 = \$3,390.90

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

**Multi-family:**

30 proposed units x \$76.19= \$2,285.70

**Police Protection:** The police protection impact fees were calculated using the “Multi-family = \$14.50 per unit.”

**Multi-family:**

30 proposed units x \$14.50= \$435.00

**Road:** The road impact fees were calculated using the “Multi-family = \$577.00 per unit.”

**Multi-family:**

30 proposed units x \$577.00= \$17,310.00

Totals:

Parks:	=	\$3,390.90
Public Library:	=	\$2,285.70
Police Protection:	=	\$435.00
Roads:	=	<u>\$17,310.00</u>
<b>TOTAL:</b>	=	<b>\$23,421.60</b>

Totals for proposed individual townhome unit:

Parks:	=	\$113.03
Public Library:	=	\$76.19
Police Protection:	=	\$14.50
Roads:	=	<u>\$577.00</u>
<b>TOTAL:</b>	=	<b>\$780.72</b>

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available (September 10, 2003). 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:	<b>N/A</b>
Re-Review Fees (Community Dev.):	<b>Paid</b>
Re-Review Fees (Engineering Dept.):	<b>Paid</b>
Administrative Costs:	<b>Paid</b>
Multiple Consultation Fees:	<b>\$50.00</b>
Planning Commission Advertising:	<b>Paid</b>
City Council Advertising:	<b>\$97.20</b>
<b>TOTAL (as of 9/10/03) =</b>	<b>\$147.20 (Subject to change)</b>

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

FDEP stormwater and NPDES approvals shall be forwarded to the city engineer's office.

**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 the Development Order**, all outstanding costs associated with this project and are owed to the City must be paid in full.
2. **Prior to the issuance of any Building Permit for construction activity**, City Staff and City Council must approve the plat. Once approved, the plat shall be released back to the developer and recorded.

3. **Prior to the issuance of any Building Permit for structures**, the owner/developer shall provide a “disclosure statement” when the units are to be sold and provide increased construction standards for the structures because the project is within an airport protection area, more specifically the Airport Noise Zone “C”.
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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 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.
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Per Engineering Department Letter dated June 30, 2003:

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*Gerald F. Mucci*     *Oct 13, 2003*  
 \_\_\_\_\_  
 Gerald F. Mucci, AICP     Date  
 Community Development Director

*Richard Eugene Hyatt*     *Shelia Griffin Hyatt*  
 \_\_\_\_\_  
 Courtyard Development, LLC     Date  
 Owner  
 Richard Eugene Hyatt and Shelia Griffin Hyatt,  
 Trustees and Managing Members