

**SPECIAL WORKSHOP
DESTIN CITY COUNCIL
SEPTEMBER 25, 2023
ANNEX COUNCIL CHAMBERS
5:30 PM**

*****Core Value of the Month - Integrity*****

CALL TO ORDER

*** INVOCATION**

PLEDGE OF ALLEGIANCE

WORKSHOP

A. Joint City Council and Local Planning Agency Workshop - Land Development Code Article 4

PUBLIC COMMENTS

****** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.***

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CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: September 25, 2023

BOARD/COMMITTEE: City Council Special Workshop

TYPE OF AGENDA ITEM: Council Discussion Item

OUTLINE NUMBER: A.

TO: City Council Special Workshop

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, City Attorney
Steve O'Connor, Principal Planner

DATE: September 19, 2023

SUBJECT: Joint City Council and Local Planning Agency Workshop - Land Development Code Article 4

I. BACKGROUND: Over the last couple of years, the City has diligently updated and aligned the **City's Comprehensive Plan** with the **Future Land Use Map** and **Zoning Map**. The next step is the update and alignment of the City's **Land Development Code (LDC)** with the recent changes to the **Comprehensive Plan**.

To accomplish this task, on April 5, 2021, Staff brought the Scope of Work and Budget to completely rewrite the Land Development Code for approval to the City Council, both of which were approved unanimously. Since that time, Staff has worked with the consultants of 3TP Ventures, Inc., to move forward systematically with the drafting of the new LDC. The discussion tonight seeks input and direction from the City Council and the Local Planning Agency (LPA) on the policy issues associated with Chapter 4. Staff intends to incorporate the input and eventually bring this Article back to the LPA for a formal discussion and recommendations to the Council.

NOTE: The Draft of **Article 4 – Zoning Districts, Overlays, and On-site Regulations** was released for public review on September 12, 2023, and will be available for public review for a minimum of 30 days. Anyone from the public, may access the digital draft of Article 4, as well as Articles 1,2, and 3 at the following link: <https://www.cityofdestin.com/688/LDC-Rewrite>. The Draft Articles will remain available to the public throughout the entire public process. Staff will also engage the appropriate City committees and Boards for input after the thirty (30) days, with the LPA being the last for a final recommendation to City Council. Based upon any action taken by the LPA and City Council.

II. DISCUSSION: Article 4 – Zoning Districts, Overlays, and On-site Regulations

establishes the City of Destin's various zoning districts, from Residential to Industrial and everything in between. While Staff is not presenting the full draft of **Article 4** tonight, the new format is much more user-friendly and clearer concerning the development and uses of property within each zoning district. As noted, the Final Draft is currently available on the City's website for download and can also be made available from staff upon request. Staff will update the draft based on the discussion tonight and will present the Final Draft to the LPA for their recommendation to City Council at another public hearing.

The draft has gone through several review iterations with Community Development Staff and several other Departments. Legal review by City Attorney will be completed after Council input. Review criteria was based on the new LDC's purpose and intent, feedback from the LPA and other boards or committees, and for compliance with the City's adopted Comprehensive Plan and State Statutes. However, there are several policies that Staff is requesting guidance from the City Council and LPA. Depending on the nature of the request, some of these policies may require Amendments to the City's adopted Comprehensive Plan. As such, Staff is bringing the following issues, policies and language to the LPA's attention for review.

1. Parking

Parking for outdoor seating: The LDC currently does not require parking for seating classified as "**outdoor.**" This means whether a restaurant establishment is classified as full-service or limited-service if they only provide outdoor seating for their patrons, the parking is only applied to the gross-floor area of the building.

For example, if a restaurant is approved for 640 sq.ft. of gross floor area for the kitchen and office and provides over 2,000 sq.ft. of outdoor seating, then the LDC only requires 6 parking spaces as a full-service restaurant or 4 parking spaces as a limited-service restaurant. Nothing is required for the 2,000sq.ft. of outdoor seating.

Staff Requests/Recommendations Based on the existing issues with lack of parking, particularly in the Harbor District, and also across the City's Commercial and Mixed-use districts, Staff request direction on whether providing outdoor seating for all uses should be included in the calculation for developing the required amount of parking.

Short Term Rental (STR) & Low Speed Vehicle (LSV) Parking: Short-term rentals are a blessing and a challenge to the City. On one hand they generate significant revenue and economic development. However, their parking impact cannot be overstated. An emerging trend in amenities being provided by STR owners is the rental of a Low-Speed Vehicle (LSV) as part of one's stay.

Staff Requests/Recommendations To that end, staff recommends, as this trend increases, that the City get ahead of this and mitigate any negative parking impacts that could arise from this trend. Possible regulations could include the requirement of one or more LSV parking spaces on-site in addition to the current 1 space per bedroom requirement.

Bicycle Parking: The range of required bicycle parking varies from 0% to 20% or

dependent upon number of "students" in the case of schools. This range overly complicates a very simple and easily provided amenity to development.

Staff Requests/Recommendations: Staff recommends simplifying the required bicycle parking for all developments, except for single-family and duplex housing, to require a minimum of 10 %. Schools and other similar uses or facilities will remain as they are currently.

2. Open Space definition: Currently, the definition of Open Space conflicts between the Comprehensive Plan and the LDC. The Comprehensive Plan is very broad and open-ended while the LDC is more restrictive. Both definitions include landscaped areas with vegetation, shrubs, ground cover such as grass, mulch, etc. However, the Comprehensive Plan also counts impervious area that is not utilized for vehicular areas (parking spaces or drive aisles) in open space calculations. Generally, Open Space is very limited and intends to be only area that is specific to landscaping or area that is pervious, as stated in the LDC. Please see the definitions of Open Space below.

***Comprehensive Plan – Open Space:** That portion of a site which includes pervious greenscape and **impervious hardscape** that is not occupied by any building coverage or vehicular-use areas.*

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

This contradiction in definition has two challenges:

1. The way the City defines open space allows for many residential lots to be covered in impervious surfaces that then creates stormwater issues that need to be captured on-site. There are buffer areas that prevent a lot from being completely covered by pavers, gravel, or other impervious material.
2. Secondly, the City is regulating by 'definition' how open space is measured in the LDC definition.

Staff Requests/Recommendations: Staff recommends developing a clear, matching definition for use in the Comprehensive Plan and the LDC and then move how we measure open space into another location in the LDC not within the definition.

3. Residential Landscaping: The City's LDC currently does not differentiate between residential and non-residential landscaping and reforestation. There are, however, specific requirements for certain developments or uses to provide vegetation when adjacent to residential uses. Nonetheless, there is no difference between the required number of trees for residential and non-residential development. Per **LDC Section 12.04.05.C.**, a tree is required per one-tenth (1/10) of an acre. There are existing tree credits allowed for trees that are viable and on the property at the time of development.

The problem, however, comes up when a single-family dwelling (SFD) homeowner cuts a tree or trees down and does not replace said trees that are part of the required reforestation regulations. Staff has no way of tracking this as a clearing permit or tree removal is not required for SFDs. This creates a difficult circumstance for Staff to ensure compliance with landscaping requirements for residential development.

Staff Requests/Recommendations Staff is requesting guidance and direction on how to best implement the intent of reforestation while not being overly burdensome on residential development.

4. Tattoo vs. Permanent Makeup: There is a growing request for local salons to provide "permanent makeup" as an additional service along with the more common or regular services found at a salon. The issue lies in that the State regulates and classifies "permanent makeup" licenses the same way as they do tattoo studios. Staff has determined the City's intent at regulating the distancing requirement for tattoo parlors was not intended to prohibit salons from providing the "permanent makeup" services but to address **proliferation/concentration** of tattoo parlors specifically. However, this is not clearly spelled out in the LDC.

Staff Request/Recommendations: Staff is requesting this clarity be included in the LDC rewrite, by specifically exempting "permanent make-up" from any distancing requirement when part of a beauty salon or similar use.

5. Mobile Vending: Mobile vending is heavily regulated at the State level which often time supersedes local regulations. Presently the City allows mobile vendors in various locations in the City generally located along the Hwy 98 corridor and within non-residential zoning districts. Further the City allows "short-term," up to 72 hours and "long-term," 72 hours or more. **Please see the attached map to see where this is allowed.**

Staff's challenge is that the differentiation between **short-term** and **long-term** makes it difficult to enforce for several reasons. Namely because per State Statute, the City can no longer require mobile vendors to register, be issued a license, or receive a Business Tax Receipt, from the City. Therefore, there is no mechanism by which Staff can track when and where a mobile vendor goes to locate.

Staff Requests/Recommendations: Based on a workshop with City Council on July 13, 2023 and the feedback received, Staff is requesting some recommendations on how to regulate Mobile Vendors. Below are two options that were the most liked by members of the public and Council.

1. One option would be to 1) revise the LDC to align with the State's current regulations,
- 2) allow mobile vendors to operate in the zoning districts in which 'limited-service

restaurants' are permitted/conditional, and 3) remove the differentiation of 'short' vs 'long' term', as it is difficult to track exactly how long a mobile vendor has been located on a parcel. **This option would mean mobile vending would become permitted in the Commercial Limited (CL), Commercial Trades and Services (CTS), Crystal Beach Resort (CBR), Town Center Mixed Use (TCMU), South Harbor Mixed Use (SHMU), North Harbor Mixed Use (NHMU), Gulf Resort Mixed Use (GRMU), and the Holiday Isle Mixed Use (HIMU) zoning district. 'Limited-service restaurants' are also permitted in the Bay Resort Mixed Use (BRMU) and the Airport (A) zoning districts; however, these would not be appropriate for mobile vending, as BRMU is not utilized, and Airport (A) is not intended to serve mobile vending. Meanwhile, mobile vendors would be a conditional use within the Commercial General (CG), Calhoun Mixed Use (CMU), and Calhoun Mixed Use – Village (CMU-V) zoning district.**

2. The other option would be to **only** allow mobile vendors to operate in the non-residential zoning districts south of Highway 98, which includes **CG, CL, INST, CBR, HIMU, & GRMU.**

6. Primary Building/Structure Separation: There is currently an LDC requirement for properties that have multiple primary structures on site to have a minimum ten-foot (10') separation. The original intent for regulations, such as these, was to help mitigate fire risk between buildings and structures. However, the Florida Building Code, as well as industry codes, all have requirements for fire rating for buildings and structures when they are within a determined range based on multiple variables such as use, height, construction type, etc. Given that the City is generally going through 'redevelopment' with no real true greenfield development left in the City, all new structures will need to meet current fire separation or fire code standards with no need to require building separation. _

Staff Requests/Recommendations Staff does not see the need for this specific regulation, as a general development standard, across the City but possibly in certain zoning districts or planning areas to maintain a defined neighborhood character, Such as the residential zoning districts or the Village Planning Area.

7. Maximum walking distance for off-site parking: With the increased parking demand across the City there is a need to promote or allow off-site parking as a more viable option. Currently the LDC allows for some off-site parking in certain districts and other parking options such as valet. However, Staff is requesting guidance on what the appropriate maximum distance customers and patrons of the Harbor or other areas of the City should have to walk, if a business or property owner proposes to provide off-site parking. The LDC currently allows off-site parking in certain districts, **Harbor, Town Center, Institutional, and Crystal Beach** parking districts. The **Harbor** and **Town Center** districts allow a maximum of 1,200 feet, while the **Institutional** and **Crystal Beach** districts allow a maximum of 150 feet, from the primary building entrance to the property line of the off-site parking lot.

According to **Walkscore®.com**, a tool used in the Planning field to generate or score a community on various elements that show walkability, a 5-minute walk or one quarter (1/4) of a mile is given the highest possible walk score. The scale degrades from 5 minutes to 30 minutes, which receives no points. Therefore, a 10-minute walk or one-half (1/2) mile

receives the next highest score. Using the Walkscore® scoring table, 90-100 is a “Walker’s paradise” (1/4 mile), and 70-89 is “Very walkable” (1/2 mile).

For some perspective, a ½ mile walk west from the Marler Street Public Parking & Hwy 98 Crosswalk would get you to the lighthouse on Harborwalk, if you walked through Captain Royal Melvin Park along the boardwalk.

Staff Requests/Recommendations Staff recommends either 1/4 or 1/2 mile as the maximum distance, but in either case, the measurement should be by way of the pedestrian network, not a straight-line distance from the building entrance to the parking lot.

- A. Link to Strategic Goals / Objectives:** #2. A green and sustainable environment,
#3. Improve mobility and connectivity.
#4. Enhanced quality of life and safety for families
#5. Economic development and revitalization
#6. Effective, efficient, and aesthetically pleasing infrastructure
- B. Effect on Budget (EOB):** N/A
- C. Level of Service (LOS):** N/A
- D. Legislative Sponsor:**

III. CONCLUSION: Staff is seeking feedback, direction, or recommendation for each of these policy items.

IV. RECOMMENDED MOTION:

Attachments:

1. Attachment 1 - Mobile Vendors
Location Map



Allowable Districts for Mobile Vendors



NORTH

- City Limits
- Okaloosa County

Long Term Operations (72 hours or more) and Short Term Operations (72 hours or less)



Short Term Operations (72 hours or less)

