

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

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

**Destin City Council**

Mayor Bobby Wagner  
Councilmember Johnny King  
Councilmember Torey Geile

Councilmember Dewey Destin  
Councilmember Jim Bagby  
Councilmember Terésa Hebert

**Local Planning Agency**

Corey Ledbetter  
Jay Purut

Marcie Bell  
Karen Hudson

**City of Destin Staff**

City Manager Lance Johnson  
Principal Planner Steve O'Connor  
Community Dev Director Louis Zunguze  
City Attorney Kimberly Kopp

City Clerk Rey Bailey  
Senior Planner Daniel Butler  
Planner Rachel Hoag

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Bobby Wagner called the meeting to order at 5:30 PM. The mayor called for a moment of silence, which was then followed by the recitation of the Pledge of Allegiance.

**WORKSHOP**

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

Community Development Director Louis Zunguze provided a brief overview of the workshop, and then turned the matter over to the city's Principal Planner, Stevo O'Connor who then discussed the different elements of Article 4 of the Land Development Code.

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 Local Planning Agency (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. The legal review by the City Attorney will be completed after Council input. The review criteria were 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.

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.

## **DISCUSSION:**

Councilmember Destin commented that their vision for the city at the time they last visited this subject was to have a Festive Outdoor Marketplace. At the time, they did not require that outdoor seating was done in conjunction with parking. They had plans to have more than enough parking for the city by building parking garages and more surface parking. To go forward and turn things completely around now might have very serious consequences. A compromise requiring 30% or 40% more parking for outdoor seating might be a way to transition into it.

Councilmember King stated that requiring outdoor parking for all businesses that currently exist may not be realistic. He recommends grandfathering those businesses that were already in existence.

According to the City Attorney, they could change the code to add that existing businesses that do not have parking for their outdoor seating would be considered legal nonconforming; and that they would be allowed to stay unless they tried to make changes and expand their business. In which case, they would have to meet the current code.

Mr. Zunguze noted that they currently have a comprehensive plan policy about providing community parking, which is something they would need to consider. He also stated they now have planning areas and have looked at the types of development that is going into these planning areas. They would need to plan accordingly as to which areas should have the ability to do certain things with regard to parking.

Councilmember Hebert asked where standalone parking for establishments is allowed.

Mr. O'Connor noted that there are currently 3 zoning districts that allow standalone parking. It is permitted in both the North Harbor Mixed Use district and the Institutional Zoning district, and it is conditional in the Town Center Mixed Use district.

According to the City Attorney, it would be up to the council to decide whether to allow standalone parking in more districts or less districts.

Councilmember Bagby noted that the intent of the multi-modal process was to encourage people to walk, ride their bikes, or use public transportation to get around town. The City of Destin was expected to be a multi-modal community and more parking would not be necessary. However, they are not the same community now as they were back then. They are not a multi-modal community and probably never will be. He recommends establishing a fixed time for the transition period; for instance, requiring 50% more parking for 5 years; after which it goes to 100% unless the council at that time votes to remove the parking requirements. He added this should apply to more than just the harbor. It should apply to Crystal Beach and to the other properties on the south side of the harbor.

.....  
Short Term Rental (STR) & Low Speed Vehicle (LSV) Parking: Short-term rentals are a blessing and a challenge to the City. On the 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 recommend, 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.

## **DISCUSSION:**

Ms. Marcie Bell of the Local Planning Agency disagreed with the staff's recommendation of having one or more LSV parking spaces on-site added to the current 1 space per bedroom requirement, stating that one of the currently allotted parking spaces should be designated for LSV parking. She added that, a home that is allowed 4 parking spaces, for instance, can park any vehicle that will fit in those parking spaces including an LSV.

Mr. Jay Purut of the Local Planning Agency agreed with Ms. Bell that allowable number of parking spaces should include the LSV parking space.

According to Councilmember Bagby, they should not be dictating what people can park in their authorized parking spaces, adding that if it has a license plate, it has to have an authorized parking spot. He also added that regular golf carts that are not allowed on the highways are mostly parked in people's garages.

Ms. Bell stated that having a registration system for LSV companies doing business in the City of Destin, similar to that of the livery vessels, should help curtail the number of LSVs with no license plates or carrying young kids with no safety devices.

.....

Bicycle Parking: The range of required bicycle parking varies from 0% to 20% or dependent upon the 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 recommend 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.

## DISCUSSION:

The mayor commented that there should definitely be a requirement for bicycle parking if they are trying to promote the multi-modal plan and encouraging walkability.

.....

## **2. 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<sup>®</sup>.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<sup>®</sup> scoring table, 90-100 is a "Walker's paradise" (1/4 mile), and 70-89 is "very walkable" 1/2 mile).

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.

## **DISCUSSION:**

A question was asked how it might affect policy if a business has off-site parking a mile or so from the restaurant but is running a shuttle service picking up customers.

According to Mr. O'Conner, that would be considered a valet service, and that there is an entirely different section to the valet service. The purpose of this section is to protect patrons from having to walk long distances, especially during the middle of the summer in sweltering heat and unsafe traffic.

Ms. Karen Hudson of the Local Planning Agency recommends that calculating the distance patrons would have to walk from off-site parking to the building entrance be based on the shortest walkable route rather than the "as the crow flies" concept.

Councilmember Destin stated that patrons would not realistically use offsite parking that is over 200 or 300 feet away. He inquired as to the exact definition of standalone parking lot.

Mr. O'Connor explained that standalone parking means there is no primary use on the lot except for a parking lot, reiterating that it is currently allowed in 3 districts. He also pointed out that the Harbor and Town Center districts allow a maximum of 1,200 feet for offsite parking. They can certainly shorten it up if the Local Planning Agency and the city council deem it is way too long.

Members of the Local Planning Agency stated they would support staff's recommendation of a 1/2 a mile maximum pedestrian walking distance.

There were some discussions on whether to allow standalone parking in more than the 3 districts it is currently allowed.

The mayor recommends making it conditional where it is permitted such as in the North Harbor Mixed Use area to encourage investing in the parking garage with the city instead of having their own offsite parking.

Councilmember Destin stated that the downsize is unless they have restrictive condition in place on public parking, they will have nothing more than high density all through the harbor if they can build more public parking like a parking garage and encourage people to invest in it. He added that high density is not necessarily tied to the height as some of the densest projects in this town are not high rises. This is not what they want and certainly not what the citizens want.

.....

### **3. 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 areas that is not utilized for vehicular areas (parking spaces or drive aisles) in open space calculations. Generally,

Open Space is very limited and intended to be the only area that is specific to landscaping or area that is pervious, as stated in the LDC.

**Comprehensive Plan – Open Space:** *That portion of a site which includes pervious greens cape 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 recommend developing a clear, matching definition for use in the Comprehensive Plan and the LDC and then moving how we measure open space into another location in the LDC not within the definition.

## **DISCUSSION:**

Councilmember Bagby likes the current LDC definition of open space. He stated this is not just a decking issue but also a stormwater issue. They get a lot of rain during certain times of the year; and so concrete sidewalks, decks, or pools, are not ideal. The water needs to go someplace and so the more water they can get on to the sand, grass, or vegetation the better. Otherwise, the water ends up in the street, in other people’s garages, or at other less than ideal locations.

According to Mr. O’Connor, when they bring Article 4 back for public discussion, they can delve into zoning districts and percentages for each zoning district, along with a clear definition of open space.

.....

#### **4. 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.

#### **DISCUSSION:**

Mr. Purut of the Local Planning Agency stated that he likes the idea of requiring a permit to remove a legacy tree. If someone wants to build a house and they have a legacy tree in the middle of their lot, they will need to get a city permit to cut it down to be able to build the house. He added that a permit should not be issued if the legacy tree is not impeding construction.

Councilmember King stated that he is not in favor of charging people more money on top of all the permits they are required to have in order to build on a buildable lot that is clearly uplands.

.....

#### **5. 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.

## **DISCUSSION:**

According to Ms. Bell of the Local Planning Agency, there is a permanent makeup establishment at downtown Fort Walton Beach that is within a few feet of a tattoo parlor; adding that even though they may have a different zoning code, it may contain similar language that they can use.

According to the City Attorney, there was an occasion where a salon that offers permanent makeup wanted to operate near Destin, and that the only reason they were able to do it was because they were located at Commons Drive which is within the county's jurisdiction. Had they been a little closer they would be within the city limits of Destin and would not have been able to offer that service. She added that they could just make an exemption if a similar situation comes up if everyone is agreeable to it.

Councilmember Bagby stated that permanent makeup such as eyebrows or eyelashes be well-defined and able to differentiate it from tattoos on the arms and other parts of the body and calling it permanent makeup.

.....

### **6. 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. The 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 the 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 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.

## **DISCUSSION:**

Councilmember Bagby asked whether a food truck can be permitted if it is part of an event, such as a homeowners association meeting, in an area such as Holiday Isle.

Mr. O'Connor noted that it can be permitted as part of a special event or as catering as long as the event is not open to the public and people do not come from the outside to purchase food.

Councilmember Bagby stated that he is fine with either option 1 or 2, adding he is really not in favor of restricting small businesses from operating.

Mayor Wagner would like to have the option of allowing food trucks to operate in city owned facilities and more updated parks that are coming up within the next 5 years such as at the 1 Harbor Lane, Joe's Bayou Ramp, and pickleball facilities, as well as some of the larger parks in the area at least under the short-term operations.

Ms. Bell stated that she cannot support any commercial activities in any public parks under any circumstances; adding that if they allowed food trucks there, it would open up the flood gates for other vendors to conduct other commercial operations in those areas.

According to Mr. O'Connor, the regulations do not have to be so narrowly focused on just that if there are other exemptions to be made such as allowing them long-term in all recreational districts within a certain boundary or some specific parks. He added that when it comes to certain commercial operations in city-owned parks, there is a specific process that has to take place.

Councilmember Bagby noted that in option 2 he would not limit food trucks to just south of US Hwy 98. He would also be in favor of allowing them in specific non-residential districts north of Hwy 98. He added that he would even be in favor of allowing food trucks at the upcoming Public Shopping Center which is north of US Hwy 98 if they want and at least until all the other restaurants are constructed on those parcels. He just does not want food trucks in residential areas unless there is a special event or catering.

.....

## **7. 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.

### **DISCUSSION:**

Councilmember Geile asked whether these standards would apply to an RV park.

According to the City Attorney, RV parks have their own standards.

Mr. O'Connor noted that the definition of structure is *"anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground."*

Mr. Purut asked whether they could establish a 10-foot separation across the entire city rather than in specific zoning districts.

According to Mr. O'Connor, the 10-foot separation is currently the requirement for primary structures across the city. However, it predated the fire code and fire ratings and there is not really a necessity for it now. It also hinders development. If there are areas in the city where they would want to maintain that characteristic look, such as the Village Planning Area, it would be easy for staff to make that happen and then everything else follows the Florida Building Codes and fire codes.

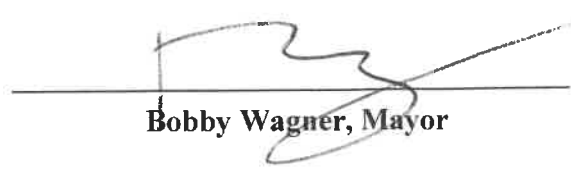
Councilmember Destin recommends staff reaches out to the fire district to get their input on this issue.

### **ADJOURNMENT:**

Having no further business at this time, the meeting was adjourned at 8:02 PM.

**ATTEST:**

  
**Rey Bailey, City Clerk**

  
**Bobby Wagner, Mayor**