

# When the Places You Love are Illegal to Build

*We all love downtown Grayton Beach, so why is it illegal to build something similar?*

By Mark Schnell



I just read a portion of the Walton County Land Development Code. As they say, it's highly recommended reading if you are having trouble getting

to sleep. But codes are part of my work, and I'm enough of an urban design geek to enjoy them to some degree, so I just loaded up on caffeine and powered through it.

The Land Development Code, or LDC for short, was just updated in December of 2018. Back in my May/June 2017 column in the Seaside Times, I offered 10 Incremental Improvements as the county worked through the code update process. I also offered my two cents in a public meeting. I was under no delusions that they were ever going to use my suggestions in the code update. But the county does appear to have addressed a few of the issues, at least to some degree. There were a number of steps, or more like half steps, in the right direction. That's better than nothing, but I was hoping for more substantial changes.

(I should mention that I did not read every word of the LDC, so if I missed something or misinterpreted something, I hope Walton County will please accept my apologies.)

The LDC affects all of us in South Walton. But you might not think about it much unless you are designing or building something. Then, all of a sudden, we had a very unfortunate reason to think about it.

We experienced heartbreak on

the day before Valentine's Day: the iconic Red Bar in Grayton Beach burned down on Feb. 13, 2019. The loss was twofold — we lost both a great local business and one of the most historic buildings in the area (the former Butler store). Thankfully, there were no injuries or deaths due to the fire, and the owners immediately announced their intentions to plan to rebuild (maybe with better bathrooms, as owner Oli Petit quipped).

When I heard the news, my first thought was this: I hope the county doesn't make them follow the standard LDC rules when they rebuild. If so, the Red Bar as we know would truly be gone forever.

According to reports, the county will allow the Red Bar to rebuild without substantial changes. If true, this is great news. Thank goodness for common sense and the concept of "grandfathering." (And people would have brought out the proverbial pitchforks if they were not allowed to rebuild.) But it begs these questions: Why do we have rules that caused me to worry about this? And why is it illegal to build the kind of places we love?

The historic part of Grayton Beach was built before the county had any substantial development rules at all. The builders of Grayton Beach just followed traditional practices: they built buildings right on the edge of the street and sidewalk, and without any on-site parking. This was just like any Main Street in America, and it was based on centuries of practice and wisdom.

The more recent planned communities such as Seaside and Rosemary Beach were created using Walton County's PUD (Planned



Red Bar, one of Grayton Beach's historic buildings, will rebuild after suffering a devastating fire, with few changes. Photo by Kurt Lischka, Moon Creek Studios

Unit Development) or DRI (Development of Regional Impact) processes. Basically, they created their own rules for setbacks, parking, etc., which were approved by the county. That's why those planned communities were able to use rules and designs that more closely resemble those in traditional towns and cities. It's not a coincidence that both the oldest towns like Grayton and the new planned communities are home to the most popular mixed-use districts in South Walton.

Everyone else is required to use the standard rules of the Land Development Code. And, as I've pointed out several times before in this column, those rules are sadly "one size fits all" and often prevent the creation of great places in favor of faceless and dysfunctional suburban sprawl. So, if you are stuck following the standard LDC rules, you'll have plenty of parking, but I'm not sure anyone will want to actually spend time there.

The real test of the revised Land Development Code is whether you can build a place as beloved as the Red Bar and the rest of downtown Grayton Beach (i.e. the two block stretch of Hotz Avenue between the vehicular beach accesses).

Let's say I wanted to re-create downtown Grayton Beach in its exact form somewhere else in South Walton without the benefit of the PUD or DRI process. Every code should be subject to this kind of stress test: does the code create the kind of places in your community that people love?

Let's look at a few important rules in the LDC:

### Setbacks

The standard setback for a commercial building in the Land Development Code is 25 feet in general, and 20 feet in the 30A Scenic Corridor.

*Urban Design cont. page 25*

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## A Play Between Friends

*Three REP performers finally set foot onstage together*

By Aubrey Ainsworth  
Director of Artistic Operations,  
The REP Theatre

The REP Theatre has been creating memories with the people of 30A through the arts for 19 years. This intimate, professional theater has consistently entertained audiences while pushing boundaries yet staying true to its roots.

Inspiration comes in many forms for the staff and company of The REP. For three performers about to tackle the unimaginable, inspiration lies in the friendship that was born out of their deep love for The REP and the community. Kevin Boyle, Brook Stetler and Kyle Walter are three performers who have been longtime friends, each playing a pivotal role in The REP's history. Yet until now, all three have never stepped foot onstage at the same time.

For three weeks in May, this comedic trio will put on their tights, rock their Elizabethan costumes, and share all of Shakespeare's plays with REP audiences like never before. "The Complete Works of William Shakespeare (abridged)" brings together these three extraordinarily

talented actors giving REP patrons a remarkable night at the theater. Performing all of Shakespeare's 37 plays within a 90-minute show may sound next to impossible, but this trio embraces that challenge and is having the time of their lives while doing so. Their unbreakable bond transcends this fast-paced comedy into a one-of-a-kind production setting itself apart from anything like it.

Uniting these three men for this incredible production makes for an exceptional time at The REP. All three of these performers have deep ties with the theater that brings such high-quality arts and culture to the area. To be such great friends and to get the opportunity to do a show like this is something truly unforgettable. Kevin Boyle agrees. "It's great to be performing on The REP stage again," he says. "It's especially great this time around because I have the chance to work alongside Brook and Kyle. We've known each other for years. But this is the first time the three of us are in a play together. I think our energy offstage will translate to an awesome show; we might have more fun than the audience."

Jumping from one of Shakespeare's plays to the next requires



Brook Stetler and Kyle Walter perform in Shipwrecked! at The REP Theatre. Photo courtesy The REP

rigorous rehearsal, incredible focus, and trust between all involved. If you were to peek through the REP doors during a rehearsal for this high-energy production, you would see props flying, sword fights, and side-splitting laughs had by all. With these three, infectious laughter, endless puns, and outlandish silliness fills the theater creating energy especially fitting for this play. Each actor brings his own style and comedy to the show, but it is their friendship on and off the stage that makes this production extraordinary.

The REP Theatre's production of

"The Complete Works of William Shakespeare (abridged)" opens May 2 and runs through May 18 with performances at 7:30 pm. Tickets are \$30 and can be purchased at [lovetherep.com](http://lovetherep.com).

Visit our website at  
[lovetherep.com](http://lovetherep.com)



## Urban Design

Cont. from page 5

The buildings along Hotz Avenue have very minimal setbacks. Several of the buildings sit on the right-of-way line, or very close to it.

Thankfully, there's some good news: the setback rules took a step forward in the code update, but only if you have mixed-use zoning within the 30A Scenic Corridor, and only if you can get planning department approval under the vague language in that section. The code does not provide a hard number for a setback, so the appropriate setback (if less than the code's minimum) falls to the discretion of the planning department. There is no guarantee that you can have a smaller setback (or in legal/planning jargon, it's not allowed "by right"). Here's the language from the LDC:

"A 20' scenic corridor setback from the adjacent outward edge of the existing right-of-way is required. Except that, properties designated Mixed Use on the adopted Future Land Use Map are not subject to the 20' scenic corridor setback requirement.

Front yard or corner lot side yard building setbacks within Mixed Use Future Land Use Map category as shown on the adopted Future Land Use Map may be less than otherwise required by Chapter 5 if a lesser setback is warranted in order to facilitate better design such as rear or center parking, pedestrian oriented streetscape, better defined public realm, etc."

Could you re-create downtown Grayton with the current setback rules? Maybe, but only in certain places, and only with Walton County approval.

### Parking

According to the LDC, a restaurant is required to have one parking space for every 150 square feet of building area, and a shopping center is required to have one parking space for every 200 square feet of building area. The parking spaces are required to be within the lot — not in the street. These are in the ballpark with suburban standards in much of America. In other words, we have the same rules on 30A that create giant — and often

empty — parking lots around strip malls and fast food restaurants.

The buildings in downtown Grayton Beach have very little, if any, of the parking located within the private lots. Nearly all of it (I'm guessing 90 percent or more) is located in the public right-of-way.

At 5,000 square feet, the Red Bar would be required to provide 33 parking spaces within their lot. Together, the building and parking would require more space than is available on the 1/3-acre lot, and that doesn't account for required stormwater retention, landscape buffers, etc.

Could you re-create downtown Grayton with the current parking rules? No way. Impossible.

I also need to point out that the code still allows the classic strip mall configuration of parking lot between the street and the building. As far as I could see, there is no situation where it's not allowed. But, thankfully, they took a step in the right direction by providing incentives like this one:

"Commercial uses are encouraged to provide parking in the rear of the building to allow building facades and landscaping to predominate in the view from the road. The parking requirements in Chapter 5 shall be reduced 20 percent for all commercial, or mixed use developments that provide parking in the rear of the building."

That's a good incentive. But isn't it time we minimized off-street parking along the street in a more substantial (i.e. required) way? How would Hotz Avenue look and function if the buildings were all pushed back behind parking lots? Would anyone even go there?

(And, by the way, if eliminating parking minimums sound preposterous, consider that even the President of the Institute of Transportation Engineers just came out in favor of it.)

### Stormwater

Walton County requires every parcel to provide on-site retention for stormwater. That's usually in the form of retention ponds (which are often surrounded by lovely chain link fences). At the very least, it's a ditch somewhere on the property.

To my knowledge, the buildings along Hotz Avenue have no on-site stormwater retention, or at least

very little. This likely resulted in some of the puddles in the street after a storm, but generally the sand and vegetation on the lots absorb most of the water without any issues.

Thankfully, and to their credit, the county is constructing stormwater improvements in Hotz Avenue that will solve any problems. It's common in many places — especially urban or Main Street conditions — for stormwater to be addressed on a district scale than each parcel. But it needs to be handled by the local government, and that has not been Walton County's approach, with the exception of a few locations. You couldn't have retention ponds all over Grayton Beach and still achieve the intimate character of the community that people love.

Could you re-create downtown Grayton with the current stormwater rules? Not a chance. If every single building had a retention pond on property, Grayton Beach would be a very different place.

### Street Design

The county requires minimum widths of the driving surface, depending on the street classification. Collector and arterial streets are required to be a minimum of 22 feet wide and local streets are required to be a minimum of 20 feet wide.

With a driving surface that appears to be approximately 12 feet wide, Hotz Avenue is narrower than Walton County standards. It's also one-way with angled parking, so that's not completely unusual. However, it was narrower than 20 feet even when it had two-way traffic.

Street design is a little different than these other categories, because the owner of a building or parcel doesn't have much control over the right-of-way in front of it. It's land that's owned by Walton County, and they are following their own standards. (To the county's credit, they have done an excellent job reaching out the Grayton community for input on the current construction project on Hotz Avenue.)

But the design of streets has a huge impact on the success of adjacent development, especially commercial and mixed-use buildings like those in downtown Grayton.

Hotz Avenue is a basically a "shared street" in which pedestrians, cyclists, and cars all share the space, without much separation. There are some sidewalks. But most people walk and bike in the street, right alongside the cars. As I mentioned, it's also a very narrow street. All of this helps slow down traffic and make it such a comfortable and safe place to spend time.

According to the LDC standards, it's unlikely that Hotz Avenue would be built in the same way today. The current construction project accepts and enhances the narrow street only because it already exists and there's no room to expand.

Could you re-create downtown Grayton with the current street design rules? No. (Are you noticing a pattern?)

### Conclusion

Unfortunately, you could not re-create downtown Grayton Beach elsewhere in South Walton unless you had enough land, attorneys, expertise, time, and money to go through the PUD/DRI process. With some of the changes to the Land Development Code, Walton County moved closer to making this possible, but we are not there yet. I wholeheartedly applaud the efforts of Walton County in making positive changes to the LDC. I can only encourage them to make more changes.

How do we make it legal to build places we love? I think we need another revision to the LDC that solves the issues described above. And, beyond the code, we need Walton County to address stormwater and street design differently in many areas. We need to go back to creating places that are just as beloved as the Red Bar and downtown Grayton Beach.

Mark Schnell is an urban designer based in Seagrove Beach. Among his most prominent projects are three New Urban beach communities on the Texas coast: Cinnamon Shore, Palmilla Beach, and Sunflower Beach. Learn more about his firm SchnellUrbanDesign.com.