

Ordinance Number 2021-16

AN ORDINANCE RELATING TO WALTON COUNTY, FLORIDA; AMENDING ORDINANCE 1990-15 AS AMENDED OTHERWISE KNOWN AS THE WALTON COUNTY COMPREHENSIVE PLAN; AMENDING POLICIES L-1.11.2 ESTABLISHING A SUPER MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS FOR AMENDMENTS RELATED TO THE ALLOWABLE BUILDING HEIGHT WITHIN THE SOUTH WALTON PLANNING AREA; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND CONFLICTS PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, Chapter 163, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Chapter 163, Florida Statutes, requires local governments desiring to revise their comprehensive plans to prepare and adopt comprehensive plan amendments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Walton County Planning Commission and Board of County Commissioners have held public hearings with due public notice and received public comments concerning the subject map amendment to the Comprehensive Plan; and

WHEREAS, after due public notice having been provided, the Walton County Planning Commission held a public hearing on January 14, 2021 and the Walton County Board of County Commissioners held a public hearing February 9, 2021 to consider the adoption of the proposed amendment to its comprehensive plan, in accordance with Section 163.3184, Florida Statutes; and Section 125.66; and

WHEREAS, after due public notice having been provided, the Walton County Board of County Commissioners held a public hearing on May 11, 2021 to consider the adoption of proposed amendment to its comprehensive plan, in accordance with Section 163,3184, Florida Statutes;

WHEREAS, the Walton County Board of County Commissioners considered all oral and written comments received during such public hearings, including the data and analyses provided for this amendment, the recommendations of the Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, as follows:

SECTION I. PURPOSE AND INTENT.

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise

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the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

SECTION II. TEXT AMENDMENTS.

The Board of County Commissioners hereby adopts the following text amendments to the Comprehensive Plan which will be updated consistent with the action of the Board of County Commissioners as set forth in this Ordinance:

OBJECTIVE L-1.11: Notwithstanding the Future Land Use Categories and the density and intensities of use authorized by the Future Land Use Categories, specific standards for implementing and controlling allowable land use and design activities are adopted below.

Policy L-1.11.1: Developments with a final development order issued on or before November 7, 1996, where development had commenced and is continuing in good faith as of this date, or development authorized as a development of regional impact pursuant to Chapter 380, F.S., are vested.

Pursuant to the doctrine of equitable estoppel, development may be deemed vested if a property owner has relied in good faith on an act or omission of the local government and on the basis of such reliance has made a substantial change of position such that it would be highly inequitable and unjust to deny the continued development of this property.

Policy L-1.11.2: Height Limitations

- (A) South Walton County: Notwithstanding any other provisions of this comprehensive plan, no development higher than fifty feet (50') shall be permitted south of Choctawhatchee Bay and the Intracoastal Waterway from the Okaloosa County line to the Bay County line. Any amendment to the height limitations established by this Policy for South Walton County shall require an affirmative supermajority vote of the Walton County Board of County Commissioners. This fifty foot (50') height limitation may be exceeded contingent on conditional review/approval on a case-by-case basis by the Board of County Commissioners for the following structures:
1. Communication towers;
 2. Hospitals and similar structures located on the hospital campus and connected to the main facility (may not exceed seventy-five (75') feet); and
 3. For developments within the U.S. Highway 98 and U.S. Highway 331 Scenic Corridors, per section 13 of the Land Development Code, which provides that cupolas, towers, spires, etc. are allowed and may extend twenty (20) feet above roof lines or allowable height, but they shall be non- leasable and non-habitable.
- (B) North Walton County: Walton County Land Development Code includes varying height standards and methodologies for determining height limits within North Walton County.

SECTION III. CONFLICT WITH OTHER ORDINANCES OR CODES.

All Ordinances or parts of Ordinances of the Code of Ordinances of Walton County, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. SEVERABILITY.

Should any word, phrase, sentence or section of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

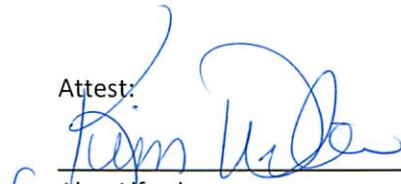
SECTION V. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

Duly enacted, by the Board of County Commissioners of Walton County, Florida at a regularly scheduled public hearing on the 11th day of May, 2021.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

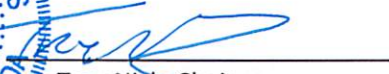
Attest:



Alex Alford
Clerk of Court
and County Comptroller



By:



Trey Nick, Chairman
Board of County Commissioners