

**Ordinance
2007-07**

An Ordinance Amending the Walton County Land Development Code Section 2.01.03(M) Regulating Drive-Through Facilities in the Coastal Center Land Use District; Providing for Severability, Repealing All Provisions in Conflict Herewith and Providing for an Effective Date

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, F.S. 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, Sections 163.320 1 and 163.3202, Florida Statutes, require local governments to implement the provisions of their comprehensive plans through the adoption of land development regulations; and

WHEREAS, Walton County has adopted a Land Development Code in accordance with these statutes to ensure the County's orderly growth and development; and

WHEREAS, Walton County, to ensure the County's continued orderly growth and development, finds it prudent to amend its Land Development Code to respond to the changing needs and conditions within said county;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, that the Walton County Land Development Code be amended as follows:

Section 1: Section 2.01.03 of the Walton County Land Development Code is amended as follows:

M. Coastal Center (CC): This land use district is primarily residential, allowing medium residential densities and supporting uses. All development is required to be connected to a public water and sewer system, and shall comply with applicable provisions of the US 98 Scenic Corridor guidelines adopted by the County.

1. Uses Allowed: The uses allowed in this district include:
 - Public uses
 - Civic uses
 - Workplace, limited to offices and artisanal uses
 - Commercial shall be for retail, entertainment, restaurant, services and lodging. There shall be no outdoor entertainment or broadcasting. In order to prevent visual blight from all roadways and neighborhoods, no outdoor storage is permitted without an adequate screening plan being approved as a condition of a development plan within the coastal center category.

Outdoor display of retail items is permitted during business hours. Commercial uses are specified as the following:

Retail sales stores, such as shoe stores, clothing stores, home accessories and furnishings, pharmacies, florist, bookstores, and the like

Sports clubs

— Fitness Centers

Dance schools and other performing arts Small indoor theaters

Dinner clubs/lounges

Restaurants (standard sit-down without drive-up facilities)

Garden supply, vehicle parts and accessories (but specifically excluding vehicle sales/service/repair)

Specialty food stores (such as meat markets, delicatessens and bakeries)

— Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, local laundromat/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops)

Professional Office Uses such as accountants, attorneys, engineers, doctors, financial institutions, and the like

Limited lodging (75 rooms or less) including full services, such as supporting restaurant use)

- Residential
- Multifamily Residential

2. Residential Density Allowed: The maximum allowable density for residential development in this district is eight units per acre (8 units/i acre).
3. Commercial intensity allowed. Commercial development within this district shall have a maximum floor area ratio of 1.5 and an impervious surface ratio of .75.
4. Setback Requirements: See Section 5.00.03.
5. Buffering Requirements: See Section 5.01.02.
6. Special Development Conditions Within the District: The following restrictions apply to all development and redevelopment within this category:
 - a. Mixed Use Requirement: Development projects of 40 acres or more shall be required to be mixed use, and shall include a minimum of ten percent and not more than 35 percent commercial uses.
 - b. Access to commercial and workplace use in projects located along US 98 and US 331 shall be subject to the minimum spacing standards, joint driveway provisions and cross access easements of the Walton County Scenic Corridor Guidelines, as provided in Chapter 13 of this Code.
 - c. Each parcel or lot, except single family, with a public street frontage shall provide vehicular connections to abutting lots to limit access impacts on US 98.
 - d. Drive-through businesses in the Coastal Center land use district are a conditional use [restricted to financial institutions] where the business is located on US 98 or SR 331, and are subject to the following restrictions:

- i. Drive through facilities may only be permitted as an accessory use to an existing primary development:
- ii. No drive-through facility shall be permitted within 100 feet of either an existing residential use or a vacant lot with a future land use designation that limits the allowable use to single family homes. This setback shall be measured from the outer limit of the drive-through facility to the nearest common property boundary between the financial institution and the residential use:
- iii. All drive through facilities must provide a minimum 25-foot landscape buffer between the drive-through and any adjacent residential use:
- iv. Drive-through facilities must provide a landscape buffer from the scenic corridor per the Walton County Scenic Corridor Guidelines, as provided in Chapter 13 of this Code, if this buffer has not already been provided:
- v. All drive-through facilities must be accessed from US 98 or SR 331, and may not allow access from adjacent residential streets:
- vi. All drive-through facilities shall be subject to a compatibility analysis that at a minimum must demonstrate the following:
 1. the proposed non-residential structure must complement the predominant features of the surrounding neighborhood as defined by building orientation, building setbacks, building heights, and general building type and style:
 2. the proposed drive-through is consistent with the extent, design, and location of parking, parking access drives, drive through access drives, service areas, outside storage, landscaping and other site features of the surrounding neighborhood, including but not limited to setbacks, buffers, fences, walls, and open space:
 3. the hours of operation will be compatible with the hours of operation of the surrounding non-residential uses and with adjacent residential development:
 4. the proposed drive-through will not create adverse impacts from noise, smoke, exhaust, emissions, dust, lighting, vibration, or odors that are detrimental to the reasonable use or quiet enjoyment of existing development in the surrounding neighborhood.

For purposes of the required compatibility analysis, “surrounding neighborhood” shall be construed as the subdivisions or other developments within 1/4 mile of the development site, with the strongest consideration given to those subdivisions or other developments that are adjacent to the proposed drive-through.

The county may require that any or all of the following techniques be used in conjunction with a proposed drive-through to wholly or partially mitigate adverse impacts:

1. variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light, glare, and/or pollution, and screening of physical features of a proposed development:

2. variable setbacks, based upon number of proposed drive-through lanes, intensity of expected drive-through traffic, intensity, scale, mass, or height:
3. placement and effective screening or shielding of site features such as lights, signs, parking areas, stacking areas, or other features with potential negative impacts:
4. other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

Section 2. Severability

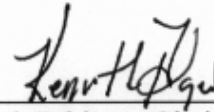
Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance, and the remainder of the ordinance shall remain in full force and effect.

Section 3. Effective Date

This ordinance shall take effect as provided by law.

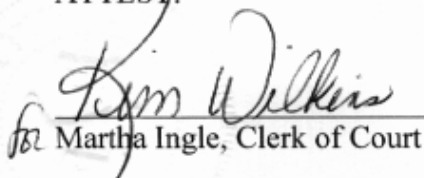
ADOPTED in an advertised public hearing of the Board of County Commissioners this 11th day of June, 2007.

WALTON COUNTY BOARD OF
COUNTY COMMISSIONERS



Kenneth Pridgen, Chair

ATTEST:



Martha Ingle, Clerk of Court