

Ordinance Number 2008-03

Amending the Walton County Comprehensive Plan to Define an Additional Land Use Category Identified as Development of Regional Impact-Mixed Use; Defining the Intent and Uses; Providing for Severability; and Providing for an Effective Date.

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, every development of regional impact (DRI) has a unique master plan for development and attempting to fit a DRI master plan into an existing future land use category typically creates complications; and

WHEREAS, the development parameters of a DRI are set in the development order that is issued by the county commission after much review, many public hearings, and input by state and local agencies; and

WHEREAS, a DRI master plan is often set to cover many years and unforeseen but necessary changes are regulated by Chapter 380.06, Florida Statutes, through the notice of proposed change process; and

WHEREAS, Walton County desires to amend its comprehensive plan to create a future land use category that specifically governs developments of regional impact, taking into account the unique features noted above; and

WHEREAS, Walton County afforded opportunity for public comments concerning the subject text amendment to the comprehensive plan during public hearings held before the Walton County Planning Commission and Board of County Commissioners; and

WHEREAS, after due public notice, the Walton County Board of County Commissioners held a transmittal hearing on January 23, 2007; and

WHEREAS, this ordinance shall be considered a final order as required in Section 10.01.03(F) of the Walton County Land Development Code as codified in Ordinance 97-28;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners to amend the Walton County Comprehensive Plan by adding the following language:

Policy L-1.1.1 C. NORTH & SOUTH WALTON COUNTY LAND USES

(8) DEVELOPMENT OF REGIONAL IMPACT — MIXED. USE (DRI-MU)

This land use category is intended for developments of regional impact (DRIs), and shall apply only to projects approved pursuant to Chapter 38G, Florida Statutes. This category shall be requested simultaneously with an application for development approval pursuant to Chapter 380, Florida Statutes.

- A. Uses allowed: Residential, both single family and multi-family; commercial: mixed use (defined as combination of otherwise allowable uses within a single area such as, but not limited to, vertical mixed use of residential over commercial); industrial; civic; institutional; and recreational. Solid waste facilities are prohibited.
- B. Density allowed: Gross density shall not exceed twelve (12) units per acre. Clustering is encouraged, and may be required by the county, to protect significant habitat and wetlands and to avoid other areas of environmental concern.
- C. Intensity allowed for all nonresidential uses: 0.75 floor area ratio; 0.75 impervious surface ratio.
- D. Restrictions:
1. Central water and sewer shall be available or shall be developed as Part of the DRI.
 2. The applicant shall submit, a. compatibility analysis demonstrating that the proposed uses, densities, and intensities are compatible with the surrounding area. The compatibility analysis shall meet the following criteria:
 - (a) that any proposed new residential development complements the predominant housing type in the surrounding area;
 - (b) that proposed structures for residential and non-residential development complement the predominant features of the surrounding area as defined by building orientation, building setbacks, building heights, and general building type and style;
 - (c) that the proposed development maintains and complements the fundamental development pattern of the surrounding area, considering lot area, lot dimensions, and lot

- configuration, as well as the pattern and spacing of lots and buildings;
- (d) that the proposed development maintains a similar density of residential development, intensity of non-residential development, and scale and mass of buildings as found in the surrounding area;
 - (e) that the proposed development is consistent with the extent, design, and location of parking, parking access drives, service areas, outside storage, landscaping, and other site features of the surrounding area, including but not limited to setbacks, buffers, fences, walls, and open space;
 - (f) that the hours of operation of proposed non-residential development will be compatible with the hours of operation of the surrounding non-residential uses, if applicable; and
 - (g) that the proposed development 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 area.
 - (h) For purposes of this compatibility analysis, "surrounding area" shall be construed as the developments within one quarter mile of the border of the DRI, with the strongest consideration given to those subdivisions or other developments that are adjacent to the DRI.
 - (i) The county may require that any or all of the following techniques be used in a proposed DRI to wholly or partially mitigate incompatible 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 degree of difference in proposed density, intensity, scale, mass, or height
 - 3. placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage, or other features with potential negative impacts
 - 4. effective transitions of on-site densities, intensities, scale, mass, or height;
 - 5. other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

3. The county may restrict the overall density and intensity to less than the maximum permitted by this.. land use designation to address environmentally sensitive areas, incompatible land uses, the need for additional public infrastructure, or similar issues.
4. The county has the authority to add additional conditions to the master. Plan to address environmentally sensitive areas, incompatible land uses, the need for additional public infrastructure, or similar issues.
5. An itemized checklist shall be included with. the application for development approval (ADA) identifying each applicable objective of the comprehensive plan and detailing the master plan's compliance with each objective.
6. A preservation plan meeting the county's preservation requirements must be submitted to and approved by the county.

E. Social Area Plans approved as a DRI

1. Blackstone Development

The Blackstone Development of. Regional Impact constitutes the Blackstone Special Area Plan and serves as the data and analysis for the Comprehensive Plan. The area addressed by the Special Area Plan is identified as ~The Blackstone DRI~ on the FLUM and is subject to the following:

- a. The Blackstone DRI is a 1,240 acre mixed use community that includes a functional integration of residential. recreational vehicle park, neighborhood retail, office, golf course and other recreation uses, open space and preservation and, supporting infrastructure (e.g. roads. water, sewer, etc.). The planning timeframe for the development runs through buildout in 2020. The maximum residential density for the project is 3.5 residential units per net residential area as applied throughout the project and. the nonresidential land use intensity shall not exceed 0.75 Floor Area Ratio (FAR). The Impervious Surface Ratio shall not exceed 0.75 for nonresidential development areas. Phasing for.. the project is based on development units (e.g. residential units, non-residential square footage and recreational facilities) and is approximately divided into one one-year increment, one two-year increment and two five year increments, but may proceed more quickly than projected. For infrastructure planning, the developer and County shall be limited through the .20.15. to the. following development impacts: Phase I (134. homes and an 18 hole golf course). Phase II(100 single-family homes. 150 residential townhomes. 250 apartments, 50,000 sf of retail/service, and 5,000 sf of office), and Phase III (consisting of 1,050 single-family, 300 residential townhomes. 100 residential condominiums, 150 residential apartments. 43000 sf of retail

service, and 10,000 sf of office) to ensure adequate facilities and supply at the adopted level of service. Additional development in Phase IV shall not commence until adequate public facility improvements are either scheduled in the appropriate 5-year financially feasible capital improvements schedule or certified as available by the appropriate private provider. The mix of uses and distribution of uses as a percent of the entire DRI acreage are as follows:

<u>Land Use</u>	<u>% Range</u>
<u>Residential</u>	<u>79% to 85%</u>
<u>Commercial: Including Retail, Office and Recreational Vehicle Park</u>	<u>2% to 7%</u>
<u>Recreation: Including Golf Courses and other Recreational Facilities.</u>	<u>13% to 15%</u>

This policy does not guarantee the approval of development orders which are in accordance with the percent distribution of acreage mix.

The approval of development orders shall be consistent with this policy and other comprehensive plan goals, objectives, policies and future conditions maps.

- b. Amendments to the DRI: Amendments to a DRI/FOD through the Notice of Proposed Change process pursuant to s. 380.06(19). FS. shall not require a plan amendment provided the change does not include the addition of land, a new use and the enacting Ordinance is otherwise consistent with the comprehensive plan. Changes to a DRI Development Order adopted by Walton County shall be reflected in the Blackstone Special Area Plan.
- c. The Application for Development Approval, sufficiency responses and DRI Development Order for Blackstone DRI shall provide the supporting data and analysis for the Blackstone Special Area Plan land use designation on the FLUM.
- d. The Blackstone DRI Development Order ensures consistency of the Blackstone Social Area Plan land use designation on the FLUM with the goals, objectives, policies and future conditions maps of the Walton County Comprehensive Plan.
- e. The Blackstone DRI Development Order transportation conditions ensure consistency of the Blackstone Special Area Plan land use designation with the Traffic Circulation Element by requiring a coordination of land uses and transportation facilities needed to maintain the adopted level of service standards.

- f. The Walton County Comprehensive Plan Future Transportation Map series reflects the roadway facilities needed to maintain the adopted level of service standards. The Traffic Circulation Element Future Transportation Map series shall be amended as necessary to reflect roadway improvements necessary to maintain the adopted level of service standards based on future transportation monitoring/modeling studies required in the Blackstone DRI Development Order. Capital projects required beyond the initial five-year timeframe to maintain adopted level of service standards shall be incorporated into the Capital Improvements Element through a comprehensive plan amendment at the appropriate time or through the normal annual update to the Capital Improvements Schedule.

- g. If the Developer desires to abandon any part or all of a DRI, it must do so pursuant to Rule 9J-2.0251, FAC (Abandonment of Development Orders). Simultaneously with filing for abandonment, the Developer shall file for a Comprehensive Plan Amendment removing the property sought to be abandoned from the Special Area Plan designation on the FLUM. The Special Area Plan designation on the FLUM shall be amended according to the Abandonment Development Order and Comprehensive Plan Amendment issued by the County and approved by FDCA.

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.

Duly enacted, by the Board of County Commissioners of Walton County, Florida,
at a regular meeting on the 8th day of January, 2008

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

By: _____

Larry Jones, Chair

ATTEST:

Martha Ingle
Martha Ingle, Clerk of Court