

**ORDINANCE
2008-35**

AN ORDINANCE AMENDING SECTION 2.03.02 OF THE WALTON COUNTY LAND DEVELOPMENT CODE TO ADOPT THE BEACH HIGHLAND NEIGHBORHOOD PLAN AS AN OVERLAY DISTRICT; ESTABLISHING A DEFINED BOUNDARY; ESTABLISHING CERTAIN DEVELOPMENT STANDARDS FOR THE PURPOSE OF PROTECTING AND MAINTAINING THE EXISTING SINGLE-FAMILY RESIDENTIAL DEVELOPMENT PATTERN IN THIS NEIGHBORHOOD; PROPOSING GOALS FOR THE BEACH HIGHLAND NEIGHBORHOOD; PROVIDING FOR THE INCORPORATION OF THE BEACH HIGHLAND NEIGHBORHOOD PLAN AS APPENDIX NP-1 TO THE WALTON COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; 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 163.3201 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; and

WHEREAS, it is the intent of the Walton County Comprehensive Plan to encourage the preparation of neighborhood plans to guide development within Neighborhood Planning Areas; and

WHEREAS, it is the further intent of the Walton County Local Comprehensive Plan to actively involve residents of neighborhoods in the preparation of neighborhood plans; and

WHEREAS, the Walton County Land Development Code Section 2.03 .02 provides a process for citizen based neighborhood planning efforts to create a Neighborhood Plan for adoption as an overlay district by amendment to the Walton County Land Development Code; and

WHEREAS, adopting neighborhood plans as part of the Land Development Code as overlay districts will expedite the neighborhood planning process and thereby better promote citizen-based planning; and

WHEREAS, the Beach Highland Neighborhood Planning Group (NPG.BH) has registered with Walton County as a Neighborhood Planning Group in accordance with Walton County Land Development Code Section 2.03 .02.B.1., and is recognized as an Existing Neighborhood Planning Effort already underway as of April 8, 2008, the date of adoption of Ordinance 2008-10; and

WHEREAS, the Beach Highland Neighborhood Planning Group has expended a significant amount of time and effort toward developing neighborhood plans consistent with the intent of the procedures contained in Walton County Land Development Code Section 2.03.02; and

WHEREAS, the Beach Highland Neighborhood Planning Group, in accordance with Walton County Land Development Code Section 2.03 .02.E, is a group undertaking a Neighborhood Plan prior to the adoption of Ordinance 2008-10 and eligible to begin the process at LDC Section 2.03.02.E. and chooses to do so;

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: Amendment.

Section 2.03 of the Walton County Land Development Code is hereby amended as follows:

2.03.03. Beach Highland Neighborhood Plan (NP.BH).

- A. The Beach Highland Neighborhood Plan dated May 14, 2008. is an overlay district with specific standards that govern development within the boundary of the Beach Highland neighborhood.
- B. The boundary of the overlay district shall include the Beach Highland Subdivision as recorded in Plat Book 3. Page 47. of the Official Records of Walton County, Florida, less and except Lot 1. Block F (the location of Journey's End Condominium).

Section 2: The Beach Highland Neighborhood Plan (NP.BH), included in this ordinance as Attachment A, is hereby incorporated into the Walton County Land Development Code as Appendix NP-1.

Section 3. 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.

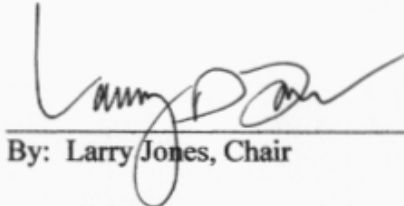
This ordinance shall take effect as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regular meeting on the 28th day of October, 2008.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:


Martha Ingle
Clerk of Court


By: Larry Jones, Chair

The Beach Highland Neighborhood Plan

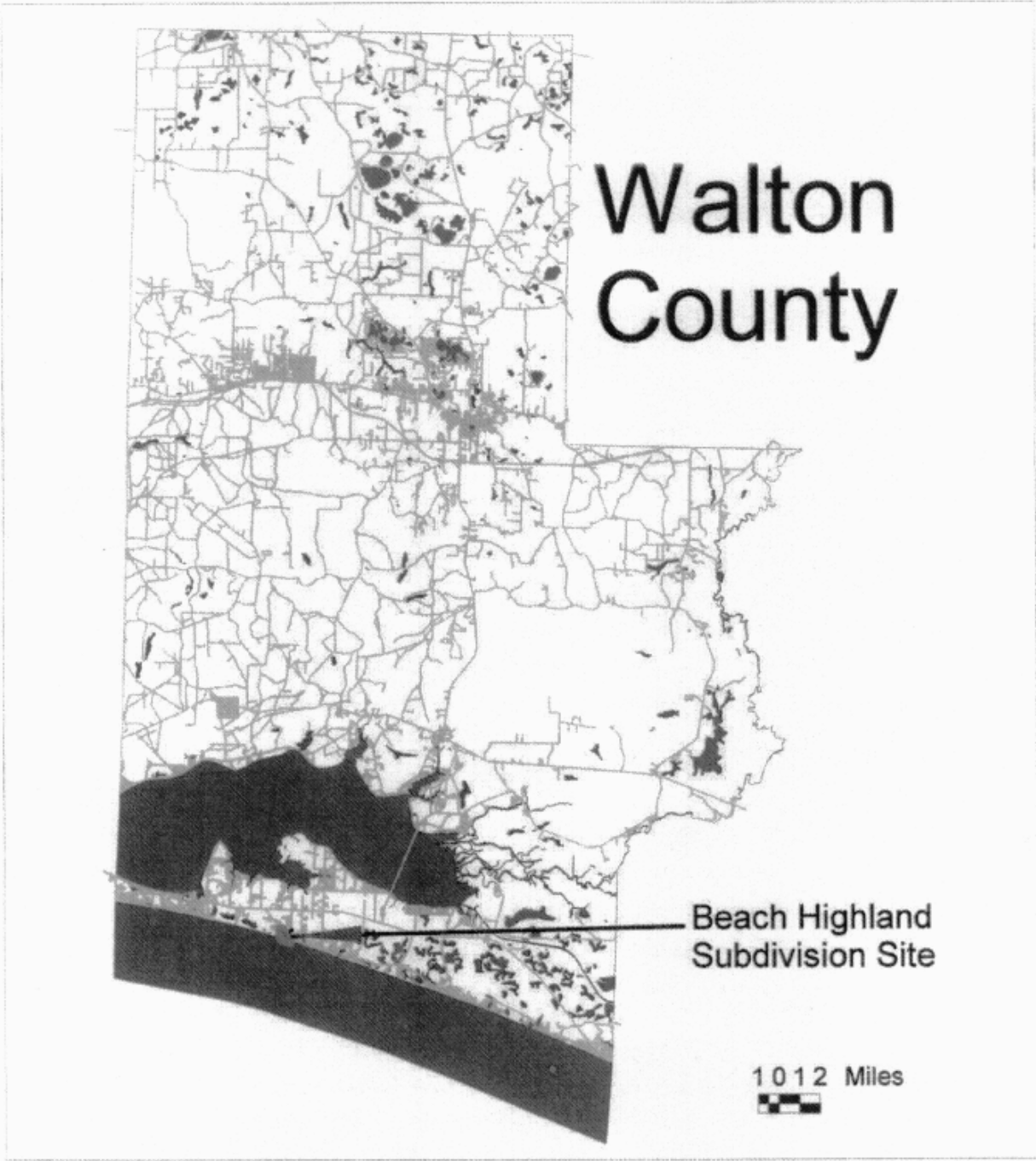


Image of Stallworth Lake in the Beach Highland Neighborhood

Walton County, Florida

Applicants: Walter E., Jr., & Ann E. Blessey; Ron & Colleen Friesen; Gordon B. & Isabelle V. Gsell; J. Robert & Stephanie W. Jumonville; Jonathan L. & Sheryl W. Kimerling; Sara H. Letsinger; William B. Moeller; James L. and Brenda S. Radtke; John V. Roach; Richard H. & Nancy Sroufe; Mark & Martha Stroop; Rodrigo & Justine Vial; and John Thomas, Jr. & Jean H. Walter

Prepared by Varnum & Associates, Inc.
May 14, 2008
(VA#3503.002)



Walton County

Beach Highland
Subdivision Site

1 0 1 2 Miles


VARNUM & ASSOCIATES INC.

CIVIL ENGINEERING * LAND USE PLANNING
ENVIRONMENTAL ANALYSIS & PERMITTING
3559 TIMBERLANE SCHOOL ROAD, TALLAHASSEE, FLORIDA, 32312
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CERTIFICATE OF AUTHORIZATION NO. : 7880

LOCATION MAP

Section 1. Existing Conditions.

The Walton County Neighborhood Planning Program

Walton County encourages the preparation of Neighborhood Plans to guide development within the Neighborhood Planning Area (NPA) Future Land Use district. The County has established a Neighborhood Planning Program to facilitate development based on Neighborhood Plans. The standards and requirements for the Neighborhood Planning Program are contained in Future Land Use Policy L-1.1.1 (B)(3)(a)(1) of the Walton County Comprehensive Plan and Section 2.03.02 of the Walton County Land Development Code.

History and Description of the Beach Highland Subdivision

The Beach Highland Subdivision is located in South Walton County generally southwest of County Road (C.R.) 30-A. It is bordered by C.R. 30-A on the north and east, the Topsail Hill State Preserve on the west, and the Gulf of Mexico on the south. Exhibit 1 of this plan shows the Beach Highland Subdivision and surrounding properties.

Beach Highland was platted as a residential subdivision on October 29, 1960. The subdivision originally included a total of 91 lots. Since the original plat recording, two additional lots have been created, and several lots have been combined and boundary lines have been adjusted. The subdivision is currently served by central water and sewer service, and includes paved roads.

Covenants and restrictions that controlled land development in the subdivision were established in January of 1961. Among other development standards, the covenants and restrictions limited development in the subdivision to single-family residential uses. These covenants and restrictions expired in 2001.



Bishop Street in the Beach Highland Neighborhood

The Beach Highland Subdivision primarily contains detached single-family residential homes on lots ranging in size from approximately 0.18 to 0.50 acre in size. Approximately 39 lots in the subdivision are currently vacant. In 1982, Lot 1 of Block F was developed with a 10-unit Condominium known as Journey's End. In addition, the subdivision contains one manufactured home and one duplex (two-family dwelling).

Existing Land Development Standards

The subdivision includes 19 lots located along Stallworth Lake, which is a County protected Coastal Dune Lake. Development on lots fronting on Stallworth Lake is regulated under Sections 4.02.06(B) and 4.03.03(C) of the Walton County Land Development Code and Policies C-3.2.1 and C-3.2.8 of the Walton County Comprehensive Plan. Portions of the subdivision are also located within the Coastal Building Zone as defined in Section 4.02.05 of the Walton County Land Development Code and are subject to the development standards of this Section.

The Walton County Comprehensive Plan includes a Future land Use Map series that displays South Walton County's Neighborhood Planning Areas (NPAs). Within these NPAs are five Neighborhood subcategories: Residential Preservation Area, Infill Development, Small Neighborhood Projects, Traditional Neighborhood Development Projects, and Village Scale Development Projects. All of the Beach Highland subdivision is designed on the NPA map series as Residential Preservation Area, with the exception of eight lots in the southeastern portion of the subdivision which are designated as Infill parcels. Exhibit 2 of this plan identifies the existing land use designations of this area.

Area Development Pattern

Immediately following the adoption of the Comprehensive Plan in 1996, the County received and granted numerous requests for small scale map amendments in South Walton County to permit commercial development in areas previously designated for residential uses. This pressure for commercial and other non-residential development was and continues to be the predominate development pattern along the C.R. 30-A corridor. In response to this pressure, the residents of Beach Highlands are establishing this Neighborhood Plan to help protect the integrity of their residential subdivision.

Section 2. Proposed Standards.

A. The Beach Highland Neighborhood.

The standards and requirements of the Beach Highland Neighborhood Plan shall apply to the Beach Highland Subdivision as recorded in Walton County Plat Book 3, Page 47, with the exception of the Journey's End Condominiums located on Lot 1, Block F of the subdivision. The area subject to the standards below is shown as Exhibit 3 of this plan.

B. Purpose and Intent.

The standards established in this neighborhood plan are for the purpose of protecting and maintaining the existing single-family residential development pattern in this neighborhood. For this reason, these standards prohibit further subdivision and the development of multi-family residential and non-residential uses other than the specific accessory use listed in these standards.

Unless otherwise included as a development standard, development in the Beach Highland Subdivision shall be consistent with the standards of the Walton County Land Development Code.

C. Beach Highland Subdivision Single-Family Detached Residential District Development Standards

1. Permitted Uses	Single-Family Detached Residences. Recreation Facilities as restricted in paragraph #18 below. Accessory Apartments as defined in the Walton County Land Development Code.
2. Minimum Lot Size	None
3. Maximum Lot Size	None
4. Minimum Front Setback	20 feet
5. Minimum Side Setback	5 feet
6. Minimum Rear Setback	15 feet
7. Minimum Corner Setback	7.5 feet
8. Build-To-Lines	None
9. Maximum Lot Coverage	None
10. Maximum Building Height	Four stories
11. Minimum Residential Unit Size	1,700 square feet excluding carports, patios, porches, and garages.
12. Use Mix	Residential only
13. Street Width and Blocks.	N/A
14. Parking Requirements	Subject to the standards of Section 5.02.00 of the Walton County Land Development Code.
15. Landscape and Architectural Control	N/A

16. Multi-family residential and non-residential uses (including but not limited to civic uses and bed & breakfasts) are prohibited.

17. Manufactured homes shall not be permitted.

18. No parcel shall be developed or used for parking or recreation except as an accessory use to an existing single-family residence on the same or on an adjacent parcel. Recreation facilities may be developed as primary uses only upon agreement of a majority of property owners in the subdivision and only if such facilities are for the sole use by the residents and guests of the Beach Highland property owners.

19. No further subdivision of lots in the Beach Highland neighborhood shall be permitted. Lots may be joined together into single tracts or parcels, and lot lines may be reconfigured as long as the number of proposed lots, as shown by the lot numbers identified on Exhibit 3 of this plan, does not increase. Lots created before January 1, 1992 shall be considered legally existing lots.

20. Beach Access. Lots may not be reconfigured to eliminate the existing beach access located at Bullard Road and Highland Avenue.

21. Legal Non-Conformities. Uses, structures, lots, or signs legally established prior to this Neighborhood Plan, which do not comply with the standards of this plan, may continue as long as they remain otherwise lawful. A nonconforming use which is discontinued for more than six months may not be re-established unless in conformance with this Neighborhood Plan. In the event that any nonconforming structure or use is destroyed by any means to the extent of more than 50 percent of the fair market value of the structure before the calamity, such structure or use shall not be restored, rebuilt, or reoccupied for any purpose unless it shall thereafter conform to all regulations of the Neighborhood

Plan and the Walton County Land Development Code. When such a structure or use is damaged or destroyed to the extent of 50 percent or less of the fair market value, no repairs or rebuilding shall be permitted except in conformity with this Neighborhood Plan and the Walton County Land Development Code.

Section 3. Goals for the Beach Highland Neighborhood.

- A. Neighborhood Association.** All owners of property within the Beach Highland neighborhood will be contacted by the applicants and given the opportunity to form a neighborhood association. The association will be for the purpose of representing the interests of the neighborhood. Membership in the association may be voluntary, or shall be mandatory if the association is established in accordance with the requirements of Florida Statutes, Chapter 720, Homeowners' Associations.
- B. Neighborhood Improvements.** The neighborhood association will seek funding sources for sidewalks, landscaping, common signage themes, or other desired neighborhood improvements.
- C. Updates and Modifications.** All applications for updates and modifications to the Neighborhood Plan shall be reviewed by the neighborhood association prior to the submission of the change by the applicant to Walton County. The neighborhood association shall make a recommendation to the Walton County Board of County Commissioners to approve, deny, or approve with modifications all such requests.