

**ORDINANCE
2008-38**

AN ORDINANCE AMENDING CHAPTER FIVE OF THE WALTON COUNTY LAND DEVELOPMENT CODE TO PROVIDE AUTHORITY TO THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES TO AUTHORIZE EXEMPTIONS TO THE CONSTRUCTION OF SIDEWALKS AND/OR CONTRIBUTIONS TO THE SIDEWALK FUND FOR SIDEWALKS IN RURAL AREAS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICT, AND PROVIDING 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, Walton County has determined that in some cases the current sidewalk requirements set forth in Chapter five of the Walton County Land Development Code are cost-prohibitive and do not serve to promote the health, safety, and welfare of its citizens;

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 5.04.03H of the Walton County Land Development Code is hereby amended as follows:

(Deletions are shown as strikethrough, additions are underlined.)

H. Sidewalks

1. New development or redevelopment projects abutting collector or arterial facilities shall provide sidewalks adjacent to these roadways unless a separate sidewalk or bike path already exists. Location of the sidewalks shall be consistent with planned roadway improvements, right-of-way restrictions, and scenic corridor guidelines where applicable.
2. Sidewalks shall be provided on both sides of all residential streets in all new subdivisions or projects within areas with adopted Neighborhood Plans. Sidewalks shall be a minimum 5' in width and be constructed with a minimum 2500 psi concrete. The Director of the Planning and Development Services Division may allow alternative sidewalk materials and/or designs, such as elevated boardwalks, where needed to protect wetlands or other environmentally sensitive areas. The Director may also approve the buy out of sidewalks on arterial, or collector roads adjacent to a project where a multi-use path is already under development or proposed for the affected road as provided for in the five year CIP. Developments for 1-acre or greater residential lots may be exempted from this requirement upon Board of County Commissioners approval
3. Residential projects adjacent to, or within 1,500 feet of, an existing mixed use area containing either general commercial, neighborhood commercial, service, office, public civic, or recreational uses shall, to the greatest extent possible, facilitate the connection of pedestrian access between the residential and mixed other use areas.
4. The county shall implement a sidewalk fund. The County Engineer or his their designee shall annually update determine the linear foot cost of installed sidewalk to be used in calculating buyout of sidewalk by the developers, at the same time each year. A residential subdivision developer may elect to buy out one side only by contributing to the sidewalk fund based upon the method and cost estimate developed by the County Engineer. Developers of Non residential developers projects may elect to buy out the required sidewalks, based upon the methodology and cost estimate by County engineer, by contributing e to the sidewalk fund where (1) with- the Planning and Development department approval and if there are no pedestrian facilities in existence or planned within 1/4 mile of the proposed development and (2) the Director of Planning and Development Services Division and the County Engineer determines that the development area is in a low pedestrian traffic area at the time the development order is issued. sidewalks are not needed to ensure

the safety of pedestrians in the area. In areas of high pedestrian traffic or areas of concerns for pedestrian traffic safety as determined by the County Engineer, the Director shall have the discretion to require perimeter and/or internal sidewalks to be constructed as a part of the Development Order approval.

5. Where the proposed development is in a rural area, the Director may choose to grant an exemption to the sidewalk requirements. Such exemptions shall be considered on a site by site basis to determine whether regional area sidewalks are likely to be connected to the project sidewalks within the next fifteen year Capital Improvements Project (CIP) cycle. If no regional sidewalks or pedestrian facilities are in existence or planned within the next CIP cycle, the Director may grant an exemption to the sidewalk requirements and/or the required contribution to the sidewalk buyout fund.

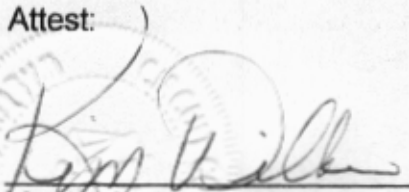
Section 2. Severability. The provisions of this ordinance are severable. If any provision, clause, sentence, or paragraph of this ordinance or the application of it to any person, establishment, or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this ordinance.

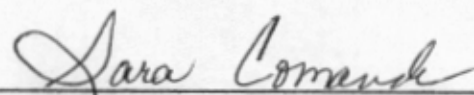
Section 3. Effective date. This ordinance shall become effective as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regular meeting on the 9th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:)


Martha Ingle
Clerk of Court


Sara Comander, Chair