

**ORDINANCE
2009-12**

AN ORDINANCE AMENDING SECTION 2.03.02 OF THE WALTON COUNTY LAND DEVELOPMENT CODE TO ADOPT THE BLUE MOUNTAIN BEACH NEIGHBORHOOD PLAN (NP.BMB) AS AN OVERLAY DISTRICT; ESTABLISHING A DEFINED BOUNDARY; ESTABLISHING THAT THE INTENT OF THE PLAN IS TO PRESERVE THE BLUE MOUNTAIN BEACH CHARACTER, PAST DEVELOPMENT PATTERNS AND LAND USES, AND THE SINGLE FAMILY DWELLING DESIGNATION THAT IT NOW HAS AS A RESIDENTIAL PRESERVATION AREA (RPA) IN THE WALTON COUNTY FUTURE LAND USE MAP (FLUM) SERIES; ESTABLISHING PROVISIONS FOR EXISTING NON-CONFORMING USES, STRUCTURES AND PROPERTIES, MINIMUM AND MAXIMUM LOT SIZES, SETBACKS, BUILD-TO-LINES, LOT COVERAGE, BUILDING HEIGHT, ALLOWABLE DENSITIES AND ACCESSORY STRUCTURES; ESTABLISHING PROVISIONS FOR USE MIX FOR COMMERCIAL AND WORKPLACE BY SIZE AND LOCATION; ESTABLISHING PROVISIONS FOR STREET WIDTHS AND BLOCK SIZES, PARKING REQUIREMENTS, LANDSCAPING; ACCESS AREAS; ESTABLISHING PROVISIONS FOR AMENDMENT; PROVIDING FOR THE INCORPORATION OF THE BLUE MOUNTAIN BEACH NEIGHBORHOOD PLAN (NP.BMB) AS APPENDIX NP-2 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 Blue Mountain Beachfront-1 Neighborhood Planning Group (NPG.BMB-1) and the Blue Mountain Beach-2 Neighborhood Planning Group (NPG.BMB-2) have registered with Walton County as Neighborhood Planning Groups in accordance with Walton County Land Development Code Section 2.03.02.B.1., as of April 28, 2008 and May 7, 2008 respectively ; and

WHEREAS, the Blue Mountain Beachfront-1 Neighborhood Planning Group and Blue Mountain Beach-2 Neighborhood Planning Group have expended a significant amount of time and effort toward developing a neighborhood plan consistent with the intent of the procedures contained in Walton County Land Development Code Section 2.03.02; and

WHEREAS, the Blue Mountain Beachfront-1 Neighborhood Planning Group (NPG.BMB-1), in accordance with Walton County Land Development Code Section 2.03.02.E, is a group undertaking a Neighborhood Plan in accordance with the process at LDC Section 2.03.02.B.; and

WHEREAS, the Blue Mountain Beach-2 Neighborhood Planning Group (NPG.BMB-2), 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

WHEREAS, the Blue Mountain Beachfront-1 Neighborhood Planning Group (NPG.BMB-1) and the Blue Mountain Beach-2 Neighborhood Planning Group (NPG.BMB-2), have met in mediation and desire to combine their efforts and come together to present one Neighborhood Plan for the defined Neighborhood Planning Area shown and described on the plat of Blue Mountain Beach Subdivision No. 1 as recorded in Plat Book 2, Page 41 of the Official Records of Walton 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: Amendment.

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

2.03.04. Blue Mountain Beach Neighborhood Plan (NP.BMB).

- A. The Blue Mountain Beach Neighborhood Plan (NP.BMB) is an overlay district with specific standards that govern development within the boundary of the Blue Mountain Beach neighborhood.
- B. The boundary of the overlay district is the Blue Mountain Beach Subdivision #1, recorded in Deed Book 2, Page 41. This area is located in the southeast 1/4 of the northeast 1/4 of Section 12 and the northeast 1/4 of the Southeast 1/4 of Section 12 in Township 3 South, Range 20 West. It also lies in the north 1/2 of the southwest 1/4 of Section 7, and southwest 1/4 of northwest 1/4 of Section 7 in Township 3 South, Range 19 West. It is bounded by the Gulf of Mexico to the south, the shoreline of Big Red Fish Lake to the east, County Road 30-A to the north, and County Road 83 to the west, including all parcels within this boundary description.

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

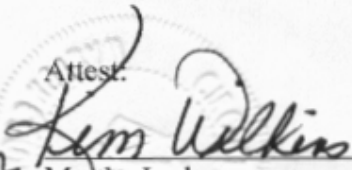
Section 3. Severability.

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.

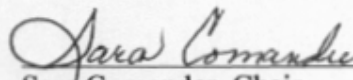
Section 3. Effective Date.

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 11th day of August, 2009.

Attest:

An Martha Ingle
Clerk of Court

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA


Sara Comander, Chair

Attachment A – The Blue Mountain Beach Neighborhood Plan (NP.BMB)

Appendix NP-2. The Blue Mountain Beach Neighborhood Plan (NP.BMB)

1.01.01. Subject Area.

The area subject to the Blue Mountain Beach Neighborhood Plan is the Blue Mountain Beach Subdivision #1, recorded in Plat Book 2, Page 41. This area is located in the southeast 1/4 of the northeast 1/4 of Section 12 and the northeast 1/4 of the Southeast 1/4 of Section 12 in Township 3 South, Range 20 West. It also lies in the north 1/2 of the southwest 1/4 of Section 7, and southwest 1/4 of northwest 1/4 of Section 7 in Township 3 South, Range 19 West. It is bounded by the Gulf of Mexico to the south, the shoreline of Big Red Fish Lake to the east, County Road 30-A to the north, and County Road 83 to the west, including all parcels within this boundary description. All of these properties are in Walton County Florida.

1.01.02. Purpose and Intent:

1. The purpose and intent of this plan is to preserve the Blue Mountain Beach character as it exists today; past development patterns and land uses; and to preserve the Single-Family dwelling designation that it now has as a Residential Preservation Area (RPA) in the Walton County Future Land Use Map (FLUM) series. These standards prohibit development of multi-family and non-residential uses and prohibit further subdivision and increased density.
2. The subject area, the old Blue Mountain Beach Subdivision, was founded in 1948 as a quiet beach community, and it is the desire of the neighborhood that it continue to have the character and identity of a beach community, maintaining the “Old Florida” character we value.
3. Any issues not addressed in this Neighborhood Plan are subject to the requirements of the Walton County Land Development Code and Comprehensive Plan.

1.01.03. Vested Residential Property Rights

Property owners in the subject areas shall retain their vested property rights, including, but not limited to, the right to be reconstructed, as vested, if destroyed by natural causes or other casualty outside the control of the owner of the property to the extent allowed by the Walton County Comprehensive Plan.

1.01.04. Existing Non-Conforming Uses, Structures and Properties.

Uses, structures, or lots legally established prior to this Plan, which do not comply with the standards of the Plan, may continue as long as they remain otherwise lawful as determined by Walton County.

1.01.05. Minimum and Maximum Lot Sizes.

The lot sizes in the subject area are those depicted on the original plat and those on record in the Property Appraiser’s office on the date of adoption of this neighborhood plan. Lots recorded shall not be further divided or combined after the adoption date of the Blue Mountain Beach Neighborhood Plan (NP.BMB).

1.01.06. Setbacks, Build-to Lines and Lot Coverage.

Residential construction authorized by building permits dated after the adoption date of this plan shall be subject to the following setbacks:

1. Setbacks shall be applied in accordance with the criteria and methodologies in Section 5.00.06 of the Walton County Land Development Code, "Methodology for Determination of Setback Requirements." The following setback requirements shall apply to all structures erected in the subject area: 7 1/2 feet side, 15 feet rear and 20 feet front.
2. Gulf front houses that are destroyed may be rebuilt with the option of a reduced 10' front setback for the purpose of moving houses further inland from the Gulf.

Exception for gulf front homes:

Residential construction of gulf front homes authorized by permits dated after the adoption date of this Plan (BMBNP) shall be subject to the following setbacks:

- 1) 10 feet front (street side); 5 feet sides; beachside setbacks to be determined by coastal regulations already in place. It is the intent of this Plan to maintain vested building rights for the property owners in this Plan area.
- 2) Gulf front homes that are wholly or partially destroyed may be rebuilt with the option of a reduced street side setback using Best Management practices.
- 3) If these regulations render a property owner unable to build a single family dwelling unit on an existing lot of record as of the date of the Comprehensive Plan, December 14, 1990, that lies wholly within the zone, then the owner shall be allowed to construct a single family residential dwelling unit, provided that the owner complies with all permit requirements of the Florida DEP and limits the extent of the disturbance to the minimum area necessary to accommodate the dwelling unit and access driveway. This same protection is found in the LDC dated November 7, 1996.

1.01.07. Building Height.

Residential construction authorized by building permits dated after the adoption date of this plan shall be subject to a building height limitation of fifty feet (50'). This height limitation shall be applied in accordance with the height measurement methodology and exceptions in the current Section 5.00.06 of the Walton County Land Development Code, "Height Limitation, and Exceptions & Measurement Methodology".

1.01.08. Allowable Densities and Accessory Structures.

1. The Walton County Future Land Use Map Series designates the Blue Mountain Beach Subdivision #1 as a Residential Preservation Area (RPA). This designation limits development within the subdivision to one detached single-family dwelling and accessory

structures per platted lot. Future development within the subject area of this Neighborhood Plan shall be limited to single-family residential development in accordance with the RPA designation. Development is limited to one single family dwelling and accessory structures per platted lot. Condominiums, multi-family dwellings, duplexes and commercial developments and uses are prohibited.

2. Accessory apartments and carriage houses are allowed in accordance with the provisions of the Walton County Land Development Code in effect at the time of adoption of this plan (Section 6.02.01).

A. No more than one accessory apartment shall be permitted on any residential lot.

B. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a single-family dwelling unit.

C. The accessory apartment shall not be available separately for commercial or residential short-term or long-term rental use.

3. Manufactured homes, mobile homes, and house trailers shall not be permitted.

1.01.09. Use Mix for Commercial and Workplace by Size and Location.

1. No lot within the boundaries of this plan shall be used for commercial, multi-family, and/or non-residential uses, including but not limited to civic uses and bed and breakfasts uses. No commercial development(s) or entity or service, or other vendors may use any lot as a means of access to Big Red Fish Lake or to the beaches or waters of the Gulf of Mexico, nor for the storage of beach supplies, tents, chairs, umbrellas, kayaks, fishing equipment, boats, or any other recreational equipment for sale or rent.

2. There is one existing non-conforming commercial use lot on Lot 10 Block 1 in the subject area. All uses, structures, and lots legally vested pursuant to determinations made by Walton County, FL which do not comply with standards of this Plan may continue as long as they remain otherwise legal as determined by Walton County.

3. Home occupations are allowed in accordance with the provisions of the Walton County Land Development Code in effect at the time of adoption of this plan (Section 6.02.02).

A. A home occupation shall be in a bona fide dwelling unit. The home occupation shall be clearly incidental and subordinate to its residential use, utilizing no more than 25% of the square footage of the dwelling.

B. No signage larger than One (1) foot square is allowed. No changes to the outside of the dwelling may be made to advertise or make known the nature of the home occupation taking place within the dwelling.

C. No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation shall be met off the street and on the premises.

D. No equipment, tools, or processes shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference.

E. A dwelling is defined to include an accessory apartment, single family home, or carriage house on the platted lot.

1.01.10. Street Widths and Block Sizes.

1. In order to retain the “Old Florida” character, the neighborhood requests the right to be a party to any decisions concerning infrastructure development or changes, including paving, resurfacing, and trimming and cutting of vegetation.

2. It is the desire of the neighborhood that:

A. The street widths and block sizes within the subject area remain as shown on the Blue Mountain Beach Subdivision plat 1.

B. The surfaced area of roads be no more than the existing width at the time of the adoption of this Plan.

C. There are no drainage ditches, swales, or excessive cutting of vegetation along the roadsides.

1.01.11. Parking Requirements.

1. All parking for residents, guests, construction workers, maintenance vehicles, RVs, trailers, or for any other purpose shall be within the boundaries, confines, and or easements of the property. All parking at the neighborhood beach accesses must be within the spaces provided at the access. No on-street parking and /or encroachment onto private property is permitted.

2. In addition to meeting the requirements of the Walton County Land Development Code, all residential construction authorized by building permits issued after the adoption date of the Blue Mountain Beach Neighborhood Plan shall comply with the following off-street parking requirements:

A. Parking requirements imposed for residential construction shall be met completely within the property boundary lines where the structure is located.

B. In order to ensure that every building, structure, or use in the subject area shall be provided with adequate off-street parking, the following number of off-street parking spaces shall be required:

1) Detached single-family up to 3 bedrooms - 2 spaces/dwelling unit.

2) Detached single-family 4 bedrooms - 3 spaces/dwelling unit.

3) Detached single-family 5 bedrooms - 4 spaces/dwelling unit.

4) More than 5 bedrooms - add one space/bedroom.

Exception for beach front lots: In case of catastrophic events, parking requirements would allow non-conforming parking according to Best Management practices, and still remain within the boundaries, confines, or easements of the property (ies) affected.

1.01.12. Vegetation and Landscaping.

1. Property owners are encouraged to preserve and replant native vegetation in the front, rear, and side yard setback areas.
2. Property owners are encouraged to preserve and protect trees having a 4" or greater trunk diameter.
3. Development permitted after the adoption date of the Blue Mountain Beach Neighborhood Plan shall maintain a coastal dune lake buffer in accordance with the provisions of the Walton County Comprehensive Plan and Land Development Code.
4. Existing lake front homeowners whose properties do not conform to current coastal dune lake buffering requirements are encouraged to re-establish buffer areas using native vegetation.

1.01.13. Access Areas.

1. There are six pedestrian beach and lake accesses depicted on the recorded plat of Blue Mountain Beach Subdivision #1. Three lead to Big Redfish Lake and are located between Lot 11 Block 6 and Lot 1 Block 7; between Lot 11 Block 7 and Lot 1 Block 8; and between Lot 9 Block 8 and Block 9. Three lead to the Gulf of Mexico and are located between Lot 9 Block 13 and Lot 1 Block 12 at Gulf Point Rd.; between Lot 9 Block 12 and Lot 1 Block 11 at Sea Grade Rd.; and between Lot 9 Block 11 and Lot 1 Block 10 at Blue Lake Rd.
2. These accesses have been identified as Neighborhood Beach and Lake Accesses, for people who walk to the beach, and therefore future development should maintain that status. Maintaining pedestrian only access ensures vegetation is considered, conserved, and not destroyed.
3. It is the desire of the neighborhood that future development and maintenance of these subject areas be of neighborhood scale and limited to pedestrian and bicycle traffic; and that the neighborhood be consulted if there are any changes to be considered.
4. At times of natural disasters, or casualty outside the property owners control, or when beachside repairs are necessitated or required and access is not reasonably available through the property itself, access shall be gained, if permitted by Walton County, through the Regional Access located at the intersection of C-83 and Blue Mountain Road; or via vacant lot, should it exist with the permission of the property owner; or the neighborhood beach accesses. Proper permits shall be obtained for access during these times.

1.01.14. Amendment to Neighborhood Plan.

This Neighborhood Plan cannot be changed in any way without following the same process required for the enactment of a Neighborhood Plan as stated in the Walton County Land Development Code (2.03.00).