

Ordinance Number 2012-17

AN ORDINANCE AMENDING THE WALTON COUNTY COMPREHENSIVE PLAN POLICY L-1.4.4 NEIGHBORHOOD COMMERCIAL (NC) TO MODIFY THE LOCATIONAL CRITERIA FOR NEW NEIGHBORHOOD COMMERCIAL DESIGNATIONS TO ALLOW SAME ON THE EAST SIDE OF COUNTY ROAD 283 SOUTH OF COUNTY ROAD 30A AND NORTH OF PINE STREET, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. (LSA 12-01.01)

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, Walton County, to ensure the County's continued orderly growth and development, finds it prudent to amend its Comprehensive Plan to respond to the changing needs and conditions within said County; 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 September 11, 2012; and

WHEREAS, this ordinance shall be considered a final order as required in Section 10.03.00 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 to read as follows:

Policy L-1.4.4 Neighborhood Commercial (NC): The purpose of this land use category is to designate small areas in proximity to residential areas that will allow for a limited group of commercial uses to serve the needs of those residential areas. All neighborhood commercial uses must be designed in use, scale, character, and intensity to be compatible with, and to protect, the abutting and surrounding residential areas.

(A) **Location criteria:** The intersection of arterial/collector, collector/collector, and collector/local paved street. However, in areas south of the

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Choctawhatchee Bay and the Intercoastal Waterway, NC designations shall be limited to those intersection areas described above that are within the designated Scenic Corridors. For purposes of this policy, County Road 83 and County Road 283, south of County Road 30-A, shall not be considered as designated Scenic Corridors. This limitation shall not prevent the designation of an existing neighborhood development as NC if such development was lawfully in operation prior to the date of adoption of this amendment, and is an ongoing business, or is a property designated Residential Preservation on the adopted FLUM which is authorized for a non-residential use on a plat or in unexpired covenants and restrictions recorded prior to November 7, 1996. The above stated locational criteria, including the intersection requirement, shall not prohibit new Neighborhood Commercial designations on parcels adjacent to the east side of County Road 283 south of County Road 30A and north of Pine Street. Notwithstanding the foregoing, no property shall be designated Neighborhood Commercial that fails to meet the compatibility requirements contained herein.

(B) Uses allowed:

1. Allowed neighborhood scale uses: offices, professional services, storefront retail shopping, neighborhood grocery stores, bed and breakfast facilities not to exceed ten (10) lodging rooms, banks, bakeries, cafés, and restaurants without drive-thru facilities.
2. Prohibited uses: Gas stations and convenience stores with or without fuel, bars, and auto repair services, and the like. However, this provision does not preclude restaurants, or other similar allowed uses, from alcohol sales/services during course of business.

(C) Density allowed: Maximum of one (1) dwelling unit per lot of record as of November 7, 1996, unless developed pursuant to Section (E)(1), below.

(D) Intensity allowed: A maximum FAR of 0.65 (65%) and a maximum ISR of 0.60 (60%).

(E) Special considerations:

1. Live/Work uses are encouraged, so long as the overall density for the development does not exceed four (4) dwelling units per acre and the development must be in scale and character of adjacent residential areas.
2. Outdoor storage, outdoor broadcasting or music, display of goods, or outdoor seating for cafés and restaurants is prohibited, unless specifically approved as part of the development order review process by the Board of County Commissioners. This determination shall be made in the course of a case-by-case determination of its impact on the abutting neighborhood and where it does not conflict with the Scenic Corridor Guidelines. S
3. Size, mass, or scale of uses or structures may be limited to ensure compatibility with adjacent and surrounding neighborhoods.
4. The amount of land that will be designated NC may be limited to ensure that any area proposed for Neighborhood Commercial

designation, and the proposed uses thereon, remain at neighborhood scale and character.

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.

PASSED AND DULY ADOPTED in regular session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, this 11th day of Sept., 2012

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

By: 
Scott Brannon, Chair

ATTEST:

Martha Ingle, Clerk of Court

