

Ordinance Number 2013-07

AN ORDINANCE OF THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS; ADOPTING A FUTURE LAND USE ELEMENT TEXT AMENDMENT TO THE WALTON COUNTY COMPREHENSIVE PLAN AND INCORPORATING THAT CHANGE INTO THE FUTURE LAND USE ELEMENT; ADOPTING REVISIONS TO FUTURE LAND USE ELEMENT POLICY L-1.4.13 TO SPECIFICALLY DELETE SUBSECTION (E) 1., BLACKSTONE DEVELOPMENT, AS APPLIED TO THE BLACKSTONE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AUTHORITY, REPEAL OF CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY:

Section 1. Authority; Intent

The Board of County Commissioners is authorized by section 125.01(g) and (h) to prepare and enforce the County's Comprehensive Plan and to establish and enforce zoning regulations as are necessary for the protection of the public. Chapter 163, Fla. Stat. (2012), establishes the Local Government Comprehensive Planning and Land Development Regulation Act and requires local governments to revise their comprehensive plans through comprehensive plan amendments. This Ordinance is, among other things, the Board's decision to approve the Large Scale Amendment Number 12-01.07 application filed by Blackstone Development Company, whose address is 988 Airport Road, Destin Florida 32541, to amend the Walton County Comprehensive Plan as set forth below.

Section 2. Findings of Facts

a. Walton County afforded opportunity for public comments concerning the Large Scale Amendment Number 12-01.07 during public hearings held before the Walton County Planning Commission meeting on December 13, 2012. Specifically, the Board held a transmittal hearing on January 8, 2013, and an adoption hearing on February 26, 2013.

b. Large Scale Amendment Number 12-01.07 will amend the adopted Future Land Use Element Policy L-1.4.13(E) 1, Special Area Plans approved as a DRI, to delete the subsection that applies to Blackstone Development and is more particularly described in Exhibit A attached to this ordinance and incorporated by reference.

c. The property is currently categorized as Development of Regional Impact and is concurrently being considered for Development of Regional Impact Abandonment and Future Land Use Map amendment. The proposed amendment is compatible with development in the area of the subject property.

d. This amendment will not create adverse impact environmentally and any development under this amendment will be required to be properly designed for retention of

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stormwater runoff in accordance with the applicable Walton County Comprehensive Plan and Land Development Code, and other applicable laws, rules, and regulations.

Section 3. Adoption of Amendment

Therefore, the application of Future Land Use Element Policy L-1.4.13 (E) 1, Blackstone Development, designated as Large Scale Amendment Number 12-01.07, final adoption and incorporation into the Walton County Comprehensive Plan Future Land Use Element. The Future Land Use Element is amended to delete the sub-section of Policy L-1.4.13 (E) 1, that applies to the Blackstone Development. This Ordinance shall be considered a final order as required in Section 10.03.04 of the Walton County Land Development Code.

Section 5. Repeal of Conflicts

Any ordinance in conflict with sections 2 and 3 of this ordinance are hereby repealed to the extent of such conflict.

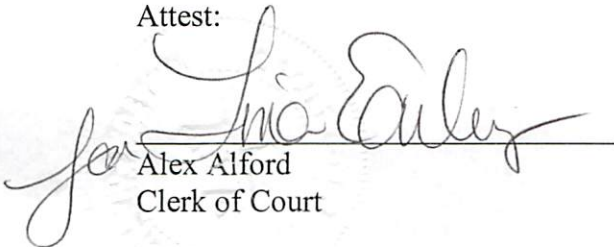
Section 6. Effective Date

This ordinance shall take effect as provided by law. Specifically, the ordinance will not be effective until 31 days after all State agencies have approved the amendment or, if a challenge to the ordinance is filed, until such date as the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Duly enacted, upon motion of and by the Walton County Board of County Commissioners, at a regular meeting on February 26, 2013.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:


Alex Alford
Clerk of Court


By: 
Chair





EXHIBIT A

(Changes shown in Strike/through for deletions and underline for additions)

Future Land Use Element Policy L-1.4.13 Development of Regional Impact - Mixed Use (DRI - MU): This land use category is intended for developments of regional impacts (DRIs), and shall apply only to projects approved pursuant to Chapter 380, 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 a 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:
 - i. That any proposed new residential development complements the predominant housing type in the surrounding area;
 - ii. 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;
 - iii. That the proposed development maintains and complements the fundamental development pattern of the surrounding area, considering lot area, lot dimensions, and lot configurations well as the pattern and spacing of lots and buildings;

- iv. 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;
 - v. 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;
 - vi. 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
 - vii. That the proposed development will not create adverse impacts from the 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.
 - viii. 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.
 - ix. 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:
 - a) 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;
 - b) Variable setbacks based upon degree of difference in proposed density, intensity, scale mass or height
 - c) placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage of other features with potential negative impacts;
 - d) Effective transitions of on-site densities, scale, mass or height; and
 - e) 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, and 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, and 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) Special 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:~~

- i. ~~The Blackstone DRI is 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 build out 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 non residential land use intensity shall not exceed 0.75 FAR (FAR). The Impervious Surface ratio shall not exceed 0.75 for non residential 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 the County shall be limited through the 2015 to the following development impacts: Phase I (134 homes and 18 hole golf course), Phase II (100 single family homes, 150 residential town homes, 250 apartments, 50,000 sf of retail/service and 5,000 sf of office), Phase III (consisting of 1,050 single family, 300 residential town homes, 100 residential condominiums, 150 residential apartments, 43,000 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 provider. The mix of uses and distribution of uses as a percent of the entire DRI acreage are as follows:

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

- ii. Amendments to the DRI: Amendments to DRI/FQD 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.
- iii. 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.
- iv. The Blackstone DRI Development order ensures consistency of the Blackstone Special Area Plan land use designation on the FLUM with the goals, objectives, policies, and future conditions maps of the Walton County Comprehensive Plan.
- v. 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.
- vi. 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 Maps 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 5-year time frame 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.

- vii. ~~If the Developer desires to abandon any part or all of a DRI, it must do so pursuant to Chapter 380, F.S. and 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.~~