

**ORDINANCE NUMBER 2014-15**

AN ORDINANCE AMENDING CHAPTER 13.03.00.N. OF THE WALTON COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR LIMITED UNSCREENED OUTDOOR DISPLAY OF MERCHANDISE ADJACENT TO THE FACADE OF THE BUSINESS PREMISES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Sections 163.3201 and 163.3203, Florida Statutes, require local governments to implement 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**, Section 13.03.00.N. of the *Walton County Land Development Code* prohibits outdoor display of merchandise, goods or products in the Scenic Corridor Buffer Area, and prohibits unscreened outdoor display of merchandise, goods or products outside the Scenic Corridor Buffer Area other than live plant materials;

**WHEREAS**, the Board of County Commissioners has determined that changing needs and economic conditions support allowing limited unscreened outdoor display of merchandise, goods or products outside the Scenic Corridor Buffer Area and adjacent to the facade of a business location;

**NOW THEREFORE BE IT RESOLVED BY THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS** (the "Board") that the *Walton County Land Development Code* be amended as follows:

**Section 1:** Section 13.03.00.N. *Outside Merchandising/Storage* is amended to read as follows:

There shall be no outdoor display of merchandise, goods or products within the scenic corridor buffer area. Open or covered storage for merchandise, goods or products shall be screened from view of U.S. 98 or U.S. 331 unless an Outdoor Display Area permit has been granted by Walton County in accordance with the standards and procedure further described in this section. The unscreened outdoor display of merchandise, goods or products shall be permitted only in conjunction with an existing permitted use of property owned or leased and operated by the business entity occupying the premises on which the items are being displayed, and is subject to the following standards:

1. Merchandise, goods, or products may only be displayed under a permanent arcade, porch or canopy structure that is part of the front façade of a building. After the effective date of this ordinance, June 10, 2014, new structures created for the purpose of outdoor display (permanent arcade, porch, or canopy structure that is part of the front façade of a building) shall be not less than three (3) feet deep nor more than 12 feet deep, measured from the front vertical wall of the building to the drip line of structure. Such new structures require Walton County Design Review Board approval prior to creation of same.
2. The allowable outside display area shall not exceed 40% of the total square footage of the permanent arcade, porch or canopy structure, not to exceed 120 square feet of total outdoor display area. An outdoor display area shall be limited to not more than seventy-five (75) square feet of contiguous space. Each display shall also be limited to no more than fifteen (15) feet in length, five (5) feet in width and eight (8) feet in height, with no more than two (2) individual display areas for one store.
3. An outdoor display area shall not be located closer than five (5) feet from any public entrance, or impair pedestrian traffic or otherwise create an unsafe condition and shall be in full compliance with all applicable federal and state accessibility standards, including but not limited to, the Americans with Disabilities Act (ADA) as amended.
4. No outdoor display shall contain any moving parts, devices or exhibits.
5. All merchandise or goods displayed shall be properly anchored, secured or stored in such a manner to avoid shifting or movement.
6. Outdoor display areas must be located on a hard durable surface such as concrete.
7. The use of boxes, crates, pallets or other kinds of shipping containers is prohibited.
8. Vending machines, ice machines, and similar machines which dispense goods, as well as propane tank sales, fire wood and similar items shall only be located in the permitted display area.
9. **Exceptions:**
  - (a) In the case of plant nurseries or garden stores and in addition to the allowance described above in Section 13.03.00.N.1., unscreened outdoor storage or display shall be allowed for live plant materials only, since such vegetation is in keeping with the landscaping intent of the Scenic Corridor Standards.
  - (b) Short-term sales of agriculture products which are seasonal in nature, including but limited to Christmas trees and pumpkin patches shall only be allowed between October 1<sup>st</sup> and January 5<sup>th</sup> through a temporary use permit. Said permit shall be separate and distinct from the outside display approval.
10. **Exemptions:**
  - (a) Fuel pumps and/or energy-dispensing devices which have been legally permitted shall not be subject to these regulations. Other than fuel pumps and/or energy-dispensing devices, outdoor display of

merchandise, goods, or products at the fueling stations where pumps are located, is prohibited.

(b) Newsracks.

11. **Permit Required.** An application for an outdoor display permit must be filed and approved by the Planning and Development Services Division prior to any outdoor display of merchandise, goods, or products not covered by the Exceptions in subsection 9 above or the Exemptions in subsection 10 above. The permit period will not exceed one (1) year and must be renewed annually. The following information shall be provided in such application:

(a) A dimensioned site plan (drawn to scale) delineating the display area to be permitted showing the public entrance and pedestrian pathways of the business.

(b) Demonstration of ownership or leasehold interest in the property to be occupied by the outdoor display.

(c) If a leasehold interest, written consent of the landlord (or landlord's agent) for the use and location of the outdoor display area(s) to be permitted.

(d) The proposed outdoor display and outdoor display area must be in full compliance with all other requirements of the Walton County Land Development Code.

(e) Said Outdoor Display Area permit must be kept on the business premises and available for inspection at all times.

### 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 10<sup>th</sup> day of June, 2014.

ATTEST:

  
Alex Alford, Clerk of Court

BOARD OF COUNTY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA

By:   
W.N. "Bill" Chapman, Chair



