ORDINANCE NUMBER 2015-02

AN ORDINANCE ADDING SECTION 2.03.08 TO THE WALTON COUNTY LAND DEVELOPMENT CODE TO ADOPT THE GRAYTON BEACH NEIGHBORHOOD PLAN AS AN OVERLAY DISTRICT; ESTABLISHING A DEFINED BOUNDARY; ESTABLISHING THAT THE INTENT OF THE PLAN IS TO PRESERVE THE UNIQUE HERITAGE OF THE GRAYTON BEACH NEIGHBORHOOD AND PAST DEVELOPMENT PATTERNS AND LAND USES; ESTABLISHING PROVISIONS FOR DENSITY, INTENSITY AND SETBACKS, EXISTING NON-CONFORMING USES, STRUCTURES AND PROPERTIES, MINIMUM AND MAXIMUM LOT SIZES, STREETS AND INFRASTRUCTURE, PARKING FOR NEW RESIDENTIAL CONSTRUCTION, NEIGHBORHOOD COMMERCIAL LAND USE CATEGORY PARKING REQUIREMENTS; PROVISIONS TO CONFIRM THE EXISTING BUILDING HEIGHT LIMITATIONS ORDINANCE, NOISE ORDINANCE AND ALCOHOL ORDINANCE; ESTABLISHING PROVISIONS FOR INGRESS AND EGRESS TO THE PUBLIC BEACH, ROADSIDE VENDING OPERATIONS, THE GRAYTON BEACH CHARTER FISHING FLEET AND FUTURE GOALS; PROVIDING FOR THE INCORPORATION OF THE GRAYTON BEACH NEIGHBORHOOD PLAN AS APPENDIX NP-6 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 Grayton Beach Neighborhood Planning Group (NPG.GB) has registered with Walton County as a Neighborhood Planning Group in accordance with Walton County Land Development Code Section 2.03.02.B.1., as of January 28, 2013; and

WHEREAS, the Grayton Beach Neighborhood Planning Group (NPG.GB) has 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

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 (additions appear as underlined, deletions appear as ~~strikethrough~~):

2.03.08. Grayton Beach Neighborhood Plan (NP.GB).

A. The Grayton Beach Neighborhood Plan (NP.GB) is an overlay district with specific standards that govern development within the boundary of the Grayton Beach neighborhood.

B. The boundary of the overlay district includes the following described area in Walton County:
"Grayton Beach" is defined as the area represented by the following boundaries: County Road 30-A to the north, the Gulf of Mexico to the south, Grayton Dunes State Park to the west, and Grayton Beach State Park and Western Lake to the east, excluding the community of Lake Place at Grayton Beach.

The Grayton Beach Neighborhood Plan (NP.GB) included in the adopting ordinance as Attachment A, is hereby incorporated into the Walton County Land Development Code as Appendix NP-6.

Section 2: The Grayton Beach Neighborhood Plan (NP.GB), included in this ordinance as Attachment A, is hereby incorporated into the Walton County Land Development Code as Appendix NP-6.

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 4. 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 10th day of February, 2015.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:

Alex Alford
Clerk of Court

Bill Imfeld, Chair

Attachment A – The Grayton Beach Neighborhood Plan (NP.GB)

COUNTY COMMISSIONERS SEAL WALTON COUNTY, FLORIDA

GRAYTON BEACH NEIGHBORHOOD PLAN

(Adopted February 10, 2015)

1.0 INTRODUCTION

Grayton Beach is one of the oldest residential communities on Florida's Gulf Coast. Founded in 1890, Grayton Beach has been recognized by Florida's Governor and Cabinet as a Florida treasure. In 1994, the first year of the much anticipated beach rankings, Dr. Stephen P. Leatherman, Director of the Laboratory for Coastal Research at Florida International University in Miami, (Dr. Beach) recognized Grayton Beach as America's Best Beach.

For years the residents of Grayton Beach have been very protective of Grayton Beach. In the mid-1970's the residents established the "Friends of Grayton Beach" to encourage the State of Florida to acquire land around Grayton Beach for preservation and for public recreation. In 1985, after twenty plus years of work, Governor Bob Graham created and dedicated Grayton Dunes State Recreation Area. This protected land is the land that separates Grayton Beach from Gulf Trace and is the land in front of Grayton Beach that is accessed by vehicles and enjoyed by many residents of Walton County and its visitors. (See Figure 1: Public Lands Surrounding Grayton Beach)

Grayton Dunes State Recreation Area was acquired by the State of Florida through the Save Our Coast program administered by the Florida Department of Natural Resources (now Department of Environmental Protection - FDEP), Division of Parks and Recreation. In January 1985, the portion of the site fronting Grayton Beach was leased to the FDEP for 50 years. In October 1986, the site was sub-leased to Walton County for environmental protection and compatible public outdoor recreation by the State of Florida, Board of Trustees of the Internal Improvement Trust Fund, Lease No. 3884. (See Figure 2. Grayton Dunes County Park). The lease specifically authorizes the launching of boats from this site,

In subsequent years the residents of Grayton Beach drafted and encouraged Walton County to adopt other measures to protect Grayton Beach's unique qualities and life style. Such ordinances include an alcohol consumption ordinance, a noise ordinance, a residential parking ordinance, and a height ordinance. These ordnances have been used as model ordinances for other communities within Walton County and for the county as a whole.

In 2006, the 109th Congress of the United States, designated most of the public land surrounding Grayton Beach, as an Otherwise Protected Area (OPA). (See Figure 3: Grayton Beach OPA-95P.) The designation by Congress provides additional protection to Grayton Beach.

The character and scale of the community of Grayton Beach has been established over time through the development of one or two story homes or cottages, many of which are historically significant. Most residents and visitors come here because they know that Grayton Beach is an authentic beach community, not a theme park or "town" created for tourists. The residents of the Grayton Beach have established this neighborhood plan in order to continue the work of the Friends of Grayton Beach. The purpose of the plan is to preserve the residential and historic character of their neighborhood, to ensure the continued stability of this historic community, and to respect individual property owners. Grayton Beach is unique and imperfect and this plan will act to preserve and nurture these qualities.

2.0. PURPOSE AND INTENT

2.1 The purpose and intent of this plan is to preserve the unique character of Grayton Beach as it exists today; to preserve past development patterns and land uses, and to protect the predominantly single-family dwelling designation that Grayton Beach currently enjoys as a Residential Preservation Area (RPA) in the Walton County Future Land Use Map (FLUM) series.

2.2 Any issues not addressed in this neighborhood plan are subject to the requirements of the Walton County Land Development Code and Comprehensive Plan.

3.0 COMMUNITY INVOLVEMENT

This Neighborhood Plan was developed in accordance with the Walton County Comprehensive Plan and Land Development Code. Walton County encourages the preparation of Neighborhood Plans to guide development within Neighborhood Planning Area (NPA) Future Land Use districts. In 2008, Walton County adopted a Neighborhood Planning Ordinance to allow such plans to be adopted as overlay districts to its Land Development Code, thereby expediting the neighborhood plan approval process and promoting these citizen-based planning efforts. Walton County's requirements for neighborhood plans are contained in Section 2.03.02 of the Walton County Land Development Code.

Certified letters of interest were sent to all property owners. Over 93% of those owners who responded indicated their interest in pursuing a neighborhood plan. On April 27, 2013, the Grayton Beach Neighborhood Association hosted a community meeting. Approximately 100 persons attended the meeting. During the meeting residents had the opportunity to voice their concerns and suggestions as it related to a neighborhood plan. In anticipation of this plan being prepared, several draft copies were circulated in order to solicit community comments. In addition, draft policies were circulated to the Walton County Planning Department for its review and comments.

4.0 DEFINITIONS.

For the purpose of this Neighborhood Plan, "Grayton Beach" is defined as the area represented by the following boundaries: County Road 30-A to the north, the Gulf of Mexico to the south, Grayton Dunes State Park to the west, and Grayton Beach State Park and Western Lake to the east, excluding the community of Lake Place at Grayton Beach. (See Figure 4, Grayton Beach Neighborhood Planning Area).

5.0 VESTED RIGHTS.

Property owners in the subject neighborhood planning area shall retain their vested property rights, including, but not limited to, the right to rebuild, 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 and Walton County Land Development Code.

6.0 DENSITY AND INTENSITY

Unless specified otherwise on a previously approved plat or development order, the residential density within the Neighborhood Planning Area shall be no more than the density allowed by the Walton County Comprehensive Plan and individual parcel Future Land Use Map designations existing on the date of adoption of this plan by the Walton County Board of County Commissioners, providing allowances for infrastructure needs, and for the clustering on lots for the purpose of tree preservation.

7.0 SETBACKS, BUILD-TO-LINES, AND LOT COVERAGE.

With the exception of section 7.1, below, all setbacks, build-to-lines, and lot coverage shall be governed by the Walton County Land Development Code in effect at the time of adoption of this neighborhood plan.

7.1 Setbacks on Alleys. Owners of residential lots abutting alleys may reduce their rear setbacks from 15' to 5'. This reduction stems from a recommendation from the Walton County Zoning

Board of Adjustments.

8.0 USE MIX FOR COMMERCIAL AND WORKPLACE, BY SIZE AND LOCATION.

All land uses are governed by the Walton County Comprehensive Plan in effect at the adoption of this neighborhood plan. This plan does not alter use, mix for commercial and workplace. Neighborhood Commercial may be allowed on lots that meet the current criteria for Neighborhood Commercial.

9.0 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.

10.0 LANDSCAPING AND ARCHITECTURAL CONTROLS.

The neighborhood plan does not mandate landscaping requirements or architectural controls.

10.1 The neighborhood is strongly encouraged to landscape right of ways in front of their property. Grayton Beach is fortunate to have many natural areas and this plan encourages residents to embellish these areas with native plants and trees.

11.0 MINIMUM AND MAXIMUM LOT SIZES.

The lot sizes in the subject neighborhood planning area are those depicted on the original plat(s) 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 after the adoption date of the Grayton Beach Neighborhood Plan. This plan does not alter the established minimum and maximum lot sizes.

12.0 STREETS AND INFRASTUCTURE (STREET WIDTH AND BLOCK SIZE)

12.1 Decisions. In order to retain the authentic "Old Florida" character, the neighborhood requests the right to be notified of any decisions concerning infrastructure development or changes, including paving, resurfacing of roads, and trimming of trees, alteration of alleys, and cutting of vegetation unless in the case of an emergency.

12.2 Neighborhood Requests. The neighborhood requests that:

- Street widths and block sizes within the subject area remain as shown on the Grayton Beach plat.
- Surfaced area of roads be no more than the existing width at the time of the adoption of this plan
- Drainage ditches, swales, or excessive cutting of vegetation be discouraged along the roadsides.
- Alleys remain unpaved and used primary for pedestrian access or access to residential properties adjacent to such alleys. Under no circumstances shall such alleys be used for new commercial parking or new commercial purposes as of the adopted date of this ordinance.

13.0 PARKING FOR NEW RESIDENTIAL CONSTRUCTION.

13.1 Parking Requirements for New Residential Construction. All new residential construction in Grayton Beach shall comply with the off-street parking requirements established by

Walton County Ordinance 00-10, Sections 1-5 (March 28, 2000) as codified in section 5.08.00(d), Walton County Code of Ordinances. Walton County Ordinance 00-10 the existing Grayton Beach Parking ordinance, is incorporated into this plan by reference.

14.0 NEIGHBORHOOD COMMERCIAL LAND USE CATEGORY– PARKING REQUIREMENTS.

14.1 Finding/Purpose. Grayton Beach is primarily a residential community with limited commercial. In 2011, Walton County amended its Comprehensive Plan to allow the Neighborhood Commercial Land Use Category in limited geographic areas. The Neighborhood Commercial designation is an acknowledgement that commercial uses adjacent to residential uses are not the same as general commercial. In fact, the Walton County Comprehensive Plan recognizes that the neighborhood commercial designation must be more sensitive to the needs of the community and it requires a balancing between the commercial uses and residential uses.

As it relates to the Neighborhood Commercial Land Use Category, the current Comprehensive Plan allows outdoor seating in rare instances and with the input of the community; however, the comprehensive plan is silent with regard to how much additional parking will be required for outdoor seating. If outdoor seating areas are approved pursuant to the requirements of the Walton County Comprehensive Plan and Land Development Code, the Grayton Beach Neighborhood Plan will mandate additional parking requirements as part of the approval. Without such additional parking requirements, Grayton Beach residents would be further burdened by spillover parking from Neighborhood Commercial patrons.

14.2 Outdoor Seating Parking Standards. In addition to any parking requirements found in the Walton County Land Development Code for commercial uses, there shall be at least one parking space for each four seats found in the outdoor seating area.

14.3 Indoor Seating Parking Standards. Indoor seating standards shall be governed by the Walton County Land Development Code. Should the commercial use change, the County shall revisit the parking issue to confirm adequate parking for the new use.

14.4 Applicability. The requirements of section 11.00 of this plan shall be applied prospectively. Stated another way, it applies only to new businesses, new uses in existing businesses and expansion of existing businesses that commence after the effective date of this plan.

15.0 GRAYTON BEACH BUILDING HEIGHT LIMITATIONS.

Building heights for new construction in Grayton Beach are governed by Walton County Ordinance 00-10, Sections 1-5 (March 28, 2000) as codified in Chapter 5.08.00, Walton County Land Development Code. Ordinance 00-10 limits the height of new construction to 40 feet above the mean elevation of the parcel. This plan incorporates Walton County Ordinance 00-10 by reference and does not alter the established height limitation.

16.0 VENDING

16.1 Findings. The portion of Grayton Beach that permits vehicular access is leased to Walton County from the State of Florida. The stated purpose of the lease is for conservation and public recreation. It is important that Walton County is a good steward of this land and that it adheres to the requirements and purpose of the lease. As such, it is in the public's interest that vending on public and private lands is addressed. Vending on the beaches of Walton County is controlled by Ordinance 2013-04. This plan incorporates Ordinance 2013-04 (January 2013) by reference and offers the following:

16.2 Vending on Public Land Owned by the State of Florida. Vending on State owned public breaches requires annual written authorization from the State of Florida and any private owner whose southern property line is contiguous to the proposed vending location.

16.3 Vending on Public Land Owned by Walton County. Vending on county owned public beaches in Grayton Beach requires annual written authorization from Walton County and any private owner whose southern property line is contiguous to the proposed vending location.

16.4 Vending on Private Property. Vending of private property requires annual written authorization from the property owner.

16.5 Launching of Boats. Authority to launch boats on Grayton Beach is provided in the sub-lease from the State of Florida to Walton County. Nothing in this plan alters this authorize use.

17.0 GRAYTON BEACH ALCOHOL ORDINANCE;

The sale and consumption of alcoholic beverages in Grayton Beach is governed by Walton County Ordinance 97-15, Sections 1-5 (June 10, 1997) and Walton County Ordinance 97-26 (June 22, 1997) as codified in section 3-6, Walton County, Code of Ordinances. This plan incorporates by reference is Walton County Ordinance 97-15, Sections 1-5 (June 10, 1997) and Walton County Ordinance 97-26 (June 22, 1997) as codified in section 3-6, Walton County Code of Ordinances and does not alter the established Grayton Beach Alcohol Ordinance.

18.0 RENTAL SIGNS IN GRAYTON BEACH

18.1. Finding/Purpose. Grayton Beach is one of the oldest historic beach communities on Florida's Gulf Coast. The historic integrity of the community is being compromised by the proliferation of rental signs throughout the community. As a result of the growing sign pollution in Grayton Beach, the community has expressed a desire to remove or reduce signage where feasible so that the historic beauty can be the focal point.

Because the majority of rental properties are reserved using online rental services any limitation on rental signs should have a de minimis impact on rental business. The purpose of this section is to remove sign clutter, to require all rental signs to be mounted directly on rental houses or fences, and to maintain and enhance the pleasing look of the community of Grayton Beach.

18.2 Conforming Signs. 90 days from the effective date of this plan, all rental signs shall not exceed 4 square feet and shall be mounted directly on the subject house or on a fence. Freestanding signs are prohibited except as provided in section 15.3.

18.3 Free Standing Signs. If signs mounted in accordance with section 15.2 are not visible from the road, then one (1) freestanding sign not to exceed four (4) square feet can be used.

19.0 INGRESS AND EGRESS TO THE PUBLIC BEACH IN GRAYTON BEACH

19.1 Finding/Purpose. Grayton Beach is a popular destination for residents and visitors alike. With only two vehicular access points providing ingress and egress to the beach it is fundamentally important to the health, safety and welfare of the public that these access points remain unobstructed. In recent years these access points have been blocked or severely impeded by parked vehicles. In 2010, the South Walton Fire Department recognized this public safety issue and recommended clear designation of parking and no parking areas to provide emergency access.

The purpose of this section is to implement the recommendation of the South Walton Fire District to maintain unobstructed access for ingress and egress to Grayton Beach.

19.2 Designated No Parking Area. Access points as further illustrated on Figure 4 shall be designated as Emergency Lanes and are "no parking" areas. Public works shall erect appropriate signs so as to notify the public of the "Emergency Lane" designation and no parking requirement. (Authority: Section 20-21, Walton County Code of Ordinances).

19.3. Penalty. Violation of this section is hereby declared to be a noncriminal, civil infraction and may be prosecuted in the name of the county in a county court civil traffic hearing consistent with the requirements of section 20-13(b)(d), Walton County Code of Ordinances. If a sheriff's deputy discovers a vehicle parked in violation of this section that deputy shall remove such vehicles pursuant to section 20-27, Walton County Code of Ordinances.

19.4 Public Safety Vehicles. This section shall not apply to law enforcement, fire, or ambulance vehicles that are parked in furtherance of their public service responsibilities.

19.5 Fishing Fleet. Vehicles launching boats on Grayton Beach may park in the designated no parking area for purposes preparing their boats for launching. Vehicles towing such boats shall be occupied at all times.

21.00 ROADSIDE VENDING OPERATIONS

Roadside vending operations are not permitted on any public road in Grayton Beach.

22.00 GRAYTON BEACH CHARTER FISHING FLEET

22.1 Findings/Purpose. Grayton Breach serves as the sole access point for charter fisherman to access the Gulf of Mexico. The residents of Grayton Beach fully support the charter fishing fleet and want to make sure that future access is protected.

22.2 Decisions. In order to retain the authentic "Old Florida" character, the neighborhood requests to be notified of any discussions concerning charter fishing in Grayton Beach

23.00 FUTURE GOALS FOR THE GRAYTON BEACH NEIGHBORHOOD

A. Neighborhood Improvements. The neighborhood association will seek funding for landscaping, downtown trash receptacles, and other desired neighborhood improvements.
B. Historic Preservation Tax Credits. The neighborhood association will encourage Walton County to provide an incentive to landowners to protect historic properties.
C. Historic Preservation Study. The neighborhood association shall update the 1980 study of Grayton Beach. Such update will be coordinated with the Florida Division of Historic Resources
D. Historic Preservation Walking Trail and Signage. Prepare a "walking tour" or "historic trek" as a part of the proposed interpretive network.

24.00 TECHNICAL AMENDMENTS. Any grammatical, technical or non-substantive changes can be unilaterally made to this plan without the requirement to formally amend the plan.

25.00 JUDICIAL CONSTRUCTION. If any provision of this ordinance (Neighborhood Plan) is held to be unconstitutional, preempted by federal or state law, or otherwise invalid, the remaining portions of this ordinance shall not be invalidated and shall continue in full force and effect.