

ORDINANCE NUMBER 2015-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY AMENDING POLICY C-1.4.1 TO THE WALTON COUNTY COMPREHENSIVE PLAN REGARDING THE COASTAL DUNE LAKE PROTECTION ZONE; PROVIDING FOR SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that trees, brush, foliage and natural vegetation provide a productive land cover with significant water quality and wildlife habitat benefits and that natural vegetation diminishes air pollution, reduces noise, moderates temperature extremes, and increases property values; and

WHEREAS, the Board of County Commissioners finds that trees and vegetation prevent soil erosion and prevent fertilizer and pesticide residue from polluting sensitive natural resources; and

WHEREAS, the Board of County Commissioners finds that inadequate attention during development to the ecological function of soil, trees and natural vegetation can result in measurable environmental and economic damage to property and the cultural nature of a community; and

WHEREAS, the Board of County Commissioners seeks to provide for a diverse set of native vegetation that provides food and cover for wildlife, yet can be maintained without extensive care and has resistance to drought and disease; and

WHEREAS, the Board of County Commissioners finds it to be in the best interest of the public to provide for the uniform regulation of the clearing and development of single-family residential lots within the Coastal Dune Lake Protection Zone; and

WHEREAS, the Board of County Commissioners seeks a regulatory balance that allows owners of vacant property and redevelopment property to maintain attractive lots so not to dissuade potential buyers, yet prevent excessive clearing that increases soil erosion, alters drainage patterns, and compromises the water quality of the Coastal Dune Lakes; and

WHEREAS, the Board of County Commissioners seeks to provide a means of due process for those lot owners where rigid application of this Comprehensive Plan policy limiting clearing to 25% presents an undue burden, by moving the numeric percentage for same from the Comprehensive Plan to the Land Development Code where limited hardship relief can be sought by application for variance

from the Zoning Board of Adjustments, without compromising the water quality of the Coastal Dune Lakes.

NOW THEREFORE, BE IT RESOLVED BY THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. AUTHORITY; INTENT.

Pursuant to Sections 163.3201 and 163.3203, Florida Statutes, the Board of County Commissioners have implemented provisions of the Walton County Comprehensive Plan to ensure the County's orderly growth and development and to respond to the changing needs and conditions within the County. Policy C-1.4.1 of the Walton County Comprehensive Plan specifies conditions and standards for development and redevelopment of the designated Coastal Dune Lake Protection Zone within the County. The Board of County Commissioners finds it is in the best interest of the health, safety and welfare of the citizens of Walton County to revise Policy C-1.4.1 and amend these requirements as follows.

SECTION 2. SHORT TITLE

This Ordinance shall be commonly known and cited as the "Coastal Dune Lake Protection Zone Ordinance." Within this document it shall also be referred to as the "Ordinance."

SECTION 3. SCOPE

This Ordinance shall only apply to parcels within the County which are located within the Coastal Dune Lake Protection Zone.

SECTION 4. AMENDMENT OF POLICY C-1.4.1, COASTAL DUNE LAKE PROTECTION ZONE

Walton County Comprehensive Plan Policy C-1.4.1 is hereby amended as follows (additions are underlined; deletions are stricken through):

Policy C-1.4.1 The Coastal Dune Lake Protection Zone (CDLPZ) is defined as the zone beginning at the mean or ordinary high water line of the coastal dune lakes, whichever is applicable, and extending 300 feet landward for all coastal dune lakes and their tributaries. Development within this zone shall meet the specific criteria outlined in the Land Development Code and shall include the following:

1. Requiring a shoreline setback and buffer of 100 feet from the ordinary or

mean high water line, whichever is applicable, in which no development (other than boardwalks, docks, or other shoreline access structures) shall be allowed, with the exception of a maximum 10-foot wide access perpendicular to the shoreline. With the exception of clearing a 10-foot wide access to the shoreline, all existing native vegetation will be preserved within this setback and buffer area;

2. Requiring that the grading of lots ensure untreated stormwater runoff from lawn fertilizers, pesticides, or patios, driveways, etc. do not enter the lake. In cases where this is not possible, Requiring other stormwater treatment methods between the developed area and the lake to hold and treat runoff.

3. Requiring specific erosion control measures, in accordance with the Best Management Practices as established by FDEP.

4. Prohibiting any uses within the CDLPZ that involve the storing, handling or generating of hazardous wastes.

5. Prohibiting seawalls, bulkheads, revetments and rip-rap.

6. Protecting native vegetative communities, including habitat for threatened, endangered, or species of special concern, in the CDLPZ.

7. Prohibiting new point or non-point sources of pollution to be discharged into the lakes, including but not limited to treated wastewater effluent or untreated stormwater runoff.

8. Preserving at least the percentage specified in the Walton County Land Development Code, of the portion of the parcel within the 300-foot CDLPZ and landward of the initial 100 foot shoreline buffer, as open space for all new development and redevelopment. Vegetative clearing within this preserved area shall be limited to that which is necessary to accommodate the amount of development permitted by the Coastal Dune Lake Protection Zone development standards in the Walton County Land Development Code.

9. Hardship relief sought by an applicant through application to the Zoning Board of Adjustment for Variance to the numeric percentage standard in the Walton County Land Development Code shall not be reduced by the Zoning Board of Adjustment to less than fifty percent (50%) of the parcel.

SECTION 5. CONFLICT

Those portions of ordinances, whose subject matter is in the Comprehensive Plan, which

are in conflict, are hereby repealed.

SECTION 6. SEVERABILITY

In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. CODIFICATION

Policy C-1.4.1 of the Walton County Comprehensive Plan shall be codified as indicated in Section 4 above.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective when filed with the Secretary of State.


PASSED AND DULY ADOPTED in regular session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, on the 8th day of September, 2015.

ATTEST:

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Alex Alford, Clerk of Court



BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

By: 

Bill Imfeld, Chair

Reviewed for form and sufficiency:



Mark Davis, County Attorney



Deletions are ~~stricken~~; additions are underlined