

ORDINANCE NUMBER 2016-21

A REMEDIAL PLAN AMENDMENT ORDINANCE AMENDING WALTON COUNTY COMPREHENSIVE PLAN POLICY C-1.4.1 PURSUANT TO THE AUGUST 23, 2016 COMPLIANCE AGREEMENT IN 1000 FRIENDS OF FLORIDA, INC., ET AL VS. WALTON COUNTY, CASE NO. 15-5619GM; PROVIDING FOR UP TO 40% IMPERVIOUS DEVELOPMENT AND UP TO 50% CLEARING OF NATIVE VEGETATION WITHIN THE COASTAL DUNE LAKE PROTECTION ZONE; PROVIDING FOR STORMWATER REQUIREMENTS, CONNECTION TO CENTRAL SEWER UNDER SOME CIRCUMSTANCES, HARDSHIP RELIEF, AND A GRANDFATHERING PROVISION; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners adopted Ordinance Number 2015-25 on September 8, 2015, which sought to amend Policy C-1.4.1 of the Walton County Comprehensive Plan by moving the numeric percentage contained within the Policy to the Land Development Code in order to provide a means of hardship relief;

WHEREAS, on October 6, 2015, 1000 Friends of Florida, Inc., Anita Page and Jacquee Markel (hereinafter "Petitioners") filed a Petition for Formal Administrative Hearing alleging that Ordinance Number 2015-25 was not in compliance with Chapter 163, Florida Statutes, and that Petition was assigned DOAH Case No 15-5619GM;

WHEREAS, the Petitioners and Walton County were authorized by Section 163.3184(6)(b), Florida Statutes, to enter into a Compliance Agreement to settle the above-mentioned case;

WHEREAS, on August 23, 2016, Petitioners and Walton County entered into a Compliance Agreement to effectuate a resolution of 1000 Friends of Florida, Inc.; Anita Page; and Jacquee Markel vs. Walton County, Florida, DOAH Case No. 15-5619GM;

WHEREAS, the Compliance Agreement was adopted by the Board of County Commissioners at an advertised public hearing held on August 23, 2016;

WHEREAS, the Compliance Agreement expressly repealed Ordinance Number 2015-25;

WHEREAS, the Compliance Agreement contained a Remedial Plan Amendment, which was a proposed text amendment identifying proposed changes to Walton County Comprehensive Plan Policy C-1.4.1;

WHEREAS, Walton County agreed that within sixty days after execution of the Compliance Agreement that it would consider for adoption the Remedial Plan Amendment;

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 Walton County Board of County Commissioners have implemented provisions of the Walton County Comprehensive Plan to ensure Walton County's orderly growth and development and to respond to the changing needs and conditions within Walton County. Policy C-1.4.1 of the Walton County Comprehensive Plan specifies conditions and standards for the development and redevelopment of the designated Coastal Dune Lake Protection Zone within Walton County. The Walton County 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."

SECTION 3. SCOPE.

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

SECTION 4. AMENDMENT OF POLICY C-1.4.1.

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. For lots 200 feet or less in depth, this shoreline setback and buffer shall be a minimum of 25 feet or 25 percent of the depth of the lot, whichever is greater. ~~in~~ ~~which n~~ 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, require other stormwater treatment methods between the developed area and the lake to hold and treat runoff.~~
2. Requiring each lot owner to submit a stormwater plan for the property as a condition of obtaining a development order or building permit, which must use or incorporate appropriate "Low Impact Development" stormwater practices. The stormwater plan shall be certified by a professional engineer licensed by the State of Florida. The County shall implement a monitoring program to confirm compliance with the stormwater plan.
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 effluent, wastewater effluent or untreated stormwater runoff. For lots adjacent to Coastal Dune Lakes: Requiring all new development, and redevelopment that requires a modification, replacement or upgrade to an onsite sewage treatment and disposal system, to connect to central sewer at the time of development or redevelopment. On other lots within the CDLPZ, new on-site sewage treatment and disposal treatment systems shall be prohibited where connection to sewer is available.
8. Preserving at least ~~75~~60 percent of the portion of the parcel ~~which that~~ is within the 300-foot CDLPZ ~~and landward of the initial 100-foot shoreline buffer as open space as~~ pervious surface for all new development and

redevelopment. Vegetative clearing within this preserved area shall be limited to that which is necessary to accommodate the 2540 percent impervious development which that is permitted. Clearing of native vegetation shall not exceed 50 percent of the gross square footage of the portion of the parcel that is within the 300-foot CDLPZ.

9. Hardship relief from the application of the numeric percentage restrictions in Paragraph 8 may be sought by a property owner through application to the Zoning Board of Adjustment pursuant to strict compliance with the variance criteria outlined in the Land Development Code. In no event shall the Zoning Board of Adjustment increase the allowable vegetative clearing and impervious area to more than 53 percent of the portion of the parcel that is within the 300-foot CDLPZ.

10. In the event a dwelling unit is more than 50 percent destroyed, the owner is entitled to re-build a single family residential unit to the same grade footprint dimensions as the previously existing dwelling unit. The dwelling may be re-built on the previously existing footprint except that if all or a portion of the footprint is within an applicable dune lake buffer/setback area, the dwelling footprint must be re-built so as to avoid any encroachment into the buffer/setback. If there is insufficient buildable area to re-build the previously existing footprint and avoid all encroachment into a buffer/setback, the County may grant an exception to the building setback requirements of the Land Development Code by the minimum extent necessary to accommodate the allowable footprint. Additionally, any owner shall have the option to rebuild a replicated footprint outside of the original footprint so long as the re-built dwelling is not located any closer to the lake, or encroach any further within the buffer/setback, than the footprint of the previously existing dwelling unit.

In order to best protect the dune lake, the owner shall re-build the primary dwelling unit, including its access driveway, in a manner that minimizes any disturbance to the native vegetation on site. Future planting of vegetation must be in native vegetation appropriate to a dune lake ecosystem.

This paragraph applies as an exception to the developable area requirements of this Policy C-1.4.1.8 only and all

development must otherwise be consistent with all other applicable provisions of the Comprehensive Plan and Land Development Code.

SECTION 5. SEVERABILITY.

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

SECTION 6. CODIFICATION.

Ordinance Number 2015-25, adopted by the Walton County Board of County Commissioners on September 8, 2015 is repealed and Policy C-1.4.1 of the Walton County Comprehensive Plan shall be codified as indicated in Section 4 above.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 20th day of September, 2016.

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

Attest:)

A Kim Wilkins
Alex Alford, Clerk of Circuit Court
and County Comptroller



Sara Comander
Sara Comander, Chair

