

Ordinance Number 09-__

An Ordinance Amending the Walton County Land Development Code to Establish a Height Limitation for All of Walton County; Providing for Severability; and Providing for an Effective Date. ~~;~~ and ~~Providing for a Sunset Provision.~~

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;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, that the Walton County Land Development Code is amended as follows:

Section 1: Section 5.00.06 Height Limitation, Exceptions and Measurement Methodology of the Walton County Land Development Code is amended as follows:

5.00.06 Height Limitation, Exceptions, and Measurement Methodology

~~Notwithstanding any other provisions of this Code, no man-made improvements higher than four (4) stories of habitable space or fifty feet (50') in height, whichever is less, shall be permitted in the unincorporated areas of Walton County. Legitimate agricultural and industrial uses shall be exempt from this limitation.~~

Notwithstanding any other provisions of this Code, no man-made improvements higher than heights established in the following height limitations for South Walton and North Walton shall be permitted in unincorporated areas of Walton County.

- (A) In South Walton, no development shall be permitted to exceed four stories of habitable or nonhabitable space for residential structures or 50 feet in height, whichever is less. No development shall be permitted to exceed 50 feet in height for commercial, industrial, or institutional structures with the exception of tall structures (cell towers, wind or solar structures).

church steeples and spires) allowed as conditional uses under the Land Development Code. There shall be no exceptions to the 50 feet or four stories of habitable or nonhabitable space for residential structures in South Walton. There may be additional restrictions in height as approved by the Board of County Commissioners as in Section 5.08.00 Height Limitation for New Construction in Grayton Beach or Section 5.08.01 Point Washington Height Limitation.

- (B) In North Walton, no development shall be permitted to exceed four stories of habitable or nonhabitable space for residential structures or 50 feet in height. No development shall be permitted to exceed 75 feet for commercial or institutional structures. No development shall be permitted to exceed 100 feet for industrial structures. Bonafide agricultural structures utilized for legitimate agricultural practices are exempt from these height limitations.
- (C) Building height of a structure in South or North Walton is a vertical distance or measurement from the average elevation of the existing natural ground beneath the footprint of the structure or building to the highest point at the top of the structure or the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
- (D) Height exceptions in South or North Walton is the height limitations stipulated may not apply to the following, contingent on review and approval on a case by case basis for church steeples and spires, chimneys, aircraft radio towers and navigational aids, solar energy facilities or windmills, and utility transmission towers, civic structures, and structures relating to public welfare and health related facilities.

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.

~~Section 4. Sunset Provision.~~

~~This ordinance shall be automatically repealed upon the end of the appeal period for the Notice of Intent to Find in Compliance the adopted Evaluation, Appraisal, and Recommendations Report amendments to the Walton County Comprehensive Plan.~~

Duly enacted, by the Board of County Commissioners of Walton County, Florida, at a regular meeting on the ____ day of _____, 2009.

**BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA**

Attest:

**Martha Ingle
Clerk of Court**

By: _____
Sara Comander, Chair

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