

## CHAPTER V. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

### 5.00.00. GENERAL PROVISIONS

#### 5.00.01. Purpose and Intent.

The purpose of this chapter is to provide site design and improvement standards applicable to all development activity in the County. The provisions are intended to ensure functional and attractive development. The standards allow for flexibility in site design, while ensuring compatibility of neighboring uses through design features such as landscaped buffers. All development shall be designed to avoid unnecessary impervious surface coverage and adverse effects of traffic, noise and drainage on surrounding properties.

#### 5.00.02. Minimum Lot Area Requirements.

A. *Requirements for all developments.* All developments shall have a total land area sufficient to meet all development design standards in this code including, but not limited to, land required to provide for all setbacks, buffers, stormwater management, offstreet parking and circulation, protection of environmentally sensitive lands, landscaping, open space, greenway corridors, recreational areas and any other provisions which may require land area to be set aside.

B. *Requirements for Residential Development.* There is no minimum lot area for individual lots within a residential development that will be served by both a central water and central sewer system, provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this code as stated in paragraph (A) of this section.

2. Residential density of the area shall not exceed that specified in the Walton County Comprehensive Plan.

3. Land with the boundaries of a subdivision or a Neighborhood Plan, exclusive of individual lots to be conveyed in fee simple ownership, shall be owned and/or controlled and maintained through a condominium association, property owners' association, or other similar private legal entity, or may be conveyed to governmental or public not-for-profit organizations for the same purpose. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review.

C. *Specific Requirements for Areas Without Central Utilities.* All proposed development in areas that will not be served by central water and central sewer shall comply with the minimum lot sizes established by the Florida Department of Health and Rehabilitative Services, Rule 10D-6, F.A.C. Residential density of the area shall not exceed that specified in the Walton County Comprehensive Plan.

#### 5.00.03. Building Setback Requirements.

A. The following setback requirements shall apply to all structures erected on property situated in unincorporated areas of Walton County, Florida:

1. *Single-family residential:* 7 1/2 feet side, 15 feet rear and 20 feet front.

2. *Multifamily (one- through three-story):* Ten feet side, 20 feet rear, and 20 feet front.
  3. *Multifamily (four-story):* 15 feet side, 20 feet rear, and 20 feet front.
  4. *All structures over four stories:* Increase the side, rear and front setback lines by two feet for every story over four stories with a maximum setback of 40 feet.
  5. *All other primary structures (commercial, churches, etc.):* 25 feet front with side and rear setback lines conforming to the above-mentioned multifamily residential requirements.
- B. *Conflict Between Setback and Buffer Requirements:* Where the landscaped buffer required by Subsection 5.01.02 of this Code exceeds the required setbacks established above, the buffer requirement shall control.
- C. *Nonconformance.* All nonconforming undeveloped residential lots, platted or unplatted prior to June 1975, may be developed with a minimum five-foot side setback.

#### **5.00.04. Floor Area Ratio.**

- A. *Generally.* A floor area ratio is a measurement of the intensity of development on a site. For purposes of this code, floor area ratios (FAR) are provided only for nonresidential development.
- B. *Calculating Floor Area Ratio.* The floor area ratio is the relationship between the total floor area on a site and the gross site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area.

#### **5.00.05. Impervious Surface Ratio.**

An impervious surface ratio is a measurement of the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to roofs and streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay.

#### **5.00.06 Height Limitation, Exceptions, Exemptions, and Measurement Methodology for Building or Structure Height.**

Notwithstanding any other provisions of this Code, no man-made buildings or structures higher than heights established in the following height limitations for Walton County shall be permitted in unincorporated areas of Walton County unless otherwise provided for in Section (C) Exceptions or Section (D) Exemptions herein.

##### *A. Height Limitations in South Walton County*

1. No buildings or structures shall be permitted to exceed fifty (50) feet in height for single family or multi-family residential uses.
2. No buildings or structures shall be permitted to exceed fifty (50) feet in height for commercial, industrial, or institutional uses.

3. Pursuant to section 5.08.00 Height Limitation for New Construction in Grayton Beach, no buildings or structures shall be permitted to exceed forty (40) feet in height in Grayton Beach.
4. Pursuant to section 5.08.01 Point Washington Height Limitation, no buildings or structures shall be permitted to exceed thirty-two (32) feet in height in Point Washington.
5. The Inlet Beach Traditional Neighborhood Plan Appendix B of the Walton County Comprehensive Plan provides for limits on various building stories and combination of mixed use stories within buildings or structures.

*B. Height Limitations in North Walton County*

1. Buildings or structures for single-family or multi-family residential uses may be permitted up to a maximum of fifty (50) feet in height meeting building setbacks as provided for in section 5.00.03 Building Setback Requirements.
2. Buildings or structures for single-family or multi-family residential uses may be permitted up to a maximum of seventy-five (75) feet in height on lots or parcels which can accommodate a 1.25 times the proposed building or structure height in building setback. Buildings or structures adjacent to or within ¼ mile radius of a municipal boundary must be compatible in scale and character to buildings or structures located in the municipality.
3. Buildings or structures for commercial or institutional uses may be permitted up to a maximum of seventy-five (75) feet meeting building setbacks as provided for in section 5.00.03 Building Setback Requirements. Buildings or structures adjacent to or within ¼ mile radius of a municipal boundary must be compatible in scale and character to buildings or structures located in the municipality.
4. Buildings or structures for industrial uses may be permitted up to a maximum of one hundred (100) feet in height meeting building setbacks as provided for in section 5.00.03 Building Setback Requirements. Buildings or structures adjacent to or within ¼ mile radius of a municipal boundary must be compatible in scale and character to buildings or structures located in the municipality.

*C. Height Exceptions in Walton County*

Height exceptions to the height limitations stipulated above, may apply to the following, contingent on review and approval on a case by case basis by the Board of County Commissioners. The case by case review and approval by the Board of County Commissioners for height exception is required for major or minor projects, and where applicable, review and approval by the Design Review Board:

1. Church steeples and spires.
2. Aircraft radio towers and navigational aids.
3. Private solar energy facilities or windmills.
4. Publicly owned civic buildings or structures related to public welfare.
5. Commercial or industrial buildings or structures that are part of an economic development project located in north Walton County as recommended by the Economic Development Alliance.

6. Buildings or structures relating to the public health, safety, and welfare such as hospitals.
7. Height exceptions provided for in section 13.02.03 (6) Architecture, Height of Buildings for the U.S. 98 and U.S. 331 Scenic Corridors, provide that cupolas, towers, spires, etc. are allowed and may extend twenty (20) feet above roof lines or allowable height, but they shall be non-leasable and nonhabitable.

*D. Height Exemptions in South or North Walton County*

1. Height exemptions are exemptions provided for by state or federal laws and administrative codes. In instances where this code may conflict with federal or state laws and codes; federal or state laws and codes shall govern. Examples of exemptions are provided in Appendix A.

*E. Methodology for Measurement for Building or Structure Height*

Building or structure height in South or North Walton County is the vertical distance or measurement from the average elevation of the existing natural ground beneath the footprint of the building or structure to the highest point at the top of the building or 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, domed, curved, and gambrel roofs. Building or structure features such as chimney height as required by the Florida Building Code shall not be included in the methodology for measurement for building or structure height.

(Ord. No. 01-12, § 2, 7-3-01; Ord. No. 2007-51, § 1, 11-27-07; Ord. No. 2008-36, § 1, 10-28-08; Ord. No. 2009-10, § 1, 8-11-09)

**5.00.07. Methodology for Determination of Setback Requirements.**

All setbacks referred to in this Chapter and described in Chapter V of this Code will be measured from the lot line adjacent to the point of measurement to the closest vertical improvement on the subject parcel. Lot line fences are specifically excluded. Elevated walkways, patios, porches and decks are subject to setback requirements. Both in ground and above ground swimming pools and their associated decks are subject to these setback requirements. Cantilevered decks and roof overhangs are also subject to setback requirements, except the deck or roof overhang may extend a maximum of 18 inches into the setback if they are at least eight feet above ground level.

**5.00.08. General Clustering Policy in all Districts.**

It is the intention of the County to encourage the clustering of development units on any development parcel for the purposes of avoiding environmentally sensitive areas, creating open space and greenway areas, and encouraging efficient infrastructure design.

**5.00.09. Methodology for Determination of Allowable Residential Density.**

The maximum allowable base residential density for any specific parcel of property shall be determined by determining the total net developable acreage of the site and multiplying the amount of acreage in each land use category

represented on the site by the maximum residential density provided in this Chapter for each of those land use districts.

The specific protection or hazard Zones described in Section IV of this Code may allow for certain density values to be transferred from the acreage contained in these Zones to developable upland or less hazardous areas on the site. Refer to the Subsection of Chapter IV of this Code which creates the Zone to determine what, if any density value may be transferred.

#### **5.00.10 Minimum Finish Floor Elevation Requirement**

This section applies to all new development or redevelopment on all residential or commercial structures after the effective date of this ordinance. This section will not and is intended not to make existing residential or commercial structures nonconforming.

- A. No residential or commercial structure shall be constructed with the lowest floor elevation (excluding non-habitable garages) not less than one (1) foot above the average of the highest elevation of the street abutting the subject property. Exemptions to this requirement may occur only where an undue hardship due to the terrain of the land exists and is supported by adequate technical data provided by a registered professional engineer and approved by the County Engineer or his designee, or stormwater management improvements are provided, and the improvements are approved by the County Engineer. The following minimum criteria may be used in granting an exemption by the County Engineer or designee:
  - 1. The building minimum proposed finished floor elevation is at least one foot (1') above the highest adjacent existing ground elevation and there will be positive drainage from the lot without the potential for backup or flooding of the lot.
  - 2. The structure(s) minimum finish floor elevation has previously been established by a registered professional engineer and is illustrated on a County approved plat or development plan.
- B. If a structure is located within a flood zone area, as identified by the most recent Flood Insurance Rate Map (FIRM), the most restrictive minimum finish floor elevation shall rule.
- C. So this minimum finish floor elevation requirement does not affect the building or structure height in Walton County per Section 5.00.06, E the methodology for measurement for building or structure height shall be as follows:  
Building or structure height in Walton County is the vertical distance or measurement from the minimum finish floor elevation requirement per Section 5.00.10, or minimum finish floor elevation established whichever is less, to the highest point at the top of the building or 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, domed, curved, and gambrel roofs. Building or structure features such as chimney height as

required by the Florida Building Code shall not be included in the methodology for measurement for building or structure height.  
(Ord. No. 2015-30, § 2, 12-8-15)

## **5.01.00. LANDSCAPING**

### **5.01.01. General Provisions.**

A. *Purpose.* The purpose of this section is to protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbances to vegetation, to encourage the selection of native plant species for vegetation, to reduce the impact of urban and suburban development on remaining stands of natural vegetation, to provide shade, to reduce heat and glare, to abate noise pollution, to provide habitat for living things, and to buffer incompatible uses.

B. *Exemptions.* Lots or parcels of land on which a single-family home or duplex is used as a residence shall be exempt from the provisions of these landscaping regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

C. *Landscape Material.* Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than 50 percent of a planting.

D. *Prohibited Plants.* The following plants shall not be installed as landscape material:

1. Kudzu (*Pueraria lobata*).
2. Popcorn or Chinese Tallow Tree (*Sapium Sebiferum*).

### **5.01.02. Landscaped Buffers.**

A. *Purpose and Intent.* This Section requires landscaped buffers to be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. Landscaped buffers are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the relative intensities of the abutting or adjacent uses.

B. *How to Determine Landscaped Buffer Location.* Landscaped buffers shall be located at the perimeter of the development site for any given use, and shall not be located in any portion of a public right-of-way.

C. *Minimum Width of Buffer Required Between Uses.*

(1) Between adjacent residential land uses, the buffer shall be at least ten feet in width. The ten foot buffer must contain, at a minimum, three Canopy trees, eight Shrubs, and two Understory trees per each 100 feet.

(2) Between residential and commercial land uses, the buffer shall be at least 20 feet in width. The 20 foot buffer must contain, at a minimum, four Canopy trees, 16 Shrubs, and three Understory trees per each 100 feet.

(3) Between industrial and any other land use, the buffer shall be at least 25 feet in width. The 25 foot buffer must contain at a minimum, five Canopy Trees, 20 Shrubs, and four Understory trees.

D. *Landscaped Buffer Design and Material.*

1. *Existing Native Plant Material Encouraged.* The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.

2. *Approved Plant Material.* Where the planting requirements require additional trees to be installed in the landscaped buffer, required shrubs, understory and canopy trees shall either (a) be selected from the following lists of species or other shrubs, or (ii) be varieties not on these lists but identified as native by a landscape architect or botanist and approved by the Director of Planning and Zoning.

*Shrubs:*

- a. Ligustrum (*Ligustrum japonicum*).
- b. Azalea (*Rhododendron indicum*, *Rhododendron simsii*, *Rhododendron obtusum*).
- c. Red top (*Photinia glabra* and *Photinia fraseri*).
- d. Cleyera (*Cleyera japonica*).
- e. Pampas grass (*Cortaderia selloana*).\*\*
- f. Silverberry (*Elaeagnus macrophylla*).
- g. English holly (*Ilex aquifolium*).
- h. Chinese juniper (*Juniperus chinensis*).
- i. Savin juniper (*Juniperus sabina*).
- j. Rocky Mountain juniper (*Juniperus scopulorum*).
- k. Sea myrtle (*Baccharis halmifolia*).\*\*
- l. Thorny elaeagnus (*Elaeagnus pungens*).\*\*
- m. Spanish bayonet (*Yucca aloifolia*).\*\*
- n. Adams needle (*Yucca smalliana*).\*\*

*Understory Trees:*

- a. Bottlebrush (*Callistemon citrinus*).\*\*
- b. Cat claw (*Pithecellobium unguis-cati*).\*\*
- c. Chaste [tree] (*Vitex agnus-castus*).\*\*
- d. Crabapple (*Malus angustifolia*).
- e. Crape myrtle (*Lagerstroemia indica*).
- f. Devil's walkingstick (*Aralia spinosa*).
- g. Dogwood (*Cornus florida*).
- h. Fringe tree (*Chionanthus virginicus*).
- i. Fringe tree, Chinese (*Chionanthus retusa*).
- j. Goldenrain tree (*Koelreuteria elegans*).
- k. Hawthorn (*Crataegus spp.*).

- l. Holly, Dahoon (*Ilex cassine*).\*
- m. Hop-hornbeam (*Ostrya virginiana*).
- n. Hornbeam (*Carpinus caroliniana*).
- o. Loquat (*Eriobotrya japonica*).
- p. Magnolia, oriental (*Magnolia* spp.).\*
- q. Mimosa (*Albizia julibrissin*).
- r. Pear, Bradford (*Pyrus calleryana* Bradford).
- s. Plum, American (*Prunus americana*).
- t. Plum, wild (*P. angustifolia*).
- u. Redbud (*Cercis canadensis*).
- v. Rusty blackhawk (*Viburnum rufidulum*).
- w. Smooth redbay (*Persea borbonia*).\*
- x. Sparkleberry tree (*Vaccinium arboreum*).
- y. Yaupon (*Ilex vomitoria*).\*\*

*Canopy Trees:*

- a. Ash, white (local) (*Fraxinus americana*).\*
- b. Birch, river (*Betula nigra*).\*
- c. Basswood (*Tilia caroliniana*).\*
- d. Catalpa, southern (*Catalpa bignonioides*).\*
- e. Cedar, Atlantic white (*Chamaecyparis thyoides*).
- f. Cherry laurel (*Prunus caroliniana*).\*
- g. Cottonwood (*Populus deltoides*).\*
- h. Cypress, pond (*Taxodium ascendens*).\*
- i. Elm, winged (*Ulmus alata*).\*
- j. Florida elm (*Ulmus americana floridana*).\*
- k. Hickory (*Carya* spp.).\*
- l. Live oak (*Quercus virginiana*).\* \*\*
- m. Loblolly bay (*Gordonia lasianthus*).
- n. Maple, Florida (*Acer barbatum floridanum*).\*
- o. Mulberry, red (*Morus rubra*).
- p. Myrtle oak (*Quercus myrtifolia*).\* \*\*
- q. Palm, cabbage (*Sabal palmetto*).\*\*
- r. Palm, pindo (*Butia capitata*).
- s. Pecan (*Carya illinoensis*).\*
- t. Persimmon (*Diospyros virginiana*).
- u. Pine, longleaf (*Pinus palustris*).
- v. Pine, sand (*Pinus clausa*).\*\*
- w. Pine, spruce (*Pinus glabra*).
- x. Red maple (*Acer rubrum*).\*
- y. Southern magnolia (*Magnolia grandiflora*).\* \*\*
- z. Southern red cedar (*Juniperus silicicola*).\* \*\*
- aa. Sweetbay (*Magnolia virginiana*).\*
- bb. Sweet gum (*Liquidambar styraciflua*).\*
- cc. Sycamore (*Platanus occidentalis*).\*
- dd. Tulip tree (*Liriodendron tulipifera*).



- ee. Tupelo, water (*Nyssa aquatica*).
- ff. Walnut, black (*Juglans nigra*).\*
- gg. Waxmyrtle (*Myrica cerifera*).\* \*\*

\* Shade trees.

\*\* Salt tolerant trees and shrubs.

E. *Landscape Buffer Requirements within Mixed-use Development.* Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.

F. *Parking Lot Landscaping.* Perimeter plantings required for parking lot landscaping pursuant to this Code may be counted toward satisfying buffer requirements.

G. *Use of Landscaped Buffers.*

1. *Open Space.* Landscaped buffers may be counted toward satisfying open space requirements, and may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the buffer yard is maintained. In no event, however, shall the following uses be permitted in landscaped buffers: playfields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.

2. *Stormwater Retention/Detention Facilities.* The Director of Planning and Zoning shall be authorized to allow stormwater retention/detention facilities to encroach into landscaped buffers a maximum of 40 percent of buffer width, where it is found that all planting requirements of this section are met and the visual screen provided by the landscaped buffer will be fully achieved.

H. *Silviculture Buffers.*

1. *Buffer Required.* There is hereby established a 25-foot-wide silviculture buffer along all state and County rights-of-way.

2. *Design Criteria.* Within this buffer area, silvicultural activity shall be limited to the extent that a maximum of 50 percent of the planted or naturally occurring pine trees may be harvested from any existing stand or future planted stand.

I. *Agricultural Buffers.*

1. *Purpose.* It is the County's specific intention to ensure compatibility of adjacent agricultural and non-agricultural land uses and protection of the health, safety and welfare of the residents engaged in each of these uses.

2. *Buffers Required.* The County hereby creates a required buffer area between these two uses wherever they are proposed as adjacent uses in the future. A buffer must be established between any new subdivision and active agricultural lands adjacent to such subdivision. Similarly, a buffer must be established between any new agricultural use and any existing subdivision adjacent to the agricultural use.

3. *Functional Criteria.* In order for the required buffering to be approved as effective, it must serve the following functions:

- a. The screening of each land use, one from the other;

- b. The protection of the affected residential land uses from normal agricultural operations that may create nuisances and other adverse impacts, such as odors, noise, smoke, vibration, chemical spray, glare, or dust;
- c. The protection of the affected agricultural land from intrusive activities of residential land uses, such as trespass, pets, vehicles, and noise; and
- d. The minimization or elimination of any incompatibility between the uses so that the uses may be considered compatible and so that the long term continuance of both uses is not threatened by the negative impacts of adjacent land uses upon each other.

4. *Design Criteria.* All required buffer areas shall comply with the following design criteria in order to be presumed in compliance with the functional criteria provided in Subsection 3 above:

- a. Buffers shall be a landscaped strip along parcel boundaries and shall serve as an attractive boundary of the parcel or land use and shall include landscaping and site barriers.
- b. Buffers shall be at least 50 feet in width; however, during the site plan approval process the County may require buffers larger than the minimum established in this policy, if deemed necessary to ensure the compatibility of adjacent land uses.

J. *Resource Protection Buffers.*

1. *Purpose.* The purpose of the buffer is to protect natural resources from the activities and impacts of development.

2. *Buffers Required.* Buffer requirements are established for the following environmentally sensitive resource areas in the cited sections of Chapter IV of this Code:

- a. Wetland Protection Zone - Section 4.01.02.
- b. Shoreline Protection Zone - Section 4.03.02.
- c. Coastal Dune Lake Protection Zone - Section 4.02.03.
- d. Coastal Protection Zone - Section 4.02.02.

3. *Functional Criteria.* The buffer areas required for the areas specified above should function to:

a. Provide protection to the natural resources from intrusive activities and impacts of development such as trespassing, pets, vehicles, noise, lights, and stormwater runoff.

b. Minimize the negative impacts of the uses upon each other or, preferably, to eliminate by the buffer such that the long-term existence and viability of the natural resources, including wildlife populations, are not threatened by such impacts and activities. Any incompatibility between the uses is eliminated and the uses may be considered compatible.

4. *Design Criteria.* All required buffer areas shall comply with the following design criteria in order to be presumed in compliance with the functional criteria provided in Subsection 3 above:

- a. Buffers shall primarily include native species plant material, preferably xeriscape in nature, that is "wildlife friendly."
- b. Buffers shall not include noxious or invasive exotic vegetation or trees.

c. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and intent of this policy is fulfilled.

d. Buffers shall emphasize vegetation that will serve as a habitat component for species likely to use the area.

K. *Maintenance of Landscaped Buffer Areas.* The maintenance of all landscaped buffers shall be the responsibility of the property owner. Failure to maintain such landscaped buffers in an attractive and healthy state shall be considered a violation of this chapter subject to enforcement in accordance with Chapter XII of this Code.

### **5.01.03. Landscaping of Vehicular Use Areas.**

#### *A. Applicability.*

1. *North Walton County.* The requirements of this section shall apply to offstreet parking facilities and other vehicular use areas in North Walton County that:

- a. Have 40 or more parking spaces; or
- b. Are designed to accommodate vehicles that are larger or smaller than automobiles and are over 20,000 square feet in area.

2. *South Walton County.* The requirements of this section shall apply to offstreet parking facilities and other vehicular use areas in South Walton County that:

- a. Have ten or more parking spaces; or
- b. Are designed to accommodate vehicles that are larger or smaller than automobiles and are over 3,500 square feet in area.

B. *Perimeter Requirements.* A ten-foot-wide strip of land, located along the front property line adjacent to the street right-of-way shall be landscaped. In no case shall this strip be less than ten feet wide. Width of sidewalks shall not be included within the ten-foot-wide front perimeter landscape area.

1. Landscaped material requirements in perimeter area.

a. One tree for each 25 feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three inches in diameter at breast height. The remaining area within the perimeter strip shall be landscaped with other landscape materials.

b. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three and nine feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

#### *C. Interior Planting Areas.*

1. At least ten percent of the gross area of the interior vehicular use area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven-foot-wide or greater medians, or between rows of cars or as part of continuous street or transitional protective yards. Interior planting areas shall be located to most

effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

2. No more than ten parking spaces shall be permitted in a continuous row without being interrupted by an interior planting area. The interior planting area shall include one shade tree. Required trees shall be selected from the designated shade trees on the understory and canopy tree lists (5.01.02.C.2) and shall be at least eight feet in height and two inches in diameter at breast height.

3. Minimum size of interior planting areas.

a. A minimum of 90 square feet of planting area shall be required for each new small shade tree.

b. A minimum of 125 square feet of planting area shall be required for each medium or large shade tree.

4. A minimum planting area of 50 percent of the drip line area of the tree shall be required for all existing trees. If conditions warrant that an area greater than 50 percent is needed to preserve the tree, additional areas may be negotiated between the applicant and the County.

5. In no case shall the minimum planting area be less than 90 square feet.

#### **5.01.04. XERISCAPING.**

##### *A. Purpose and Intent.*

In an effort to meet the water needs of Walton County in a manner that will ensure adequate and dependable supplies of water, it is the intent of this section that xeriscaping be an essential part of water conservation planning and regulation in Walton County. "Xeriscaping" means quality landscapes that conserve water, protect the environment, are adapted to local conditions, and utilize drought-tolerant appropriate plants. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis, which may include the use of solid waste compost, functional use of turf, efficient irrigation, re-use of water, appropriate use of mulches, and proper maintenance.

(1) The purpose of requiring xeriscaping is to further minimize impacts of development county-wide, with greater restrictions within the Water Resource Caution Area (WRCA) attached as Exhibit A and incorporated herein.

(2) Xeriscape irrigation standards set forth herein are designed to conserve local water supplies and minimize adverse effects on Walton County's natural systems and plant communities.

(3) This section establishes xeriscape standards and requires the use of water efficient landscaping practices. Water efficient landscape standards promote efficient water use, minimize polluted runoff, and utilize water, re-use conservation components and equipment. Fire adapted planting should also be considered in water efficient landscaping practices.

(4) Landscaping plans which do not meet the provisions of this ordinance will not be approved.

(5) Drought-tolerant plants not specifically listed in *Waterwise Florida Landscapes* may be submitted to Walton County for consideration and approval

by NFWFMD staff. Materials may be placed on right of ways when approved by the public works department.

(6) Whenever a system utilizing reclaimed water is in place and available users must access and utilize that system.

#### *B. Exemptions.*

(1) Lots on which a single-family home or duplex is already constructed and approved for occupancy are exempt from the provisions of these landscaping regulations unless they are redeveloped or lose their status as a nonconforming use or structure. This exemption shall not be construed to apply to new or redeveloped residential subdivisions or other residential developments that require site plan approval. Any new development or redevelopment of any residential use is subject to the requirements adopted herein.

(2) The use of hand watering and portable sprinklers are exempt from these provisions;

(3) Specialized athletic fields such as baseball fields are exempt from these provisions;

The remainder of the grounds, other than the fields, however, shall comply with the requirements of this ordinance. The specialized fields, while, exempt, are encouraged to utilize water saving turf and irrigation systems as outlined in Section 5.01.04 (G) (J) of this Ordinance.

(4) Areas of Walton County designated Agriculture or Silviculture by the Department of Revenue Code assigned by the Walton County Property Appraisers' office are exempt from these provisions;

(5) Non-irrigated areas are exempt from these provisions.

#### *C. Definitions.*

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**Automatic Controller.** A mechanical or electronic timer, capable of operating valve stations to set the days and length of of a water application.

**Drought Resistant/Tolerant.** A plant which requires low amounts of water to survive.

**Emitter.** Devices which are used to control the application of irrigation water. This term is primarily used to refer to the low flow rate devices used in microirrigation systems.

**Landscape.** The development and decorative planting of gardens, yards, grounds, parks, and other planned green outdoor spaces.

**Native Vegetation..** Any plant species with a geographic distribution native to all, or part, of Walton County.

**Plant Communities.** A natural association of plants that are dominated by one or more prominent species, or a physical attribute.

Rain Sensor Device. A low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Redevelopment. When a lot or parcel of land is split, has a change in future land use or change in intensity or density of use affecting previously approved site or landscape plans or is rebuilt after being more than 50% destroyed or demolished.

Runoff. Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Site Plant. A selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.

Soil Texture. The classification of soil based on the percentage of sand, silt, and clay in the soil.

Turf and/or Turfgrass. Continuous plant coverage grass species suited to growth in Walton County.

Water Use Rate. The rate at which a plant will use water for plant systems and protection from solar radiation. Water use rates are measured in relation to climate conditions.

#### *D. Landscape Requirements.*

(1) Seventy-five percent (75%) of any landscaping within a site plan shall be native plants or plants listed as xeriscape species.

(2) Allowable xeriscape species are those listed in the book *Waterwise Florida landscapes*, Florida's Water Management Districts (2001), attached as Exhibit C and incorporated herein. Plants and materials shall be selected from the appropriate zones (8a and 8b) and plant communities available for Walton County.

(3) Any new development or redevelopment of any residential use is subject to the requirements adopted herein.

#### *E. Prohibited Plants.*

The placement or use of non-native noxious invasive plants is prohibited (*FL.62C-52.001*). For the purposes of this section, this means those plants listed in Section 369.25(2), F.S., and the memorandum of agreement with the Division of State Lands and Rule 62C-20, F.A.C., and the "prohibited" species listed in the Institute of Food and Agriculture Science-Univ. of FL (IFAS) invasive plant list, the Florida Exotic Pest Plant Council list of applicable plant communities located within Walton County list, and the list of prohibited exotic, invasive and noxious plants found in Exhibit B. All existing site environmental assessments shall identify prohibited plants, exotic species of plants and trees and landscape plans shall provide for the removal of these when they exist prior to development of the site and throughout the development process. Fill material shall be inspected to insure that invasive or noxious species are not introduced by contaminated soil or otherwise.

Palm trees must not exceed more than 25% of the landscape plan, with the exception of Saw Palmetto, Scrub Palmetto, and Cabbage Palm, which are native Walton County drought tolerant species.

F. *Xeriscape plan.* Applications for development approval shall be accompanied by a landscape plan which includes xeriscaping in compliance with this ordinance, including drawings of landscaped areas required by the Walton County Land Development Code. Such drawings shall be of sufficient size and detail to allow adequate review and shall be prepared by a landscape architect or other person authorized pursuant to Chapter. 481, Part II, Florida Statutes. Landscaping plans shall expire at the time of the development order's expiration. Once expired, the plans must be resubmitted in full. Landscaping plans and drawings shall include the following information.

(1) Date, scale, north arrow, title, project name, owner's name, and the preparer's name.

(2) Site boundaries and dimensions, location and names of adjacent streets, location of driveways, and location of underground utilities.

(3) Location of visibility triangles (if applicable).

(4) Natural features such as ponds, streams, shorelines, wetlands, etc., each named accordingly and specifically noted as to the type of water body, the name of record if applicable, and whether it is located within the WRCA.

(5) The natural topography of the land, including natural drainage features.

(6) The location of all proposed buildings, stormwater retention ponds, parking areas, islands, and medians.

(7) A landscape materials schedule showing the location, species, height and spacing of landscaping materials, an identification of (a) the xeriscape species, (b) any non-xeriscape species, (c) natural vegetation being preserved on site and (d), the location, functional use and type of any turf grass being utilized. The correlation of the location of plants shall conform to the General Provisions and Design Standards of Section 5.01.04 (I) of this Ordinance to promote the water conservation principal that grouped plants should have similar water requirements.

(9) An environmental assessment which shall identify the prohibited plants and trees on the site and shall provide a plan for the removal of such plants and trees, and;

(10) A maintenance schedule and procedure in accordance with Section 5.01.04 (K) of this Ordinance.

G. *Required Water Efficient landscaping.*

Plant selection, location and arrangement shall be based on the following principles.

1) *General landscaping requirements.*

- a) Natural vegetation shall be preserved or reestablished whenever possible. Existing native trees and vegetation may be deemed to satisfy the landscape requirements of this section, in total or in part. Existing native

- trees and vegetation from areas of the site to be developed may be relocated to the buffer area.
- b) Trees and plants shall have non-invasive growth habits, and be planted in soil and conditions that are appropriate for their growth habits.
  - c) Pursuant to §373.185(3) §125.568 (3), Florida Statutes, no deed restriction or covenant entered after October 1, 2001 may prohibit property owners from implementing xeriscape or Florida-friendly landscaping on their land.
  - d) Irrigated turf varieties that require supplemental watering at frequencies different than the other types of landscape plants shall be placed so that such varieties can be irrigated using separate zones.
- i. Turf areas requiring irrigation shall be consolidated on the landscape plan. Turf cannot constitute more than 25 percent of the landscape plan except under the following circumstances:
- a. the turf serves a function such as providing an active recreation area within a development site, is a component of a stormwater erosion control plan or provides a design unifier or ;
  - b. the turf is an integral part of an approved development activity such as an equestrian center or other approved recreational amenity.
- ii. Groundcovers, low-water-demand plants or mulches shall be used whenever possible as a substitute for turf.

#### H. *Appropriate Plant Selection:*

Plants shall be selected in accordance with §5.01.02 and with Sec. 5.01.01 (a) and Sec. 13.02.04 (when applicable to xeriscape plantings) of the LDC and selected from the attached Florida Water Management Districts document, *Waterwise Florida Landscapes*. (2001).

Plant materials shall be selected that are best suited to withstand the soil and physical growing conditions that are found in the microclimate of each particular location on a site. In reviewing the plant selection, the following factors should be considered for the best site-specific choices:

1. Plant species that are both freeze tolerant and drought tolerant are preferred as they require the least maintenance and replacement.
2. Plants having similar water needs should be grouped together in distinct water zones as outlined in Section 5.01.04 (I) of this Ordinance.

#### I. *General Provisions and Design Standards:*

##### 1. Planning and Design:

Site plans shall identify all vegetated areas to be preserved. Installed trees and plant materials shall be grouped together into zones according to the water use zone designations of plans required by this section. Plants with similar water and cultural (soil, climate, sun, and light) habitat should be grouped together and



irrigated based on their water requirements. The water use zones shall be shown on the landscape plan. Newly installed plants may require regular, moderately applied watering for the first year to become established. Failure to maintain xeriscape requirements shall result in code enforcement action. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The water use zones are as follows:

*High water use zone:* An area of the site limited to a maximum of thirty percent (30%) of the total landscaped area. This zone accommodates plants and turf types that are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

*Moderate water use zone:* This zone accommodates plants that survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes deep-rooted turfgrass varieties.

*Low water use zone:* This zone accommodates plants that survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, few varieties are suitable in this area except those determined drought tolerant.

Impervious surfaces and materials within the landscaped area are limited to borders, sidewalks, step-stones, and other similar materials, and shall not exceed five percent (5%) of the landscaped area. For purposes of this ordinance driveways and patios are not to be calculated as part of the impervious landscaped area.

In addition to the landscaping xeriscaping requirements herein, the removal of existing trees and vegetation on a site to be developed and the protection of trees and vegetation to remain on the site is regulated by Section 5.01.00 of the Land Development Code .

#### *J. Efficient Irrigation:*

If a landscape requires regular watering or if an irrigation system is desired, the system must be well planned and managed. Water can be conserved through the use of a properly designed and managed irrigation system.

The irrigation system shall be designed to correlate to the organization of plants into zones as described in I.1, above. The water use zones shall be shown on the irrigation plan. Irrigation shall be required as follows:

*High Water Use Zones* – All portions of high water use zones shall be provided with central automatic irrigation systems.

*Moderate Water Use Zones* – All portions of moderate water use zones shall be provided with a readily available water supply within twenty-five (25) feet.

*Low Water Use Zones* – All portions of low water use zones shall be provided with a readily available water supply within fifty (50) feet.

Retained trees, shrubs, and native plant communities shall not be required to be irrigated, unless determined necessary by the county.

Reclaimed or non-potable water may be used for irrigation if an acceptable source is determined to be available by the county.

As per Section §373.62, Florida Statutes, Moisture-sensor and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

The use of low volume emitters or target irrigation is required for trees, shrubs, and ground covers to minimize irrigation overthrow onto impervious surfaces.

*K. Appropriate Maintenance:*

A regular maintenance schedule shall be submitted as part of the landscape plan.

Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule must include, but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting the automatic controller according to the season, aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscape areas. Irrigation equipment must be properly adjusted to avoid impervious areas. Any violation of this ordinance shall be a civil infraction and failure to maintain the approved maintenance schedule will result in code enforcement action.

*L. Education:*

To assist in public information, the education of its citizens, and the effective implementation of this section, the county will coordinate its efforts with those of the Northwest Florida Water Management District, the various utility companies providing water service, the Walton County Division of Planning and Development Services, and the Walton County Agricultural Extension Service, or other agencies as needed. In conjunction with these agencies, the county will jointly ensure educational opportunities and public service materials addressing the design principles and standards of water-efficient landscaping.

(Ord. No. 2008-9, § 1, 3-25-08)

## **5.02.00. OFFSTREET PARKING AND LOADING**

### **5.02.01. Generally.**

A. *Purpose.* The requirements of this section are intended to ensure that every building, structure, or use erected or instituted, except for agricultural uses and buildings, shall be provided with adequate offstreet parking facilities for the use of occupants, employees, visitors, and patrons, and that certain uses be provided with adequate offstreet loading facilities, thereby reducing congestion to the public streets and promoting the safety and welfare of the public.

B. *Existing Structures and Uses.* Buildings or structures existing as of the effective date of this code may be modernized, altered, or repaired without

providing additional offstreet parking or loading facilities, provided there is no increase in floor area or capacity and no change of occupancy classification.

C. *Expansion of Structure.* The proposed expansion in floor area, volume, capacity, or space occupied of any structure existing on or before the date of adoption of this Code, shall result in the compliance with all offstreet parking and loading requirements contained in this Code for both existing and new structures.

D. *Change in Use.* If after the effective date of this code, a change in the use of a building or structure would result in a requirement for additional parking over that required under this Code for the existing use, then all offstreet parking and loading requirements contained in this code shall be complied with for the new use.

E. *Space requirements.*

1. The following number of offstreet parking spaces shall be required of the land uses specified below.

2. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

(Ord. No. 2005-24, § 1, 6-28-05)

**5.02.02. Offstreet Parking Requirements Chart.**

TABLE INSET:

<i>A. Residential uses:</i>		
1.	Detached single-family up to 3 bedrooms	2 spaces per dwelling unit
2.	Multifamily--Efficiency or 1 bedroom	1.5 spaces per dwelling unit
3.	Multifamily--2 bedrooms	2 spaces per dwelling unit
4.	Mobile home parks	2 spaces per mobile home
	RV parks	1 space per lot, not including recreational vehicle
5	Detached single family 4 bedroom	3 spaces per dwelling
6	Detached single family 5 bedroom	4 spaces per dwelling Over 5 add 1 space per bedroom
<i>B. Public assembly and recreational uses:</i>		
1.	Churches, theaters, auditoriums, stadiums, and other public assembly	1 space per 3 seats of the principal public assembly room or area
2.	Libraries and museums	1 space per 500 square feet of floor area
3.	Community recreation center	1 space per 250 square feet of gross floor area
4.	Bowling alley	5 spaces per lane
5.	Miniature golf	3 spaces per hole
6.	Private clubs	1 space per 300 square feet of gross floor area
7.	Skating rink, ice or roller	1 space per 300 square feet of gross floor area
8.	Schools:	
	Day or nursery, dance, arts, etc.	1 space per employee plus 1 offstreet loading space per 8 students
	Elementary or junior high	2 spaces per classroom

	Senior high	8 spaces per classroom
	College	10 spaces per classroom
9.	Swimming pool, dance hall, exhibition hall	1 space per 200 square feet of gross floor area
<i>C. Health facilities:</i>		
1.	Hospital	1.5 spaces per hospital bed
2.	Nursing homes	1 space per 6 patient beds, plus 1 space per employee on the largest shift
3.	Medical and dental offices	7 spaces per 1,000 square feet of gross floor area
<i>D. Commercial and office uses:</i>		
1.	Banks	1 space per 350 square feet of gross floor area
2.	Restaurant, standard	1 space per 150 square feet of gross floor area
3.	Fast food restaurant	1 space per 100 square feet of gross floor area, excluding the floor area used for kitchens, food and drink preparation, restrooms, and storage
4.	Taverns, nightclubs and lounges	1 space per 100 square feet of gross floor area
5.	Offices other than medical/dental offices	1 space per 250 square feet of gross floor area
6.	Gasoline service stations	3 spaces per pump station plus 2 spaces per service bay
7.	Grocery or supermarket	1 space per 200 square feet of gross floor area
8.	Convenience store	1 space per 200 square feet of gross floor area
9.	Hotels and motels	1.1 space per guestroom plus 10 spaces per 1,000 square feet of gross floor area of restaurant and lounge areas
10.	Marina	1.5 spaces per berth. If the marina contains a boat ramp, at least 10 percent of the spaces must be large enough to accommodate cars with trailers.

11.	Shopping center	5 spaces per 1,000 square feet of gross floor area
12.	Other general business or personal service establishments	1 space per 350 square feet of gross floor area
<i>E. Warehousing and industrial uses:</i>		
1.	Mini-warehouses	1 space per 10 storage cubicles, plus 2 spaces per manager's residence
2.	Warehouse	1 space per 3,000 [square] feet of gross floor area
3.	Extraction uses	1 space per employee on the largest shift
4.	General industrial	1.5 spaces per 1,000 square feet of gross floor area

**5.02.03. Compact Car Space Requirements.**

In South Walton County, parking for compact cars may be provided for up to 20 percent of the required parking provided that the parking meets the following standards:

- A. Compact car parking may be provided for only nonresidential land uses.
- B. If the total parking requirements of any use or structure is less than 15 spaces, no compact car spaces are permitted.
- C. Compact car parking must be designated for exclusive use of compact cars through the use of signs or pavement parking.
- D. The overall design must be reviewed and approved by the Planning Director.
- E. For each compact car space, an additional 6.5 square feet of landscaped open space shall be provided on the site.

**5.02.04. Joint Use and Offsite Facilities.**

- A. Unless otherwise established within an NPA District in an adopted Neighborhood Plan, parking spaces must be located and maintained within 300 feet of the building or use served.
- B. No parking spaces provided to meet the requirements of one building or use shall be counted as part of the spaces required for another building or use, unless the spaces are jointly provided by uses that are not normally open at the same time. If such a joint parking arrangement is proposed, the applicants must file a written agreement reflecting the terms of the joint parking arrangement with the application for a development permit.
- C. Prior to issuance of the Final Certificate of Occupancy, the permittee must record a written cross parking agreement, in a form acceptable to the County, which binds all affected parties to at least the minimum terms reflected in the

initial agreement submitted to the County. The agreement must be recorded in the Public Records of Walton County.

**5.02.05. Design Standards.**

*A. Minimum size.*

1. Standard and compact parking spaces shall be sized according to table 5.02.05(C).
2. Spaces for handicapped parking shall be a minimum of 12 feet wide and 20 feet long.

*B. Materials for Parking Spaces.*

1. Acceptable paving material for vehicular parking areas includes asphalt, crushed shells, gravel, dolomite, sand clay, graded aggregate and concrete.
2. Access drives and aisles for all parking areas shall be paved, but up to 25 percent of the parking spaces may remain unpaved subject to the approval of the Planning Director. A place of worship, or other institutional use without daily parking needs may be allowed to leave 50 percent of all parking spaces unpaved. The applicant shall supply evidence that the unpaved parking area will not cause erosion, reduce water quality, or cause any other degradation of the natural or built environment.
3. The unpaved parking area allowed under this subsection shall not be calculated as part of a minimum required landscaped buffer or open space for the subject development site.

*C. Reserved.*

**PARKING SPACE STANDARDS°**

TABLE INSET:

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)	Curb Length per Car (feet)	Lot Width (Two Rows plus Aisle) (feet)
0°	9	10	12	23	32
45°	9	21.2	12	14.1	54.4
60°	9	22.3	18	11.5	62.6
90°	9	20	24	9	64

**COMPACT CAR PARKING SPACE STANDARDS**

TABLE INSET:

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)	Curb Length per car (feet)	Lot Width (Two rows plus Aisle) (feet)
90°	7.5	17	24	7.5	

D. *Drainage.* All required offstreet parking facilities shall conform to the stormwater management requirements of this code and shall be drained so as not to cause any nuisance to adjacent private or public property.

E. *Access.* All parking spaces shall have direct access to public streets only by way of aisles or driveways, constructed in accordance with the provisions of this code.

F. *Handicapped Parking.* Handicapped parking shall be provided as required by the Florida Uniform Traffic Control Law, Chapter 316, F.S. (1996 and as amended). Handicapped parking spaces shall be appropriately marked as required in that Chapter.

G. *Project Specific Waiver of General Requirements.* Where the Planning Director determines, upon request of an applicant and review of supporting data provided by the applicant, that the number of spaces generally required by this section is excessive for a specific proposed project, the owner or agent may substitute landscaping in lieu of paving provided said areas are reserved and available for conversion to parking area in the future should the County find those spaces are needed, and further provided:

1. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the County, ensuring that the reserved parking area shall never be encroached upon, used, sold, leased, or conveyed, for any purpose except in conjunction with the building or use which the reserved parking area serves so long as the offstreet parking facilities are required. This agreement shall be in a form acceptable to the County and shall be recorded in the Public Records of Walton County at the expense of the benefiting owner.

**5.02.06. Bicycle Parking Requirements.**

A. *Number of spaces required.* The bicycle parking requirements in this section are intended to encourage the use of bicycles as a means of transportation in Walton County. Bicycle parking spaces shall be required within South Walton County. The number of bicycle parking spaces required shall be as follows:

TABLE INSET:

Land Use	Spaces Required
Elementary schools, middle and high schools	0.75 per vehicle parking space
Libraries, museums	0.15 per vehicle parking space
Shopping centers	0.05 per vehicle parking space
Eating and drinking establishments	0.05 per vehicle parking space
Bowling alleys	0.05 per vehicle parking space
Churches, temples, other places of worship	0.05 per vehicle parking space
Amusement centers	0.10 per vehicle parking space
Outdoor recreation uses	0.10 per vehicle parking space



B. *Design of Bicycle Parking Spaces.* Required bicycle parking facilities shall be designed and constructed in accordance with the following standards:

1. Bicycle parking facilities shall include provision for the secure storage and locking of bicycles.
2. Fixed objects that are intended to serve as bicycle parking facilities shall be clearly labeled as available for bicycle parking.
3. Individual locker spaces or racks shall be designed so as to provide convenient access to users.

**5.02.07. Offstreet Loading.**

Any use with a gross floor area which requires deliveries or shipments must provide offstreet loading facilities in accordance with the following requirements:  
TABLE INSET:

Gross Floor Area (square feet)	Number of Berths Required
0--24,999	1
25,000--79,999	2
80,000--127,999	3
128,000--198,999	4
199,000--255,999	5
256,000--319,999	6
320,000--391,000	7
320,000--457,999	7
460,000--590,000	8

NOTE: For each additional 90,000 square feet (or fraction thereof) of gross floor area, one additional berth shall be provided.

Minimum Area for Each Space. The minimum area for each offstreet loading space, excluding area for maneuvering, shall be 250 square feet.

No Blocking Roadways. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

**5.03.00. GREENWAYS SYSTEM**

**5.03.01. Purpose and Intent.**

It is the intent of the County to establish a linked system that provides environmental protection, open space, recreation space and special ambience in South Walton and ensures that the natural environment is preserved, enhanced and made useable for the natural and man-made environment. The purpose of

this section is to provide land use regulatory mechanisms designed to accomplish, to the greatest extent possible, the interconnection of the Shoreline Protection Zones, the Floodplains, the Wetland Zones, the Coastal Protection Zones and the Habitat and Native Vegetation Zones both within development sites and between adjacent properties in a linked series of greenways. It is the County's intent that these corridors be of sufficient dimension and design to facilitate one or more of the following purposes.

1. The movement of affected wildlife species.
  2. The provision of enhanced natural regional scale stormwater treatment capacity.
  3. The enhancement of public access to passive recreational enjoyment of these natural resources, and
  4. The enhancement of available routes for alternative modes of transportation.
- It is the County's intent to ultimately provide for interconnection of these private greenways with all available public conservation and recreation land in south Walton as part of the overall linked system.

#### **5.03.02. Location of Proposed Greenways System.**

The location of the master greenways linked system shall be designed for all publicly owned lands within South Walton by a committee to be appointed by the commission. Upon adoption of the master plan by the commission, it shall be included as part of this code.

#### **5.03.03. Land Uses Allowed Within the Greenways System.**

The following uses shall be specifically permitted within the linked system, consistent with the other provisions of this code and the Comprehensive Plan.

- A. Wetlands.
- B. Wetland Mitigation.
- C. Stormwater retention/detention.
- D. Recreation.
- E. Reclaimed water disposal.
- F. Vehicular and pedestrian access ways.
- G. Greenways.
- H. Wildlife corridors.
- I. Education trails and exhibits.

#### **5.03.04. Site Design Requirements Related to Greenways System.**

1. All proposed development or re-development in South Walton shall connect to or create a linked open space system connecting the protection zones within the boundaries of the development site. These linked systems shall be incorporated into the site plan of a proposed development as specified herein:
  - A. Where a proposed development project contains a total of ten or more acres which lie within the listed zones, these areas shall be preserved through site design as a part of the linked system.

B. Where a proposed development project contains less than ten acres which lie within the listed zones, the applicant may elect to preserve these areas as a part of the linked System.

C. These open spaces shall be designed to link these zones internally both internal and to the greatest extent possible, externally.

D. To the greatest extent possible, all linked systems shall be oriented towards any private greenway corridor or public lands, or, in areas with an adopted neighborhood plan, toward open space and greenways established in that plan.

E. All connecting corridors between zones and conservation areas shall be designed to preserve existing canopy and ground cover within the corridor where it is essentially intact at the time of the submission of application for development order. Restoration of natural canopy and ground cover is encouraged where corridors are proposed for cleared or significantly disturbed areas.

F. Recreational facilities proposed with the development shall be located, if feasible, adjacent to the Wetlands and Floodplains.

G. All corridors proposed for areas where specific wildlife impacts related to development are identified should be sized and designed to reduce overall species impacts by providing usable habitat and/or facilitating movement of species between linked areas.

H. All private systems shall include continuous bikeway and/or pedestrian facilities which link recreational or conservation areas within the development site with developed areas on that site. All private greenway systems which link up with public lands beyond the boundaries of the development site and provide for continuous bikeway and/or pedestrian facilities are eligible for additional density bonus points as provided in the Density Bonus Point System for NPAs in the Walton County Comprehensive Plan. In order to qualify for density bonus points, these pedestrian and/or bikeway facilities shall be dedicated to the County for public use at the time of final development approval. There is to be an exemption to this facility requirement in areas where the impacts of such use on a corridor area would significantly impact a "listed species" or its habitat.

#### **5.03.05 Greenway Corridors and Recreational Concurrency Requirements.**

A. The Recreational Level of Service (LOS) standard of 6.25 acres per 1,000 people for a proposed development or redevelopment may be met in the following manner relating to the Greenway System:

(i) The entire amount of land area which must be dedicated to meet Recreational LOS concurrency requirements shall be satisfied by dedication of areas within the boundaries of the development which are to the greatest extent possible located in a linked corridor system which meets the requirements of this section; or

(ii) At least 50 percent of the area which must be dedicated to meet Recreational LOS concurrency requirements shall be provided within the boundary of the specific development in a design which, to the greatest extent possible, locates these areas in a linked corridor system which meets the requirements of this section; and

(iii) The remaining percentage of required dedication above the dedicated land area within the site shall be achieved by making a financial contribution for the acquisition and creation of community parks and linked open space systems to serve more than one neighborhood in the impact area surrounding the proposed development. The required impact fee shall be determined in accordance with Section 11.03.03 of this Code.

## **5.04.00. TRANSPORTATION SYSTEMS**

### **5.04.01. General Provisions.**

A. *Purpose.* This section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways, and access control to and from public streets. The standards in this section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices, to address internal pedestrian and bicycle circulation within projects as well as linkage to other projects and transportation modes, and to promote compact mixed use development to encourage on-auto travel for short trips.

B. *Required Planning.* Review of development proposals and plans for all single family subdivisions, multi-family residential, commercial, office or industrial uses shall include appropriate consideration of potential transportation impacts related to the development through the submission of a circulation, parking and access plan as required in this Code.

(Ord. No. 2005-02, § 2, 1-4-05)

### **5.04.02. Street Classification System.**

#### *A. General.*

1. Streets in Walton County are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, and design speed.

2. Private streets and streets that are to be dedicated to the County are classified in a Street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and design speed.

3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.

4. The following street hierarchy is established: local, collector and arterial. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this section.

#### *B. Classification of Streets.*

1. *Local Streets.* Local streets are primarily suited to providing direct access to residential development, but may give access to limited nonresidential uses. All local streets should be designed to minimize unnecessary and/or speeding traffic. Alleys, which provide a secondary means of access to lots, are normally on the same level in the hierarchy as a local street. Each local street shall be classified and designed for its entire length to meet the minimum standards. Local streets shall be designed to have a minimum posted speed of not less than 15 mph.

2. *Collector Roads.* Collector roads provide access to nonresidential uses and connect lower-order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower-order streets. Collector roads shall be designed to have a minimum posted speed of not less than 30 mph. Design speed may increase depending on conditions and expected traffic volume.

3. *Arterial Roads.* Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and shall be designed for posted speeds up to 55 miles per hour.

(i) *Minor Arterial.* These roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower-order nonresidential street type. Minor arterials shall be designed for posted speeds of 45 miles per hour.

(ii) *Principal Arterials.* These are major regional highways providing links between communities. These roads may take access from other arterials or freeways and may give access to any lower-order nonresidential street type. These roads shall be designed for posted speeds of 55 miles per hour.

C. *Street Design Standards by Classification.*

1. *Minimum Road Surface Width.* All roadways constructed within the County shall provide for roadway surfaces which meet at least the minimum width requirements as provided below.

2. *Minimum Road Surface and Right-of-Way Width*

a. All private streets shall be dedicated as private on the plat and shall have sufficient right-of-way for the street and requisite storm water improvements. The developer may dedicate separate utility and drainage easements if desired. However the combined street, utility, and drainage easements shall be sufficient for the proposed development, as determined by the County Engineer or his designee.

b. All streets to be dedicated to the County shall have a minimum 50 foot right-of-way.

c. Existing County streets as of July 1, 2004, with lesser right-of-way or lane widths may be paved if it is determined by the County Engineer or his designee that there is adequate area for storm water treatment, utilities, and the geometric design considerations outlined in the latest edition of the Manual of Uniform Minimum Standards For Design, Construction, and Maintenance for Streets and Highways published by the Florida Department of Transportation are met.

d. The driving surface of all collector and arterial streets shall be a minimum of 22 feet as measured from edge of paving to edge of paving, not including any curbing. Local streets shall be a minimum of 20 feet as measured from edge of driving surface to edge of driving surface and may include flat, header, or ribbon-type curbing not exceeding 12 inches in width. If there is any question about the classification of a street, the County Engineer or his designee shall determine the street classification. A one foot deviation, for lane width may be considered for private streets if it can be demonstrated to the County Engineer or his designee that interconnection of the streets is not a viable option and that the AADT for the street shall not exceed 400 vehicles per day and a minimum one foot curb is proposed.

(Ord. No. 2005-02, § 2, 1-4-05)

#### **5.04.03. Street Design Standards.**

##### *A. General Design Standards.*

1. The street system of the proposed development shall be a network with variations as needed for topographic and environmental design considerations. Particular effort should be directed toward securing the flattest possible grade near intersections.
2. In order to reduce traffic congestion on the arterial and collector roads surrounding the development and to promote a pedestrian environment within the development, streets shall be laid out to:
  - (a) Avoid environmentally sensitive areas;
  - (b) Secure the view to prominent natural vistas;
  - (c) Minimize the area devoted to motor vehicle traffic;
  - (d) Promote pedestrian movement so that it is generally more convenient and pleasant to walk short distances than to drive; and
  - (e) Promote the creation of vista terminations.
3. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
4. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow.
5. Residential streets shall be designed to discourage through traffic between nearby local, collector and arterial roads.
6. The street system of proposed development shall, to the greatest extent practicable, conform to the natural topography of the development site, preserving existing hydrological and vegetative patterns, and minimizing both erosion potential and the quantity and velocity of runoff generated.

##### *B. Stub Streets.*

1. Residential access and subcollector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.
2. Residential collector and higher-order stub streets may be permitted or required by the County provided that the future extension of the street is deemed

desirable by the County or conforms to the traffic circulation element of the Walton County Comprehensive Plan.

3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

C. *Clear Visibility Triangle.* In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two intersecting streets or the intersection of a driveway and a Street. The following standards shall be met:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection.
2. The clear visibility triangle shall be formed by connecting a point on each street centerline, to be located at the distance from the intersection of the street centerlines indicated below, and a third line connecting the two points. The distances from the intersection of the street centerlines for the various road classifications shall be as follows:

TABLE INSET:

Street Classification	Distance From Intersecting Street Centerline
Driveway or local street	50 feet
Collector	80 feet
Arterial	100 feet

D. *Blocks.*

1. Where a tract of land is bounded by streets (excluding alleys) forming a block, said block shall have sufficient width to provide for two tiers of lots of appropriate depths.
2. The lengths, widths, and shapes of blocks shall be consistent with adjacent areas. In no case shall block lengths in residential areas exceed 1,500 feet nor be less than 350 feet, unless topographic considerations make conformance with this standard impracticable.

E. *Cul-de-sac.*

1. The terminus of every cul-de-sac shall have an unobstructed ten-foot-wide moving lane with a minimum outside turning radius of 40 feet and a minimum right-of-way of 50 feet.

F. *Intersections.*

1. Streets shall intersect as nearly as possible at right angles and in no case shall the angle of intersection be less than 75 degrees, with the exception of a "Y" intersection of two local streets.
2. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.

3. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.
4. Intersections shall be designed to present the flattest possible grade in intersecting roadways near points of intersection.
5. Intersections involving the junction of more than two streets are prohibited, except where they are found to be unavoidable by the County Engineer.

G. *Alleys.*

1. Alleys shall be at a minimum 10' wide.

H. *Sidewalks.*

1. New development or redevelopment projects abutting collector or arterial facilities shall provide sidewalks adjacent to these roadways unless a separate sidewalk or bike path already exists. Location of the sidewalks shall be consistent with planned roadway improvements, right-of-way restrictions, and scenic corridor guidelines where applicable.
2. Sidewalks shall be provided on both sides of all residential streets in all new subdivisions or projects within areas with adopted Neighborhood Plans. Sidewalks shall be a minimum five feet in width and be constructed with a minimum 2,500 psi concrete. The Director of the Planning and Development Services Division may allow alternative sidewalk materials and/or designs, such as elevated boardwalks, where needed to protect wetlands or other environmentally sensitive areas. The Director may also approve the buy out of sidewalks on arterial, or collector roads adjacent to a project where a multi-use path is already under development or proposed for the affected road as provided for in the five year CIP.
3. Residential projects adjacent to, or within 1,500 feet of, an existing mixed use area containing either general commercial, neighborhood commercial,, public, or recreational uses shall, to the greatest extent possible, facilitate the connection of pedestrian access between the residential and mixed use areas.
4. The county shall implement a sidewalk fund. The County Engineer or their designee shall annually update the linear foot cost of installed sidewalk to be used in calculating buyout of sidewalk by the developers, . A residential subdivision developer may elect to buy out one side only by contributing to the sidewalk fund based upon the method and cost estimate developed by the County Engineer. Developers of non residential projects may elect to buy out the required sidewalks, based upon the methodology and cost estimate by County Engineer, by contributing to the sidewalk fund where (1) there are no pedestrian facilities in existence or planned within one-quarter ( 1/4) mile of the proposed development and (2) the Director of Planning and Development Services Division and the County Engineer determines that the development area is in a low pedestrian traffic area at the time the development order is issued. In areas of high pedestrian traffic or areas of concerns for pedestrian traffic safety as determined by the County Engineer, the Director shall have the discretion to



require perimeter and/or internal sidewalks to be constructed as a part of the Development Order approval.

5. Where the proposed development is in a rural area, the Director may choose to grant an exemption to the sidewalk requirements. Such exemptions shall be considered on a site by site basis to determine whether regional area sidewalks are likely to be connected to the project sidewalks within the next fifteen year Capital Improvements Project (CIP) cycle. If no regional sidewalks or pedestrian facilities are in existence or planned within the next CIP cycle, the Director may grant an exemption to the sidewalk requirements and/or the required contribution to the sidewalk buyout fund.

I. *Stub Streets.*

1. A "T" or "Y" type turn around may be used in place of a cul-de-sac on streets of 300 feet or less in length upon approval of the Board of County Commissioners.

2. The pavement width for a "T" or "Y" type turn around shall not be less than one-half the pavement width of the street it serves. This provision is not intended to permit a "T" or "Y" on streets requiring a cul-de-sac and streets that are not planned to connect to future streets outside the project limits.

(Ord. No. 2005-02, § 2, 1-4-05; Ord. No. 2008-38, § 1, 12-9-08)

**5.04.04. Access Management.**

A. *General Standards.* All proposed development or redevelopment projects within the County shall meet the following standards for vehicular access and circulation in relation to the development site.

Limiting access to the State Highway System by controlling the number and location of site access driveways and other intersecting roads according to the procedures and standards outlined in Chapters 14-96 and 14-97 F.A.C.;

1. Access points from all local, collector and arterial streets into the site must be sized to accommodate all vehicles which are reasonably anticipated to use the site, including delivery vehicles. All access points shall either be exclusive one-lane, one way drive or minimum two-lane, two way drive. Vehicles must be able to enter a site without encroaching on the exit lane of a two way drive-way.

2. All access points must provide sufficient on-site lane storage to accommodate queued to park or exit without using any portion of the street right-of-way or interfering with street traffic flow.

B. *Number of Access Points.*

1. A maximum of one access point shall be permitted to a particular site from each abutting street. When it is determined by the County Engineer to be in the best interest of good traffic circulation in the vicinity of a particular development site, one additional access point along a boundary with a continuous frontage of more than 300 feet or two additional access points along a boundary with a continuous frontage of more than 600 feet may be allowed.

2. For the purposes of this section, dual one-way access drives will be considered one access point, if they do not conflict with the distance requirements of an intersection or adjacent existing drives.

C. *Separation of Access Points.*

1. The separation between access points on state-maintained roads shall be in compliance with process and requirements of Chapters 14-96 and 14-97, F.A.C., as administered by the Florida Dept. of Transportation.
2. On streets which are not maintained by the state, the separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road shall meet at least the minimum distances provided in the following table:

TABLE INSET:

Street Classification	Distance Access Points	Between
Major Arterial	175 feet	
Minor Arterial	100 feet	
Collector	50 feet	

3. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent driveway or roadway.

D. *Service Roads, Joint Access, Shared Access.*

1. Joint use driveways and cross access easements shall be established wherever feasible along arterial and collector streets.
2. A Unified Access and Circulation System plan between adjacent properties on these streets will be required for all new development and redevelopment proposals which abut or load directly onto arterial and/or collector streets. These plans should include coordinated access facilities and shared parking areas wherever feasible.
3. Wherever possible, projects located on both major and minor arterials are encouraged to utilize parallel service roads in their access and circulation plans to optimize the number of site access driveways and intersecting roads loading onto these high capacity roadway systems.

(Ord. No. 2005-02, § 2, 1-4-05)

**5.04.05. Standards for Private Streets.**

Private streets may be allowed within developments that will remain under common ownership, provided that they are constructed to the County's minimum standards and provided that the developer makes the following commitments at the time of receipt of a final development permit for any such project:

- A. Form a property owner's association that will be perpetually responsible for the maintenance of all streets, drainage infrastructure, sidewalks and bike paths and other common areas which are created through platting of the development.
- B. Record on the plat and each deed the following statement: "All roads and drainage within \_\_\_\_\_ subdivision as recorded in plat book \_\_\_\_\_ page

\_\_\_\_\_ are not County maintained and are not eligible for maintenance by the County."

C. Street signs shall incorporate the words "Private Street". These signs and lettering shall be of the same size and style as other County approved street signs except that the lettering shall be black and the background color shall be yellow.

D. Individual lot surveys shall indicate that streets and drainage are private.  
(Ord. No. 2005-02, § 2, 1-4-05)

**5.04.06. Right-of-Way Protection.**

A. *Purpose.* The purpose and intent of this section is to protect the right-of-way needed for future transportation improvements and provide a minimum width or area to be protected when an easement or right-of-way may exist that is less than the minimum width or area required by this article.

B. *Right-of-Way Setback Requirement*

1. *Limitation on Structures.* It shall be unlawful to construct, erect, or establish or maintain any building or other structure within the following designated distances or areas of the centerlines of either side of the following described classes of roadways, as such roadways are designated on the road classification map (on file in the office of the Planning and Development Department of Walton County, Florida).

2. *Determination of Applicable Setback.* The provisions of this section shall apply to all streets appropriately marked on the road classification map as referred to in this section and to all classes of streets proposed for construction within the County. The minimum setback for a structure, except as described in paragraph 4. below, is specified in Article 5.00.03 and shall be measured from the greater of the limit of the right-of-way, right-of-way protection area (when the existing easement or right-of-way is less than the minimum specified herein), or the property line.

3. *Measurement of Setback* The distance shall be measured in a straight line from the centerline of any right-of-way to the foundation of any vertical structure on either edge of the right-of-way. The required width for each applicable street classification is provided below:

TABLE INSET:

Street Classification	ROW Width
Local	40 feet
Collector	50 feet
Minor Arterial (State)	75 feet
Major Arterial (U.S.)	100 feet

Note: The old section of Highway 98 is hereby designated a collector roadway.

#### 4. *Exceptions To Setback Requirements.*

(i) *Advertising Signs Permitted.* The owner or occupant of any land or building affected by the setback specified above is hereby permitted to construct a sign advertising of such land or building by the owner or occupant, as temporary structure to be removed at the request of Walton County and at no expense to Walton County whenever the area provided in such setback is needed for transportation improvements.

(ii) *Fence permitted.* The owner or occupant of any land affected by the setback specified above is hereby permitted to erect a fence three feet from his property line or ditch, whichever is greater, subject to Scenic Corridor guidelines from Chapter XIII and any other applicable code provision related to fences.

(iii) *Existing buildings.* The provisions of this section shall not apply to any buildings or structures now constructed or standing upon such designated distances or areas as above set forth on the above-described roadways, in their present size and dimensions, and shall not apply to a second or subsequent story or any building or structure where the second story or subsequent story is erected as above set forth not less than ten feet above the roadway level of the above-described roadways. Any reconstruction shall meet Land Development Code requirements for setbacks.

#### 5. *Right-of-Way Centerline Disagreement*

(i) When the property owner affected by the right-of-way location disagrees with the established centerline, the property owner may conduct a realignment study with appropriate traffic analysis, roadway and property surveys, and cost estimates including, but not limited to, economic effects and traffic considerations of possible alternatives, and may present his findings to the County Engineer for review.

(ii) The County Engineer shall submit his findings along with his recommendations to the Board of County Commissioners and the Board shall act upon the information presented and its findings shall be final.

#### 6. *Right-of-Way Agreement*

(i) A right-of-way agreement shall be required for any proposed structure, construction, landscaping, fence, or other appurtenance proposed in the County right-of-way, approved by the County Engineer and the Board of County Commissioners. If work is done in a County right-of-way, without an executed right-of-way agreement, the County may require the removal of materials at the expense of the persons doing the work in the County right-of-way. Materials placed in the right-of-way without a County executed right-of-way agreement may become the property of the County.

(Ord. No. 2005-02, § 2, 1-4-05)

### **5.04.07. Construction Standards.**

#### A. *Roadways.*

1. *Paving.* All streets (public and private) shall be paved in accordance with the requirements of this section, except for the following:

(a) A subdivision may have one or more streets totaling up to 4,000 feet in length and serving no more than 20 lots that is not required to be paved. However, such unpaved streets cannot be extended outside the boundaries of the subdivision or into any other phases of the subdivision. Such streets must comply with the engineering requirements of this Section, except for the actual paved surface. Such streets must comply with the requirements of Article 5.04.05 A--C. Unpaved streets shall be platted as private streets and comply with Article 5.04.05 requirements.

(b) Division of land divided so that no lot is less than four acres shall be exempt from paving, however, no unpaved roads may be dedicated to the County for maintenance.

(c) No unpaved road shall be eligible for dedications to the County.

## 2. *Road Base.*

(a) *Generally.* The road base shall be constructed of sand-clay asphalt, hot mix, soil cement (at the option of the County Engineer for special applications), limerock, limerock stabilized base, or shell stabilized base according to the specifications shown below. Upon approval of construction plans by the County Engineer, construction may begin, with testing of a six-inch minimum thickness, for all bases except sand asphalt hot mix, which shall have a four-inch minimum thickness. All road base material shall be compacted to a minimum of 98 percent and subgrade material shall be stabilized a minimum of 12 inches and have a minimum LBR of 40. Additional stabilized subgrade, base and/or asphalt may be required by the County Engineer based on Geotechnical Report recommendations.

(b) *Tests.* Tests for subgrade and base bearing capacity and compaction shall be made by a commercial testing lab at intervals of no more than 200 feet, staggered to the left, right, and on the centerline. Thickness of base shall be measured by the County Engineer at intervals of not less than 200 feet by means of holes drilled in the base, or at the time of test coring the surface course.

(c) *Sand Clay Base.* The material and construction shall conform to the Florida DOT specifications as shown in sections 240 and 912 of "Standard Specifications for Road and Bridge Construction."

(d) *Sand Asphalt Hot Mix Base.* The material and construction shall conform to Florida DOT specifications as shown in section 335 of "Standard Specifications for Road and Bridge Construction."

(e) *Soil Cement Base.* The material and construction shall conform to Florida DOT specifications as shown in section 270 of "Standard Specifications for Road and Bridge Construction."

(f) *Compacted Limerock Base.* The material and construction shall conform to Florida DOT specifications as shown in sections 200 and 911 of "Standard Specifications for Road and Bridge Construction."

(g) *Shell Stabilized Base.* The material and construction shall conform to Florida DOT specifications as shown in sections 200 and 911 of "Standard Specifications for Road and Bridge Construction."

(h) *White Sand Protection Restrictions.* The restriction shall apply to the area located south of U.S. Highway 98 eastward from Okaloosa County line to County Road 30A, thence south of County Road 30A eastward to the juncture of U.S. Highway 98 and the Bay County line. The restricted area shall also include any lakes and adjoining land surrounding said lake, when said lake abuts County Road 30A.

In the restricted area, there shall be no use of construction material, which is subject to wind or water transport that permanently discolors the white beach sands. Such construction materials include, but are not limited to, red or yellow clay or sand. Any material prohibited above may be used if recommended by the County Engineer and approved by the Board of County Commissioners.

Violations of this restriction shall constitute a misdemeanor. Each day of violation shall constitute a separate and distinct offense and shall be subject to a fine of up to \$500.00 per day. The building inspector shall be notified of any construction where said violation occurs and material in violation of this restriction is removed. Upon the violation all red clay or discoloring material in violation of this restriction shall be removed within ten days of the violation.

Should the County Engineer recommend use of prohibited materials and the Board of County Commissioners approves its use, AND the use of prohibited material results in discoloring the white sand beaches, the contractor shall be considered in violation of this restriction. After the discoloring material in violation is removed as required by this restriction, the contractor shall restore the affected areas to their original condition in both topography and color.

After restoration of the affected area, the County Engineer shall inspect for compliance.

3. *Surface Course.* Surface course for flexible pavements shall be an asphaltic concrete surface, with a minimum thickness of one and one-half inches. This asphaltic concrete surface shall be type SI. Alternative pavements may be utilized if approved by the County Engineer. Conditions may be required for alternative pavements. Testing of the surface course shall be conducted by a certified testing lab. Test cores shall be taken no more than 200 feet apart and staggered to the right, left, and centerline.

4. *Required Inspection.*

(a) Inspection of the following phases of street construction must be conducted by the County Engineer in addition to the testing procedures noted above.

- (i) Stabilized grade.
- (ii) Curb and concrete.
- (iii) Subgrade.
- (iv) Roadway base.
- (v) Surface course.
- (vi) Drainage system.

(b) It is the developer's responsibility to notify the County Engineer to arrange for an inspection. The developer shall pay for the cost of all inspections provided by the County Engineer. Payment shall be made to the Board of County Commissioners before the final development order is approved. It is the

developer's responsibility to notify the County Engineer 24 hours before any of the above-noted phases of construction are to be ready for inspection.  
(Ord. No. 2005-02, § 2, 1-4-05)

## **5.05.00. UTILITIES**

### **5.05.01. Requirements for all Developments.**

A. *Generally.* The following basic utilities are required for all developments subject to the criteria listed herein.

B. *Electricity.* Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

C. *Telephone.* Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

D. *Central Sewer Lines.* All sewer lines and treatment plants or treatment facilities shall have the approval of the applicable utility company, the health department, the Florida Department of Environmental Regulation, and the County Engineer. Developments located in the vicinity of operating sewer systems shall tie into that system if it has adequate capacity to handle the additional sewerage.

E. *Developments not Accessible to Operating Sewer Systems.* For developments with any number of lots where a septic tank must be used such installation shall be in accordance with Florida law. Approval from the health department for installation of septic tanks on a lot-by-lot basis shall be provided to the planning department at the time of application.

F. *Central Water Lines.* All water lines and plants or facilities shall have the approval of the health department, the Florida Department of Environmental Protection, and the County Engineer. Developments located in the vicinity of operating water systems shall tie into that system if it has adequate capacity to handle the additional water demand.

G. *Developments not Accessible to Operating Water Systems.* For developments with any number of lots where a private well must be used such installation shall be in accordance with Florida law. Approval from the health department for installation of water wells on a lot-by-lot basis shall be provided to the planning department at the time of application.

H. *Placement of Utilities Underground.* The developer is required to place all utilities underground, unless the Director of the Division of Planning and Development Services makes a discretionary finding that the development meets the following criteria for an exemption:

1. The property has a future land use designation of Large-Scale Agriculture, General Agriculture, or Estate Residential;
2. The proposed development consists of minimum one (1) acre or larger lots; and

3. The developer provides a feasibility study by the local electric utility provider agreeing that underground electric power is not feasible for the proposed development. Feasibility shall be determined based on financial, engineering, and environmental considerations.

This exemption is intended to apply only in rural areas where underground utilities are truly not feasible. This exemption shall only apply to electric transmission lines, cable transmission lines, telephone lines, and the like.

(Ord. No. 2006-03, § 1, 2-28-06)

#### **5.05.02. Utility Easements.**

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

### **5.06.00. STORMWATER MANAGEMENT**

#### **5.06.01. Relationship to Other Stormwater Management Requirements.**

In addition to meeting the requirements of this code, the design and performance of all stormwater management systems shall comply with Chapter 62-330, F.A.C. and/or Chapter 14-86.004, F.A.C. if applicable. In all cases the strictest of the applicable Federal, State, and/or Local design and performance standards shall apply.

#### **5.06.02. Exemptions.**

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development:

A. The construction of a single-family or duplex residential dwelling unit and accessory structures on a single parcel of land north of the Choctawhatchee Bay. This exemption also applies south of the Choctawhatchee Bay provided the Best Management Practices of Section 5.07.12.A are met.

B. Any development within a subdivision if each of the following conditions have been met:

1. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and

2. The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.

C. Bona fide agricultural activity, including forestry, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service conservation plan and forestry activities are conducted in accordance with the Silviculture Best Management Practices (BMP) Manual (1979) published by the Florida Division of Forestry. However, any new



agricultural use that drains into a surface water, canal, or stream, or sinkhole shall first allow the runoff to enter a grassed swale designed to percolate 80 percent of the runoff from a three-year, one-hour design storm within 72 hours after a storm event.

D. Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.

E. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards. A report of the emergency action shall be made to the department as soon as practicable.

F. Subdivisions in the agricultural Districts in North Walton County with all subdivided lots being at least four acres in sizes. The developer may only utilize this exemption if they submit a development plan which indicates the measures they will take during construction and long term maintenance periods to control sedimentation and erosion related to the unpaved road surface. The plan must be submitted to the Department of Planning and Zoning and must be reviewed and approved by the County Engineer. The costs of this review will be borne by the developer and paid prior to receipt of a notice of exemption from the County.

**5.06.03. Stormwater Management Requirements.**

A. *Performance Standards.* All development must be designed, constructed and maintained to meet the following performance standards if not exempt per Section 5.06.02.: Walton County shall maintain a level of service standard for new and existing development based on the following stormwater quantity and quality criteria:

Design Storm Frequency and Water Quality Treatment Volumes		
FACILITY	ATTENUATION/ DESIGN	WATER STORM
TREATMENT		
Bridges N/A		50 Year
Canals, ditches, or culverts N/A		25 Year
for drainage Development	external	to the
Cross Drains, storm sewers N/A		10 Year
Roadside swales for drainage N/A		10 Year
internal to the development		

Detention/Retention basins 1" / 0.5" with positive outfall	25 Year	<sup>1,2</sup> <sub>3,4,5</sub>
Detention/Retention basins 1" / 0.5" without positive outfall	100 Year	<sup>1</sup> <sub>3,4,5</sub>

1. Attenuation of Pre versus Post development discharge, with the approval of the County Engineer or designee, may not be required if the project will have a direct discharge to the Bay or another tidally influenced water body. In addition, if there are limited or no alternatives and it can be demonstrated that no downstream impacts will occur from not attenuating the pre versus post development discharge an exception may be made to the above attenuation requirement with the approval of the County Engineer or designee.
2. Attenuation of the 100 Year Critical Storm Event is required if discharging to a recognized South Walton Mosquito Control drainage canal. Attenuation of a 100 year design storm frequency event may be required by the County Engineer or designee if downstream flooding has been previously identified and is identified on a County maintained list of problem watershed areas. Walton County shall require stormwater management systems that limit peak discharge from a developed site to the discharge from the site in an undeveloped condition for a frequency storm event as referenced in Section 5.6.3.A for the critical duration up to and including the 24 hour storm duration.
3. 1" / 0.5" indicates where "DRY" Detention/Retention areas are used, a minimum Treatment Volume shall be required equal to the volume of stormwater runoff from 1" of rainfall or ½ " of rainfall over the entire onsite drainage basin, whichever is greater. Alternatively, should "WET" Detention/Retention ponds be used, a minimum Treatment Volume shall be required equal to the volume of 1" of rainfall over the entire onsite development drainage basin along with appropriate Attenuation volume requirements.
4. Projects located within a coastal dune lake watershed shall require 150 percent of the treatment volume required above.
5. The County Engineer or designee may allow the use of alternative BMP's to address the stormwater quality criteria outlined above provided the BMP's are commonly accepted methodologies and/or there is sufficient empirical evidence to demonstrate their use can provide an equivalent if not greater level of stormwater quality treatment than standard accepted methodologies.
6. Walton County Shall require that all projects receive appropriate permits from other State and/or Federal agencies to comply with the rules and regulations for stormwater facility design, performance and discharge prior to commencement of development.

1. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this code by a professional engineer registered in the State of Florida.
2. No surface water may be channeled or directed into a sanitary sewer.
3. The banks of detention and retention areas should be sloped to accommodate, and should be planted with, appropriate vegetation.
4. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
5. Natural surface waters shall not be used as sediment traps during or after development.
6. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be sinuous rather than straight, where possible.
7. Storm sewers.
  - a. All materials proposed for storm sewers shall be approved by the County Engineer or designee and comply with the material trade industry's standard specifications and guidelines.
8. The installation of manholes, inlets, curbs, and gutters shall conform to the standards shown in sections 425 and 520 of the Florida "Standards [and] Specifications for Road and Bridge Construction."
9. To facilitate a timely review the County encourages use of ICPR stormwater modeling software for stormwater design. Stormwater design shall be submitted in a hard copy and digital format to the County Engineer or designee.
10. All dry retention ponds that have less than 2 feet of separation from the bottom elevation of the pond to the seasonal high ground water table (SHGWT) shall be evaluated for unsaturated and saturated lateral flow to verify mounding will not prevent drawdown of the pond within the 72 hour required time frame.
11. All stormwater designs shall be based on a geotechnical evaluation performed by an engineer registered in the State of Florida. The engineer shall recommend horizontal and vertical permeability rates through either a Double Ring Infiltrometer or a Falling Head permeability test. In addition the engineer shall establish the seasonal high groundwater table at the proposed pond location and provide site data maps that show the horizontal and vertical location of the testing. Soil Conservation Service (SCS) soils maps are not a substitute for the geotechnical testing that will need to be performed for each pond on a proposed development site.
12. The design infiltration rates ( $K_h$  and  $K_v$ ) shall utilize a factor of safety of 2.0 unless the Engineer of Record can demonstrate why a smaller factor of safety is appropriate.
13. The outfall structure of all stormwater facilities shall be capable of discharging the 100 Year Critical storm event without breaching the pond banks ; this is not a pre versus post attenuation requirement. The design engineer shall model the

outfall structure and demonstrate that the stormwater facility will not be overtopped during each of these storm events.

14. It shall be demonstrated in the stormwater analysis that all historical off-site drainage coming to the development site is being properly conveyed and/or managed across the development site so as to not impact adjacent properties. Watershed map(s) will be required indicating all pre and post on-site and off-site drainage patterns.

15. No stormwater management systems shall be designed or constructed for use under residential and/or commercial structures with the exception of existing lots of record which are not part of an approved stormwater management plan.

16. Stormwater management systems shall be designed and constructed to be in common areas and not on or across proposed lots with the exception of existing lots of record which are not part of an approved stormwater management plan.

17. An appropriate maintenance entity is required for maintenance of the stormwater management system.

(Ord. No. 2015-30, § 2, 12-8-15)

## **5.07.00. SUPPLEMENTAL STANDARDS**

### **5.07.01. Generally.**

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards set forth in other sections of this code. These uses are listed in this part together with the specific standards that apply to the specified use or activity. These standards shall be met in addition to all other standards of this Code, unless specifically exempted.

### **5.07.02. Institutional Residential Homes.**

A. Institutional residential homes shall be allowed in residential districts subject to the following conditions:

1. When a site for an institutional residential home has been selected by a sponsoring agency in a residential land use district, the agency shall notify the County Supervisor and Director of Planning and Zoning in writing and include in the notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the department of health and rehabilitative services indicating the need for and the licensing status of the proposed institutional residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of clients in the home. The district administrator shall also provide to the County Supervisor the most recently published data compiled that identifies all institutional residential homes in the district in which the proposed site is to be located. The Director of planning and zoning shall review the notification of the sponsoring agency in accordance with applicable requirements of this code.

2. Pursuant to such review, the Director of planning and zoning may:

- a. Determine that the siting of the institutional residential home is in accordance with applicable requirements and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
  - b. Fail to respond within 60 days. If the Director of planning and zoning fails to respond within such time, the sponsoring agency may establish the home at the site selected.
  - c. Deny the siting of the home.
3. The Director of planning and zoning shall not deny the siting of an institutional residential home unless the Director of planning and zoning establishes that the siting of the home at the site selected:
- a. Does not otherwise conform to existing regulations applicable to other or institutional uses in the area.
  - b. Does not meet applicable licensing criteria established by the Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
  - c. Would result in such a concentration of institutional residential homes in the area in proximity to the site selected, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing institutional residential home shall be an over concentration of such homes that substantially alters the nature and character of the area.
4. All distance requirements shall be measured from the nearest point of the existing home to the nearest point of the proposed home via path of travel.
- B. Upon receipt of the written notice from the sponsoring agency provided for in [subsection] (1) above, the County Supervisor shall notify the Board of County Commissioners of the pending application. The Director of Planning and Zoning shall, within 20 days of the receipt of the application, review the application and provide the board and the applicant with a written decision outlining reasons for the decision. The applicant may appeal the decision of the Director of Planning and Zoning by notifying the County Supervisor within ten days from the date of the Director's decision. Appeals of the decision of the Director of planning and zoning shall be in accordance with Section 10.01.02.

#### **5.07.04. Recreational Vehicle Parks.**

Recreational vehicle parks shall conform to the standards of the Florida Department of Health and Rehabilitative Services in accordance with Chapter 513, F.S.

#### **5.07.05. Landing Strips and Heliports.**

A. The area proposed for landing strips and heliports (accessory hangars and sheds) shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Aviation Bureau, Florida Department of Transportation, for the class airport proposed, in accordance with their published rules and regulations.

B. Any proposed runway or landing strip shall be situated so that any structures, high-voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with height restrictions in airport approach zones of the Federal Aviation Agency and the Florida Department of Transportation, Aviation Bureau, or a municipal or other airport authority qualified by law to establish airport hazard zoning regulations.

C. There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which the approach zones fall, proof thereof shall be submitted with the application.

D. No existing or planned approach areas shall be permitted over existing residential areas.

E. All repair of airplanes and machinery shall be done inside hangars.

#### **5.07.06. Commercial Stables.**

A. *Lot Size.* The minimum lot size for a commercial stable shall be 200,000 square feet.

1. If any horses (including horses, ponies, mules, donkeys, and other animals used for riding) are kept outside of any building, the maximum number of horses permitted shall be one per 100,000 square feet of property.

2. If all horses (and other riding animals) are kept inside a building, the maximum number of horses permitted shall be limited to the building capacity to house, show, and ride said horses. A stall shall be provided for each horse. The minimum dimension for each stall shall be ten feet by ten feet.

B. *Minimum Setbacks.* The following minimum setbacks shall be provided:

1. Stables, corral, and piles of manure, feed, and bedding shall be located 75 feet from any street or nonresidential lot line and 100 feet from any residential lot line, in order to minimize any odor and nuisance problems. Pasture may extend to the lot line; however, when all of the runoff from a corral or exercise area is controlled and directed over a 200-foot-long grass swale before reaching the property line, the corral or unvegetated exercise area may be located a minimum of 40 feet from any street or lot line.

2. Manure piles shall be stored, removed, and/or applied in accordance with Walton County Health Department regulations; however, manure shall not be applied to land that is closer than 100 feet to a residential lot line.

3. A 100-foot-wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.

4. In the areas with a slope of five percent or less, corrals, unvegetated exercise areas, and manure piles shall be 150 feet from a well and 200 feet from any surface water, unless the water is upgraded or there is adequate diking to comply with the Walton County Health Department standards.

5. Corrals, unvegetated exercise areas, manure piles and manure application are prohibited in areas with slopes greater than five percent, in ten-year floodplains, in waterways, and on soils classified as very poorly drained by the USDA Soil Conservation Service soil survey for Walton County, Florida.

**5.07.07. Salvage and Recycling Centers.**

A. *Short Title.* This section shall be known as the "Walton County Salvage and Recycling Center Ordinance".

B. *Jurisdiction.* The area subject to the regulations set forth in this section shall be all of the area outside the incorporated municipalities of the County.

C. *Purpose and Intent.* The purpose and intent of this section is to control the negative impact salvage and recycling centers may have on the values of adjacent properties.

D. *Definitions.* For the purposes of this section:

1. *Fence* means an enclosure which shall be at least six feet in height, which shall be kept in good repair at all times, and shall be constructed of plank board, corrugated iron or other material approved by the planning and zoning department, so as to exclude the salvage and recycling center from view.

2. *Motor vehicle salvage and recycling center.* Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, dismantled or otherwise inoperable automobiles, motor vehicles or motor vehicle parts.

3. *Salvage.* Old or scrapped copper, batteries, junked, dismantled, wrecked or otherwise inoperable motor vehicles or parts thereof, iron and steel.

4. *Salvage and recycling center.* Any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling salvage, or for the maintenance or operation of a motor vehicle salvage and recycling center.

5. *Requirements for salvaging and recycling centers.*

(a) *Location:* A salvage and recycling center shall be allowed only in a Heavy Industrial District as depicted on the land use map of the County. A salvage and recycling center may be allowed in a Rural District after a public hearing is held and approval is granted by the board of County Commissioners.

(b) *Size:* All salvage and recycling centers shall be located on sites with a minimum of five acres.

(c) *Fence:* All salvage and recycling centers shall be screened by a six foot high fence as defined in subsection (d).

(d) *Setback:* There shall be a minimum of a six-foot setback from all property lines. This setback shall remain clear of all structures and storage of any materials.

(e) *Permit:* All salvage and recycling centers shall obtain a permit from the Board of County Commissioners. All existing salvage and recycling centers shall obtain a permit and be brought into compliance with this section within 12 months after its passage by the Board of County Commissioners. The cost of the permit shall not exceed \$10.00 per year; renewable January 1st of each year.

(f) *Duty of maintenance of private property.* No person owning, leasing, occupying or having charge of premises shall maintain such premises in a manner causing substantial decrease in the value of the other property or is otherwise detrimental to the area in which such premises are located.

(g) *Exterior storage of non-operating vehicles.* No person in charge of or in control of a premises (except salvage and recycling centers permitted hereunder and licensed motor vehicle repair establishments) whether an owner, lessee, tenant, occupant or otherwise, shall allow partially dismantled, wrecked or junked, discarded or other non-operating or non-registered or unlicensed motor vehicles to remain on such property longer than 30 days. This subsection shall not apply with regard to any vehicle in an enclosed building, or shielded by a visual screen, or so located on a property as not to be readily visible from any public place or from any surrounding private property. This section shall not apply with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County or any other public agency or entity.

(h) *Enforcement.* Enforcement of this section shall be accomplished pursuant to the provisions of Chapter XII of this Code.

#### **5.07.08. Outdoor Storage.**

A. *Requirements for Storage.* All junk shall be screened by a six-foot-high fence, or natural vegetation or foliage of equal height.

B. *Duty of Maintenance of Private Property.* No owner of any premises shall maintain or keep or allow any tenant, lessee, occupant, or other person to maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial decrease in the value of the other property in the same residential area in which such premises are located.

C. *Exterior Storage of Nonoperating Vehicles, Junk, or Debris.* No owner of a premises shall allow partially dismantled, wrecked, junked, discarded, or otherwise nonoperating or nonregistered or unlicensed motor vehicles, or junk to remain on such property longer than 30 days. This section shall not apply with regard to any nuisance or junk in an enclosed building, or shielded by a visual screen or so located on a property as not to be readily visible from any public place or from any surrounding public property. This section shall not apply with regard to nuisance or junk in an appropriate storage place or depository maintained in a lawful place and manner by the County or any other public agency or entity.

D. *Exclusions.* Specific exclusions to this section are:

1. Businesses which emit odors during normal operation.
2. Permitted salvage yards.
3. Premises screened by a fence or natural vegetation as defined above.

#### **5.07.09. Tall Structures.**

In land use districts where towers are permitted, structures in excess of 100 feet will be required to obtain determination of "No Hazard to Aviation" from the



Federal Aviation Administration. This determination documentation must be submitted as a part of the application for development approval for the tower.

A. *Commercial Towers.* This section applies to communication towers that support any antennas designed to receive or transmit electromagnetic energy, such as, but not limited to, telephone, television, radio or microwave transmissions.

1. A tower in excess of 100 feet above natural grade shall not be approved unless the applicant demonstrates that no existing or approved tower of equal or greater height within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment. Towers owned or leased to any government are exempt from these shared use provisions.

2. All new commercial towers shall be located a minimum distance of the tower height from all property lines., except where residential development on the adjacent property is prohibited for any reason. In this case, setbacks will adhere to Section 5.00.03(4).

3. All new tower bases, outdoor equipment, accessory buildings and accessory structures erected for use in connection with commercial towers shall be required to located within a commercial style chain-link or privacy fence at least six feet in height. The fence shall be visually screened by trees and/or large shrubs, and existing vegetation. The owner of the tower will be responsible for the maintenance of all required landscaping for the life of the tower. Guy anchors are required to be individually enclosed with a fence.

4. Rooftop communication towers may be developed in accordance with Ordinance 99-1 Wireless Communication Facilities.

5. Any proposed increase in height for an existing tower must comply with the review standards in accordance with Section 11.01.05 Minor Development Plans.

6. All proposed communication towers are conditional uses, and are subject to major development review standards.

7. Camouflage towers (i.e. flagpoles, bell/clock towers) and rooftop wireless communication facilities are allowed in all land use districts. Self-support, monopole, and guyed wire towers are allowed in agricultural, industrial, commercial, and rural land use categories. Applications for self-support, monopole, and guyed towers will be considered in other land use categories on a case-by-case basis.

8. A map of existing towers with the number of available co-location heights of each tower, within a five mile radius will be required as a support document to the major review process.

9. The County shall grant or deny a properly completed development order application for the siting of a new wireless tower (ground build) within 90 business days after the date the properly completed development order application is initially submitted in accordance with the County's development order application procedures.

B. *Exemptions.* Amateur Radio antennas shall conform to the Federal Communication regulations and are pre-exempted from requirements of this

Code regarding placement, screening and height pursuant to Section 125.561, Florida Statutes.

(Ord. No. 2004-19, § 1, 5-4-04)

#### **5.07.10. Rooftop Wireless Communication Facilities.**

*Commercial Communication Facilities Not Located on Communication Towers.*

This section applies to wireless communication facilities other than those addressed in Section 5.07.09 of the Walton County Land Development Code. The wireless communication facilities addressed in this section would be for commercial purposes, for facilities designed to receive or transmit electromagnetic energy, such as, but not limited to: telephone, television, radio, or microwave transmissions.

##### *A. Definitions.*

*Antenna Array.* One or more whips (panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (whip), directional antenna (panel) and parabolic antenna (disc)).

*Attachment Structure.* An existing or proposed building or structure, including, but not limited to, buildings, towers, utility poles, signs, and water towers. Notwithstanding the foregoing, an attachment structure shall not be a residential building if such building is less than 20 feet tall.

*Attached WCF.* A wireless communication facility that is attached on the top or side of an attachment structure.

*Equipment Facility.* Any structure used to contain ancillary equipment for a wireless communication facility that includes cabinets, shelters, a buildup of an existing structure, pedestals and other similar structures.

*FAA.* The Federal Aviation Administration of the United States of America.

*FCC.* The Federal Communications Commission of the United States of America.

*Wireless Communications.* Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced special mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

*Wireless Communication Facility (WCF).* Any unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of an antenna array, transmission cables, and an equipment facility.

##### *B. Development Standards and Permitting Process.*

1. WCFs shall be allowed in all land use districts.
2. WCFs shall not exceed the height of 20 feet above the highest roofline of the attachment structure or 25 feet above the point of attachment to said attachment structure, whichever is more restrictive.

3. The number of carriers on attachment structures less than or equal to 50 feet in height shall be limited to five. There shall be no limitation to the number of carriers on attachment structures greater than 50 feet in height.
4. The antenna array shall not extend into the airspace above any public right-of-way, nor extend any closer than ten feet to the boundary of the lot on which the attachment structure is located.
5. The equipment facility, when located on the ground, shall meet the setback requirements stated in the current Land Development Code.
6. The attached WCF shall be placed to minimize its visibility from adjacent streets.
7. The attached WCF shall not be located within the boundaries of a national register historic district.
8. The antenna array shall be and will remain in compliance with current FAA/FCC standards concerning radio frequency emissions.
9. The attachment structure shall be structurally capable of supporting the attached WCF.
10. WCF shall not be artificially lighted except to assure human safety as required by FAA/FCC.
11. WCFs not requiring FAA/FCC paintings/markings shall have either a galvanized finish or be painted a noncontrasting color to minimize its visual impact.
12. The applicant shall provide evidence that the proposed WCF is in compliance with FAA/FCC regulations. When the WCF will not exceed the highest point of the existing attachment structure upon which it is to be mounted, such evidence is not required.
13. All WCFs shall be required to meet the minimum wind load standards specified in the current adopted Southern Standard Building Code and shall be permanently affixed to the supporting attachment structure.
14. Use of any portion of a WCF for signs or advertising purposes shall be prohibited. Markings by the manufacturer or owner to signify ownership are exempt if the markings are visible only from the roof and not to the public.
15. [Reserved.]
16. Collocated antennae (WCFs) that do not increase the height of the existing tower, structure, or building (to include roofline) shall be reviewed and approved as a building permit. The applicant will be required to provide approval from the property owner via written approval (notarized affidavit) or recorded agreements.
17. New antennae and related equipment that are collocated and increases the height of the tower, structure, or building (including roofline) shall be submitted and reviewed in accordance with Section 11.01.05(A) Minor Development Plans, Land Development Code.
18. All drawings, site plans, and construction plans submitted as part of a development order-application or building permit application shall be sealed by a professional engineer licensed in the State of Florida, certifying compliance to the applicable building codes.

19. The County shall grant or deny a properly completed application for collocation within 45 business days after the properly completed application is initially submitted in accordance with the County's review procedures.

C. *Exemptions.*

1. Amateur radio antennas shall conform to the Federal Communication regulations and are pre-exempt from requirements of this Code regarding placement, screening, and height, pursuant to F.S. § 125.561.

2. Residential: the requirements contained in this Code do not apply to radio/television antennas erected by a private property owner for their own personal use.

D. *Maintenance.*

1. Owners of the WCF shall at all times employ ordinary and reasonable care as follows:

a. Owners shall install, maintain, and use nothing less than accepted industry methods and devices for preventing failures and accidents, which likely would cause damage, injuries, or nuisances to the public.

b. Owners shall install and maintain WCFs in substantial compliance with the National Electric Safety Code and all FAA, FCC, state and local regulations.

c. At all times, WCFs must be kept and maintained in good condition, order and repair so that same shall not menace or endanger life or property of any person.

d. The owner of the WCF must provide to the County written notice of intent to discontinue use or cease operations, and date to be discontinued.

e. The WCF will be deemed abandoned after discontinuance of use for 180 consecutive days. If there are two or more users of a single WCF, this provision shall not become effective until all users cease use the WCF. The WCF owner shall take one of the following actions within 90 days of the date the WCF is deemed abandoned:

i. Reactivate the use of the WCF.

ii. Transfer the WCF to another owner/operator who will actively use the WCF.

iii. Dismantle/remove the WCF.

f. Abandoned WCFs may be removed by the County at the owner's expense if the actions set forth in subsection e. are not carried out within the time limits specified.

2. County officials/agents shall have the authority to enter onto property to inspect for purpose of determining whether the WCF complies with all applicable laws and regulations.

3. The County reserves the right to conduct inspections at any time, upon reasonable notice to owner of the WCF. All expenses relating to such inspection shall be borne by the owner of the WCF.

4. Violations of the development approval issued for a wireless communication facility and/or non-maintenance of a wireless communication facility shall be subject to notice of violation and corrective measures per the code enforcement requirements of the Land Development Code. Violations that continue more than 30 days shall be subject to corrective action as specified in the code enforcement requirements of the Land Development Code and may be subject to but not

limited to revocation of the development order for the Wireless Communication Facility in violation.

(Ord. No. 99-1, 3-9-99; Ord. No. 2004-19, § 1, 5-4-04)

#### **5.07.11. Manufactured Home and Relocated Structures Standards.\***

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**\*Editor's note:** Ord. No. 99-18, adopted Oct. 12, 1999, set out provisions intended for use as App. C, § 5.07.10. For purposes of classification, and at the editor's discretion, these provisions have been included as App. C, § 5.07.11.

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A. All manufactured homes and relocated structures intended to be used as homes in the unincorporated area of Walton County shall be inspected to ensure that they provide the basic minimum housing standards essential for safe and healthful living. No manufactured home shall be located, relocated, placed, deposited, installed or connected to utilities in the unincorporated areas of Walton County unless and until said manufactured home has been either inspected or exempted in accordance with the provisions of this section. The property owner on which a manufactured home is sited, the owner of the manufactured home if different from the property owner, and any person or corporation transporting, installing or connecting to utilities a manufactured home in violation of this section shall be subject to penalties in accordance with the provisions of law. The following standards apply to both new and used manufactured homes and relocated structures intended to be used as a home.

1. A scaled site plan shall be provided to the Walton County Building Department before a permit shall be issued to place or relocate a manufactured home or to move a structure in Walton County. This site plan shall show the dimensions of the property, setback lines, proposed location of the manufactured home, and location of existing structures, trees, vegetation that will remain, and well and septic tank location. A Clearing Permit issued by the Walton County Planning Department is also required for all properties situated south of Choctawhatchee Bay.

2. Each manufactured home must have a continuous wall underpinning/skirting of vinyl, pressure treated wood or masonry construction. Openings for ventilation and access must meet the requirements of Standard Building Code 1804.6.3.1 and 1804.6.3.2.

3. Each manufactured home or relocated structure must be connected to its own individual septic tank, or to a public sewer system where available.

4. It shall be unlawful for electrical services to be connected to any manufactured home until a mobile home permit as required herein has been issued by the Walton County Building Official or designee, and proper approvals have been obtained for the sewage disposal system and the potable water system.

5. Manufactured homes lawfully placed and set up in the County under the laws applicable at the time of said unit's placement on the effective date of this section shall not be required to meet the requirements of this section, so long as the unit

is not installed or transported to another location within the County after the effective date of this ordinance.

6. a. The Building Official may grant limited waivers for the sole purpose of transporting a substandard manufactured home out of Walton County or to a permitted site within the County for demolition and disposal.

b. Existing structures that are unoccupied or abandoned are governed by Section 5.07.08.B regarding duty of maintenance of private property. The inspection checklist provided within this section may be used by the Building Official or Code Enforcement Officer to make a determination that the condition of a particular manufactured home constitutes a nuisance.

c. Occupied manufactured homes that become the subject of code enforcement complaints or referrals from the Walton County Housing Department, Public Health Unit, Florida Department of Children and Families or similar agencies with substandard housing concerns shall be subject to the provisions of this section. Such dwellings shall be jointly inspected by the Code Enforcement Officer, the Building Official, and a representative of the agency making the complaint using the "Inspection Report of Used Manufactured Home" form as the basis for determining habitability. Upon a determination of noncompliance, code enforcement action as described in Chapter 12 of this code shall be initiated by the Code Enforcement Officer against the owner of the manufactured home and the owner of the property where the home is sited. This provision is not intended to diminish the personal responsibility of individuals for locating acceptable housing for themselves and their families, or to resolve landlord/tenant disputes; rather it shall be used by agencies having cognizance over health, safety and quality of life to help alleviate substandard housing conditions for Walton County families.

7. A manufactured home may be used as a temporary residence or office incidental to construction on or development of property for a residential or commercial use. Such use shall be allowable only during the time in which construction or development is actively underway, and in no case for more than one year, subject to renewal. Such use is subject to the approval of the Building Official for residential use, and shall be permitted by the Planning Director as a Construction Trailer under section 6.04.04 of this code for commercial uses.

8. The requirements of this section shall be enforced by the Building Official or designee thereof, or the Code Enforcement Officer using the provisions established in Chapter 12 of this code.

B. *New Manufactured Homes.* All previously untitled and unoccupied manufactured homes built in compliance with the Federal Manufactured Home Construction and Safety Standards (HUD Code), F.S. ch. 320, and provisions of the Florida Administrative Code pertaining thereto shall be presumed to comply with the minimum standards of this section.

C. *Used manufactured homes.* The provisions contained herein apply to used manufactured homes and shall ensure safe and livable housing. The provisions contained herein shall not be construed to be more stringent than those standards required to be met in new manufactured homes.

1. No mobile home permits for used manufactured homes will be issued until all required inspections have been completed and applicable standards have been met and certified in writing by the appropriate contractor or inspectors. Each used manufactured home is required to be inspected and certified for soundness and habitable living conditions based on the standards established by Walton County and contained within the "Inspection Report of Used Manufactured Home" form provided by the Walton County Building Department. Such standards shall include, but not be limited to structural adequacy, plumbing, heating, electrical systems, and fire and life safety.
  2. Used manufactured homes shall be inspected and noted as in compliance or not in compliance by either a state licensed manufactured home dealer, state certified contractor, or state registered contractor meeting the requirements of the Walton County Construction Industry Licensing Board; or a state licensed Building Inspector. All contractors or inspectors may only certify those categories in which they hold valid licenses or certifications. No mobile home permits for used manufactured homes will be issued until all categories have been inspected and signed by said contractors or inspectors.
  3. Each applicant for inspection must complete and submit to the Building Department an affidavit form, a copy of which is entitled "Manufactured Home Inspection Standards." Forms are available from the Walton County Building Department.
  4. The "Inspection Report of Used Manufactured Home" must accompany each request for a permit to place or relocate a used manufactured home in Walton County. Forms are available from the Walton County Building Department.
  5. Each application for inspection or any other inspections or permits pursuant to the provisions of this section shall be accompanied by the appropriate fee(s), as established by Walton County.
  6. If an inspection reveals deficiencies, but which are deemed repairable, a Remodel and Repair permit may be required. This determination will be addressed in the summary within the "Inspection Report of Used Manufactured Home." If a Remodel and Repair permit is required, the applicant shall be subject to all necessary inspections to assure code compliance and is required to obtain said permit prior to beginning the remodel/repair work. Remodeling and Repair permits shall be valid for no more than 90 days from date of issuance by the Building Official.
- D. *Relocated structures other than manufactured homes intended for use as homes.* Used structures may be relocated to sites within Walton County and restored or remodeled for use as homes. The following regulations are established to preclude adverse impact on property values within platted subdivisions:
1. Any relocated structure, which is substandard, shall be brought up to applicable code standards within 12 months of its relocation.
  2. One six month extension may be granted by the Building Official upon evidence that progress is being made toward completion and due to an

unforeseen circumstance beyond the owner's control, the restoration work could not be finished within the 12 month period.

3. This provision is not intended to assume, usurp or diminish the responsibility of developers, homeowners' associations, or residents of platted subdivisions to maintain or enforce recorded deed restrictions or subdivision covenants that may pertain to a particular subdivision. This section is provided to ensure that relocated structures are promptly restored to habitable condition.

(Ord. No. 99-18, 10-12-99; Ord. No. 01-25, § 2, 12-3-01)

#### **5.07.12. Development or Redevelopment on Residential Lots without a County Approved Stormwater Management Plan**

This section will not and is intended not to make existing residential structures nonconforming.

A. This standard shall apply to all development and redevelopment within Walton County and single family homes to be constructed on lots, that are not part of a previously approved stormwater management plan, south of the Choctawhatchee Bay.

- a. Maximum Impervious Surface Ratio (ISR) of forty (40) percent allowed on lot.
- b. All structures are to be piling or pier supported to allow the area under the structure to remain pervious to the infiltration of stormwater.
- c. No grading or filling of the lot shall be allowed, with the exception of the minimal amount necessary to allow for a driveway and/or garage/carport, to encourage best management practices with respect to stormwater management.

B. An exemption can be made by the County Engineer to the lots Impervious Surface Ratio requirement, the piling and/or pier supported structure requirement, or the minimal grading and fill requirement above provided the applicant meets all of the Stormwater Management Requirements of Section 5.06.03 as approved by the County Engineer.

C. For lots that are in a closed basin as identified on a Public Works maintained Initial County Problem Area List (ICPAL) all the Stormwater Management Requirements of Section 5.06.03 shall apply and be approved by the County Engineer.

For lots that are immediately adjacent to and front a Coastal Dune Lake the Stormwater Management Requirements of Section 5.06.03 shall apply as it pertains to Water Treatment and not Attenuation.

(Ord. No. 2015-30, § 2, 12-8-15)

#### **5.08.00. Height Limitations for New Construction in Grayton Beach.**

A. *Legislative Findings; Declaration of Necessity.* It is found and declared that:

1. The Town of Grayton Beach, founded in 1890, is one of the oldest platted and planned beach communities on Florida's gulf coast and has been recognized by Florida's Governor and Cabinet as a Florida treasure.



2. The character and scale of the community of Grayton Beach has been established over time through the development of primarily residential, one or two-story homes or cottages, many of which are historically significant, many of these homes are constructed on less than one-quarter acre of property, and as such, residences are in close proximity to each other.

3. Although Grayton Beach is home to both permanent and part-time residents, many residential properties throughout Grayton Beach are rented for short periods of time to visitors wishing to enjoy the beaches and the rare and unique community of Grayton Beach.

4. In recent years, increasing development and construction of rental properties in Grayton Beach has resulted in new structures that are significantly larger and taller than the surrounding existing residences.

5. This trend in larger and taller structures is altering the historic character of Grayton Beach to the detriment of the quality of life enjoyed by permanent and part-time residents. Additionally, the increased vehicle parking necessitated by both the construction and rental of such structures places an undue burden on adjacent property owners.

6. The necessity in the public interest for the provisions and restrictions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and restrictions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting public health, comfort, convenience, safety, welfare, and the quality of life for the residents and visitors of Grayton Beach.

B. *Definitions.* 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.

C. *Height Restrictions for New Construction.* All construction in Grayton Beach authorized by building permits dated after the date of adoption of this ordinance shall be limited in height to 40 feet above the mean elevation of the parcel above NGVD. The mean elevation is the average natural grade at the proposed structure location.

D. *Parking Requirements for New Construction.*

1. In addition to meeting the requirements of the Walton County Land Development Code, all residential construction in Grayton Beach authorized by building permits dated after the date of the adoption of this ordinance shall comply with the off-street parking requirements established in Exhibit A, attached hereto and incorporated herein by reference.

2. Parking requirements imposed for residential construction shall be met completely within the property boundary lines where the structure is located.

E. *Judicial Construction.* If any provision of this ordinance 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.

Exhibit A. Grayton Beach Offstreet Parking Requirements Chart  
 TABLE INSET:

Residential structures	Square footage requirements indicated herein shall be determined by the heated and/or cooled space of the structure, exclusive of porches, decks and patios.
Up to 1500 sq. feet	2 parking spaces
1501--2000 sq. feet	3 parking spaces
2001--2500 sq. feet	4 parking spaces
2501--3000 sq. feet	5 parking spaces
3001--3500 sq. feet	6 parking spaces
3501--4000 sq. feet	7 parking spaces
4001--4500 sq. feet	8 parking spaces
4501 sq. feet or more	2 additional parking spaces for each 500 sq. feet above 4501 sq. feet.

**Note:** In calculating the required parking spaces for a structure, each application for a building permit shall be accompanied by a written certification by a licensed architect or other qualified professional that establishes the exact square footage of the building being permitted.

(Ord. No. 00-10, §§ 1--5, 3-28-00)

**Editor's note:** Ord. No. 00-10, §§ 1--5, adopted March 28, 2000, did not specifically amend the Code. Hence, inclusion herein as App. C, § 5.08.00 was at the discretion of the editor.

**5.08.01 Point Washington Height Limitation**

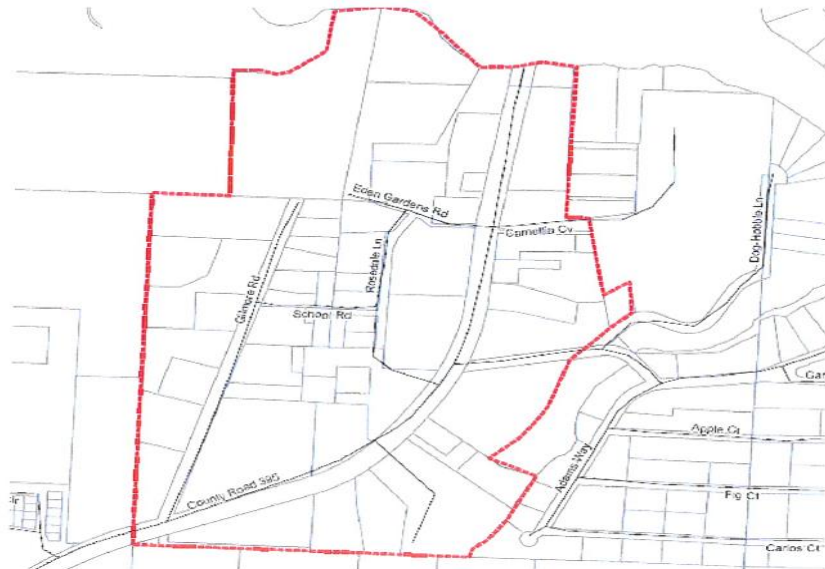
A. Point Washington is an area immediately east of the Eden Gardens State Park. The specific area to which the height restriction applies is as follows:

Beginning at the Southwest corner of the Northeast One Quarter of Section 35, Township 2 South, Range 19 West Walton County Florida, proceed Northerly along the West line of the said Northeast One Quarter of Section 35 a distance of 1985 feet more or less to the South boundary of the TIITF OF STATE OF

FLORIDA parcel, as recorded in Official Records book 2159 at page 389; thence proceed Easterly along the said South boundary of the TIITF OF STATE OF FLORIDA parcel a distance of 310 feet more or less to the East boundary of the TIITF OF STATE OF FLORIDA parcel and the West boundary of the TIITF RECREATION AND PARKS OF THE STATE OF FLORIDA parcel; thence proceed Northerly along the common boundary line between the TIITF OF STATE OF FLORIDA and TIITF RECREATION AND PARKS OF THE STATE OF FLORIDA parcels a distance of 680 feet more or less to the South Line of Section 26, Township 2 South, Range 19 West, Walton County Florida; thence proceed Northerly along the common boundary line between the TIITF RECREATION AND PARKS OF STATE OF FLORIDA parcel tax ID # 26-2S-19-24000-016-0020 and TIITF RECREATION AND PARKS OF THE STATE OF FLORIDA parcel tax ID # 35-2S-9-24000-002-0020, passing into said Section 26, a distance of 35 feet more or less to a concrete monument; thence continue Easterly along the common boundary line between the TIITF RECREATION AND PARKS OF STATE OF FLORIDA parcel tax ID # 26-2S-19-24000-016-0020 and TIITF RECREATION AND PARKS OF THE STATE OF FLORIDA parcel tax ID # 35-2S-9-24000-002-0020 the following bearings and distances calls: South 89 degrees 37 minutes 45 seconds East a distance of 240.00 feet; thence North 49 degrees 44 minutes 30 seconds East a distance of 209.40 feet; thence North 06 degrees 52 minutes 36 seconds East 215 more or less to the water's edge of Tucker Bayou; thence departing the common boundary line between the TIITF RECREATION AND PARKS OF STATE OF FLORIDA and TIITF RECREATION AND PARKS OF THE STATE OF FLORIDA parcels, meander Easterly along the water's edge of Tucker Bayou as approximated by the following bearing and distance calls: North 87 degrees 31 minutes 12 seconds East 283 feet; thence South 69 degrees 11 minutes 24 seconds East 135 feet; South 24 degrees 16 minutes 12 seconds East 147 feet; thence South 45 degrees 53 minutes 24 seconds East 227 feet; thence North 89 degrees 03 minutes 36 seconds East 139 feet; thence North 81 degrees 37 minutes 12 seconds East 53 feet more or less to the intersection of the centerline of State Road 395 with the water's edge of Tucker Bayou; thence departing the centerline of State Road 395 continue Easterly along the water's edge of Tucker Bayou North 74 degrees 56 minutes 24 seconds East a distance of 80 feet; thence South 77 degrees 20 minutes 24 seconds East a distance of 143 feet more or less to the intersection of the water's edge of Tucker Bayou and the East boundary line of the Robert S. Davis property as recorded in Official Records book 399 at page 348; thence departing the water's edge of Tucker Bayou proceed South along the East boundary line of the Roberts S. Davis property a distance of 100 feet more or less to the South Line of Section 26, Township 2 South, Range 19 West; thence passing the South Line of Section 26, Township 2 South, Range 19 West, proceed South into Section 35 along the West boundary of the Ollie S. Butler and Albert B. Butler property as recorded in Official Records Book 2702 at page 2836 a distance of 302.5 feet; thence continue South a distance of 430 feet more or less to the Southwest corner of the Marvin H. Scott

and Jane Scott property as recorded in Official Records Book 1549 at page 247; thence proceed Easterly along the South boundary line of the Marvin H. Scott and Jane Scott property a distance of 99 feet more or less to the Easterly boundary of the Kathryn Green property as recorded in Official Records Book 344 at page 55; thence proceed South 09 degrees 39 minutes 55 seconds East along the Easterly boundary of the Kathryn Green property a distance of 439.62 feet to an iron rod and the North boundary line of the Charles C. Fowler and Anne M. Fowler property as recorded in Official Records Book 2584 at page 1637; thence proceed North 55 degrees 12 minutes 09 seconds East along the North boundary line of the Charles C. Fowler and Anne M. Fowler property a distance of 138.14 feet; thence proceed South 09 degrees 35 minutes 44 seconds East a distance of 200.00 feet to the curved Northerly right-of-way line of a County maintained road being concave Southerly, having a radius of 176.03 feet; thence proceed Southwesterly along the arc of the curved right-of-way line of the County maintained road a distance of 130.22 feet through a central angle of 42 degrees 23 minutes 14 seconds to a point of tangency; thence departing the curved right -of-way line, continue South 35 degrees 45 minutes 03 seconds West along the Northerly right-of-way line of the County maintained road a distance of 11.58 feet; thence continue South 35 degrees 45 minutes 03 seconds West along the Northerly right-of-way line of the County maintained road a distance of 144 feet more or less to the North right-of-way line of Eden Dr as denoted on the plat of Eden Estates recorded in Plat Book 5 at page 25; thence proceed South 45 degrees 00 minutes 00 seconds West a distance of 102.7 feet more or less to the South right-of-way line of Eden Dr as denoted on the plat of Eden Estates recorded in Plat Book 5 at page 25; thence departing the South right-of-way line of Eden Dr proceed Southwesterly along the West boundary line of the Otis Earl Barrett property, recorded in Official Records Book 2241 at page 24 as approximated by the following bearing and distance calls: South 21 degrees 57 minutes 09 seconds West 78.19 feet, thence South 18 degrees 10 minutes 11 seconds West 201.58 feet, thence South 31 degrees 22 minutes 03 seconds West 98.83 feet , thence South 37 degrees 00 minutes 11 seconds West 116.95 feet, thence South 49 degrees 05 minutes 37 seconds West 174 feet more or less to the Northerly boundary of Stephen Tyron Nunn and Brett Anderson Nunn property as recorded in Official Records Book 2307 at page 676; thence proceed South 41 degrees 44 minutes 00 seconds East along the Northerly boundary of Stephen Tyron Nunn and Brett Anderson Nunn property a distance of 73.45 feet; thence continue along the Northerly boundary of Stephen Tyron Nunn and Brett Anderson Nunn property South 71 degrees 15 minutes 00 seconds a distance of 160.00 feet to the centerline of Tucker Creek; thence proceed Southwesterly along the centerline of Tucker Creek approximated by the following two bearing and distance calls South 32 degrees 56 minutes 11 seconds West a distance of 30.00 feet; thence South 29 degrees 13 minutes 14 seconds West a distance of 145 feet more or less to the North West corner of Lot 3 Block A, Eden Estates as recorded in Plat Book 5 at page 25; thence proceed South 19 degrees 13 minutes 01 seconds West along the Westerly boundary line

of Lot 3 Block A Eden Estates as recorded in Plat Book 5 at page 25 a distance of 110.71 feet to the most Southwesterly corner of Lot 3 Block A Eden Estates as recorded in Plat Book 5 at page 25; thence departing the boundary line of Lot 3 Block A Eden Estates meander Southwesterly along the center line of Tucker Creek as approximated by the following bearing and distance calls: thence South 27 degrees 05 minutes 06 seconds West 66.53 feet, thence South 45 degrees 00 minutes 18 seconds West 79.01 feet, thence South 60 degrees 51 minutes 03 seconds West 40.08 feet, thence South 41 degrees 59 minutes 22 seconds West 36.21 feet, thence South 17 degrees 55 minutes 08 seconds 48.0 feet more or less to the South line of the Northeast One Quarter of Section 35, Township 2 South, Range 19 West; thence proceed North 87 degrees 44 minutes 05 Seconds West along the South line of the Northeast One Quarter of Section 35, Township 2 South, Range 19 West a distance 1464.0 feet more or less to the Southwest corner of the Northeast One Quarter of Section 35, Township 2 South, Range 19 West Walton County Florida and the Point of Beginning of the area herein described, containing approximately 112 acres more or less and as depicted in the map below.



B. Height Restrictions for New Construction. All construction in the Point Washington district after the date of this ordinance shall be limited in height to 32 feet above the average natural grade of the parcel.  
(Ord. No. 2008-26, § 1,8-12-08)

### 5.09.00. LIGHTING

**5.09.01. Light Measurement Technique.**

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

(Ord. No. 2007-02, § 3, 4-10-07)

**5.09.02. General Standards for Lighting.**

(1) Unless otherwise specified below, the maximum light level shall be ten maintained footcandle at any property line in a residential use area, or on a lot occupied by a dwelling, congregate care or congregate living structure, and 15 maintained footcandles at any public street right-of-way.

(2) No operation or activity producing glare in excess of the amounts permitted below:

A. All commercial and manufacturing districts: Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of ten footcandles when measured in a residential use area.

(3) All flood lights shall be installed so that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned so that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.

(4) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

(5) All wall pack fixtures shall be cutoff fixtures.

(6) Within scenic corridor designated roadways all lighting fixtures shall be either semi-cutoff or full-cutoff fixtures.

(Ord. No. 2007-02, § 3, 4-10-07)

**5.09.03. Dock Lighting on Coastal Dune Lakes.**

- (1) Dock lighting on coastal dune lakes shall be turned off after 10:00 p.m. or when not in active use.
- (2) Security lighting shall be placed on motion sensors. Security lighting is set to only go on when activated and to go off within five minutes after activation has ceased.
- (3) All dock lighting shall be full-cutoff or low pressure sodium or LED lights.  
(Ord. No. 2007-02, § 3, 4-10-07)

**5.09.04. Lighting in Parking Lots and Outdoor Areas.**

- (1) Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures, or comply with at least one of the provisions in subsection (3) below.
- (2) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 41 feet above finished grade.
- (3) Exceptions:
  - A. Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed 9,500 initial lamp lumens per fixture.
  - B. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
  - C. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.
  - D. All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.  
(Ord. No. 2007-02, § 3, 4-10-07)

**5.09.05. Lighting for Vehicular Canopies.**

- (1) Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection (d) above. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:
  - A. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
  - B. Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.
  - C. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.
  - D. Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.
  - E. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that

direct illumination is focused exclusively on the underside of the vehicular canopy.

(2) For convenient stores located on a scenic corridor, see Chapter 13, Section 13.02.02 Site Development Standards of the Walton County Land Development Code.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.06. Outdoor Sports Field/Outdoor Performance Area Lighting.**

(1) The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade.

(2) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(3) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.07. Lighting of Outdoor Display Areas.**

(1) Parking lot outdoor areas shall be illuminated in accordance with the requirements for section 5.09.06, above. Outdoor display areas shall have a maximum point of illuminance of 24 maintained footcandles (FC).

(2) All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with this ordinance.

(3) The mounting height of outdoor display area fixtures shall not exceed 41 feet above finished grade.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.08. Sign Lighting.**

See Chapter 7, section 7.07.03, Illumination Standards, and Chapter 13, section 13.02.00. The Route 30 A Scenic Corridor, of the Walton County Land Development Code.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.09. Lighting of Buildings and Landscaping.**

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties and the public street right-of-way.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.10. Permits.**



The applicant for any permit required for work involving lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this Code. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Code:

(1) A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this Code.

(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.11. Nonconformities.**

(1) Following application of this regulation, the installation of lighting, replacement of lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to subsection (2) below.

(2) All lighting that fails to conform with this ordinance shall be discontinued, removed, or made to conform with this ordinance within five and one-half years from the effective date of this ordinance. All such lights which are made nonconforming by a subsequent amendment to this chapter or extension of areas in which this section is applicable shall be discontinued, removed, or made to conform within five and one-half years after the date of such amendment or extension.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.12. Exemptions.**

(1) A detached single family home shall be exempt from section 5.09.10, which requires a photometric analysis and report be submitted for review and approval with the building permit.

(2) Exemptions from the provisions of this ordinance are permitted when federal or state laws, rules and regulations take precedence over these provisions.

(3) Public schools.

(4) Properties currently receiving an agriculture classification for ad valorem tax purposes and being used for a bona fide agriculture use.

(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.09.13. Enforcement and Penalties.**

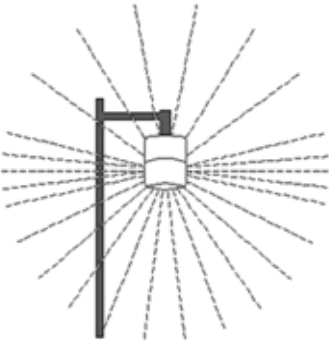
Enforcement shall be pursuant to Chapter 12 and 14 of the Walton County Land Development Code and Chapter 162 Florida Statutes.

(Ord. No. 2007-02, § 3, 4-10-07)

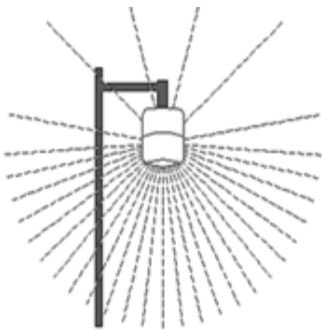
**5.09.14. Diagrams.**



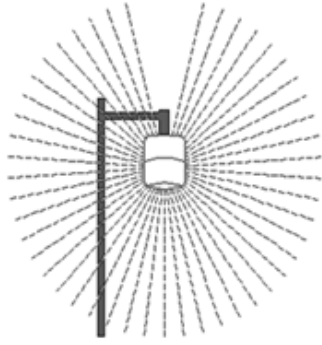
*Full Cutoff Fixture:* An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.



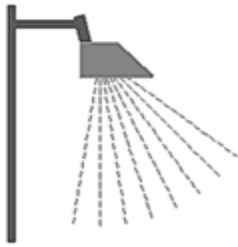
*Semi-Cutoff Fixture:* An outdoor light fixture shielded or constructed in such a manner that it emits no more than five percent of its light above the horizontal plane of the fixture, and no more than 20 percent of its light ten degrees below the horizontal plane of the fixture.



*Cutoff Fixture:* An outdoor light fixture shielded or constructed in such a manner that no more than two and one-half percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.



*Non-Cutoff Fixture:* An outdoor light fixture constructed in such a manner that it emits light in all directions.



*Flood Light:* A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.  
(Ord. No. 2007-02, § 3, 4-10-07)

#### **5.10.00 General Standards Wildlife Conservation Zone and Lighting**

All exterior artificial light sources used to illuminate buildings, grounds, structures, pools, fountains, landscape, roadways, signs, and other site amenities within the Wildlife

Conservation Zone, including construction, security, and walkway lighting shall comply with the following standards:

- (1) The point source of light or any reflective surface of the light fixture shall not be directly visible from the beach ;and
- (2) The light shall not directly or indirectly illuminate any portion of the beach or dune system seaward of the crest of the primary dune.

Lights mandated by Federal regulations (e.g. Federal Aviation Administration) for illuminating obstructions in navigable airspace and lights required by the U.S. Coast Guard for boat navigation are exempt from the provisions of this section provided such lights have been reviewed and approved in accordance with

requirements of the Federal Endangered Species Act. Also exempted are traffic signals and traditional holiday lights used outside the sea turtle nesting season.

#### **5.10.01 Standards for new construction activities**

In order to minimize the impacts of artificial lighting on nesting sea turtles and their hatchlings, and other coastal wildlife, the following standards shall apply to exterior artificial light sources on all new coastal construction (including redevelopment and substantial improvements) within the Wildlife Conservation Zone for which a building permit was issued on or after the date of adoption of this ordinance:

(1) All exterior light sources shall be compliant with the general standards set forth in Section 5.10.00 of this ordinance.

(2) Only Wildlife Lighting as defined in this Ordinance, shall be used for all exterior applications, with the exception that long-wavelength lamps are only required in fixtures within line-of-sight of the beach.

(3) Up-lighting by high intensity discharge lamps is prohibited. Up-lighting by sources other than HID lamps is permitted if the illuminated object is not visible from the beach.

(4) Light kits on exterior ceiling fans are prohibited.

(5) Lighting that does not conform to the definition of Wildlife Lighting (e.g. not fully shielded) may be used for interior open-air courtyards provided the light fixture is positioned under an eave, overhang, or other type of structure such that light is not permitted to escape directly skyward and uses an incandescent lamp 25 watts or less, a compact fluorescent lamp 11 watts or less, or a long wavelength light source.

(6) Pole-mounted lights shall only be used for those applications where mounting the lights at lower elevations cannot practicably achieve the foot candles required to comply with the minimum light levels set forth in applicable State and/or Federal laws, rules and regulations designed to protect public health, safety or welfare. If required pole-mounted lights shall be the minimum height necessary for their intended application and shall comply in all respects with the general standards set forth in Section 5.10.00. Pole-mounted lights shall not be used for pathway lighting.

(7) Lighting of dune walkovers and elevated crossovers to the beach landward of the crest of the primary dune shall be fully compliant with the general standards set forth in Section 5.10.00 of this ordinance. Unless otherwise prohibited by State rules, regulations, or permits, lighting of dune walkovers and elevated crossovers seaward of the crest of the primary dune shall consist of recessed, embedded, or fully shielded Wildlife Lighting with long-wavelength lamps. This lighting shall not directly illuminate the beach. Indirect illumination of the beach is permissible if it is effectively controlled by an activation device(s) such that the lights only come on when a person enters the walkover and are automatically deactivated upon exit. In addition, this lighting is only allowed on commercial properties and walkovers providing common beach access for residential neighborhoods.

(8) Temporary lighting of construction sites, if not otherwise prohibited under FAC 62B-33.0015(1)(m) shall be restricted to the minimal number of lights necessary to conform to State and/or Federal safety regulations (e.g., OSHA). These lights shall comply with all of the general standards listed in Section 5.10.00.

(9) Interior stairwells, elevators and enclosed parking garages that allow light to escape through windows or other openings within line-of-sight of the beach shall comply with all of the general standards listed in Section 5.10.00 of this Ordinance.

(10) Signs shall be sited on the landward side of structures, when possible. Signs that must be placed on the seaward side of structures shall be positioned when possible such that they are not in line-of-sight of the beach and shall be mounted perpendicular to the beach. All signs shall be externally illuminated from above (downward) with full cut-off luminaires. If placement of signs within line-of-site of the beach is unavoidable, long-wavelength lighting, such as amber or red LED lamps shall be required.

(11) Tinted glass shall be installed on all windows and glass doors.

(12) Roadway lighting within line-of-sight of the beach shall use low-pressure sodium lights (LPS) 55 watts or less and full cut-off fixtures mounted no higher than 20 feet above the ground. Additional shielding shall be installed if the light sources can be observed from the beach. High-intensity lighting applications not within line-of-sight of the beach shall use either full cut-off LPS 55 watts or less or full cut-off high pressure sodium (HPS) lights 150 watts or less mounted no higher than 25 feet above the ground.

(13) Utility leased lighting including "yard" or security lights, shall comply in all respects with the standards imposed for roadway lighting in 5.10.01(12) above.

(14) Outdoor light fixtures producing light directly by the combustion of fossil fuels (such as kerosene lanterns, gas lamps, etc.) shall be allowed provided such fixtures are not within line-of-sight of the beach, are top shielded, are not open torches, not mantle based, and use only a single gas jet.

(15) Before granting any building permit the Walton County Building Department shall ensure that the County Planning and Development Division has reviewed the project lighting plans and has determined that all proposed construction complies in all respects with the standards imposed in this section. Detailed project lighting plans shall be submitted to the Division showing the location of all exterior light sources relative to adjacent nesting habitat. The plans must identify the location, number and type of lighting to be used for all fixtures. Each building permit shall include a condition that the exterior lighting actually installed under such plans must comply with the standards imposed in this section before a Certificate of Occupancy may be issued. Applicants providing evidence that proposed lighting has been approved by the Florida Department of Environmental Protection as part of a permit for construction seaward of the CCCL shall be exempt from this provision. However, this exemption shall only apply to those lights reviewed under the CCCL program. All exterior lights

landward of the CCCL within the Wildlife Conservation Zone must be reviewed and approved by the County as set forth herein.

(16) Lights installed in conformance with approved lighting plans as specified in 5.10.01(15) shall be considered compliant with all provisions of this ordinance.

(17) Should the light fixtures permitted by this section fail to practically provide sufficient light to comply with the minimum light levels required by applicable State and/or Federal laws, rules or regulations applicable to public swimming pools designed to protect public health, safety and welfare, the developer, owner or owners' association may apply for variances from the standards set forth in this section, in accordance with Section 5.10.06 below.

### **5.10.02 Standards for existing lighting**

In order to minimize the impacts of artificial lighting on nesting sea turtles, their hatchlings, and other wildlife, all existing exterior artificial light sources, including utility leased lighting, within the Wildlife Conservation Zone shall be brought into compliance with the provisions of this ordinance as follows:

(1) All exterior light sources shall be compliant with the general standards set forth in Section 5.10.00 of this ordinance.

(2) All exterior signs within line-of-sight of the beach shall be externally illuminated from above (downward) with full cut-off luminaires.

(3) Up-lighting by high intensity discharge lamps is prohibited. Up-lighting by sources other than HID lamps is permitted if the illuminated object is not visible from the beach.

(4) Documented disorientation of nesting or hatchling sea turtles caused by interior lighting may be a violation of the U.S. Endangered Species Act and/or the Florida Marine Turtle Protection Act. Consequently, voluntary application of one or more of the following measures, as applicable, are encouraged to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

A. Install tinted glass or apply window tinting;

B. Rearrange lamps and other moveable light fixtures away windows;

C. Use opaque window treatments (shades, curtains, blinds, etc.) at night to shield interior lights from the beach;

D. Turn off unnecessary lights.

(5) Lighting of dune walkovers and elevated crossovers to the beach landward of the crest of the primary dune shall be fully compliant with the general standards set forth in Section 5.10.00 of this ordinance. Unless otherwise prohibited by State rules, regulations or permits, lighting of dune walkovers and elevated crossovers seaward of the crest of the primary dune shall consist of recessed, embedded, or fully shielded Wildlife Lighting with long-wavelength lamps. This lighting shall not directly illuminate the beach. Indirect illumination of the beach is permissible if it is effectively controlled by an activation device(s) such that the lights only come on when a person enters the walkover and are automatically deactivated upon exit. In addition, this lighting is only allowed on commercial

properties and walkovers providing common beach access for residential neighborhoods.

(6) Roadway lighting within line-of-sight of the beach shall use low-pressure sodium lights (LPS) 55 watts or less and full cut-off fixtures mounted no higher than 20 feet above the ground. Additional shielding shall be installed if the light sources can be observed from the beach. High-intensity lighting applications not within line-of-sight of the beach shall use either full cut-off LPS 55 watts or less or full cut-off high pressure sodium (HPS) lights 150 watts or less mounted no higher than 25 feet above the ground.

(7) All existing artificial light sources must comply with the standards set forth in Section

5.10.02 in accordance with the following schedules:

A. All single-family residences and multi-family residences with four (4) or fewer units, including rental properties: May 1, 2010.

B. All commercial property: December 1, 2010.

(8) Fixtures which cannot be brought into compliance with the standards set forth in this section shall be removed or disabled. However, if the removal or disabling of such fixtures will cause a property to become out of compliance with the minimum light levels required by applicable State and/or Federal laws, rules or regulations designed to protect public health, safety and welfare, the developer, owner or owners' association may apply for variances from the standards set forth in this section, in accordance with Section 5.10.06 below.

### **5.10.03 Special Events**

Special events requiring temporary lighting on or near the beach are allowed if the event organizer obtains a Special Event Permit from the Florida Department of Environmental

Protection and conducts the activity in accordance with all permits conditions.

### **5.10.04 Public Notice**

Property owners that remit Tourist Development Council Bed Taxes within the Wildlife

Conservation Zone must post standardized signs at conspicuous locations within common areas of their property and provide printed information notifying renters of this ordinance and its provisions. These materials will be developed by Walton County and provided at cost to affected property owners.

### **5.10.05 Enforcement and Penalties.**

(1) Property owners who do not bring exterior artificial light sources on their properties into compliance with the standards of this ordinance within the times specified in Section 5.10.02(7) hereof., or who themselves or through their tenants commit acts prohibited herein shall be guilty of a violation of this ordinance.

(2) Enforcement procedures and penalties under this ordinance shall be those set forth in

Sections 162.06 through 162.13. Florida Statutes, as may be amended from time to time.

(3) Fines imposed for violations shall not exceed the amounts set forth in Section 162.09(2)(a), Florida Statutes.

(4) The intent of Walton County is to enforce only the terms of this ordinance and not any state or federal laws.

#### **5.10.06 Conflicts of Laws & Variances**

Requests for variances shall be limited to lighting associated with existing development and public swimming pools built under new construction.

In those cases where the lighting standards set forth in Sections 5.10.01(17) and 5.10.02. above cannot be practically achieved without conflict with applicable state and federal laws, statutes, codes, rules and regulations designed to protect the health, safety and welfare of the public, or if there has been a demonstrated good faith attempt to achieve compliance with this ordinance but minimal indirect illumination of the beach remains, a developer, property owner, owners' association or similar entity may apply to Walton County for a variance from the County's lighting standards. Variance applications shall be made as follows:

(1) Applications shall be submitted in writing to the Walton County Planning and Development Division (Planning) and shall include documentation by a lighting professional who has successfully completed the Official Marine Turtle Exterior Lighting Course given by FWCIFWS. Each shall contain a brief explanation of: (a) the conflict of laws; and (b) the practical reasons the applicant cannot comply with Walton County's standards. Each shall also contain an alternative lighting plan that will utilize the best available lighting technology and light management practices to minimize light trespass seaward of the crest of the primary dune. The alternative lighting plan shall bring lighting on a property as close as reasonably possible to the County's standards.

(2) Planning shall: (a) review each application; (b) make such inspections and inquiries as are necessary; (c) request additional data or meet with the applicant to clarify whether the alternative lighting plan will use only the minimum lighting necessary to meet

State and Federal health, safety and welfare requirements and the best available technology to minimize light trespass; and (d) consult with the Office of the County Attorney as appropriate.

(3) After review by the appropriate departments, including an assessment of the impact of the requested variance on environmental and conservation programs within the County, the County Environmental Manager shall make the final administrative determination to approve the variance application, approve it with conditions, or deny it.

(4) An applicant may appeal the Environmental Manager's administrative decision to the



Walton County Board of Adjustments, in accordance with the Board of Adjustment provisions of the Walton County Land Development Code. Third parties may not. On appeal, the Board may consider whether or not the conflicts of laws, with the threat of potential fines or tort liability, constitutes the “unique circumstances” and “unnecessary hardship” elements of a variance.

(5) Lights installed in conformance with the alternative lighting plans approved through the variance process described above shall be considered compliant with all provisions of this ordinance for a period of five years. At that time the applicant will be required to re-apply. If it is determined that new technology is available that would correct the deficiency, and that said technology can be practically applied, the applicant will be required to retrofit with the new technology.

(Ord. No. 2009-03, § 3, 2-24-09)

## **5.11.00 MINING OPERATIONS**

### **5.11.01 Definitions**

***Environmentally Sensitive Areas*** means areas that include but not limited to environmentally significant wetlands and isolated wetlands over one acre in size.

***Environmentally Significant Wetlands*** means those wetlands located within 300 feet of the mean high water line of the following water bodies and their tributaries:

Choctawhatchee Bay	Shoal River
Choctawhatchee River	Intracoastal Waterway
Bruce Creek	Seven Runs Creek
Lafayette Creek	Morrison Springs
All Outstanding Florida Waters	Alaqua Creek
Black Creek	Natural Bridge Creek

***Environmentally Significant Water Bodies*** means those rivers, creeks, streams, Choctawhatchee Bay and other bodies of water associated with Environmentally Significant Wetlands.

***Isolated Wetlands*** means any area that is determined to be a wetland in accordance with Chapter 62-340, F.A.C., but that does not have any connection via wetlands or other surface waters to the waters as defined in Rule 62-312.030, F.A.C.

***Jurisdictional Wetlands*** means any area that is determined to be a wetland and is connected via wetlands or other surface waters to the waters defined in Rule 62-312.030, F.A.C.

***New Mining Operations*** means mines established after August 14, 2007.

**5.11.02 Development Standards:** The development standards for new mining operations shall be in accordance with the following (Note: These standards replace the Interim “Best Management Practices” for Borrow Pits which were approved on July 22, 2008):

A. *Buffers:*

1. A 50’ buffer of existing vegetation shall be preserved around the perimeter of the site.
2. A 150’ buffer zone of existing vegetation shall be preserved landward from the upland edge of an environmentally significant wetland.
3. A 100’ buffer zone of existing vegetation shall be preserved landward from the upland edge of an isolated wetland or jurisdictional wetland which is not considered an environmentally significant wetland.
4. A 150’ buffer zone of existing vegetation shall be preserved landward from the mean or ordinary high water line of an environmentally significant waterbody.
5. A 100’ buffer of existing vegetation shall be preserved landward from the mean or ordinary high water line of any creek, river, stream or other water body which contains running water and is not an environmentally significant waterbody.
6. If the County deems that the existing vegetation is insufficient to protect the environmentally sensitive area from the adverse impacts of the mining activity, or if the existing vegetation has been disturbed or removed from the property before application for a development order is made, the County may require the planting of supplemental natural vegetation in the required buffer. The applicant shall prepare and submit a replanting plan or a supplemental planting plan to the County for approval. The supplemental plantings shall be of sufficient size and quantity that the functions of the natural buffer will be maintained.

B. *Setbacks:*

1. A 100’ setback of any public or private right-of-way.
2. A 25’ setback of the side or rear property line of abutting property with a land use of Heavy Industrial or Commercial.
3. A 100’ setback of any side or rear property line of abutting property located in any land use that allows residential development if the parcel does not contain a residential structure at the time of the proposed mining operation.
4. A 1000’ setback from the closest portion of a residential or institutional structure.
5. The County may reduce setbacks provided the applicant has provided competent and substantial evidence that a lesser requirement will not adversely affect the public health, safety, or welfare.
6. The County may require increased setbacks to protect wellheads, environmental resources and/or adjacent properties from adverse impacts.

C. *Security/Fencing:*

1. The mining operation shall be enclosed with a security fence and gate as specified in the approved development order. This requirement may be waived or partially waived only where natural geographic features of the site serve to sufficiently restrict site access such that the safety and welfare of the public are protected.

2. Warning signs of at least 6 (six) square feet shall be permanently posted 10 (ten) feet within the perimeter fence lines of the mining operation. These signs shall be placed at each corner of the fence line and also not more than 100 yards apart along any part of the fence line that is accessible to the public. The sign shall be printed in letters not less than 5 (five) inches in height and shall state "No Trespassing" (or another approved appropriate warning), the name of the mining operation, and a telephone number at which the mining operation may be contacted in case of an emergency. The signs shall be positioned to be clearly visible from outside the fence line.

D. *Dust prevention/Air quality*: The mining operation shall be operated to minimize dust emissions.

E. *Operating hours*: Excavation activity shall be conducted Monday through Friday, between the hours of 7:00 a.m. and 6:00 p.m., unless otherwise approved by the County.

F. *Protection of easements*: No excavation, except for ditches permitted by the NFWFMD, is permitted within 25' of the boundary line of a drainage or utility easement. A waiver may be granted with the consent of the easement holder.

G. *Water impacts*: Mining operations shall not have an adverse impact on the quality or quantity of groundwater or surface water of surrounding properties and must meet all the standards of the health department and the NFWFMD. Mining operations are prohibited within designated Wellhead Protection Zones as defined by §4.04.02 and Aquifer Recharge Areas as defined by §4.04.01.

H. *Required slope*: The standard slope for the side of an excavation shall be no steeper than one foot vertical drop for each four feet of horizontal distance measured from the edge of the excavation at existing grade unless an engineer or geologist certifies, to the satisfaction of the County, that an angle of repose exceeding this ratio will prohibit any potential erosion or slumping.

I. *Burning*: Burning or incineration associated with an excavation will require permits in accordance with the County, State, and Federal laws.

J. *Storage of materials/Dumping of solid waste*: No litter, solid materials, inorganic materials, or solid or hazardous waste may be placed within any excavation area or stored on the mining site if the site has not been previously permitted as a solid waste disposal site by FDEP and the County. This prohibition shall also include brick, glass, ceramics, and concrete. Solid waste activities may only be permitted if the property has the proper future land use that allows such activity. Sand, topsoil, tree remnants, and other vegetative debris cleared from the mining site may be placed in or stored on an excavation site provided the storage is pursuant to a valid reclamation plan approved by the County and the materials are free of invasive species or other contaminants.

K. *Stormwater control*: Stormwater may be discharged into a previously excavated area if it is included in a stormwater plan submitted by the applicant and approved by the County, and all appropriate federal, state and local permits have been obtained.

L. *Erosion control and sedimentation*: Soils exposed during site alteration must be stabilized, and runoff and siltation directed toward areas approved in the mining site plan or permit to prevent off-site impacts.

M. *Noise control*: Increases to ambient noise resulting from mining shall not cause a public nuisance as measured at the mining operation's property lines; nor shall mining activities generate noise in excess of that allowed by any local, regional, state, or federal laws, ordinances, rules, or regulations.

N. *Screening requirements*: Where mining operations are proposed adjacent to existing residential uses, the County shall require the applicant to utilize aesthetic features to screen the site, such as fences, landscaped screening buffers, or earthen berms.

O. *Location of ingress/egress*: External vehicle access shall be located to minimize danger to traffic and nuisance to surrounding properties. All external vehicle access shall be clearly marked pursuant to applicable county, state, and federal requirements.

P. *Lighting*: All lighting must meet the criteria of §5.09.00 of the Walton County Land Development Code.

Q. *Blasting*: No blasting or other use of explosives shall be conducted without proper permits from the governmental entities with jurisdiction, including the state fire marshal. Blasting shall be conducted only from Monday through Friday and during daylight hours. All mining activities must be performed in a manner that prevents vibrations of the soil from reaching a magnitude sufficient to cause damage to persons or property outside the mining operation's property.

R. *Floodplain requirements*: No mining activity, with the exception of approved peat and muck mining, shall be conducted in a special flood hazard area, a waterway, lake, or stream where such mining would have an adverse affect on the special flood hazard area.

S. *Wildlife protection*: Threatened and endangered species as listed by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service shall be protected to the maximum extent possible in accordance with state and federal regulations. The applicant shall submit documentation of their coordination with these agencies, where required by law.

T. *Archaeological/Historical protection*: Archaeological and historical sites, cemeteries, and burial grounds shall be preserved in accordance with applicable federal, state, regional, and local laws, ordinances, rules, and regulations. The State Division of Archives, History and Records Management shall be consulted to determine what resources may be located on a mining site. Any archaeological artifacts found during excavation shall be subject to the archaeological provisions of the Walton County Comprehensive Plan.

**5.11.03 Reclamation:** A reclamation plan shall be submitted as part of the application. Walton County reclamation plan requirements (in addition to those required by FDEP) are as follows:

- A. Reclamation must commence within six months after cessation of mining activities and be completed within two years.
- B. The Reclamation Plan must provide for the removal of any invasive species in the area to be reclaimed.
- C. All upland areas must have established ground cover within one year after planting, over 80% of the reclaimed upland area, excluding roads, groves, or row crops. Bare areas shall not exceed one-quarter (1/4) acre.
- D. Upland forested areas shall be established to resemble pre-mining conditions when practical and consistent with proposed land uses. At a minimum, 10% of the upland area will be re-vegetated as upland forested areas with a variety of indigenous tree species. Upland forested areas shall be protected from grazing, mowing, or other adverse land uses to allow establishment. An area will be considered to be reforested if a stand density of 200 trees/acre is achieved at the end of one year after planting.
- E. The County may require reclamation in phases. The County shall determine the stages or intervals at which the various stages of reclamation must be commenced and completed.
- F. All debris, litter, junk, worn-out or unusable equipment or materials shall be removed from the mining site.
- G. All temporary buildings, pipelines, and other man-made structures shall be removed with the exception of those that are of sound construction with potential use in connection with the reclamation goals.
- H. Slopes of any reclaimed land area shall be no steeper than four (4) feet horizontal to one (1) foot vertical to enhance slope stabilization and provide for the safety of the general public. For long continuous slopes, mulching, contouring, or other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation and before final release of the area, the permittee shall repair the eroded areas and stabilize the slopes to eliminate any further erosion.
- I. Clean gravel, sand, topsoil, tree and other vegetation remnants may be used as fill as part of the reclamation plan provided they are free of invasive species or contaminants. Any such spoil piles not used in connection with reclamation must be removed from the mining site.
- J. The reclamation plan must contain the following information and be drawn to a reasonable scale depending upon the size of the project as specified by the Environmental Division of Public Works Department.
  - 1. Show existing natural and manmade features, including watercourses, water bodies, wetlands, general vegetative communities and concentrations, streets, utility lines, wells, septic tanks, drain fields, chemical/fuel storage tanks (surface and subsurface), easements and similar physical characteristics of the site.
  - 2. Show all areas to be reclaimed by depicting and/or describing what

manmade and natural features will exist when the reclamation plan is completed. This requirement includes the depiction of mitigation or preservation areas established for wildlife species.

3. Depict at least two (2) typical cross sections with elevations, generally oriented north to south and east to west, reshaped. Water elevations shall also be shown.
4. Depict any area to become a lake.
5. Depict any required fences, walls, or vegetative buffers, including at least one cross-section.
6. Document the type and location of vegetation to be preserved or planted including, but not limited to, grass(es), tree(s) and shrubs, and document the methods to be used to control erosion.
7. Provide any additional information requested by the County in order to depict the intended reclamation plan.
8. In the event that reclamation is not completed in accordance with the approved plan and within the required time periods, the County may, in its sole discretion, provide a reasonable extension of time to the permittee or draw upon the reclamation performance assurance.

**5.10.04 Applicability:** Section 5.11.01 through 5.11.03 shall be applicable to new mines established after August 14, 2007, that do not have a development order as of the date of enactment of Section 5.11.

**\*Editor's Note:** This note is to clarify that Section "5.10.04 Applicability:" should read as "5.11.04 Applicability:"

NOTES:

#### APPENDIX A EXAMPLES OF EXEMPTIONS

1. Bonafide agricultural nonresidential farm buildings or structures on farms utilized for legitimate agricultural practices.
2. Amateur radio antennas.
3. Distribution, transmission, and generation facilities of public utilities.
4. Developments that are vested as to building heights.

(Ord. No. 2009-10 adopted 8-11-09, § 1, 5.00.06(D)1 refers to the above listed height exemptions)