

ORDINANCE NUMBER 2008-10

AN ORDINANCE AMENDING SECTION 2.03.02 OF THE LAND DEVELOPMENT CODE; ELIMINATING THE REQUIREMENT THAT NEIGHBORHOOD PLANS BE ADOPTED AS COMPREHENSIVE PLAN AMENDMENTS; ADDING A REQUIREMENT FOR NEIGHBORHOOD PLANS TO BE INCORPORATED INTO THE LAND DEVELOPMENT CODE AS OVERLAY DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, F.S. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, Sections 163.3201 and 163.3202, Florida Statutes, require local governments to implement the provisions of their comprehensive plans through the adoption of land development regulations; and

WHEREAS, Walton County has adopted a Land Development Code in accordance with these statutes to ensure the County's orderly growth and development; and

WHEREAS, Walton County, to ensure the County's continued orderly growth and development, finds it prudent to amend its Land Development Code to respond to the changing needs and conditions within said county;

WHEREAS, it is the intent of the Walton County Comprehensive Plan to encourage the preparation of neighborhood plans to guide development within Neighborhood Planning Areas; and

WHEREAS, it is the further intent of the Walton County Local Comprehensive Plan to actively involve residents of neighborhoods in the preparation of neighborhood plans; and

WHEREAS, the Walton County Land Development Code, as currently written, requires neighborhood plans to be adopted as part of the Walton County Local Comprehensive Plan; and

WHEREAS, the comprehensive plan amendment process can be a long and expensive process and, as a consequence, can be an impediment to citizen-based neighborhood planning; and

WHEREAS, the time and expense in amending the Land Development Code is relatively less time consuming and less expensive than amending the comprehensive plan; and

WHEREAS, adopting neighborhood plans as part of the Land Development Code as overlay districts will expedite the neighborhood planning process and thereby better promote citizen-based planning;

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

Section 1: Amendment.

Section 2.03.02 of the Walton County Land Development Code is amended as follows:

2.03.02. Development of Neighborhood Plans.

- A. *Development of Neighborhood Plans by the County.*** The County may choose to adopt a Neighborhood Plan for any area designated as NPA on the Future Land Use Map. These amendments shall be incorporated into this Code as overlay districts. ~~The adoption of such a Plan for any area shall be treated as a full-scale amendment to the Future Land Use Map. The process for development of an application for a Neighborhood Plan for adoption by the County is provided in Subsection 10.03.08 of this Code. The process for the adoption of these Plans is provided in Subsection 10.03.06 of this Code.~~
- B. *Development of Neighborhood Plans by Either a Developer or Interested Property Owners Residents.*** The County encourages the development of neighborhood associations to act as catalysts for local input into the ongoing Neighborhood Planning Program. Residents, neighborhood associations, individual property owners or property owners' associations may prepare a proposed neighborhood plan for property located within the Neighborhood Planning Area district for the County's consideration as a Comprehensive Plan Amendment an overlay district. The applicant for a Comprehensive Plan Code amendment will be responsible for preparing the neighborhood plan and all supporting data and analysis information required under this Section as well as responding to additional information requests made by County staff.
- 1. *Registration*** – The individuals or group investigating the possibility of establishing a neighborhood plan for a particular neighborhood shall register with Walton County as a recognized Neighborhood Planning Group (NPG) and designate a specified agent who will be the primary contact for the NPG.
 - 2. *Pre-Application Conference*** – After becoming registered, the NPG investigating the possibility of establishing a neighborhood plan for a particular neighborhood shall attend a mandatory neighborhood plan pre-application conference with Division of Planning and Development Services

staff where the NPG will receive detailed information identifying the requirements for establishing a Neighborhood Planning Area (NPA) and Neighborhood Plan (NP).

C. The Neighborhood Planning Process. The process of preparing a neighborhood plan involves a series of specific steps and a timeline established to facilitate community involvement in its development. The process is designed to allow a Neighborhood Plan to be prepared and adopted within an eighteen (18) month period.

1. Community Notification and Ballot of Interest. Central to the success of citizen-based planning is gauging interest and gathering support for the concept of creating a neighborhood plan. Affected property owners must be notified and be given an opportunity to demonstrate support for investigating the idea of creating a neighborhood plan for their area in order for the effort to proceed.

- a) The Neighborhood Planning Group (NPG) must notify each property owner in the proposed Neighborhood Planning Area (NPA) of the initiative to investigate the possibility of establishing a NPA and Neighborhood Plan.
- b) A Ballot of Interest will be included in the information packet to allow the affected property owners to indicate to the NPG and the county their level of interest in investigating the possibility of creating a formal Neighborhood Plan. The property owner may vote YES to indicate interest in investigating the idea or NO if not interested.
- c) Ballots must be returned to and received by the Walton County Division of Planning and Development. The Ballot will clearly indicate a date certain for its return.
- d) The Ballots of Interest will be counted by the Clerk of Courts and the Clerk will certify the percentage of YES votes compared to total votes received from the notified property owners. If over twenty percent (20%) vote YES the initiative MAY proceed to the next step. If 20% or less vote YES, the initiative DOES NOT proceed in this cycle.
- e) The Planning Department will notify the NPG with the results of the Ballot of Interest vote count by certified mail return receipt requested. If the minimum approval percentage is achieved, the NPG will then provide notice to affected property owners of the initial Community Organizational Meeting required by Section 2.03.02.C.2.

2. Community Organizational Meeting(s). In order to facilitate public input into the neighborhood planning process, the NPG proposing the adoption of a neighborhood plan must hold at least one community meeting that is advertised and open to the public. The community meeting(s) should identify neighborhood concerns and issues and identify possible solutions to be incorporated into the neighborhood plan.

- a) An initial community organizational meeting must be held.

- b) All property owners within the area proposed to be included in the neighborhood plan shall be notified at least thirty calendar days in advance of the initial organizational meeting by certified mail, return receipt requested, at the address listed on the latest approved ad valorem tax roll.
 - c) The community meeting must be advertised in the legal section of the local newspaper at least fourteen (14) days in advance.
 - d) Two signs announcing a "Neighborhood Plan" is being proposed shall be placed in highly visible locations within the proposed neighborhood plan boundary. Signs shall include NPG contact information and shall remain until the process is completed.
 - e) The returned receipts, an affidavit of mailing, an affidavit of installation of signs, and proof that the community meeting was duly advertised in the legal section of the local newspaper at least 14 days before the meeting date must be submitted to the county before a proposed neighborhood plan can be considered.
 - f) The initial community organizational meeting may be attended by county staff who will discuss Neighborhood Plans, what they are, what they do, and what is allowed to be addressed in them.
 - g) At this initial meeting a schedule of future meetings will be established and that schedule will be mailed to each property owner within the proposed plan boundary by regular mail.
3. **Additional Community Meetings.** Additional community meetings are strongly encouraged to facilitate the planning process and may be held provided written notice is given by regular mail to all affected property owners. The additional meetings described in this section may be needed beyond those initially scheduled at the Community Organizational Meeting due to emerging priorities or issues that arise as the proposed plan is developed.
4. **Documentation of Community Involvement.** One or more of the following items shall be submitted as additional proof of community involvement for any meeting held concerning the neighborhood plan:
- a) Original attendance list for the meeting(s).
 - b) Copy of an audio/video recording of the meeting(s).
 - c) Original minutes of the meeting(s).
 - d) Summary of the issues and concerns discussed at the meeting(s), consideration of possible solutions, and options available for resolution.
5. **Final Draft of the Proposed Neighborhood Plan.** The final draft of the proposed Neighborhood Plan must be complete in order to be considered for adoption in accordance with Section 2.03.02.E. Adoption of Neighborhood Plans.
6. **Timeline Extension Requests.** The intent of the neighborhood planning process timeline is to provide a clearly defined schedule for accomplishing the creation and adoption of a Neighborhood Plan within an eighteen (18)

month period. In the event that the NPG identifies the need to extend the timeline in order to accomplish the required tasks, the NPG may request a one-time ninety (90) day extension of the timeline from the Planning Department. The NPG must demonstrate adequate progress is being made towards plan development when requesting the extension of the timeline. A revised timeline will be established for the initiative upon approval of the request.

D. Contents of Neighborhood Plans. The proposed neighborhood plan will be prepared by the Neighborhood Planning Group (NPG). During the process of developing the neighborhood plan, the Neighborhood Planning Group (NPG) may use the services of the Walton County Planning Department to assist them in preparing the neighborhood plan in accordance with generally accepted planning principles. Drafts of the proposed plan prepared by the NPG may be submitted in advance to the Planning Department for review and suggestions. When complete, the proposed neighborhood plan shall include the following elements:

1. An introductory statement including a summary of the past development patterns in the neighborhood for existing established neighborhoods;
2. A description of community involvement;
3. A statement of the community's goals;
4. An existing conditions map;
5. A proposed neighborhood plan map;
6. A provision for establishing the vested rights of existing properties, including, but not limited to, a provision that such properties shall be permitted to be reconstructed, as vested, if destroyed by natural causes or other casualty outside the control of the owner of the property.
7. One or more specific elements CHOSEN by the Neighborhood Planning Group from the following list of possible plan elements:
 - a) Transportation
 - b) Neighborhood access (ingress/egress)
 - c) Building height
 - d) Parking
 - e) Landscaping
 - f) Architectural review
 - g) Minimum and Maximum lot sizes
 - h) Setbacks
 - i) Lot coverage
 - j) Other elements as identified by the Neighborhood Planning Group and approved by the Planning Department
 - k) Provisions concerning the grandfathering of non-conforming structures, uses, and properties

E. Adoption of Neighborhood Plans. Once a neighborhood meeting(s) has been held and a proposed plan developed, the neighborhood may choose to initiate the process of having Walton County adopt the neighborhood plan as an overlay district in the following manner:

1. The Neighborhood Planning Group (NPG) must mail a copy of the proposed neighborhood plan to all property owners within the proposed boundary of the plan, by certified mail, return receipt requested, at the address listed for the owner on the latest approved ad valorem tax rolls.
2. The proposed neighborhood plan package shall include a ballot allowing the property owner to vote to approve or disapprove the neighborhood plan. The ballot shall state that for the vote to be counted it must be returned to, and received by, the Walton County Planning Department within 30 days.
3. The proposed neighborhood plan package shall also include a notice of the public hearing dates where the neighborhood plan will be considered by the Walton County Planning Commission and the Walton County Board of County Commissioners, a contact name and number for additional information concerning the plan, and an address where comments concerning the plan may be mailed to the Walton County Planning Department to be presented to the commissioners at a public hearing.
4. The plan must receive a recommendation of approval from at least sixty-six percent (66%) of the property owners who responded with a vote before it may be submitted to Walton County for further consideration for adoption.
 5. After the Walton County Clerk of Courts counts the ballots and certifies the required percentage of voting property owners voting in favor of approval, the NPG may submit to the Walton County Planning and Development Services Division an application for neighborhood plan with the required supporting materials, and the final proposed plan.
6. Department staff shall review the plan within 30 days for compliance with the Walton County Comprehensive Plan and general consistency with other provisions of the Walton County Land Development Code. The Neighborhood Plan can be more restrictive than the Comprehensive Plan and Land Development Code.
7. After the review period, the plan shall be scheduled for a public hearing at the next available meeting of the Walton County Planning Commission and subsequent hearings before the Board of County Commissioners. Staff shall provide the commissioners with findings of fact concerning the compliance of the proposed plan with the Walton County Comprehensive Plan and general consistency with the Walton County Land Development Code.
8. The proposed overlay must be adopted as an amendment to the Walton County Land Development Code and shall be adopted through the same process as any other amendment to the code.
9. The procedure for amending the Neighborhood Plan shall be the same as the procedure for enacting the Neighborhood Plan.

F. Inlet Beach Neighborhood Plan. The Inlet Beach Neighborhood Plan shall remain a part of the Walton County Comprehensive Plan unless the Inlet Beach

neighborhood changes the plan to an overlay district as described above.

G. Recognition of Existing Neighborhood Planning Efforts. The county recognizes that neighborhood planning efforts are already underway in certain neighborhoods and a significant amount of time and effort has been expended toward developing neighborhood plans consistent with the intent of the procedures contained herein. Any group that has undertaken a Neighborhood Plan prior to the adoption of this ordinance may begin the process at Section E, Adoption of Neighborhood Plans, unless they desire otherwise.

Section 2. Severability.

Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance, and the remainder of the ordinance shall remain in full force and effect.

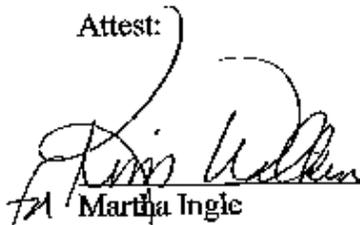
Section 3. Effective Date.

This ordinance shall take effect as provided by law.

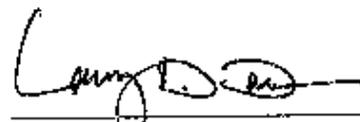
Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regular meeting on the 8th day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

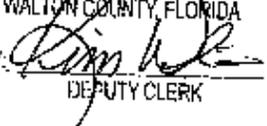
Attest:



Martha Ingle
Clerk of Court



Larry Jones, Chair

CERTIFIED A TRUE COPY
April 14 2008
MARTHA INGLE, CLERK
CIRCUIT COURT, COUNTY COURT
WALTON COUNTY, FLORIDA
BY: 
DEPUTY CLERK