Ordinance
09-10

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

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statues (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, F.S., require local governments to implement the provisions of their comprehensive plans through the adoption of land development regulations; and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, that the Walton County Land Development Code is amended as follows: (added text <u>underlined</u>, deleted text ~~strikethrough~~)

Section 1: AUTHORITY AND PURPOSE. **This ordinance is adopted pursuant to the authority granted to counties by Chapters 125 and 163, Florida Statutes. The purpose is to establish height limitations and regulations for all Walton County.**

Section 5.00.06 Height Limitations, Exceptions, <u>Exemptions,</u> and Measurement Methodology <u>for Building or Structure Height</u> of the Walton County Land Development Code is amended as follows:

5.00.06 Height Limitation, Exceptions, <u>Exemptions,</u> and Measurement Methodology for <u>Building or Structure Height</u>

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

~~a. Building height means the vertical distance between (1) the average elevation of the existing natural ground beneath the footprint of the building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.~~

~~b. Height exceptions. The height limitations stipulated may not apply to the following, contingent on conceptual review/approval on a case by case basis by the Board of County Commissioners:~~

~~Church Steeples and spires;~~
~~Chimneys;~~
~~Aircraft radio towers and navigational aids;~~
~~Solar energy collectors or Windmills;~~
~~Utility transmission towers;~~
~~Civic structures relating to public welfare;~~
~~Safety and Health related facilities, public or private.~~

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.

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 11th day of August, 2009.

BOARD OF COUNTYCOMMISSIONERS
WALTON COUNTY, FLORIDA

ATTEST:

Martha Ingle
Clerk of Court

By:
Sara Comander, Chair

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.