

ORDINANCE NO. 917

**AN ORDINANCE ADOPTING THE AMENDMENT OF THE LAND DEVELOPMENT CODE OF THE DEFUNIAK SPRINGS, FLORIDA, COMMERCIAL C-1, PROVIDING FOR ADOPTION, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Chapter 163, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

**WHEREAS**, the City of DeFuniak Springs adopted Ordinance 669, November 2000 (Comprehensive Plan) and Ordinance 577, March 1991 (Land Development Code); and

**WHEREAS**, Chapter 163, Florida Statutes, requires local governments desiring to revise their land development regulations to prepare and adopt land development regulation amendments; and

**WHEREAS**, after due public notice, the City of DeFuniak Springs City Council held the requisite public hearings to afford opportunity for public comments concerning the Land Development Code amendment; and

**WHEREAS**, the City Council of the City of DeFuniak Springs finds that the amendment is in the best interest of the health, welfare, safety and morals of the citizens of City of DeFuniak Springs.

**NOW THEREFORE**, be it enacted by the City Council of the City of DeFuniak Springs, Florida as follows:

**Section 1. Short Title.** This Ordinance shall be known as Land Development Code Text Amendment # 2020-LDC-02.

**Section 2. Findings of Fact.** The City Council of the City of DeFuniak Springs finds the following:

- A. This ordinance amends the Commercial-Restricted (C-1) zoning category of the City of DeFuniak Springs Land Development Code. Specifically, properties located in the historic district that are designated with the Commercial land use category can be redeveloped to include a maximum residential density of 24 dwelling units per gross acre. The redeveloped property must include a commercial land use.
- B. This amendment will help implement smart growth concepts and increase the economic vitality of the commercial historic district by allowing dwelling units and increasing activity in the district.
- C. This amendment will increase housing choices and will not have negative impacts on citizens or property values.

- D. The DeFuniak Springs Planning Board, as the Local Planning Agency, conducted a public hearing on October 5, 2020 and unanimously voted to forward the amendment to City Council recommending approval.
- E. The 1<sup>st</sup> reading was conducted by the DeFuniak Springs City Council at a regular meeting held on November 23, 2020 accordance with 166.041 Florida Statutes.

**Section 3. Amended Text.** The City Council of the City of DeFuniak Springs, Florida, amends the Land Development Code, by amending the Commercial-Restricted (C-1) Zoning Category as shown on Attachment #1.

**Section 4. Filing.** An official, true and correct copy of the Land Development Code amendment shall be filed with the Walton County Clerk and also maintained at the City of DeFuniak Springs Planning Department, which shall be responsible for administration of the Comprehensive Plan and Land Development Code.

**Section 5. Repeal of Conflicting Provisions, Motions, and Ordinances.** The adoption of this Ordinance shall repeal and supersede any and all prior conflicting provisions of City law or policy, including those made by prior motion of the City Council, Resolution of the City Council, or Ordinance, whether specifically named herein or not.

**Section 6. Severability.** If any portion of this Ordinance should be declared unconstitutional or if the applicability of this Ordinance or any portion thereof should be held to be invalid, the validity of the remainder of this Ordinance shall not be affected by such invalidity.

**Section 7. Effective Date.** This Ordinance shall become effective as provided by law.

**ADOPTED THIS 25<sup>TH</sup> DAY OF January 2021.**

**CITY COUNCIL OF THE CITY OF DEFUNIAK SPRINGS, FLORIDA**

By: *Bob Campbell*  
Robert "Bob" Campbell, Mayor

ATTEST: *Maryanne Schrader*  
Maryanne Schrader, City Clerk



**Attachment #1: Land Development Code Amendment #2020-LDC-02**  
**Shown in Track Changes Mode (New Text is Underlined)**

ARTICLE VI. - ZONING DISTRICTS

Sec. 18-45. - "C-1" Commercial restricted district.

District purpose. The commercial restricted district is intended to apply to a retail shopping area which includes offices, clinics, and businesses catering to personal needs and desiring adjacent off-street parking for their customers, clients, and patients. It is designed to prohibit retail establishments requiring large land area for storage or display of heavy equipment as well as retail establishments with obnoxious accessory uses.

(1) Uses allowed without review.

- a. Banks, trust companies, savings institutions, finance corporations.
- b. Professional and business offices and office buildings.
- c. Retail stores.
- d. Barber shops, beauty parlors.
- e. Repair shops—Shoe, hat, electric appliance, radio and television, watch and clock.
- f. Restaurants, tea rooms, cafeterias (excluding dancing and entertainment).
- g. Studios—Photography, art, music and dancing.
- h. Laundry or dry cleaning pickup stations only.
- i. Governmental buildings.
- j. Motion picture theaters.
- k. Motels or hotels.
- l. Other similar enterprises or businesses which are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated.
- m. Any commercial use allowed without review in an r-2 district.
- n. Antique shops.
- o. Antique malls.
- p. Properties located in the historic district that are designated with the Commercial land use category and C-1 or C-2 zoning designation can be redeveloped to include a maximum residential density of 24 dwelling units per gross acre. The redeveloped property must include a commercial land use.

(2) Use exceptions allowed upon special approval.

- a. Drive-in eating and refreshment establishments.
- b. Bed and breakfast establishments.
- c. Bars or taverns.
- d. Bus, train or taxi terminals.
- e. Shopping centers.
- f. Service stations.

(3) Prohibited uses.

- a. Plant nurseries.
- b. Business using outdoor displays or sheds.
- c. Used car lots.
- d. Fortune tellers or clairvoyants.
- e. Cemeteries.
- f. Trailer camps or courts.
- g. Laundries—Automobile, commercial, cleaning and dyeing plants.
- h. Wholesale food markets.
- i. Wholesale and warehouse establishments.
- j. Storage yards—Building supply, contractors, plumbing, lumber, petroleum products, coal and wood, stone and junk.
- k. Ice plants.
- l. Beverage—Liquor distributors.
- m. Sales from stands, wagons, trucks, etc., on vacant property or parked on or adjacent to streets, highways or roads.
- n. Repair establishments—Automobile, plumbing, bicycle, motorcycle, battery, engine.
- o. Shops—Carpenter, sheet metal, paint, machine, sign painting, silver plating, soldering, upholstery, umbrella, bicycle or motorcycle rental, exterminating, flea markets, feed, tire vulcanizing, live bait, picture framing, taxidermy.

p. Manufacturing, fabricating, and/or processing activities, or other similar enterprises or businesses which are deemed to be equally obnoxious or detrimental to the central business district and to the safety of pedestrians.

(4) Minimum yard setback. In substantial conformity with front yards of buildings within one hundred fifty (150) feet on each side. Front yard of twenty-five (25) feet if no buildings within one hundred fifty (150) feet on each side.

(5) Maximum floor area ratio. The maximum floor area ratio shall be 1.0. However, a minimum of ten (10) percent of the site must be preserved as open space and landscaped with native species in accordance with the city's landscape ordinance.

(6) Maximum residential density. Properties located in the historic district that are zoned C-1 that are redeveloped shall have a maximum allowable residential density of twenty-four (24) dwelling units per acre and shall include an approved commercial land use on the property.