

## **CHAPTER IX. DECISION-MAKING BOARDS**

### **9.00.00. GENERALLY**

The following boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and by Florida law.

### **9.01.00. DEPARTMENT OF PLANNING AND ZONING**

#### **9.01.01. Generally.**

There shall be a Department of Planning and Zoning under the direction and control of the administrative supervisor. Unless otherwise specified or assigned, the department shall perform all administrative functions of the County government related to the administration of this code.

#### **9.01.02. Director of Planning and Zoning Department.**

- A. *Generally.* The Director of the Department of Planning and Zoning shall be appointed by the administrative supervisor, with the concurrence of the Board of County Commissioners, and shall serve at the pleasure of the administrative supervisor.
- B. *Duties.* The Director of the Department of Planning and Zoning, or his/her designee(s), shall perform the following duties:
1. Receive all applications for development approval.
  2. Determine the completeness of development applications.
  3. Conduct all preapplication conferences.
  4. Schedule all applications before the Technical Review Committee, Board of Adjustment and/or Planning Commission, in his/her discretion based upon the type of application presented and the requirements of this Code.
  5. Chair the Technical Review Committee.
  6. Ensure that proper notice is given prior to all hearings on development applications.
  7. Ensure that all time limits prescribed by this Code for governmental action are met.
  8. Monitor the progress of all development applications through the review process and be available to respond to the queries of interested persons.
  9. Interpret this Code.
  10. Prepare forms and guidelines which implement this Code.
  11. Perform other duties as prescribed or implied by this Code.

#### **9.01.03. Organization.**

The Department of Planning and Zoning shall be responsible for all investigation, analysis, inspection and review required by this code for the approval of development proposals. It shall perform its duties and responsibilities in conjunction with, and as staff for, the Planning Commission and Board of Adjustment.

## **9.02.00. TECHNICAL REVIEW COMMITTEE**

### **9.02.01. Establishment.**

There is hereby established a Technical Review Committee.

### **9.02.02. Membership.**

The voting membership of the Committee shall be composed of the following:

1. The Director of the Department of Planning and Zoning;
2. An employee appointed from the Building Department;
3. An employee appointed from the Public Works Department;
4. The County Engineer;
5. The Fire Inspector or his designee;
6. An employee appointed from the Health Department;
7. The Road Foreman from the Road District within which development proposed under a particular application would occur;
8. The Emergency Management Director.

### **9.02.03. General Functions, Powers and Duties.**

The Committee shall be chaired by the Director of the Department of Planning and Zoning, and shall meet at the discretion of the chairman to review development proposals as prescribed in this Code and as deemed appropriate by the Director. The recommendations of the Technical Review Committee on each application reviewed shall be forwarded to the Planning Commission and/or Board of County Commissioners for their consideration, as appropriate under this Code, in a timely manner prior to the final hearing as to each such application.

## **9.03.00. BOARD OF ADJUSTMENT**

### **9.03.01. Establishment.**

There is hereby established a Board of Adjustment of Walton County.

### **9.03.02. Membership.**

- A. *Generally.* The Board of Adjustment shall consist of seven members, appointed by the Commissioners of Walton County for overlapping terms of three years. Not more than the term of three such members shall expire in any one year. A member whose term expires may continue to serve until a successor is appointed and qualified. Any member of the Board may be removed from office for just cause by the Commissioners of Walton County upon written charges and after public hearing. All members of the Board shall be residents of Walton County. No member shall be a paid or elected official or employee of the County.
- B. *Vacancies.* Any vacancy in membership shall be filled by the Commissioners for the remainder of the unexpired term in the same manner as the initial appointments are made. Such vacancy shall be filled within 30 days after the vacancy occurs.

### **9.03.03. Organization.**

The Board of Adjustment shall elect a chairman and a vice-chairman from among its members. Support staff, including a designated secretary, for the Board shall be furnished by

the County through its administrative supervisor. The Board may create and fill such other offices as it may determine to be necessary for the proper conduct of its duties. Terms of all such offices of the Board shall be for one year, with eligibility for reelection. The Board of Adjustment shall adopt rules for transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Meetings of the Board shall be held once a month, or as otherwise necessary to ensure expeditious and effective fulfillment of the Board's duties and responsibilities, at the call of the chairman. The chairman, or the membership of the Board by majority agreement, may call special meetings with due public notice.

#### **9.03.04. Powers and Duties.**

The Board of Adjustment shall have the following powers and duties:

- A. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code.
- B. To consider and act upon applications for variances from the terms of this Code, including approval of applications for variance when same will not be contrary to the public interest and when, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary and undue hardship. Variances shall be authorized in accordance with the standards in sections 8.02.02 and 8.02.03. The Board of Adjustment may pre-scribe a reasonable time limit within which the activity for which the variance is required shall be begun or completed or both.
- C. To consider and act upon applications for borrow pits as special exceptions from the terms of this Code, including recommending approval of applications when they are in harmony with the purpose and intent of this Code and will not adversely affect the public interest. In making a recommendation for any special exception to the Board of County Commissioners, the Board of Adjustment may prescribe appropriate conditions and safeguards that should be made a part of the terms under which the special exception is granted. Failure to adhere to these conditions and safeguards may be deemed a violation of this Code. Special exceptions for borrow pits shall be authorized in accordance with the standards in section 11.05. The Board of Adjustment may recommend a reasonable time limit within which the action required for the special exception shall begin or be completed or both. (Ord. No. 2007-21, § 1, 8-14-07, Ord. No. 2010-11, §2, 6-8-10)

#### **9.03.05. Vote Required.**

The concurring vote of at least four members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an administrative official in the enforcement of this Code, or to decide in favor of the applicant on any matter upon which it is required to pass under this Section, or to effect any variance in the application of this Section.

## **9.04.00. PLANNING COMMISSION**

### **9.04.01. Establishment.**

Pursuant to, and in accordance with section 163.3174, F.S. [F.S. § 163.3174], the Walton County Planning Commission is hereby designated and established as the local planning agency for the unincorporated territory of the County.

### **9.04.02. Membership.**

The Walton County Planning Commission shall consist of seven members appointed by the Board of County Commissioners of Walton County, with one member to be nominated by each of the County Commissioners, and two members to be appointed at large. All members shall be residents of Walton County. No member shall be a paid or elected employee of the County.

### **9.04.03. Terms.**

- A. *Generally.* Terms of the members of the Walton County Planning Commission shall be for two years. A member whose term expires may continue to serve until a successor is appointed and qualified. The Board of County Commissioners shall have the authority to remove any member of the Walton County Planning Commission for cause on written charges, after a public hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.
- B. *Vacancies.* When a position becomes vacant before the end of the term, the Board of County Commissioners shall appoint a replacement member to fill the vacancy for the duration of the vacated term. Such vacancy shall be filled within 30 days after the vacancy occurs. If a member fails to attend any two of three successive meetings without cause and without prior approval of the chair, or is absent for a total of more than 40 percent of the meetings held during any one year period, the Planning Commission shall declare such the member's office vacant and the County Commissioners shall appoint a replacement.

### **9.04.04. Organization; Rules of Procedure; Meetings and Records.**

- A. *Officers.* The Walton County Planning Commission shall elect a chairman and a vice-chairman from among its members. The Planning Commission shall appoint a secretary, who may be an officer or employee of the Board of County Commissioners. The Planning Commission may create and fill such other offices as it may determine to be necessary for the proper conduct of its duties. The term of all offices shall be one year.
- B. *Technical Assistance and Advisors.* The Director of the Department of Planning and Zoning shall serve as an advisor to the Planning Commission. The district school board and any community college board in Walton County may appoint a representative thereof which shall, upon written notice of such appointment to the Planning Commission (through its secretary), be notified of all meetings and hearings of the Planning Commission and serve as an advisor to the Planning Commission. In addition, the Commission shall be authorized to call upon any branch of the County government at any time for information and advice which in the opinion of the Planning Commission will ensure efficiency of its work.
- C. *Rules of Procedure, Meetings and Records.* The Walton County Planning Commission

shall make its own rules of procedure and determine its schedule of, and dates and times for, regular meetings, provided that its rules of procedure and schedule of meetings shall be in accordance with applicable law and shall be provided to the Board of County Commissioners. Special meetings of the Planning Commission may be called at such times as the majority of the membership shall determine, at the call of the chairman of the Planning Commission, or upon the request of the Board of County Commissioners or its designee for consideration of business before the Planning Commission. All meetings of the Walton County Planning Commission shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and shall be filed in the office of the secretary of the Planning Commission. All records of the Planning Commission shall be public records. Any matter referred to the Planning Commission shall be acted upon by the Planning Commission within 45 days of the date of referral, unless a longer or shorter period is specified in the referral itself.

#### **9.04.05. General Functions, Powers and Duties.**

The Walton County Planning Commission shall have all the powers, duties and responsibilities as set forth in Chapter 163, F.S., as amended. In addition, the Walton County Planning Commission is designated the local planning agency as defined in Chapter 163, F.S., as amended, and as such shall perform the following duties:

- A. Review and make recommendations to the Board of County Commissioners on applications relating to major development activity pursuant to this Code, including without limitation: proposed zoning changes of any specific property; proposed planned unit developments; proposed street/alley vacation.
- B. Review and make recommendations to the Board of County Commissioners concerning amendment to the comprehensive plan and the land development code.
- C. Review and recommend to the Board of County Commissioners ordinances designed to promote orderly development as set forth in the comprehensive plan.
- D. Make recommendations to the Board of County Commissioners concerning initiation of studies on the location, condition and adequacy of specific facilities of the area, including without limitation studies on: housing, commercial and industrial facilities, parks, schools, public buildings, public and private utilities, traffic, transportation, and parking.
- E. Schedule and conduct public meetings and hearings, and consult advisors as the Planning Commission deems appropriate, pertaining to land development as required in other sections of this Code. (Ord. No. 2013-09, §2, 03-12-2013)

#### **9.04.06. Legal Counsel.**

The legal counsel for the Board of County Commissioners shall represent the Planning Commission.

### **9.05.00. CODE ENFORCEMENT BOARD**

#### **9.05.01. Establishment of the Code Enforcement Board.**

There is hereby established a Walton County Code Enforcement Board, which shall act as an administrative board with authority to impose administrative fines and other noncriminal penalties as provided in this Code and by law, and which is intended to provide an equitable, expeditious, effective, and inexpensive method of enforcing the provisions of

this Code and such other ordinances and regulations as the Board of County Commissioners may designate.

**9.05.02. Membership of the Code Enforcement Board.**

- A. *Composition.* The membership of the Code Enforcement Board shall be consist of seven regular members, plus two alternate members, appointed by the Commissioners of Walton County. The alternate members are intended to serve on the Code Enforcement Board in the absence of regular Board members. All members of the Code Enforcement Board shall be residents of Walton County. Appointments shall be made on the basis of experience or interest in the subject matter jurisdiction of the Code Enforcement Board, in the sole discretion of the Commissioners. However, the regular membership shall include at a minimum: one architect, one business person, one engineer, one general contractor, one subcontractor, and one Realtor.
- B. *Terms; Vacancies; Requirements of Service.* Initial appointments to the Code Enforcement Board shall be for the following terms:
  - 1. Two members appointed for a term of one year each.
  - 2. Three members appointed for a term of two years each.
  - 3. Two members appointed for a term of three years each. Thereafter, any appointment shall be made for a term of three years. Any member may be reappointed upon approval of the Commissioners. An appointment to fill any vacancy on the Board shall be for the remainder of the unexpired term of office of the member being replaced. A member whose term expires may continue to serve until a successor is appointed and qualified. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the Code Enforcement Board shall declare the member's office vacant, and the County Commissioners, upon being notified of such declaration shall promptly fill such vacancy. Members of the Board shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties. A member of the Code Enforcement Board may be suspended or removed for just cause by the Commissioners of Walton County upon written charges and after public hearing. No member shall be a paid or elected official of the County.

**9.05.03. Organization of Code Enforcement Board.**

- A. *Election of Chairman.* At the first meeting of the Code Enforcement Board in each year, the members thereof shall elect a chairman and a vice-chairman from among the Board members.
- B. *Quorum.* The presence of four or more members shall constitute a quorum of the Board necessary to take official action.
- C. *Meetings.* Regular meetings of the Code Enforcement Board shall occur no less frequently than once every two months, but such Board may meet as often as necessary to effectively and efficiently address the caseload presented for its consideration. Meetings of the Code Enforcement Board shall be called by the chairman, upon giving reasonable notice thereof to each of the members of the Board. Meetings may also be called by written notice signed by at least three members of the Code Enforcement Board.
- D. *Minutes.* Minutes shall be kept of all meetings and hearings held by the Code Enforcement Board, and all hearings, meetings, and proceedings shall be open to the public.

- E. *Legal Counsel.* The Commissioners of Walton County may appoint the County Attorney, or another attorney of their choice, to serve as counsel for the Code Enforcement Board. However, the County Attorney shall either be counsel to the Code Enforcement Board or shall represent the County by presenting cases before the Board. In no case shall the County Attorney serve in both capacities.
- F. *Staff Support.* The office of the administrative supervisor shall provide clerical and administrative support to the Code Enforcement Board as may be reasonably required for the proper performance of its duties.

**9.05.04. Jurisdiction.**

- A. *Generally.* The Code Enforcement Board shall have jurisdiction to hear and decide alleged violations of all codes and ordinances in force in the County including, but not limited to:
  - 1. Land development code.
  - 2. Fire prevention code.
  - 3. Building code ordinances including: Standard Building Code, gas code, electrical code, mechanical code, plumbing code, swimming pool code.
- B. *Jurisdiction Not Exclusive.* The jurisdiction of the Code Enforcement Board shall not be exclusive. Any alleged violation of any of the aforesaid codes and ordinances may be pursued by appropriate remedy in court at the option of the Director of the department of planning and zoning or the Director the building department.

**9.05.05. General Functions, Powers and Duties of the Code Enforcement Board.**

- A. *Generally.* The Code Enforcement Board shall have the power conferred by Chapter 162, F.S., including the power to:
  - 1. Adopt rules for the conduct of its hearings, consistent with the provisions set forth in this Section and in Section 10.02.00 of this Code, and in Chapter 162, F.S.;
  - 2. Subpoena alleged violators and witnesses to its hearings;
  - 3. Subpoena records, surveys, plats, and other documentary evidence;
  - 4. Take testimony under oath;
  - 5. Establish and levy fines pursuant to Section 12.03.00 of this Code; and
  - 6. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- B. *Subpoenas.* Subpoenas shall be served by the Walton County Sheriff, as provided in subsection 12.03.01 of this Code.

**9.06.00. DESIGN REVIEW BOARD**

**9.06.01. Establishment.**

There is hereby established a Design Review Board of Walton County. (Ord. No. 00-9, § 2, 3-28-00)

**9.06.02. Membership.**

- A. *Generally.* The Design Review Board shall consist of seven members, appointed by the Commissioners of Walton County for overlapping terms of three years. Not more than the term of three such members shall expire in any one year. A member whose term expires may continue to serve until a successor is appointed and qualifies. Members shall serve at the pleasure of the Board of County Commissioners and shall relinquish their seat upon

notice of replacement. All members of the board shall be residents of Walton County. No member shall be a paid or elected official or employee of the County.

- B. *Membership Categories.* Two members of the Design Review Board shall be design professionals, three members shall be affected property owners within the corridor, one member shall be a real estate or development professional and one member shall be a general citizen of south Walton County. The design professionals shall include architects, engineers, planners and landscape architects. The Chairperson of the Planning Commission or a designee shall be an ex officio member of the Design Review Board.
- C. *Vacancies.* Any vacancy in membership shall be filled by the commissioners for the remainder of the unexpired term in the same manner as the initial appointment is made. Such vacancy shall be filled within 30 days after the vacancy occurs. (Ord. No. 00-9, § 2, 3-28-00)

#### **9.06.03. Organization.**

The Design Review Board shall elect a chairperson and a vice-chairperson from among its members. Support staff, including a designated secretary for the Board, shall be furnished by the County through its administrative supervisor. The Board may create and fill such other offices as it may determine to be necessary for the proper conduct of its duties. Terms of all such offices of the Board shall be for one year, with eligibility for reelection. (Ord. No. 00-9, § 2, 3-28-00)

#### **9.06.04. Technical Assistance and Advisors.**

The Director of the Department of Planning and Zoning and a designated Scenic Corridor Review Specialist shall serve as advisors to the Board. In addition, the Board shall be authorized to call upon any branch of the County government at any time for information and advice which in the opinion of the Board will ensure efficiency of its work. (Ord. No. 00-9, § 2, 3-28-00)

#### **9.06.05. Powers and Duties.**

The Design Review Board shall consider all development applications for design review as required by the Land Development Code, Chapter XIII. This duty shall include, but is not limited to, the review of all design review applications as recommended by the Planning Director and Scenic Corridor Review Specialist.

In addition, the Design Review Board shall consider and act upon applications for deviations from the requirements of the scenic corridor standards in Chapter XIII. The determination of whether a deviation should be granted shall be based upon the criteria established by §13.02.01(G). If the Design Review Board determines that the requested deviation does not meet one or more of these conditions and denies the requested deviation, the applicant may appeal that determination to the Board of Adjustments.

The Design Review Board shall also review and grant approval for alternative building technologies and/or new building materials, and shall periodically review the design review process and make recommendations to the County Commission regarding appropriate amendments that may be necessary to further the design review program and/or improve the efficiency of the program.

*Rules of Procedure, Meetings and Records.* The Board shall make its own rules of procedure and determine its schedule of, and dates and times for, regular meetings,

provided that its rules of procedure and schedule of meetings shall be in accordance with applicable law and shall be provided to the Board of County Commissioners. Special meetings of the Board may be called at such times as the majority of the membership shall determine, at the call of the chairperson of the Board, or upon the request of the Board of County Commissioners or its designee for consideration of business before the Design Review Board. All meetings of the Board shall be open to the public. A written record of the proceedings of the Board shall be kept showing its actions on each question considered, and shall be filed in the office of the secretary of the Board. All records of the Board shall be public records. Any matter referred to the Board shall be acted upon by the Board within 45 days of the date of referral, unless a longer or shorter period is specified in the referral itself. (Ord. No. 00-9, § 2, 3-28-00; Ord. No. 08-1, § 2, 1-8-08)

#### **9.06.06. Vote Required.**

The concurring vote of at least four members of the Board shall be necessary to approve any application or action brought before the Board or motion initiated by the Board. A quorum shall require four members to be present, one of which must be a design professional. Any decision or determination of the Board which is contested by an applicant with regard to application or interpretation of the standards shall be referred to the Board of Adjustment for appeal hearing. Since a Scenic Corridor application fee has been paid by the applicant for review of the project, the appeal fee normally charged for hearing by the Board of Adjustment shall be waived. (Ord. No. 00-9, § 2, 3-28-00; Ord. No. 08-1, § 2, 1-8-08)

#### **9.06.07. Legal counsel.**

The Commissioners of Walton County may appoint the County Attorney, or another attorney of their choice, to serve as counsel for the Board. (Ord. No. 00-9, § 2, 3-28-00)

#### **9.07.00. COASTAL DUNE LAKES ADVISORY BOARD\***

**\*Editor's note:** Ord. No. 2002-02, § 1, adopted Jan. 8, 2002, established the Coastal Dune Lakes Advisory Board designated as § 10.03.00 of the Land Development Code. For purposes of classification these provisions have been redesignated as § 9.07.00.

#### **9.07.01. Establishment.**

There is hereby established a Coastal Dune Lakes Advisory Board of Walton County.

#### **9.07.02. Membership.**

- A. *Generally.* The Advisory Board shall consist of seven members, appointed by the Board of County Commissioners for overlapping terms of three years. Not more than the terms of three such members shall expire in any one year. A member whose term has expired may continue to serve until a successor is qualified and appointed. Any member may be removed from office by the Board of County Commissioners, with or without cause. No member shall be a paid or elected official or employee of the County.
- B. *Members* shall have the following qualifications: Four of the members shall be full time or part time residents of Walton County, residing within one-half mile of one of the Coastal Dune Lakes. One member shall be a full-time resident of Walton County, residing north of Choctawhatchee Bay. Two members shall be appointed at large. At least three of the

above shall be individuals with special qualifications thru education, experience or history with the lakes that bring special knowledge, skills or abilities to the deliberations.

- C. *Ex Officio Members*: The Advisory Board may have as many as ten non-voting ex officio members representing recognized citizens groups, consultants under contract with the County and/or outside environmental agencies. The Advisory Board shall recommend these ex officio members to the Board of County Commissioners for appointment. The terms of ex officio members shall be for a two-year term.
- D. *Appointments*: Initial appointments shall be: Three members for three years, two members for two years, and two members for one year. Subsequent appointments and re-appointments shall be for three years.
- E. *Vacancies*: Any vacancy in membership shall be filled by the Board of County Commissioners for the unexpired term. Such vacancy shall be filled within 30 days after the vacancy occurs.

#### **9.07.03. Duties of the Advisory Board.**

The duties of the Advisory Board shall be to monitor the coastal dune lakes and activities that effect the environmental conservation of the lakes that occur within the lake, within areas within the Coastal Dune Lake Protection Zone and within areas of the watersheds of the coastal dune lakes.

The Advisory Board shall adopt a Mission Statement describing the mission of the Advisory Board and shall submit it to the Board of County Commissioners for approval. Amendments and/or revisions to the approved Mission Statement may be submitted to the Board of County Commissioners at such intervals as the Advisory Board may determine.

The Board of County Commissioners may modify the Mission Statement of the Advisory Board at will.

#### **9.07.04. Rules and Procedures.**

- A. The Advisory Board shall elect a Chairman and a Vice-Chairman from within its membership.
- B. The Advisory Board shall elect a secretary who shall record the activities of the Board and prepare minutes of all meetings for transmittal to the Board of County Commissioners.
- C. A quorum shall be required for any meeting and a record of attendance and a record of all votes, by member's name shall be a part of the minutes.
- D. The Advisory Board may adopt such rules as they desire for the conduct of meeting.
- E. All recommendations that are to be made shall be made to the Board of County Commissioners, in writing, through the Growth Management Director. Prior to submittal to the Board of County Commissioners, the Growth Management Director, or his designee, shall prepare a report offering comments and recommendations to the Board of County Commissioners and transmit same to the Board of County Commissioners at the earliest convenient and proper meeting.
- F. All meetings of the Advisory Board shall be properly advertised and shall be subject to such open meetings laws as the State of Florida shall adopt. The advertisement shall include an agenda and no recommendation to the Board of County Commissioners shall be forwarded for any item that had not been on an advertised agenda. (Ord. No. 2002-2, § 1, 1-8-02)