

## CHAPTER XI. DEVELOPMENT ORDER APPROVALS

### 11.00.00. GENERALLY

#### 11.00.01. Authorization by Final Development Order Required Prior to Undertaking any Development Activity.

A. *Generally.* No development activity may be undertaken, and no permit may be issued except as provided in the following subpart, unless and until the activity and permit:

1. Has been determined to be in conformance with all technical standards set forth in this Code, and
2. Has been authorized by a issuance of a final development order pursuant to the provisions of this Code.

B. *Exceptions.* A permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code provided that, unless otherwise specified in this Code, the development activity is in conformance with all requirements of this Code:

1. Development specifically exempted under Section 1.02.02 of this Code.
2. The construction or alteration of a one-family dwelling on a lot of record prior to November 7, 1996. "Lot of record" shall mean an individual parcel of property owned before November 7, 1996, by the party seeking to construct a single-family dwelling unit thereon, or under contract for deed according to which the purchasing party is seeking to construct a single-family dwelling thereon, which parcel has been documented by a subdivision plat, deed, agreement, map survey or other drawing recorded in the official public records of Walton County before November 7, 1996, provided however, that if the individual parcel is contiguous to other parcels owned by the same owner, then such owner shall only be entitled to construct one single-family dwelling unit on the individual parcel and all contiguous parcels owned by the same owner. All such development must be consistent with the other provisions of this Code and the Comprehensive Plan, including concurrency requirements.
3. The alteration of an existing building or structure, so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
4. The resurfacing of an existing vehicle use area that conforms to all requirements of this Code.
5. A minor replat or lot split granted pursuant to the requirements and procedures set forth in this Code.
6. Temporary uses or structures.
7. The division of tracts of rural land into parcels of ten acres or more and consisting of no more than 20 parcels and does not involve new roadways.
8. An addition to a structure in the rural areas, when the addition will not cause significant impact on the drainage, traffic or natural environment. Impact is to be determined by the Planning Director, who may require documentation from the developer. The Planning Director may also consult with the County Engineer in determining impact.

### 11.01.00. PROCEDURES FOR OBTAINING FINAL DEVELOPMENT ORDERS

#### 11.01.01. Pre-Application Conference.

Prior to filing a development plan for review and issuance of a development order, the developer shall meet with the Director of the Department of Planning and Zoning to discuss

the review process. With the consent of the applicant, the Director of planning and zoning may waive the preapplication conference requirement if, in the Director's opinion, the conference is unnecessary. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal, made by any participant at the preapplication conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

#### **11.01.02. Designation of Plans as Major or Minor Developments.**

A. *Generally.* For purposes of these review procedures, all development plans shall be designated by the Director of the Division of Planning and Development Services or their designee as either minor or major developments according to the criteria below. Before submitting a development plan for review, the developer shall provide the division with sufficient information to make this determination. The division's determination shall be supported by written findings which shall be maintained in the department records. Plans designated by the Division as major development shall be subject to review and action by the Planning Commission and the Board of County Commissioners. Plans designated as minor development shall be reviewed and acted upon administratively by the Director of the Division of Planning and Development Services or their designee..

B. *Minor Development.* A plan shall be designated as a minor development if it is not a development exempt from permit requirements pursuant to Section 11.00.01 of this Code; does not meet any criteria as set forth in the following subpart of this Section as a major development; and involves only:

1. A division of land into more than two parcels but fewer than 20 parcels;
2. Development of multi-family residential project of fewer than 30 dwelling units that does not involve platting;
3. Development of a non-residential project of less than 5,000 square feet of floor area;
4. Approval of technical plans for an affordable housing project that has been approved conceptually by the Walton County Board of County Commissioners.

C. *Major Development.* A plan shall be designated as a major development if it involves one or more of the following:

1. A division of land into 20 or more parcels;
2. Development of a multi-family residential project of 30 or more dwelling units;
3. Planned Unit Developments regardless of size.
4. Infill proposals in the NPA's.
5. Development of a nonresidential project involving 5,000 square feet;
6. Any development that the Director of the Department of Planning and Zoning determines should be subject to more thorough consideration and review because:
  - (a) It is part of a larger parcel for which additional development is anticipated which, when aggregated with the project being considered by the Director for designation as a minor or major development, would likely exceed the limits set out in 1 through 6 above; or
  - (b) It has a potential, based on its location, its complexity, or its hazardous nature, for impact on public facilities, natural resources or public safety. (Ord. No. 2005-01, § 1, 1-4-05; Ord. No. 2007-52, § 5, 12-11-07)

#### **11.01.03. Special Provisions for Affordable Housing.**

A. *Submittal Requirements.* Workforce/affordable housing projects may initially be submitted as conceptual plans, to be reviewed and approved by the Walton County Board of County Commissioners. The county shall provide a special application for workforce/affordable housing projects. The conceptual plan must include and illustrate the

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following information:

1. The type and location of the proposed units;
2. A statement of income levels targeted;
3. A letter of intent to dedicate property or encumber property or units to any entity with a mission to provide workforce/affordable housing to the citizens of Walton County approved by the Walton County Board of County Commissioners and recommended by the Walton County SHIP committee;
4. A statement of length of time that the units will be dedicated as affordable and at what level;
5. A statement of occupant/owner/tenant monthly housing cost;
6. Any federal, state, or local workforce/affordable housing program that the units qualify for.
7. The amount of density bonus points requested by the developer and a calculation of the allowable density bonus points for the project.
8. Homeowners documents.
9. Proposed rental or lease agreements (if applicable).
10. An agreement to construct all units according to the same plans and specification: ensuring that workforce/affordable housing units will be substantially similar in amenities and features as market rate units within the same development is required.
11. For residential rental developments, to help insure the workforce/affordable units remain affordable throughout the encumbrance period, a statement from the developer that any proposed change of ownership or other transfer of physical assets of the rental development shall require Walton County approval during the term of the workforce/affordable housing encumbrance period.
12. An agreement to submit to reporting requirements is required. In order to receive the benefits of these incentives the developer has taken advantage of an agreement to report to the Walton County SHIP committee will be required. This agreement is to comply with periodic (not less than annual) reporting requirements established by Walton County regarding compliance with the Workforce/Affordable Housing Program.
13. The developer must also agree that during the term of the agreement the owner shall not: demolish any part of the project necessary for the operation thereof for its intended purposes or substantially subtract from any real or personal property of the project, or permit the use of the dwelling accommodations of the project for any purpose except residences.
14. The developer and the county approved workforce/affordable housing entity must agree to the following restriction concerning rents. The developer must be permitted to increase rents as Area Median income increases as determined by HUD. The Board of County Commissioners or their designee and owner agree that rents may increase as median incomes increase as published by the U.S. HUD or in order to bring rents up to the limits set. Any other adjustments to rents will be made only if the Board of County Commissioners or their designee finds any adjustment is necessary to support the continued financial viability of the project and only by an amount that the agency determines is necessary to maintain continued financial viability of the project. The owner will provide documentation to justify the rate increase not attributable to the median income increase, within 30 days of receipt of documentation, the agency will approve or deny, as the case may be, all or a portion of the rental increase in excess in median annual income. In the event any portion is denied, the Board of County Commissioners or their designee will state specifically the reasons therefore. In no event, however, will any increase directly proportional to an increase in the Median Family Income be denied for any reason.
15. Any additional information requested by the Director of Planning and Development

Services.

B. *Plan Review.* The Walton County Board of County Commissioners and the Walton County SHIP committee shall review the information submitted concerning the workforce/affordable housing project, and make a determination whether the project is a bona fide workforce/affordable housing project that will serve the county's workforce/affordable housing needs. If the plan is approved by the Board of County Commissioners and the Walton County SHIP committee, it will then proceed as a minor development plan under Section 2.06.01, following the process of a planned unit development.

C. *Applications.* Proposed workforce/affordable housing project applications will be managed by an workforce/affordable housing specialist within the planning department. The Walton County SHIP committee will review and determine the validity of the proposed project. The Walton County Ship Committee will provide a report detailing the acceptance of the project as meeting the workforce/affordable housing criteria to the technical review committee, planning commission, and/or Board of County Commissioners or any other government entity.

D. *Expedited Processing of Permits.* All permit requests for workforce/affordable housing projects shall be processed in an expedited manner. The County shall give preference to the review of applications for permit approval for development of affordable housing projects over all other projects requiring the development review process. The Walton County SHIP committee will facilitate the expedited review of any potential workforce/affordable housing project. (Ord. No. 2007-52, § 5, 12-11-07)

#### **11.01.04. Intergovernmental Review.**

Should a proposed development impact adjacent jurisdiction(s), as determined by the Director of planning and zoning, the impacted jurisdiction(s) shall be notified in writing of the proposed development and given an opportunity to identify specific issues of concern. Such correspondence shall be submitted, along with the Director of planning and zoning's recommendation, to the appropriate Board approving such development action.

#### **11.01.05. Minor Development Plans.**

A. *Review Procedure.*

1. The applicant shall submit the minor development plan and supporting documentation to the Department of Planning and Zoning.
2. After receipt of all required information and documentation, the Department of Planning and Zoning shall have 15 working days to:
  - (a) Determine that the application is complete, and then proceed with review of the proposal and plans for compliance with this Code; or
  - (b) Determine that the application is incomplete, and provide the applicant with notice of the deficiency(s) by certified mail, return receipt requested. In order to proceed with any further review, the applicant must submit a revised application, correcting the deficiencies, to the department within 45 days of his/her receipt of the letter of notification of such deficiencies. If the applicant fails to timely submit a revised and corrected application, the Director shall provide the applicant with notice of denial of the requested permit. In the event that the applicant timely submits a revised application, the department shall have an additional ten working days after the date of such submittal to review the revised application, to make a determination

as to whether or not such revised application is complete, and to give notice to the applicant as to such determination (as provided in subpart a. or b. herein, as appropriate). However, the Director may notify the applicant of denial of the application for development approval, without allowing any further opportunity for amendment of the application, if it remains incomplete after the applicant has been given at least one opportunity to submit a revised and corrected application.

3. Within five working days after the date an application has been determined to be complete, the Director of the Department of Planning and Zoning shall convene a meeting of the Technical Review Committee to review the application. A written summary of the comments and recommendations of the Technical Review Committee shall be prepared upon conclusion of such review. The summary shall be maintained in the department files, and a copy of it shall be transmitted to the applicant by certified mail, return receipt requested.

4. Within five working days after the Technical Review Committee has completed its review of an application and provided its comments and recommendations to the Director of the Department of Planning and Zoning, the Director shall either approve, approve with conditions, or deny the application, based upon the comments and recommendations of the Technical Review Committee and the requirements of this Code. Where a proposed minor development includes the subdivision of land, the final approval of the application for such development shall be made contingent upon approval of a plat conforming to the development plan.

5. The Director shall notify the applicant in writing by certified mail, return receipt requested, of his/her decision as to the requested development permit within five days after such decision has been made.

6. All application information required by this Code, and all other information submitted by the applicant in support of an application for a development permit, shall become part of any resulting permit and approval issued for the development.

**B. Expiration Of Permits Issued for Minor Development.** A development permit for a minor development shall be valid for a period of one year, and may be renewed only once for a period not to exceed one year; provided, however, that any previously renewed development order, the second year of which will expire on or after March 1, 2008, shall be extended for an additional one year; and provided further that the Board of County Commissioners may, on a case-by-case basis, extend the development order of any development, the commencement of which is contingent upon the receipt of state or federal funding, for the time necessary to obtain such funding. The development permit shall not expire if development has commenced and is continuing in good faith according to the approved plan.

*Exception:* Any Minor Development Order that has an expiration date of September 1, 2008, through January 1, 2012, may be extended and renewed for a period of two years following its date of expiration. Minor Development Orders that are extended will continue to be governed under the rules in effect at the time the Minor Development Order was issued. The holder of a valid Minor Development Order eligible for the two year extension shall notify the County authorizing agency in writing no later than December 31, 2009, and request the extension.

(Ord. No. 2008-23, § 1, 6-10-08; Ord. No. 2009-04, § 2, 4-14-09, Ord. No. 200915, § 2, 9-8-09)

**Editor's note:** Ord. No. 2009-04, §§ 3, 4, adopted April 14, 2009, state:

1. The above amendments, unless sooner re-enacted, shall automatically expire on March 1, 2010.
2. The above amendments shall apply retroactively to any development order which

expires between March 1, 2008, and the date this Ordinance becomes effective, provided that the applicant has a valid bond or other accepted surety in place, if needed.

#### **11.01.06. Major Development Plans.**

##### **A. Review Procedure.**

1. The applicant shall submit the major development plan and supporting documentation, pursuant to Chapters 11.02.03 and 11.02.04 to the Department of Planning and Zoning.
2. After receipt of all required information and documentation, the Department of Planning and Zoning shall have 15 working days to:
  - (a) Determine that the application is complete and proceed with the review; or
  - (b) Determine that the application is incomplete, and inform the applicant of the deficiency(s) by certified mail, return receipt requested. In order to proceed with any further review, the applicant must submit a revised application, correcting the deficiencies, to the department within 45 days of his/her receipt of the letter of notification of such deficiencies. In the event that the applicant timely submits a revised application, the department shall have an additional ten working days after the date of such submittal to review the revised application, to make a determination as to whether or not such revised application is complete, and to give notice to the applicant as to such determination (as provided in subpart a. or b. herein, as appropriate). However, the Director is not required to provide the applicant with any further opportunity for amendment or revision of an application prior to its submittal to the Technical Review Committee (as provided below) if the application remains incomplete after the applicant has been given at least two opportunities to submit a revised and corrected application.
3. Within five working days after the date an application has been determined to be complete, the Director of the Department of Planning and Zoning shall convene a meeting of the Technical Review Committee to review the application. A written summary of the comments and recommendations of the Technical Review Committee shall be prepared upon conclusion of such review. The summary shall be maintained in the department files, and a copy shall be transmitted to the applicant by certified mail, return receipt requested. The applicant shall have 45 days from his/her receipt of the summary to respond to the Technical Review Committee's comments and recommendations, and to provide any revisions and amendments to the application.
4. If no timely revisions or amendments are submitted by the applicant (as provided above), the Director shall within 15 days following the expiration of the period allowed for submission of amendments or revisions issue a written recommendation approving, approving with conditions, or denying the application based upon the requirements of this Code. If the applicant timely submits any revisions or amendments to an application, the Director shall have an additional 45 days from the date of his receipt of such submission to review the revised application and issue a recommendation approving, approving with conditions, or denying the application based upon the requirements of this Code.
5. After issuance of the Director's recommendation as described above, the Planning Commission shall consider the application at a regularly scheduled public hearing which has been noticed pursuant to the requirements of Section 10.02.02 of this Code. In reviewing the application, the Commission shall consider the recommendation of the Director and the Technical Review Committee, and shall make its determination of whether the application and plans for the proposed development meet the provisions of this Code. The Planning Commission shall, based upon such determination, issue a written recommendation to approve, approve with conditions, or deny the application, and shall forward the application,

along with its recommendation and that of the Director and the Technical Review Committee, to the Board of County Commissioners for final action.

6. The Board of County Commissioners shall consider the application at the next regularly scheduled public hearing. In reviewing the application, the Board shall consider the recommendations of the Planning Commission, the Technical Review Committee, and the Director of the Department of Planning and Zoning, and shall determine whether the proposed development meets the requirements and provisions of this Code. Based upon such determination, the Board of County Commissioners shall issue a final decision either approving, approving with conditions, or denying the application. Where a proposed major development includes the subdivision of land, the final approval of the application for such development shall be made contingent upon approval of a plat conforming to the development plan.

7. Notification of the Board of County Commissioners' decision shall be mailed to the applicant by certified mail, return receipt requested, and shall be filed with the department of planning and zoning.

B. *Project Phasing.* A master plan for the entire development site must be approved for any major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the site development plan for the first phase of the development and must be approved prior to approval of the site development plan for the first phase. A site development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

C. *Expiration.* A development permit for a major development shall be valid for a period of one year and may be renewed for a cumulative period not to exceed one year. The development permit shall not expire if development has commenced and is continuing in good faith according to the approved plan; provided, however, that any previously renewed development order, the second year of which will expire on or after March 1, 2008, shall be extended for an additional one year; and provided further that the Board of County Commissioners may, on a case-by-case basis, extend the development order of any development, the commencement of which is contingent upon the receipt of state or federal funding, for the time necessary to obtain such funding.

*Exception:* Any Major Development Order that has an expiration date of September 1, 2008, through January 1, 2012, may be extended and renewed for a period of two years following its date of expiration. Major Development Orders that are extended will continue to be governed under the rules in effect at the time the Major Development Order was issued. The holder of a valid Major Development Order eligible for the two year extension shall notify the County authorizing agency in writing no later than December 31, 2009, and request the extension.

(Ord. No. 2008-23, § 2, 6-10-08; Ord. No. 2009-04, § 2, 4-14-09, Ord. No. 200915, § 3, 9-08-09)

**Editor's note:** Ord. No. 2009-04, §§ 3, 4, adopted April 14, 2009, state:

1. The above amendments, unless sooner re-enacted, shall automatically expire on March 1, 2010.
2. The above amendments shall apply retroactively to any development order which expires between March 1, 2008, and the date this Ordinance becomes effective, provided that the applicant has a valid bond or other accepted surety in place, if needed.

Ord. No. 2009-15, §§ 4, 5, adopted September 8, 2009, state;

1. The above exceptions, unless sooner re-enacted, shall automatically expire on January 1, 2010.
2. The above exceptions shall apply retroactively to any Final Order or Development Order which expires between September 1, 2008, and January 1, 2012, provided that the holder requests the extension in writing no later than December 31, 2009, and provided that the applicant has a valid bond or other accepted surety in place, if needed.

**11.01.07. Guarantees and Security Required as Condition of Final Plat Approval.**

**A. Generally—Applicability.**

1. The final plat approval for any subdivision plan in Walton County, including but not limited to a plan for a private road subdivision, shall be subject to the requirement that the developer provide, prior to issuance of any development order for a project, assurance that all required improvements – including without limitation storm drainage facilities, streets and highways, water and sewer lines, and replacement trees – shall be satisfactorily constructed according to the approved development plan and order, and satisfactorily maintained for a certain period of time after completion of construction.
2. Nothing in this Section shall be construed as relieving a developer of any requirement in this Code relating to concurrency.
3. This Section does not modify existing agreements between a developer and the County for subdivisions platted and final development orders granted prior to April 28, 1991, provided that such agreements are current as to all conditions and terms thereof.

**B. Type of Security.** Guarantee and security requirements for completion and maintenance of improvements may be met by providing in an appropriate amount the following, as approved by the Director in relation to each particular project and development order:

1. Cashiers check;
2. Certified check;
3. Developer/lender/County agreement;
4. Interest-bearing certificate of deposit;
5. Irrevocable letters of credit;
6. Surety bond.

**C. Security for Guarantee of Completion.**

1. *Amount.* A developer may satisfy his/her requirement for guarantee of completion of improvements included in a development plan by providing to the County, in addition to the information specified in Section 11.01.07 herein and without limitation, an amount of security equal to 110 percent of the total construction costs for the required developer-installed improvements in a form specified herein and approved by the Director.
2. *Release of Security Funds for Guarantee of Completion.* As required improvements are completed, certified accordingly by and accepted as complete by the County after inspection, the developer may apply for release of his security funds. The Director of Planning and Zoning shall be responsible for approving or denying any request for release of all or part of a developer's security, and shall make such decision based upon facts provided to the Director to substantiate full completion of improvements in accordance with the plans, specifications, and approved development permit and order. The amount of the security may be reduced periodically, but not more than two times during each year, subject to completion, inspection and County satisfaction with completion of improvements. In no case shall the amount of the security funds be reduced to an amount less than 110 percent of the cost of completing the remaining required improvements. Only upon full completion of the development and all improvements, and the County's final inspection approval of the development, may the full amount of the developer's funds dedicated as guarantee of completion of

construction be released.

**D. Security for Guarantee of Maintenance.**

1. *Agreement.* A maintenance agreement shall be provided by the developer to assure the County that all required improvements shall be maintained by the applicant, according to the following requirements:

- (a) The period of maintenance shall be a minimum of three years, beginning at the time of the County's acceptance of the completed project where the project is to be dedicated to the County, or at the time of final inspection approval upon full completion of the improvement(s) where the project is not to be dedicated to the County;
- (b) Security shall be provided to the County for the cost of maintaining the improvements (in an amount meeting the standard specified in the following subpart herein);
- (c) In the event that such improvements and facilities are not to be dedicated to the County, a legal entity shall be created by the applicant to be responsible for the ownership and maintenance of the improvements and related facilities;
- (d) In the event that the development is organized as a condominium under the provisions of Chapter 718, Florida, Statutes, common facilities and property shall be conveyed to a duly established condominium association pursuant to law;
- (e) For any development other than a condominium, an owners' association shall be created and all common facilities and property shall be conveyed to that association; and
- (f) An original executed copy of the agreement shall be provided to the Director of planning and zoning for the department's records.

2. *Amount of Security.* A developer may satisfy his/her requirement for guarantee of maintenance of improvements included in a development plan by providing security to the County, in a form specified by the County Attorney, in the amount of 15 percent of the total construction cost of the improvements or the estimated cost of normal period maintenance of the system for the full maintenance period, whichever is greater.

**11.01.08. Required Contents of Development Orders.**

Each final development order shall contain the following:

- A. An approved final development plan with findings and conclusions.
- B. If modifications must be made to the development plan before a final development order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
- C. A listing of federal, state, and regional permits that must be obtained in order for a development permit to be issued.
- D. With regard to the concurrency management requirements in Chapter III of this Code:
  - 1. The determination of concurrency, and
  - 2. The time period for which the preliminary development order is valid.
- E. A specific time period during which the development order is valid and during which time development shall commence. A final development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.

**11.01.09. Post-Permit Changes.**

After a final development order has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and/or conditions of the development order, or any permit issued for development, without first obtaining approval of a modification of the

development order and/or permit. A modification may be applied for in the same manner as the original permit. A written record of the modification and approval thereof shall be entered upon the original development order and/or permit and shall be maintained in the files of the department of planning and zoning.

#### **11.01.10. Withdrawal of Applications.**

An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing. An application for any type of development review may be withdrawn at any time with the consent of the Board responsible for reviewing the application.

### **11.02.00. CONTENTS OF APPLICATIONS FOR FINAL DEVELOPMENT ORDER APPROVALS**

#### **11.02.01. Applications Generally.**

All major and minor developments must undergo development review, by submittal of an appropriate application, prior to issuance of any final development order. Applications for development review shall be available at the department of planning and zoning. A completed application shall be signed by all owners of the property subject to the proposal, or the agent of such owner(s), and shall be notarized. Signatures by persons other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s). In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and shall be embossed with the corporate seal.

#### **11.02.02. Submittal Requirements Based on Development Plan Designation.**

A tiered approach shall be used in determining the information which must be submitted at the time of application. The greater the intensity of a project or the environmental sensitivity of the site, the greater the amount of information required.

#### **11.02.03. Submittal Requirements for Major and Minor Development plans.**

All applications for development activity shall include plans prepared in the following format and containing the following items and information:

##### *A. Format Of Development Plans.*

1. All plans shall be drawn no smaller than to a scale of one inch equals 100 feet (1" = 100'), unless the Director of the department of planning and zoning determines that a different scale is sufficient or necessary for proper review of the particular proposal.
2. The plans shall be 24 inches by 36 inches (24" x 36") in size.
3. If multiple sheets are used, the consecutive sheet number and the total number of sheets must be clearly indicated on each sheet.
4. Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met. In cases of uncertainty, the developer should consult with the Director of the department of planning and zoning. Applicants are encouraged to submit a diskette copy of all computer generated maps.

##### *B. General Information.*

1. The name, address, and telephone number of each owner of the property. Where a corporation or company is the owner of the property, the name and address of the

president and secretary of the entity shall be shown.

2. A complete legal description of the property.

3. The name, business address, and telephone number of the individual(s) responsible for preparation of the drawing(s). Each sheet of the plan(s) shall contain a title block including the name of the development, the graphic scale, a north arrow, and the date of preparation of the plan.

4. A general vicinity or location map showing the position of the proposed development in the section(s), township and range, and the position of the principal roads, city limits, County line, and other pertinent orientation information.

5. Identification and depiction of the boundaries of the property as determined and certified by a registered professional land surveyor licensed in the State of Florida with a legal description.

6. The area of the property shown in square feet or acres.

7. Identification of the land use designation(s) and densities of land areas adjacent to the proposed development, and an indication of the relationship of the transportation systems of adjacent development to the proposed development.

8. A development schedule setting forth the approximate date construction of the development, and stages of the development, can be expected to begin and to be completed.

9. A statement of the applicant's intentions with regard to future sale or lease of all or any portion(s) of the development (such as particular land areas, dwelling units, and commercial facilities).

*C. Current Condition Information.*

1. A topographic survey, certified by a registered land surveyor or professional engineer, of the existing project site, which shall include, at a minimum, two foot contour lines, and the mean high water line where applicable.

2. The location, width, and name of all existing or previously platted streets, railroads, and utility rights-of-way.

3. The location of existing sewers, water mains, culverts, and underground facilities within the tract, indicating pipe sizes, grades, manholes, and location.

4. The 100-year flood elevation, and minimum required floor elevations if applicable, from current FEMA maps.

5. The boundaries of the 100-year floodplain for all parts of the proposed development.

6. A depiction of existing surface water bodies, wetlands, streams, and canals, within the proposed development site and within 100 feet of the proposed development site, which depiction shall include the boundaries and elevations of any jurisdictional wetland(s).

7. Topographic surveys for proposed subdivisions which have lots of four acres or more may show contours at ten foot intervals.

*D. Information On Proposed Development Activities And Design.*

1. *Structures.* Each application shall include building plans indicating, at a minimum:

(a) The location, dimensions, gross floor area, and proposed use of each building;

(b) The total number and type of residential units, categorized according to number of bedrooms, and total number of residential units per acre (gross density) calculations for the project;

(c) Floor area, height and types of office, commercial, industrial and other proposed nonresidential structures and uses, with floor area ratio calculations for each such structure and use;

(d) Total area, and percentage of total site area, to be covered by impervious surface(s);

(e) Architectural or engineering elevations of all sides of each building other than one- or two-family dwelling units;

- (f) Building setback distances from property lines, abutting right-of-way centerlines, and all adjacent buildings and structures; and
  - (g) Construction phase lines.
2. *Transportation.* Each application shall include drawing(s) of streets, parking areas, loading areas, and other vehicle and pedestrian traffic-ways and areas, which shall indicate:
- (a) The layout of all streets, bike paths, and driveways, with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas;
  - (b) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and the projected onsite traffic flow; and
  - (c) Cross sections and specifications of all proposed areas of pavement.
3. *Utilities.* Each application shall include information relating to and drawing(s) depicting utilities, which shall indicate:
- (a) Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems proposed to be used;
  - (b) A complete drainage plan demonstrating the capability of the drainage system to collect, control, and discharge stormwater runoff. The plan shall include delineation of the major areas draining into the development, sufficient topographical information to verify location of streams, drainageways, etc., and existing drainage features (i.e., pipes, ditches, and the like). The location of any drainage retention areas and major drainage improvements shall also be shown.
  - (c) Typical and special roadway and drainage sections and summary of quantities;
  - (d) Location of onsite wells, and wells within 1,000 feet of any property line, which exceed 100,000 gallons per day;
  - (e) Location of all site lighting;
  - (f) Location and specifications of any proposed garbage dumpsters and other facilities or structures intended for garbage collection;
4. *Flood Elevations.* Each application shall include information relating to and drawing(s) depicting flood information, which shall indicate:
- (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of each structure;
  - (b) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
  - (c) Certification by a registered professional engineer or architect that each nonresidential floodproofed structure will meet the flood-proofing criteria provided in this Code; and
  - (d) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. *Landscaping and Grading.* Each application shall include information relating to and drawing(s) depicting proposed landscaping and grading for the development site, which shall indicate:
- (a) Location and dimensions of proposed buffer zones and landscaped areas, including buffer zones adjoining shorelines;
  - (b) Description of plant materials existing and to be planted in buffer zones and landscaped areas;
  - (c) Grading plans, specifically including perimeter grading; and

- (d) The percentage of land surface that is covered by native vegetation and the percentage of native vegetation that will be removed by the proposed development.
6. *Covenants, Easements, and Dedications.* Each application shall include information relating to, and drawing(s) depicting (where appropriate), proposed covenants, easements and dedications applicable to the proposed development, which shall indicate:
- (a) Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like;
  - (b) Restrictive covenants which reflect restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, and which shall be submitted with the final development plan for recordation.
7. *Concurrency.* Each application shall include all documentation prescribed pursuant to Section 3.02.02 relating to the review for concurrency.
8. *Waterfront Developments.* For each development proposed to be undertaken in any area adjacent to a water body or other water impoundment, the application shall include hydraulic and hydrological design data, prepared by a registered Florida professional engineer, as follows:
- (a) Dam specifications;
  - (b) Storage volumes;
  - (c) Flood storage;
  - (d) Watershed specifications;
  - (e) Spillway ratings;
  - (f) Dam safety analysis;
  - (g) Drawdown capabilities; and
  - (h) Refill capabilities.
9. *Developer's Assurance and Guarantee of Completion of Improvements.* As part of the developer's duty of assuring that all improvements required in connection with the proposed development are satisfactorily constructed according to the approved development plan (as specified in Section 10.05.08 herein), the following shall be provided with each application for approval of a development plan:
- (a) Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed and completed in accordance with the standards and provisions of this Code within a specific timeframe set out in such agreement. Timeframe may be either: completion of all improvements by the date of full completion of the development and final inspection of the development, where the project is not long-term; or completion of particular improvements by specific dates which are set out in the agreement, where the project is long-term in nature. No timeframe for completion of improvements shall exceed five years from the recording of the plat or 30 percent occupancy of the development, whichever comes first.
  - (b) The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
    - (i) Estimate prepared and provided by the applicant's engineer;
    - (ii) The executed construction contract as to the improvement, a copy of which shall be provided; or
    - (iii) Estimate prepared by the County engineer.
  - (c) Specification of the public improvements to be made and dedicated, together with the timetable for making improvements.

(d) Specification of the amount and means by which security in relation to the developer's guarantee of completion of the improvements shall be provided by the developer to the County; and

(e) Agreement that upon failure of the applicant to complete, or to cause to be completed, the required improvements according to the schedule for making those improvements, the County shall utilize the security provided by the developer in connection with the agreement and guarantee.

10. *Additional Information.* The Director of the department of planning and zoning may, as required by special circumstances in the determination of the Director, require the submission of any other documentation and information relating to a proposed development project which the Director deems to be reasonably necessary to insure satisfactory review under the requirements of this Code and other applicable law.

11. *Environmental Assessment.* Addressing wetlands, vegetative communities and coastal communities.

#### **11.02.04. Additional Submittal Requirements for Major Development Plans.**

A. *Name of Development.* Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. The name of the development shall be indicated on every page of the application and supporting documentation submitted for review.

B. *Master Plan For Phased Development.* A master plan is required for any major development which is to be developed in phases, which shall provide the following information for the entire development:

1. A development plan for the first phase or phases for which approval is sought;
2. A development phasing schedule, including: the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities;
3. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area;
4. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress;
5. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semipublic uses;
6. A vicinity map of the area within 300 feet surrounding the site showing:
  - (a) Land use designations and boundaries;
  - (b) Traffic circulation systems;
  - (c) Major public facilities; and
  - (d) Municipal boundary lines;
7. Base flood elevations for all lots.

#### **11.02.05. Additional Submittal Requirements for Sites with Environmentally Sensitive Lands.**

In order to promote the safe, orderly and healthful development of the County and to preserve a stable ecosystem within the County, any application for development within any coastal protection zone shall include the following:

A. *Coastal Protection Zone.* A topographic map, prepared and certified by a licensed surveyor, identifying the primary dune system and the coastal protection zone falling within and adjacent to the proposed development site. The map shall be verified by the County

engineer on a case-by-case basis.

#### **11.02.06. Development Order Application Signs.**

A sign provided by the Planning Department will be posted upon or directly in front of the site within ten days of filing a major or minor application with the Planning Department. (Ord. No. 2004-17, § 2, 4-6-04)

### **11.03.00. PLATTING**

#### **11.03.01. Applicability.**

A. *Generally.* Where proposed minor or major development includes a subdivision of land, the final approval of the development plan and issuance of any development order shall be made contingent upon approval of a plat conforming to the development plan and the provisions of this Code.

B. *Exceptions.* A proposed plan for development may receive final approval without the requirement for separate approval of a plat as provided in this Section, only where:

1. The development will involve only a division of land received directly by inheritance, either by testate or intestate, provided that such division is not accomplished through recorded plats; or
2. The development will involve only division of land received by deed of gift, given without valuable consideration to any members of the donor's immediate family, provided that such division is not accomplished through recorded plats.
3. Subdivisions in the Agriculture and Rural districts divided so that no lot is less than four acres and the roads are kept private.
4. Division of tracts of rural land into parcels of ten acres or more involving no more than 20 parcels.

C. *Workforce/Affordable Housing Projects.* Where developments utilize the density bonus points system, each lot, unit, structure, apartment, condominium, house, or dwelling dedicated, designated, or established as workforce/affordable per the Walton County Land Development Code must be illustrated on the plat and dedicated in all relevant notes of the recorded plat and/or condominium or home owner documents to the receiving entity, community housing development organization, land trust, or community development corporation, recommended by the Walton County SHIP committee and approved by the Walton County Board of County Commissioners. (Ord. No. 2007-52, § 5, 12-11-07)

#### **11.03.02. Nature of Approval Required.**

A. *Generally; Approval by the Board of County Commissioners.* All proposed plats other than those involving only a minor replat or lot split (as defined below) must receive approval of the Board of County Commissioners prior the final approval of the related development plan and order which would include such subdivided real property.

B. *Minor Replats and Lot Splits; Approval by the Director.* A proposed plat may receive final approval by the Director of the department of planning and zoning, without the requirement for separate approval by the Board of County Commissioners, where the plat conforms to the development plan and the provisions of this Code and involves only a minor replat or lot split. For purposes of this Section, the following shall constitute a minor replat or lot split: where one single parcel of land is being divided into only two separate lots or parcels that conform to the requirements of this Section; or where two parcels of land are being fused into one single lot or parcel that conforms to the requirements of this Section. (Ord. No. 2007-52, § 5, 12-11-07)

### **11.03.03. Required Dedication of Recreation Lands.**

A. *Generally.* In all plat proposals, other than those involving only a minor replat or lot split, the subdivider shall dedicate a minimum of five percent of the gross area of the subdivision for public recreation purposes. Alternatively, the developer may pay cash in an amount equal to five percent of the gross value of the subdivision, said value to be estimated on a basis of platted land without improvements (the "Platted Land").

B. *Determination of Platted Land Value.* The procedure used to determine the value of the above referenced Platted Land when calculating Recreation Impact Fees, and any other such subdivision fees wherein property value is a factor, shall be to use the fair market value as established by a recent independent appraisal of the Platted Land without improvements by a Florida-Certified General Real Estate Appraiser, at no expense to the County. If the developer or the county determines that the appraisal is in error, then either the developer or the county may commission a second appraisal. The commissioning party shall bear the expense of the second appraisal. The value for calculating the Recreation Impact Fee shall be the average of the two appraisals. (Ord. No. 2007-52, § 5, 12-11-07; Ord. No. 2009-06, § 1, 4-14-09)

### **11.03.04. Application for Plat Approval.**

A. *Generally.* After receiving a plat-contingent final development plan approval or, alternatively, at any point in the development plan review process, the developer shall submit to the department of planning and zoning a plat conforming to the development plan, the requirements of this Code, and the requirements of Chapter 177, Florida Statutes.

B. *Minor Replats and Lot Splits.* A developer or owner requesting a minor replat or lot split shall submit the following materials with an application form provided by the department of planning and zoning, along with the required application fee:

1. Three paper copies of the proposed minor replat or lot split;
2. A statement indicating whether water and/or sanitary sewer service is available to the property; and
3. Land descriptions, and a statement of acreage or square footage, of the original and proposed lots, along with a scaled drawing showing the intended division, all prepared by a professional land surveyor registered in the State of Florida; and
4. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot, prepared by a professional land surveyor registered in the State of Florida. (Ord. No. 2007-52, § 5, 12-11-07)

### **11.03.05. Review of Proposed Plats; Procedure and Standards.**

A. *Generally.*

1. *Director's Review.* Within 14 days of receiving a plat for review (other than a plat involving only a minor replat or lot split), the Director of the department of planning and zoning, by and through his/her staff and with assistance of the department of public works, shall determine whether the plat conforms to the approved development plan, the requirements of this Code, and the requirements of Chapter 177, Florida Statutes. If the Director determines that the plat is in conformance, s/he shall place the plat on the next available agenda of the Board of County Commissioners for its consideration. If the plat is not in conformance, the Director shall inform the applicant, in writing and by regular mail within three working days of making such determination, of each deficiency in the plat. A developer may thereafter submit a corrected plat, addressing each deficiency noted by the Director, for review by the Director and, if in conformance with all requirements, consideration by the Board of County Commissioners.

2. *Board of County Commissioners' Review.* The Board of County Commissioners' review of a submitted plat shall be strictly limited to whether the plat conforms to the requirements of this Code and Chapter 177, Florida Statutes. A conforming plat shall be approved by the Board of County Commissioners, and the Board or the Director (as appropriate to the type of approval requested and required for the particular development) shall forthwith issue the development order allowing development to proceed. The Board of County Commissioners shall return any nonconforming plat to the developer, by regular mail within five working days after completion of review of the proposed plat, with a written explanation of each deficiency in the plat and a notice that a corrected plat may be resubmitted to the Director of the department of public works for review and possible approval.

**B. *Minor Replat or Lot Split.***

1. *Director's Review.* Upon receipt of a complete application for approval of a minor replat or lot split, the Director of the department of planning and zoning shall:

(a) Transmit a copy of the proposed minor replat or lot split to any other appropriate department(s) of the County for review and comments;

(b) Review the proposal to determine whether it complies with the following minimum standards:

(i) Each proposed lot must conform to the requirements of this Code;

(ii) Each proposed lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot dimensions for the land use district where the lots are located;

(c) If any lot abuts a street right-of-way that does not conform to the design specifications provided in or adopted by reference in this Code, the Director may require that the owner dedicate one-half the required right-of-way width necessary to meet the minimum design standards.

(d) Within 14 days of receiving a complete application for approval of a proposed minor replat or lot split, the Director shall either:

(i) Approve the minor replat or lot split by signing the application form, in the event that the Director determines that the proposed minor replat or lot split meets the conditions of this Section and otherwise complies with all applicable laws and ordinances; or

(ii) In the event that the proposed minor replat or lot split fails to meet the conditions of this Section or otherwise comply with all applicable laws and ordinances, provide the applicant with written notice, by regular mail, of each deficiency in the proposal and of the applicant's option to submit a corrected proposal for review and possible approval.

2. *Restriction and Limitation.* After a minor replat or lot split has been approved as to particular property, no further division (by minor replat, lot split, or otherwise) is permitted unless a development plan is prepared and submitted in accordance with this Code.

(Ord. No. 2007-52, § 5, 12-11-07)

**11.03.06. Sales of Lots Without Proper Plat Approval and Recording is Prohibited.**

It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer or sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and having recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and

shall be punishable as provided by law. This provision shall not be construed to prohibit an owner of land or agent of the owner of land from contracting to sell a lot or condominium unit according to a preliminary site plan or plat. (Ord. No. 2005-96, § 1, 12-13-05)

#### **11.04.00. BUILDING PERMITS, SIGN PERMITS, AND OTHER DEVELOPMENT PERMITS**

##### **11.04.01. Applications Generally.**

Application for a building permit or other development permit shall be made to the department of planning and zoning on a form provided by the department, and may be acted upon by the department without public hearing or notice. No portion of permit fees will be refunded if the permit becomes void.

##### **11.04.02. Building Permits.**

A. *Generally.* No erection, alteration, or reconstruction of any building or structure shall be commenced without first obtaining a building permit from the building official.

B. *Application.* Each application for a building permit shall be accompanied by:

1. A plat drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected;
2. Written certification by a qualified professional that the plans submitted conform to all application regulations; and
3. Such other information as the Director deems necessary to provide for the enforcement of this Code.

C. *Special Requirements for Issuance of Building Permit.* In addition to the requirement that the application for building permit meets all applicable regulations, the following restrictions shall apply in relation to issuance of any building permit:

1. No building permit shall be issued until the final plat has been recorded in the office of the clerk of the circuit court of Walton County.
2. No building permit shall be approved if construction pursuant to the permit would threaten the life or habitat of any species listed on the federal endangered species inventory or any species designated as threatened species or species of special concern either by the State or the federal government.
3. No building permit shall be issued for any development which has a potential of significant impact upon the quality or quantity of natural resources (soils, fisheries, protected wildlife and/or natural habitats, surface water bodies, floodplains, wetlands, etc.) unless and until the applicant has obtained all necessary permits from applicable State and federal agencies.

D. *Expiration.* A building permit shall expire and become null and void if work authorized by such permit:

1. Has not commenced, having called for and received a satisfactory inspection, within six months from the date of issuance of the permit; or
2. Has not been completed within one year from the date of issuance of the building permit.

E. *Extensions.* The effective life and validity of a building permit may be extended at the discretion of the building official beyond the timelines specified above, subject to compliance with the provisions of Section 3.01.03 herein, if any of the following occur:

1. A time schedule has been submitted by the permittee, and approved by the building official, prior to the issuance of the building permit, which schedule is predicated upon customary time for construction of similar buildings and reasonably indicates completion of construction in excess of one year;

2. The permittee furnishes the building official satisfactory evidence in writing, prior to expiration of the permit, that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in specifications;

3. The permittee furnishes the building official satisfactory evidence in writing, prior to expiration of the permit, that the delay is due to an unavoidable delay in delivery of construction supplies or materials; or

4. The permittee furnishes the building official satisfactory evidence in writing, prior to expiration of the permit, that the delay is due to fire, weather conditions, civil commotion or strike. Neither increased costs of building materials or supplies, nor financial hardship, shall be considered by the building official as good cause for extension of the life of a building permit. A building permit for a single family dwelling being constructed by the owner may be extended by the building official upon written request from the owner.

F. *Reapplication.* In order to continue construction once a building or site clearing permit becomes null and void or expires, the permittee shall reapply and obtain a new building permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new building permit.

#### **11.04.03. Sign Permits.**

A. *Generally.* No erection, alteration, or reconstruction of any sign shall be commenced without obtaining a sign permit from the building official. No sign permit shall be issued for development without written certification that plans submitted conform to applicable regulations. When a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter or deviate from the terms of said permit without obtaining prior written approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official.

B. *Application.* The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his/her authorized agent, or by an appropriately licensed contractor. The sign permit application shall be submitted to the department of planning and zoning, and shall include the following information:

1. The name, address, and telephone number of: the owner of the property upon which the sign is to be placed; any other person entitled to possession of the sign; and the contractor or erector retained in relation to the sign.

2. The location by street address of the proposed sign structure.

3. A legal description of the property on which the sign is to be located.

4. Three blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the building official. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by Walton County. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination. The building official may require that plans submitted be prepared by a registered professional engineer of Florida.

5. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

(a) The location of the sign relative to property lines, rights-of-way, streets, alleys,

sidewalks, vehicular access and parking areas and other existing ground signs on the parcel;

(b) All protected trees that will be damaged or removed for the construction and display of the sign.

6. For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

(a) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel;

(b) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple-occupancy complex shall not be required to delineate the signs of other business units;

(c) A building elevation or other documentation indicating the building dimensions.

*C. No Signs, Other Than Regulatory or Governmental Signs Shall Be Erected Within or on a Public Right-Of-Way.*

*D. Expiration.* Each sign must be completed and placed pursuant to the permit issued for such sign within six months of obtaining the permit or, unless extended by the building official in writing for good cause shown by the permittee prior to such expiration date, the permit becomes automatically void and a new permit must be applied for and issued. Final inspection must be called for by the applicant within the six-month time period after issuance of the permit. Identification numbers issued with sign permits must be displayed on the sign itself. Once a sign has been completed and has passed final inspection within the specified timeframe, the permit for such sign need not be renewed as long as the sign exists in its approved form, in the same location.

*E. Revocation.* The Building Official may revoke any permit issued under this Section in any instance in which it shall appear that the application for the permit contains knowingly false or misleading information, or in the event that the required liability insurance coverage is at any time canceled or modified without prior written agreement of the Building Official and County Attorney.

#### **11.05.00. SPECIAL EXCEPTIONS**

*A. Approval Process.*

1. Any development on parcels of land, for which the use is by special exception: will be processed as a Major Development and must include a recommendation from the Board of Adjustments.

2. The Board of Adjustment shall consider the application at a public hearing. In reviewing the application, the Board of Adjustment shall consider the recommendations of the TRC and shall determine whether the proposed development meets the requirements and special conditions of section 11.05.01 below in its recommendation. Based upon such determination, the Board of Adjustment shall make a recommendation on the project prior to its being heard by the Planning Commission.

3. When a use is requested on a parcel or parcels with more than one land use designation and one of those designations requires a special exception for that use, the development application in its entirety will be treated as a special exception.

*B. Expiration.* A development order issued in conjunction with a special exception shall be valid for a period of time as allowed in section 11.01.06 sub-paragraph C of this chapter. (Ord. No. 2007-21, § 2, 8-14-07, Ord. No. 2010-11, § 2, 6-8-10)

#### **11.05.01. Applications Generally.**

*A. Generally.* Applications for a special exception shall be available at the Planning and

Development Services Division Office. Plans submitted as a special exception shall be subject to the same review procedures as a Major Development, in addition to a review by the Board of Adjustment. A completed application shall be signed by all owners, or their agent(s), of the project subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by owners. In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. *Special Conditions Required for Special Exceptions.* To promote the compatibility of special exceptions with existing development the developer must:

1. Hold a community meeting that will take place following a pre-application conference with the county and before submitting a special exception application. Topics covered in community meetings shall include, but are not limited to: scale, intensity and overall impacts from proposed special exception use. The applicant must address any potential traffic impacts, including traffic circulation and existing road conditions and improvements to be made to support the proposed special exception use;

2. Provide a compatibility analysis and mitigation plan that addressed: scale, intensity, traffic impacts, including traffic circulation and existing road conditions. Each analysis shall also demonstrate:

(a) That the proposed use will not unreasonably increase traffic on local residential streets in the impacted area;

(b) That the scale, intensity, and operation of the use shall not create adverse impacts from noise, smoke, exhaust, emissions, dust, lighting, vibration, or odors that are detrimental to the reasonable use or quiet enjoyment of existing development in the surrounding neighborhood;

(c) That the proposed development is consistent with the extent, design, and location of parking, parking access drives, service areas, outside storage, landscaping, and other site features of the surrounding neighborhood, including but not limited to setbacks, buffers, fences, walls, and open space; and

(d) An operational plan that includes operating hours, number of employees, number of work related vehicles and equipment considered as part of the proposed development.

For the purposes of this compatibility analysis, "surrounding neighborhood" shall be construed as the surrounding residential uses within a minimum of a one-quarter mile radius and any additional area as determined by the Planning and Development Director, of the special exception parcel, with the strongest consideration given to those residential uses that are adjacent to the special exception parcels.

(Ord. No. 2007-21, § 2, 8-14-07, Ord. No. 2010-11, § 2, 6-8-10)

## **11.06.00 MINING AND BORROW PIT OPERATIONS**

### **11.06.0 1 Definitions.**

***Borrow Pit*** as used in this section is synonymous with the term "Mine".

***County*** means Walton County, a political subdivision of the State of Florida.

***Existing Mines*** for the purposes of this section means any mine in existence prior to the effective date of this ordinance, permitted or not permitted.

***FDEP*** means the Florida Department of Environmental Protection.

**Mine** means an area of land that is related to the removal from its location of solid substances of commercial value found in natural deposits on or in the earth, so as to make the substances suitable for commercial, industrial, or construction use, but does not include excavation solely in aid of on-site farming or on-site construction, nor the process of prospecting.

**Mining Activity/Operation** means the excavation or removal of earth and all activities on the mining site which are related to and incidental to the mining operation including but not limited to stockpiling, equipment operation and storage.

**Mining Area** means the area in which an excavation does or is proposed to occur.

**Mining Site** means the parcel or parcels on which the mining operation does or is proposed to occur.

**Non-Permitted Mines** for the purposes of this section means any mines in existence but not permitted by means of a Walton County development order.

**NWFWMD** means the Northwest Florida Water Management District.

#### **11.06.02 Registration.**

A. *All existing mines*, that do not have a valid Walton County Development Order, shall register with the County within ninety (90) days of the date of adoption of this Ordinance. Registration shall be accomplished by filing an application with the County which shall consist of the following:

1. Name, address, telephone number of current Owner and/or Operator.
2. Survey with a legal description of the entire mining site.
3. Current aerial map of the entire mining site delineating areas previously mined and reclaimed, areas of active mining and areas being requested to allow future mining.
4. Copies of all other permits for the mine, including site plans, operation plans and reclamation plans associated with permits issued, if applicable, by the FDEP, NWFWMD, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and any other state or federal agency.

B. *Failure to Register*: Any mine for which an application for registration has not been filed within the time period specified shall lose any vested rights for the operation of such mine. In order to operate such mine, the mine shall be required to comply with all provisions of the Walton County Code, including the provisions provided for in this section.

#### **11.06.03 Applicability and Categories of Mines.**

A. *Mines in existence* prior to November 7, 1996, (implementation of the Comprehensive Plan) are subject to the standards of §11.06.04 sub-paragraph A.

B. *Mines in existence* prior to August 14, 2007, (Special Exception provision) but not prior to November 7, 1996, (Implementation of the Comprehensive Plan) are subject to the standards of §11.06.04 sub-paragraph B.

C. *Mines established after* August 14, 2007, (Special Exception provision) are subject to the standards of §11.06.04 sub-paragraph C.

#### **11.06.04 Development Procedures.**

A. *Existing mines* prior to November 7, 1996.

1. Required Permits:
  - (a) Existing mines in this category will be required to produce proof that they were in existence prior to November 7, 1996, and that they hold valid and current permits from the Department of Environmental Protection (DEP) and if required the Army Corps of Engineers (ACOE) and the NWFWMD. Failure to produce the necessary

proof that the mine was active prior to November 7, 1996, and that they hold valid and current permits will make the application ineligible to be processed under this category.

(b) No Walton County Development Order will be required for this process as long as the applicant properly registered the mine as required in §11.06.02.

2. Reclamation Plan/Hazard Mitigation

(a) The reclamation plan required for this category will be the standards agreed upon with FDEP and/or the reclamation plan approved by and incorporated into the existing FDEP mining permit.

(b) County staff will review the existing FDEP permit and reclamation plan to ensure that there exist no hazard or threat to the public health, safety and general welfare of the residents of Walton County due to the continued operation of the mine under the existing applicable conditions.

(c) In the event that staff determines there is a hazard or threat to the public health, safety and general welfare of the residents of Walton County by operation of the mine, the staff shall request the owner or operator of the mine to make changes deemed necessary to eliminate any hazard or threat. In the event that staff and the owner or operator of the mine are not able to agree on the method of alleviating the perceived hazard or threat, or if the owner or operator is unable to comply with the new requirements, an Appeal may be brought to the Board of County Commissioners.

3. Continued Operation: Mining activities in this category, if properly registered with the County, may continue to operate in accordance with its state and federal permits: however, the mining activity may not be expanded, extended or otherwise modified unless the mining operation complies with the provisions of §11.06.04, sub-paragraph C.

B. *Existing Mines* after November 7, 1996 but prior to August 14, 2007

1. Required Permits:

(a) Existing mines in this category will be required to produce valid and current permits, as applicable, from the FDEP and if required the Army Corps of Engineers (ACOE) and NFWFMD. Failure to produce the necessary state and federal permits that show the mine active prior to August 14, 2007 will make the application ineligible to be processed under this category.

(b) Mines registered in this category will be required to obtain a Walton County Development Order.

2. Proper Future Land Use Category

(a) Existing mines in this category that have a Future Land Use category that permits mining as an allowable use may apply for a development order, processed as a minor development, as long as they comply with the requirements of §11.06.04, A, 2 above: in addition to the following:

(i) Meet all buffer and setback requirements of the Walton County comprehensive plan.

(ii) Comply with provisions of the Walton County comprehensive plan, including provisions concerning wetland, wildlife habitat, archaeological, and historical protection.

(b) Existing mines in this category that allow mining as a "Special Exception" shall be required to go through the "Special Exception" process as outlined in § 11.05 of this code prior to receiving a development order.

(c) Existing mines in this category that do not have a Future Land Use category that allows mining as either an allowable use or as a special exception, shall be required

to first obtain a Future Land Use Change that allows the mining activity prior to proceeding to the procedures outlined in either §11.06.04 B, (2)(a) or (2)(b), as appropriate. As long as the applicant has met the registration requirements of 11.06.02, the registration will be held in abeyance until the request for Future Land Use Change has been finalized.

3. Reclamation Plan/Hazard Mitigation

(a) The reclamation plan required for this category will at least meet the minimum standards agreed upon with FDEP and/or the reclamation plan approved by and incorporated into the existing FDEP mining permit. The County reserves the right to add supplemental requirements to the reclamation plan as deemed appropriate on a case by case basis.

(b) County staff will review the existing FDEP permit and reclamation plan to ensure that there exist no hazard or threat to the public health, safety and general welfare of the residents of Walton County due to the continued operation of the mine under the existing applicable conditions.

(c) In the event that staff determines there is a hazard or threat to the public health, safety and general welfare of the residents of Walton County by operation of the mine, the staff shall request the owner or operator of the mine to make changes deemed necessary to eliminate any hazard or threat. In the event that staff and the owner or operator of the mine are not able to agree on the method of alleviating the perceived hazard or threat, or if the owner or operator is unable to comply with the new requirements, an Appeal may be brought to the Board of County Commissioners.

4. Operational Plan: Mines in this category must provide, for review during the development order review process, a plan that details haul routes, access, hours of operation, security/fencing, and safety.

5. Surety:

(a) The applicant must post and maintain a surety as defined in section 11.01.07 B to ensure that reclamation of the mining site will be completed including, but not limited to, general clean-up, grading, re-vegetation, and re-vegetation maintenance as required by the county to ensure successful re-vegetation. Failure to maintain an adequate surety shall be grounds for revocation or suspension of the development order in addition to other remedies provided by this code.

(b) The amount of the surety shall be \$1,500.00 per acre. The performance assurance for phased projects may be provided separately.

C. *Mines established after August 14, 2007*

1. Required Permits:

(a) As a condition of approval and prior to the development order being issued, mines in this category must obtain all required state and federal permits to conduct the mining operation.

(b) Applications for mining operations in this category will be required to obtain a Walton County Development Order, processed as a Major Development.

2. Proper Future Land Use Category:

(a) Request for mining operations in this category must first have the proper Future Land Use Category that will allow mining activity. A Future Land Use change, if required, must be accomplished prior to application for a development order.

(b) Request for mining operations in a Future Land Use Category that allow mining as a "special exception" must include the "Special Exception" process, as outlined in

§11.05 of this code, as part of the development order review.

3. Development Standards and Reclamation Plan: The development standards and reclamation plan shall be in accordance with §5.11.00 Mining Operation Development Standards.

4. Surety:

(a) The applicant must post and maintain a surety as defined in section 11.01.07 B to ensure that reclamation of the mining site will be completed including, but not limited to, general clean-up, grading, re-vegetation, and re-vegetation maintenance as required by the county to ensure successful re-vegetation. Failure to maintain an adequate surety shall be grounds for revocation or suspension of the development order in addition to other remedies provided by this code.

(b) The amount of the surety shall be \$1,500.00 per acre. The performance assurance for phased projects may be provided separately.

(Ord. 2010-14, §2, 07-27-2010)

**11.06.05.** Nothing in this Section shall be deemed to supersede or replace any other state or federal laws governing any existing mines. All mines must abide by all other state or federal laws and the failure to do so will subject any owner in violation of those laws to suspension and/or revocation of the development order and any other remedies provided for in this code.

**11.06.06. Exemptions:** Existing mines that have a valid Walton County Development Order as of the date of the enactment of this Section are governed by the terms of their Development Order and are exempt from the requirements of this Section. The following activities are also exempt from the requirements of this Section, and shall not be considered mining operations. Exemption from the application of this Section does not relieve the applicant from compliance with all applicable county, state and federal regulations including all permit requirements for such activities.

A. *The installation* of utilities provided a valid underground utility permit or right-of-way utilization permit has been issued:

B. *The construction* of foundations for any building or structure provided that a building permit has been issued:

C. *Excavations relating* to the accessory use of land and designed to be filled upon completion (e.g., graves, septic tanks, etc.):

D. *The installation* of swimming pools;

E. *Maintenance dredging* of lakes or canals:

F. *Borrow Pits* where extractable material is only used on-site as long as materials are not offered for sale and no processing is involved, except for the use of a scalping screen to remove large rocks, wood and other debris. For the purposes of this exemption, "on-site" means. "within the contiguous limits of an area of land under one ownership or control, and upon which agricultural or construction activities are taking place. Areas of land that are divided by public or private roads are considered contiguous if such areas are under one ownership or control.

G. *Insignificant excavations* directly related to agricultural uses (e.g., ditches, livestock water holes, fish and alligator ponds. etc.): provided that:

1. The land is zoned General Agricultural or Large Scale Agriculture

2. The property has received a qualified agricultural classification pursuant to F.S.

Section 193/461:

3. For all excavations other than ditches, but inclusive of all previous excavations on the

site, the surface area of the excavation does not exceed twenty (20) percent of the property or five (5) acres, whichever is less, and the depth does not exceed twelve (12) feet:

4. All excavated material remains on site: and

H. *Storm water* retention/detention ponds otherwise approved by the county in connection with a development.

(Ord. No. 2010-10, §2, 6-8-10)

NOTES: