

ORDINANCE NO. 2010- 11

AN ORDINANCE AMENDING SECTIONS 11.05.00 AND 9.03.04 OF THE WALTON COUNTY LAND DEVELOPMENT CODE; AMENDING THE SPECIAL EXCEPTION APPLICATION AND APPROVAL PROCESS; AMENDING THE POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT AS IT RELATES TO SPECIAL EXCEPTIONS; PROVIDING FOR CONFLICT, SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners (the Board) has expressed a desire to protect the environment and natural surroundings throughout the county; and

WHEREAS, the Board has an expressed duty to protect the public safety, health, and welfare of the citizens of Walton County; and

WHEREAS, the Board finds that it is in the best interest of the health, safety, and welfare of citizens to establish procedures to approve development on parcels of land as a special exception; and

WHEREAS, the Board finds it in the best interest of the citizens of Walton County to modify the procedures to obtain development orders;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, that the Walton County Land Development Code be amended by adopting the following:

Section 1. AUTHORITY, PURPOSE AND INTENT.

This ordinance is adopted pursuant to Section 125.01, Florida Statutes, to implement development procedures on parcels of land in Walton County as a special exception.

Section 2. Sections 9.03.04 and 11.05.00 of the Walton County Land Development Code are amended as follows (deletions are ~~strike-through~~; additions are underlined):

9.03.04 POWERS AND DUTIES

C. To consider and act upon applications for borrow pits as special exceptions from the terms of this Code, including ~~approval~~ 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 ~~granting~~ making a recommendation for any special exception to the Board of County Commissioners, the Board of Adjustment may prescribe appropriate conditions and safeguards that ~~shall~~ should be made a part of the terms under which the special exception is granted. Failure to adhere to these conditions and safeguards ~~shall~~ may be deemed a violation of this Code. Special exceptions for borrow pits shall be authorized in accordance with the standards in

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section 11.05. The Board of Adjustment may ~~prescribe~~ recommend a reasonable time limit within which the action required for the special exception shall begin or be completed or both.

11.05.00. SPECIAL EXCEPTIONS

A. Review Procedure Approval Process.

1. ~~The applicant shall submit the special exception development plan and supporting documentation, pursuant to this section, to the Planning and Development Services Division. 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. ~~After receipt of all required information and documentation, the Planning Department 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 any deficiencies. 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 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 (TRC) (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. ~~Once it is found to be complete, the application shall be reviewed during the next available meeting of the Technical Review Committee. A written summary of the comments and recommendations of the TRC shall be prepared upon conclusion of such review. The applicant shall have 45 days from his/her receipt of the summary to respond to the 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 to 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 schedule the application for the next available meeting of the Board of Adjustment.~~

5. ~~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 provisions of this Code special conditions of section 11.05.01 below in its recommendation. Based upon such~~

determination, the Board of Adjustment shall ~~issue a final decision approving, approving with conditions, or denying the application~~ make a recommendation on the project prior to its being heard by the Planning Commission.

~~63. 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 for the Board of Adjustment to consider and the project will not require a separate major development order application.~~

~~7. Notification of the Board of Adjustment decision shall be mailed to the applicant and shall be filed with the Planning and Development Services Division.~~

~~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. ~~two years~~ and may be renewed for a cumulative period not to exceed one year. The development order shall not expire if development has commenced and is continuing in good faith according to the approved plan.~~

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 ~~review and action by the Board of Adjustment~~ 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.

~~C. Applications for a Special Exception. Applications for a special exception shall include the information normally required for a major development application pursuant to section 11.02.03.~~

Section 3. CONFLICT.

Those portions of ordinances, whose subject matter is the Land Development Code, which are in conflict, are hereby repealed.

Section 4. SEVERABILITY.

In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. EFFECTIVE DATE.

This ordinance shall become effective when filed with the Secretary of State.

Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing this 8th day of June, 2010.

ATTEST:

for Kim Welles
Martha Ingle
Clerk of Court



BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

By: Scott C. Brannon
Scott Brannon, Chair