

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 11.06.06 OF THE WALTON COUNTY LAND DEVELOPMENT CODE; ESTABLISHING A PROCESS FOR EXCESS MATERIALS FROM POND CONSTRUCTION IN THE LARGE-SCALE AGRICULTURE AND GENERAL AGRICULTURE FUTURE LAND USE DISTRICTS TO BE GIVEN AWAY OR SOLD AT THE DISCRETION OF THE PROPERTY OWNER; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION 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 recognizes the need to update certain regulations relating to the construction of agricultural farm ponds in the large scale agriculture and general agriculture future land use districts; and

WHEREAS, the Board finds that it is in the best interest of the health, safety, and welfare of citizens to establish regulations and development standards for the location and construction of farm ponds;

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 regulate farm pond construction activities in Walton County.

Section 2. Section 11.06.06 of the Walton County Land Development Code is amended as follows (deletions are ~~strike-through~~; additions are underlined):

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)~~ fifteen (15) acres, whichever is less, and the depth does not exceed twelve (12) has an average depth of less than fifteen (15) 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.

Section 3. Conflict.

Those portions of ordinances, whose subject matter is in 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. Codification.

Section 11.06.06 of the Land Development Code, shall be codified as indicated in Section 2 above.

Section 6. Effective Date.

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

PASSED AND DULY ADOPTED in regular session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, on _____, _____, 2015.

ATTEST:

BOARD OF COUNY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

Alex Alford, Clerk of Court

By: _____
Bill Imfeld, Chair

Reviewed for form and sufficiency:

Mark Davis, County Attorney

Deletions are ~~stricken~~; additions are underlined.

Ordinance Number _____

**AN ORDINANCE AMENDING WALTON COUNTY
COMPREHENSIVE PLAN POLICY L-1.4.1 LARGE-SCALE
AGRICULTURE (LSA) AND POLICY L-1.4.2 GENERAL
AGRICULTURE (GA) TO ALLOW FLEXIBILITY IN THE
REGULATION OF BORROW PITS AND FISH PONDS;
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
DATE.**

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

WHEREAS, Chapter 163, Florida Statutes, requires local governments desiring to revise their comprehensive plans to prepare and adopt comprehensive plan amendments; and

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

WHEREAS, Walton County desires to provide more flexibility in the regulation of borrow pits and fish ponds in the Large-Scale Agriculture and General Agriculture future land use districts and still meet the intent of the Comprehensive Plan requirements; and

WHEREAS, Walton County afforded opportunity for public comments concerning the subject text amendments to the Comprehensive Plan during public hearings held before the Walton County Planning Commission and Board of County Commissioners; and

WHEREAS, after due public notice, the Walton County Board of County Commissioners held a transmittal hearing on _____, and an adoption hearing on _____; and

WHEREAS, this ordinance shall be considered a final order as required in Section 10.03.00 of the Walton County Land Development Code as codified in Ordinance 97-28;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners to amend the Walton County Comprehensive Plan to read as follows:

Policy L-1.4.1 Large-Scale Agriculture (LSA): The Large Scale Agriculture Future Land Use Category is intended for areas now used and appropriate for continued use primarily in agricultural and silvicultural activities, including timber production.

(A) **Location criteria:** Located in rural areas not served by central water or sewer facilities or located within utility service boundaries.

(B) Uses allowed: Land uses supportive of, and functionally related to, agricultural, aquacultural, and silvicultural activities; including farm dwellings, farmworker housing, and accessory structures that are associated with, functionally related to, and supportive of agriculture and silviculture. Land uses which shall be considered as functionally related to agriculture and silviculture activities shall be limited to the following:

1. Rural Home occupations that are clearly subordinate to the residential land use, and occupy no more than twenty-five percent (25%) of the floor area of the residential dwelling on the site; for lots of five (5) acres or more, the rural home occupation may occupy an accessory structure onsite. An accessory structure housing a rural home occupation may not exceed two thousand (2,000) square feet. Buffers may be required where adjacent to residential areas.
2. Community facilities and civic uses, including places of worship, community centers, public or private schools, day care centers, and infrastructure supporting the area.
3. Borrow pits and extraction of / for fish ponds are an allowed use within this land use category ~~so long as the excavated materials are not sold or transported offsite, but are retained permanently onsite and utilized solely in aid or support of onsite agricultural, aquacultural, or silvicultural activities.~~
4. Potable water, sanitary sewer, recreation, drainage, electrical and natural gas distribution, police and fire, public works maintenance, and road facilities that are necessary to serve land uses and development in the Large-Scale Agriculture Future Land Use Category, subject to the restrictions on the provision of potable water and sanitary sewer facilities contained in the Infrastructure Element.
5. Supporting agriculture, aquacultural, and silviculture commercial uses shall be limited to the following: Farm equipment sales and repair, kennels and veterinary services, sale of agricultural chemicals and supplies, rural neighborhood general or grocery store, feed sales, blacksmith and wood working shops, processing, storage, or sale of agricultural products; outdoor recreational activities such as hunting or fishing camps, bait and tackle shops, shooting ranges, and golf courses; travel trailer parks or campgrounds connected to outdoor recreational uses, riding or boarding stables; cemeteries, communications facilities, small engine repair, and welding shops.

(C) Density allowed: A maximum of one (1) dwelling unit per forty (40) acres, subject to the following:

1. For lots of record, as of November 7, 1996, of twenty (20) acres or less, gross density for residential use shall be allowed at a density not to exceed one (1) dwelling unit per two and one-half (2.5) acres.
2. Residential units may be clustered to lots as small as one-half (.5) acre, as long as the gross density is not exceeded and provided that a conservation easement, plat, deed restriction, or other similar legal instrument is recorded that shows the remainder of the property from which densities are transferred for clustering, as a permanent open space tract reserved exclusively for agricultural, silvicultural, passive recreation, or conservation.
3. Division of family homestead or the placement of additional residential units on a farm parcel for family members shall be governed by the provisions of §163.3179, F.S., and Policy L- 1.5.10.

4. All land uses in Large Scale Agriculture shall be developed and operated to ensure compatibility with surrounding land uses in accordance with Objective L-1.10 and related policies.

(D) **Intensity allowed:** A maximum FAR of 0.25 (25%) and an ISR of 0.30 (30%) of the total land area of the parcel or lot proposed for development.

(E) **Special considerations:**

1. Seventy percent (70%) of the development site must be retained in open space.
2. Silviculture activities occurring within this land use category shall be conducted in a manner compatible with the conservation, protection and appropriate use of natural resources, and shall, at a minimum, adhere to silvicultural best management practices outlined in the publication titled "Silviculture Best Management Practices Manual" (Revised 2008, Florida Department of Agriculture and Consumer Services, Division of Forestry) and the requirements of § 373 and §403, F.S.

Policy L-1.4.2 General Agriculture (GA): The General Agriculture Future Land Use Category shall be assigned to rural areas suitable for small-scale agricultural activities, including timber production.

(A) **Location criteria:** Located in rural areas not served by central water or sewer facilities and generally outside utility service boundaries.

(B) **Uses allowed:** Land uses supportive of, and functionally related to, agricultural, aquacultural, and silvicultural activities, including farm dwellings, farmworker housing, and accessory structures that are associated with, functionally related to, and supportive of agriculture and silviculture. Land uses which shall be considered as functionally related to agriculture and silviculture activities shall be limited to the following:

1. Rural Home occupations which are clearly subordinate to the residential land use, and occupy no more than twenty-five percent (25%) of the floor area of the residential dwelling on the site. If the lot is a minimum of five (5) acres, the rural home occupation may occupy an accessory structure on the site. An accessory structure housing a rural home occupation may not exceed two thousand (2,000) square feet. Buffers may be required where adjacent to residential areas.
2. Civic and public uses with supporting infrastructure.
3. Borrow pits and excavation of/for fish ponds are allowed within this land use category if the excavated materials are neither sold nor transported offsite, but are retained permanently onsite and utilized solely in aid or support of onsite agricultural, aquacultural, or silvicultural activities.
4. Potable water, sanitary sewer, recreation, drainage, electrical and natural gas distribution, police and fire, public works maintenance, and road facilities that are necessary to serve uses and development in the General Agriculture land use category, subject to the restrictions on the provision of potable water and sanitary sewer facilities contained in the Infrastructure Element.
5. Supporting agriculture, aquacultural, and silviculture commercial uses shall be limited to the following: Farm equipment sales and repair, kennels and veterinary services, sale of

agricultural chemicals and supplies, rural neighborhood general or grocery store, feed sales, blacksmith and wood working shops, processing, storage, sale of agricultural products, outdoor recreational activities such as hunting or fishing camps, bait and tackle shops, shooting ranges, travel trailer parks or campgrounds connected to outdoor recreational uses, riding or boarding stables, and golf courses; cemeteries, communications facilities, small engine and auto repair shops, welding shops.

(C) Density allowed:

1. Residential density shall be one (1) dwelling unit per ten (10) acres, gross density, subject to any other provisions in the Comprehensive Plan that apply to the property.
2. Dwelling units may be clustered on lots as small as one-half (1/2) acre, provided that a conservation easement, plat, deed restriction or other similar legal instrument is recorded to establish the remainder of the property, from which density is transferred, as a permanent open space.
3. Division of a family homestead or the placement of additional residential units on a farm parcel for family members shall be governed by the provisions of §163.3179, F.S. and the Land Development Code.
4. For lots of record as of November 7, 1996, of twenty (20) acres or less, gross density for residential use shall be allowed at a density not to exceed one (1) unit per 2.5 acres. Residential units may be clustered in accordance with subsection 2 above.

(D) Intensity allowed: A maximum FAR of 0.25 (25%) and a maximum ISR of 0.30 (30%).

(E) Special considerations:

1. Seventy percent (70%) of the development site must be retained in open space.
2. Silvicultural activities occurring within this land use category shall be conducted in a manner compatible with the conservation, protection, and appropriate use of natural resources; and shall, at a minimum, adhere to silvicultural best management practices outlined in the publication titled "Silviculture Best Management Practices Manual" (Revised 2008, Florida Department of Agriculture and Consumer Services, Division of Forestry) and the requirements of §373 and §403, F.S.
3. All land uses in this category shall be developed and operated to ensure compatibility with surrounding land uses, in accordance with Objective L-1.11 and related policies.

Section 2. Severability

Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance, and the remainder of the ordinance shall remain in full force and effect.

Section 3. Effective Date

This ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED in regular session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, this _____ day of _____, 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Alex Alford, Clerk of Court

By: _____
Bill Imfeld, Chair

Reviewed for form and sufficiency:

Mark Davis, County Attorney

Deletions are ~~stricken~~; additions are underlined.