

**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 fish 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 fish 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 fish 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 \_\_\_\_\_, \_\_\_\_\_, 2016.

ATTEST:

BOARD OF COUNY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA

\_\_\_\_\_  
Alex Alford, Clerk of Court

By:\_\_\_\_\_  
Sara Comander, Chair

Reviewed for form and sufficiency:

\_\_\_\_\_  
Mark Davis, County Attorney

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