

CHAPTER NINE

ADMINISTRATIVE PROCEDURES

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9.00.00 GENERALLY**9.00.01 Purpose and Intent****A. Purpose**

The purpose of this chapter is to set forth responsibilities and procedures for the administration of this Land Development Code. This chapter sets forth the procedures for receiving, reviewing, and rendering decisions on applications for development orders, permits, rezonings, and amendments to this LDC, the Comprehensive Plan, and development orders.

B. Intent regarding existing use of land

It is the specific intent of the City that an existing use of land which is lawful on the date of adoption of this LDC, whether a permitted use or a conditional use, shall remain a lawful use. If the use was approved subject to one (1) or more conditions, those conditions shall continue in full force and effect unless a new approval is granted.

9.00.02 Applicant; Owner; Owner's Agent; Contract Purchaser

Throughout this LDC the term applicant refers to the person submitting applications and associated materials. The applicant shall be the property owner, a designated representative of the property owner, or a purchaser under contract. The representative may be called the owner's agent; the purchaser under contract may be the designated representative. A notarized statement shall be provided by the owner authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures. Where an action is reserved to the owner of the property, the term owner is used.

9.00.03 Development Permits and Development Orders Required; Exemptions; Recording**A. A local development permit, including a building permit, zoning permit, subdivision approval, rezoning, certification, special exception, or variance shall be required in conformance with the provisions of this LDC and where applicable in accordance with the *Florida Building Code* prior to the commencement of any development activities, as follows:**

1. Land clearing, excavation, or modification, including dredge and fill;
2. Tree removal, except on single-family lots;
3. Construction of any principal or accessory building or structure;
4. Storage of building materials or erection of a temporary job site office;
5. Installation of utilities, streets, driveways and driveway connections, drainage systems and connections, building systems (electrical, gas, mechanical, or plumbing), or landscaping other than a single-family home;
6. Marine construction;
7. Moving any structure;
8. Alteration, demolition, or repair of any structure according to the requirements of the Florida Building Code; and
9. Any other construction, reconstruction, site improvement, or modification to the land or water on a site.

B. A development order shall be required prior to issuance of a local development permit for: all new construction, redevelopment, additions, and site modification which

- provides additional gross building square footage that is 1,000 square feet or more in size, except for the following:
1. One or two single family dwellings;
 2. Applications for independent accessory structures or uses for single family residential sites;
 3. Applications for independent accessory structures and uses that are 600 square feet or less in size for commercial and mixed use sites.
- C. Land clearing shall not be construed to include routine landscaping maintenance.
- D. Projects for which a local development permit has been lawfully issued prior to the effective date of this LDC may continue, provided that:
1. The local development permit has not expired prior to the effective date of this LDC;
 2. The development activity authorized by the local development permit commenced on or before the effective date of this LDC and continues in good faith according to the applicable time limits; and
 3. The development activity authorized by the local development permit is in accordance with all applicable development permits.
- E. Recording
1. A development order, and any amendments to a development order, shall be recorded in the office of the City Clerk, at the expense of the applicant.
 2. Where the development order pertains to a final subdivision plat, a true copy of the approved final plat shall be recorded in the public records of Okaloosa County within sixty (60) days from the date of such approval. When recordation has not been accomplished within sixty (60) days, the City Council shall confirm that the final plat is not valid and provide notice to the applicant. The applicant may reapply for final plat approval. The final plat shall be provided to the City after recording.

9.00.04 Commencement of Work and Expiration of Local Development Permits and Development Orders

- A. A development order for a site development plan shall expire two (2) years after the date of issuance of the order where an application for a local development permit has not been submitted. One (1) extension of up to one (1) year may be requested in writing prior to the expiration date and shall be granted.
- B. A development order for phased projects shall include expiration dates for each phase. When an application for a local development permit has not been submitted for a phase of the project by the expiration date for that phase, the development order for that phase and all subsequent phases, if any, shall expire.
- C. A local development permit shall expire if work does not commence within one (1) year from the date of issuance of the permit.
1. Where a permit is issued by a State or Federal agency with jurisdiction over the project, the permit shall expire as set forth by the agency.
 2. One (1) extension of up to one (1) additional year may be granted, except where there is an enforceable development agreement which establishes an expiration date.
- D. Where activity toward completion of a project under a local development permit ceases for a period exceeding six (6) months, the local development permit shall be considered

- void. No further activity shall be undertaken until a new local development permit is issued.
- E. Where a local development permit has been obtained prior to the expiration of the associated development order according to the timeframes established in Sections 9.00.04.A and 9.00.04.B and the local development permit expires for any reason, the development order on which the development was based may continue, but shall not be valid for more than three (3) years from the original date of issuance of the development order.
 - F. When litigation is filed challenging a development, development order, or local development permit, all timeframes associated with such development, development order, or local development permit shall be tolled during litigation.

9.00.05 Fees Required

- A. The City may charge a fee for any application, local development permit, processing costs, or provision of requested information or documents in compliance with this chapter to cover the cost incurred by the City. The City shall establish a schedule of fees required by this LDC, hereafter referred to as the Fee Schedule.
- B. All required fees shall be paid at the time an application for development review is submitted. Multiple fees may be required for proposed development involving multiple applications.
- C. The City is authorized to enter into a contract with persons who have expertise necessary for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant; however, the City shall provide information regarding the basis of fees for such experts when requested by the applicant.

9.00.06 Improvement Agreements, Guarantees, and Sureties

Where a guarantee is required to ensure that construction of required infrastructure improvements for any development are provided by the applicant or that funds are provided to the City to pay for such infrastructure improvements, the following methods of guarantee are permissible.

- A. A surety bond may be provided, executed by a surety company authorized to do business in the State of Florida and having a resident agent within the City. The bond shall be for a time period specified by the City Council, not to exceed one (1) year. The City Council may approve extension of the bond provided that the costs of construction are updated. The bond shall be enforceable by or payable to the City in an amount equal to 110 percent of the cost of constructing the infrastructure improvements. The cost of constructing the infrastructure improvements shall be documented by the applicant and approved by the City. The form, surety, and conditions shall be approved by the City Attorney.
- B. A cashier's check, cash, or certified check may be deposited with the City or placed in escrow. The amount shall equal 110 percent of the cost of constructing the infrastructure improvements. The cost of constructing the infrastructure improvements shall be documented by the applicant and approved by the City. When the applicant satisfactorily completes a portion of the infrastructure improvements, the City may release a commensurate portion of the deposit, provided that the amount remaining on

deposit is equal to 110 percent of the amount required to complete the remaining infrastructure improvements.

9.00.07 Certificate of Occupancy

A certificate of occupancy is the only demonstration that the use or occupancy of land or buildings is in compliance with the requirements of this LDC and the provisions of an approved development order, development agreement, and / or local development permit. A certificate of occupancy shall be received by the applicant prior to the use or occupancy of land or buildings. This section shall not be construed to apply to the transfer of ownership or the change of occupants.

9.00.08 Certificate of Completion

A certificate of completion is the only demonstration that the use or occupancy of land or buildings is in compliance with the requirements of this LDC and the provisions of the approved local development permit for renovations, additions, and alterations. A certificate of completion shall be received by the applicant prior to the use or occupancy of land or buildings. When a change of use occurs, a new certificate of occupancy and a new certificate of completion shall be required.

9.00.09 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Building Official before the completion of the entire work covered by the local development permit, provided that such portion or portions shall be occupied safely. The Building Official shall, at the time of issuance, set a time period during which the temporary certificate of occupancy is valid. Failure to complete the project within the time allotted will result in suspension of occupancy until such time as the project is completed and ready for a certificate of occupancy.

9.00.10 Zoning Determination

- A. A zoning determination is a finding of fact that an existing use complies with the requirements set forth in this LDC and the Future Land Use Map of the Comprehensive Plan.
- B. A zoning determination shall be limited to the use standards specified in the written determination and shall not be construed to extend to other matters regarding the use or development on the site when such matters are not specifically written in the zoning determination.
- C. The zoning determination shall include the condition that the use or development that is the subject of the determination may become nonconforming if this LDC is amended.
- D. The zoning determination shall expire one (1) year after issuance; however, where this LDC is amended within the one (1) year period, the zoning determination shall expire upon amendment of this LDC.

9.01.00 PROCEDURES FOR REVIEW AND DECISION-MAKING

9.01.01 Types of Applications

Table 9.01.01 contains a list of the types of applications and identifies the entities responsible for reviewing and issuing decisions on applications. Development orders are

categorized as major developments or expedited developments, as follows:

- A. Major developments are proposed developments where building heights are proposed to exceed the height limits established on the *Eglin AFB Tall Structures Analysis for the City of Fort Walton Beach* map, proposed development subject to a development agreement, and proposed development in a PUD.
- B. Expedited developments include all development orders other than those described in Section 9.01.01.A.

Table 9.01.01. Types of Applications and Entities Responsible for Recommendation and Final Decision.

Type of Application	Staff ¹	LPA	City Council
Administrative Waivers (See Chapter 8)	D		
Amendment to the Comprehensive Plan	R	R	D
Amendment to this LDC	R	R	D
Annexations	R		D
Appeal of Administrative Decisions (See Chapter 8)	R	D	
Communication Towers	R		D
Development Agreement	R		D
Development Orders			
Major Development Orders	R		D
Expedited Development Orders	D		
Major Amendments to Major Development Orders	R		D
Minor Amendments to Development Orders	D		
Expansion or Modification of Nonconformities (See Chapter 8)	R	D	
Subdivision Plats			
Preliminary Plats	R		D
Final Plats	R		D
Replats	R		D
Minor Plats	D		
Permits (Buildings, Signs, Docks, Boat Structures, Grading, Lot Clearing, etc.)	D		
PUD	R	R	D
Rezoning	R	R	D
Vacations (Easements, ROW, Plats)	R		D
Variances (See Chapter 8)	R	D	
Zoning Determination	D		

¹Staff means the Development Administrator or Building Official where required by the *Florida Building Code*

D = Final Decision Authority

R = Recommendation

9.01.02 Pre-Application Conference Required

- A. A pre-application conference is a required meeting between a potential applicant and the City staff prior to submittal of an application for a development order, for the purposes of:
1. Exchanging information on the potential development of a site;
 2. Providing information to a potential applicant on permissible uses of a site;
 3. Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;
 4. Providing information to an applicant regarding standards of regional, State, or Federal agencies that may be applicable to a potential application;
 5. Determining the need and requirements for supporting plans, documents, and studies;
 6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
 7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
- B. It is the City's intent that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposed development will be ultimately approved or rejected in any form.
- C. Prior to the submission of an application for a development order an applicant shall request for a pre-application conference.
- D. A pre-application conference shall be held not more than ten (10) business days following the date of request for such conference.
- E. An application shall only be accepted within six (6) months of the date of the pre-application conference. After six (6) months, the applicant shall request a new pre-application conference.
- F. The pre-application conference shall include representatives of City departments responsible for reviewing applications and may include independent reviewers hired by the City, as well as representatives of regional, State, or Federal agencies with authority over specific aspects of the proposed development.
- G. The applicant may bring professionals who will prepare some or all of the application materials to the pre-application conference.

9.01.03 Determination of Completeness

- A. The first step in the review of an application is a determination that the application is complete, called a determination of completeness. The determination of completeness ensures that all required documents and plans have been submitted in sufficient number and format (digital or print), and that all fees have been paid. A determination of completeness is not an evaluation of compliance with standards and criteria.

- B. The City staff shall issue a determination of completeness to the applicant, within three (3) business days of receipt of an application. When the application is not complete, the written determination shall specifically identify the missing documents and/or plans. When, due to circumstances beyond the control of the City, the determination cannot be made within three (3) business days, the City shall advise the applicant and provide the date on which the determination will be provided.
- C. The application shall not be processed until missing documents and/or plans are submitted and the application is determined to be complete.
- D. The applicant shall have ten (10) business days from the date of the determination of completeness to submit the missing documents or plans. The City shall issue a determination of completeness within three (3) business days following receipt of the additional documentation.
- E. If the missing information is not provided within ten (10) business days or the application is incomplete after submittal of additional information, the application shall be deemed withdrawn and all materials shall be returned to the applicant.
- F. When all required submittals have been received within the required time, the application shall be assigned a number and processed for review and action in accordance with the procedures set forth below.

9.01.04 Preparation of Compliance Report for Development Orders

- A. All applications for development orders shall be reviewed by designated City staff. The review shall document the compliance of an application with the requirements of this LDC, the Comprehensive Plan, the *Engineering Standards Manual of Fort Walton Beach*, and applicable technical codes and standards.
- B. When an application is determined complete, City staff shall have twenty (20) business days to prepare a compliance report. The steps in the compliance report process are described further in Sections 9.01.04.C through 9.01.04.G.
- C. Each application shall have a City staff person designated as case manager.
- D. The case manager shall prepare a draft compliance report. The case manager shall notify the applicant whether deficiencies have been identified in the application.
- E. Actions following notification to the applicant:
 - 1. The applicant shall have twenty (20) business days to correct deficiencies and submit revised or supplemental application documents.
 - 2. Upon receipt of revised or supplemental application documents, the City shall have twenty (20) business days to conduct a review of the revised or supplemental application documents, issue the final compliance report, and take action as outlined in Section 9.01.04.F.
 - 3. Where the deficient application is not revised, corrected, or supplemented, the City shall have five (5) days to issue the final compliance report and action shall be taken as outlined in Section 9.01.04.F.
- F. Actions by the Development Administrator
 - 1. For expedited development orders, the Development Administrator shall render a decision as follows:
 - a. Approve the application and issue a development order;
 - b. Deny the application and issue a written notice of denial;

- c. Where a potential negative finding that was not in the compliance report is identified by the Development Administrator, the Development Administrator shall remand the application to the case manager for reconsideration. The case manager shall provide the compliance report to the Development Administrator, along with an explanation of modifications, if any, within ten (10) business days.
 2. For major development orders, the Development Administrator shall prepare a recommendation and forward the application and compliance report to City Council for consideration at the next available public hearing.
- G. Effective date of development orders
A development order shall have an effective date of five (5) business days following the date of decision to provide for the appeals period established in Section 8.03.02.

9.01.05 Preparation of Compliance Reports and Recommendations for Applications Other than Development Orders

- A. A compliance report shall be prepared for all applications for which the City Council makes the final decision as set forth in Section 9.01.01.
- B. The compliance report shall document consistency of the proposed action with this LDC, the Comprehensive Plan, and other ordinances or technical codes. The report shall include a recommendation for approval, denial, or where applicable, assigning conditions to an approval.
- C. The compliance report shall include information that all required notice has been provided. The application documents and compliance report shall be provided to the applicable decision-making entity.

9.01.06 Procedures for Recommendations by the Local Planning Agency (LPA)

- A. The LPA shall hold a quasi-judicial hearing as set forth in Section 9.06.00 and shall consider and provide recommendations to the City Council on applications for amendments to the Comprehensive Plan, amendments to this LDC, PUDs, rezoning, and such other matters as may be assigned by the City Council.
- B. The City staff shall provide application documents and the compliance report to members of the LPA according to the City's schedule of public hearings.
- C. The LPA shall hold a public hearing for each application and prepare a recommendation which shall be forwarded to City Council for consideration at the next available public hearing.

9.01.07 Procedures for Actions by the City Council

- A. The City Council shall consider all applications as set forth in Section 9.01.01.
- B. The City staff shall provide application documents, applicable reports from staff, and recommendations from LPA as described in Section 9.01.06 to City Council members.
- C. Notice shall be provided as set forth in Section 9.04.00 and an agenda prepared and posted at the Fort Walton Beach City Hall.
- D. Where a quasi-judicial hearing is required, procedures for conduct of the hearing shall be followed as set forth in Section 9.06.00.

- E. When the application is for rezoning, the City Council shall approve or deny the application. All other applications may have conditions attached to the approval. When approved or approved with conditions, a development order shall be issued. When the application is denied, a written decision shall be provided to the applicant within five (5) days following the hearing describing the reasons for denial.
- F. When an application for rezoning is denied, a new application for the same rezoning of the same property shall not be considered within twelve (12) months following the date of denial.

9.01.08 Requests for Continuation of a Public Hearing

- A. An applicant may request, in writing, a continuation of a public hearing regarding his application.
- B. If the written request for a continuation is received at least five (5) business days prior to the public hearing at which the application is scheduled to be heard, the applicant's request for a continuation will be automatically granted. An applicant shall be limited to one (1) such automatic continuation. Further requests for a continuation shall be considered and granted only upon a demonstration by the applicant of good cause for such continuation.
- C. If the written request for a continuation is received less than five (5) business days prior to the public hearing at which the application is scheduled to be heard, the entity holding the hearing will consider the request for a continuation and shall only grant such request upon a demonstration by the applicant of good cause for such continuation.
- D. Where the grant of a continuation results in the provision of additional notice, the costs associated with such notice shall be paid by the applicant prior to rescheduling the public hearing. If a public hearing is continued on the record, at the scheduled public hearing, to a date and time certain, no additional notice shall be required.

9.01.09 Withdrawal of Pending Applications

An applicant may withdraw an application at any time prior to issuance of a final decision. The applicant shall provide written notice of the withdrawal to the City at least five (5) business days prior to the public hearing at which the application is scheduled to be heard. When written notice of withdrawal is received less than five (5) business days prior to the public hearing, the application will be considered denied, and the same, or substantially same application, shall not be considered for twelve (12) months following the public hearing at which the application was scheduled to be heard.

9.01.10 Review of Applications for Local Development Permits

- A. Prior to submission of an application for a local development permit, a pre-application conference shall be held for the purposes set forth in Section 9.01.02.A(1) through (7). The pre-application conference may be waived by the Building Official.
- B. All applications for local development permits shall be reviewed by designated City staff. The review shall document the compliance of an application with the

- requirements of this LDC, the Comprehensive Plan, the *Engineering Standards Manual of Fort Walton Beach*, and applicable technical codes and standards.
- C. When an application is determined complete, City staff shall have fifteen (15) business days to prepare a compliance report. The steps in the compliance report process are described further in Sections 9.01.04.C through 9.01.04.G.
 - D. Each application shall have a City staff person designated as case manager.
 - E. The case manager shall prepare a draft compliance report. The case manager shall notify the applicant whether deficiencies have been identified in the application.
 - F. Actions following notification to the applicant:
 - 1. The applicant shall have twenty (20) business days to correct deficiencies and submit revised or supplemental application documents.
 - 2. Upon receipt of revised or supplemental application documents, the City shall have fifteen (15) business days to conduct a review of the revised or supplemental application documents, issue the final compliance report, and take action as outlined in Section 9.01.05.G.
 - G. Actions by the Building Official
 - 1. For local development permits, the Building Official shall render a decision as follows:
 - a. Approve the application and issue a local development permit;
 - b. Approve the application with conditions and issue a local development permit identifying the required conditions; or
 - c. Deny the application and issue a written notice of denial.
 - H. Appeals
Action taken on an application for a local development permit may be appealed as set forth in Section 8.03.02.

9.02.00 APPLICATION REQUIREMENTS

9.02.01 Generally

This section provides information regarding all types of applications and the submittals required for review of applications. The types of applications are described in Section 9.01.01. The procedures for reviewing applications, holding required public hearings, and rendering decisions are set forth in Sections 9.01.00 and 9.06.00.

9.02.02 Submittal Requirements for All Applications

This section is intended to describe the submittal requirements applicable to all applications, except applications to amend this LDC and to amend the Comprehensive Plan. It is specifically the intent of the City to avoid duplication by providing a basic application to be supplemented by additional information for a specific type of application. Such additional information is described in Sections 9.02.03 through 9.02.13.

- A. Each application shall contain the following information:
 - 1. An application form available from the City.
 - 2. The name, address, telephone number, facsimile number, email address, and signature of the applicant. If any applicant is a business entity such as a partnership, corporation or joint venture, the names and business addresses of all partners and officers, as appropriate, and telephone numbers.
 - 3. A copy of the deed or deeds conveying the subject property to the current owner.

4. The recorded ownership interests, including liens, title certification, encumbrances, and the nature of the applicant's interest if the applicant is not the owner.
 5. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor licensed in the State, and shall have been performed not more than five (5) years prior to the date of application. For applications limited to permits for accessory structures, a City-approved alternative to the property survey may be submitted.
 6. Proof of payment of applicable fees.
 7. Stamped envelopes addressed to the owner of each property within 300 feet of the site proposed for a development order, in compliance with the notice requirements of Section 9.04.00.
- B. An application regarding development within or affecting environmentally sensitive lands (see Chapter 3) shall include proof of submitting applications for all applicable permits or exemptions from regional, State, or Federal agencies with permitting authority for such lands.
- C. One (1) electronic copy and one (1) hard copy of all application documents shall be submitted.

9.02.03 Submittal Requirements for Development Order Applications Subdivision Plats, and Other Applications Requiring Site Development Plans

- A. Site plans shall be submitted for development order applications, subdivisions, and all other applications which require site plans as determined by the case manager. All site development plans, subdivision plats, and drawings for an application shall be prepared at the same scale.
- B. Digital submissions of site development plans, subdivision plats, and drawings are required. All layers that compose the plan or plat shall be visible (turned on and not frozen). All other layers that are not part of the submittal shall be frozen.
- C. All site development plans and drawings accompanying an application for development approval shall be prepared and certified by a land surveyor, landscape architect, architect, or engineer licensed by the State of Florida. Subdivision plats shall be prepared and certified by a land surveyor or engineer licensed by the State of Florida. Such plans, plats, and drawings shall contain the following information, unless the applicant justifies that the information is not applicable to the application:
1. The name, address, telephone number, facsimile number, and email address of the person preparing the plan, plat, or drawing.
 2. The date of preparation and date(s) of any modifications.
 3. A north arrow and a written and graphic scale.
 4. A vicinity map showing the location of the property.
 5. The name, plat book, and page number of any recorded subdivision within or adjacent to the site.
 6. Information regarding existing development on adjacent properties:
 7. Location of any protected historical or archaeological resources.
 8. Location of utilities, utility service, connections to existing utility facilities, sewer lines, water mains, culverts, fire hydrants, and easements necessary to provide access for maintenance or other activity.
 9. Where development is proposed in phases, the plans shall include phase lines, a

timeline for the development, and benchmarks for monitoring the progress of construction of each phase regarding land clearing, soil stabilization and erosion control, installation of infrastructure, and installation of landscaping.

10. Applications involving clearing of land shall be accompanied by a tree survey.
11. The location and size of any proposed common open space or commonly owned facilities and the form of the organization which will own and maintain such open space or facilities.
12. A summary block containing the following information:
 - a. Land use category from the Future Land Use Map in the Comprehensive Plan;
 - b. Zoning district;
 - c. Total acreage;
 - d. Total building square footage for residential and non-residential uses;
 - e. Total density and number of units, proposed and permissible, for residential uses;
 - f. Height of all existing and proposed buildings;
 - g. Impervious surface ratio calculation, proposed and permissible;
 - h. Floor area ratio calculation, proposed and permissible; and
 - i. Required and proposed number of parking and loading spaces.

9.02.04 Supporting Documentation to Accompany Applications

Applications for development orders, subdivisions, planned unit developments (PUD's), and other applications shall include supporting documentation as determined at the pre-application meeting including the following:

- A. Concurrency analysis to demonstrate compliance with Section 9.03.00.
- B. Traffic study, prepared by a traffic engineer licensed by the State of Florida, containing the following information and in compliance with the following:
 1. The area of impact as identified during the pre-application conference, to include streets, street segments, and intersections, for the traffic analysis, based on accepted traffic planning principles and practices.
 2. On-site and off-site traffic impacts, including:
 - a. The existing average daily traffic on adjacent streets and streets impacted by the proposed development. Where traffic counts conducted within the previous six (6) months are not available, the applicant shall conduct traffic counts. There shall be no adjustment for internal capture of trips, except for mixed-use development. Volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors as approved by the City.
 - b. The total trips generated by the project and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates shall be used as the basis for trip generation calculations, except where an alternative source of data is specifically approved by the City in advance.
 - c. Existing turning movement volumes at the impacted intersections.
 - d. Level of service calculations at each project access point for the p.m. peak hour, both existing and within the proposed development.
 - e. Level of service calculations at impacted intersections for the p.m. peak hour, both existing and within the proposed development.
 - f. Determination of projected volumes for the year of project completion using

- the annual growth factor provided by the City.
- g. Analysis of the proposed adjustments in trip generation or projected volumes for mixed use developments.
 - h. Analysis of the need for turning lanes or additional lanes on impacted roadways.
 - i. Analysis of the need for intersection improvements.
 - j. Analysis of the need for traffic signals or other traffic control devices.
 - k. Proposed trip distribution based on professionally accepted methodologies.
3. The traffic study shall include a statement of the assumptions used in conducting the analysis, including the following:
 - a. Type and intensity or density of development.
 - b. Projected population of a residential development.
 - c. Proposed timing and phases of development.
 - d. Proposed design of streets, access points, driveways, alleys, sidewalks, and other components of the transportation system.
- C. Parking study, demonstrating compliance with the standards set forth in Section 6.04.06.
- D. Stormwater management plan, in compliance with the standards set forth in the *Engineering Standards Manual of Fort Walton Beach*.
- E. Identification of natural features and physical conditions in compliance with the Comprehensive Plan and Chapter 3, as follows:
 1. The location of streams, bodies of water, and natural features within the boundaries of the property and within 500 feet of any boundary of the property.
 2. The location of the mean high water line, if such line is within the boundaries of the property.
 3. A topographic survey, soils report, grading plan, and an erosion control plan.
 4. A general floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification.
- F. Landscaping plan, containing sufficient information to demonstrate that the proposed landscape improvements are in conformity with the landscape development standards, design principles, irrigation standards and other requirements set forth in Section 4.08.00, and containing the following information:
 1. Location and size of all landscaped and buffer areas.
 2. Designation of the name (botanical and common), size (height and spread), quantity, and location of the plant material to be installed.
 3. Designation of the name, size, location, and condition of viable existing trees and vegetation and areas to be preserved.
 4. Designation of existing trees and vegetation to be removed.
 5. Designation of vegetation required by State or Federal law to be preserved.
 6. Location of water use zones.
 7. Details for the location and type of irrigation, when an irrigation system is proposed.
- G. Signage plan, demonstrating compliance with the standards set forth in Section 5.03.00, and including the following information:
 1. The type, square footage, height, and location of all signage currently displayed on the site.
 2. The type, square footage, height, and location of the sign or signs proposed to be

erected on the site. If the sign is to be electrically lighted, additional information is to be provided regarding the testing laboratory or the Electrical Testing Lab (ETL) number, and the name and address of the electrical contractor.

3. A fully dimensioned site plan showing the lot frontage, building frontage, sign face areas, and location of all existing and proposed signs. For ground signs, the site plan shall show the distance from the property line, right-of-way line, and edge of pavement, and the location of the clear visibility area as established in Section 6.03.00.
 4. A summary table listing location, type, and area of any existing and proposed signs with fully dimensioned elevation drawing of any proposed sign, showing sign type, height and copy area; and, for facade signs, an elevation of the building, showing placement of any sign.
- H. Details for the construction of improvements, in compliance with the requirements set forth in the *Engineering Standards Manual of Fort Walton Beach*.

9.02.05 Submittal Requirements for Applications Requiring Site Development Plans

- A. In addition to the information required in Sections 9.02.02, 9.02.03, and 9.02.04, all applications requiring site development plans shall contain the following information regarding existing and proposed development and supporting infrastructure:
1. The location of existing and proposed access points, driveway design, roads and rights-of-way, street intersections, sidewalks and other pedestrian facilities, bicycle facilities, and other paved areas within the boundaries of the property.
 2. The location and use of any existing and proposed principal or accessory buildings and structures, showing proposed setbacks, building floor area, building heights, and other dimensional requirements of the zoning district in which the property is located.
 3. The existing ground elevations, existing finished floor elevations, and proposed finished floor elevations for all buildings.
 4. Information to demonstrate compliance with site development standards applicable within the zoning district and applicable to any specific uses subject to supplemental standards.
 5. Information to demonstrate compliance with site development standards applicable to accessory uses and structures.
- B. Developments proposed with bonus provisions, as described in Chapter 4, shall provide the Bonus Scorecard with the site development plan application.

9.02.06 Additional Submittal Requirements for Subdivision Plats

- A. At the discretion of the City, and identified at the pre-application conference, the preliminary and final subdivision plats may be combined. Where the application is for a replat, the preliminary plat may be waived.
- B. In addition to the information required in Sections 9.02.02, 9.02.03, and 9.02.04, all applications for subdivision plat approval, including proposed townhouse developments and proposed zero lot line developments, shall contain the following information:
1. The proposed name of the subdivision.
 2. Development specifications for the tract: land area and the proposed number and

- layout of lots and blocks.
3. Location of land to be dedicated or reserved for public use for rights-of-way, streets, sidewalks, bike trails, pedestrian trails, easements, schools, parks, open spaces, or other public uses.
 4. The substance of covenants, grants, easements, or other restrictions which may be imposed upon the use of land, buildings, and structures.
- C. Receipt of the signed copy of the approved preliminary plat is authorization for the applicant to proceed with the preparation of plans and specifications for minimum improvements and with the preparation of the final plat.
1. Prior to the construction of any improvement required, or the submission of a bond in lieu of construction, the applicant shall provide documentation to demonstrate compliance with the site improvement standards set forth in the *Engineering Standards Manual of Fort Walton Beach*.
 2. All proposed construction shall be compatible with the soil conditions specific to the site. If necessary, the applicant shall provide boring and soils tests that shall be conducted by testing facilities licensed by the State.
- D. The final plat shall conform substantially to the approved preliminary plat. The applicant may submit a final plat for a portion of the approved preliminary plat proposed to be recorded and developed at the time.
1. The applicant shall submit two original mylars after all reviews and revisions or other reproducible drawing of the final plat as prescribed by Chapter 177, *F.S.*, duly signed as required. Review copies of the final plat may be submitted for comment on bond paper. The final plat submitted for recording shall be composed of individual sheets of the size approved by the County for purposes of recording.
 2. The plat shall be tied to state plane coordinates. State plane coordinate (North American Datum 1983/90 or subsequent NGS adjustments) in U.S. survey feet shall be stated on the final plat mylar submitted for recording. State plane coordinates for at least two boundary corners of the proposed plat shall be shown. These coordinates shall be derived from field measurements in conformity with State law.
 3. In addition to the information required by Sections 177.041--177.091, *F.S.*, the following shall be shown on the plat:
 - a. A location sketch showing the location of the subdivision with respect to section or City limit lot lines.
 - b. The exact names, locations, and right-of-way widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract.
 - c. Lots numbered in numerical order, beginning with number one in each block, and blocks lettered in alphabetical order.
 - d. Common areas or other sites required for stormwater management areas or other shared facilities, adequate to accommodate all subdivision land development activities.
 - e. Acknowledgment of the owners and all lien holders to the plat and restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of the required easements.
 - f. Space and forms for the following necessary signatures indicating approval, as

listed below:

- (1) City Clerk's recording certificate;
 - (2) City Council approval;
 - (3) Title certification;
 - (4) Certificate of surveyor and mapper;
 - (5) Dedication with certificate of ownership and acknowledgements;
 - (6) Joinder and consent to dedication with acknowledgements;
 - (7) Certificate by tax collector;
 - (8) City engineer; and
 - (9) City surveyor.
- C. Proposed zero lot line development shall include both a preliminary and final plat, and shall include a site development plan that demonstrates compliance with the site development standards set forth in Section 4.07.05.
- D. A replat of an existing subdivision shall follow the same process as outlined for a new plat, except that a preliminary plat may not be required. The need for a preliminary plat shall be determined at the pre-application conference.

9.02.07 Submittal Requirements for Minor Plats

- A. Applications for minor plats shall require the following:
1. An application form as specified in Section 9.02.02.
 2. A survey showing the following:
 - a. The location of all structures, and utilities above and underground (including service lines to the remaining and proposed buildings) that exist on the property.
 - b. Proposed new lot lines with setbacks to any existing buildings that will remain on site.
 - c. Existing easements and any proposed easements that are required for public utilities, storm drainage, and other improvements as a condition of lot line adjustment approval.
- B. If relocation of existing utility service lines is necessary to remedy an encroachment, a plan shall be provided to show how service will be provided from the existing utility mains without encroaching. Utility service lines to a lot shall not encroach across another lot. Water and sewer lines shall be available to all lots with no main line extensions or upgrades necessary.
- C. A new legal description for each new lot created.
- D. Demonstration that the applicant has paid or is obligated to pay any costs of new utility adjustments, extension, relocation, or connections.
- E. Demonstration that any demolition or removal of structures shall be accomplished prior to approval of the minor plat.

9.02.08 Submittal Requirements for Planned Unit Developments

An application for a Planned Unit Development (PUD) is a combined application for site development plan approval and rezoning to PUD. When the PUD is proposed on a lot or parcel that is not platted, a subdivision plat is also required. The submittal shall include all information set forth in Sections 9.02.02, 9.02.03, 9.02.04, 9.02.05, and 9.02.09. When platting is required, the information set forth in Section 9.02.06 shall be provided. The application shall clearly

identify all proposed site development standards in compliance with Section 4.06.02.

9.02.09 Submittal Requirements for Rezoning Applications

- A. In addition to the information required in Section 9.02.02, all applications for amendments to the zoning map (rezoning) shall include the following information:
1. A map of the area indicating the existing and proposed zoning district designation for the subject property and the existing zoning district designations for all abutting properties. The map shall show the land use categories from the Future Land Use Map in the Comprehensive Plan for the subject property and all adjacent properties.
 2. A detailed statement addressing the consistency of the proposed zoning district with the land use category of the subject property. The statement shall address permissible uses within the land use category and the zoning district and shall further address consistency of the proposed zoning with the goals, objectives, and policies of the Comprehensive Plan.
 3. A detailed justification for the proposed zoning district, including identification of changed conditions, if any, that make the proposed zoning district more appropriate than the existing zoning district.
 4. A detailed statement regarding the existing land use pattern, the possible creation of an isolated district unrelated to adjacent districts, and the potential impacts of the proposed rezoning on the surrounding neighborhood.
- B. Specific requirements for a proposed rezoning to PUD (Planned Unit Development) are set forth in Section 9.02.08.

9.02.10 Submittal Requirements for Vacations

An application to vacate a right-of-way, easement, or subdivision plat shall include the information identified in Section 9.02.02 and the information set forth below.

- A. A request to vacate a plat, either in whole or in part, shall include an attorney's opinion verifying that the applicant is the owner of the land proposed for vacation.
- B. A written statement justifying the requested vacation including the following information:
1. Demonstration that the access of adjacent property owners will not be impaired;
 2. Demonstration that access to a public water body will not be negatively impacted; and
 3. Demonstration that there is no public need for the right-of-way, easement, or plat.

9.02.11 Submittal Requirements for Amendments to this Land Development Code

- A. An application to amend this Land Development Code shall include the following information:
1. An application form, available from the City. The application shall include the name, address, telephone number, facsimile number, email address, and signature of the applicant.
 2. Proof of payment of applicable fees.
- B. The following information shall be provided with the application:
1. A description of the proposed amendment, with specific citations to the section(s) proposed for amendment.
 2. A detailed justification for the proposed amendment.

3. A detailed statement of consistency of the proposed amendment with the goals, objectives, and policies of the Comprehensive Plan.

9.02.12 Submittal Requirements for Local Development Permits

- A. An application for a local development permit shall include documentation as required by the *Florida Building Code*, the *Engineering Standards Manual of Fort Walton Beach*, and other documents identified during a pre-application conference.
- B. When an application pertains to a change of use, the requested change of use shall comply with the criteria in Section 2.03.04.
- C. When an application for a change of use pertains to a nonconforming use, the requested change of use shall comply with the criteria in Sections 2.03.04 and 8.01.04.
- D. A wetland permit shall include a clearing / grubbing permit; tree removal permit, if needed; and wetlands survey.

9.03.00 CONCURRENCY REQUIREMENTS

9.03.01 Purpose

The purpose of the certificate of concurrency process is to ensure the existence of sufficient infrastructure to maintain the levels of service adopted in the Comprehensive Plan.

9.03.02 Certificate of Concurrency Required

- A. A certificate of concurrency shall be required prior to or concurrent with the issuance of a development order, including *de minimis* situations.
 1. The requirement for a certificate of concurrency shall not apply to properties listed on the National Register of Historic Places or the Florida Master Site File.
 2. Where multiple development permits are required, the issuance of the certificate of concurrency shall occur prior to the issuance of the initial local development permit.
- B. A certificate of concurrency shall be issued upon a finding that the determination of concurrency demonstrates the availability of capacity to serve the proposed development.
 1. The certificate of concurrency shall include the condition that facilities with the required capacity shall be in place and available to serve new development or as otherwise provided in State law.
 2. For potable water, the certificate of concurrency shall include the condition that prior to approval of a building permit, the City shall determine that adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy.
- C. A certificate of concurrency shall automatically expire simultaneously with the expiration of the local development permit to which it applies. If a time extension is granted prior to the expiration of a local development permit, then the accompanying certificate of concurrency shall be automatically extended for the length of the time extension.
- D. A certificate of concurrency shall be issued in writing and signed by the Development Administrator.

9.03.03 Determination of Concurrency

A determination of concurrency is a demonstration that the proposed impact on the specified

public services and facilities does not exceed the capacity based on the minimum level of service standard.

A. Level of Service Standards

1. The minimum level of service standard for potable water is 125 gallons of potable water per person per day.
2. The minimum level of service standard for wastewater is 115 gallons of wastewater per person per day.
3. The minimum level of service standard for solid waste is six and eight-tenths (6.8) pounds per person per day.
4. The minimum level of service standard for recreation is four and thirty-two one-hundredths (4.32) acres of recreation land per 1,000 people.
5. The minimum level of service standard for stormwater runoff quantity is to retain the first one (1) inch on site and ensure that the post-development runoff rate does not exceed the predevelopment runoff rate for a twenty-five (25) year, twenty-four (24) hour storm event. The minimum level of service standard for stormwater runoff quality shall be as set forth in Chapter 62-25, *F.A.C.*
6. The minimum level of service standard for arterial and collector roads outside the adopted Transportation Concurrency Exception Area (TCEA) is “D”. There is no minimum level of service standard within the TCEA. However, proposed development within the TCEA shall provide facilities that improve mobility, based on the requirements set forth in Section 6.01.06.
7. The minimum level of service for public schools is 100 percent of the capacity established by the Department of Education for schools serving the City.

B. The concurrency calculation and determination shall compare the available capacity of each required facility or service to the demand of the proposed development.

1. The required facilities to meet the level of service standard for stormwater runoff shall be determined by the calculation of stormwater impacts as set forth in the *Engineering Standards Manual of Fort Walton Beach*.
2. The available capacity for the transportation system shall be determined by the provision of a transportation or traffic study as set forth in Section 9.02.04.B.
3. The available capacity of all remaining facilities and services with an adopted level of service standard shall be calculated as follows:
 - a. Establishing the capacity of the facility or service;
 - b. Subtracting the capacity used by existing development;
 - c. Subtracting the capacity committed to approved developments through issuance of certificates of concurrency; and
 - d. Yielding the amount of capacity remaining and available to serve proposed development.

C. The available capacity may be adjusted based on planned expansions to capacity that guarantee an increase in capacity prior to the issuance of a certificate of occupancy for the proposed development.

D. The required capacity may be established in an approved development agreement, in compliance with the requirements in Section 9.08.00.

9.03.04 De Minimis Projects

A. Generally

1. A proposed development may be determined to have a *de minimis* impact on one (1) or more facilities and services with an adopted level of service standard, as set forth in Section 9.03.02.
 2. A proposed development with a *de minimis* impact shall be exempt from any further concurrency determination.
- B. The following situations are considered *de minimis* for all facilities and services with an adopted level of service standard.
1. A single-family dwelling.
 2. A nonresidential structure with fewer than 1,500 square feet of total floor area and generating fewer than fifty (50) trips per day.
 3. A building addition with fewer than 1,500 square feet of total floor area and generating fewer than fifty (50) trips per day.
- C. Any proposed development or redevelopment with an impact of not more than one (1) percent of the maximum volume at the adopted level of service of the affected transportation facilities as determined by the City, utilizing the most recent table of the generated two-way peak hour volumes in the Florida Department of Transportation (FDOT) Level of Service Handbook, shall be considered *de minimis* regarding the transportation level of service. No impact shall be deemed to be *de minimis* if the sum of existing roadway volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility, or if the impact would exceed the adopted level of service standard for any affected designated hurricane evacuation route.

9.03.05 Strategies to Rectify a Lack of Concurrency

Where available capacity cannot be demonstrated and a certificate of concurrency has been denied, the following methods may be used to maintain adopted level of service:

- A. The applicant may provide the necessary improvements to maintain level of service. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service as required in Section 9.03.03, and recordable instruments guaranteeing the construction, consistent with determination of concurrency as set forth in Section 9.03.03.
- B. The proposed project may be altered such that the projected level of service is no less than the adopted level of service.
- C. The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

9.04.00 NOTICE REQUIREMENTS

9.04.01 Generally

- A. The City Council, Local Planning Agency, and other boards, and staff implementing requirements of this LDC shall provide public notice of meetings and hearings pursuant to the requirements of State law and the provisions of this section.
- B. Published notice shall be provided for the applications listed below.
 1. Amendments to the Comprehensive Plan;

2. Amendments to site development plans;
 3. Amendments to this LDC;
 4. Appeals of administrative decisions;
 5. Development Agreements;
 6. Expansion or modification of nonconformities;
 7. Preliminary or final subdivision plats;
 8. Rezonings;
 9. Site development plans;
 10. Vacations; and
 11. Variances
- C. In addition to published notice, posted notice shall be provided for applications involving a specific property. However, posted notice shall not be required for building permits.
- D. A proposal by the City to rezone less than ten (10) contiguous acres of land shall include mailed notice to the property owner of the parcel or parcels proposed for rezoning, in addition to published and posted notices.
- E. All notices shall include the following information, unless otherwise specified in this LDC:
- a. The name of the applicant;
 - b. The location of the property for which an application has been submitted;
 - c. The nature of the approval sought by the applicant;
 - d. The date, time, and place of any applicable public hearings on the application;
 - e. The location where the application, supporting documentation, compliance reports, and other information can be inspected or obtained; and
 - f. A statement that interested parties may appear at the hearing and be heard with respect to the application.
- F. Where a proposed development will be considered at multiple public hearings or require two (2) or more separate applications, required notices may be combined into a single notice, provided that such notice includes all dates of public hearings and all proposed actions.
- G. Specific additional information regarding a proposal to vacate a right-of-way shall include a general description of the obligations that may accrue to adjacent property owners upon approval of the vacation.
- H. The City website shall contain information regarding scheduled pre-application conferences, received and pending applications, issuance of development orders, and a calendar of regular meetings and hearings for consideration of applications. All conferences, meetings, and hearings are open to the public.

9.04.02 Published Notice Requirements

- A. Where an ordinance is required for enactment of the application decision, the published notice shall comply with the requirements of Section 166.041, *F.S.*
- B. Where an ordinance is not required for approval or denial of an application, a notice shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the public hearing at which the application will be considered. In addition, the notice shall be posted on the City's website at least ten (10) days prior to the public hearing.

- C. The costs of publishing notice shall be paid by the applicant. Payment of such costs shall be made prior to scheduling any required public hearing.

9.04.03 Posted Notice Requirements

- A. A notice of a public hearing for consideration of an application shall be posted in a conspicuous place at the Fort Walton Beach City Hall at least seven (7) days prior to the date of the public hearing.
- B. The applicant shall post a sign on the property that is the subject of an application. The applicant may elect to pay a fee to the City for City staff to perform the required posted notice. The sign shall comply with the following requirements:
1. One (1) sign shall be provided for each abutting right-of-way and shall be clearly visibly on each portion of the property that fronts a right-of-way.
 2. The sign(s) shall be a minimum of two (2) s.f. in area. Lettering on the sign shall be large enough to be legible to motorists.
 3. The sign(s) shall include only the following information: the action proposed and the date, time, and place of the public hearing for consideration of the application.
 4. The sign(s) shall be posted at least ten (10) business days prior to the date of the public hearing.
 5. The applicant shall provide photographic documentation of the sign(s) at least five (5) days prior to the public hearing.
 6. The sign(s) shall be removed not later than five (5) business days following the public hearing.
- C. Failure to maintain or replace the sign(s) shall not affect the jurisdiction of the reviewing board or decision-making entity to consider the application or the validity of any resulting decision.

9.04.04 Mailed Notice Requirements

When an application has been determined complete, as set forth in Section 9.01.03, mailed notice shall be provided to all property owners within 300 feet of the property that is the subject of the application. Mailed notice is not required for amendments to this LDC or other applications that do not affect a specific property. Notices shall be mailed within five (5) business days following the determination that an application is complete. The applicant shall be responsible for providing proof to the City that mailed notice has been provided in compliance with the requirements in this section. As an alternative, the applicant may pay a fee to the City for City staff to provide the mailed notice.

9.05.00 RESERVED

9.06.00 QUASI-JUDICIAL HEARINGS

9.06.01 Procedures Regarding *Ex Parte* Communication

- A. A member of a decision-making entity shall not willfully participate in an *ex parte* communication regarding a pending application.
- B. All *ex parte* communications shall be disclosed.

9.06.02 Conduct of Hearings

- A. The hearing shall be conducted in a manner to protect the due process rights of the

- applicant and any affected parties.
- B. All testimony presented by the applicant, any affected party, any witness for any party, or the staff (other than legal advice given by the City Attorney) shall be provided under oath.
 - C. The applicant, any affected party, and the staff may cross-examine any person presenting information at the hearing.
 - D. An electronic record shall be made of the hearing.
 - E. Members of the general public may provide comment during the hearing. If a member of the general public desires his or her testimony to be considered as potential competent substantial evidence, such person shall be placed under oath and subject to cross-examination.
 - F. The decision-making entity may question the applicant, other parties, witnesses, and the City staff at any time during the hearing.
 - G. The decision-making entity shall render a decision which shall be based upon competent substantial evidence presented during the hearing.
 - H. The decision-making entity shall enter a written order which contains findings of fact and conclusions of law in support of its decision.
 - I. The decision-making entity's written order shall be filed with the City Clerk as part of the official records of the City.

9.06.03 Order of Presentations

The following order of presentation shall be followed:

- A. Announcement of the matter for consideration by the chairperson or the Mayor. Evidence that all notice requirements have been met shall be confirmed before continuing with such matter.
- B. Disclosure by each member of the decision-making entity of any *ex parte* communications.
- C. Presentation by the Development Administrator of the Compliance Report regarding the pending application.
- D. Presentation by the applicant of evidence supporting the application. The applicant shall bear the burden of demonstrating that the application should be granted.
- E. Presentation by an affected party, if any, of evidence opposing the application.
- F. Public comment.
- G. Rebuttal by the Development Administrator, any affected party, and the applicant.
- H. Conclusion of the evidentiary portion of the hearing.
- I. Closing arguments by the Development Administrator, any affected party, and the applicant.
- J. Deliberation by the decision-making entity.

9.07.00 AMENDMENTS TO DEVELOPMENT ORDERS FOR SITE DEVELOPMENT PLANS AND PERMITS

9.07.01 Amendments to Expedited Development Orders

- A. Proposed amendments to expedited development orders shall be processed in the same manner as the original application.
- B. One (1) copy of the approved site development plan shall be submitted with the proposed amendments clearly identified.

C. If approved, an amended development order shall be issued.

9.07.02 Minor Amendments to Major Developments Approved by City Council

- A. The following situations shall be considered minor amendments to major development orders issued by City Council:
1. A modification to the type and location of landscaping materials, provided that there is no reduction in the required total amount of landscaping material and the landscaping plan continues to comply with the provisions for landscaping set forth in Section 4.08.00.
 2. A minor adjustment in the location of dumpsters, sidewalks, bicycle facilities, sheds, or other accessory buildings, provided that:
 - a. The adjustment does not deviate from the approved location by more than ten (10) percent of the linear distance from the approved location in any direction;
 - b. Such adjustment does not encroach into any required buffer or stormwater management area;
 - c. Such adjustment does not increase the approved impervious surface ratio for the project; and
 - d. The location continues to comply with all standards of this LDC.
 3. The addition of a deck, porch, patio, or similar appurtenance, provided that the addition is less than 300 s.f. and the location complies with the requirements for such appurtenances as set forth in Chapters 4 and 5.
 4. A minor adjustment in the location and design of parking lots and access drives, provided that:
 - a. Such adjustment does not encroach into any required buffer or other landscaped area;
 - b. Such adjustment does not increase the approved impervious surface ratio for the project;
 - c. Such adjustment does not reduce the number of parking spaces; and
 - d. Such adjustment continues to comply with all standards of this LDC and the *Engineering Standards Manual of Fort Walton Beach*.
- B. One (1) copy of the approved site development plan shall be submitted with the proposed amendments clearly identified.
- C. The amendment shall be processed in the same manner as an amendment to an expedited development order. If approved, an amended development order shall be issued by the Development Administrator.

9.07.03 Amended Development Orders for Major Developments

Proposed revisions to a site development plan categorized as a major development where the development order was issued by City Council which do not meet the criteria set forth in Section 9.07.02 shall be processed in the same manner as the original application.

9.07.04 Amendment after Issuance of a Local Development Permit

- A. After a local development permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the local development permit without first obtaining an amendment to the permit. The process for amending the permit shall be the same as for review and issuance of the original

- permit. A written record of the amendment shall be entered upon the original permit.
- B. A stop work order shall be issued for after-the-fact deviations and no further work shall continue or commence on that part of the development prior to the issuance of an amended permit authorizing the work.

9.08.00 DEVELOPMENT AGREEMENTS

The City is authorized to consider and enter in a development agreement provided the following requirements are met:

- A. The parties to the development agreement shall be the City and the owner of real property to be used and developed according to the conditions set forth in the agreement.
- B. The procedures and requirements for review, adoption, and monitoring of the development agreement shall comply with the requirements of Section 163.3220 -- .3243, *F.S.*
- C. The applicant shall meet the application requirements of Section 9.02.02 of this LDC.

9.09.00 VACATIONS

9.09.01 Vacation of Subdivision Plats

- A. The owner(s) of any land within an existing approved plat may request approval to vacate that portion of the plat which is owned by the applicant(s). If the existing plat includes a plat agreement/amendment, a portion of the original plat cannot be vacated without the consent of all current property owners within the plat. The vacating of public streets/rights-of-way and easements within a plat is subject to State Statutes and local ordinances. Plats, or portions thereof, cannot be vacated without the consent of the appropriate utilities or regulatory agencies.
- B. An application for vacation of a subdivision plat shall be submitted as set forth in Section 9.02.10.
- C. The procedures for review and recommendation shall be the same as for the consideration of the original application for approval of a subdivision plat, and shall comply with the requirements set for in Ch. 177, *F.S.*

9.09.02 Vacation of Public Rights-of-Way

- A. An application for vacation of all or part of a public right-of-way shall be submitted as set forth in Section 9.02.10.
- B. The following are required findings for approval of a vacation of all or part of a public right-of-way:
1. The area proposed for vacation no longer serves a public purpose;
 2. The proposed vacation is consistent with the Comprehensive Plan;
 3. Approval of the proposed vacation shall not deny access to private property;
 4. Approval of the proposed vacation shall not result in a loss of public safety, considering vehicular and pedestrian movement;
 5. Approval of the proposed vacation shall not result in a loss of access by emergency vehicles; and
 6. Approval of the proposed vacation shall not result in a loss of public services, such as waste collection or maintenance of public facilities.
- C. The procedure for review and decision-making regarding a proposed vacation shall be

as set forth in Section 9.01.00.

9.09.03 Vacation of Easements

- A. An application for vacation of all or part of an easement shall be submitted as set forth in Section 9.02.10.
- B. The following are required findings for approval of a vacation of all or part of an easement:
 - 1. The area proposed for vacation no longer serves a public purpose; and
 - 2. The area is no longer required to provide for access to or maintenance of public facilities.
- C. The procedure for review and decision-making regarding a proposed vacation shall be as set forth in Section 9.01.00.
- D. Where an easement is required by a development order, the development order shall be amended prior to or concurrent with approval of vacation of the easement.

9.10.00 VIOLATIONS AND ENFORCEMENT

9.10.01 Violations

Violations are defined in the Fort Walton Beach Code of Ordinances. Further, it is a violation of this LDC to:

- A. Use or develop property without a development order or local development permit required by this LDC for such use or development;
- B. Use or develop property for use that is not permissible in the applicable zoning district;
- C. Use or develop property in violation of the conditions and limitations for such use or development set forth in this LDC;
- D. Use or develop property in violation of the conditions set forth in the applicable local development order;
- E. Violate the terms or conditions of any local development permit issued under or pursuant to this LDC; or
- F. Construct or move any structure in violation of the applicable provisions of this LDC.

9.10.02 Penalties

Penalties for violations are set forth in the Fort Walton Beach Code of Ordinances. In addition to other remedies provided by the Code of Ordinances and other applicable laws, regulations, or ordinances, the Development Administrator may take the following actions when a violation has been determined to exist:

- A. No subsequent development order, local development permit, or certificate of occupancy shall be issued until the violation has been corrected.
- B. A stop work order shall be issued and shall become effective at the time of delivery to the violator or upon posting at the job site, whichever is earlier. No further work or construction under an existing development order, local development permit, or other approval shall be permissible until the violation is corrected.
- C. No clearing of land or construction, erection, placement, or commencement of any other form of development shall be permissible.
- D. An order may be issued to repair, restore, or demolish the work, to vacate the premises, or otherwise to abate the violation.

9.10.03 Enforcement

The City Manager shall be responsible for enforcement of the provisions of this LDC. Violations may be considered by the Code Enforcement Board according to the procedures set forth in the Fort Walton Beach Code of Ordinances.

**CHAPTER 9
TABLE OF HISTORICAL NOTES AND REFERENCES**

LDC Effective 1 May 2012	LDC Effective 9/2008 – 4/2012	State Law References/Other Historical Notes
Authority		Chpt. 166.021 F.S., Chpt. 163.3161 F.S., Chpt 163.3202 F.S., City Charter § 2, Ord. 1861 27 Mar 2012
9.00.00		
9.00.01		
9.00.02		
9.00.03		Ord. 1880 11 Feb 2014
9.00.04		
9.00.05		
9.00.06		
9.00.07		
9.00.08		
9.00.09		
9.00.10		
9.01.00		Ord. 1880 11 Feb 2014
9.01.01		Ord. 1877 25 Jun 13, Ord. 1880 11 Feb 2014
9.01.02		
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9.01.06		
9.01.07		
9.01.08		
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9.01.10		Ord. 1880 11 Feb 2014
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9.02.03		Ord. 1880 11 Feb 2014
9.02.04		Ord. 1880 11 Feb 2014
9.02.05		Ord. 1880 11 Feb 2014
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9.03.02		Ord. 1880 11 Feb 2014

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