



# LAND DEVELOPMENT CODE

## Chapter 1A Code Administration

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### CHAPTER 1A CODE ADMINISTRATION

**1A.00.00 PURPOSE AND INTENT:** This Chapter is intended to specify and describe responsibilities and procedures for the administration of this Code.

#### **1A.01.00 DUTIES AND RESPONSIBILITIES.**

**1A.01.01 Board of County Commissioners:** The Board of County Commissioners shall have the following duties and responsibilities relative to administration of this Code.

1. To initially adopt and subsequently amend the provisions and requirements of this Code, as may be considered necessary from time to time.
2. To establish by ordinance or resolution, as may be applicable, terms of office, and duties of subordinate or appointed boards, commissions, or agencies.
3. To have final authority for approval of final subdivision plats, Planned Unit Developments (PUD), phased developments, development agreements, tall structures, and all major projects on Okaloosa Island when sitting as the Okaloosa Island Authority.
4. To hear and decide Development Order Hearings as specified in Section 1.11.08.
5. To have authority for dispensation of development orders, substantial deviations, and determinations relative to Developments of Regional Impact (DRI) pursuant to Chapter 380, Florida Statutes.
6. To have final authority for any vacation, abandonment, or acceptance of dedicated public ways or facilities, including rights-of-way or easements.
7. To have final authority for the approval of tall structures as prescribed at Section 7.01.07 of this Code.
8. To perform any other actions or deliberations not otherwise assigned to any other board, commission, agency or staff which may be necessary and desirable for the administration and implementation of this Code.

**1A.01.02 County Administrator:** (Reserved).

**1A.01.03 Planning Official:** The Planning Official shall be an employee of the Board of County Commissioners and shall be the Director of the Department of Growth Management. The Planning Official, or designee, shall have the following duties and responsibilities.

1. Provide technical and staff support to the Board of County Commissioners, County Administrator, Planning Commission, Board of Adjustment, or other appointed boards, on matters pertaining to this Code.
2. To approve, approve with conditions, or deny final development orders or permits for development projects when such actions are not otherwise reserved unto the Board of County Commissioners as specified in Section 1A.01.01.



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3. To receive, determine completeness, and process all applications for development orders, zoning district changes, appeals, variances, permits, or other administrative actions authorized or required by this Code.
4. To schedule proceedings before the Planning Commission, Board of Adjustment, and Code Enforcement Board.
5. To have final authority for ministerial determinations and interpretations relative to the provisions of this Code.
6. To perform all ministerial duties associated with the routine administration of this Code unless otherwise specified herein or governed by general law.
7. To ensure that all time limits prescribed by this Code are met.

**1A.01.04 Planning Commission:** The Planning Commission shall be the designated "Local Planning Agency" as prescribed by Section 163.3174, F.S.; and shall also sit as the designated "Land Development Regulation Commission" and the "Airport Zoning Commission" when appropriate to the context of the proceeding at hand. The Planning Commission shall have the following duties and responsibilities relative to the administration of this Code.

1. Preparation of the Comprehensive Plan.
2. Monitoring and oversight of the effectiveness and status of the Comprehensive Plan, including recommendations for amendments or changes to the Plan as may be considered necessary from time to time.
3. Preparation of periodic Evaluation and Appraisal Reports (EAR) as required by general law.
4. To hear and consider any requests for changes or amendments to the Comprehensive Plan Future Land Use Map or text of the Plan, and to make recommendations regarding same to the Board of County Commissioners.
5. To hear and consider any requests for changes to zoning districts or district boundaries shown on the Official Zoning Map, and to make recommendations regarding same to the Board of County Commissioners.
6. To make recommendations to the Board of County Commissioners regarding planned unit developments, phased developments, or development agreements.
7. To conduct Development Order Hearings as specified in Section 1.11.08.
8. To hear and consider any requests for changes or amendments to the text of this Code, when sitting as the Land Development Regulation Commission, and to make recommendations regarding same to the Board of County Commissioners.

**1A.01.05 Other Boards and Agencies:** SEE CHAPTER 11.



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### 1A.02.00 DEVELOPMENT ORDERS AND PERMITS.

**1A.02.01 Intent and purpose:** It is the intent of the Board of County Commissioners to properly and efficiently manage, control, guide, and monitor growth and development by and through the regulation of development activities. The Board finds that a proper and effective means to this end is to require development orders and permits for certain regulated activities. The purpose of this Section is to describe such regulated activities and to further set forth the circumstances, procedures, standards, and criteria for the dispensation of development orders or permits.

**1A.02.02 Development Order or Permit Required:** Unless otherwise exempted by this Code, it shall be unlawful to commence or continue any regulated activity without first obtaining a development order or other permit required by this Code.

1. The clearing of land in anticipation of building construction, development, or subdivision of land, except for bona fide agricultural or resource management purposes.
2. The construction, location, placement, or installation of any building or structure (including signs) on any land or property; or the ongoing or continuing use of land for storage of equipment, materials, vehicles, boats, etc. whether such use is in conjunction with a building or structure or not.
3. The subdivision of land into three (3) or more lots or parcels, except as provided in Section 6.01.07 of this Code.
4. Construction of any public or private roadway by a nongovernmental entity.

**1A.02.03 Exemptions and Exceptions:** In addition to the general exemptions and exceptions specified in Section 1.05.00 the following exemptions and exceptions are found within the various chapters and sections of this Code.

1. Mining/Borrow Pit Reclamation. Where a property contains one or more excavated areas which are the result of mining or borrow pit operations, no development order or permit will be required to authorize the reclamation of those areas by filling and stabilizing the sites provided all approvals and authorizations are obtained from the Department of Environmental Protection.
2. Directional Signs. Signs classified as directional signs which are less than four (4) square feet in sign area and placed at an establishment solely for the direction of traffic do not require a permit nor shall their square footage be counted toward the sign requirements of Chapter 8 of this Code.
3. Land Clearing. No permit is required to clear land by hand for surveying; or for the removal of dead or diseased trees.
4. Concrete. No permit is required for the pouring of concrete pads to be used as driveways, parking, or recreation, except for driveway connections onto roadways. This shall apply only to single-family up to quadruplex residences.
5. Alcoholic Beverage Establishments. See Section 2.20.01.
6. Okaloosa Island. See Section 3.02.00.



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7. Concurrency Management. See Section 4.01.07.
8. Subdivisions. See Section 6.01.07.
9. Landscaping. See Sections 6.05.01 and 6.05.11.
10. Stormwater Management. See Sections 6.06.02 and 6.06.15.
11. Accessory Structures and Uses. See Section 2.21.00.
12. Signs. See Section 8.05.00.

**1A.02.04 General Guidelines for Issuing Development Orders and Permits:** The decision to approve, approve with conditions, or deny a development order or permit shall be based upon the following general guidelines.

1. The proposed development must be consistent with the Comprehensive Plan and applicable provisions and requirements of this Code.
2. The proposed development must not create the potential for a significant financial liability or unreasonable hardship on the County.
3. The proposed development must not create an unreasonable hazard or nuisance, or constitute a threat to the general public health, safety, and welfare.
4. The proposed development must comply with all other applicable laws, statutes, regulations, codes, or ordinances.
5. The proposed development must not jeopardize the current and long-term viability of military installations and flight corridors provided, however, that appropriate mitigation may be required to minimize negative impact.

There shall be a rebuttable presumption that these guidelines have been met when all applicable provisions and requirements of this Code have been met for development or a type of development.

**1A.02.05 Responsibility for Compliance:** The person to whom a development order or permit is issued or successor in title shall be responsible for compliance with all actions, activities, improvements, or other performance required by this Code, and/or as specified in the approved development order or permit.

**1A.02.06 Term:** An approved development order or permit shall be valid for a period of one (1) year from the date of issuance, unless otherwise specified in this Code. Development activity authorized must commence within the one year period or the development order shall become invalid. Extensions of time for an approved development order or permit may be granted by concurrent agreement of the Planning Official. Any such extension must be requested in writing by the permit holder who must demonstrate justifiable cause for the extension. An approved development order or permit shall expire at the time the authorized development activity is completed.

**1A.02.07 Strict Adherence to Development Order or Permit:** All development and construction activity authorized by a development order or permit shall occur in strict adherence to the



approved application, site plan, and other aspects of such approved order or permit, except as specified herein.

Any proposed amendment, deviation, or change to an approved site plan must be reviewed by the Planning Official to determine whether the proposed change constitutes a minor or major modification. Such a request must be filed in writing, including a narrative describing the nature of the request and justification for such, as well as an updated site plan illustrating the proposed change(s). The Planning Official shall provide a written determination within ten (10) working days of receipt of the request regarding whether the proposed changes are considered minor or major for purposes of review and processing pursuant to this part.

1. Minor modifications are slight variations or alterations to the site plan such as a shift of a building footprint (that does not violate setback requirements or require the reduction in buffering or landscaping provided), deletion of excess parking spaces, an increase of 10% or less of gross floor area that does not increase the amount of impervious surface area, a realignment of an internal road that does not affect off-site traffic circulation or affect ingress or egress from any public or private right-of-way, or other changes which cannot reasonably be expected to cause a change in the functioning of the site or its off-site impacts. Minor modifications may be authorized by the Planning Official or his designee following consultation with the Public Works Director, the affected utility provider, and other entities as deemed appropriate by the Planning Official who shall provide a letter of authorization within ten (10) working days from the date of the determination that the proposed change constitutes a minor modification.
2. Any modification that cannot be deemed by the Planning Official as a minor modification shall be deemed a major modification. Such changes shall be reviewed in the same manner as a new application.

**1A.02.08 Right-of-Entry:** The Planning Official, or designee, shall have the right to enter upon any public or private property or premises at all reasonable times before, during, or after an approved development activity to post notices, and to inspect the property and/or improvements thereon.

**1A.02.09 Relationship to Building Construction Permits; Certificates of Occupancy:** Except for foundation-only permits, no permits relating to building construction; electrical; plumbing; gas; HVAC; or other related permits, or permanent connections to utilities services; or any certificate of occupancy or completion shall be issued until after a development order or permit has been approved and issued, if required.

**1A.02.10 Development Agreements:** The County may enter into a development agreement with a developer as provided for and in accordance with Sections 163.3220 – 163.3243, Fla. Stat.

**1A.02.11: Permits from Other Agencies:** In addition to obtaining a development order or permit from the County, an applicant must also obtain all other applicable permits or exemptions as may be required by law. In the event a development order or permit from the County is prerequisite to obtaining another required permit(s), or at the request of the applicant, the Planning Official may issue a "Statement of Intent" which states that the proposed development is conceptually in compliance with this Code.

For any development order or permit application filed with the county after July 1, 2012, the County may not require as a condition of processing or issuing a development order or permit that an applicant obtain a permit or approval from any state or federal agency unless the agency



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has issued a final agency action that denies the federal or state permit before the County action on the local development order or permit. Issuance of a development order or permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. The County may attach such a disclaimer to the issuance of a development order or permit and may include a condition that all other applicable state or federal permits be obtained before commencement of the development.

Other required permits may include, but not be limited to, the following.

1. Northwest Florida Water Management District for water wells, impoundments, storage of surface waters, environmental resource permits.
2. Okaloosa County Health Department for septic tanks.
3. Florida Department of Environmental Protection for stormwater management; wetland resources; dredge and fill; wastewater collection, transmission, and treatment; drinking water supply and distribution; coastal construction, etc.
4. U.S. Army Corps of Engineers for dredge and fill; works in waters of the United States (docks, boathouses, marinas, etc.); navigable waterways, etc.
5. Florida Department of Transportation for improvements on the State Highway System; driveway access connections onto state roads; drainage connections into a state drainage system, etc.
6. Federal Aviation Administration for verification of structural or building heights relative to aircraft hazard and safety.

The preceding list represents the more commonly required permits but is in no way intended to be all-inclusive of every permit that may be required. It is incumbent upon an applicant to perform due-diligence to obtain any permits, licenses, exemptions, etc. that may be required for any particular development activity.

**1A.02.12 Revocation:** The Planning Official may revoke an approved development order or permit approval if and when it is discovered that an applicant knowingly and willingly misrepresented material facts and information upon which the County relied to issue such approval(s).

### **1A.03.00 DEVELOPMENT REVIEW.**

**1A.03.01 Purpose and Intent:** The purpose of this Section is to provide a standardized and uniform system for the review of applications for development order or permit approval. This Section shall set forth the essential requirements of law that must be met in order for a development order or permit to be reviewed and approved, which shall be supplemental to the general guidelines prescribed at Section 1A.02.04 of this Chapter.

**1A.03.02 Pre-Application Review:** A pre-application review may be required at the discretion of the Planning Official, or upon request by an applicant, prior to the formal submission of a development order or permit application. Such reviews will be performed by staff within the





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Department of Growth Management and shall include, but may not be limited to, the following items.

1. Determinations of FLUM categories and zoning districts.
2. General requirements of the Code including:
  - a. Permitted and conditional uses, special exceptions;
  - b. Allowable densities and intensities of use;
  - c. Availability of facilities and services;
  - d. Concurrency requirements;
  - e. Open space, impervious surface, and floor area ratios;
  - f. Parking requirements;
  - g. Landscaping requirements;
  - h. Natural resource protection requirements;
  - i. Stormwater management requirements;
  - j. Water and sewer service requirements;
  - k. Fire district/department, and;
  - l. Other required permits.
  - m. General compatibility.
  - n. Flood zone, if applicable.

Pre-application review does not constitute formal review by the Department, and in no way implies or purports any obligation or commitment on the part of either the applicant or the Department. No fees or charges will be charged for a pre-application review.

**1A.03.03 Review Procedures:** All persons wishing to obtain a development order or permit authorizing development activities within the unincorporated area of the County must comply with the following procedures.

1. Development Permits: The following development activities because of their size or nature may require a permit but may not be required to undergo the extensive review process required by this Section. These include, but may not be limited to, the following.
  - a. Construction of single-family or duplex dwellings; or the placement of one mobile home or manufactured housing unit on an individual lot or parcel of land when such activity is not part of a larger, common plan of development.
  - b. Construction, placement, or location of accessory buildings, structures, or uses.
  - c. Interior remodeling that occurs totally within an existing building or structure provided there is no change of use or increase in density or intensity.
  - d. Renovations, expansions, or similar activities involving an increase in the size or square footage of any structure, including parking areas, provided such activity is less than 10% of the area of the existing structure or 1,000 square feet, whichever is less.
  - e. Any development activity which the Planning Official, after consultation with the Public Works Director and Water and Sewer Director, determines to be of minor impact not necessitating the issuance of a development order.



2. Plot Plan: Development activities listed in a. through e., above, shall be authorized through the issuance of the requisite permits (which as used in this context includes building, mechanical, plumbing, electrical, right-of-way, and other life/safety permits) without need of a development order. Except for activities described in s.1A.03.03.1.c., above, all applications for permits pursuant to this section are required to submit a plot plan which, for purposes of this Section is a survey, drawing, or sketch that shows the development plan for a single-family or duplex dwelling, mobile home or manufactured house, or an accessory structure. A plot plan is intended to show the characteristics of the site to be developed relative to the provisions of this Code and must be provided in sufficient clarity to allow adequate review. Additional requirements will apply to the actual construction of any buildings or structures pursuant to the Florida Building Code. The following requirements shall apply to all plot plans:
- a. Form: Plot plans must be shown on a sheet not smaller than 8 1/2 X 14 inches in size drawn to a scale of sufficient detail so as to provide for proper review with the scale of the drawing and north arrow shown.
  - b. Application and Permit Required. Any plot plan must be accompanied by an application form to be provided by the Department. The application and plot plan may be submitted on their own, or as part of a building permit application. In any case, a building permit will be required prior to the construction of any building or structure on a lot or parcel, except for certain farm buildings as specified by law.
  - c. Required Information. A plot plan may be drawn on one or more sheets. All plot plans must include the following information.
    - i. Address and/or legal description of the lot or parcel on which the regulated development activity is proposed.
    - ii. The boundaries and shape of the lot or parcel.
    - iii. The dimensions (depth, width) in feet of all property lines.
    - iv. Location and orientation of all proposed buildings or structures to be built or placed on the lot or parcel.
    - v. Distances of all existing and proposed principal buildings [houses], and any accessory structures, from property lines.
    - vi. Location and names/numbers of adjacent streets or highways; alleys, or easements; and, any adjacent drainage facilities or structures.
    - vii. Location and dimensions of any rights-of-way, easements, or other similar encumbrances on the property.
    - viii. The finished floor elevation (foundation) of the principle building.
    - ix. Elevations of the crown(s) of adjacent road(s) must be shown at points
    - x. Location of all zoning or other required setback areas



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- d. Large Parcels; Acreage. The Planning Official, or designee, may vary from the requirements of paragraph 3 above for large parcels or acreage when it is obvious that the requirements will be met or exceeded.
- e. Accessory Structures. Plot plans for accessory structures may be drawn on an existing survey when the following information is provided.
  - i. Property dimensions [depth, width] along property lines.
  - ii. Description of the structure to be built.
  - iii. Location of the structure on the lot or parcel.
  - iv. Exact dimensions of the structure.
  - v. Distances from the sides of the structure to the nearest property lines and to any other buildings or structures.
- 3. Development Orders. Any person wishing to undertake development activity in the unincorporated area of the County not exempt pursuant to s.1A.02.03 must first complete and submit to the County a development order application. Applications shall be in a form and content prescribed by the Planning Official, and must be completed by the verified owner of the property for which the development is proposed; or the property owner's verified authorized agent. A complete application will constitute a formal request for development approval when submitted in conjunction with a site plan and all other information required herein. An application shall not be deemed "complete" until all required information is submitted in sufficient detail and quality so as to enable an adequate development review, and all applicable fees are paid. Unless otherwise specified in this Code, any review periods specified herein shall not commence until an application is deemed complete and sufficient.
  - a. Withdrawal of Applications. An application may be withdrawn by the applicant at any time prior to the issuance of a final development order or permit, however, any fees or charges paid shall be forfeited.
  - b. Completeness Review; Effect. The Planning Official, or designee, will be responsible for "completeness" review of applications. Applications will be reviewed on a preliminary basis and will be deemed "complete" or "incomplete" within five [5] days after the date the application is stamped in and officially received by the Department.
    - i. Completeness Determination: The expressed purpose of development review is to enable the County to determine if a proposed development project meets applicable provisions of the Comprehensive Plan and this Code. An application will be deemed complete when all pertinent information has been provided, consistent with the requirements herein, in sufficient clarity and detail so as to enable the County to conduct an adequate and proper review. Under normal and usual circumstances, an application will be deemed complete when all of the information specified in s.1A.03.04 and s.1A.03.05 of this Section has been provided by an applicant, and when such information is deemed sufficient to conduct an



adequate review. However, due to the size, nature, or complexity of any given project additional information may be required to conduct an adequate and proper review. In order for an application to be deemed complete the Department of Growth Management must first find that the proposed development is an allowed use in the future land use category and zoning district identified in the application.

- ii. **Incomplete Applications:** If and when an application is deemed incomplete the applicant will be notified in writing as to missing items or other deficiencies. This notification will occur within the five day completeness review period. A determination of an incomplete application will stop the time specified for a review period until such time as all required information has been submitted and all deficiencies are cured. Any application which remains incomplete for sixty [60] days shall be deemed null and void and a new application and fee will be required; unless it can be demonstrated by the applicant that submittal of the deficient or missing items is beyond his/her control.
- iii. **Appeals:** Any time an application is deemed incomplete by the County the applicant shall have the right to appeal the County's determination subject to the provisions of .11.02.06 of this Code. **Complete Applications:** When an application is deemed complete the applicant will be notified in writing that the official review period has started. A determination of a complete application does not mean that no additional information may be required as a result of the development review process; other information may be considered necessary by the Planning Official or others involved, to ensure an adequate and proper review.

4. **Development Review Process.** Once an application is deemed complete it, shall be distributed for administrative review to all affected departments and agencies. Reviewing agencies shall provide written comments to the Planning Official, or designee, within forty-five (45) days after the date the application is distributed. Comments shall be in the form of either binding objections which shall be supported by citation of specific code requirements which have not been met; and/or non-binding recommendations intended to enhance or otherwise improve the development project. The Planning Official, or designee, will then send to the applicant a project status letter which will include any objections or comments received from any review agencies as well as comments or objections from the Growth Management Department. The applicant then has sixty (60) days from the date of the status letter to resolve any objections raised which may necessitate re-submittal of site plans, drawings, and other necessary information, however, the 60-days may be extended by the Planning Official upon written request by the applicant. Applicants may consult directly with the agency that raised the objection. Unless granted an extension, failure to resolve the objection(s) within the 60-day period will render an application null and void. Binding objections from any reviewing agency may form the basis for denial or modification of application and site plan information.

After the reviewing agencies have determined preliminary approval final plans and drawings must be routed to Public Works, the utilities provider, the applicable fire district, and the Health Department, when applicable. Each of these agencies shall then issue a final approval and stamp the plans accordingly. The routed and stamped plans must then be submitted to Growth Management before a final development order is issued. The



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applicant shall be responsible for routing and obtaining final stamps of approval and returning the stamped plan to Growth Management.

5. Disposition of Applications: The Planning Official, or designee, or Board of County Commissioners, as applicable, (see s.1A.01.00) shall approve, approve with conditions, or deny an application for development order or permit.
  - a. Fees and Charges: The Board of County Commissioners shall establish and may periodically adjust a schedule of fees and charges for development order or permit review and approval; or other actions relating to such review and approval (appeals, variances, etc.). No development order or permit review shall be undertaken or development approval issued until all applicable fees and charges have been paid.
  - b. Required Certifications: All required certifications from design professionals (engineers, architects, surveyors, etc.) must be signed, sealed, and/or otherwise affixed to applicable drawings or documents before a development order will be issued. Additional certifications may be required by the Building Official or designee.

**1A.03.04 Required Application and Site Plan Information:** All required application and site plan information must be submitted in sufficient adequacy and detail so as to allow County determination of compliance with the provisions of this Code. At a minimum, all applications and site plans must include, or have attached, the information specified herein. The application requirements of this section and the site plan/technical data requirements of Section 1A.03.05 when combined constitute a complete application.

### 1. General Information.

- a. Name, address, telephone number, and FAX of the applicant or authorized agent.
- b. Address and legal description of the site to be developed.
- c. Deed, lease, or other valid proof of ownership interest.
- d. Property ID number.
- e. Applicable fees or charges.
- f. Driving directions to the site being developed.
- g. Certifications, signatures, date, etc.

### 2. Land Use and Zoning Information.

- a. Comprehensive Plan Future Land Use Map (FLUM) designation(s) and zoning district(s) as shown on the Official Zoning Map of the site to be developed.
- b. FLUM designation(s) and zoning district(s) of all abutting and adjacent properties.



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- c. Existing use of the site, including any buildings or structures.
- d. Proposed use and development of the site.
- e. Any special districts or areas associated with the site.
- f. Size of the site in acres and/or square feet.
- g. The specific existing land use on adjacent properties.

**1A.03.05 Site Plan Drawings and Technical Data:** Site plans and technical drawings or data may be provided on separate sheets and must be drawn at a scale and detail suitable for development review. Drawings must be submitted on sheets no larger than 24 inches by 36 inches and may also include a set of drawings on 11" X 17" sheets. All site plan sheets and technical drawings must be signed and sealed by a design professional in accordance with state law and this Code. Site plans and technical drawings shall be submitted in the following form and content, unless otherwise approved by the Planning Official.

1. Form. Site plan and technical drawings must be stapled or bound together in a series of sheets as generally described herein. Each sheet must be sequentially numbered and titled (i.e. Sheet 1 – Cover Sheet, Sheet 2 – Site Layout Plan, etc.) with the name and project number of the proposed development; north arrow and scale of the drawing; name, address, and telephone number of the preparer; and, the date prepared. Any combination of sheets, schedules, or reports may be submitted provided all of the information required herein is shown in sufficient clarity so as to provide for adequate review.
2. Cover Sheet. The cover sheet must generally describe or show the following information.
  - a. Name and project/file number of the proposed project.
  - b. A location map showing the general location of the site in the County.
  - c. A vicinity map showing the site relative to the immediate, surrounding area.
  - d. A list or schedule describing the sheets included in the set.
  - e. Name of the engineer of record and certification number.
3. Survey/Legal Description. A certified boundary survey must be provided showing the shape of the property; dimensions (width and depth in feet) of property lines; bearings, as appropriate; location of adjacent rights-of way, alleys, or easements; any rights-of-way or easements on the property; locations of any buildings or structures on the property; size or area of the site in acres and/or square feet, or; any other such elements customary and common to a boundary survey. A legal description matching the survey and the deed must also be provided on this sheet.
4. Site Layout Plan. The site layout plan is intended to show the configuration of lots, buildings, structures, or other proposed development relative to the site involved. The site layout plan must generally show the following information.
  - a. Shape and dimensions of the site including total site area in acres and/or square feet.
  - b. Demolition of any existing buildings or structures, if applicable.



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- c. Location and dimensions of all buildings or structures including any accessory uses or structures to be constructed.
  - d. Location and dimensions of any lots or parcels to be created.
  - e. All zoning dimensional requirements such as setbacks, height from finished grade, frontage, etc. relative to the location of buildings or structures, including accessory uses and structures.
  - f. Impervious surface area.
  - g. Location and dimensions of driveways and parking areas relative to the site and to adjacent roads and highways.
  - h. Location and distance to adjacent road centerlines and right-of-way lines.
  - i. An elevation view and/or profile of all sides of buildings or structures.
  - j. Other information as may be necessary.
5. Environmental Information. The following environmental information must be described or shown as may be appropriate to the site.
- a. Location of floodways, location and type (X,A,V, etc.) of FEMA flood insurance zones, and base flood elevations.
  - b. Geo-technical data and soils information appropriate to the site and type of development involved.
  - c. Delineation of wetland areas as determined by a methodology approved by and acceptable to FDEP and/or the Corps of Engineers, as applicable.
  - d. Location and name(s) of all water bodies including branches, creeks, rivers, lakes, ponds, canals, bayous, bays, and gulf; and the ordinary high water or mean high water shoreline(s) of such water bodies.
  - e. Location and type of any in-water construction (i.e. docks, piers, seawalls).
  - f. Location of applicable setbacks or buffers from any shoreline, water bodies, or wetlands.
  - g. Location of any wellhead protection zones.
  - h. Location of the Coastal Construction Control Line (CCCL), if applicable
  - i. Location of any identified habitat of federal or State endangered or threatened species.
  - j. A tree survey showing the location, size and types of protected trees; or other significant natural vegetation, and trees to be removed.



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- k. Location of areas set aside for mitigation, conservation easements, or other environmental conservation purposes.
  - l. Location of any previous dumps, landfills, debris landfills, or borrow pits.
  - m. Any other areas designated for conservation purposes as specified in the Comprehensive Plan.
  - n. Other information as may be necessary.
6. Driveway and Parking Area Information. The following information must be
- a. submitted relative to any driveways, vehicular access, and parking areas.
  - b. Locations and names and/or numbers of all adjacent streets and highways.
  - c. Location of right(s)-of-way and distance to centerline(s) of all adjacent streets or highways.
  - d. Locations, dimensions, and geometry of all driveway or vehicular connections onto adjacent streets or highways.
  - e. Location, configuration, and dimensions of parking areas including parking spaces, aisles, and turnarounds
  - f. Schedule of parking spaces including number and dimensions of spaces to be provided; and handicap spaces, if applicable.
  - g. Location and configuration of required landscaping areas.
  - h. Location, configuration, and dimensions of fire safety zones and loading zones, when applicable.
  - i. Schedule of type and specifications of all paving materials, including those for any sidewalks or bike paths.
  - j. Location and description of parking area lighting.
  - k. Location of adjacent pedestrian paths, bike trails, multi-use trails and public transit routes.
  - l. Other information as may be necessary.
7. Stormwater Management/Drainage Information. The following information must be submitted relative to stormwater management and drainage.
- a. Topographic elevations at sufficient intervals to accurately calculate and depict pre and post-development stormwater flows, including historic drainage patterns
  - b. Location, configuration, and dimensions of any existing drainage facilities (i.e. ditches, culverts, swales, retention ponds, etc.) on or adjacent to the site, including any roadside facilities.





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- c. Method of stormwater treatment.
  - d. Locations, configurations, dimensions, and type(s) of retention and/or detention facilities.
  - e. Locations, configurations, and dimensions of receiving drainage facilities.
  - f. Design storm frequency/intensity calculations.
  - g. Detailed stormwater flow and retention or detention calculations.
  - h. Geo-technical borings for retention/detention sites.
  - i. An erosion and sedimentation control plan for both during and after construction.
  - j. A site grading plan.
  - k. Other information as may be necessary.
8. Utilities Information. The following information must be submitted relative to utilities.
- a. Indicate availability of water and sewer service for the site, include names of water or/and sewer service provider.
  - b. Locations and size of proposed water distribution system including meters, distribution lines, tap-ons, and fire hydrants.
  - c. Location and size of existing and/or proposed water wells, if applicable.
  - d. Location and size of proposed sewer system including collection lines, lift stations, and tap-ons.
  - e. Location and design specifications for septic systems, if applicable.
  - f. Locations, sizes, and descriptions of proposed gas, telephone, electric, and cable lines and associated facilities.
  - g. Location and description of exterior and parking area lighting, including the level of illumination at all property lines.
  - h. Location, configuration, dimensions, and type of dedication(s) for all existing and proposed utility easements.
  - i. Other information as may be necessary.
9. Landscaping/Buffering Information. The following information must be submitted relative to site landscaping and buffering.
- a. A landscaping plan including:



- i. A description of the proposed species, size, quantity, and location of all trees, shrubs, and landscape materials, as well as the proposed method of watering and maintaining landscaped areas.
    - ii. The location, species, size, and general condition of all protected trees.
    - iii. Location of proposed structures, driveways, parking areas, required perimeter and interior landscape areas, and other improvements to be constructed or installed, including adjacent public and/or private streets and properties.
    - iv. Identification of trees, including species to be preserved, trees to be removed including any diseased or dead trees, and trees to be replanted.
    - v. Proposed grade changes which might adversely affect or endanger trees.
    - vi. A preservation and maintenance program indicating how trees will be protected and maintained through time.
  - b. Buffer information to include:
    - i. Specific description of adjacent land uses.
    - ii. Identification of required buffer level(s) ( Level 1,2,3,4).
    - iii. Location, configuration, size, and type (natural, landscape, fence, etc.) of proposed buffers.
    - iv. Width and types of plantings to be used.
    - v. Description of how the buffer(s) will be preserved and maintained.
10. Compatibility Analysis. A compatibility analysis may be required in situations where the potential may be created for incompatible land uses.
11. Consistency and Concurrency Information. Information required to make consistency and concurrency determinations shall be as specified in Chapter 4 of this Code.
12. Fire Safety and Protection. Provide the name of the fire department/fire district that will provide fire protection to the proposed development. Indicate whether the proposed development will involve the use or storage of flammable, explosive, and/ or hazardous materials; if so, describe the types of materials to be used or stored.
13. Typicals, Specifications, and Detail Sheets. At a minimum, detail and specification sheets must be provided for roads, driveways, parking areas and sidewalks; utilities systems; drainage and stormwater management systems; and, erosion and sedimentation control measures.

**1A.03.07 Survey of Building Foundation Required:** It shall be the duty of the applicant to submit to the Growth Management Department before the next inspection an “as-built” or “as-



located” survey depicting the foundation, pilings, location of mobile home, or similar element of the building which identifies the location of the foundation or pilings precisely dimensioned in relation to each and every relevant property line of the property upon which a structure is being located. In a Planned Unit Development distances between structures located on adjoining lots, if applicable, shall also be indicated. The survey shall be prepared by or under the direct supervision of a Florida-registered land surveyor and certified by seal. Any vertical construction done prior to the submission of the required foundation survey shall be at the permit holder’s risk. It may be determined by the Building Official, Planning Official, or Planning Manager that construction of a single-family dwelling, placement of a mobile home, or minor construction on existing single-family residential property may be exempt from a foundation survey if the following conditions exist:

1. The proposed construction will take place on a lot or parcel one (1) acre or larger in size;
2. When the location of the property line can be readily ascertained from an existing survey prepared by a Florida-registered land surveyor, meeting the minimum technical standards of the Florida Board of Land Surveyors, and;
3. When it can be readily and unquestionably determined that the proposed construction is within the required setback, or;
4. For mobile homes, when the mobile home will be located in a mobile home park.

No further or additional construction inspections will be performed until the foundation survey submission requirements have been met.

Should the required setbacks not be met according to the submitted foundation survey the Planning Official, or designee, may grant an administrative adjustment as provided for in Section 1A.04.06 of this Code.

**1A.03.08 Final Acceptance:** All development activity authorized by an approved development order must be performed and completed in conformance with such order. No Certificate of Occupancy, Completeness, or Acceptance will be issued until such time as the authorized development has been accepted by the County as specified herein.

1. Affidavits. Upon completion of the authorized work the engineer of record shall provide a sworn affidavit stating that the development activity conforms to all applicable requirements of this Code, and shall further provide signed and sealed “as-built” engineering drawings and technical data in support of the sworn affidavit. The engineer of record shall then assume full responsibility for compliance with all applicable provisions of this Code as well as other pertinent laws, rules, or ordinances. The Planning Official may still, at his discretion, require that a site inspection be conducted prior to final final acceptance.
2. Acceptance. If it is determined the work authorized by the approved development order or permit has been completed in a satisfactory manner *after approvals from all applicable reviewing agencies* the Planning Official or designee shall issue a Certificate of Acceptance which will then be forwarded to the Building Official. The Building Official may then issue a Certificate of Occupancy or Completeness if all applicable building code requirements have been met.



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3. Rejection. If it is determined that the work authorized by the approved development order or permit has not been completed in a satisfactory manner the Planning Official or designee shall provide written notice to the applicant, engineer, or contractor involved. Any such notice shall provide findings upon which the determination was made, and shall further describe corrective actions that can be taken so that the work can be accepted.

**1A.03.09 Notice of Intent:** Upon completion of the development review process specified in s. 1A.03.03, 4 the Planning Official, or designee, shall issue a notice of intent to approve, approve with conditions, or deny a development order. At this time, the Planning Official, or designee, shall post a 2' X 3' sign in a conspicuous place on the property involved which will describe the intended action, the type and nature of the development being proposed, contact information, and a statement saying that any adversely affected party may request a "Development Order Hearing" as specified in s. 1.11.08.

**1A.03.10 Phased Development:** The requirements of this section shall apply to any Phased Development (PD) as described herein.

1. Phased Development: A "Phased Development" is a development project intended to be developed in phases through time when the project does not involve a mix of different land uses (i.e. a single-family detached subdivision to be developed in separate phases which, when completed, would have lots all relatively the same type and size).
2. Review Process and Procedure: Review of a PD for development order purposes shall be the same as for any other development order (DO), except as prescribed herein. All other applicable requirements of this Code must be met.
3. Phased Development Requirements: The following criteria and standards shall apply to phased developments.
  - a. The applicant must provide an overall "Phased Development Plan" which shows how each phase of the project will be developed relative to every other phase. At a minimum, this Plan must depict the following.
    - i. The boundary delineation of each phase and sequential numbers for each phase showing the order in which the overall project will be developed.
    - ii. A site data table describing the number and approximate size of lots in each phase and the cumulative total of overall lots in all the phases.
    - iii. The planned road and street layout.
    - iv. A DO may be issued for an overall Phased Development Plan on its own or for a plan which includes one or more phases.
  - b. Each phase of a PD may receive a separate DO, or one or more phases may be submitted simultaneously and approved under the same DO. A separate final plat may be approved for each phase if platting is involved.



- c. Each phase must be functional with regard to roads and streets, drainage/stormwater, water and sewer lines, fire flow, and other required infrastructure.
  - d. Determinations of concurrency shall be made only for the phase, or phases, which is/are the subject of development order review. No concurrency level of service shall be encumbered or obligated for any future phase which is not the subject of development order review.
  - e. A copy of the overall "Phased Development Plan" must be submitted with each application for development order review for each phase of the project. The phase under review must be substantially consistent with said overall plan. "Substantially consistent" means that the type of use has not changed, the number and size of lots has not changed, and the road and street layout has not changed.
4. Duration: All development activity and improvements authorized by an approved overall Phased Development Plan and all phases therein shall be completed no later than five (5) years from the date the DO is issued for said overall plan.

### 1A.03.11 Planned Unit Development.

1. Purpose: It is the purpose of the Planned Unit Development (PUD) to provide flexible land use and design regulations and to permit planned diversification and integration of uses and structures, while retaining to the County the authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. These provisions are designed to
  - a. Promote more efficient and economic uses of land.
  - b. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
  - c. Provide for open spaces and common areas and provide usable and suitably located recreational facilities within the development.
  - d. Allow the controlled development of land uses most suitable to the proposed site and surrounding neighborhoods.
  - e. Provide design and location criteria to encourage innovative development.

For purposes of this Section, PUD is considered to be a type of development.

2. PUD Defined: For purposes of this section the term "Planned Unit Development" shall mean a contiguous area of at least *four (4)* acres in size to be planned, developed, operated, and maintained as a single entity under unified control, and which contains one or more residential clusters or mix of housing types, and which may also contain one or more public, quasi-public, commercial, industrial, recreation, or other non-residential land uses in such ratios or percentages as may be specified herein.
3. Minimum Size Waiver: The minimum 4 acre size requirement specified at s. 3.01.02 may be waived by the Board of County Commissioners, after review by the Planning



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- Commission, upon demonstration by a PUD applicant that a smaller land size would be adequate and appropriate for the proposed development, provided all other essential requirements for PUD are met. Specific causes of action to invoke this waiver shall include revitalization of slum and blighted areas, redevelopment of substandard buildings or areas, economic development or other similar projects that promote a legitimate public purpose.
4. Relationship to Comprehensive Plan: Nothing in this section shall abrogate or supercede the density, intensity, allowable uses, or any other applicable provisions of the County Comprehensive Plan. Any PUD designated pursuant to this Section must be consistent with the Comprehensive Plan.
  5. Areas Where PUD Allowed: Lands to be designated as a PUD may be located only within the following Comprehensive Plan Future Land Use Map categories.
    - a. Low Density Residential;
    - b. Medium Density Residential;
    - c. High Density Residential;
    - d. Suburban Residential;
    - e. Mixed Use-1, if part of DRI;
    - f. Mixed Use-2;
    - g. Mixed Use;
    - h. Commercial, and;
    - i. Industrial.
  6. General Requirements and Design Criteria: The following requirements and criteria shall apply within a PUD.
    - a. Unified Control: The tract of land for a PUD shall be in unified control, and shall be owned or controlled by either a single person, a corporation, or a group of individuals. An application must be filed by the owner or by the authorized agent of all property included in a project. In case of multiple ownership, the approved final development plan shall be binding on all owners. The developer shall maintain and provide for unified control of the Planned Unit Development until the project is complete. Responsibility for unified control may be assigned to an individual or entity such as a homeowner's association that will provide for maintenance of any common property and improvements. The entity designated to provide unified control shall ensure that all conditions of development are met. The unified controller shall review and approve all plans for development and provide written approval prior to any application for a development order.
    - b. Site Design and Development Criteria: The following criteria shall apply to the site design and development of PUD development projects.
      - i. Minimum Site Area: Four (4) acres, unless a waiver is granted pursuant to subsection 3.01.03.
      - ii. Maximum Residential Density: Up to twenty-five (25) dwelling units per acre, to be determined by the Future Land Use category where the PUD is located and, contingent upon availability of adequate facilities and services to serve the development.



- iii. Development Mix: A PUD may be comprised of a mix of residential uses, a mix of residential and commercial uses, a mix of commercial uses, a mix of industrial uses, or a mix of residential, commercial, and industrial uses. The exact type and mix of uses shall be determined as part of the PUD development approval process, and shall be included as a condition upon the PUD development order.
- iv. Maximum Intensity: Non-residential intensity shall be the same as that for the future land use category where the PUD is located. For “mixed use” buildings the Floor Area Ratio (FAR) for the future land use category where the building is located shall apply.
- v. Minimum Open Space: A minimum of 20% of the site shall be open space, which may include areas dedicated for recreation use such as golf course.
- vi. A residential PUD shall provide landscaped buffer yards on the side and rear perimeters of the site of ten (10) feet. This land may be counted as part of the minimum open space requirement. Setbacks between buildings within the project shall be no less than ten (10) feet.
- vii. A mixed use PUD shall provide landscaped buffer yards on the side and rear perimeters of the site of fifteen (15) feet when the adjacent use is non-residential and thirty (30) feet when the adjacent use is residential. This land area may be counted as part of the minimum open space requirement, along with stormwater facilities with adequate screening. Except as provided in Section 3.01.08, setbacks shall be in accordance with the parcels underlying zoning.
- viii. The access, circulation, parking and loading requirements of Chapter 6 shall be met by all PUD developments.
- ix. A PUD project shall be compatible as a whole, both internally, and with adjacent uses. When determining compatibility, the following factors may be considered.
  - 1. Scale of development as determined by setbacks, building widths, and building heights.
  - 2. Building orientation relative to surrounding structures and accessibility.
  - 3. Building style and design.
  - 4. Traffic generation, circulation plans, parking lot design and landscaping, and pedestrian circulation plans.
  - 5. The streetscape, including outdoor lighting, if provided.
  - 6. The location and design of open spaces, plazas, recreational areas, and common areas.



7. The use of existing and proposed landscaping.
  8. The use of topography, the physical environment and other natural features, including focal points and vistas.
  9. The variety and design of dwelling types.
  10. The particular land uses proposed and the conditions and restrictions thereon.
- x. Open space provided in a PUD should be usable or functional. Open spaces, plazas and recreation areas provided within a planned development should be evaluated based on the sufficiency of such areas to provide appropriate recreational opportunities, to protect sensitive environmental areas, to conserve area of unique beauty or historical significance, to enhance neighborhood design and to encourage compatible and cooperative relationships between adjoining land uses.
  - xi. Environmental concerns. The site of the PUD shall be suitable for use in the manner proposed. The condition of the soil, the ground water level, the drainage and the topography should be appropriate to the type, pattern and intensity of development intended.
  - xii. External transportation access. A PUD should have direct access to a public street or private street meeting minimum County road construction standards.
  - xiii. Common property in a PUD is a parcel or parcels of land, together with the improvements thereon, for the shared use and enjoyment of the owners and occupants and/or the general public. When common property exists, the ownership of such common property may be either private or public, and satisfactory arrangements shall be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas. A statement of the legal instruments that will be created to provide for the management of such common properties and facilities shall be included in the approved final development plan and order.
7. Innovative and Flexible Site Design: It is the specific intent of the PUD concept to provide for and allow innovative site development design using flexible development requirements. In this regard, certain traditional dimensional requirements such as lot sizes, allowed uses, setbacks, building height, etc. may vary from those in other zoning districts. These requirements may be negotiated between the County and a PUD developer in order to achieve a desirable PUD development project provided, however, that all requirements and provisions of the Comprehensive Plan must be met or exceeded. Dimensional requirements shall be determined as part of the development approval process and shall be included as a condition upon the PUD development order.
8. Procedure for Development Order: The procedure for obtaining a PUD development order shall be the same as for any other development application and site plan review prescribed by this Code. Except that any development order issued pursuant to this





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Section shall be considered by the Planning Commission at a duly noticed and advertised public hearing which shall result in a recommendation from the Planning Commission to the Board of County Commissioners. The Board of County Commissioners may then approve, approve with conditions, or deny the requested development order at a second duly noticed and advertised public hearing. The term "duly noticed and advertised" means a public notice advertisement published in a newspaper of general circulation, and a two foot by three foot sign to be posted on the property, at least 15 days prior to the scheduled public hearing(s).

### 9. Changes to Approved Development Order:

a. **Substantial Changes:** Changes in the extent and/or scope of the approved Development Order (DO) may constitute a substantial change. A determination of substantial change will require additional review of the proposed change(s) and a modification of the approved DO. A substantial change is presumed to exist when any of the following changes occur:

- i. Any increase in the number of approved dwelling units on the site;
- ii. Any change in the type or mix of residential or non-residential uses;
- iii. Any change in the use of the site or buildings specified in the DO;
- iv. Any relocation or reconfiguration of driveways, roads or parking areas;
- v. Any change involving natural resources identified for protection in the DO;
- vi. Any changes involving additional acreage or changes to the dimensions or boundaries of the site;
- vii. Any relocation of building sites shown on the DO; and,
- viii. Changes in dimensional requirements such as setbacks and building heights.

Any substantial change involving the above (i through viii) must be reviewed and approved by the Board of County Commissioners.

b. **Minor Change:** Any proposed change not included in the list of substantial changes.

10. **Planned Unit Development Time Limitations:** If substantial construction (at a minimum, horizontal improvements) as determined by the Department Director, has not begun within two (2) years after approval of the PUD by the County Commission, the approval of the PUD will expire. The Department Director may extend the period for beginning construction by not more than six (6) months, if it is demonstrated that such an extension will result in the development of the approved PUD and that delays were beyond the control of the applicant. The burden of proof for obtaining the extension is on the applicant.



### 1A.03.12 Development of Regional Impact.

1. Definition. A Development of Regional Impact (DRI), as defined at Section 380.06, *Fla. Stat.*, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.
2. Review Process and Procedure. All DRI development order applications, including applications for amendments to previously approved DRI development orders, shall be reviewed as specified herein.
3. DRI Review. DRI applications will be reviewed in accordance with Section 380.06, *Fla. Stat.* and Rule 73C-40, *Fla. Admin. Code.*
4. DRI Amendment Review. Review of amendments to previously approved DRI development orders, including any proposed redevelopment, shall be as follows.
  - a. Applications shall be on forms provided by the Department of Growth Management.
  - b. Each application shall be accompanied by a notification letter describing the proposed change or a Notice of Proposed Change Form (DEO-BCP-PROPCHANGE-1), if required, which shall be sent to the State Land Planning Agency and the West Florida Regional Planning Council for determinations of additional regional impact and substantial deviation from the approved development order.
  - c. A complete application shall include the following.
    - i. The notification letter or NOPC described in b above.
    - ii. A statement, along with supporting documentation as to why the amendment is consistent with the Comprehensive Plan as specified in Administration Element, Policy 1.7, including a compatibility analysis and determination.
    - iii. A statement, along with with supporting documentation as to how the amendment is consistent with the Land Development Code (LDC). This shall include verification of compliance with the following LDC requirements, when applicable.
      - 1) Chapter 2, Zoning Regulations.
      - 2) Section 6.01.00, Subdivisions.
      - 3) Section 6.03.00, Roads.
      - 4) Section 6.04.00, Parking Requirements.
      - 5) Section 6.05.00, Landscaping.
      - 6) Section 6.06.00, Stormwater Management.
      - 7) Section 6.07.00, Recreation Facilities.
      - 8) Other requirements as may be specific to the requested amendment.



- i. A statement, along with supporting documentation as to why the amendment is consistent with the State Comprehensive Plan.
        - ii. A statement that the proposed change does not interfere with the objectives of an applicable state land development plan.
        - iii. A traffic impact analysis/report prepared by a professional engineer.
        - iv. Verification from utility providers that adequate capacity is available (water, sewer, electric).
        - v. As an alternative to iii, above, if an applicant is seeking an amendment to allow a specific plan of development, the applicant may choose to submit a development order application consistent with Section 1A.03.00, LDC.
5. Phased or Common Plan of Development. The following shall apply to amendments to a previously approved DRI development order.
  - a. "Common plan of development or sale" or "larger plan of other commercial or residential development" or "phased development" means any activity that facilitates the advancement of land use (such as multiple residences, a residential subdivision, or phased site development) on the subject property, or that comprises a total land area divided into multiple lots, parcels, tracts, tiers, blocks, sites, or units, if such areas are under common ownership or control. This includes any activity on contiguous real property that comprises a total land area divided into parcels, tracts, tiers, blocks, sites, or units, and is served by a common road or road network or common stormwater management systems within that land area. Areas of land that are divided by public or private roads are considered contiguous if such areas are under common ownership or control.
  - b. For proposed development as described in a, above, the applicant must provide an overall "phased development plan" which shows how each phase of the project will be developed relative to every other phase. At a minimum, this plan must depict the following.
    - i. The boundary delineation of each phase and sequential numbers for each phase showing the order in which the overall project will be developed.
    - ii. A site data table describing the development in each phase and the cumulative total of development in all the phases as it relates to density, intensity, lot sizes, or square footage.
    - iii. The planned road, street, and stormwater management layout.
    - iv. A Development Order (DO) may be issued for an overall phased development plan on its own or for a plan which includes one or more phases.
  - c. Each phase of a Phased Development may receive a separate DO, or one or more phases may be submitted simultaneously and approved under the same DO. A separate final plat may be approved for each phase if platting is



applicable.

- d. Each phase must be functional with regard to roads and streets, drainage/stormwater, water and sewer lines, fire flow, and other required infrastructure.
  - e. A copy of the overall "phased development plan" must be submitted with each application for development order review for each phase of the project. The phase under review must be substantially consistent with said overall plan. "Substantially consistent" means that the type of use has not changed, the density or intensity has not changed, and the road and street layout has not changed.
6. Public Hearings. Public hearings shall be as specified in Subsection 1.11.11, LDC.
  7. Disposition of DRI Amendments. The Board of County Commissioners shall approve, approve with conditions, or deny an application for amendment to a previously approved DRI as follows.
    - a. If the Board determines that the proposed change represents a substantial deviation that requires further development of regional impact review said review and approval shall be as specified in Section 380.06, *Fla. Stat.* and Rule 73C-40, *Fla. Admin. Code.*
    - b. If the Board determines that the proposed change does not require further development of regional impact review and is otherwise approved the County shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change (ss. 380.06(19)(f)6). This approval is to amend the DRI development order only, any specific development project resulting from this approval shall be subject to the development review and approval process as specified in the LDC.
    - c. The Board may deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the County does not wish to change the plat restriction as part of the proposed change (ss. 380.06(19)(f)5). If the application is denied the reasons for denial must be specified, as well as changes in the development proposal, if any, that would make it eligible to receive development approval.

In cases where the applicant chooses to submit both a DRI amendment application and a development order application at the same time the reviews may be conducted concurrently, and the DRI amendment resolution and development order may be approved concurrently. A development order for a specific plan of development approved in this manner shall not be subject to the Development Order Hearing process specified in Subsection 1.11.08, LDC.

### **IA.04.00 ADMINISTRATIVE ADJUSTMENT.**

**IA.04.01 Purpose and Intent:** The purpose of the administrative adjustment process is to provide flexibility in property development without requiring the time and expense of adjustments from this Code through a public hearing process, and is further intended to



provide a streamlined alternative to the variance process heard by the Board of Adjustment.

**1A.04.02 Authority:** The Planning Official, or designee, shall have the authority to approve, approve with conditions, or deny applications for administrative adjustment consistent with the requirements specified in this Section. Any such adjustment shall be from the requirements of this Code only. The Planning Official does not have the authority to approve an administrative adjustment for: allowable uses, density, intensity, or any other provision prescribed in the Comprehensive Plan; any requirement of the Flood Hazard Area regulations; allowing expansion of any nonconforming use or structure; requirements of the Okaloosa Island Covenants; or, as otherwise specified in this Code.

### **I.A.04.03 Procedure**

1. An individual requesting an administrative adjustment pursuant to this part shall obtain and fill out all the necessary information on the application form as provided by the Growth Management Department. If the applicant is someone other than the owner of the property for which the adjustment is requested, the application must be accompanied by a notarized letter authorizing the applicant to act as the property owner's agent for purposes of the obtaining the adjustment.
2. The applicant shall send to each adjacent property owner the following:
  - a. a letter stating the exact adjustment requested and which shall also notify the adjacent property owner of his or her right to object to the requested adjustment and the timeframe within which objections, no objections, or comments must be returned to the Growth Management Department;
  - b. a letter on which the adjacent property owner can indicate whether he or she has no objection or objects to the proposed adjustment, along with a postage-paid envelope addressed to the Okaloosa County Planning Manager, 402 Brookemeade Drive, Crestview, FL 32536

All notices and materials sent pursuant to this part shall be sent via US Mail Return Receipt with the return receipt addressed to: Okaloosa County Planning Manager, 402 Brookemeade Drive, Crestview, FL 32536. The applicant must also provide a list with the names and addresses of all adjacent owners to whom the notices were sent, along with copies of the receipts from the US Post Office indicating the day on which each notice was sent.

3. The Growth Management Department shall begin its review of the requested administrative adjustment upon receipt of the application, but shall not render any decision until such time as the first of the following occurs:
  - a. the Department has received letters from all the adjacent property owners stating their objections or lack thereof; or
  - b. fourteen (14) calendar days have lapsed from the date the post mark on the last return receipt received by the County indicates that the notification was received by the adjacent property owner.



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4. The Planning Official shall render a decision regarding the proposed adjustment based on the guidelines provided in I.A.04.04, below, and shall render the decision in writing to the applicant no more than 5 days following the earlier of IA.04.03.3 a and b.

**IA.04.04 Review Guidelines:** The Planning Official shall make a final decision regarding an application for administrative adjustment based upon consideration of the following factors.

1. The comments and objections received from adjoining property owners.
2. The administrative adjustment will not interfere with the rights of others or create harm or hardship for other property owners, and will not otherwise constitute a threat to the general health, safety, and welfare of the public.
3. The action involved provides a reasonable adjustment under the specific circumstances of each application.
4. The action involved is generally consistent with the spirit and intent of this Code and the Comprehensive Plan.
5. The action involved is the absolute minimum necessary to provide relief under the specific circumstances of each application.
6. The action involved otherwise complies and is consistent with other applicable requirements of this Code and any other county, state, or federal laws and regulations.

**IA.04.05 Allowable Adjustments:** Only the following adjustments may be approved by the Planning Official, or designee.

1. Bulk Regulations. Bulk regulations including yard setbacks, building height, lot size, etc. may be reduced no more than 20% under those prescribed in Chapter 2 of this Code.
2. Parking Requirements. Parking requirements may be reduced no more than 20% under those prescribed in subsections 6.04.02 and 6.04.03 of this Code. This does not include reduction of parking spaces required pursuant to the Americans with Disabilities Act or Florida Accessibility Code.
3. Parking Lot Pavement & Striping. Reduce or waiver the requirement for paving and striping parking lots, except handicapped parking requirements, prescribed in subsection 6.04.061 of this Code, after approval from the Public Works Department.
4. Landscaping. Landscaping requirements may be reduced no more than 20% under those prescribed in subsection 6.05.02 of this Code.
5. Compatibility Screening & Buffering. Screening and buffering requirements may be reduced or waived when it can be conclusively demonstrated that compatibility buffering is not necessary to protect adjacent land uses.
6. Building Height. Building height may be increased no more than 30% above the maximum height allowed in Industrial-1 (I-1) and General Commercial (C-3) zoning districts only, subject to approval by the Aviation Advisory Committee.



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7. Keeping Chickens and Ducks. The keeping of poultry as it relates to chickens (*Gallus gallus domesticus*), and domesticated ducks (*Anas platyrhynchos domesticus* - Pekins and Indian runner only) may be allowed in the R-I zoning district subject to the following restrictions:
- a. The minimum size of a residential lot on which chickens or domesticated ducks may be kept is one-half (1/2) of an acre. No more than 4 chickens or domesticated ducks may be kept per individual lot by way of an administrative adjustment. The keeping of more than 4 chickens or domesticated ducks on an individual residential lot shall be by way of special exception.
  - b. Roosters are prohibited.
  - c. No person shall slaughter any chickens or ducks on any residential property.
  - d. The sale of eggs or any other products is prohibited.
  - e. The chickens or ducks shall be provided with a house/coop and must be kept in the house/coop during non-daylight hours. The space per bird in the house/coop shall not be less than four (4) square feet per bird. The house/coop must be impermeable to rodents, wild birds and predators, including dogs and cats.
  - f. Ducks must be provided a wading pool (a children's "kiddie pool" with a minimum radius of no less than 48 inches will suffice) which must be maintained with clean, fresh water.
  - g. Under no circumstances shall the house/coop be closer than twenty (20) feet to any property line of an adjacent property, or within thirty (30) feet of any adjacent residential structure.
  - h. During daylight hours the chickens or domesticated ducks may be kept either in the hen house/coop or a fenced enclosure in order to allow open air ranging. The top of any fenced enclosure must be covered with fence or chicken wire to prevent the birds from leaving the enclosure and to prevent the entry of predators.
  - i. Enclosed areas may not be any closer than five feet (5') from any property line, j. All fenced enclosures shall be so constructed and maintained as to prevent the harboring of rodents or other pests within the enclosure.
  - k. Houses/coops and covered enclosures may not be located in the front yard. 1. Odors from chickens or ducks, their manure, or other chicken or duck related substances shall not be detectable at the property boundaries.
  - m. Houses/coops and enclosures shall be kept in a neat condition, including provision of clean dry bedding materials and regular removal of waste materials. All manure not used for compo sting or fertilizing must be removed promptly.
  - n. All feed and other items associated with the keeping of chickens or ducks that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected as to prevent rodents and other pests from gaining access.



- o. No dog or cat that kills a chicken or duck will, for that reason alone, be considered a dangerous or aggressive animal.

**IA.04.06 Application:** Application for administrative adjustment shall be made **only** on forms provided by the Department.

**IA.04.07 Appeals:** A final decision regarding an administrative adjustment made by the Planning Official may be appealed by an adversely affected party in the manner prescribed in Section 11.02.00 of this Code.

**1A.04.08. - Building Setback Adjustments:** Chapter 2, "Zoning Regulations" was substantially revised on May 4, 2010. As a result, certain zoning districts were removed from the zoning regulations. In those instances where a "parcel of record" had a zoning district classification before May 4, 2010, and construction of buildings on such parcels will not meet the setback requirements of the revised zoning regulations, the planning official, or designee, may issue a building setback adjustment. The granting of these adjustments shall be on a case-by-case basis and may be applied to one or more parcels, or to entire subdivisions, as may be appropriate to the situation involved. Adjustments granted as allowed hereby may be for new building construction or for remodeling, additions, expansions, etc., however, the extent of the adjustment shall be no more than the setback allowed by the previous, original zoning district. The requirements of section 1A.04.04, 1 through 5 above shall not apply to any adjustments granted pursuant to this subsection

### **1A.05.00 EXPEDITED PERMITTING FOR CERTIFIED AFFORDABLE HOUSING PROJECTS.**

**1A.05.01 General Purpose and Intent:** The purpose and intent of this section is to provide an expedited permitting process for the construction of affordable housing in accordance with the Okaloosa County Local Housing Assistance Program and affordable Housing Incentive Plan adopted pursuant to the State Housing Initiatives Partnership (SHIP) program, 420.9072, Fla. Stat. The expedited permitting process for affordable housing development ("AHD") contains incentives available to developers of a certified AHD. A review process for the approval of AHDs is included in this section, as well as appropriate references to other provision within the Code of Ordinance of Okaloosa County, Florida affecting the development of AHDs. The review team for the expedited permitting process will be composed of representatives from the Growth Management Department, Public Works Department, the jurisdictional Fire Prevention/Life Safety authority, the jurisdictional potable water and sanitary sewer utility providers, and any other County department(s) designated by the County Administrator (reference to the County Administrator throughout this section shall be construed to include his/her designee(s)).

**1A.05.02 Certification of Affordable Housing Developments (AHDs):** The County Administrator is authorized to certify that an application is, or qualifies as, an affordable housing development (AHD). In certifying that a proposed development qualifies as an AHD, the County Administrator shall consult with county's designated agent for housing and community development activities as provided by Section 11.5-59 of the Code of Ordinances of Okaloosa County, Florida.

**1A.05.03 Rapid Response Processing:** The County Administrator shall serve as the single point of contact (SPC) between the applicant and the Okaloosa County review agencies. The SPC shall coordinate an expedited review process that gives AHDs priority in the review of development order, site plan review, zoning, and building permit applications. All Okaloosa





County review agencies shall give priority review to all AHD applications and shall report items that may result in delay of approval to the SPC along with recommendations for how the items may be resolved such that the application may be approved. The SPC shall review any item that may result in a delay with the applicant within two (2) business days of being notified the action necessary to facilitate application approval.

1. The SPC shall assist the developer of an AHD and the review team in the processing of AHD applications according to the following timelines:
  - a. The completeness review of applications for AHD proposals that meet or exceed the thresholds of section 1A.03.03.2 shall be completed within three (3) business days of receipt. The review team shall complete its review and provide comments regarding complete AHD applications within ten (10) working days of the date the application was determined to be complete for purposes of review.
  - b. AHD applications that require action by the Board of Adjustment (BOA) shall be placed on the agenda of the next regularly scheduled BOA scheduled meeting following the determination of completeness, unless the applicant requests a delay.
  - c. The provisions of Section 1A.01.05, 6 notwithstanding, AHD application for projects that meet or exceed the thresholds of Section 1A.01.05, 6 shall only require approval by the Board of County Commissioners.
  - d. The Building Inspections Division shall complete its review of building permit applications for certified AHDs within fifteen (15) days of receipt.
2. Any proposed amendment, deviation, or change to an AHD that has received development order approval pursuant to Section 1A.03.03 shall be reviewed by the Planning Official to determine whether the proposed change constitutes a minor or major modification to the approved AHD site plan. If it is determined that the proposed change is a major modification, the SPC is responsible to provide any proposed revision to an approved AHD site plan with the same expedited process applied to the original application.
3. Review of regulations and procedures that affect housing cost. Any and all changes in code, procedure or process that affect the cost of housing shall be reviewed by the Okaloosa County Affordable Housing Advisory Committee. No such changes shall be considered for approval by the Okaloosa County Board of County Commissioners, or any person or agency delegated with authority to act on its behalf, unless it has been considered by the affordable housing advisory committee at a public meeting. The Okaloosa County Affordable Housing Advisory Committee shall make nonbinding recommendations of any proposed changes in code, procedure or process that affect the cost of housing to the Okaloosa County Board of County Commissioners.

### **1A.06.00 EXPEDITED PERMITTING FOR CERTIFIED ECONOMIC DEVELOPMENT PROJECTS.**

**1A.06.01 Purpose and Intent:** The purpose and intent of this section is to provide an expedited permitting process for the development of projects that substantially contribute to the economy of Okaloosa County through the creation of high-wage, long term jobs. The expedited permitting process for certified Economic Development Projects (EDPs) contains incentives available to



developers of a certified EDP. The review processes for the approval of EDPs are included in this section, as well as appropriate references to other provisions within the Code of Ordinance of Okaloosa County, Florida affecting the development of EDPs. The review team for the expedited permitting process will be composed of representatives from the Growth Management Department, Public Works Department, the jurisdictional Fire Prevention/Life Safety authority, the jurisdictional potable water and sanitary sewer utility providers, and any other County department(s) designated by the County Administrator (reference to the County Administrator throughout this section shall be construed to include his/her designee).

**1A.06.02 Certification of Economic Development Projects (EDPs):** The Okaloosa County Economic Development Council (EDC) is hereby designated as the agency responsible for certifying that a proposed development project qualifies as a Certified Economic Development Project (EDP). In making this determination, the EDC shall use the criteria provided in the applicable sections Chapters 288 and 403 of the Florida Statutes, as well as any additional criteria which may be set by policy of the Board of County Commissioners which shall be applied in a manner that provides the greatest possibility that an applicant will benefit from application of this part. The EDC shall notify the County Administrator in writing within twenty-four (24) hours of any certification pursuant to this part.

**1A.06.03 Rapid Response Processing:** The County Administrator shall serve as the single point of contact (SPC) between the developer of an EDC-certified EDP and the Okaloosa County review agencies. The SPC shall coordinate an expedited review process that gives EDPs priority in the review of development order, site plan review, zoning, and building permit applications. All Okaloosa County review agencies shall give priority review to all EDP applications and shall report items that may result in delay of approval to the SPC, including citations of specific code requirements in order to facilitate swift resolution. The SPC shall review any item that may result in a delay with the applicant within two (2) business days of being notified of the action necessary to facilitate application approval.

1. The SPC shall assist the developer of an EDP and the review team in the processing of EDP applications according to the following timelines:
  - a. Prior to the submittal of site plans, construction drawings, or other application materials, the SPC shall coordinate a pre-application meeting at which the developer and all members of the County review team shall attend in order for the developer to become familiar with permitting requirements and Review Team staff to become familiar with the project in order to provide guidance to the developer on how applications, plans, drawings, and other necessary information may be best presented to ensure a smooth and expeditious review. The developer shall not submit and applications or other materials for review, nor shall the review clock start running, prior to the pre-application meeting.
  - b. The completeness review of applications for EDP proposals that meet or exceed the thresholds of section 1A.03.03.2 shall be completed within three (3) business days of receipt. The completeness review shall verify that all plans, drawings, surveys, and technical requirements necessary for review are included with the application. A determination that an application is complete for purposes of review does not constitute a finding of sufficiency for any part of the application and/or its accompanying documents. The review team shall complete its review and provide comments regarding complete EDP applications within fifteen (15)



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working days of the date the application was determined to be complete for purposes of review.

- c. EDP applications that require action by the Board of Adjustment (BOA) shall be placed on the agenda of the next regularly scheduled BOA meeting that allows adequate time for legal advertising and notification requirements following the determination of completeness, unless the applicant requests a delay.
  - d. The provisions of Section 1A.01.05.6 notwithstanding, EDP application for projects that meet or exceed the thresholds of Section 1A.01.05.6 shall only require approval by the Board of County Commissioners.
  - e. The Building Inspections Division shall complete its review of building permit applications for certified EDPs within fifteen (15) days of receipt.
2. Any proposed amendment, deviation, or change to a certified EDP that has received development order approval pursuant to Section 1A.03.03 shall be reviewed by the Planning Official to determine whether the proposed change constitutes a minor or major modification to the approved EDP site plan. If it is determined that the proposed change is a major modification, the SPC is responsible to provide any proposed revision to an approved EDP site plan with the same expedited process applied to the original application.