ORDINANCE NO. 92-16

AN ORDINANCE RESTRICTING THE FILING OF APPLICATION FOR DEVELOPMENT ORDERS; DEFINING THE JURISDICTION; STATING A PURPOSE AND INTENT; PROVIDING FOR LEGAL PROVISIONS; PROVIDING INSTRUCTIONS TO THE PLANNING DEPARTMENT OF WALTON COUNTY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Walton County, Florida on August 11, 1992, adopted a Motion which created a moratorium on allowing new development other than single family dwellings in Walton County which had not previously initiated the pre-application process for a development order prior to August 11, 1992, and

WHEREAS, the moratorium extended for a period of ninety (90) days, and

WHEREAS, the Secretary of State and other Cabinet Officials, in regular session on October 6, 1992, made clear to the County that the moratorium should be formally enacted by ordinance, and

WHEREAS, the Board of County Commissioners feel that the enactment of such an ordinance is in the best interest of the citizens of Walton County since its passage may have a profound effect on the sanction policies, which have been recommended to the Governor and Cabinet by the Department of Community Affairs.

BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, as follows:

Section 1. SHORT TITLE: This ordinance shall be known as the Walton County Moratorium Ordinance of November 10, 1992.

Section 2. JURISDICTION: The area subject to the regulations set forth in this ordinance shall be all of Walton County outside the limits of incorporated municipalities.

Section 3. PURPOSE AND INTENT: It is the purpose and intent of this ordinance to temporarily prohibit any new development in Walton County except as herein exempted. It is further the purpose and intent of this ordinance that "small businesses" as defined herein, shall not be affected by this ordinance. It is further the purpose and intent of this ordinance to limit development in Walton County for a reasonable period of time in order to allow amendments to the existing Walton County Comprehensive Plan. It is further the purpose and intent of this ordinance not to prohibit any project which would comply with the remedial amendments contained in Final Order #AC-92-043 dated November 5, 1992.

Section 4. LEGAL PROVISIONS:

4.1. Validity: If any section of this ordinance is adjudicated to be void, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

4.2. Conflicting Ordinances: Should the requirements of this ordinance conflict with those of any other regulation or ordinance of Walton County, Florida, the regulation or ordinance requiring the higher standard shall

prevail. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements.

Section 5. DEFINITIONS:

(a) "Small Business" Any applicant, whether a person, partnership or corporation, who applies for a development order for a commercial building which is 10,000 square feet or less, has existing water and sewer available to the project or qualifies for an on-site water and sewage system pursuant to 10D-6 F.A.C, and has legal access to a County, State or Federal road.

(b) "Affected Area: All of Walton County located outside the limits of municipalities.

(c) "The Assistant Administrative Supervisor." An authorized agent of Walton County, who acts as supervisor of the Walton County Planning and Zoning Department whose duty is to assure compliance with this ordinance.

Section 6. PROHIBITION: The Assistant Administrative Supervisor for Walton County is hereby prohibited from accepting any applications for a development order in the "affected area" of Walton County for a period of forty-five (45) days from the date hereof unless otherwise provided herein.

Section 7. EXEMPTIONS:

(a) Any applicant for a development order which proposes a commercial building of 10,000 square feet or less, has sewer and water available or qualifies for an on-site water and sewage system pursuant to Chapter 10D-6

F.A.C. and has legal access to a County, State or Federal road, and single family dwellings on existing lots or parcels of record, are hereby exempted from the provisions contained herein.

(b) Any development which complies with the remedial amendments contained in Final Order #AC-92-043 dated November 5, 1992.

(c) Any construction on existing facilities to enhance energy conservation, worker safety, compliance with Americans with Disabilities Act, perservation of natural resources and any other construction where the physical, social, and economic health of citizens would be irrevocably and/or unduly affected shall be exempted from this ordinance.

Section 8. EFFECTIVE DATE: The ordinance shall take effect as provided by law.

ADOPTED this 12th day of November, 1992.

ATTEST

for Dede Hinote
Martha Ingle, Clerk

WALTON COUNTY BOARD OF
COUNTY COMMISSIONERS

Sam Pridgen
by: Sam Pridgen, Chairman

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