

**ORDINANCE
2008-34**

AN ORDINANCE TO AMEND THE PREVIOUSLY APPROVED
SEASCAPE RESORT ORDER, AS APPROVED BY
WALTON COUNTY ON OCTOBER 30, 1984 AND AMENDED AND
APPROVED ON JANUARY 8, 1991, DECEMBER 22, 1998, AUGUST 8, 2000, AND
FURTHER AMENDED AND APPROVED NOVEMBER 11, 2004

Recitals

WHEREAS, Seascape Resorts, Inc., developer of Seascape Resort (the "Developer"), wishes to amend the previously approved Development Order for Seascape Resorts; and

WHEREAS, the previously approved Seascape Resort Development Order, which was approved by Walton County on October 30, 1984 by adoption of Ordinance 84-12; amended and approved on January 8, 1991 by adoption of Ordinance 91-1; amended and approved on December 22, 1998 by adoption of Ordinance 98-24; amended and approved on August 8, 2000 by adoption of Ordinance 2000-24; and amended and approved on November 11, 2004, as to a minor change (without adoption of an ordinance); will remain in effect, as is, except for changes specified in this amendment; and

WHEREAS, the County Commission of Walton County held a public hearing on October 14, 2008, in accordance with Chapter 380, Florida Statutes, to consider (i) the Developer's application for Notice of Proposed Change to the previously approved Development Order referred to above; and (ii) the comments on the record made to the Walton County Commission at said hearing; and

WHEREAS, the County Commission of Walton County has jurisdiction pursuant to Section 380.06 Florida Statutes, and is empowered to consider applications for developments of regional impact and amendments thereto; and

WHEREAS, the procedural requirements of Chapter 380, including the requirements for public notice, have been satisfied and all interested parties and members of the public were afforded the opportunity to participate in the public meeting wherein the amendments to the previously approved Development Order for Seascape Resort were considered by the Walton County Commission; and

WHEREAS, the changes specified in this Amendment to the previously approved Development Order do not constitute a substantial deviation as defined by Chapter 380.06(1 9)b, or as listed in the previously approved Development Order;

NOW THEREFORE BE IT HEREBY ORDAINED THAT THE FOLLOWING CHANGES SHALL BE APPROVED AS AN AMENDMENT TO THE PREVIOUSLY APPROVED SEASCAPE RESORT DEVELOPMENT ORDER:

INSTR #1059029
OR BK 2804 Pages 4499 - 4507
RECORDED 11/04/08 09:03:59
MARTHA INGLE, WALTON COUNTY
CLERK OF COURT
DEPUTY CLERK K DOUGLASS
#1

SECTION 1.

That this Ordinance shall constitute an amendment to the previously approved Development Order approved by Walton County on October 30, 1984; as amended on January 8, 1991, December 22, 1998, August 8, 2000, and November 11, 2004. This Amendment is made in response to the "Notice of Proposed Change" filed by the Developer, for the Seascapes Resort, a Development of Regional Impact (DRI). The scope of the development permitted pursuant to this order includes the operation and construction described in the original Development Order approved by Walton County on October 30, 1984; and as amended on January 8, 1991, December 22, 1998, August 8, 2000, and November 11, 2004, which by reference is made a part hereof, except as amended herein.

SECTION 2.

That the County Commission of Walton County having received the above referenced "Notice of Proposed Change" documents and having received related comments, testimony and evidence submitted by all parties and members of the general public, and the Florida Department of Community Affairs, find that there is substantial competent evidence to support the following findings of fact and conclusions of law:

- A. On or about July 18, 2008, the Developer filed a Notice of Proposed Change for the purpose of:
 - i. Increasing the height for residential development from three stories to four stories or fifty feet (whichever is less), as depicted on the revised Seascapes Resort Master Plan (the "Revised Plan") attached hereto as Exhibit A; and
 - ii. Relocating commercial development areas within the site, such that the commercial area currently in the northeastern portion of the site will remain unchanged; the commercial area currently located in the middle of the site and east of Seascapes Boulevard will be relocated to the northern portion of the site where Seascapes Boulevard intersects US 98; all as depicted on the Revised Plan; and
 - iii. Relocating residential development areas such that the current three-story residential areas (proposed to change to the lesser of four stories or fifty feet in height) and consisting of 643 units will be relocated to the southern and middle portions of Seascapes Boulevard and in the northeastern portion of the site between two commercial areas; the twelve-story residential area consisting of 200 units will be relocated southwest along Seascapes Boulevard; all as depicted on the Revised Plan; and
 - iv. Providing for a new right in/right out driveway to connect the commercial areas west of Seascapes Boulevard to US 98, as depicted on the Revised Plan; and
 - v. To resolve the issue related to the "lock-out" units in the Majestic Sun III Condominiums by reducing the number of condominium units currently vested to be constructed in Phase III from 168 units to 140 units, but leaving the total number of residential units approved for Phase III unchanged at 569 units; and

vi. Clarifying that:

- a. the pre-DRI approval commercial development consisted of 80,185 square feet;
- b. that the original DRI approved an additional 96,000 square feet of commercial (for a total approved 176,185 square feet of commercial);
- c. there currently exists 17,198 square feet of commercial; and thus
- d. there is 158,987 square feet of commercial available to be built; and

vii. To extend the build out date for three years until December 31, 2010, and the expiration date until December 31, 2019, per the 2007 legislative amendment to Section 380.06(19)(c), Florida Statutes; and

viii. To further extend the DRI expiration date for four additional years beyond the statutory rights provided in Section 380.06 (19Xc), Florida Statutes, until December 31, 2023.

vix. To eliminate the individual project phases for the DRI because all phases are currently under construction; are not necessary or meaningful to any new construction within the DRI; and eliminating the phases will not result in additional regional impacts.

B. The Department of Community Affairs has determined that they have no objections or comments to the proposed changes pursuant to Section 380.06(19)(f)4. and 6., Florida Statutes.

C. The proposed changes will not have a significant adverse impact on regional facilities or resources, and therefore do not constitute a substantial deviation requiring further development-of-regional-impact review, pursuant to Section 380.06(19), Florida Statutes.

D. The proposed development is not located within an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

E. The development is consistent with all local land development-regulations and the local comprehensive plan.

SECTION 3.

That, having made the above findings of fact and conclusions of law, it is ordered that the Development Order approved by Walton County on October 30, 1984, as amended and approved on January 8, 1991, December 22, 1998, August 8, 2000, and November 11, 2004, is hereby amended and approved as follows:

- A. The revised Seascape Resort Master Plan for the DRI is depicted in EXHIBIT "A" attached hereto and made a part hereof.

B. Commercial development areas within the site shall be relocated such that the commercial area currently in the northeastern portion of the site will remain unchanged; the commercial area currently located in the middle of the site and east of Seascap Boulevard will be relocated to the northern portion of the site where Seascap Boulevard intersects US 98; all as depicted in EXHIBIT "A".

C. The current three-story residential areas shall be changed to the lesser of four stories or fifty feet in height and consisting of 643 units, will be relocated to the southern and middle portions of Seascap Boulevard and in the northeastern portion of the site between two commercial areas; the twelve-story residential area consisting of 200 units will be relocated southwest along Seascap Boulevard; all as depicted in EXHIBIT "A".

D. A new right in/right out driveway to connect the commercial areas west of Seascap Boulevard to US 98 shall be constructed as depicted in EXHIBIT "A".

E. The issue related to the "lock-out" units in the Majestic Sun III Condominiums is resolved by reducing the number of condominium units currently vested to be constructed in Phase III from 168 units to 140 units, but leaving the total number of residential units approved for Phase III unchanged at 569 units.

F. That:

- i. the pre-DRI approval commercial development consisted of 80,185 square feet;
- ii. that the original DRI approved an additional 96,000 square feet of commercial (for a total approved 176,185 square feet of commercial);
- iii. there currently exists 17,198 square feet of commercial; and thus
- iv. there is 158,987 square feet of commercial available to be built; and

G. The build out date is extended for three years until December 31, 2010, and the expiration date until December 31,2019, per the 2007 legislative amendment to Section 380.06(19)(c), Florida Statutes.

H. The DRI expiration date is further extended four additional years beyond the statutory rights provided in Section 380.06 (19)(c), Florida Statutes, until December 31, 2023. Walton County hereby agrees that prior to December 31, 2023, the Seascap Resort DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Walton County can demonstrate that substantial changes in the conditions underlying the approval of the development order, as amended, have occurred, or that the development order, as amended, was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Walton County to be essential to the public health, safety or welfare.

I. Individual project phases for the DRI are hereby eliminated and the Developer shall be entitled to construct improvements through December 31, 2023.

J. Except as amended herein, the Seascape Resort Development Order approved by Walton County on October 20, 1984; as amended and approved on January 8, 1991, December 22, 1998, August 8, 2000, and November 11, 2004, remains in full force and effect

SECTION 4.


That this Amended Development Order shall be binding upon the Developer, its heirs, assigns, or successors in interest.

SECTION 5.

This section shall take effect immediately upon becoming law.

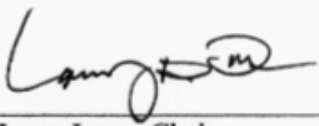
PASSED AND ORDAINED BY THE OF BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA ON October 14, 2008.

ATTEST:



Clerk of Courts

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

BY: 

Larry Jones, Chairman

TABLES 1 - 3

Exhibit
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TABLE 1. Summary of Residential Development Activity

<u>DRI Phase</u>	<u>Number of Approved Residential Units</u>	<u>Number of Previously Completed Residential Units</u>	<u>Total Number of Residential Units Committed</u>	<u>Total Number of Units Remaining</u>	<u>Completion Date</u>
Existing(1983)	374 DU	374	0	0	08/83
I	115 DU	110	0	5	12/9
II	532 DU	44	0	488 DU	5/94
III	569	429*	0	140**	6/98
IV	910	450	250	210	12/07
Total	2,500	1407	250	843	

* INCLUDES 28 LOCKOUT UNITS IN FAIRFIELD BUILDING OF MAJESTIC SUN

** REFLECTS REDUCTION OF 28 UNITS TO OFFSET THE 28 LOCKOUT UNITS COMPLETED FOR MAJESTIC SUN

TABLE 2. Summary of Commercial Development of Activity

<u>Pre-1983 Commercial (sf)</u>	<u>Additional Commercial Approved (sf)</u>	<u>Total Approved Commercial (sf)</u>	<u>Existing Commercial (sf)</u>	<u>Remaining Commercial To Be Developed (sf)</u>
80,185*	96,000	176,185	17,198	158,987

* PRE-1983 APPROVALS FROM COUNTY PRIOR TO ADA SUBMITTAL

TABLE 3. Detailed Summary of Residential Development Activity

<u>DRI Phase</u>	<u>Number of Approved Residential Units</u>	<u>Number of Previously Completed Residential Units</u>	<u>Total Number of Residential Units Committed</u>	<u>Total Number of Units Remaining with Respect to Parcel Height</u>	<u>Completion Date</u>
Existing (1983)	374 DU (3 Stories)	374	0	0	08/83
I Residential	115 DU (3 Stories)	53 PH6B-1991 57 PH 7-1991-92 110	0	5 DU (3 Stories)	12/91
II Residential	532 DU (3 Stories)	8 PH8A-1994 8 PH9A-1995 28 PH 10-1996 44	0	488 DU (3 Stories)	5/94
III Residential	401 DU (12 Stories) 168 DU (3 Stories) 569	44 DU -- Empress (12 Stories) 385 DU -- Majestic Sun (12 Stories) 429	0	140 DU (3 Stories)	6/98
IV Residential	792 DU (24 Stories) 200 DU (12 Stories) 118 DU (3 Stories) 910	450 DU -- Aerie Dunes (24 stories)	250 DU -- Sterling Palms (24 Stories)	200 DU -- (12 Stories) 10 DU -- (3 Stories) 210	12/07
TOTAL	2,500	1407	250	843	

* INCLUDES 28 LOCKOUT UNITS IN FAIRFIELD BUILDING

