

**ORDINANCE
2009-15**

**AN ORDINANCE OF WALTON COUNTY, FLORIDA,
AMENDING SECTIONS 3.01.03C, 11.01.05B, AND 11.01.06C OF
THE WALTON COUNTY LAND DEVELOPMENT CODE TO
ALLOW AN EXCEPTION THAT WOULD EXTEND BY TWO
YEARS THE TIME IN WHICH FINAL ORDERS, MINOR
DEVELOPMENT ORDERS, AND MAJOR DEVELOPMENT
ORDERS SHALL REMAIN VALID; PROVIDING A SUNSET
PROVISION; PROVIDING FOR RETROACTIVE EFFECT OF
THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the State of Florida has passed legislation that will extend certain development orders and permits for a period of two years; and

WHEREAS, the current economy continues to limit the ability of developers to obtain adequate financing for their projects; and

WHEREAS, the financing issues have caused a slowdown in new construction activity in Walton County, and throughout the State of Florida; and

WHEREAS, developers with approved development orders have been unable to commence development due to the economic situation; and

WHEREAS, the Board of County Commissioners finds the economic downturn and the slowdown in the construction industry present a threat to the welfare of the people of Walton County; and

WHEREAS, the Walton County Land Development Code states that a final order expires two years from rendition and a development order expires one year from rendition; and

WHEREAS, the Walton County Land Development Code states that a development order may be renewed for no more than one additional year, with a subsequent ordinance adopted allowing a previously renewed development order, which would expire on or after March 1, 2008, to be extended for an additional year, which ordinance was renewed for the period of one year; and

WHEREAS, a significant number of approved final orders and issued development orders have already been extended, the extension has or will soon expire, and, if the expiring final orders and development orders cannot be further extended, a number of developers will incur significant costs to start the development process over again or be forced to drop their development plans, thus further exacerbating the slump in potential new construction; and

WHEREAS, any further reduction in the number of potential new development projects will adversely effect jobs and the economy of Walton County; and

WHEREAS, the Board finds it is in the best interests of the people and the economy of Walton County to mirror the recent action of the Florida State Legislation by further extending the expiration date on approved final orders and issued development orders;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, that:

1. Section 3.01.03 .C of the Land Development Code is hereby amended to read, in part, as follows:

C. Major Development. For a major development as defined in Chapter XI of this Code, a certificate of concurrency shall automatically expire six months after it is issued unless: (1) the Technical Review Committee has completed its review of the application and provided its comments and recommendations to the director; and (2) the director has issued his or her report recommending approval, approval with conditions, or denial of the application to the Planning Commission. In that event, the certificate of concurrency shall be automatically extended for an additional six-month period to facilitate timely review of the application by the Planning Commission and the Board of County Commissioners consistent with the requirements of this Code, and the board's issuance of a final order.

Except for final orders issued for a phased project, as more particularly described below, a final order approving a major development application shall be valid for a period of two years from rendition; and may be renewed for an additional year. A certificate of concurrency for a major development shall automatically expire simultaneously with the expiration of a final order unless: (1) within this two year period the applicant secures the requisite development order for the project and completes all of the site's infrastructure improvements; or (2) as applicable, the applicant timely pays the project's non-refundable proportionate fair share in full in accordance with the requirements of Appendix C.3. If either criterion is timely satisfied, the development order shall be deemed vested for traffic concurrency for the approved project.

Exception: Any Final Order that has an expiration date of September 1, 2008 through January 1, 2012, may be extended and renewed for a period of two years following its date of expiration. Final Orders that are extended will continue to be governed under the rules in effect at the time the Final Order was issued. The holder of a valid Final Order eligible for the two year extension shall notify the County authorizing agency in writing no later than December 31, 2009, and request the extension.

2. Section 11.01.05.B of the Land Development Code is hereby amended to read as follows:

B. Expiration Of Permits Issued for Minor Development. A development permit for a minor development shall be valid for a period of one year, and may be renewed only once for a period not to exceed one year; provided, however, that any previously renewed development order, the second year of which will expire on or after March 1, 2008, shall be extended for an additional year; and provided further that the Board of County Commissioners may, on a case-by-case basis, extend the development order of any development, the commencement of which is contingent upon the receipt of state or federal funding, for the time necessary to obtain such funding. The development permit shall not expire if development has commenced and is continuing in good faith according to the approved plan.

Exception: Any Minor Development Order that has an expiration date of September 1, 2008 through January 1, 2012, may be extended and renewed for a period of two years following

its date of expiration. Minor Development Orders that are extended will continue to be governed under the rules in effect at the time the Minor Development Order was issued. The holder of a valid Minor Development Order eligible for the two year extension shall notify the County authorizing agency in writing no later than December 31, 2009. and request the extension.

3. Section 11.01.06.C of the Land Development Code is hereby amended to add the following exception at the end of paragraph C:

C. *Expiration.* A development permit for a major development shall be valid for a period of one year and may be renewed for a cumulative period not to exceed one year. The development permit shall not expire if development has commenced and is continuing in good faith according to the approved plan; provided, however, that any previously renewed development order, the second year of which will expire on or after March 1, 2008, shall be extended for an additional one year; and provided further that the Board of County Commissioners may, on a case-by-case basis, extend the development order of any development, the commencement of which is contingent upon the receipt of state or federal funding, for the time necessary to obtain such funding.

Exception: Any Major Development Order that has an expiration date of September 1, 2008 through January 1, 2012, may be extended and renewed for a period of two years following its date of expiration. Major Development Orders that are extended will continue to be governed under the rules in effect at the time the Major Development Order was issued. The holder of a valid Major Development Order eligible for the two year extension shall notify the County authorizing agency in writing no later than December 31, 2009. and request the extension.

4. The above exceptions, unless sooner re-enacted, shall automatically expire on January 1, 2010.

5. The above exceptions shall apply retroactively to any Final Order or Development Order which expires between September 1, 2008 and January 1, 2012, provided that the holder requests the extension in writing no later than December 31, 2009, and provided that the applicant has a valid bond or other accepted surety in place, if needed.

6. Severability: In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

7. This Ordinance shall become effective when filed with the Secretary of State.

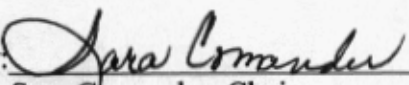
Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing, this 8th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:


Martha Ingle, Clerk of Court

By:


Sara Comander, Chair