

ORDINANCE NUMBER 2012-41

**AN ORDINANCE AMENDING THE WALTON COUNTY LAND DEVELOPMENT CODE SECTION 4.06.02 TO PROVIDE A LIMITATION IN ACCORDANCE WITH WALTON COUNTY COMPREHENSIVE PLAN POLICY C-1.11.3.7 ON THE PERCENTAGE OF LAND AREA TO BE PRESERVED THAT MAY BE ELIGIBLE FOR PRESERVATION BUYOUT FOR SUBDIVISIONS AND, TO ESTABLISH A PROCEDURE FOR VALUING LAND AREA FOR THE PURPOSE OF CALCULATING PRESERVATION BUYOUT FEES FOR SUBDIVISIONS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Sections 163.3201 and 163.3203, Florida Statutes, require local governments to implement provisions of their comprehensive plans through the adoption of land development regulations; and

**WHEREAS**, Walton County has adopted a Land Development Code in accordance with these statutes to ensure the County's orderly growth and development; and

**WHEREAS**, Walton County, to ensure the County's continued orderly growth and development, finds it prudent to amend its Land Development Code to respond to the changing needs and conditions within said County; and

**WHEREAS**, Consistent with Walton County Comprehensive Plan Policy C-1.11.3, Section 4.06.02 of the Walton County Land Development Code ("LDC") establishes standards for preservation of native vegetation and wildlife habitat; and

**WHEREAS**, the Comprehensive Plan and the LDC further state that such preservation shall be based on a percentage of certain named native communities; and

**WHEREAS**, there are situations where the preservation serves no public purpose and/or has a detrimental effect on the effective use and development of property; and

**WHEREAS**, Walton County Comprehensive Plan Policy C-1.11.3.7 and Section 4.06.02.9 of the LDC provide that in certain situations the developer and the County may agree to allow the developer to pay a fee equivalent to the market value of the land area without improvements that would have otherwise been preserved ("Preservation Buyout Fee"); and

**WHEREAS**, Walton County Comprehensive Plan Policy C-1.11.3.7 provides for a limitation of fifty percent (50%) of the amount of land area that would otherwise been preserved that could be subject to buyout as allowed by Section 4.06.02.09; and

**WHEREAS**, the value of the land area must be determined in order to calculate the Preservation Buyout Fee; and

**WHEREAS**, Section 4.06.02.11 of the LDC further sets forth the procedure to be used to determine land value when calculating Preservation Impact Fees (“Preservation Buyout Fee”), and any other such subdivision fees wherein land value is a factor.

**NOW THEREFORE BE IT RESOLVED BY THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS** (the “Board”) that the Walton County Land Development Code be amended as follows:

**Section 1:** Section 4.06.02.9 is amended to read as follows:

9. For parcels that contain less than ten acres of the natural vegetative communities referred to in paragraphs 3 and 4 of this policy--based on the most extensive development order that includes the parcel, the developer and the County may agree to allow the developer to pay a fee to remove up to a maximum of fifty percent (50%) of the total vegetation that must otherwise be preserved in accordance with these paragraphs. The fee for such clearing shall be the equivalent fair market value of the land area/acreage that is proposed for clearing that would have otherwise been preserved. equivalent to the value of the land area that would have otherwise been preserved based on the requirements of this policy. This fee shall be placed in a fund for the acquisition and preservation of parcels of land which contain the types of natural communities subject to buy out. Alternatively, and on a case-by-case review, the Board of County Commissioners may authorize the use of such preservation funds for other preservation or restoration projects of ecological significance. or recreational development of greenway corridors or other open space which would remain in a substantially natural condition.

**Section 2:** Section 4.06.02.11 is amended to read as follows:

11. Determination of the Land Value. The procedure used to determine the land value when calculating Preservation Impact Fees, and any other such subdivision fees wherein land value is a factor, shall be to use the ~~fair market value as established by a recent independent appraisal of the land without improvement by a Florida Certified General Real Estate Appraiser, at no expense to the County. If the developer or the county determines that the appraisal is in error, then either the developer or the county may commission a second appraisal. The commissioning party shall bear the expense of the second appraisal. The value for calculating the Preservation Impact Fee shall be the average of the two appraisals~~ assessed value from the most recent Certified Assessment

Roll as provided by the Walton County Property Appraiser. (Ord. No. 2009-07, § 1, 4-14-09)

**Section 3: Severability**

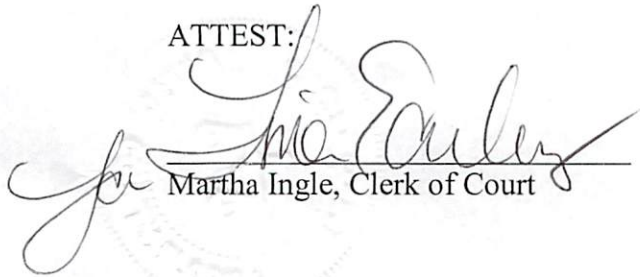
Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance, and the remainder of the ordinance shall remain in full force and effect.

**Section 4: Effective Date**

This ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED in regular session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, this 11<sup>th</sup> day of December 2012.

ATTEST:

  
Martha Ingle, Clerk of Court

BOARD OF COUNTY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA

By:   
Kenneth Pridgen, Chair