

ORDINANCE 2013-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, AMENDING SECTION 9.04.00, REGARDING THE GENERAL FUNCTIONS, POWERS AND DUTIES OF THE WALTON COUNTY PLANNING COMMISSION TO REMOVE THE REQUIREMENT TO REVIEW AND MAKE RECOMMENDATIONS ON PROPOSED SUBDIVISION PLATS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Walton County:

Section 1. Authority

The Board of County Commissioners of Walton County, Florida, pursuant to the authority of section 125.01, Florida Statutes (2012) and chapter 163, Florida Statutes (2012), hereby enacts the following provisions regarding the General Functions, Powers and Duties of the Walton County Planning Commission. It is the intent of this ordinance to remove a conflict between Walton County Land Development Code Section 9.04.05.A and Section 10.02.01 (table inset) to insure consistency within the Land Development Code and to address the Planning Commission's request to not be required to review subdivision plats on development that they have already reviewed, made recommendations to the Board of County Commissioners on, and the Board of County Commissioners has issued a Final Order approving the development. Removing this requirement will streamline the development approval process by removing redundancy and will not result in any degradation of the development review process as all plats receive Technical Review for consistency with the Comprehensive Plan, Land Development Code, approved Development Order and Chapter 177 F.S., in addition to Final Plat approval by the BCC.

Section 2. Amendment of Section 9.04.00. PLANNING COMMISSION, Walton County Land Development Code

Section 9.04.00., PLANNING COMMISSION, of the Walton County Land Development Code is hereby amended as follows:

9.04.01. Establishment.

Pursuant to, and in accordance with section 163.3174, F.S. [F.S. § 163.3174], the Walton County Planning Commission is hereby designated and established as the local planning agency for the unincorporated territory of the County.

9.04.02. Membership.

The Walton County Planning Commission shall consist of seven members appointed by the Board of County Commissioners of Walton County, with one member to be nominated by each of the County Commissioners, and two members

to be appointed at large. All members shall be residents of Walton County. No member shall be a paid or elected employee of the County.

9.04.03. Terms.

- A. *Generally.* Terms of the members of the Walton County Planning Commission shall be for two years. A member whose term expires may continue to serve until a successor is appointed and qualified. The Board of County Commissioners shall have the authority to remove any member of the Walton County Planning Commission for cause on written charges, after a public hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.
- B. *Vacancies.* When a position becomes vacant before the end of the term, the Board of County Commissioners shall appoint a replacement member to fill the vacancy for the duration of the vacated term. Such vacancy shall be filled within 30 days after the vacancy occurs. If a member fails to attend any two of three successive meetings without cause and without prior approval of the chair, or is absent for a total of more than 40 percent of the meetings held during any one year period, the Planning Commission shall declare such the member's office vacant and the County Commissioners shall appoint a replacement.

9.04.04. Organization; Rules of Procedure; Meetings and Records.

- A. *Officers.* The Walton County Planning Commission shall elect a chairman and a vice-chairman from among its members. The Planning Commission shall appoint a secretary, who may be an officer or employee of the Board of County Commissioners. The Planning Commission may create and fill such other offices as it may determine to be necessary for the proper conduct of its duties. The term of all offices shall be one year.
- B. *Technical Assistance and Advisors.* The Director of the Department of Planning and Zoning shall serve as an advisor to the Planning Commission. The district school board and any community college board in Walton County may appoint a representative thereof which shall, upon written notice of such appointment to the Planning Commission (through its secretary), be notified of all meetings and hearings of the Planning Commission and serve as an advisor to the Planning Commission. In addition, the Commission shall be authorized to call upon any branch of the County government at any time for information and advice which in the opinion of the Planning Commission will ensure efficiency of its work.
- C. *Rules of Procedure, Meetings and Records.* The Walton County Planning Commission shall make its own rules of procedure and determine its schedule of, and dates and times for, regular meetings, provided that its rules of procedure and schedule of meetings shall be in accordance with applicable law and shall be provided to the Board of County Commissioners. Special meetings of the Planning Commission may be called at such times as the majority of the membership shall determine, at the call of the chairman of the Planning Commission, or upon the request of the Board of County Commissioners or its designee for consideration of business before the Planning Commission. All meetings of the Walton County Planning Commission shall be open to the public. A written record of the

proceedings of the board shall be kept showing its actions on each question considered, and shall be filed in the office of the secretary of the Planning Commission. All records of the Planning Commission shall be public records. Any matter referred to the Planning Commission shall be acted upon by the Planning Commission within 45 days of the date of referral, unless a longer or shorter period is specified in the referral itself.

9.04.05. General Functions, Powers and Duties.

The Walton County Planning Commission shall have all the powers, duties and responsibilities as set forth in Chapter 163, F.S., as amended. In addition, the Walton County Planning Commission is designated the local planning agency as defined in Chapter 163, F.S., as amended, and as such shall perform the following duties:

- A. Review and make recommendations to the Board of County Commissioners on applications relating to major development activity pursuant to this Code, including without limitation: proposed zoning changes of any specific property; proposed ~~subdivision plats or~~ planned unit developments; proposed street/alley vacation.
- B. Review and make recommendations to the Board of County Commissioners concerning amendment to the comprehensive plan and the land development code.
- C. Review and recommend to the Board of County Commissioners ordinances designed to promote orderly development as set forth in the comprehensive plan.
- D. Make recommendations to the Board of County Commissioners concerning initiation of studies on the location, condition and adequacy of specific facilities of the area, including without limitation studies on: housing, commercial and industrial facilities, parks, schools, public buildings, public and private utilities, traffic, transportation, and parking.
- E. Schedule and conduct public meetings and hearings, and consult advisors as the Planning Commission deems appropriate, pertaining to land development as required in other sections of this Code.

9.04.06. Legal Counsel.

The legal counsel for the Board of County Commissioners shall represent the Planning Commission.

Section 4. Conflicting Provisions

If any provision of the Walton County Code or Walton County Land Development Code or an ordinance or part of an ordinance conflicts with the provisions of this ordinance, this ordinance shall prevail, to the extent possible under Florida law.

Section 5. Severability

Should any section or provision of this ordinance, or any portion of it, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder, as a whole or any part, other than that part declared to be invalid.

Section 6. Codification

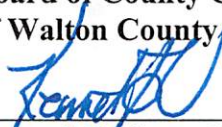
This ordinance shall be codified and made a part of the Walton County Land Development Code and amend the provisions of Chapter 9 of the Land Development Code accordingly.

Section 7. Effective Date

A certified copy of this ordinance shall be filed with the Department of State by the clerk of the Board within 10 days after enactment and shall take effect upon filing with the Department of State in accordance with section 125.66(2), Florida Statutes (2011).

Duly adopted on March 12, 2013.

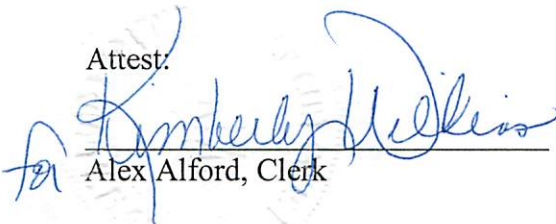
**Board of County Commissioners
of Walton County**



Kenneth Pridgen, Chairman

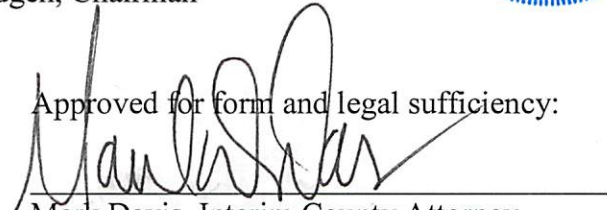


Attest:



Alex Alford, Clerk

Approved for form and legal sufficiency:



Mark Davis, Interim County Attorney

New Language is underlined.
Deleted language is ~~stricken~~.

