

ORDINANCE 2015- 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, ADOPTING A TWELFTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE SANDESTIN DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 10, 2015, at a duly noticed public hearing, the Walton County Board of County Commissioners heard and considered the proposed development application from Old Bridge Park Sandestin, LLC (Old Bridge Park) for a change to Parcel 116 of the Sandestin Development of Regional Impact (DRI); and

WHEREAS, on November 10, 2015, the Florida Department of Economic Opportunity (DEO) determined that this Development Order Amendment (the 13th Amendment) was not a substantial deviation and, pursuant to Section 380.06(19)(e)2, Florida Statutes, did not require the filing of a Notice of Proposed Change (NOPC); and

WHEREAS, on November 10, 2015, the Walton County Board of County Commissioners conducted an advertised public hearing for the purpose of receiving public comment.

NOW THEREFORE BE IT ADOPTED BY THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS OF FACT

Based on the documentation and testimony received at the public hearing, the County Commission hereby finds as fact as follows:

1. On October 19, 1976 the Board of County Commissioners (Board) approved a DRI Development Order for Sandestin after the following required review.
2. Subsequent to the adoption of the original Development Order, the Board has approved eleven previous Amendments to the Sandestin DRI development Order on the following dates:
 - a. First Amendment—August 28, 1984 by Resolution 84-24
 - b. Second Amendment—August 28, 1989 by Ordinance 89-9
 - c. Third Amendment—August 28, 1990 by Ordinance 90-7
 - d. Fourth Amendment—May 12, 1998 by Ordinance 98-11
 - e. Fifth Amendment—February 8, 2000 by Ordinance 2000-03
 - f. Sixth Amendment—November 4, 2002 by Ordinance 2002-18
 - g. Seventh Amendment—July 6, 2004 by Ordinance 2004-28
 - h. Eighth Amendment—August 25, 2009 by Ordinance 2009-13
 - i. Ninth Amendment—June 24, 2013 by Ordinance 2013-16

2015-27

- j. Tenth Amendment - January 28, 2014 by Ordinance No. 2014-06
- k. Eleventh Amendment - June 9, 2015 by Ordinance No. 2015-14

- 3. On October 12, 2015, the Applicant submitted a section 380.06(19)(e)2, Fla. Stat. Amendment to the Sandestin DRI Development Order to request an amendment to the Land Use Designation for Parcel 116 from Administration to Commercial.

SECTION 2. CONCLUSIONS OF LAW

Based on the Findings of Fact adopted above, Walton County hereby adopts the following Conclusions of Law.

- 1. Walton County is the governing body having jurisdiction over the review and approval of the Development Order Amendment, pursuant to Chapter 380, F.S., and is authorized and empowered to issue this Amendment to the Sandestin DRI Development Order.
- 2. The property does not lie within an Area of Critical State Concern.
- 3. The proposed development is consistent with the applicable local comprehensive plan and is consistent with the applicable local land development regulations.
- 4. The proposed development is consistent with the West Florida Strategic Regional Policy Plan.
- 5. The provisions of this Amendment to the Development Order shall not be construed as a waiver of or exception to any local, state, or federal law or regulation.
- 6. The impacts of this development, as conditioned by this Amendment to the Development Order, are adequately addressed pursuant to the requirements of Chapter 380, F.S., and the changes as approved by the County do not create additional adverse local impacts.
- 7. To the extent that the Application for Development Approval (ADA) or Development Application, or any other document is inconsistent with the terms and conditions of this Amendment to the Development Order, this Amendment to the Development Order shall prevail.

SECTION 3. GENERAL CONDITIONS

Walton County, having made the aforementioned Findings of Fact and Conclusions of Law, hereby approves the following proposed changes contained in the Development Order Amendment, subject to the following modifications and conditions of development set forth in this Amendment to the Development Order:

- 1. Change the Land Use Designation for Parcel 116 from Administration to Commercial.

Parcel 116—Entitlements

Approved Uses in Parcel 116	CURRENT DRI Development Order	2015 Development Order
Administrative	17,000 SF	0
Commercial	0	13,235 SF

BE IT FURTHER RESOLVED BY THE WALTON COUNTY COMMISSION THAT THE FOLLOWING SHALL APPLY:

1. Final Order. That this Amendment to the DRI Development Order shall constitute the final order of Walton County in response to the DRI development Order Amendment filed by the Developer.
2. Definitions. The definitions found in Chapter 380, F.S. shall apply to this Amendment to the Development Order
3. Assignability: Persons Bound. That this Amendment to the Development Order shall be binding upon the Developer and its heirs, assignees, or successors in interest including community development districts pursuant to Ch. 190, F.S.
4. Severability. That in the event any portion or section of this Amendment to the Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Amendment to the Development Order, which shall remain in full force and effect.
5. Recordation of Notice of Adoption. That within 30 days after its effective date, the Developer shall cause a Notice of Adoption of this Amendment to be recorded among the Public Records of Walton County in accordance with Section 380.06(15), F.S., and shall provide a copy of the recorded Notice to Walton County, the West Florida Regional Planning Council, and the Department of Economic Opportunity.
6. Restriction on Downzoning, Density Reduction or Intensity Reduction. That Walton County agrees that the approve DRI shall not be subject to downzoning, density reduction, or intensity reduction after the effective date of this Amendment to the Development Order, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Amendment to the Development Order have occurred, or that the Amendment to the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the County to be essential to the public health, safety, or welfare.
7. That approval of this Amendment to the Development Order shall not exempt any portion or unit within the Sandestin DRI development from any future impact fees imposed by Walton County. Developer credit for applicable improvements paid for by it pursuant to the

requirements of the Amendment to the Development Order shall be given as provided for by Section 380.06(16), F.S.

8. Effective Date. That upon adoption, this Amendment to the Development Order shall be transmitted to the West Florida Regional Planning Council, the Department of Economic Opportunity, and the Developer and shall become effective upon rendering of this development order by the County.
9. Transmittal of the Amendment. Copies of this Amendment to the Development Order shall be transmitted immediately by certified mail to the West Florida Regional Planning Council, Department of Economic Opportunity, and the Developer, by Walton County.

ADOPTED in Regular Session this 10th day of November, 2015, by the Walton County Board of County Commissioners.

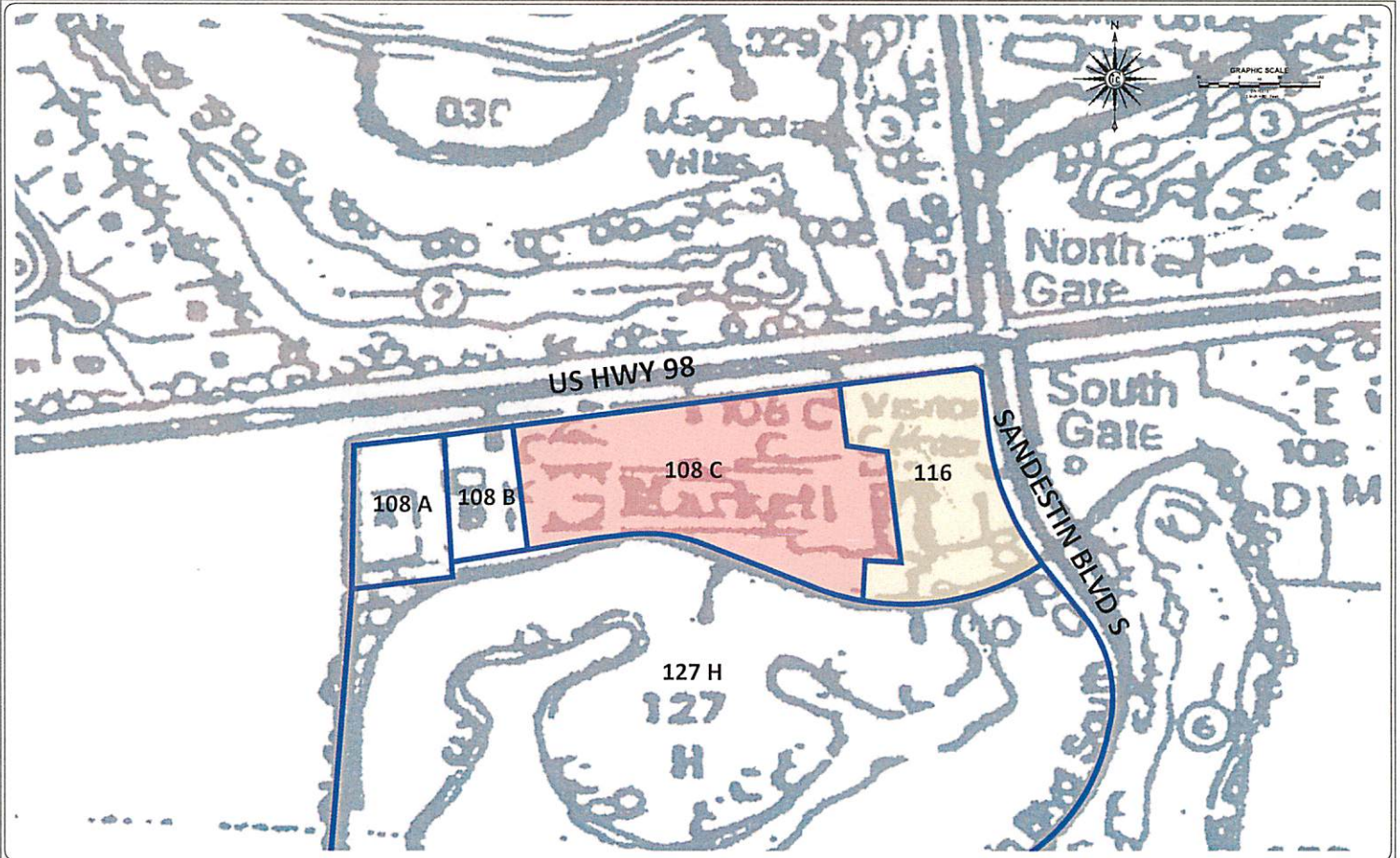
ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA**


CLERK




CHAIRMAN



SANDESTIN MARKET SHOPS
PARCEL 108C EXHIBIT

