

ORDINANCE NO. 2016-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA AMENDING SECTION 11.03.04 OF THE WALTON COUNTY LAND DEVELOPMENT CODE TO PROVIDE THAT NO RECREATIONAL PLAT FEE SHALL BE REQUIRED FOR PROPERTY THAT IS BEING REPLATTED OR RESUBDIVIDED IF THE PROPERTY SUBJECT TO THE REPLAT OR RESUBDIVISION HAD PREVIOUSLY BE SUBJECTED TO A RECREATIONAL PLAT FEE AND SUCH FEE WAS PAID PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Walton County Board of County Commissioners finds that it is inequitable to charge a second recreational plat fee on property that had been previously subdivided and for which a recreational plat fee was previously paid;

WHEREAS, the current Walton County Land Development Code can be interpreted to require a second fee upon a replat or resubdivision of land upon which a previous recreational plat fee has been paid; and

WHEREAS, there is no legitimate governmental purpose in requiring a second recreational plat fee on the same parcel of real property;

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

SECTION 1. 11.03.03. - Required Dedication of Recreation Lands is amended to read as follows: (strikethroughs are deletions to the existing ordinance, underlined text is an addition to the existing ordinance).

- A. Generally. In all plat proposals, ~~other than those involving only a minor replat or lot split,~~ the subdivider shall dedicate a minimum of five percent of the gross area of the subdivision for public recreation purposes. Alternatively, the developer may pay cash in an amount equal to six percent of the gross value of the subdivision, said value to be estimated on a basis of platted land without improvements (the "Platted Land"). However, no person seeking or submitting a replat or re-subdivision to a previously approved subdivision of land shall be required to pay a second recreational plat fee on real property that had previously be subject to a recreational plat fee and for which a recreational plat fee had been paid.

SECTION 2. 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 this Ordinance.

SECTION 3. Effective Date

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 **March, 2016**.

Attest:

Alex Alford

Alex Alford
Clerk of the Court

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

BY: *Sara Comander*
SARA COMANDER, Chair

