

ORDINANCE 2017- 18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, ADOPTING A NON-SUBSTANTIAL DEVIATION AMENDMENT TO THE DEVELOPMENT ORDER FOR THE SEASCAPE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seascape Resort Inc. (“Developer”) filed a proposed amendment application with Walton County on May 5, 2017, pursuant to Section 380.06(19)(e)2.k, Florida Statutes (“Amendment Application”) to amend the Seascape Development of Regional Impact (“DRI”) Development Order;

WHEREAS, the Amendment Application proposes to change the buildout date to be coterminous with the expiration date as set forth in the Seascape DRI Development Order;

WHEREAS, the Walton County Board of County Commissioners (“Board”) is the governing body of Walton County and is authorized and empowered, pursuant to Chapter 380, Florida Statutes, to consider the Amendment Application; and

WHEREAS, on June 20, 2017, the Board held a duly noticed public hearing on the Amendment Application and afforded members of the public an opportunity to be heard;

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

SECTION 1. FINDINGS OF FACT.

1. The above recitals are true and correct.
2. The Board has considered the testimony and evidence presented at the public hearing held on the Amendment Application.
3. The Amendment Application proposes to amend the language set forth in Section 3 of Ordinance No. 2008-34 as follows (“Subject Amendment”):

Individual project phases for the DRI are hereby eliminated and the Developer shall be entitled to construct improvements through ~~December 31, 2023~~ September 25, 2031, which is hereby defined as the buildout date and expiration date for the DRI. This date may be extended in accordance with applicable laws.

4. The Subject Amendment changes the date set forth in the Development Order to reflect previously approved extensions authorized as a result of notice letters that were timely filed with Walton County pursuant to s. 252.363, Florida Statutes.

5. The proposed change to make the buildout date coterminous with the expiration date is consistent with the intent of Ordinance 2008-34, which entitled the Developer to construct through the expiration date. As such, the Subject Amendment does not change the construction schedule or result in an increase in external peak hour trips or a reduction in open space.

6. Section 380.06(19)(e)2.k., Florida Statutes, declares as non-substantial deviations proposed amendments that do not increase external peak hour trips or reduce open space.

SECTION 2. CONCLUSIONS OF LAW

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

1. The Subject Amendment is consistent with s. 380.06(19)(e)2.k, Florida Statutes and, pursuant to s. 380.06(19)(e)2, Florida Statutes, is statutorily determined to be a non-substantial deviation to the Seascape DRI Development Order.

2. The Seascape DRI is not located within an Area of Critical State Concern.

3. The Subject Amendment is consistent with the West Florida Strategic Regional Policy Plan.

4. The Subject Amendment is consistent with the Walton County Comprehensive Plan and Land Development Regulations.

SECTION 3. ADOPTION OF AMENDMENT. Based on the Findings of Fact and Conclusions of Law, Walton County hereby adopts the Subject Amendment, to wit:

Individual project phases for the DRI are hereby eliminated and the Developer shall be entitled to construct improvements through September 25, 2031, which is hereby defined as the buildout date and expiration date for the DRI. This date may be extended in accordance with applicable laws.

(hereafter "Adopted Amendment").

SECTION 4. BINDING EFFECT. The Adopted Amendment shall be binding on the Developer and its assignees or successors in interest.

SECTION 5. SEVERABILITY. In the event any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent and final jurisdiction, such decision shall in no matter affect the remaining portions or sections of this Ordinance.

SECTION 6. RECORDING. The Developer shall file a Notice of Adoption of this Adopted Amendment in the Public Records of Walton County, Florida

SECTION 7. RENDITION. Walton County shall render this Ordinance amending the Development Order immediately by certified mail to the Florida Department of Economic Opportunity (“DEO”), West Florida Regional Planning Council (“WFRPC”) and the Developer.

SECTION 8. EFFECTIVE DATE. The effective date is the date on which Walton County renders this Ordinance amending the Development Order to DEO, WFRPC and the Developer.

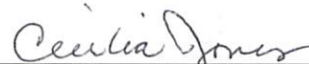
PASSED AND DULY ADOPTED in Regular Session, by the BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, on this 20th day of June, 2017.

ATTEST:


Alex Alford, Clerk of Court



BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA


By: Cecilia Jones
Its: Chairman



