

ORDINANCE NUMBER

2009-06

An ordinance amending the Walton County Land Development Code section 11.03.03 to establish a procedure for valuing platted land for the purpose of calculating recreation impact fees for subdivisions, providing for severability, and providing an effective date.

WHEREAS, Sections 163.3201 and 163.3202, Florida Statutes, require local governments to implement the 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, Section 11.03.03 of the Walton County Land Development Code ("**LDC**") establishes standards for the dedication of certain subdivided land for public recreation purposes, and

WHEREAS, the LDC states that the amount of land a subdivider shall dedicate for public recreation shall be five percent (5%) of the gross area of the subdivision; and

WHEREAS, there are situations where the above referenced dedication of 5% of a proposed subdivision would serve no public purpose and/or has a detrimental effect on the effective use and development of property, and

WHEREAS, the LDC further sets forth that, as an alternative to the dedication of 5% of the proposed subdivision for public recreation purposes, the developer may pay a fee equivalent to five percent (5%) of the gross value of the subdivision ("**Recreation Impact Fee**"), and

WHEREAS, the LDC states that said value is to be estimated on a basis of platted land without improvements (hereinafter the "**Platted Land**"), and

WHEREAS, the value of the Platted Land must be determined in order to calculate the Recreation Impact Fee,

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 11.03.03 is amended to read as follows:

11.03.03 Required Dedication of Recreation Lands. ~~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 five percent of the gross value of the subdivision, said value to be estimated on a basis of platted land without improvements.~~

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 five percent of the gross value of the subdivision, said value to be estimated on a basis of platted land without improvements (the "Platted Land"). (Ord. No. 2007-52, § 5, 12-11-07)

B. Determination of Platted Land value. The procedure used to determine the value of the above referenced Platted Land when calculating Recreation Impact Fees, and any other such subdivision fees wherein property value is a factor, shall be to use the fair market value as established by a recent independent appraisal of the Platted Land without improvements 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 Recreation Impact Fee shall be the average of the two appraisals.

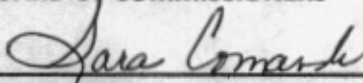
Section 2 Severability

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.

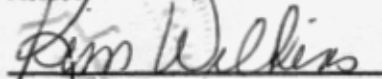
Section 3 Effective Date

This ordinance shall take effect thirty-one days after the Department of Community Affairs has issued a notice of intent to find the companion text amendment to the Walton County Comprehensive Plan in compliance, provided that no appeals to the notice of intent have been filed during that time. Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regular Meeting on the 14th day of April, 2009.

WALTON COUNTY
BOARD OF COMMISSIONERS


By: Sara Comander, Chair

Attest:


for Martha Ingle for Clerk of Court