

ORDINANCE NO. 04-02

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF HOLMES COUNTY AND THE MUNICIPALITIES OF ESTO, NOMA, PONCE DE LEON AND WESTVILLE, SPECIFICALLY THE FUTURE LAND USE MAP OF THE COUNTY, SPECIFICALLY THAT PORTION OF THE PARCEL HAVING PROPERTY IDENTIFICATION NUMBER 03331-002-000-000 AND COMMENCING AT THE NE CORNER OF THE SE ¼ OF THE NE ¼ OF SECTION 33, T7N, R14W, HOLMES COUNTY, FLORIDA AND RUN S01°12'48"W ALONG THE EAST LINE OF SAID SE ¼ OF NE 1/4, 60.34 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE S 01°12'48"W ALONG SAID EAST LINE, 300.00 FEET, THENCE DEPART SAID EAST LINE AND RUN N 89°10'10" E, 300.00 FEET, THENCE N 01°12'48"E, 150.00 FEET, THENCE S 89°10'10" E, 270.00 FEET, THENCE N S 01°12'48" E, 150.00 FEET TO A POINT ON THE SOUTH R/W LINE OF S.R #2 , THENCE RUN S 89°10'10" E ALONG SAID R/W LINE, 30.00 FEET TO THE POINT OF BEGINNING , CONTAINING 1.1 ACRE, MORE OR LESS, FROM AN AGRICULTURE DESIGNATION TO A COMMERCIAL DESIGNATION

WHEREAS, the Legislature adopted Chapter 163, laws of Florida, which requires Holmes County and the Municipalities of Esto, Noma, Ponce de Leon and Westville to prepare and adopt and enforce a comprehensive plan; and,

WHEREAS, the Holmes County Planning Commission held a Public Hearing to consider Proposed Comprehensive Plan Amendment 04-S2 on April 14, 2004 and recommended the Amendment be approved by the Holmes County Board of County Commissioners for adoption; and,

WHEREAS, the Holmes County Commission held a Public Hearing on April 28th, 2004, to adopt Comprehensive Plan Amendment 04-S2, pursuant to Section 163, 3187, Florida Statutes, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; and,

WHEREAS, in exercise of its authority, the Holmes County Commission finds it necessary and desirable to adopt and does hereby adopt Comprehensive Plan Amendment 04-S2, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within Holmes County, as follows:

NOW THEREFORE BE IT ORDAINED by the County Commission of Holmes County, Florida as follows:

**Section 1 Purpose and Intent.**

The land use designation of the above identified parcel, shall be and hereby is changed from "Agriculture" to "Commercial" use as described in Small Scale Amendment 04-S2.

**Section 2 Comprehensive Plan Amendment.**

The Holmes County and Municipalities of Esto, Noma, Ponce de Leon and Westville Comprehensive Plan is hereby amended as set forth in and incorporated herein by reference, and consists of a Future Land Use Map Amendment.

**Section 3 Severability.**

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, than all remaining provisions and portions of this Ordinance and the Holmes County and Municipalities of Esto, Noma, Ponce de Leon and Westville Comprehensive Plan shall remain in full force and effect.

**Section 4 Copy on File.**

An official, true and correct copy of all elements of the Holmes County Comprehensive Plan as adopted and amended from time to time shall be maintained by the Clerk of Court of Holmes County or his designee.

**Section 5 Effective Date.**

The effective date of this Comprehensive Plan Amendment shall be the date a final order is issued by the Florida Department of Community Affairs or the Administrative Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before this amendment becomes effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming effective status, a copy of which resolution(s) shall be sent to the Florida Department of Community Affairs, Bureau of Local Planning..

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the County Commission of Holmes County, Florida the 28th day of April, 2004.

**COUNTY COMMISSION  
HOLMES COUNTY, FLORIDA**

By *Howard Owen*

Council Chairman

**ATTEST:**

*Cathy Taylor*  
County Clerk

