

DRAFT

ORDINANCE NO. 2007-18

1  
2 AN ORDINANCE OF HOLMES COUNTY, FLORIDA, AMENDING  
3 VOLUME III OF THE HOLMES COUNTY YEAR 2010 COMPREHENSIVE  
4 PLAN FUTURE LAND USE MAP SERIES, AS AMENDED; AMENDING  
5 CHAPTER 2, "FUTURE LAND USE ELEMENT," PROVIDING FOR AN  
6 AMENDMENT TO THE YEAR 2010 FUTURE LAND USE MAP, AS  
7 AMENDED, CHANGING THE FUTURE LAND USE CATEGORY OF A  
8 PORTION OF A PARCEL LOCATED OFF HIGHWAY 90 FROM  
9 AGRICULTURAL TO LOW DENSITY RESIDENTIAL TOTALING 9.97 (+/-)  
10 ACRES IN SECTION 36, TOWNSHIP 3N, RANGE 18W, PARENT  
11 PARCEL NUMBER 2236.00-000-000-001.000; PROVIDING FOR A TITLE;  
12 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE  
13 CODE; AND PROVIDING FOR AN EFFECTIVE DATE.  
14

15 **WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, Holmes County adopted  
16 its Comprehensive Plan on August 16, 2000; and

17 **WHEREAS**, Chapter 125, Florida Statutes, empowers the Board of County  
18 Commissioners of Holmes County, Florida to prepare, amend, and enforce  
19 comprehensive plans for the development of the County; and

20 **WHEREAS**, the Holmes County Planning Commission (LPA) conducted a public  
21 hearing and forwarded a recommendation to the Board of County Commissioners, who  
22 have conducted a public hearing, reviewed, and approved the changes to the Plan and  
23 authorized the transmittal of the proposed changes to the Florida Department of  
24 Community Affairs (DCA) for adoption; and

25  
26 **WHEREAS**, the Board of County Commissioners, Holmes County, Florida finds that the  
27 adoption of these amendments is in the best interest of the County and its citizens;  
28

29 **NOW THEREFORE BE IT ORDAINED** by the Board of County Commissioners of  
30 Holmes County, Florida as follows:  
31

32 **Section 1. Purpose and Intent**  
33

34 This Ordinance is enacted to carry out the purpose and intent of, and exercise the  
35 authority set out in, the Local Government Comprehensive Planning and Land  
36 Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes,  
37 and Chapter 9J-5, Florida Administrative Code.  
38

39 **Section 2. Title of Comprehensive Plan Amendment**

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1 This Small Scale Comprehensive Plan Amendment for Holmes County, Florida shall be  
2 entitled – “Small Scale Amendment 2007-02.”  
3

4 **Section 3. Changes to the Holmes County Generalized Future Land Use Map**  
5

6 The Holmes County Year 2010 Comprehensive Plan Future Land Use Map Document,  
7 as amended; amending Chapter 2, ‘Future Land Use Element”, Section 2.18; and all  
8 notations, references, and information shown thereon, is further amended to include  
9 the following future land use change depicted on the map and attached hereto as  
10 Exhibit “A”:  
11

12 A portion of a parcel located on Highway 90 from Agricultural,  
13 (Ag) to Low Density Residential, (LDR) totaling 9.97 (+/-) acres  
14 and recorded as Section 36, Township 3N, Range 18W, parent  
15 parcel number 2236.00-000-000-001.000. More particularly  
16 described as follows:

17 COMMENCE AT THE NORTHEAST CORNER OF SECTION 36 AND  
18 THENCE NORTH 87 DEGREES 54 MINUTES 24 SECONDS WEST,  
19 ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF  
20 1256.16 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE  
21 NORTH 87 DEGREES 54 MINUTES 24 SECONDS WEST, ALONG SAID  
22 NORTH LINE OF SECTION 36, A DISTANCE OF 176.91 FEET TO THE  
23 SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90; THENCE  
24 SOUTH 73 DEGREES 15 MINUTES 06 SECONDS WEST, ALONG SAID  
25 SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 90, A DISTANCE  
26 OF 534.05 FEET; THENCE SOUTH 24 DEGREES 59 MINUTES 55  
27 SECONDS EAST A DISTANCE OF 859.30 FEET TO THE NORTHERLY  
28 RIGHT-OF-WAY LINE OF CSX RAILROAD AND A PONT OF A SPIRAL  
29 CURVE THENCE NORTHEASTERLY THROUGH A CURVE TURNING  
30 TO THE RIGHT AND HAVING AN ARC LENGTH OF 280.84 FEET  
31 (CHORD BEARING: NORTH 52 DEGREES 59 MINUTES 06 SECONDS  
32 EAST, CHORD DISTANCE: 280.66 FEET) TO THE POINT OF  
33 CURVATURE THENCE NORTHEASTERLY THROUGH A CURVE  
34 TURNING TO THE RIGHT WITH A RADIUS OF 1478.43 FEET, HAVING  
35 A CENTRAL ANGLE OF 06 DEGREES 07 MINUTES 46 SECONDS AN  
36 ARC LENGTH OF 158.16 (CHORD BEARING: NORTH 60 DEGREES 13  
37 MINUTES 02 SECONDS EAST, CHORD DISTANCE: 158.08 FEET);  
38 THENCE NORTH 03 DEGREES 03 MINUTES 26 SECONDS WEST A  
39 DISTANCE OF 679.72 FEET TO THE POINT OF BEGINNING.  
40 CONTAINING 9.97 ACRES MORE OR LESS.  
41

42 **Section 4. Severability**  
43

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1 If any section, sentence, clause, or phrase of this Ordinance is declared to be invalid or  
2 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
3 affect the validity of the remaining portions of this Ordinance.

4  
5 **Section 5. Inclusion in the Code**

6  
7 It is the intention of the Board of County Commissioners that the provisions of this  
8 Ordinance shall be codified as required by Section 125.68, Florida Statutes (2007); and  
9 that the sections, subsections, and other provisions of this Ordinance may be re-  
10 numbered or re-lettered and the word "ordinance" may be changed to "section," "article,"  
11 or such other appropriate word or phrase in order to accomplish such intentions.

12  
13 **Section 6. Copy on File**

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15 A certified copy of the enacting ordinance, as well as certified copies of the Holmes  
16 County Comprehensive Plan and Future Land Use Map as amended shall be filed with  
17 the Clerk of the Circuit Court of Holmes County, Florida, and copies shall be made  
18 available to the public for a reasonable publication charge.

19  
20 **Section 7. Effective Date**

21  
22 The effective date of this plan amendment shall be the date a final order is issued by the  
23 DCA or Administration Commission finding the amendment in compliance in  
24 accordance with Section 163.3184(1)(b), Florida Statutes (2007), whichever is  
25 applicable.

26  
27 **DONE AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

28  
29 BOARD OF COUNTY COMMISSIONERS  
30 OF HOLMES COUNTY, FLORIDA

31  
32 By: \_\_\_\_\_  
33 Raymon Thomas, Chairman

34  
35 ATTEST: CODY TAYLOR  
36 CLERK OF THE COURT

37  
38  
39 By: \_\_\_\_\_  
40 Deputy Clerk

41  
42 (SEAL)