

ORDINANCE NO. 07-09

An ordinance of the Board of County Commissioners of Holmes County, Florida, amending the Holmes County Future Land Use Element Future Land Use Map pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes); providing for Purpose and Intent, Title of the Comprehensive Plan Future Land Use Map, Applicability and Effect, Severability, Copy on File, Transmittal to Department of Community Affairs, and providing for an Effective Date;

BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida:

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

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development regulation Act, empowers and requires the Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Holmes County has designated the Holmes Planning Commission as the Local Planning Agency for the unincorporated area of Holmes County; and

WHEREAS, supporting data and analysis documentation was prepared as background and justification for the revised comprehensive plan's Future Land Use Map amendment; and

WHEREAS, the Holmes County Local Planning Agency has prepared the proposed amendment to the Holmes County Future Land Use Map, and held a public hearing on the proposed amendment on May 25, 2007, at 5:30 p.m. and recommended approval of the Future Land Use Map amendment to the Board of County Commissioners; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Holmes County, Florida, held a public hearing on June 13, 2007, at 6:00 p.m. on the proposed amendments to the comprehensive plan Future Land Use Map, with due public notice having been provided, to obtain public comment, and having considered all written and oral comments received, including the data collection and analysis packages and recommendations of the Local Planning Agency, and having approved the proposed amendments for transmittal to the Department of Community Affairs, the West Florida Regional Planning Council, the Northwest Florida Water Management District, the Department of Transportation, the Department of Environmental Protection, the Department of State, the Department of Agriculture and the Department of Fish and Wildlife Conservation Commission, for review and comment on; and

WHEREAS, the Department of Community Affairs, by letter dated April 16, 2007, transmitted its objections, recommendations, and comments on the proposed amendment of the Holmes County Comprehensive Plan Future Land Use Map, stating that the Department had objections to the amendment; and

WHEREAS, the Board of County Commissioners of Holmes County, Florida, has included responses to the DCA Objections to Comprehensive Plan Future Land Use Map amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on September 11, 2007 at 9:00 a.m., the Board of County Commissioners of Holmes County, Florida, held a public hearing, with due public notice having been provided, on the adoption of Comprehensive Plan Future Land Use Map amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Holmes County, Florida, held a public hearing, with due public notice having been provided, on September 11, 2007, at 9:00 a.m. on the adoption of an ordinance for the amendments to the comprehensive plan Future Land Use Map, with due public notice having been provided, to obtain public comment, and having considered all written and oral comments received, including the data collection and analysis packages and recommendations of the Local Planning

Agency and of the Department of Community Affairs Objections, Recommendations and Comments Report (ORC), and having adopted and approved the proposed amendments for transmittal to the Department of Community Affairs, the West Florida Regional Planning Council, the Northwest Florida Water Management District, the Department of Transportation, the Department of Environmental Protection, the Department of State, the Department of Agriculture and the Department of Fish and Wildlife Conservation Commission, for review and comment on; and

WHEREAS, in exercise of its authority the Board of County Commissioners of Holmes County, Florida, has determined it necessary and desirable to adopt the Future Land Use Map to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future issues that may result from the use and development of land within Holmes County.

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

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended;

Section 2. Title of Comprehensive Plan Future Land Use Map.

The revised version of the Future Land Use Map of the Comprehensive Plan for Holmes County, Florida, shall be entitled " The Holmes County Future Land Use Map as adopted on February 27, 2002, amended September 11, 2007.

Section 3. . Holmes County Future Land Use Map Amendment.

The Future Land Use Map of the Holmes County Comprehensive Plan is hereby amended to include the Map included as Attachment A and incorporated herein. The amendment changes approximately 28 acres located off Highway 81 on Sunrise Circle, approximately 1 mile South of the intersection of Highway 90 and Highway 81, in Ponce de Leon, FL from Recreation/Open Space to Public/Semi-Public/Educational Land Use. The property is located in Section 34, Township 4 North, Range 17 West and is assigned the Property Identification Number 1834.03-000-000-001.000. This amendment also changes text in Policy 5.1 in the Future Land Use Elements and is included as Attachment B and incorporated herein.

Section 4. Applicability and Effect.

The applicability and effect of the Holmes County Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance.

Section 5. Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6. Copy on File.

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

Section 7. Transmittal to Department of Community Affairs.

Pursuant to Section 163.3184, Florida Statutes, the Holmes County Commission hereby authorizes the transmittal of this Ordinance and the amended version of the Holmes County Comprehensive Plan and Future Land Use Map as amended, to the Department of Community Affairs, for review and determination of Compliance of the Plan with the provisions of Chapter 163, Part II, Florida Statutes.

Section 9. Effective Date.

Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the amended version of the Holmes County Comprehensive Plan shall not become effective until; the Plan has been

determined to be In-Compliance; the 21 day period for affected parties to file a petition has expired. and the Ordinance has been officially filed with the Secretary of State.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Holmes County, Florida, this 11th day of September, 2007.

ATTEST:

Alice Vickers - Deputy Clerk
HONORABLE CODY TAYLOR,
Clerk of Holmes County Court

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

By: *Raymon Thomas*
HONORABLE Raymon Thomas, Chairman