

ORDINANCE NO. 2007-13

AN ORDINANCE OF HOLMES COUNTY, FLORIDA, AMENDING VOLUME III OF THE HOLMES COUNTY YEAR 2010 COMPREHENSIVE PLAN FUTURE LAND USE MAP SERIES, AS AMENDED; PROVIDING FOR AN AMENDMENT TO THE YEAR 2010 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF ONE PARCEL LOCATED ON HIGHWAY 181 FROM AGRICULTURAL, (AG) TO PLANNED UNIT DEVELOPMENT, (PUD) AND CONERVATION, (CONS), TOTALING 160.46 (+/-) ACRES IN SECTION 15, TOWNSHIP 5N, RANGE 18W, PARCEL NUMBER 2015.00-000-000-004.000; AND AMENDING VOLUME II OF THE COMPREHENSIVE PLAN, AS AMENDED, CHAPTER 2, "FUTURE LAND USE" OBJECTIVE 11, POLICY 11.2, CREATING A SPECIAL AREA PLAN (SAP) 2 IN THE PUD RESIDENTIAL CATEGORY TO INCLUDE A MAXIMUM OVERALL DENSITY OF TWO DWELLING UNITS PER ACRE, MAXIMUM FAR, MAXIMUM IMPERVIOUS SURFACE COVERAGE, AND MINIMUM OPEN SPACE REQUIREMENTS; PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILTY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Holmes County Planning Commission (LPA) conducted a public hearing and forwarded a recommendation to the Board of County Commissioners, who have conducted a public hearing, reviewed, and approved the changes to the Plan and authorized the transmittal of the proposed changes to the Florida Department of Community Affairs (DCA) for review and comment prior to considering the changes (amendments) for adoption; and

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

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 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment

This Comprehensive Plan Amendment for Holmes County, Florida shall be entitled – “Comprehensive Plan Amendment 2008-01B – Mezzaluna Springs.” This is part of the first adoption amendment package to be submitted to DCA for the Year 2008.

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

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

One parcel located on Highway 181 from Agricultural, (Ag) to Planned Unit Development, (PUD) and Conservation, (CONS) totaling 160.46 (+/-) acres and recorded as Section 15, Township 5N, Range 18W, Parcel number 2015.00-000-000-004.000.

Section 4. Part II of the Holmes County 2010 Comprehensive Plan Volume II policy Document, Chapter 2, ‘Future Land Use’ Objective 11 is hereby amended as follows (words underlined are additions and words stricken are deletions):

Policy 11.2 Mezzaluna Springs. Special Area Plan (SAP) two (2) consists of 160.46 (+/-) acres designated Planned Unit Development (PUD) and 31.63 (+/-) of that designated as Conservation (CONS). SAP 2 is so designated on the Future Land Use Map as is subject to the following:

- a. Residential densities shall be limited to a maximum overall density of two dwelling units per acre, with a maximum of 250 total dwelling units on the 160.46 acres.
- b. The following development standards shall apply to the commercial components of the development:

<u>Maximum FAR</u>	<u>.03 percent</u>	<u>(100,000 sq ft maximum)</u>
<u>Maximum Impervious Area</u>	<u>50 percent</u>	<u>(80 acres maximum)</u>
<u>Minimum Open Space</u>	<u>15 percent</u>	<u>(24 acres minimum)</u>
<u>Wetlands</u>	<u>19.7 percent</u>	<u>(31.63 acres designated at Conservation)</u>
- c. Mezzaluna Springs will provide its own potable water and sewerage treatment facilities. No residential development can commence at Mezzaluna Springs

until there is an approval for both the potable water and sewerage treatment facilities.

Section 5. Severability

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

Section 6. Inclusion in the Code

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

Section 7. 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 8. Effective Date

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

DONE AND ENACTED this 27th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

By: Raymon Thomas
Raymon Thomas, Chairman

ATTEST: CODY TAYLOR
CLERK OF THE COURT

By: Cody Taylor
Clerk

(SEAL)