

ORDINANCE NO. 2007-08

An ordinance of the Board of County Commissioners of Calhoun County, Florida, amending the Calhoun County Future Land Use Element and 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 Calhoun County, Florida:

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of Calhoun 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 Calhoun County has designate itself as the Local Planning Agency for the unincorporated area of Calhoun 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 Calhoun County Local Planning Agency has prepared the proposed amendment to the Calhoun County Future Land Use Map, and held a public hearing on the proposed amendment on December 19, 2006, at 4:00 p.m. and recommended approval of the Future Land Use Element and Map amendments to the Board of County Commissioners; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Calhoun County, Florida, held a public hearing on December 19, 2006, at 5:00 p.m. on the proposed amendments to the comprehensive plan Future Land Use Element and 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 Apalachee 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

OR BOOK 1 PAGE 503

WHEREAS, the Department of Community Affairs, by letter dated April 27, 2007, transmitted its objections, recommendations, and comments on the proposed amendment of the Calhoun County Comprehensive Plan Future Land Use Map, stating that the Department had objections to the amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on October 2, 2007 at 4:00 p.m., the Board of County Commissioners of Calhoun County, Florida, acting as the Local Planning Agency, held a public hearing, with due public notice having been provided, on the adoption of Comprehensive Plan and Future Land Use Map amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Calhoun County, Florida, held a public hearing on October 2, 2007, at 5:00 p.m. on the adoption of an ordinance for the amendments to the Comprehensive Plan and 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 amendments for transmittal to the Department of Community Affairs, the Apalachee 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 Calhoun County, Florida, has determined it necessary and desirable to adopt the Future Land Use Element and Map amendments 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 Calhoun County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calhoun 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 Calhoun County, Florida, shall be entitled AThe 2000-2010 Calhoun County Future Land Use Map as adopted by Ordinance 2007-08 on October 2, 2007.@

OR BOOK 1 PAGE 504

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

The Future Land Use Map of the Calhoun County Comprehensive Plan is hereby amended to include the new Future Land Use Map and the six (6) SKY PUD Maps attached and incorporated herein. The amendment changes approximately **312 acres** located off Highway 287 and Shelton Road, Boggs Grade Road and Porter Grade Road, **from Agriculture to Mixed Use Rural Residential Land Use, 105 acres, from Agriculture to Conservation and maintain 154 acres as Agriculture Land Use.** This land use change would allow the property to be developed at 2 units per acre, the development proposes **624 new housing units and 479,160 square feet of commercial construction.** The property is 571 acres, located in Sections 21, 22, 27 and 28, Township 1 North, Range 10 West. This proposed Land Use amendment will allow for the SKY Planned Unit Development (PUD). The Future Land Use Element of the Calhoun County Comprehensive Plan is hereby amended to include the new SKY Planned Unit Development (PUD) Policy 8.2.1, including sub-Goal 1., Objective 1.1 and Policies 1.1.1 through 1.1.14 as attached and incorporated herein.

Section 4. . Calhoun County Comprehensive Plan Element Amendments.

The Calhoun County Comprehensive Plan is hereby amended to include the changes to the Goals, Objectives and Policies of the Plan Elements attached and incorporated herein. The amendments change Future Land Use Polices 3.5 and 5.3, Drainage Policies 1.1, 1.2, 2.1 and 4.2, Potable Water Policy 1.5, Conservation Policies 2.3, 3.2 and 4.2, Recreation Policy 3.1 and Capital Facilities Policy 1.1.

Section 5. . Calhoun County Future Land Use PUD Amendments.

The Future Land Use Element of the Calhoun County Comprehensive Plan is hereby amended to include the revised Policy 8.2 attached and incorporated herein. The amendment changes the Planned Unit Development (PUD) policy.

Section 6. Applicability and Effect.

The applicability and effect of the Calhoun 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 7. 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 8. Copy on File.

A certified copy of the enacting ordinance, as well as certified copies of the 2000-2010 Calhoun County Comprehensive Plan and Future Land Use Map as amended shall be filed with the Clerk of the Circuit Court of Calhoun County, Florida, and copies shall be made available to the public for a reasonable publication charge.

Section 9. Transmittal to Department of Community Affairs.

Pursuant to Section 163.3184, Florida Statutes, the Calhoun County Commission hereby authorizes the transmittal of this Ordinance and the amended version of the Calhoun County 2000-2010 Comprehensive Plan 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 10. Effective Date.

Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the amended version of the Calhoun County 2000-2010 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 Calhoun County, Florida, this 2nd day of October, 2007.

ATTEST:


HONORABLE RUTH A. FENWAY,
Clerk of Calhoun County Court


BOARD OF COUNTY COMMISSIONERS
OF CALHOUN COUNTY, FLORIDA

By: 
HONORABLE TRUMAN GRANT, Chairman