

ORDINANCE NO. 2020-02

AN ORDINANCE AMENDING THE CALHOUN COUNTY COMPREHENSIVE PLAN, BY AND THROUGH PROCEDURES REQUIRED FOR LARGE-SCALE AMENDMENTS PURSUANT TO AUTHORITY UNDER STATE STATUTES SECTION 163.3184, SPECIFICALLY APPROVING CHANGES TO THE CONSERVATION ELEMENT AND FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN, AND PROVIDING FOR REPEAL OF ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, that:

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

WHEREAS, Sections 163.3161 through 163.3217, Florida Statutes, the Community Planning 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 have designated themselves as the Local Planning Agency for the unincorporated areas of the County; and

WHEREAS, supporting data and analysis documentation was prepared as background and justification for the Comprehensive Plan Amendment and;

WHEREAS, the Board of County Commissioners, acting as the Local Planning Agency, prepared the proposed amendment to the Comprehensive Plan, held a public hearing on June 16, 2020 at 3:30 p.m., and recommended approval of the amendment to the Board of County Commissioners; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on June 16, 2020 at 5:00 p.m., the Board of County Commissioners held a public hearing, with due public notice having been provided, on the transmittal of Comprehensive Plan Amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners held a public hearing on September 15, 2020 at 5:00 p.m. on the adoption

of an ordinance for the Comprehensive Plan Amendment, 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 comments of the appropriate State agencies; and

WHEREAS, in exercise of its authority the Board of County Commissioners has determined it necessary and desirable to adopt the Comprehensive Plan Amendment to encourage the most appropriate use of land, water and resources, consistent with the public interest, and to deal effectively with future issues that may result from the use and development of land within the 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 Community Planning Act, Sections 163.3161 through 163.3217, Florida Statutes, and Chapter 125, Florida Statutes, as amended;

Section 2. Calhoun County 2010-2025 Comprehensive Plan Amendment. The Calhoun County 2010-2025 Comprehensive Plan is hereby amended specifically approving changes to the Future Land Use Element and Conservation Element (see Exhibit A).

Section 3. Copy on File. A certified copy of the enacting ordinance, as well as certified copies of the Calhoun County Comprehensive Plan as revised shall be filed with the Clerk of the Circuit Court of Calhoun County and copies shall be made available to the public for a reasonable publication charge.

Section 4. Transmittal to Department of Economic Opportunity. The Board of County Commissioners has, pursuant to Section 163.3184, Florida Statutes, transmitted the Comprehensive Plan Amendment to the Department of Economic Opportunity for review and determination of compliance with the provisions of Chapter 163, Part II, Florida Statutes, and has received no objections.

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability. If any word, phrase, clause, section, or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date. Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the amended version of the Calhoun County 2010-2025 Comprehensive Plan shall not become effective until the 30 day period for affected parties to file a petition has expired and the Ordinance has been officially filed with the Secretary of State.

The foregoing ordinance was adopted by the Board of County Commissioners by a vote of 5 to 0 after due notice and publication and on motion, second, and discussion at the regular meeting of September 15, 2020.

CALHOUN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Scott Monlyn
Scott Monlyn, Chairman

ATTEST:

Carla A Hand
CARLA HAND, Clerk of the Circuit Court

EXHIBIT A

Future Land Use Element

OBJECTIVE 9: The following Land Use Categories are established to protect timber lands and agricultural lands from encroachment, allow mixed use development to occur in and near historic settlements, prevent development from destroying wetlands and polluting adjacent water bodies and permit owners of agricultural land limited ability to develop their land for residential use. The following policies describe each future land use category and development standards applicable to each category.

[Policies 9.1 through 9.3 omitted]

Policy 9.4: AGRICULTURE Land Use Designation

The 2010 EAR amendments to this Comprehensive Plan reduce the allowable density in the Mixed Use Urban Fringe, Residential and the Mixed Use Rural Residential categories by 50%. The intent is to protect the natural environment, especially ground and surface water quality, by requiring at least 1 acre lots which are served by on-site septic systems and private wells. These three land use categories comprise approximately 12,400 acres of land. This results in a reduction of allowable development units by 12,400. Census data indicates that there are less than 6,000 housing units currently in the County. Most of the existing units are located in these mixed use land use areas. Therefore, by subtracting the 6000 existing units from the 12,400 units, the County has removed from future development approximately 6,400 units.

Calhoun County intends to re-allocate these 6,400 units into the newly established Agriculture 1 per 5, 1 per 3 and 1 per 1 land use categories. The County shall implement this re-allocation through comprehensive plan amendments in response to future development pressures throughout the future planning period.

Policy 9.4.1: Agriculture Land Use 1 per 10

Purpose: To provide land for timber, row crop farming and related agriculture activities and compatible uses. The Agriculture land use category accounts for about 86% of the land area in Calhoun County and includes mainly timberlands. Other land uses include cropland, pasture land, and other agricultural uses in large scale land holdings. The lands are primarily timber production holdings.

Density: Density associated with this category should be limited to one unit per ten acres, except that division of family farms/homesteads into one acre lots and subsequent establishment of a dwelling for primary residence shall be allowable as long as all other applicable requirements are met and recipients of the property are members of the principal owner's family.

No residential development shall be allowed in or within 50 feet of wetlands. All development within the areas designated as Special Flood Hazard Areas (SFHA) on the National Flood Insurance Program (NFIP), Flood Insurance Rate Maps (FIRMS) shall comply with the Title 44, Section 60.3, Code of Federal Regulations and the Floodplain Management Ordinance of Calhoun County.

Clustering is allowed if the overall density for the parcel being developed remains at 1 unit per acre. All clustered development must maintain an open space ratio of 50% of the land parcel.

Intensity: The maximum FAR for non-residential uses is .50

Uses: Agricultural activities, livestock, aquaculture, agricultural/farm dwelling units, single family residential units, agricultural support services, structures and facilities related to agricultural activities, agricultural product processing facilities, vacant land, places of worship, public facilities and grounds, public utilities, solar electrical generation facilities and associated and related facilities, oil and gas exploration, development, and production, and neighborhood commercial where activities are compatible with adjacent land uses and are adequately buffered.

Policy 9.4.2: Agriculture Land Use 1 per 5

Purpose: To provide land for limited residential uses in areas that are still used for timber, row crop farming and related agriculture activities and compatible uses. For areas to qualify for this designation, the property must have direct access to an existing County or State Roadway.

Density: Density associated with this category should be limited to one unit per five acres, except that division of family farms/homesteads and subsequent establishment of a dwelling for primary residence shall be allowable as long as all other applicable requirements are met and recipients of the property are members of the principal owner's family.

No residential development shall be allowed in or within 50 feet of wetlands. All development within the areas designated as Special Flood Hazard Areas (SFHA) on the National Flood Insurance Program (NFIP), Flood Insurance Rate Maps (FIRMS) shall comply with the Title 44, Section 60.3, Code of Federal Regulations and the Floodplain Management Ordinance of Calhoun County.

Clustering is allowed if the overall density for the parcel being developed remains at 1 unit per acre. All clustered development must maintain an open space ratio of 50% of the land parcel.

Intensity: The maximum FAR for non-residential uses is .50

Uses: Agricultural activities, livestock, aquaculture, agricultural/farm dwelling units, single family residential units, agricultural support services, structures and

facilities related to agricultural activities, agricultural product processing facilities, vacant land, places of worship, public facilities and grounds, public utilities, solar electrical generation facilities and associated and related facilities, and neighborhood commercial where activities are compatible with adjacent land uses and are adequately buffered.

Policy 9.4.3: Agriculture Land Use 1 per 3

Purpose: To provide land for limited residential uses in agricultural areas that are no longer used for large scale timber, row crop farming and related agriculture activities and compatible uses. For areas to qualify for this designation, the property must have direct access to an existing paved County or State Roadway that has the required roadway right of way in public ownership.

Within this area are a few clusters of existing residential dwellings. Typically, the cluster consists of 5-20 homes on acre lots in an area otherwise devoted to large farms or timber tracts. These residential areas shall be treated in the same manner (as pertaining to development restrictions) as the rural residential land use category. Non residential development shall not exceed a lot coverage ratio of 80%.

Density: Density associated with this category should be limited to one unit per three acres, except that division of family farms/homesteads into one acre upland lots and subsequent establishment of a dwelling for primary residence shall be allowable as long as all other applicable requirements are met and recipients of the property are members of the principal owner's family.

No residential development shall be allowed in or within 50 feet of wetlands. All development within the areas designated as Special Flood Hazard Areas (SFHA) on the National Flood Insurance Program (NFIP), Flood Insurance Rate Maps (FIRMS) shall comply with the Title 44, Section 60.3, Code of Federal Regulations and the Floodplain Management Ordinance of Calhoun County.

Clustering is allowed if the overall density for the parcel being developed remains at 1 unit per acre. All clustered development must maintain an open space ratio of 50% of the land parcel.

Intensity: The maximum FAR for non-residential uses is .50

Uses: Agricultural activities, livestock, aquaculture, agricultural/farm dwelling units, single family residential units, agricultural support services, structures and facilities related to agricultural activities, agricultural product processing facilities, vacant land, places of worship, public facilities and grounds, public utilities, solar electrical generation facilities and associated and related facilities, and neighborhood commercial where activities are compatible with adjacent land uses and are adequately buffered.

Policy 9.4.4: Agriculture Land Use 1 per 1

Purpose: To provide land for residential uses in areas that are immediately adjacent to mixed use land use areas, but which still have limited agricultural tracts used for timber, row crop farming and related agriculture activities. For areas to qualify for this designation, the property must have direct access to an existing paved County or State Roadway that has the required roadway right of way in public ownership and must be immediately adjacent to a designated mixed use area.

These residential areas shall be treated in the same manner (as pertaining to development restrictions) as the rural residential land use category. Non residential development shall not exceed a lot coverage ratio of 80%.

Density: Density associated with this category should be limited to one unit and one unit per acre.

No residential development shall be allowed in or within 50 feet of wetlands. All development within the areas designated as Special Flood Hazard Areas (SFHA) on the National Flood Insurance Program (NFIP), Flood Insurance Rate Maps (FIRMS) shall comply with the Title 44, Section 60.3, Code of Federal Regulations and the Floodplain Management Ordinance of Calhoun County.

Clustering is allowed if the overall density for the parcel being developed remains at 1 unit per acre. All clustered development must maintain an open space ratio of 50% of the land parcel.

Intensity: The maximum FAR for non-residential uses is .50

Uses: Agricultural activities, livestock, aquaculture, agricultural/farm dwelling units, residential units, agricultural support services, structures and facilities related to agricultural activities, agricultural product processing facilities, vacant land, places of worship, public facilities, solar electrical generation facilities and associated and related facilities, and grounds, public utilities, and neighborhood commercial where activities are compatible with adjacent land uses and are adequately buffered.

[Policy 9.5 omitted]

Conservation Element

GOAL STATEMENT

CONSERVE, PROTECT AND APPROPRIATELY MANAGE THE NATURAL RESOURCES OF CALHOUN COUNTY TO ENSURE THE HIGHEST ENVIRONMENTAL QUALITY POSSIBLE WITHOUT UNDULY COMPROMISING THE ECONOMIC USE OF SUCH RESOURCES.

[Objectives 1 through 8B omitted]

SOLAR ELECTRICAL GENERATION FACILITIES

OBJECTIVE 8C: Solar electrical generation facilities and associated and related facilities shall be regulated consistent with state and federal permitting requirements.

Policy 8.6: Notwithstanding other provisions of this Comprehensive Plan and the Land Development Code, solar electrical generating facilities and associated and related facilities are permitted subject to the following requirements:

- a. Shall provide an upland buffer, with a minimum width of 15 ft. and an average width of 25 ft., where upland activities abut wetlands and shall be allowed to impact the upland buffer and wetlands so long as any adverse impacts are offset by mitigation consistent with state, regional, and federal standards as determined by the appropriate state, regional, and federal agencies.
- b. Shall be allowed in floodplains so long as it is authorized in an Environmental Resource Permit from the Florida Department of Environmental Protection or Northwest Florida Water Management District.
- c. Shall protect identified state or federally listed plant and animal species pursuant to the requirements and recommendations of the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service.
- d. The area of solar panels and transmission lines shall be considered open space for purposes of calculating FAR and ISR.

[Objectives 9 through 10 omitted]