

ORDINANCE NO. 2002-07

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, the Calhoun County Future Land Use Element Amendment Creating a new Policy 9.5.1a., Creating a new Light Industrial Land Use Category, the Calhoun County Future Land Use Map Amendment, 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 have designate themselves 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 October 16, 2001, at 4:00 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 Calhoun County, Florida, held a public hearing on October 16, 2001, at 5:00 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 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

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DEPARTMENT OF COMMUNITY AFFAIRS
TALLAHASSEE, FLORIDA

Wildlife Conservation Commission, for review and comment on; and

WHEREAS, the Department of Community Affairs, by letter dated April 25, 2002, transmitted its objections, recommendations, and comments on the proposed amendment of the Calhoun County Comprehensive Plan Future Land Use Map; and

WHEREAS, the amended version of the comprehensive plan was reviewed and the supporting data and analysis was revised in view of the objections, recommendations, and comments by the Department of Community Affairs; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on May 21, 2002 the Board of County Commissioners of Calhoun County, Florida, held a public hearing, with due public notice having been provided, on the amended version of comprehensive plan Future Land Use Map; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Calhoun County, Florida, held a public hearing on May 21, 2002, at 5:00 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 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 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, the Department of Community Affairs, by Notice dated September 4, 2002, Published its Notice of Intent to Find the Amendment NOT in Compliance; and

WHEREAS, Calhoun County following negotiations with the Department of Community Affairs and having reached a settlement with the Department of Community affairs, Calhoun County adopted the Stipulated Settlement Agreement for DOAH Case No. 02-3626 GM, with the Department of Community Affairs, on December 17, 2002, addressing all of the issues raised in the Department's Notice of Intent to Find the Amendment NOT in Compliance; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, further considered all oral and written comments received during the public hearings, including the data collection and analysis packages, the recommendations of Local Planning Agency, and objections, recommendation, and comments of the Department of Community Affairs, and the conditions of the Stipulated Settlement Agreement; 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 amended 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 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 "The 2000-2010 Calhoun County Future Land Use Map as adopted 05-15-2001, amended 12-17-2002."

Section 3. Calhoun County Future Land Use Element Amendment.

The Future Land Use Element of the Calhoun County Comprehensive Plan is hereby amended to Create a new Policy 9.5.1a., Creating a new Light Industrial Land Use Category.

Section 4. Calhoun County Future Land Use Map Amendment.

The Future Land Use Map of the Calhoun County Comprehensive Plan is hereby amended to include the Map attached and incorporated herein. The amendment changes approximately 120 acres from Industrial to Light Industrial Land Use. This property is located South of Highway 20, West of the intersection of Highway 20 and Silas Green Road, approximately 5 miles West of Blountstown in Section 4, Township 1 South, Range 9 West.

Section 5. 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 6. 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 7. 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 8. 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 9. 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 17th day of December, 2002.

ATTEST:


HONORABLE RUTH ATTAWAY,
Clerk of Calhoun County Court

BOARD OF COUNTY COMMISSIONERS
OF CALHOUN COUNTY, FLORIDA

By: Jim Pickron
HONORABLE JIM PICKRON, Chairman

CERTIFIED A TRUE COPY
Janice Holley, DC
RUTH W. ATTAWAY
CLERK CIRCUIT COURT
CALHOUN COUNTY FLORIDA

