

**ORDINANCE NO. 19-20- 25**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE FUTURE LAND USE MAP OF THE HIGHLANDS COUNTY 2030 COMPREHENSIVE PLAN AND THAT PROPERTY IDENTIFIED BY THE HIGHLANDS COUNTY PROPERTY APPRAISER THROUGH PARCEL ID# C-22-37-30-290-4280-0150; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENT AND ADOPTION PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NON-CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes empower the Highlands County Board of County Commissioners (hereinafter referred to as the "Board") to adopt and to amend the Highlands County 2030 Comprehensive Plan (hereinafter referred to as the "Plan"); and

**WHEREAS**, the Highlands County Planning and Zoning Commission, acting as the Local Planning Agency, held a duly noticed public hearing on August 11, 2020, to review small scale Plan amendment CPA-20-575SS which proposes a change to the Future Land Use Map of the Plan (hereinafter referred to as CPA-20-575SS map amendment), and recommended that the Board approve CPA-20-575SS map amendment for adoption; and

**WHEREAS**, the Board finds that the CPA-20-575SS map amendment is consistent with the patterns of existing development within this area and compatible with the surrounding land uses; and

**WHEREAS**, the Board finds that the CPA-20-575SS map amendment is consistent with the goals, objectives, and policies of the adopted Plan; and

**WHEREAS**, the Board finds that Environmental Clearance, pursuant to NRE Policy 3.3 of the Plan, is not required for the CPA-20-575SS map amendment; and

**WHEREAS**, the Board finds that the CPA-20-575SS map amendment is not required to obtain Historical and Archaeological clearance, pursuant to FLU Policy 7.1 and NRE Policy 1.3 of the Plan. The Archaeologically Sensitive Areas Map of the Conservation Overlay Map series of the Plan and the Florida Master Site File indicate that there are no known cultural resources on the property; and

**WHEREAS**, the Board requires that, pursuant to Sections 8-128(a) and 12.01.102.B. of the Code of Ordinances, Highlands County, Florida, all future development actions for the property shall be made to conform to applicable Plan policies and to Land Development Regulations in effect at the time the development order becomes effective as provided by law.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Highlands County, Florida, after due notice and public hearing, as follows:

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** The Board of County Commissioners for Highlands County has complied with all requirements and procedures of Florida law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. AMENDMENT AND ADOPTION.** The Future Land Use Map of the Plan is amended and adopted by changing the land use designation from "Agriculture" to "Commercial" for the following described property of approximately 6.3 acres, as identified by the Highlands County Property Appraiser by Parcel ID # C-22-37-30-290-4280-0150:

Beginning at the intersection of Holmes Road and Desolation Street, thence run North 88°27'31.76" East 74.25 feet; thence run North 1°32'28" West 25.00 feet to a point on the Northerly right of way of Desolation Street for the point of beginning; thence run along the arc of a curve to the right R=25.00', D=91°24'39.19", L=39.89', C=35.79', C.B.=North 45°50'09" West; thence run North 00°07'49.05" West, 500.15 feet; thence run along the arc of a curve to the right R=25.00', D=88°35'20.8", L=38.65', C=34.92', C.B.=North 44°09'51" East; thence run North 88°27'31.76" East to a point on the southerly right of way of Temptation Drive along said right of way 256.74 feet; thence continue along said right of way along the arc of a curve to the left R=75.00', D=68°11'18.3", L=89.26', C=84.08', C.B.=North 54°21'52" East; thence run South 69°43'47" East 140.17 feet to a point on the Westerly side of a Florida Power and Light Company easement; thence run South 1°22'12" East along said easement line, 545.06' to a point on the northerly right of way of Desolation Street; run thence South 88°27'31.76" West along said right of way, 467.19 feet to the point of beginning.

**SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.** The County Administrator is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Ordinance. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

**SECTION 4. SAVINGS CLAUSE.** All prior actions of Highlands County pertaining to CPA-20-575SS, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 5. NON-CODIFICATION AND SCRIVENER'S ERRORS.** The provisions of this Ordinance shall not be codified in the Board of County Commissioners of Highlands County Code of Ordinances. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Administrator and County Attorney, may be corrected.

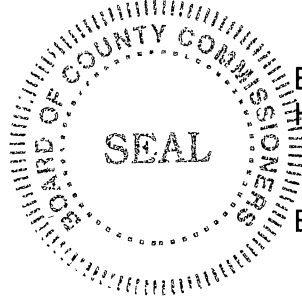
**SECTION 6. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 7. SEVERABILITY.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**DONE AND ADOPTED this 15<sup>th</sup> day of September, 2020.**

(SEAL)



BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

By:   
William R. Handley, Chairman

ATTEST

  
Robert W. Germaine, Clerk



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 16, 2020

Honorable Robert W. Germaine  
Clerk of the Circuit Court  
Highlands County  
590 South Commerce Avenue  
Sebring, Florida 33870-3867

Attention: Ms. Pamela Gamez

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 19-20-25, which was filed in this office on September 15, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb