

ORDINANCE NO. 09-10-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE HIGHLANDS COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR 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 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 January 12, 2010 to review small scale Plan amendment CPA-10-502SS, and recommended that the Board approve CPA-10-502SS for adoption; and

WHEREAS, the Board finds that the proposed change to the Future Land Use Map, CPA-10-502SS, 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 proposed change to the Future Land Use Map, CPA-10-502SS, is consistent with planned and existing residential uses in the area; and

WHEREAS, the Board finds that Environmental Clearance, pursuant to NRE Policies 3.2 and 3.3 of the Plan, is not required for the proposed change to the Future Land Use Map as the property is designated on the Conservation Overlay Map series of the Plan as containing no xeric upland, wetlands, cutthroat seep or habitat for threatened or endangered species; and

WHEREAS, the Board finds that the proposed change to the Future Land Use Map is not required to obtain Historical and Archaeological clearance, pursuant to FLU Policy 7.1 and NRE Policy 1.2 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 if the proposed change to the Future Land Use Map is approved, 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, that the Future Land Use Map of the Highlands County Comprehensive Plan is hereby amended as follows:

SECTION 1. Amendment and Adoption. The Future Land Use Map of the Plan is amended by changing the land use designations for approximately 9.93 acres as follows:

Legal Description:

Farm 21, Section 28, of Lake View Park Tract, in Section 28, Township 34 South, Range 29 East,

according to the plat thereof as recorded in Plat Book 3, Page 4, of the Public Records of DeSoto (now Highlands) County, Florida, as recorded in Transcript Book, Page 11, of the Public Records of Highlands County, Florida

from "Agriculture" to "Medium Density Residential."

SECTION 2. Amendment and Adoption. The following conditions are hereby adopted as a requirement for development of the real property described in Section 1 of this Ordinance:

1. The development shall not exceed 79 units for the multiple family complex.
2. The property shall be developed as a multiple family complex and may be constructed in phases.
3. The property's zoning change shall require a Planned Development zoning.
4. Central water and central wastewater services are to be provided to the property by a public entity.
5. Dedication of additional right-of-way, as required by the County Engineer in order to meet the requirements of the Long Range Transportation Plan, the Land Development Regulations, the Highland County Technical Standards Manual, and the Capital Improvements Program shall be required at the time of development.
6. Exterior lighting shall be shielded and directed so as not to impact adjacent properties.
7. All structures and their respective zoning setbacks shall comply with the Highlands County Code of Ordinances.
8. The Park area shall be landscaped consistent with "Florida Friendly" components.
9. Land or payment in lieu of will be provided to meet the minimum recreation requirements based upon the number of build-out dwelling units and the population generated in determining the allocation of Community and District parks consistent with Recreation and Open Space (ROS) Policy 1.1 of the Comprehensive Plan.
10. The Applicant, at the time of development, shall submit to the Engineering Department a Traffic Study meeting the requirements of the County Engineer; and said Traffic Study shall meet the approval of the County Engineer prior to the granting of a building permit.

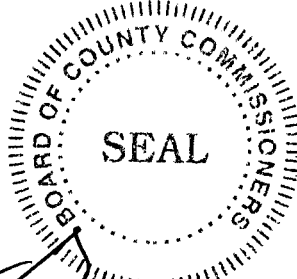
SECTION 3. Severability. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

SECTION 4. Conflict. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 5. Effective Date. This Ordinance shall take effect upon expiration of the period allowed by law to appeal the Notice of Intent to find the Plan amendment in compliance published by the Department of Community Affairs or, in the case of appeal, such later date as the in compliance

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determination becomes final as provided by law.

DONE AND ADOPTED this 16th day of February 2010.



BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA

By: *James D. Bates*
James D. "Don" Bates, Chairman

ATTEST:
By: *Robert W. Germaine*
Robert W. Germaine, Clerk

COUNTY: (HIGHLANDS)

COUNTY ORDINANCE # 09-10-08

PRIMARY KEYFIELD:

DESCRIPTOR: (Comprehensive Plan – FLUM)

SECONDARY KEYFIELD:

DESCRIPTOR: (CPA-10-502SS Macbeth Assoc Ltd)

OTHER KEYFIELD DESCRIPTOR: ()

ORDINANCE DESCRIPTION: (Future Land Use Map)

(25 characters maximum including spaces)

ORDINANCE AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: () AMENDMENT # 2: ()

ORDINANCE REPEALED: (List below the ordinances that are repealed by this legislation)

REPEAL # 1: ();

REPEAL # 3: ();

REPEAL # 2: ();

REPEAL # 4: ();

(Others repealed: list all that apply:

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: ()