

ORDINANCE NO. 2011-09

AN ORDINANCE OF TAYLOR COUNTY, FLORIDA, AMENDING ORDINANCE NO. 90-04, AS AMENDED, RELATING TO AN AMENDMENT TO THE TEXT AND FUTURE LAND USE PLAN MAP OF THE TAYLOR COUNTY COMPREHENSIVE PLAN, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED, PURSUANT TO AN APPLICATION, CPA 11-02 AND THE STIPULATED SETTLEMENT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE COUNTY, DATED APRIL 13, 2011, DOAH CASE NO. 10-1283GM; PROVIDING FOR ADDING POLICY I.1.12 TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO PROVIDE A SITE SPECIFIC POLICY TO LIMIT THE ALLOWABLE MAXIMUM DENSITY TO LESS THAN OR EQUAL TO 4 UNITS PER ACRE, UNTIL SUCH TIME AS CENTRALIZED SANITARY SEWER SERVICE IS AVAILABLE TO CERTAIN LANDS, AND TO LIMIT THE ALLOWABLE MAXIMUM DENSITY TO LESS THAN OR EQUAL TO 10 DWELLING UNITS PER ACRE, AFTER CENTRALIZED SANITARY SEWER SERVICE IS AVAILABLE TO CERTAIN LANDS; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURAL-2 AND CONSERVATION TO MIXED USE URBAN DEVELOPMENT OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF TAYLOR COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Taylor County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare, adopt and implement a comprehensive plan;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, as amended, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners to prepare, adopt and implement a comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Planning Board of Taylor County, Florida, hereinafter referred to as the Planning Board, has been designated as the Local Planning Agency of Taylor County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Code, hereinafter referred to as the Land Development Code, the Planning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Concurrency Management Assessment concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners held the required public hearings, with public notice having been provided, pursuant to the procedures established in Sections 163.3161 through 163.3215, Florida Statutes, as amended, on said application for an amendment, as described below, and at said public hearings, the Board of County Commissioners reviewed and considered all comments received during the public hearings, including the recommendation of the Planning Board, serving also as the Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TAYLOR COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 11-02, by the Board of County Commissioners and the Stipulated Settlement Agreement between the Florida Department of Community Affairs and the County, dated April 13, 2011, DOAH Case No. 10-1283GM, to amend the text of the Future Land Use Element of the Comprehensive Plan, Policy I.1.12 is hereby added to read, as follows:

Policy I.1.12 The 3.36 acre parcel, lying in Section 12, Township 8 South, Range 7 East, Taylor County, Florida, being more particularly described, as follows, commence at the Northwest corner of Government Lot 4 of said Section 12; thence  $00^{\circ}11'52''$  East 507.97 feet to; thence North  $86^{\circ}58'18''$  West 474.31 feet to the Point of Beginning; thence, along the Gulf of Mexico through the following chord bearings and distances, South  $55^{\circ}22'10''$  West 34.59 feet; thence South  $83^{\circ}03'46''$  West 61.89 feet; thence South  $83^{\circ}50'25''$  West 45.97 feet; thence South  $77^{\circ}24'31''$  West 42.44 feet; thence South  $66^{\circ}54'55''$  West 41.14 feet; thence South  $77^{\circ}30'32''$  West 33.85 feet; thence South  $80^{\circ}52'31''$  West 45.56 feet; thence South  $81^{\circ}13'59''$  West 46.72 feet; thence South  $89^{\circ}39'57''$  West 45.29 feet; thence North  $81^{\circ}48'08''$  West 46.49 feet; thence North  $82^{\circ}59'11''$  West 41.95 feet; thence South  $89^{\circ}51'31''$  West 46.02 feet; thence North  $89^{\circ}44'44''$  West 47.05 feet; thence North  $86^{\circ}57'15''$  West 46.20 feet; thence North  $78^{\circ}04'33''$  West 45.33 feet; thence North  $76^{\circ}03'50''$  West 48.77 feet; thence North  $79^{\circ}53'20''$  West 49.28 feet; thence North  $80^{\circ}10'19''$  West 46.96 feet; thence North  $71^{\circ}40'13''$  West 65.98 feet; thence North  $49^{\circ}41'01''$  West 20.17 feet; thence North  $62^{\circ}03'06''$  West 31.01 feet; thence North  $60^{\circ}25'44''$  West 44.40 feet; thence North  $64^{\circ}37'16''$  West 42.58 feet; thence North  $43^{\circ}46'38''$  West 21.62 feet; thence North  $61^{\circ}37'45''$  West 46.11 feet; thence North  $60^{\circ}14'39''$  West 35.34 feet; thence North  $44^{\circ}11'09''$  West 42.52 feet; thence North  $41^{\circ}31'21''$  West 52.89 feet; thence North  $32^{\circ}06'55''$  West 42.01 feet; thence North  $22^{\circ}39'31''$  West 27.85 feet; thence North  $14^{\circ}14'42''$  East 74.89 feet to the waters edge of a canal; thence, along said waters edge through the following chord bearings and distances, South  $74^{\circ}51'34''$  East 79.03 feet; thence South  $50^{\circ}25'37''$  East 50.57 feet; thence South  $52^{\circ}40'45''$  East 33.03 feet; thence South  $59^{\circ}08'08''$  East 50.91 feet; thence South  $51^{\circ}28'37''$  East 53.27 feet; thence South  $61^{\circ}50'24''$  East 63.57 feet; thence South  $74^{\circ}18'03''$  East 88.48 feet; thence South  $75^{\circ}29'30''$  East 100.37 feet; thence South  $71^{\circ}12'45''$  East 106.52 feet; thence South  $70^{\circ}11'56''$  East 86.61 feet; thence South  $73^{\circ}41'55''$  East 78.15 feet; thence South  $76^{\circ}55'52''$  East, 59.27 feet; thence North  $88^{\circ}31'05''$  East 76.85 feet; thence North  $81^{\circ}21'19''$  East 88.21 feet; thence North  $72^{\circ}50'53''$  East 210.68 feet; thence leaving said water, South  $00^{\circ}00'00''$  East 87.34 feet to the Point of Beginning, changed from Agriculture-2 and Conservation to Mixed Use-Urban Development shall be subject to the following condition. Until such time as centralized sanitary sewer service is provided to said parcel, the maximum allowable density shall be 4 units per acre. Upon centralized sanitary sewer service being made available to said parcel, a maximum of 10 dwelling units per acre shall be permissible on said parcel.

Section 2. Pursuant to an application, CPA 11-02, by the Board of County Commissioners and the Stipulated Settlement Agreement between the Florida Department of Community Affairs and the County, dated April 13, 2011, DOAH Case No. 10-1283GM, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the land use classification of certain lands, the land use classification is hereby changed from AGRICULTURE-2 and CONSERVATION to MIXED USE-URBAN DEVELOPMENT on the property described, as follows:

A parcel of land lying in Section 12, Township 8 South, Range 7 East, Taylor County, Florida. Being more particularly described, as follows: Commence at the Northwest corner of Government Lot 4 of said Section 12; thence 00°11'52" East 507.97 feet to; thence North 86°58'18" West 474.31 feet to the Point of Beginning; thence, along the Gulf of Mexico through the following chord bearings and distances, South 55°22'10" West 34.59 feet; thence South 83°03'46" West 61.89 feet; thence South 83°50'25" West 45.97 feet; thence South 77°24'31" West 42.44 feet; thence South 66°54'55" West 41.14 feet; thence South 77°30'32" West 33.85 feet; thence South 80°52'31" West 45.56 feet; thence South 81°13'59" West 46.72 feet; thence South 89°39'57" West 45.29 feet; thence North 81°48'08" West 46.49 feet; thence North 82°59'11" West 41.95 feet; thence South 89°51'31" West 46.02 feet; thence North 89°44'44" West 47.05 feet; thence North 86°57'15" West 46.20 feet; thence North 78°04'33" West 45.33 feet; thence North 76°03'50" West 48.77 feet; thence North 79°53'20" West 49.28 feet; thence North 80°10'19" West 46.96 feet; thence North 71°40'13" West 65.98 feet; thence North 49°41'01" West 20.17 feet; thence North 62°03'06" West 31.01 feet; thence North 60°25'44" West 44.40 feet; thence North 64°37'16" West 42.58 feet; thence North 43°46'38" West 21.62 feet; thence North 61°37'45" West 46.11 feet; thence North 60°14'39" West 35.34 feet; thence North 44°11'09" West 42.52 feet; thence North 41°31'21" West 52.89 feet; thence North 32°06'55" West 42.01 feet; thence North 22°39'31" West 27.85 feet; thence North 14°14'42" East 74.89 feet to the waters edge of a canal; thence, along said waters edge through the following chord bearings and distances, South 74°51'34" East 79.03 feet; thence South 50°25'37" East 50.57 feet; thence South 52°40'45" East 33.03 feet; thence South 59°08'08" East 50.91 feet; thence South 51°28'37" East 53.27 feet; thence South 61°50'24" East 63.57 feet; thence South 74°18'03" East 88.48 feet; thence South 75°29'30" East 100.37 feet; thence South 71°12'45" East 106.52 feet; thence South 70°11'56" East 86.61 feet; thence South 73°41'55" East 78.15 feet; thence South 76°55'52" East, 59.27 feet; thence North 88°31'05" East 76.85 feet; thence North 81°21'19" East 88.21 feet; thence North 72°50'53" East 210.68 feet; thence, leaving said water, South 00°00'00" East 87.34 feet to the Point of Beginning.

Containing 3.36 acres, more or less.

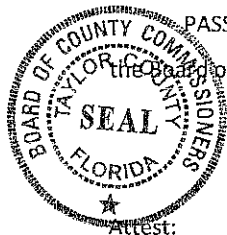
Section 3. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 4. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Department of State.

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the matter provided by law.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3215, Florida Statutes, as amended.



PASSED AND DULY ADOPTED, in regular session, with a quorum present and voting, by the Board of County Commissioners this 6th day of June, 2011.

Attest:

Annie Mae Murphy  
Annie Mae Murphy, County Clerk

BOARD OF COUNTY COMMISSIONERS OF  
TAYLOR COUNTY, FLORIDA

Patricia Patterson  
Patricia Patterson, Vice-Chairperson

The Chairman of the Board abstained from voting on adoption of County Ordinance No. 2011-09, therefore the Vice-Chairperson of the Board executed said Ordinance.