

FILED  
2009 MAR 23 AM 10:55  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**ORDINANCE NO. 08-09- 67**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND POLICY 11.1 OF THE FUTURE LAND USE ELEMENT, BOTH 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 13, 2009, to review small scale Plan amendment CPA-09-451SS, and recommended that the Board approve CPA-09-451SS for adoption; and

**WHEREAS**, the Board held a duly noticed public hearing on March 17, 2009, and approved transmittal of small scale Plan amendment CPA-09-451SS to DCA for its review; and

**WHEREAS**, the Board finds that small scale Plan amendment CPA-09-451SS is consistent with FLU Policy 1.1.A.3. which states that the proposed change to the Future Land Use Map will "Reflect the existing historical development pattern, within the County, of large subdivisions with small scale commercial uses functioning as neighborhood centers; or, reinforcing certain rural areas of aggregated developments functioning as small rural communities or rural and suburban neighborhoods."; and

**WHEREAS**, the Board finds that the proposed change to the Future Land Use Map, CPA-09-451SS, is consistent with FLU Objective 12 and its Basic Development Principals, especially no. 3 dealing with community neighborhood center, and no. 5 dealing with proposed new road alignments; and

**WHEREAS**, the Board finds that the proposed change to the Future Land Use Map, CPA-09-451SS is consistent with FLU Policy 1.1.C., which states that "In general, the outward expansion of urban land uses from the limits of Avon Park, Sebring, and Lake Placid should be gradual and should take advantage of existing infrastructures."; and

**WHEREAS**, the Board finds that the proposed change to the Future Land Use Map, CPA-09-451SS is consistent with FLU Objective 12 which states that "Directing urban development within Highlands County will be facilitated by the use of specific area plans that are provided to guide site specific developments within areas of the County that are currently, predominately in agricultural uses awaiting to be developed in an orderly manner consistent with urban concurrency requirements for a mixture in residential types, serviced with appropriate retail uses, incorporating adequate utilities, supported with cultural and social facilities, sustained with sufficient emergency services and connected by a functional transportation system."; and

**WHEREAS**, the Board finds that the proposed change to the Future Land Use Map, CPA-09-451SS, is consistent with the patterns of adopted proposed uses within this area that are premised upon the adopted North Sebring Area Policy Plan; and

**WHEREAS**, the Board finds that the proposed change to the Future Land Use Map, CPA-09-451SS, is consistent with planned and existing residential areas in the North Sebring Area Policy Plan; and

**WHEREAS**, the Board finds that Environmental Clearance pursuant to NRE Policies 3.2 and 3.3 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 Comprehensive Plan as containing no xeric uplands, wetlands 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 Highlands County Comprehensive Plan, inasmuch as there are no known cultural resources; and

**WHEREAS**, if approved, all future development actions for the properties included in the proposed change to the Future Land Use Map shall be made to conform to applicable Comprehensive Plan policies and to Land Development Regulations in effect at the time the development order is effective as provided by law, and especially those of FLU Policy 12.1 through 12.1.8 outlining the objectives of the North Sebring Area Policy Plan.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Highlands County, Florida, after due notice and public hearing, that the Comprehensive Plan Future Land Use Map is hereby amended as follows:

**SECTION 1. Amendment and Adoption.** The Future Land Use Map of the Highlands County Comprehensive Plan is amended by changing the land use designations for approximately 9.5 acres as follows:

**Legal Description:**

The North ½ of Farms 26 and 27, Section 7, Township 34 South, Range 29 East of Basket Lake Groves, according to the plat thereof recorded in Plat Book 3, Page 25, Public Records of DeSoto (now Highlands) County, Florida. Said lots lying in and comprising a part of the S ½ of NE ¼ of Section 7, Township 34 South, Range 29 East. Comprising approximately 9.51 acres more or less is changed from "Agriculture" to "Medium Density Residential."

**SECTION 2. Amendment and Adoption.** Policy 11.1 of the Future Land Use Element of the Highlands County Comprehensive Plan is amended by adding thereto the following site specific conditions which are hereby adopted as requirements for development of the real property described in Section 1 of this Ordinance.

76. **CPA-09- 451SS: (Davis)**

*Site Specific Conditions:*

1. Central water and central wastewater services are to be provided to the properties, consistent with FLU Policy 12.1.6

2. Dedication of additional rights-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 Highlands County Technical Standards Manual, and the Capital Improvements Program shall be required at the time of development, consistent with FLU Policy 12.1.3.
3. Land or assessment will be provided to meet the minimum recreation requirements based upon the number of build-out dwelling units and the population generated.
4. All applicable policies of the North Sebring Area Policy Plan will be followed.
5. A land development traffic assessment, based upon concurrency review, will be determined by the County Engineer at the time of development.
6. Effluent reuse lines shall be installed within the project by the developer unless the wastewater service provider determines they are not required.
7. Water supply capacity in excess of that needed for irrigation within the project shall be transferred to the City of Sebring or Highlands County prior to development in accordance with all Water Management District rules and regulations.
8. The property shall be treated as a single project for purposes of development review and approval under County Codes.

**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 determination becomes final as provided by law.

**DONE AND ADOPTED** this 17th day of March 2009.



BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

By: Barbara A. Stewart  
Barbara A. Stewart, Chairman

ATTEST:

By:

Robert W. Germaine, Clerk

COUNTY: ( HIGHLANDS )

COUNTY ORDINANCE 08-09-67

e.g. 93-001

PRIMARY KEYFIELD

DESCRIPTOR: ( Comprehensive Plan )

SECONDARY KEYFIELD

DESCRIPTOR: ( Land Use Planning )

OTHER KEYFIELD

DESCRIPTOR: ( )

ORDINANCE DESCRIPTION: ( Small Scale Plan Amendment )

(25 characters maximum including spaces)

ORDINANCE AMENDED: (List below the ordinances that are amended by the 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: ( )