

ORDINANCE 23-04
CITY OF HOLMES BEACH FLORIDA
SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT



AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLMES BEACH, FLORIDA, AMENDING CITY OF HOLMES BEACH ORDINANCE NO. 08-05, AS AMENDED (THE CITY OF HOLMES BEACH COMPREHENSIVE PLAN); PROVIDING A PURPOSE AND INTENT; PROVIDING FOR FINDINGS; PROVIDING FOR A CITY INITIATED MAP AMENDMENT TO ELEMENT 1 - FUTURE LAND USE ELEMENT OF THE CITY OF HOLMES BEACH COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE CLASSIFICATION OF .95 ± ACRES OF SPECIFIC REAL PROPERTY GENERALLY LOCATED AT 3004 AVENUE A, 3005 AVENUE B, AND 3002 AVENUE B FROM THE LOW DENSITY AND MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CLASSIFICATION TO THE CONSERVATION FUTURE LAND USE CLASSIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the City Commission of the City of Holmes Beach to prepare and enforce comprehensive plans for the development of the City; and,

WHEREAS, The Community Planning Act (the "Act"), codified in the applicable portions of Chapter 163, Part II, Florida Statutes, empowers and requires the City (a) to plan for the City's future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, City of Holmes Beach Ordinance No. 08-05, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the City of Holmes Beach, and established the City of Holmes Beach's Comprehensive Plan; and

WHEREAS, Application LD23-000003 is a City-initiated small-scale map amendment to Element 1 - Future Land Use Element of the City of Holmes Beach's Comprehensive Plan to change the Future Land Use Classification of .95± acres of real property generally located at 3004 Avenue A (0.20± acres), 3005 Avenue B (0.35± acres), and 3002 Avenue B (.4± acres) from the Low and Medium Density Residential future land use classification to the Conservation future land use classification; and

WHEREAS, on April 5, 2023, at a duly noticed public hearing, the City of Holmes Beach Planning Commission, as the City's Local Planning Agency for purposes of the Act, considered Application LD23-000003; and passed a motion to recommend adoption of Plan Amendment LD23-000003 to the City Commission; and,

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Commission held a public hearing on April 11, 2023, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and,

WHEREAS, the City Commission considered all oral and written comments received during the public hearings, the recommendations of the Planning Commission, the comments of the State Land Planning Agency, and all applicable State or local review agencies; and

WHEREAS, in exercise of said authority, the City Commission has determined that the adoption of Plan Amendment LD23-000003 would be in the public interest; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes, and the Plan Format and Administration Section of the City of Holmes Beach Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Holmes Beach that:

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 Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the “Whereas” clauses above are true and correct and are hereby adopted as findings by the City Commission for the adoption of this Ordinance.

Section 3. Map Amendment: The City of Holmes Beach’s Comprehensive Plan Future Land Use Map is hereby amended to change the Future Land Use Classification of the properties, described in Exhibit “A” hereto which is incorporated herein by reference, from the Low Density and Medium Density Residential future land use classification to the Conservation future land use classification at 3004 Avenue A (0.20± acres), 3005 Avenue B (0.35± acres), and 3002 Avenue B (.4± acres).

Section 4. Severability: If any section, sentence, clause, or other provision of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, clauses, or other provisions of this Ordinance.

Section 5. Codification: The publisher of the City’s Comprehensive Plan, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive Plan.

Section 6. Effective Date: The effective date of this Plan Amendment LD23-000003, if the amendment is not timely challenged, shall be 31 days after the adoption of this Ordinance by the City Commission. If timely challenged, this small-scale amendment shall become effective on the date the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining this adopted Amendment LD23-000003 to be in compliance.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 11th day of March, 2023.

First Reading: 2-28-23

Publication Date: 3-1-23

Second Reading and Public Hearing Date: 4-11-23


Carol Soustek


Terry W. Schaefer


Dan Diggins


Greg Kerchner


Pat Morton

APPROVED BY ME THIS 11th DAY OF April, 2023.


Judy Fittsworth, Mayor

ATTEST:


Stacey Johnston, MMC, City Clerk