

**ORDINANCE 379**

**AN ORDINANCE OF THE CITY OF BONIFAY, FLORIDA RELATING TO AN AMENDMENT OF FOUR PARCELS OF LAND TOTALING 169.26 ACRES +/- TO THE CITY OF BONIFAY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF BONIFAY COMPREHENSIVE PLAN, UNDER THE LARGE SCALE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATIONS AND ZONING CLASSIFICATIONS ON PARCELS: #0607.00-000-000-016.100, #0607.00-000-000-017.000, #0608.00-000-000-008.000, AND #0617.00-000-000-001.200 FROM HOLMES COUNTY DESIGNATIONS TO CITY OF BONIFAY DESIGNATIONS; ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF BONIFAY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 166.021, Florida Statutes, empowers the City Council of the City of Bonifay, Florida, hereinafter referred to as the City Council, to prepare, adopt and implement, and amend a Comprehensive Plan; and

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act) empowers and requires the City Council to prepare, adopt and implement, and amend a Comprehensive Plan; and

**WHEREAS**, application, Comprehensive Plan Amendment (CPA) 10-01 for amendments, as described below in Table 1, to the Future Land Use Map of the City of Bonifay Comprehensive Plan (hereinafter referred to as the City's Comprehensive Plan) and amendments to the City of Bonifay Official Zoning Districts Map have been filed with the City; and

**WHEREAS**, the City Council of Bonifay serves as the Local Planning Agency for the City of Bonifay; and

**WHEREAS**, the Local Planning Agency, did on **December 27, 2011** hold the required public hearing, after proper public notice being provided, on said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map; at said public hearing, the Local Planning Agency, reviewed and considered all comments received during said public hearing; and recommended Approval to the City Council of said application, as described below; and

**WHEREAS**, the City Council did on **December 27, 2011** hold the required public hearing for adoption (final reading) of the ordinance, with public notice having been provided, in accordance with the provisions of the regular amendment procedures established in Sections



163.3161 through 163.3215, Florida Statutes, regarding said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map; at said public hearing, the City Council reviewed and considered all comments received during the public hearing, including the recommendation of the Local Planning Agency; and

**WHEREAS**, the City Council has determined and found said application for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and Zoning Districts Map to be compatible with the Future Land Use Element objectives and policies, and the objectives and policies of other affected elements of the City's Comprehensive Plan; and

**WHEREAS**, the City Council has determined and found that approval of said application for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, AS FOLLOWS:**

**Section 1. Future Land Use and Zoning Designations:** Pursuant to application CPA10-01, the proposed amendments to the Comprehensive Plan Future Land Use and Zoning designations are hereby changed as follow:

**Table 1: Proposed Amendments**

Parcel 1D# Property Owner	Acreage	EXISTING (Holmes County)		PROPOSED (City of Bonifay)	
		Future Land Use	Land Use District	Future Land Use	Future Land Use Element
#0607.00-000-000- Holmes County Investment.	19.0 acres	Commercial	D	Commercial *	Page 2.13
#0607.00-000-000- Holmes County Investment.	78.26 acres	Industrial	E	Industrial *	Page 2.13
#0617.00-000-000- 001.200 Holmes County	10.0 Acres	Industrial	E	Industrial *	Page 2.13
#0607.00-000-000- 017.000 Holmes County	62.00 Acres	Industrial	E	Industrial*	Page 2.13
	<b>Total: 169.26 acres</b>	Holmes County Commercial allows for maximum 1.0 (FAR)		<b>*Maximum 2.0 Floor Area Ratio (FAR)</b>	

**Section 2. Property Legal Descriptions:**

**The following described parcel of land lying in Bonifay, Holmes County, Florida, owned by Holmes County Investment, LLC., to wit:**

Commence at the SW corner of the SE  $\frac{1}{4}$  of SW of Section 7, Township 4 North, Range 14 West, thence run N01° 41' 41"E along the West line of said SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  59.98 feet to the North right of way line of a graded road and the Point of Beginning of parcel to be described herein; thence continue N01° 41' 41"E along said West line of SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  1035.66 feet to the Southerly right of way line of Interstate 10; thence N89° 58' 06"E along Southerly right of way line 305.18 feet; thence S88° 34' 24"E along said Southerly right of way 494.82 feet; thence S02° 32' 33"W 1050.69 feet; thence N89° 13' 46"W along said North right of way line 784.30 feet to the Point of Beginning, lying in and being a part of SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 7, Township 4 North Range 14 West, Holmes County, Florida.

And

S  $\frac{1}{2}$  of SE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 7: S1/2 of SW  $\frac{1}{4}$  of Section 8: The North ten (10) acres of the NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 17.

And

Parcel 1: Described as a 6 acre parcel located inside of parent tract located in said South  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of Section 7, Township 4 North, Range 14 West, Holmes County, Florida and being more particularly described as follows:

Commence at the SE corner of Section 7, Township 4 North, Range 14 West, Holmes County, Florida, thence N87° 52' 52"W, 587.93 feet along the North right of way line of County Road 3 (Thomas Drive); thence continue along said North right of way line N87° 52' 52"W, 488.18 feet; thence departing said North right of way line N03° 15' 37"E, 557.78 feet; thence S89° 37' 13"E, 397.90 feet; thence S02° 46' 46"W, 159.20 feet; thence S87° 13' 14"E, 89.35 feet; thence S03° 15' 37"W, 409.60 feet to the POINT OF BEGINNING. Containing 6.00 acres, more or less.

LESS AND EXCEPT

Less that part sold to State of Florida for Interstate 10 as shown by stipulated Final Judgment recorded in Official Record Book 32, page 218, and right of way of Thomas Drive in OR 40, Pg 362. All in Township 4 North, Range 14 West.

Holmes County Tax Parcel **ID** Parcels: #0607.00-000-000-016.100, #0607.00-000-000-017.000, #0608.00-000-000-008.000, AND #0617.00-000-000-001.200.



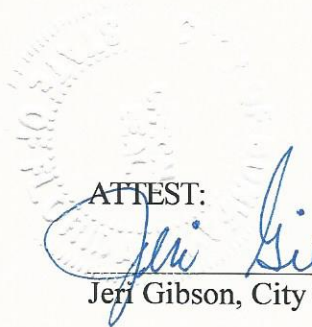
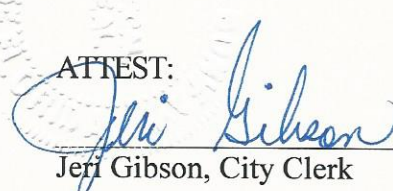
Section 3. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

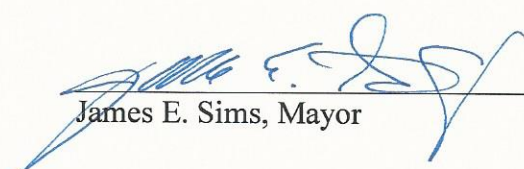
Section 4. Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

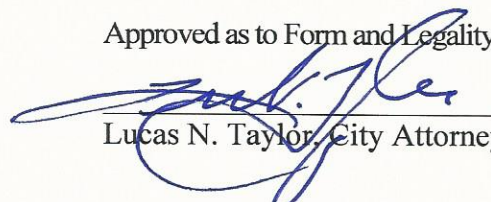
Section 5. Effective Date. The effective date of this Ordinance will be 31 days following the adoption of said ordinance. However, if any affected person files an appeal with the Florida Division of Administrative Hearings within 30 days of adoption, this plan amendment shall not become effective unless found to be in compliance. 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, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Community Planning, 107 East Madison Street MSC 160, Tallahassee, Florida 32399.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved for Transmittal (First Reading) by a UNANIMOUS vote of the City Council of the City of Bonifay, Florida, at a Regular Meeting held on December 14, 2011. Said ordinance was duly read, passed, and adopted (Final Reading) by a UNANIMOUS vote of the City Council of the City of Bonifay, Florida at a Public Hearing held on December 27, 2011.

  
ATTEST:  
  
\_\_\_\_\_  
Jeri Gibson, City Clerk

  
\_\_\_\_\_  
James E. Sims, Mayor

Approved as to Form and Legality:  
  
\_\_\_\_\_  
Lucas N. Taylor, City Attorney