

**Ordinance 924**

**AN ORDINANCE ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT OF THE CITY OF DEFUNIAK SPRINGS COMPREHENSIVE PLAN; CHANGING THE LAND USE CLASSIFICATIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND CONFLICTS PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE (Property located on the east side of Highway 331 S, just south of Orange Avenue)**

**WHEREAS**, the Legislature adopted Chapter 163, laws of Florida, which requires the City of DeFuniak Springs, Florida to prepare, adopt, and enforce a comprehensive plan; and

**WHEREAS**, Chapter 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

**WHEREAS**, the City of DeFuniak Springs, Florida adopted Ordinance No. 669, November 13, 2000 (Comprehensive Plan) and Ordinance 793, October 25, 2010 (Evaluation and Appraisal Report), and Ordinance No. 881 on June 26, 2017 (Land Development Code); and

**WHEREAS**, Chapter 163, Part II, Florida Statutes, requires local governments desiring to revise their comprehensive plans to prepare and adopt comprehensive plan amendments; and

**WHEREAS**, the City of DeFuniak Springs has prepared a comprehensive plan future land use map amendment; and

**WHEREAS**, the City Council of DeFuniak Springs held a Public Hearing to adopt Comprehensive Plan Amendment No. 2021-SSA-02, pursuant to Section 163.3184, Florida Statutes, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; and

**WHEREAS**, in exercise of its authority, the City Council of DeFuniak Springs, Florida finds it necessary and desirable to adopt and does hereby adopt Comprehensive Plan Amendment No. 2021-SSA-02, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of DeFuniak Springs.

**NOW, THEREFORE, BE IT ORDAINED** by City Council of the City of DeFuniak Springs, Florida, as follows:

**SECTION I. PURPOSE AND INTENT.**

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

**SECTION II. FUTURE LAND USE MAP AMENDMENTS.**

The DeFuniak Springs City Council hereby adopts the following amendment to the Comprehensive Plan Future Land Use Map which will be updated consistent with the action of the DeFuniak Springs City Council as set forth in this Ordinance:

1. Application number 2021-SSA-02, Jerold Derkaz has requested a Small-Scale Map Amendment, requesting to amend the adopted Future Land Use Map designations for an area that is approximately 1.08+/- acres in size.
2. The amendment area is identified as parcel number 25-3N-19-19070-001-8788.
3. The amendment area is legally described as:  

Commence at an iron pipe marking the Northwest corner of Lot 5 of the W.B. Wallace Subdivision of Block 1878 of the town of DeFuniak Springs, according to Deed Book 2, Page 282, and thence run south 03 degrees 47 minutes 01 second west along an old fence line for 94.9 feet for a point of beginning; thence continue south 03 degrees 47 minutes 01 second west along said fence line 219.66 feet to an old fence post; thence run north 87 degrees 45 minutes 29 seconds west along an old fence line 226.90 feet; thence run north 02 degrees 32 minutes 29 seconds east 57.63 feet to the easterly right-of-way line of U.S. Highway No. 331; thence run north 17 degrees 24 minutes 29 seconds east (bearing base) along said right-of-way line 224.73 feet; thence run south 70 degrees 12 minutes 11 seconds east 182.20 feet to the point of beginning, in Section 35, Township 3 North, Range 19 West, Walton County, Florida
4. The amendment area is currently designated Low Density Residential on the Future Land Use Map adopted within the DeFuniak Springs Comprehensive Plan.
5. Upon the legally effective date of this Ordinance, the Future Land Use Map designation for the amendment area will be designated as Commercial, as illustrated on Exhibit 1 (attached).
6. Any future development under this amendment will be required to meet all of the standards of the City of DeFuniak Springs Comprehensive Plan and Land Development Code.

**SECTION III. CONFLICT WITH OTHER ORDINANCES OR CODES.**

All Ordinances, or parts of Ordinances, of the Code of Ordinances of the City of DeFuniak Springs, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION IV. FILING.**

An official, true, and correct copy of the zoning amendment shall be filed with the Walton County Clerk and also maintained at the City of DeFuniak Springs Planning Department, which shall be responsible for administration of the Land Development Code.

**SECTION V. SEVERABILITY.**

Should any word, phrase, sentence or section of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

**SECTION VI. EFFECTIVE DATE.**


The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment

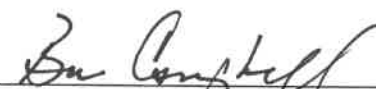
shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

Duly enacted, by the City Council of the City of DeFuniak Springs, Florida at a regularly scheduled public hearing on the 14<sup>th</sup> of June 2021.

CITY COUNCIL  
DEFUNIAK SPRINGS, FLORIDA

Attest:

  
Maryanne Schrader, City Clerk

By:   
Robert "Bob" Campbell, Mayor



# Exhibit 1

Baldwin Ave.

Live Oak Ave.

Orange Ave.

Highway 331 S.

13th St.

2021-SSA-02

Jerold Derkaz is requesting to amend the FLUM from Low Density Residential to Commercial and amend the Zoning map from R-2, Medium Density Residential to C-2, Commercial

 Low Density Residential

 Commercial

 Institutional

 Industrial

 Subject Property

N

0 150 300 Feet

