

ORDINANCE NO. 08-07

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF HOLMES COUNTY AND THE MUNICIPALITIES OF ESTO, NOMA, PONCE DE LEON AND WESTVILLE, SPECIFICALLY THE CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Chapter 163, Law of Florida, which requires Holmes County and the Municipalities of Esto, Noma, Ponce de Leon, and Westville to prepare and adopt and enforce a Comprehensive Plan; and

WHEREAS, the Board of County Commissioners held a Public Hearing on November 25, 2008 to adopt Comprehensive Plan Amendment 2008-03-CIE, pursuant to Section 163.3187, 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 Holmes County Commission finds it necessary and desirable to adopt and does hereby adopt Comprehensive Plan Amendment CPA 2008-03-CIE, 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 Holmes County, as follows:

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida as follows:

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 Local Government Comprehensive Plan and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment

This Comprehensive Plan Amendment for Holmes County, Florida shall be entitled –“Comprehensive Plan Amendment 2008-03-CIE.” This is an adoption of the yearly Capitol Improvement Element (CIE) and is not required to be counted as one of the two submittal amendment cycles for the year.

Section 3. Changes to the Holmes County Comprehensive Plan

Volume III of the Holmes County Comprehensive Plan, as amended, is further amended to read as set forth on the following pages attached hereto, which includes changes to the following Chapter:

Chapter 2.8, Capital Improvements

Section 4. Severability

If any section, sentence, clause, or phrase of this Ordinance is declared to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Inclusion in the Code

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Florida Statutes (2007); and that the sections, subsections, and other provisions of this Ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. Effective Date

This Ordinance shall become effective upon filing with the Department of State. DONE AND ENACTED by the Board of county Commissioners of Holmes County, Florida this 15th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

By: Monty Merchant
Monty Merchant, Chairman

ATTEST: CODY TAYLOR
CLERK OF THE CIRCUIT COURT

By: Cody Taylor
Deputy Clerk

(SEAL)