

ORDINANCE NO. 2007-11

AN ORDINANCE OF HOLMES COUNTY, FLORIDA, AMENDING VOLUME II OF THE HOLMES COUNTY YEAR 2010 COMPREHENSIVE PLAN, AS AMENDED; CREATING CHAPTER 2, "GOALS, OBJECTIVES AN POLICIES" SECTION 2.9 TO ADOPT PUBLIC SCHOOL CONCURRENCY MANAGEMENT AND INTERLOCAL COORDINATION ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163 Florida Statutes empowers the Board of County Commissioners of Holmes County, Florida to prepare, amend, and enforce a Comprehensive Plan for the development of the County; and

WHEREAS, the Holmes County Planning Commission (LPA) conducted a public hearing and forwarded a recommendation to the Board of County Commissioners, who have conducted a public hearing, reviewed, and approved the changes to the Plan and authorized the transmittal of the proposed changes to the Florida Department of Community Affairs (DCA) for review and comment prior to considering the changes (amendments) for adoption; and

WHEREAS, All Objections, Recommendations, and Comments have been addresses and satisfied. Additional Comprehensive Plan changes are need to Chapter 2, Policy 5.7; and

WHEREAS, the Board of County Commissioners of Holmes County find that, in the interest of protecting the public health, safety, and general welfare, it is necessary to ensure, as new development occurs in Holmes County there will be adequate Public School Facilities be in place to serve those new residents; and

WHEREAS, the School Board is responsible for providing Public School Facilities to City residents; and

WHEREAS, the County, and all other non-exempt local governments within the county, have entered into a Public Schools Interlocal Agreement with the School District, which sets forth matters required by Section 163.3180, Florida Statutes related to school concurrency, and which is intended to achieve a uniform, countywide Public School Concurrency system; and

WHEREAS, the County has adopted a Public Schools Facilities Element in its Comprehensive Plan in order to establish a uniform, countywide Public School Concurrency system; and

WHEREAS, the County has adopted the Level of Service Standards as provided for in the Public Schools Interlocal Agreement, and the Public Schools Facilities Element of the City's Comprehensive Plan; and

WHEREAS, the Board of County Commissioners have determined that this Ordinance is necessary to mitigate the potential negative impacts on public school facilities if new development is allowed to occur at a rate beyond the ability of the School Board to provide adequate Public School Facilities for new development; and

WHEREAS, Section 163.3180(13), Florida Statutes, authorizes the County to and has adopted a Public Schools Facilities Element; and

WHEREAS, the County is required to adopt Public School Concurrency land development regulations consistent with this Public Schools Facilities Element; and

WHEREAS, the Council hereby adopts and incorporates the purpose, intent, and findings set forth in this Ordinance.

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 Planning Act, Section 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 2008-02 – Public Schools Element.” This is not part of the two amendment packages allowed for submittal to DCA for the Year 2008.

Section 3. Comprehensive Plan Amendment

The Holmes County Public Schools Element attached and incorporated herein as “Attachment A” and “Attachment B” are hereby adopted in the following parts:

Elements being amended “Attachment A”:

- (1) Holmes County Goals, Objectives and Policies for Public Schools Facilities; and
- (2) Holmes County Goals, Objectives and Policies for the Intergovernmental Coordination Element; and
- (3) Holmes County Goals, Objectives and Policies for Capital Improvements.

Elements being amended "Attachment B":

(1) Holmes County Comprehensive Plan Amendment,
Chapter 2, Policy 5.7.

Section 4. Severability

If any provisions 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 and the Holmes County 2010 Comprehensive Plans shall remain in full force and effect.

Section 5. Copy on File

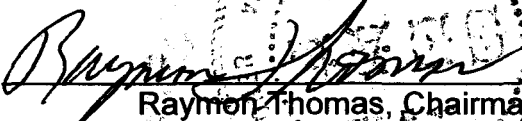
An official, true, and correct copy of all elements of the Holmes County 2010 Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the County Clerk or his/her designee.

Section 6. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs finding the amendment in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administrative Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; and upon adoption of this ordinance.

DONE AND ENACTED this 10th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

By: 
Raymon Thomas, Chairman

ATTEST: 
GODY TAYLOR
CLERK OF THE CIRCUIT COURT

By: 
Deputy Clerk

(SEAL)