

ORDINANCE NO. 92-04

AN ORDINANCE AMENDING ORDINANCE NO. 92-03 KNOWN AS THE HOLMES COUNTY COMPREHENSIVE PLAN ORDINANCE; SETTING FORTH THE AUTHORITY FOR THE ADOPTION OF COMPREHENSIVE PLAN; ADOPTING THE HOLMES COUNTY COMPREHENSIVE PLAN; IDENTIFYING PLAN ELEMENTS AND MAPS; PROVIDING FOR ADMINISTRATION AND PLAN IMPLEMENTATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et. seq., Florida Statutes (1989) established the Local government Comprehensive Planning and Land Development Regulation Act; and,

WHEREAS, Section 163.3167, Florida Statutes, requires each local government in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Community Affairs; and

WHEREAS, Holmes County, Florida is now required to adopt the Holmes County Comprehensive Plan pursuant to the provisions of Section 163.3184(7), Florida Statutes, and

WHEREAS, Holmes County, Florida has provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs, and consideration of and responses to public comments concerning the provisions contained in the proposed Holmes County Comprehensive Plan; and

WHEREAS, all data, information, documents and drafts of each comprehensive plan element or sub-element were continually disseminated in a timely manner as developed; and

WHEREAS, the public was duly advised of the presence of this data, information, documents and drafts of each comprehensive plan element or sub-element and the public was invited to provide written comment or other public participation at various scheduled public hearings; and

WHEREAS, Holmes County established a citizen participation process pursuant to Chapter 163.3181, Florida Statutes, through the Holmes County Planning Commission to assist in the development of the Holmes County Comprehensive Plan; and

WHEREAS, the Public Participation Procedures of the Holmes County Comprehensive Plan designated the Holmes County Planning Commission as the local planning agency and set forth the duties and responsibilities of the local planning agency; and

WHEREAS, the Holmes County Planning Commission held public hearings on the proposed Holmes County Comprehensive Plan after due public notice on July 12, 1990, and considered the findings and advice of all interested parties submitting comments, and recommended the submittal of the draft Holmes County Comprehensive Plan to the Department of Community Affairs; and

WHEREAS, the Holmes County Board of County Commissioners held a public hearing on the proposed Holmes County Comprehensive Plan after due public notice on July 12, 1990, and considered the findings and advice of interested parties submitting comments, the recommendations of the Holmes County Planning Commission and upon thorough and complete consideration and deliberation, approved the draft Holmes County Comprehensive Plan for submittal to the Department of Community Affairs; and

WHEREAS, Holmes County transmitted the draft Holmes County Comprehensive Plan on July 26, 1990, to the Department of Community Affairs pursuant to Chapter 163.3184(3) and Florida Administrative Rule 9J-11; and

WHEREAS, Holmes County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," and all other written or oral comments submitted by members of the public and governing agencies at public meetings held by the Holmes County Planning Commission on February 28 1991, March 19, 1991, March 26, 1991, and April 23, 1991; and

WHEREAS, the Holmes County Board of County Commissioners held a public hearing after due public notice on May 15, 1991; reviewed the written comments submitted by the Department of Community Affairs as the "Objections, Recommendations, and Comments Report," reviewed the recommendations by the Holmes County Planning Commission, County staff, and all other written or oral comments submitted by members of the public and governmental agencies; and

WHEREAS, the Holmes County Board of County Commissioners approved Ordinance No. 91-02, adopting the Holmes County Comprehensive Plan, on May 15, 1991; and

WHEREAS, the Department of Community Affairs ("DCA") issued a Notice of Intent to find the Holmes County Comprehensive Plan Not In Compliance on August 7, 1991; and

WHEREAS, Holmes County and DCA entered into a Joint Stipulated Settlement Agreement in October, 1992 to resolve DCA's objections to the Holmes County Comprehensive Plan; and

WHEREAS, the amendments are in compliance with the Stipulated Settlement Agreement dated October 20, 1992; and

WHEREAS, the public hearing for the adoption of the Comprehensive

Plan Amendments was advertised as required by law and the Act with notice having been published once on October 21, 1992.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

Section 1. The matters set forth above are incorporated herein by reference and made a part hereof.

Section 2. This ordinance shall be known as the Holmes County Comprehensive Plan Ordinance, Second Amendment.

Section 3. The Holmes County Comprehensive Plan consists of the following adopted procedures, systems and elements:

- A. Public Participation Procedures
- B. Monitoring and Evaluation Procedures
- C. Concurrency Management System; and
- D. The Goals, Objectives and Policies sections of the following elements:
 - 1. Future Land Use Element;
 - 2. Traffic Circulation Element;
 - 3. Housing Element;
 - 4. Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element;
 - 5. Conservation Element;
 - 6. Recreation and Open Space Element;
 - 7. Intergovernmental Coordination Element; and
 - 8. Capital Improvements Element.

All maps and tables identified in the Holmes County Comprehensive Plan as part of the adopted plan are also adopted. These maps include the following:

- 1. Future Land Use Map;
 - 2. Flood-prone Areas;
 - 3. Soils Map;
 - 4. Floodplains Map;
 - 5. Wetlands Map;
 - 6. Year 2001 Functional Classification of Roadways Map;
 - 7. Year 2001 Number of Lanes and Major Transportation Features;
- E. Responses to "Objections, Recommendations, and

Comments Report incorporated in the Plan Elements."

An official, true and correct copy of all elements of the Holmes County Comprehensive Plan as adopted and as amended from time to time shall be maintained by the Administrative Assistant to the Board of County Commissioners.

Section 4. The final adoption of the Holmes County Comprehensive Plan Amendment in its entirety shall be deemed to take place upon adoption of this ordinance at the time of the vote of the Board of County Commissioners of Holmes County, Florida.

Section 5. This Board finds that the elements of the Holmes County Comprehensive Plan as finally adopted by this ordinance are related to and consistent with each other and that the Holmes County Comprehensive Plan, as amended and adopted, is internally consistent and is otherwise in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes 1989.

Section 6. The Holmes County Administrative Assistant or his/her designee shall be responsible for the general administration of the Holmes County Comprehensive Plan. The Holmes County Board of County Commissioners or its designee shall be responsible for reviewing all ordinances, and pursuant to Chapter 163.3194(2) identify those which pertain to land development for submission to the Holmes County Planning Commission for their review, consideration, and recommendation to the Board of County Commissioners. The County Building Inspector or his/her designee shall be responsible for evaluation of all development orders pursuant to the Holmes County Comprehensive Plan and shall assign duties to the appropriate subordinates or through interlocal agreements relating to this responsibility.

Section 7. This Board hereby ratifies and adopts all procedures utilized with regard to the adoption of the Holmes County Comprehensive Plan notwithstanding contrary provision, if any, contained in any other County ordinance.

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. This ordinance shall become effective as provided by law.

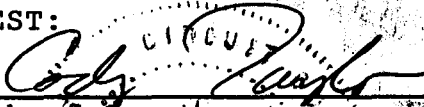
ADOPTED on this 4 th day of November, 1992.

Holmes County Board of County Commissioners



Chairman

ATTEST:



Clerk of Court