

ORDINANCE NO. 2011-01

An ordinance of the Board of County Commissioners of Calhoun County, Florida, amending and updating the Calhoun County Comprehensive Plan, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes); Adopting a Public Education Facilities Element pursuant to Section 163.3180, F.S.; Providing for Purpose and Intent, Providing the addition of Specific Infrastructure Capital Improvements; Providing for Applicability and Effect, and Severability, and a Copy on File, Providing for transmittal to Florida Department of Community Affairs and providing for an Effective Date;

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FILED
DEPARTMENT OF COMMUNITY AFFAIRS
TALLAHASSEE, FLORIDA

BE IT ORDAINED by the Board of County Commissioners of Calhoun County, Florida:

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of Calhoun County to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development regulation Act, empowers and requires the Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, Sections 163.3180, Florida Statutes, the Local Government Comprehensive Planning and Land Development regulation Act, empowers and requires the Board of County Commissioners to adopt a Public Education Facilities Element; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Calhoun County have designate themselves as the Local Planning Agency for the unincorporated area of Calhoun County; and

WHEREAS, supporting data and analysis documentation was prepared as background and justification for the revised Capital Improvements Schedule amendment; and

WHEREAS, pursuant to Section 163.3177 (3)(b), Florida Statutes, the Board of County Commissioners of Calhoun County, Florida, held a public hearing on May 17, 2011, at 5:00 p.m., with due public notice having been provided, to obtain public comment; and

WHEREAS, in exercise of its authority, the Board of County Commissioners of Calhoun County, Florida, has determined it necessary and desirable to adopt the amended Capital Improvements Schedule to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future issues that may result from the use and development of land within Calhoun County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calhoun 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 and Land Development Regulation Act, Sections 163.3180, Florida Statutes, and Chapter 125, Florida Statutes, as amended;

Section 2. The attached Calhoun County Public Education Facilities Element is adopted and incorporated herein.

Section 3. Applicability and Effect.

The applicability and effect of the Calhoun County Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, and this Ordinance.

Section 4. 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 5. Copy on File.


A certified copy of the enacting ordinance, as well as certified copies of the 2010-2025 Calhoun County Comprehensive Plan and Future Land Use Map as amended shall be filed with the Clerk of the Circuit Court of Calhoun County, Florida, and copies shall be made available to the public for a reasonable publication charge.

Section 6. Effective Date.

Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the amended version of the Calhoun County Comprehensive Plan shall not become effective until; the Plan has been determined to be In-Compliance; the 21 day period for affected parties to file a petition has expired, and the Ordinance has been officially filed with the Secretary of State.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Calhoun County, Florida, this 17th day of MAY, 2011.

ATTEST:


HONORABLE RUTH ATTAWAY, COPY
Clerk of Calhoun County Court
Ruth W. Attaway
RUTH W. ATTAWAY
CLERK CIRCUIT COURT
CALHOUN COUNTY FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF CALHOUN COUNTY, FLORIDA

By: [Signature]
HONORABLE HAROLD PICKRON, Chairman