

REGULAR MEETING  
MAY 27, 2008  
5:30 P.M.

BOOK 28 PAGE 405

The Lafayette County Commission met on the above date and hour for a regular scheduled meeting. The meeting was held in the commissioner's meeting room at the Courthouse in Mayo, Florida. The following members were present: Commissioner Charles Driver, Dist. 1; Commissioner Thomas E. Pridgeon, Dist. 2; Commissioner Donnie Hamlin, Dist. 3; Commissioner Jack Byrd, Dist. 4; Commissioner Earnest Jones, Dist. 5; and Lafayette County Attorney Leenette McMillan.

### **BOARD OF ADJUSTMENTS MEETING**

#### **RESOLUTION NO. SE 08-04**

On a motion by Mr. Jones and a second by Mr. Pridgeon, the board voted unanimously to read Resolution No. SE 08-04 by title only. On a motion by Mr. Hamlin and a second by Mr. Driver, the board voted unanimously to approve the resolution by Melvin Hurley to develop 14 RV campsites. The board requested that Mr. Hurley give them a copy of the rules and regulations that he will be enforcing at the campsite.

#### **RESOLUTION NO. SE 08-03**

On a motion by Mr. Jones and a second by Mr. Hamlin, the board voted unanimously to read Resolution No. SE 08-03 by title only. On a motion by Mr. Hamlin and a second by Mr. Jones, the board voted unanimously to approve the resolution by Mr. Randall Hewitt Jr. to develop 11 RV campsites. The board made the same request of Mr. Hewitt for a copy of their rules and regulations that will be enforced at the campsite.

#### **SPECIAL PERMIT PETITION #2M8-SP02**

The board reviewed special permit petition #2M8-SP02 to run a mining operation at the old mulch plant turned in by Levis Lawson, Sr. On a motion by Mr. Driver and a second by Mr. Pridgeon, the board voted unanimously to approve the special permit.

#### **RESOLUTION NO. PZ/LPA CPA 08-2**

On a motion by Mr. Hamlin and a second by Mr. Jones, the board voted unanimously to read Resolution No. PZ/LPA CPA 08-2 by title only. On a motion by Mr. Driver and a second by Mr. Pridgeon, the board voted unanimously to recommend the resolution to the Board of County Commissioners to add a public schools facilities element to the comprehensive plan.

**ADJOURN BOARD OF ADJUSTMENTS MEETING**

On a motion by Mr. Driver and a second by Mr. Hamlin, the board voted unanimously to adjourn the Board of Adjustments meeting.

**REGULAR MEETING**

**APPROVE THE MINUTES**

On a motion by Mr. Driver and a second by Mr. Hamlin, the board voted unanimously to approve the minutes.

**PROPERTY REQUEST BY FINLEY RICARD**

Mr. Finley Ricard made a request to the board to change the use of his property. After discussion, Mr. Byrd told Mr. Ricard to get with Bobby Johnson and Leenette McMillan to fill out a petition to be put on the agenda for another board meeting.

**ORDINANCE 2008-07**

On a motion by Mr. Hamlin and a second by Mr. Jones, the board voted to read Ordinance 2008-07 by title only. On a motion by Mr. Jones and a second by Mr. Hamlin, the board voted unanimously to approve the Ordinance which adds a public schools facilities element to the comprehensive plan.

**ANIMAL CONTROL IN LAFAYETTE COUNTY**

Members of the Town Council came before the board with a request for help in funding for an animal control operation in Lafayette County. Along with the Town Council members were people who run the animal control operation in Suwannee County. The board, after discussion with all individuals, told the Town Council members to get them total costs for salaries and for running the operation together and come back to discuss the issue further.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

Mr. Brian Kaufman with the Suwannee River Water Management District showed the board the plans from their engineer for the turning lane to be done at the R.O. Ranch. The board reviewed the plans and told Mr. Kaufman that if Frank Darabi approved everything and the Florida Department of Transportation didn't have a problem as well, they could go ahead with the construction of the turning lane.

**AIR CONDITIONING UNIT AT THE DAY COMMUNITY CENTER**

The board reviewed the following proposals for a new air conditioning unit to be installed at the Day Community Center: Shamrock \$7,200 and Mayo Air Conditioning \$5,600. On a motion by Mr. Driver and a second by Mr. Hamlin, the board voted unanimously to go with the low bidder, Mayo Air Conditioning in the amount of \$5,600.

**BELL WOODWORKS ADDITIONAL SPACE REQUEST**

Bell Woodworks, located in the Industrial Park, has requested additional work space to expand their operation. They want to hire 6-8 new employees and need an additional 2,600 square feet of work space. On a motion by Mr. Driver and a second by Mr. Pridgeon, the board voted unanimously to approve the addition requested by Bell Woodworks.

**FRDAP GRANT PROJECT AT EDWARD PERRY SPORTS COMPLEX**

The board opened the following sealed bids for the FRDAP grant project at the Edward Perry Sports Complex: Florida Fill & Grading \$158,000; Curt's Construction, Inc. \$189,700; Music Construction \$144,850; Bryan-Co Services, Inc. \$224,238; JS Builders of Northern Florida, Inc. \$183,700; Harlie Lynch Construction \$160,355; and A & J Fabrication \$152,197.63. On a motion by Mr. Hamlin and a second by Mr. Jones, the board voted unanimously to award the bid to A & J Fabrication for being the low local vendor according to section VIII of the board's purchasing policy.

**PURPLE HEART HIGHWAY**

On a motion by Mr. Pridgeon and a second by Mr. Jones, the board voted unanimously to designate a portion of US Highway 27 running through Lafayette County as Purple Heart Highway.

**ORDINANCE 08-6, SHIP PROGRAM**

On a motion by Mr. Jones and a second by Mr. Pridgeon, the board voted unanimously to read Ordinance 08-6 by title only. On a motion by Mr. Driver and a second by Mr. Hamlin, the board voted unanimously to adopt the ordinance amending the SHIP program.

**WARRANT LIST**

On a motion by Mr. Driver and a second by Mr. Pridgeon, the board voted unanimously to approve the following bills, with the exception of the Pridgeon's Garage bill:

General Fund - \$44,576.18

Industrial Park Fund - \$84.93

Emergency 911 Fund - \$31,859.00

Road & Bridge Secondary Trust Fund - \$15,308.60

On a motion by Mr. Jones and a second by Mr. Hamlin, with Mr. Pridgeon abstaining, the board voted unanimously to approve the Pridgeon's Garage bill in the amount of \$433.53.

**AMENDMENT TO 2007-08 BUDGET**

On a motion by Mr. Hamlin and a second by Mr. Pridgeon, the board voted unanimously to amend the 2007-08 budget to include the CDBG Grant in the amount of \$700,000.


**CDBG GRANT**

According to a letter from Ms. Debbie Belcher, one of the houses included in the CDBG grant is located close to the land line and the property needs to be surveyed to mark the property line. It is her recommendation to allow Sherman Frier and Associates to do the survey. On a motion by Mr. Pridgeon and a second by Mr. Jones, the board voted unanimously to approve the recommendation of Ms. Belcher. On a motion by Mr. Driver and a second by Mr. Hamlin, the board voted unanimously to advertise to accept bids for the construction of the houses for the CDBG grant.

**ADJOURN**

On a motion by Mr. Jones and a second by Mr. Pridgeon, the board voted unanimously to adjourn.

Attest:

  
Ricky Lyons, Clerk



  
T. Jack Byrd, Chairman

Approved this 9<sup>th</sup> day of June, 2008.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS A SPECIAL EXCEPTION AS AUTHORIZED UNDER SECTION 3.2 OF ORDINANCE NO. 2000-5, ENTITLED LAFAYETTE COUNTY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A SPECIAL EXCEPTION TO THE PERMITTED USES WITHIN "A" AGRICULTURAL ZONING DISTRICT AS PROVIDED WITHIN SECTION 4.5.5 TO PERMIT THE LOCATION OF A 14 RV CAMPSITES ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF LAFAYETTE COUNTY, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2000-5, entitled Lafayette County Land Development Regulations, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Lafayette County, Florida, serving as the Board of Adjustment of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Board of Adjustment, to grant with appropriate conditions and safeguards or deny special exceptions as authorized under Section 3.2.4 of the Land Development Regulations;

WHEREAS, a petition for a special exception, SE08-04, as described, below has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of County Commissioners, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing and the Concurrence Management Analysis Report concerning said petition for a special exception, as described below;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant within an "A" Agricultural zoning district;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the granting with appropriate conditions and safeguards of the said petition for special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the petitioner has proposed ingress and egress to the property and proposed structures thereon for pedestrian safety and convenience, in a manner that will not have an undue impact on traffic flow and control, and access in case of fire or catastrophe;

Whereas, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the special exception, as described below, is generally compatible with adjacent properties, other property in the district and natural resources; and

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that:

- (a) the proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;
- (b) the proposed use is compatible with the established land use pattern;
- (c) the proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
- (d) the proposed use will not have an undue adverse influence on living conditions in the neighborhood;
- (e) the proposed use will not create or excessively increase traffic congestion or otherwise affect public safety;
- (f) the proposed use will not create a drainage problem;
- (g) the proposed use will not seriously reduce light and air to adjacent areas;

- (h) the proposed use will not adversely affect property values in the adjacent areas;
- (i) the proposed use will not be a deterrent to the improvement of development of adjacent property in accord with existing regulations; and
- (j) the proposed use is not out of scale with the needs of the neighborhood or the community

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, THAT:

Section 1: Pursuant to petition, SE08-04, by Mary J. Hurley requesting a special exception be granted as provided for in Section 4.5.5 of the Land Development Regulations, the Board of County Commissioners, serving as Board of Adjustments, grants a special exception to permit the location of a 14 RV Campsites in accordance with a site plan dated May 9, 2008 submitted as part of a petition dated May 9, 2008 and located on property described as follows:

A parcel of land in Section 21, Township 05 South, Range 12 East, Lafayette County, Florida, being more particularly described as follows:

COM. AT NE COR OF SW1/4, 21-05-12; TH. S.00\*45'00"E. 1323.37 FT. TO SE COR OF NE1/4 OF SW1/4 OF SAID SECTION; TH. S.89\*53'05"W. ALONG S LINE OF NE1/4 OF SW1/4 OF SAID SECTION 773.43 FT. TO P.O.B.; TH. CONT. S.89\*53'05"W. 563 FT. TO SW COR. OF NE1/4 OF SW1/4 OF SAIDSECTION; TH. N.0\*30'30"W. ALONG W. LINE OF NE1/4 OF SW1/4 OF SAID SECTION, 387 FT.; TH. N.89\*53'05"E 563 FT.; TH. S.0\*30'30"E. 387 FT. .

The above described parcel contains 5 acres. Parcel: 21-05-12-0000-0000-00206

Section 2. A site plan filed with a petition filed May 9, 2008, is herewith made a part of this resolution by reference, shall govern the development and use of the above-described property. Any deviation from the petition shall be deemed a violation of the Land Development Regulations.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (12) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.

Section 4. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 5. This resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the Board of County Commissioners; serving as the Board of Adjustment, this 27 day Of may 2008.

BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA  
SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA

Attest:



*Ricky Lyons*  
Ricky Lyons, County Clerk

*T. Jack Byrd*  
T. Jack Byrd, Chairman

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS A SPECIAL EXCEPTION AS AUTHORIZED UNDER SECTION 3.2 OF ORDINANCE NO. 2000-5, ENTITLED LAFAYETTE COUNTY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A SPECIAL EXCEPTION TO THE PERMITTED USES WITHIN "A" AGRICULTURAL ZONING DISTRICT AS PROVIDED WITHIN SECTION 4.5.5 TO PERMIT THE LOCATION OF A 11 RV CAMPSITES ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF LAFAYETTE COUNTY, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2000-5, entitled Lafayette County Land Development Regulations, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Lafayette County, Florida, serving as the Board of Adjustment of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Board of Adjustment, to grant with appropriate conditions and safeguards or deny special exceptions as authorized under Section 3.2.4 of the Land Development Regulations;

WHEREAS, a petition for a special exception, SE08-03, as described, below has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of County Commissioners, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing and the Concurrency Management Analysis Report concerning said petition for a special exception, as described below;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant within an "A" Agricultural zoning district;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the granting with appropriate conditions and safeguards of the said petition for special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the petitioner has proposed ingress and egress to the property and proposed structures thereon for pedestrian safety and convenience, in a manner that will not have an undue impact on traffic flow and control, and access in case of fire or catastrophe;

Whereas, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the special exception, as described below, is generally compatible with adjacent properties, other property in the district and natural resources; and

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that:

- (a) the proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;
- (b) the proposed use is compatible with the established land use pattern;
- (c) the proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
- (d) the proposed use will not have an undue adverse influence on living conditions in the neighborhood;
- (e) the proposed use will not create or excessively increase traffic congestion or otherwise affect public safety;
- (f) the proposed use will not create a drainage problem;
- (g) the proposed use will not seriously reduce light and air to adjacent areas;

- (h) the proposed use will not adversely affect property values in the adjacent areas;
- (i) the proposed use will not be a deterrent to the improvement of development of adjacent property in accord with existing regulations; and
- (j) the proposed use is not out of scale with the needs of the neighborhood or the community

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, THAT:

Section 1: Pursuant to petition, SE08-03, by Randall Hewitt, Jr. requesting a special exception be granted as provided for in Section 4.5.5 of the Land Development Regulations, the Board of County Commissioners, serving as Board of Adjustments, grants a special exception to permit the location of a 11 RV Campsites in accordance with a site plan dated May 9, 2008 submitted as part of a petition dated May 9, 2008 and located on property described as follows:

A parcel of land in Section 23, Township 05 South, Range 12 East, Lafayette County, Florida, being more particularly described as follows:

W1/2 OF SW1/4, 23-05-12. OR BK 105 P. 189; OR BK 115 P. 15.

**The above described parcel contains 80 acres. Parcel: 23-05-12-0000-00802**

Section 2. A site plan filed with a petition filed May 9, 2008, is herewith made a part of this resolution by reference, shall govern the development and use of the above-described property. Any deviation from the petition shall be deemed a violation of the Land Development Regulations.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (12) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.

Section 4. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

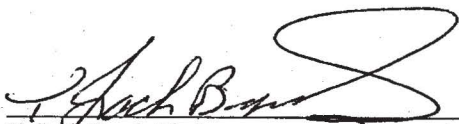
Section 5. This resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Board of Adjustment, this 27 day of MAY 2008.

BOARD OF COUNTY COMMISSIONERS OF  
LAFAYETTE COUNTY, FLORIDA  
SERVING AS THE  
BOARD OF ADJUSTMENT OF  
LAFAYETTE COUNTY, FLORIDA

Attest:

  
Ricky Lyons, County Clerk

  
T. Jack Byrd, Chairman



LAFAYETTE COUNTY ZONING

SPECIAL PERMIT

PETITION # 2MB-SP02

Name of Applicant(s): LEVIS E. LAWSON Sr.

Address: 2142 SW CR 534

City, State, Zip Code: Mayo, Fla. 32066

Name of Applicant's agent (if applicable): 294-1149

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

A Special Permit is requested in conformity with the Land Development Regulations to permit a mining on the property described below, and in conformity with the site plan dated 4-17-08

LOCATION AND USE

Legal Description:

Parcel I.D. 33-04-11-0000-0000-00300  
Parcel I.D. 32-04-11-0000-0000-00301

Total acreage of land to be considered under this petition: 21.11 + 13.58 = 34.69

Present Use: SAW mill / Mulch plant & Residential

Future Land Use Plan Map Category: Agricultural-3

Zoning District: L A fayette

SPECIAL PERMIT

PETITION

A previous petition for Special Permit

\_\_\_\_\_ was made with respect to these premises, Petition No. 2M8-SPO2

was not made with respect to these premises.

I hereby certify that all of the above statements and the statements contained in any documents or plans submitted herewith are true and correct to the best of my knowledge and belief.

If title holder(s) are represented by an agent, a letter of such designation from the holder(s) addressed to the Land Development Regulator Administrator must be attached.

*Kevin E. ...*

Applicant/Agent Name (Type or Print Name)

\_\_\_\_\_

Applicant/Agent Signature

\_\_\_\_\_

Date 5-9-08

FOR OFFICE USE ONLY- Fee Amount: \$300.00

Date Filed: 4-16-08

Special Permit No. 2M8-SPO2

Receipt No. 213412

Date of Planning and Zoning Board Hearing: May 26, 2008 5:30 P.M.

Date Notice published: May 15, 2008 Newspaper: Mayo Free Press

Planning and Zoning Board decision: \_\_\_\_\_

RESOLUTION NO. PZ/LPA CPA 08-2

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE PLANNING AND ZONING BOARD OF LAFAYETTE COUNTY, FLORIDA AND THE LOCAL PLANNING AGENCY OF LAFAYETTE COUNTY, FLORIDA, RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, APPROVAL OF AN AMENDMENT TO THE TEXT OF THE LAFAYETTE COUNTY COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE COMPREHENSIVE PLAN, AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN TO ADD A POLICY CONCERNING COORDINATION WITH THE SCHOOL BOARD AND AMENDING THE CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN TO ADD PUBLIC SCHOOL FACILITIES LEVEL OF SERVICE STANDARDS AND TO AMEND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Lafayette County Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Lafayette County, Florida, serving as the Planning and Zoning Board of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Planning and Zoning Board, to recommend to the Board of County Commissioners of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, approval or denial of amendments to the Comprehensive Plan, in accordance with said regulations;

WHEREAS, Sections 163.3161 to 163.3215, Florida Statutes, as amended, the Local Government Planning and Land Development Regulation Act, empowers the Local Planning Agency of Lafayette County, Florida, hereinafter referred to as the Local Planning Agency, to recommend to the Board of County Commissioners approval or denial of amendments to the Comprehensive Plan, in accordance with said statute;

WHEREAS, the Board of County Commissioners has been designated as the Planning and Zoning Board;

WHEREAS, the Board of County Commissioners has been designated as the Local Planning Agency;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations and Section 163.3174, Florida Statutes, as amended, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, held the required public hearing, with public notice, on said application for an amendment, as described below, and considered all comments received during said public hearing concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE PLANNING AND ZONING BOARD OF LAFAYETTE COUNTY, FLORIDA AND THE LOCAL PLANNING AGENCY OF LAFAYETTE COUNTY, FLORIDA, THAT:

Section 1. Pursuant to an application, CPA 08-2, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that a Public School Facilities Element, dated May 27, 2008, and made a part of this resolution by reference, be added to the Comprehensive Plan.

Section 2. Pursuant to an application, CPA 08-2, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that Policy VII.I.4, of the Intergovernmental Coordination Element, be amended to read, as follows:

Policy VII.1.4 The County shall coordinate its comprehensive planning with the School Board pursuant to the Interlocal Agreement for Public School Facility Planning by reviewing and commenting on the Five-Year Facilities Work Program of the School Board annually; reviewing and commenting on the Educational Plant Survey of the School Board; providing growth and development trend reports to the School Board annually; reviewing and commenting on future school sites for consistency with the Comprehensive Plan; providing notification of Comprehensive Plan amendments, rezonings, and development proposals to the School Board; considering co-location and shared use opportunities for community facilities with the School Board; providing applications for residential development to the School Board for a determination of whether there is adequate school capacity to accommodate the proposed residential development; and jointly evaluating with the School Board proportionate share mitigation options if school capacity is not available.

Section 3. Pursuant to an application, CPA 08-2, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that a portion of Policy VIII.2.1 of the Capital Improvement Element, be amended to add the Public School Facilities Level of Service Standards to read, as follows:

## PUBLIC SCHOOL FACILITIES LEVEL OF SERVICE STANDARDS

ACTIVITY	LEVEL OF SERVICE STANDARD
Elementary	90 percent of permanent Florida Inventory of School Houses capacity as adjusted annually by the School Board to account for measurable programmatic changes.
Middle	90 percent of permanent Florida Inventory of School Houses capacity as adjusted annually by the School Board to account for measurable programmatic changes.
High School	90 percent of permanent Florida Inventory of School Houses capacity as adjusted annually by the School Board to account for measurable programmatic changes.

Section 4. Pursuant to an application, CPA 08-2, by Board of County Commissioners, to amend the text of the Comprehensive Plan, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, recommends to the Board of County Commissioners that the Five-Year of Capital Improvements of the Capital Improvement Element, be amended to read, as follows:

## IMPLEMENTATION

## FIVE YEAR SCHEDULE OF IMPROVEMENTS

The five year schedule of improvements shown in Table VIII-1 is the implementation mechanism of the Capital Improvements Element to stage the timing, location, projected cost and revenue sources for any capital improvement needs identified within the other elements of the Comprehensive Plan. The following schedule documents the economic feasibility of the County's Comprehensive Plan and is based upon the Data and Analysis Report, which although not a part of this plan, provides the foundation for the determination of the economic feasibility of any projects listed.

TABLE VIII-1

## FIVE YEAR SCHEDULE OF IMPROVEMENTS

2009-2013

Project Des.	Schedule	Projected Cost	Location	Revenue Source	Consistent with other elements
None					

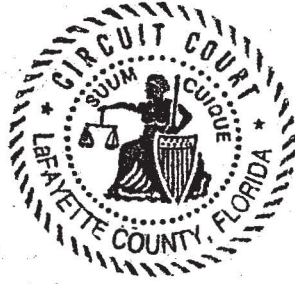
Source: Data and Analysis Report, November 30, 1987. Revised January 1991, August 1991, July 1998, and October 2007.

Section 6. All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 7. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, this 27 day of May 2008.

BOARD OF COUNTY COMMISSIONERS OF  
LAFAYETTE COUNTY, FLORIDA  
SERVING AS THE  
PLANNING AND ZONING BOARD OF  
LAFAYETTE COUNTY, FLORIDA AND THE  
LOCAL PLANNING AGENCY OF  
LAFAYETTE COUNTY, FLORIDA



Attest:

Ricky Lyons  
Ricky Lyons, County Clerk

T. Jack Byrd  
T. Jack Byrd, Chairman

LAFAYETTE COUNTY RESOLUTION NO. 2008-5-2-1

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA IN SUPPORT OF ESTABLISHING A PORTION OF US HIGHWAY 27 IN LAFAYETTE COUNTY AS A PART OF THE NATIONAL PURPLE HEART TRAIL, AND NAMING THAT PORTION OF US HIGHWAY 27 A PURPLE HEART HIGHWAY.**

**WHEREAS**, General George Washington established the Purple Heart Medal on August 7, 1782 to honor military personnel wounded in combat; and

**WHEREAS**, since then approximately 1,635,000 Purple Heart medals have been awarded to our military personnel; and it is believed that there are an estimated 500,000 living veterans who are Purple Heart recipients; and

**WHEREAS**, the Lafayette County Board of County Commissioners appreciates the members of the Armed Forces who have been awarded the Purple Heart, and further recognizes that many have made the ultimate sacrifice to keep our country free; and

**WHEREAS**, the Military Order of the Purple Heart of the USA is coordinating a national effort to establish the Purple Heart Trail consisting of major interstate highways and roadways leading to patriotic sites; and

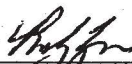
**WHEREAS**, our local community, our state, and our nation owe a deep debt of gratitude to those members of our Armed Forces who have been wounded in combat and honored with the Purple Heart Medal,

**NOW, THEREFORE, BE IT RESOLVED** by the Lafayette County Board of County Commissioners, Lafayette County, Florida, that the Board recommends and supports the establishing of that part of US Highway 27 lying in Lafayette County as a part of the National Purple Heart Trail, and naming that portion of US Highway 27 the Purple Heart Highway; and

**BE IT FURTHER RESOLVED** by the Lafayette County Board of County Commissioners, Lafayette County, Florida, that the board requests that the Florida Department of Transportation place and maintain appropriate markers so designating said highway.

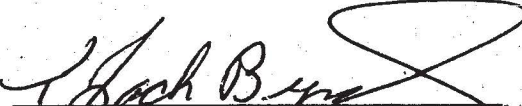
**PASSED AND ADOPTED** by the members of the Board of County Commissioners of Lafayette County, Florida, this 27th day of May, 2008.

**ATTEST:**

  
Ricky Lyons, Clerk



**BOARD OF COUNTY COMMISSIONERS  
OF LAFAYETTE COUNTY, FLORIDA**

  
Jack Byrd, Chairman



BOOK

28 PAGE 420

**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

June 2, 2008

Honorable Ricky Lyons  
Clerk of Court  
Lafayette County  
Post Office Box 88  
Mayo, Florida 32066

Dear Mr. Lyons:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 29, 2008 and certified copies of Lafayette County Ordinance Nos. 2008-06 and 2008-07, which were filed in this office on June 2, 2008.

Sincerely,

*Liz Cloud* (AK)

Liz Cloud  
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
(CODRS) CODING FORM**

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COUNTY: ( <u>  Lsange  </u> )	COUNTY ORDINANCE # ( <u>  2008 - 06  </u> ) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: ( <u>  Housing  </u> )	
SECONDARY KEYFIELD DESCRIPTOR: ( _____ )	
OTHER KEYFIELD DESCRIPTOR: ( _____ )	
ORDINANCE DESCRIPTION: ( <u>  SHIP PERM  </u> ) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: ( _____ )	AMENDMENT # 2: ( _____ )
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: ( _____ )	REPEAL # 3: ( _____ )
REPEAL # 2: ( _____ )	REPEAL # 4: ( _____ )
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ( _____ )
KEYFIELD 1 CODE: ( _____ )	KEYFIELD 2 CODE: ( _____ )
KEYFIELD 3 CODE: ( _____ )	Rev. 4/10/01

## ORDINANCE NUMBER 08-06

AN ACT OF THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM LOCAL HOUSING ASSISTANCE PROGRAM\*, PROVIDING FOR DEFINITIONS; PROVIDING FOR CREATION OF THE HOUSING ASSISTANCE TRUST FUND; PROVIDING FOR THE ESTABLISHMENT OF THE HOUSING PARTNERSHIP; PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR THE MEMBERSHIP, TERMS, QUORUM AND VOTING REQUIREMENTS OF SAID COMMITTEE; PROVIDING FOR THE ADOPTION OF THE AFFORDABLE HOUSING INCENTIVE PLAN; PROVIDING FOR THE CREATION AND INTENT OF A LOCAL HOUSING ASSISTANCE PLAN; PROVIDING FOR THE USE OF STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM FUNDS; PROVIDING FOR THE ADOPTION AND PURPOSE OF THE AFFORDABLE HOUSING PLAN; PROVIDING FOR THE ELIGIBILITY CRITERIA; DESIGNATING THE RESPONSIBILITY FOR IMPLEMENTATION AND ADMINISTRATION; AND PROVIDING AN EFFECTIVE DATE.

**\*State law references:** Housing initiative partnership act, F.S. § 420.907 et seq.

## DIVISION 1. GENERALLY

## Definitions.

All terms used in this article shall be defined as provided in the state housing initiatives partnership act, F.S. § 420.907-9079, and the administrative rules promulgated there under, particularly Chapter 67-37 as amended.

- (1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in Subsection (23), based upon a formula established by the United States Department of Housing and Urban Development. Students as defined herein are to be included in the calculation of family size.
- (2) "Adjusted gross income" means wages, income from assets, regular cash or non-cash contributions, and any other sources and benefits determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, minus the deductions allowable under Section 61 of the Internal Revenue Code of 1986, as amended.
- (3) "Administrative expenses means those expenses directly related to implementation of the Local Housing Assistance Plan and Local Housing Assistance Program and shall not include the reimbursement of costs which were previously borne by another funding source which could continue to be available at the time the Local Housing Assistance Plan is submitted.
- (4) "Affordable" means that contract rent and/or mortgage payments, insurance and property taxes do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for households qualifying under Subsection (18), Subsection (19), or Subsection (23).

- (5) "Award" means a loan, grant or subsidy funded wholly or partially by the local housing distribution.
- (6) "Community-based organization" means a nonprofit organization that has among its purposes the provision of affordable housing to persons who have special housing needs or have very low income, low income or moderate income within a designated area, which may include a municipality, a county or more than one municipality or county and maintains, through at least one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.
- (7) "Eligible housing" means any real and personal property located within the county or the eligible municipality which is designated and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of Chapter 553, Florida Statutes, for homeownership or rental for eligible persons as designated by each county or eligible municipality participating in the Local Housing Assistance Program.
- (8) "Eligible person" means one or more natural persons or a family determined by the county or eligible municipality to have special housing needs or to have very low income, low income, or moderate income according to the adjusted gross income of the resident with adjustment made for family size.
- (9) "Eligible sponsor" means a community-based organization, a person or a private or public for-profit or nonprofit entity that applies for assistance under the Local Housing Assistance Program for the purpose of providing eligible housing for eligible persons.
- (10) "Grant" means a distribution of a portion of a local housing distribution to an eligible sponsor or eligible person to provide assistance under the Local Housing Assistance Program.
- (11) "Homeownership" means a distribution of a portion of a local housing distribution to an eligible person or eligible sponsor for construction, rehabilitation, purchase of lease-purchase financing for owner-occupied eligible housing.
- (12) "Loan" means a pledge of the local housing distribution monies to an eligible sponsor or eligible person to finance the acquisition, construction or rehabilitation of eligible housing.
- (13) "Local Housing Assistance Plan" means a concise description of the Local Housing Assistance Program adopted by this Ordinance with an explanation of the way in which the Local Housing Assistance Program meets the requirements of this Ordinance and Sections 420.907 through 420.9079, Florida Statutes, and Rule 9I-37, Florida Administrative Code.
- (14) "Local housing distribution" means the proceeds of the taxes collected under Chapter 201 deposited into the Local Government Housing Trust and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership Program pursuant to Section 420.9073, Florida Statutes.
- (15) "Local Housing Partnership" means the implementation of the Local Housing Assistance Program in a manner that involves, but is not limited to, the county/city, community-based organizations, for-profit housing developers, lending institutions, providers of professional services relating to affordable housing and service organizations working on behalf of persons with special housing needs. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the

- responsibility of homeownership, counseling of tenants and the establishment of support services such as daycare, healthcare and transportation.
- (16) "Low income person" means one or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed 80 percent of the median annual adjusted gross income for households within the county. With respect to rental units, the low-income household's annual adjusted gross income at the time of initial occupancy may not exceed 80 percent of area median income adjusted for family size. While occupying the rental unit, a low-income household's annual adjusted gross income may increase to an amount not to exceed 140 percent of 80 percent of area median income adjusted for family size.
- (17) "Moderate income person" means one or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed 120 percent of the median annual adjusted gross income for households within the county. With respect to rental units, the moderate-income household's annual adjusted gross income at the time of initial occupancy may not exceed 120 percent of area median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual adjusted gross income may increase to an amount not to exceed 140 percent of 120 percent of area median income adjusted for family size.
- (18) "Personal property" means major appliances, including a freestanding refrigerator or stove, to be identified on the encumbering documents.
- (19) "Persons who have special housing needs" means persons who have incomes not exceeding moderate income and who, because of particular social, economic or health-related circumstances, have greater difficulty acquiring or maintaining affordable housing. Such persons may, for example, encounter resistance to their residing in particular communities, increased housing cost resulting from unique needs and high risk of institutionalization. As set out in the State of Florida Comprehensive Housing Affordability Strategy (1991), these individuals include persons with developmental disabilities; persons with mental illness/chemical dependency; persons with AIDS and HIV disease, runaway and abandoned youth, single-parent families; public assistance recipients; homeless; migrant and seasonal farm workers; refugees and entrants; and the elderly and disabled adults.
- (20) "Student" means a person not living with his or her parent or guardian who is eligible to be claimed by the person's parent or guardian under the Federal Income Tax Code and who is enrolled at least half time in a secondary school, vocational-technical school, community college or university. The term does not include a person participating in a job training program approved by the county or eligible municipality.
- (21) "Very low income person" means one or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed 50 percent of the median annual adjusted gross income for households within the county. With respect to rental units, the very low-income household's annual adjusted gross income at the time of initial occupancy may not exceed 50 percent of area median income adjusted for family size. While occupying the rental unit, a very low-income household's annual adjusted gross income may increase to an amount not to exceed 140 percent of 50 percent of area median income adjusted for family size.

**Cross references:** Definitions generally, § 1-2.

**Creation of housing assistance trust fund.**

- (a) The county housing assistance trust fund is created and established.
- (b) The housing assistance trust fund shall be established and maintained as required by Section 420.907-9079, F.S. and Chapter 67-37, F.A.C.
- (c) The following monies shall be deposited into the housing assistance trust fund:
  - (1) All monies received by the county from its share of the local housing distribution that is defined in Rule 67-37.002, as the proceeds of taxes collected under F.S. ch. 201, deposited into the local government housing trust fund and distributed to counties and eligible municipalities participating in the state housing initiatives partnership program (SHIP) pursuant to F.S. § 420.9073, recaptured local housing distribution funds, and program income.
  - (2) Other monies received or budgeted by the county to provide for the housing assistance program.
  - (3) Monies generated from housing assistance program activities such as interest earned on loans; provided, however, local housing distribution funds used to match federal HOME Program monies may be repaid to the HOME Program trust fund, if required by federal law or regulation.
- (d) Expenditures other than for the administration and implementation of the housing assistance plan shall not be made from the housing assistance trust fund.
- (e) Monies from the housing assistance trust fund shall be used to implement the housing assistance plan and shall be further limited by the restrictions in use provided by F.A.C. 67-37.007 and other pertinent state law or regulation.
- (f) Amounts on deposit in the housing assistance trust fund shall be invested as permitted by law for local housing distribution funds of the county. All investment earnings shall be retained in such fund and used for the purposes provided in this article.
- (g) The housing assistance trust fund shall be separately stated as a revenue fund in the audited financial statements of the county. Copies of such audited financial statements shall be forwarded annually to the state housing finance agency as soon as such statements are available.

**Establishment of housing partnership.**

- (a) The county partnership is created and established as the local housing partnership to implement the housing assistance plan to expand production of and preserve affordable housing, to increase housing-related employment and to create initiatives to provide support services for housing program beneficiaries.
- (b) The housing partnership shall include but not necessarily be limited to the county, not-for-profit and other community-based housing and service organizations, housing developers, providers of professional services relating to affordable housing and other persons who can assist in providing housing or related support services for the targeted population.

**Nondiscrimination.**

Neither the county, the grants and human services department, the housing partnership, the housing advisory committee, nor its members, staff, agents or representatives shall discriminate on the basis of race, creed, religion, color, sex,

familial status, national origin or disability in the selection of recipients or assistance under the state housing initiatives partnership program.

DIVISION 2. AFFORDABLE HOUSING ADVISORY COMMITTEE\*

\*Cross references: Boards, commissions and committees, §2-581 et seq.

Sec. 50-86. Created; purpose.

The affordable housing advisory committee is created and established to recommend monetary and non-monetary incentives for the affordable housing incentive plan.

Sec. 50-87. Membership, terms, quorum and voting requirements.

- (a) The affordable housing advisory committee shall consist of eleven members. The term of service and duties of the committee shall be as required as referenced in Section 420.9076, F.S.
- (b) Five members shall constitute a quorum sufficient to permit the committee to take any formal action. However, if formal action is not taken, the committee may meet to hear presentations with less than a quorum in attendance, if the meeting is duly noticed. A majority of concurring votes of the entire membership of the committee shall be necessary for a decision or recommendation by the committee.
- (c) The committee may elect a chairperson or presiding officer.
- (d) The county commission shall appoint by resolution the members to the committee from the recommendations submitted to the county commission. The composition of the committee shall include the following individuals as provided in Section 420.9076, F.S.:

LIST AS NOTED IN SECTION 420.9076

All meetings of the affordable housing advisory committee are public meetings, and all committee records are public records. Staff, administrative and facility support for the affordable housing advisory committee shall be provided by the grants and human services department.

Adoption of affordable housing incentive plan.

- (a) The affordable housing advisory committee shall hold public meetings which it reviews the established policies and procedures, ordinances, land development regulations and the county comprehensive plan. The committee shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
- (b) Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or comprehensive plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances or comprehensive plan provisions. At a minimum, the committee recommends affordable housing incentives in the following areas:
  - (1) Definition of affordable housing.

- (2) Expedited processing of permits issued by the city for affordable housing projects. Provisions for priority of affordable housing projects must be identified.
  - (3) Modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
  - (4) Allowance of increased density levels.
  - (5) Reservation of infrastructure capacity for housing for very low income persons and low income persons.
  - (6) Transfer of development rights as a financing mechanism for housing for very low income and low income persons.
  - (7) Reduction of parking and setback requirements.
  - (8) Allowance of zero lot line configurations or development.
  - (9) Modification of street requirements.
  - (10) Initiation of a process to evaluate the impact of proposed city policies, procedures, ordinances, regulations or comprehensive plan provisions upon the cost of housing prior to adoption by the city.
  - (11) Preparation of a printed inventory of locally owned public lands suitable to affordable housing.
  - (12) Other affordable housing incentives.
- (c) To the maximum extent feasible, the recommendations for affordable housing incentive plan submitted to the county commission shall quantify the affordable housing cost reduction anticipated from implementing the specific recommendations.
- (d) The affordable housing advisory committee shall submit recommendations approved by an affirmative vote of a majority of its entire membership at a public hearing. Public notice of the committee meeting shall include the time, date and place and shall be published in a newspaper of general paid circulation. The notice shall provide a short and concise summary of the affordable housing incentive plan recommendations to be considered by the committee. The notice shall state the public place where a copy of the committee recommendations can be obtained by interested persons.
- (e) Within 90 days after receipt of the affordable housing incentive plan recommendations from the committee, the county commission shall adopt an affordable housing incentive plan. The incentive plan shall adopt specific initiatives to encourage or facilitate affordable housing and a schedule for implementation. At a minimum, the incentive plan shall provide the following:
- (1) A schedule for implementation of expedited permit processing for affordable housing projects.
  - (2) A process for review of local policies, ordinances, regulations, and incentive plan provisions that significantly impact the cost of housing prior to their adoption.

#### LOCAL HOUSING ASSISTANCE PLAN

Created; intent.

The housing assistance plan is created and established for the purpose of making affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs. The plan is intended to increase the availability of affordable residential units by combining local resources and

cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.

#### Use of State Housing Initiatives Partnership Program Funds.

State Housing Initiatives Partnership (SHIP) Program local housing distribution funds shall be used to implement the housing assistance plan. The benefits of the assistance received through the SHIP program must accrue to eligible persons occupying eligible housing. Eligible properties must be located within the territorial limits or geographic boundaries of the city. The funds received shall be used to implement a locally designed strategy that creates or preserves affordable housing for homeowners and renters. This section shall not be construed to prohibit use of the local housing distribution deposited in the housing assistance trust fund for a mixed-income rental development. Local housing distribution funds may be used in applications to:

- (1) Implement local housing assistance and incentive strategies that create or preserve affordable housing.
- (2) Supplement programs of the state housing finance agency.
- (3) Provide a local match to obtain federal housing grants or programs.
- (4) Find emergency repairs by existing service providers under weatherization programs.
- (5) Further the housing element of the comprehensive plan, as amended, specific to affordable housing.

#### Adoption; purpose.

The county commission shall adopt an affordable housing plan within 12 months after establishing, by ordinance, the housing assistance plan in accordance with the provisions of F.A.C. 67-37.010, as amended. The purpose of the affordable housing incentive plan is to provide a coordinated strategy of special affordable housing incentives to be utilized during the time period designated in the plan. The affordable housing incentive plan may be amended or extended by the city council from time to time.

#### Eligibility criteria.

The following criteria apply for the distribution of awards made to eligible persons or sponsors for the purpose of providing affordable housing:

- (1) *Limitations on expenditure of funds.* Limitations on the expenditure of funds shall be as follows:
  - (a) At least 65 percent of the funds made available from the local housing distribution shall be reserved for home ownership activities.
  - (b) At least 75 percent of the funds made available from the local housing distribution shall be reserved for construction, rehabilitation or emergency repairs of affordable, eligible housing. Construction, rehabilitation or emergency repairs must be completed either within one year immediately preceding the date of closing (conveyance of title) or within 24 months of the close of the applicable state fiscal year to satisfy this requirement, unless otherwise extended as provided by F.A.C. 67-37.002, Code, as amended.
  - (c) No more than ten percent of the funds made available for local housing distribution and no more than five percent of the program income shall be used for administrative expenses of the housing assistance plan. If the county desires to use more than five percent of its local housing



distribution and/or an additional five percent of program income on administrative expenses, prior approval by resolution of the county commission is required.

- (d) The balance of the funds made available for local housing distribution may be used for housing production and finance activities, including but not limited to financing of the purchase of existing units, providing rental housing and providing home ownership training to prospective purchasers and owners of homes assisted through the housing assistance program.
- (2) *Restrictions on occupancy, use and price of homes.* Restrictions on occupancy, use and price of homes shall be as follows:
- (a) The purchase price of or value of new or existing homes which are sold or rehabilitated under the state housing initiatives partnership (SHIP) program shall not exceed 90 percent of the median area purchase price for either new or existing homes, as applicable, for the area where the housing is located, as established by the United States Department of Treasury. The county at its discretion may set the purchase price below the 90-percent benchmark.
  - (b) Loans using local housing distribution funds deposited in the housing assistance trust fund may not have terms exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.
  - (c) All units constructed, rehabilitated or otherwise assisted with local housing distribution funds provided from the housing assistance trust fund shall be occupied by eligible persons. At least 30 percent of the local housing distribution funds deposited into the housing assistance trust fund must be reserved for awards to very low income persons or eligible sponsors who will serve very low income persons and at least an additional 30 percent of the local housing distribution funds deposited in the housing assistance trust fund must be reserved for awards to low income persons. The remainder may be reserved for eligible persons or eligible sponsors that will serve eligible persons.
  - (d) Loans or grants for eligible rental housing constructed or rehabilitated or otherwise assisted from the housing assistance trust fund must be subject to recapture requirements as provided by the housing assistance plan. Rental housing constructed or rehabilitated or otherwise assisted from the housing assistance trust fund shall provide the minimum set-aside requirements of units for eligible persons for at least 15 years or the term of assistance, whichever period is longer. Rental housing offered for sale prior to the end of this period or have remaining mortgages under the program must be subject to a right of first refusal for purchase at the current market value by eligible not-for-profit organizations that would provide continued occupancy by eligible persons.
  - (e) The amount of monthly mortgage payments, including taxes and insurance, and the amount of monthly rental payments shall be affordable for the very low, low and moderate income persons and households who will benefit from the housing assistance plan.
  - (f) Rental units constructed or rehabilitated or otherwise assisted from the housing assistance trust fund shall be monitored at least annually for 15

- years or the term of assistance, whichever is longer, for compliance with tenant income and affordability requirements.
- (g) Loans or grants for houses constructed or rehabilitated or otherwise assisted from the housing assistance trust fund that are sold to homebuyers shall be subject to recapture requirements as provided by the housing assistance plan.
  - (h) Local housing distribution funds deposited to the housing assistance trust fund may not be used as a pledge to pay the debt service on bonds or as rent subsidies; provided, however, funds may be used for security and utility deposit assistance.
  - (i) Developers receiving assistance from both the state housing initiatives partnership (SHIP) program and the low income rental housing tax credit (LIRHTC) program shall be required to comply with the income, affordability and other LIRHTC requirements. Similarly, any units receiving assistance from SHIP and other federal, state, or local programs shall be required to comply with all requirements specified by the other program in addition to SHIP requirements. If both programs contain restrictions on the same subject, the more restrictive regulations shall take precedence. If one program is silent on an issue, the program with a regulation on that issue shall apply.

Responsibility for implementation and administration.

- (a) The county grants and human services department shall be responsible for the development, implementation and administration of the housing assistance plan according to the state housing initiatives program, F.S. § 420.907 et seq.

The \_\_\_\_\_ department shall cooperate with the local housing partnership in order to accomplish the purposes of the housing assistance plan and to effectuate the strategies in furtherance thereof.

- (b) At minimum, the grants and human services department shall assume the following responsibilities:
  - (1) Oversight of the receipt and expenditures of local housing distribution funds in compliance with state law regulation.
  - (2) Coordination of efforts to promote the construction and development of affordable housing with state agencies, the county, other municipalities with the county and other affected public and private entities.
  - (3) Evaluation of the effectiveness of the housing assistance plan.
  - (4) Verification that no more than ten percent of the local housing distribution plus five percent of program income will be used for administrative expenses.
  - (5) Compliance with the following criteria:
    - a. All reporting requirements of the state housing finance corporation.
    - b. Advertisement of the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods within the county at least 30 days before the beginning of each application period.
    - c. No discrimination on the basis of race, creed, religion, color, age, sex, familial status, marital status, national origin or disability in

the award application process for eligible housing and in the implementation of the housing assistance program.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, this 27 day of May, 2008.



BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA

By: T. Jack Byrd  
T. JACK BYRD  
Chairman of the Board

ATTEST:

Ricky Lyons  
RICKY LYONS, Clerk of Court

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
(CODRS) CODING FORM**

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Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: ( Lafayette ) COUNTY ORDINANCE # ( 2008 - 07 )  
(e.g., 00-001)

PRIMARY KEYFIELD  
DESCRIPTOR: ( COMPREHENSIVE PLANNING )

SECONDARY KEYFIELD  
DESCRIPTOR: ( \_\_\_\_\_ )

OTHER KEYFIELD  
DESCRIPTOR: ( \_\_\_\_\_ )

ORDINANCE DESCRIPTION: ( SCHOOL BD CAPITAL IMPROV )  
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: ( \_\_\_\_\_ ) AMENDMENT # 2: ( \_\_\_\_\_ )

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: ( \_\_\_\_\_ ) REPEAL # 3: ( \_\_\_\_\_ )

REPEAL # 2: ( \_\_\_\_\_ ) REPEAL # 4: ( \_\_\_\_\_ )

(Others repealed: List all that apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ( \_\_\_\_\_ )

KEYFIELD 1 CODE: ( \_\_\_\_\_ ) KEYFIELD 2 CODE: ( \_\_\_\_\_ )

KEYFIELD 3 CODE: ( \_\_\_\_\_ )

ORDINANCE NO. 2008-27

AN ORDINANCE OF LAFAYETTE COUNTY, FLORIDA, AMENDING THE LAFAYETTE COUNTY COMPREHENSIVE PLAN, AS AMENDED; PURSUANT TO AN APPLICATION, CPA 08-2, BY THE BOARD OF COUNTY COMMISSIONERS, TO AMEND THE TEXT OF THE LAFAYETTE COUNTY COMPREHENSIVE PLAN, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE COMPREHENSIVE PLAN, AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN TO ADD A POLICY CONCERNING COORDINATION WITH THE SCHOOL BOARD AND AMENDING THE CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN TO ADD PUBLIC SCHOOL FACILITIES LEVEL OF SERVICE STANDARDS AND TO AMEND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, as amended, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Board of County Commissioners has been designated as the Planning and Zoning Board of Lafayette County, Florida, hereinafter referred to as the Planning and Zoning Board;

WHEREAS, the Board of County Commissioners has been designated as the Local Planning Agency of Lafayette County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners held the required public hearings, with public notice having been provided, pursuant to the procedures established in Sections 163.3161 to 163.3215, Florida Statutes, as amended, on said application for an amendment, as described below, and at said public hearings, the Board of County Commissioners reviewed and considered all comments received during the public hearings, including the recommendation of the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 08-2, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, a Public School Facilities Element, dated May 27, 2008, and made a part of this ordinance by reference, is hereby added to the Comprehensive Plan.

Section 2. Pursuant to an application, CPA 08-2, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, Policy VII.I.4, of the Intergovernmental Coordination Element, is hereby amended to read, as follows:

Policy VII.1.4 The County shall coordinate its comprehensive planning with the School Board pursuant to the Interlocal Agreement for Public School Facility Planning by reviewing and commenting on the Five-Year Facilities Work Program of the School Board annually; reviewing and commenting on the Educational Plant Survey of the School Board; providing growth and development trend reports to the School Board annually; reviewing and commenting on future school sites for consistency with the Comprehensive Plan; providing notification of Comprehensive Plan amendments, rezonings, and development proposals to the School Board; considering co-location and shared use opportunities for community facilities with the School Board; providing applications for residential development to the School Board for a determination of whether there is adequate school capacity to accommodate the proposed residential development; and jointly evaluating with the School Board proportionate share mitigation options if school capacity is not available.

Section 3. Pursuant to an application, CPA 08-2, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, a portion of Policy VIII.2.1 of the Capital Improvement Element, is hereby amended, to add the Public School Facilities Level of Service Standards to read, as follows:

**PUBLIC SCHOOL FACILITIES LEVEL OF SERVICE STANDARDS**

ACTIVITY	LEVEL OF SERVICE STANDARD
Elementary	90 percent of permanent Florida Inventory of School Houses capacity as adjusted annually by the School Board to account for measurable programmatic changes.
Middle	90 percent of permanent Florida Inventory of School Houses capacity as adjusted annually by the School Board to account for measurable programmatic changes.

High School 90 percent of permanent Florida Inventory of School Houses capacity as adjusted annually by the School Board to account for measurable programmatic changes.

Section 4. Pursuant to an application, CPA 08-2, by Board of County Commissioners, to amend the text of the Comprehensive Plan, the Five-Year of Capital Improvements of the Capital Improvement Element, is hereby amended to read, as follows:

IMPLEMENTATION

FIVE YEAR SCHEDULE OF IMPROVEMENTS

The five year schedule of improvements shown in Table VIII-1 is the implementation mechanism of the Capital Improvements Element to stage the timing, location, projected cost and revenue sources for any capital improvement needs identified within the other elements of the Comprehensive Plan. The following schedule documents the economic feasibility of the County's Comprehensive Plan and is based upon the Data and Analysis Report, which although not a part of this plan, provides the foundation for the determination of the economic feasibility of any projects listed.

TABLE VIII-1

FIVE YEAR SCHEDULE OF IMPROVEMENTS

2009-2013

Project Des.	Schedule	Projected Cost	Location	Revenue Source	Consistent with other elements
None					

Source: Data and Analysis Report, November 30, 1987. Revised January 1991, August 1991, July 1998, and October 2007.

Section 5. 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 6. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Florida Department of State.


The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the matter provided by law.

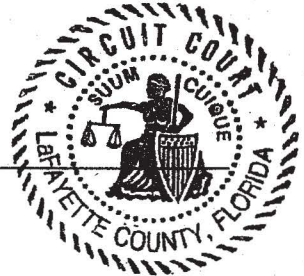
Section 8. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended and Sections 163.3161 through 163.3215, Florida Statutes, as amended.

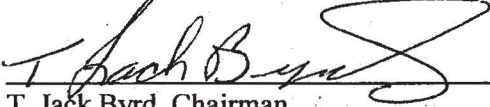
PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners in regular session this 27 day of May 2008.

BOARD OF COUNTY COMMISSIONERS  
OF LAFAYETTE COUNTY, FLORIDA

Attest:

  
Ricky Lyons, County Clerk



  
T. Jack Byrd, Chairman