

ORDINANCE NO. 439

AN ORDINANCE AMENDING ORDINANCE 358, WHICH ADOPTED THE CITY OF BONIFAY COMPREHENSIVE PLAN, AND ORDINANCE 401 WHICH AMENDED THE CITY OF BONIFAY FUTURE LAND USE MAP TO PROVIDE THE CONSIDERATION OF ADOPTION OF A CERTAIN AMENDMENT TO THE CITY OF BONIFAY COMPREHENSIVE PLAN TO REVISE AND UPDATE THE EXISTING COMPREHENSIVE PLAN AND FUTURE LAND USE MAP IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Chapter 163, laws of Florida, which requires the City of Bonifay ("City") to prepare, adopt, enforce and update a Comprehensive Plan; and

WHEREAS, the City of Bonifay Planning Commission held a Public Hearing to consider the recommended amendment to the Comprehensive Plan on March 4, 2024, and recommended the Amendment be transmitted by the City Council for Adoption to the Florida Commerce Department and other State, Regional and County agencies; and

WHEREAS, the Legislature adopted Chapter 163, Florida Statutes which requires the City of Bonifay ("City") to prepare, adopt, enforce and update a Comprehensive Plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida) requires the City to include a property rights element and an updated Capital Improvements Element in its City of Bonifay Comprehensive Plan; and

WHEREAS, the City respects judicially acknowledged and constitutional protected private property rights; and

WHEREAS, The City respects the rights of all people to participate in land use and planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element; and

WHEREAS, this ordinance will amend the comprehensive plan to update the current language to follow the 2023 version of Florida Statutes; and

WHEREAS, this ordinance updates referenced measurements; and

WHEREAS, this ordinance updates the 2023-24 Capital Improvements Element; and

WHEREAS, the City Council of Bonifay, Florida held a public hearing as required by Chapter 163, Florida Statutes with due public notice having been provided, and having reviewed and considered all comments received during the public hearings, and provided for

necessary revisions; and

WHEREAS, in exercise of its authority, the City Council finds it necessary and desirable to adopt and does hereby adopt the Amendment to the Comprehensive Plan, in order to update the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, THAT:

SECTION 1. The City of Bonifay Comprehensive Plan is amended in accordance with Florida Statutes by adding the attached as Exhibit A and made part of this ordinance as is for in full.

SECTION 2. Authority. The authority for enactment of this ordinance is Article 1, Section 1.01 of the Charter of the City of Bonifay. Amendment consists of the attached hereto as Exhibit A, and made a part hereof and which will be incorporated in the current Comprehensive Plan of the City of Bonifay.

SECTION 3. Amendment. The Comprehensive Plan for the City of Bonifay is hereby amended, read as follows in Exhibit A.

SECTION 4. Severability. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions there of shall remain valid and enforceable.

SECTION 5. Effective Date. This Ordinance shall become effective upon its adoption by the City Council as provided by law.

PRESENTED AND READ BY TITLE BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA ON THE 4TH DAY OF MARCH 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BONIFAY, FLORIDA ON THIS ———DAY OF ——— 2024.

ATTEST:

BONIFAY CITY COUNCIL

Rickey Callahan, City Clerk

Larry Cook, Mayor/Council