

ORDINANCE NO. 338

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF HAVANA, FLORIDA IN THE FOLLOWING RESPECTS, TO-WIT: AMENDING THE FUTURE LAND USE ELEMENT TO ADD A NEW OBJECTIVE AND POLICIES TO PROVIDE FOR THE LOCATION OF SCHOOLS IN A COORDINATED MANNER ENSURING THAT THE PLANNING AND CONSTRUCTION OF EDUCATIONAL FACILITIES ARE COORDINATED IN TIME AND LOCATION CONCURRENT WITH NEED, NECESSARY SERVICES AND INFRASTRUCTURE; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO ADD A NEW GOAL, OBJECTIVE AND POLICIES TO PROVIDE FOR JOINT PLANNING WITH THE GADSDEN COUNTY SCHOOL BOARD AND OTHERS TO INSURE SITING OF PUBLIC SCHOOLS AND FACILITIES CONCURRENT WITH RESIDENTIAL DEVELOPMENT; AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT (CHAPTER 10) TO ADD NEW GOALS AND OBJECTIVES TO INSURE THAT THE PUBLIC SCHOOL CONCURRENCY SYSTEM IS BASED ON APPROPRIATE AND RELEVANT DATA AND ANALYSIS AND THAT CONSISTENT GOALS, OBJECTIVES AND POLICIES ARE ADOPTED; PROVIDING FOR TRANSMITTAL OF SAID AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A COMPLIANCE FINDING; PROVIDING FOR SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA:

SECTION 1. That the Future Land Use Element is hereby amended to add a new objective and policies to provide for the location of schools in a coordinated manner ensuring that the planning and construction of educational facilities are coordinated in time and location concurrent with need, necessary services and infrastructure, to-wit:

OBJECTIVE 6: The Town of Havana shall provide for and locate schools in coordinated manner ensuring that the planning and construction of educational facilities are coordinated in time and location concurrent with need, necessary services and infrastructure. New schools will be sited with respect and consideration of existing and planned residential development and natural resources. All decisions regarding provision and siting of schools will be consistent with this Comprehensive Plan.

Policy 6.1: The Town shall coordinate through the terms of the Interlocal Agreement with the Gadsden County School Board, Gadsden County and the other municipal governments within Gadsden County on the siting of educational

facilities and review site plans consistent with the following criteria:

- a. The proposed school location shall be compatible with existing uses of adjacent property;
- b. Public facilities and services are, or will be available with sufficient capacity to maintain the adopted level of service for each facility or service upon completion of construction of the school;
- c. The proposed school location contains no significant environmental constraints that would preclude development;
- d. The proposed location will not result in adverse impacts to archeological or historical sites or structures listed on the State of Florida Master Site File;
- e. The proposed location contains soils and topographic features that are suitable for development or are adaptable for development or outdoor educational purposes;
- f. The proposed location is of sufficient size to accommodate required parking relevant to the grand level and internal circulation; and
- g. New middle or high schools shall be located on or directly accessible to a collector or major arterial.

Policy 6.2: The Town of Havana Performance Zoning Ordinance currently allows public educational facilities of all types as permitted uses subject to meeting performance standards all other developments must meet in the Urban Core and Development Districts and this provision will be maintained.

Policy 6.3: The Town shall promote the siting and co-location of public schools with other public facilities as permitted land uses. To the maximum extent possible, new public facilities shall be located, designed and constructed on or adjacent to library, community centers, parks and/or recreational facilities.

SECTION 2. That the Intergovernmental Coordination Element is hereby amended to add a new goal, objective and policies to provide for joint planning with the Gadsden County School Board and others to insure siting of public schools and facilities concurrent with residential development, to-wit:

Goal 2: The Town shall participate in joint planning processes and procedures for coordination of public education facilities to ensure that the siting for public schools and facilities is concurrent with residential development.

Objective 2.1: On an ongoing basis, the Town shall review coordination mechanisms described in the Public Schools Facilities Element and participate in those activities as further described in the School Siting Interlocal Agreement.

Policy 2.1.1: In order to properly coordinate the Gadsden County School Board, the Town, shall implement the School Siting Interlocal Agreement, as required by Section 1013.33, F.S., which includes procedures for:

1. Annual School Siting Interlocal Agreement committee meeting.
2. Student enrollment and population projections;
3. Planning Processes;
4. Coordination and Sharing of Information;
5. School site selection, significant renovations, and potential school closings;
6. Comprehensive Plan amendments, rezonings and development approvals;
7. Co-location for shared use;
8. Resolution of disputes;
9. Oversight processes Policy

Policy 2.1.2: The Town shall notify the Gadsden County School Board of any meetings during which a planning decision will be considered that will have impacts on school capacity allowing the School Board an opportunity to respond to the agenda item in writing or in person.

Policy 2.1.3: The Town shall provide the Gadsden County School Board copies of large scale residential development plans prior to plat submittal in order to coordinate public educational facilities siting with changes in residential growth.

Policy 2.1.4: The Town shall evaluate and recognize Campus Master Plans prepared by the School Board. New campus plans will be considered based on land use categories, zoning requirements, buffering for existing adjacent uses, co-location with other public facilities, requirements for essential services, protection of environmentally sensitive areas to the greatest extent possible, and stormwater management.

SECTION 3. That the Public School Facilities Element (CHAPTER 10) is hereby amended to add new goals and objectives to insure that the Public Schools Concurrency System is based on appropriate and relevant data and analysis and that consistent goals, objectives and policies are adopted, to-wit:

School Board shall submit to the Town of Havana, the tentative district educational facilities plan for comment prior to adoption by the School Board. The Town shall review the plan and comment to the School Board within 45 days on the consistency of the Plan with the Town's Comprehensive Plan, and whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the Town supports any necessary plan amendment.

Policy 1.2.3: Educational Plant Survey: The School Board shall submit a draft of the Educational Plant Survey to the Town of Havana 45 days prior to adoption by the School Board regarding the consistency of the planned school facilities, including school renovations and closures, with the Town's comprehensive plan.

Policy 1.2.4: Growth and Development Trends: The Town of Havana shall report on growth and development trends within the Town's urban services area to the School Board by November 1st of each year. The Town shall provide the information following the procedures described in Section 3.3 of the Interlocal Agreement.

Objective 1.3 -- School Facility Siting and Availability:

The Town shall support the School District in its efforts to provide for, locate and expand, or contract public schools in a coordinated manner ensuring that the planning, construction, and opening of educational facilities are coordinated in time and place, concurrent with the necessary supporting infrastructure and ensuring compatibility with surrounding uses and consistency with the comprehensive plan.

The Town shall support the School District in its effort to coordinate the location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible.

Policy 1.3.1: School Facility Siting: School facility sites will be coordinated with the Future Land Use Element and the Future Land Use Map of this comprehensive plan. Schools are a permitted use in the Urban Core and Development Districts designated on the Town's Future Land Use Map. Gadsden County's Long Range Public School Facility Map will be coordinated with this comprehensive plan.

In addition to meeting the Objectives and Policies of the Future Land Use Element regarding School Location, the Town shall assist the School Board to determine appropriate sites for schools. The location of public schools will be consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future residential land uses. Strong preference will be given to relocation on closed school board sites, and to locations that can be used as a potential catalyst or leverage for redevelopment efforts in surrounding areas.

Policy 1.3.2: School Facility Location Coordination: The Town will coordinate with the School Board to assure that proposed public school facility sites are consistent with the applicable land use categories and policies of this comprehensive plan. Pursuant to Section 235.193, F.S., the Town will consider each site plan as it relates to environmental, health, safety, and welfare concerns, as well as the effects on the adjacent

CHAPTER 10

Public School Facilities Element

Introduction

Per Rule 9J-5.025, F.A.C. the Public School Facilities Element ensures that the public school concurrency system is based on appropriate and relevant data and analysis and that consistent goals, objectives, and policies are adopted. Public school concurrency is intended to forge a responsive link between development pressures and planned school capacity and must meet the criteria of Chapter 163.3177(12), Florida Statutes.

Gadsden County, the Gadsden County School Board, and the municipal governments within Gadsden County including the Town of Havana recognize the benefits to all citizens of the County by more closely coordinating their comprehensive land use and school planning programs. This coordination will be achieved by:

- 1 Better coordination of new schools in time and place with the development of residential areas;
- 2 Greater efficiency for the school board and local government by placing schools to take advantage of existing and planned roads, water, sewer, and parks;
- 3 Improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of local governments;
- 4 Better defined urban form by locating and designing schools to serve as community focal points;
- 5 Greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, and;
- 6 A reduction of pressures contributing to urban sprawl and support to existing neighborhoods by appropriately locating new schools.

This element will ensure adequate school capacity for the five year and long term planning period, coordinate school location with residential development, ensure the necessary supporting infrastructure, include options for proportionate fair-share mitigation, and coordination of school site selection with the Gadsden County School Board.

ADOPTED PORTION

PUBLIC SCHOOL FACILITIES GOALS, OBJECTIVES AND POLICIES

GOAL 1 COORDINATE AND MAINTAIN HIGH QUALITY EDUCATION

The Town of Havana shall coordinate with the Gadsden County School Board to ensure public school facilities are of the highest quality and meet the needs of the Town's existing and future population.

Objective 1.1 -- Population Projections:

In order to coordinate populations with the County, one of more representatives of the Gadsden County Commission, the Gadsden County School Board, and the municipal governing bodies within Gadsden County will hold a publicly advertised annual meeting, with additional meetings to be scheduled as necessary in joint workshop sessions. A representative of the Apalachee Regional Planning Council will be invited to attend. The joint workshop sessions will be an opportunity for the County Commission, the School Board, and the municipalities to hear reports, discuss policy, set direction, and reach understanding concerning issues of mutual concern regarding coordination of land use and school facilities planning. These meeting will cover population growth and attendance trends, known and anticipated development trends, school needs, off-site improvements required to serve school facilities, and joint use opportunities. This workshop session will address correction of existing school facility deficiencies and facilities required to meet future needs.

Policy 1.1.1 Student Enrollment and Population Projections: In fulfilling their respective planning duties, the County, School Board and the Cities agree to coordinate and base their plans upon consistent projections of the amount, type and distribution of residential growth and projections of student enrollment. The student enrollment projections shall consider the impacts of development trends and data required to be reported by Section 3. of the Interlocal Agreement for Public School Facility Planning. To accomplish this policy, the Town of Havana and the School Board agree to provide the information specified in Sections 3, 4 and 5 of the Interlocal Agreement.

Objective 1.2 -- Coordination and Sharing of Information:

In the annual workshop of the Gadsden County Commission, the Gadsden County School Board and the included Cities and along with representatives of the Apalachee Regional Planning Council the parties shall provide pertinent new data on development approvals, new housing permits, enrollment histories and projections, and such information as may allow the participants to fully understand recent and anticipated changes affecting each Town individually, and the County jointly.

Policy 1.2.1: Annual Review: The Town of Havana shall undergo an annual review of the element with respect to school enrollment projections with the School Board, Gadsden County and the Cities.

Policy 1.2.2: Tentative District Educational Facilities Plan: On July 1st of each year, the

property and the impacts of and to the surrounding neighborhood. Guidelines for the selection of future school sites shall include, but not be limited to:

1. The Town will encourage the School Board to re-utilize closed County school facilities where feasible;
2. Acquisition of school sites which allow for future expansions to accommodate future enrollment and other facility needs which promote the Town's development and redevelopment objectives;
3. School sites will be deemed beneficial for joint uses with other public facilities such as parks, libraries and community centers as identified by the School Board and Town. In addition, co-location and shared use of school and governmental facilities for health care and social services will be considered;
4. Coordination of the location, phasing and development of future school sites to ensure that site development occurs in conjunction with the availability of required infrastructure to include water, sewer, roads, drainage, sidewalks and transit stops to serve the school facility; and
5. The Town will encourage the siting of school facilities to serve as community focal points.

Policy 1.3.3 Emergency Preparedness Coordination: The Town will coordinate with the School Board, the other local governments in Gadsden County and the County in efforts to construct new school facilities, facility expansions or rehabilitations to be designed to serve as and provide emergency shelters as required in Statute 1013.372, F.S.

Objective 1.4 -- Land Use and School Facility Construction

The Town of Havana will manage the timing of new development to coordinate with adequate school capacity, as determined by the adopted level of service standards for each year of the five-year planning period and the long term planning period for the Gadsden County School District.

Policy 1.4.1 Adequate Capacity: Where capacity will not be available to serve students from the property seeking a land use amendment that increases residential density or a development of regional impact approval, the Town will coordinate with the School Board to ensure that adequate capacity is planned and funded to accommodate the future students or that the applicant has provided adequate mitigation to offset inadequacies in anticipated school capacity.

Policy 1.4.2 Coordination of Planning Efforts: Where feasible, in conjunction with the plan amendment cycle, the School Board's long range facilities plans over the five-year, ten-year and twenty-year periods shall be amended to reflect the needs created by the land use plan amendment or development order.

GOAL 2: IMPLEMENT PUBLIC SCHOOL CONCURRENCY

The Town of Havana shall work with the Gadsden County School District to support the provisions of future public school facilities to serve new development consistent with the

adopted level of service standards. This goal will be accomplished, recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the Town's authority over land use decisions, including the authority to approve or deny comprehensive plan amendments, rezonings or other development orders that generate students and increase the Town's impacts on the County School System.

Objective 2.1 – Level of Service Standards:

The Town, through its implementation of its concurrency management system, shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted Level Of Service (LOS) standards within the period covered by the five-year schedule of capital improvements and the long range planning period. After the first five-year schedule of capital improvements, capacity shall be maintained with each year of subsequent five-year schedules of capital improvements. These standards shall be consistent with the Interlocal Agreement agreed upon by the School Board, Gadsden County and the included municipal governments.

Policy 2.1.1 – Consistency with LOS Standards: The LOS standards set forth shall be applied consistently by the County and all municipal governments within Gadsden County and by the School Board district-wide to all schools of the same type.

Policy 2.1.2 – LOS Standards: Consistent with the Intergovernmental Agreement, the uniform district-wide level of service standards are initially set as follows:

Table 1. Level Of Service Standards, Gadsden County School Board, 2008

TYPE OF SCHOOL FACILITY	LEVEL OF SERVICE STANDARD
Elementary	100% of DOE permanent capacity (FISH)*
Middle	100% of DOE permanent capacity (FISH)
K-8	100% of DOE permanent capacity (FISH)
High	100% of DOE permanent capacity (FISH)
Special Purpose	100% of DOE permanent capacity (FISH)

FISH=Florida Inventory of School Houses.

Policy 2.1.3: -- Amendments to LOS: Potential amendments to these established Levels of Service shall be considered at least annually at the workshop meeting of the School Board, the County and the included municipal governments to take place not later than April 15th of each year. If there is a consensus to amend any LOS, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of the amendments to the County's and each Town's individual concurrency management systems. The amended LOS shall not be effective until all amendments are effective and the amended Interlocal Agreement is fully executed. No LOS shall be amended without showing that the amended LOS is financially feasible and can be achieved and maintained over the five years of the Capital Facilities Plan.

If the impact of a development project will not be felt until the third year of the five-year plan, any relevant programming improvements in those years shall be considered available capacity for the project and factored into the LOS analysis. If the impact of a

development project will not be felt until years four to five of the five-year plan, any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvement is assured through School Board funding, the proportionate share mitigation process, or some other means, and the project is accelerated into the first three years of the five-year plan.

Objective 2.2 – School Concurrency Service Areas:

The concurrency service area shall be the county planning area. This area will be evaluated on whether adequate school capacity is available based on the adopted LOS.

Policy 2.2.1: Concurrency Service Area Determination: Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, court-approved desegregation plans and other relevant factors.

Policy 2.2.2 – Concurrency Service Area LOS: Concurrency service areas shall be designed so that the adopted LOS will be able to be achieved and maintained within the five years of the capital improvements plan, and so that the five-year schedule of capital improvements is financially feasible. Amendments must be coordinated with the five-year District Facilities Work Plan and the comprehensive plans of the other Gadsden County and municipal governments, and as necessary, updates to the Concurrency Service Area Map. Plan amendments are required for changes to the concurrency service area to ensure that the capital improvements program continues to be financially feasible and that the LOS standards will continue to be achieved and maintained.

Objective 2.3 – Process for School Concurrency Implementation:

The School Board will determine whether adequate school capacity exists for a proposed development based on the LOS standards, concurrency service areas, and other standards set for in the Interlocal Agreement. The Town shall manage the timing of residential development approvals to ensure adequate capacity is available consistent with adopted LOS standards for public school concurrency.

Policy 2.3.1 – Plan Review: The issuance of final residential development approvals shall be subject to the availability of adequate school capacity as required in Section 163.3180(13)(e) F.S. and the maintenance of adopted LOS standards. All new residential units will be reviewed for school concurrency at the time of preliminary plat or preliminary site plan (or functional equivalent), using the coordination process specified in Sections 9.3 and 11 of the Interlocal Agreement.

The Town may choose to provide an informational assessment of school concurrency at an earlier time, but the test and capacity reservation of concurrency shall be applied at final plat, site plan or development order approval. If no development is constructed or has evidenced substantial progress within two years of plan or development order approval, then the capacity reservation shall be removed from the capacity reservation analysis spreadsheet. The assessment of available capacity by the School Board shall consider maximization of capacity and shifting of impacts.

Policy 2.3.2 – Plan Approval: The Town of Havana shall not deny a final plat, site plan

or development order which fails to achieve and maintain the adopted level of service for public capacity where:

1. Adequate school facilities will be in place or under actual construction within three years after the issuance of the plan approval; or
2. The Developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat, site plan or development order approval.

Policy 2.3.3 – Insufficient Capacity: In the event that the School District finds that there is not sufficient capacity in the affected or contiguous concurrency service area to address the impacts of a proposed development, the following shall apply. Either

- a) The project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or
- b) A condition of approval of the preliminary site plan or preliminary plat shall be that the project's final construction development plan approval and/or building permits shall be delayed to a date when capacity enhancement and LOS can be assured or only a final plat phase or portion of the final site plan able to comply with concurrency standards shall be approved; or
- c) The project must not be approved.

Objective 2.4 – Proportionate Share Mitigation:

The Town shall provide for mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standards consistent with the adopted School District's financially feasible five-year work plan.

Policy 2.4.1 – Mitigation will be allowed for those developments that cannot meet the adopted level of service standards. The amount of mitigation required shall be determined by the Department of Education's most current cost per student station applicable to Gadsden County. Mitigation options shall include those listed below for which the School District assumes operational responsibility through incorporation in the adopted Gadsden County School Districts' financially feasible Work Program and which will maintain adopted levels of service standards;

1. The donation, construction or funding of school facilities sufficient to offset the demand for public school facilities created by the proposed development; or
2. Mitigation banking to be cumulatively combined with other projects contributing funds for school capacity improvements. Mitigation shall be directed to projects on the School District's five-year capital facilities plan for expanding or accommodating capacity increases satisfying the demand created by that development approval, and shall be assured by a legally binding development agreement executed prior to issuance of any building permit for the project. This development shall include the landowner's commitment to continuing renewal of the development agreement upon its execution, if necessary.

Policy 2.4.2 – Mitigation must be directed toward a permanent capacity improvement identified in the School District's financially feasible five-year work program which

satisfies the demands caused by the proposed development consistent with the adopted LOS standards. Such improvement shall not include portable buildings or temporary buildings intended for use for more than five years.

Policy 2.4.3 – Proportionate Share Formula: The applicant's total proportionate share obligation to resolve a capacity deficiency shall be based on the following: the cost per student station, and for each school type (elementary, middle and high) for which there is not sufficient capacity. The Proportionate Share for a development shall be determined by the following formulas:

- a) Number of new student stations required for mitigation (by school type) = [number of dwelling units generated by development proposal, (by housing type) x student generation multiplier (by housing type and school type)] – number of available student stations.
- b) Cost of proportionate share mitigation = number of new student stations required for mitigation (by school type) x cost per student station (by school type).

Policy 2.4.4 – Proportionate Share Development Agreement: If the Town of Havana and the School Board find that options exist for proportionate share mitigation, they shall authorize the preparation of a development agreement and other documentation appropriate to implement the proportionate share mitigation option(s). A legally binding development agreement shall be entered into between the School Board, the Town of Havana, and the applicant executed prior to issuance of the construction plan approval for a subdivision subject to a final plat or a subdivision subject to a final site plan approval. In that agreement, if the School Board accepts the mitigation, it must commit to place the improvement required for mitigation in its five-year plan. This development agreement shall include the landowner's commitment to continuing renewal of the development agreement among the applicant, the local government and the school district. The development order shall be issued on a condition of compliance with the development agreement.

Objective 2.5 – School Facility Site Plan Coordination and Review:

When the need for a new school is identified in the district educational facilities plan, the School Board will make recommendations of potential sites. If said site shall affect the Town of Havana or its urban services area, the Town will have the opportunity to review the site selection with respect to its comprehensive plan.

Policy 2.5.1 – Plan Coordination: As early in the design phase of the site plan as is feasible (pre-application conference phase or conceptual review phase), but at least 60 days before signing design services for school site plan design, the School Board will request a formal consistency determination from the Town of Havana, should the Town have jurisdiction over the use of the land. The Town will determine in writing, within 45 days after receiving a request and the necessary information from the School Board, whether a proposed public educational facility is consistent with this comprehensive plan and the Havana Land Development Regulations.

Policy 2.5.2 – Plan Review: If a school site plan is consistent with the Future Land Use Element's policies and allowable land uses and is substantially consistent with the

Havana Land Development Regulations, the Town may not deny the site plan application but may impose reasonable development standards and conditions in accordance with Section 1013.33(13), F.S.. The Town may consider the adequacy of the site as it relates to environmental concerns, health, safety, welfare, effects on adjacent properties and impacts on infrastructure and transportation facilities.

Objective 2.6 – Annual Plan Amendments:

Concurrency modifications and five-year capital improvements program updates are necessary to address existing deficiencies, and to meet future needs based upon achieving and maintaining the adopted level of service standards for each year of the five-year planning period. Annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and the level of service standards and will continue to be achieved.

Policy 2.6.1 – Concurrency Modifications and Capital Improvement Program Updates:

The Town of Havana shall use the processes and information sharing mechanisms outlined in this element and in the Interlocal Agreement to adopt the initial public school capital facilities program and the public school facilities element and to ensure that the school concurrency system is updated, the School Board's capital facilities plan remains financially feasible in the future, and any desired modifications are made. Updated public school facilities programs will be adopted by reference into this Element no later than December 31 of each year.

Policy 2.6.2 – Student Generation Rate Updates: The student Generation rates used to determine the impact of a particular development application on public schools and the costs per student station are to be established annually by the School Board. The student generation rates shall be reviewed and updated at the annual workshop in accordance with professionally accepted methodologies.

School Facility Mapping

A location map depicting the existing location of public school facilities by type and the location of existing ancillary plant is included as Figure PSFE-1. This map shall also indicate the proposed locations of any agreed future sites for the development of public educational facilities per 163.3177(12), F.S..

SECTION 4. This Ordinance shall be transmitted to the Florida Department of Community Affairs (DCA) for a compliance finding.

SECTION 5. If any section, clause, sentence or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6. It is the intention of the Town and it is hereby provided that the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town of Havana, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 7. This Ordinance shall take effect in the manner provided by law.

INTRODUCED in open session of the Town Council of the Town of Havana, Florida, for a transmittal hearing this 29th day of April, A.D. 2008.

ADOPTED AND PASSED on second and final reading after issuance of the final order of compliance by the Department of Community Affairs, or in the alternative after the adoption of the appropriate resolution, in open session of the Town Council of the Town of Havana, Florida, this 25th day of November, A.D. 2008.

G. J. Davis
Presiding Officer of the Town
Council of the Town of Havana,
Florida

ATTEST:

Melinda Adams
Clerk of the Town of Havana and
Clerk of the Town Council thereof