

ORDINANCE NO. 07-\_\_\_\_\_

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**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE 2010 COMPREHENSIVE PLAN LIMITING DEVELOPMENT TO 81 SINGLE FAMILY DETACHED UNITS ON PARCELS 12-02-20-602-0000 AND 12-11-20-202-0000 LOCATED ALONG MAHAN DRIVE (US 90) EAST, NORTH OF WADESBORO ROAD AND EAST OF HAWKS LANDING DRIVE; ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENT ELEMENT OF THE 2010 COMPREHENSIVE PLAN RELATED TO THE FUNDING SOURCE FOR WATER AND SEWER INFRASTRUCTURE CONSTRUCTION THAT WOULD EXTEND SERVICES ON U.S. HIGHWAY 90 EAST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapters 125 and 163, Florida Statutes, empowers the Leon County Board of County Commissioners to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empower and require the Leon County Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, Ordinance No. 90-30 was enacted on July 16, 1990, to adopt the Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City of Tallahassee also adopted a plan for the incorporated area of Leon County by separate ordinance; and

WHEREAS, the County adopted Comprehensive Plan Amendment 2006-1-M-007 ("Plan Amendment") by Ordinance No. 06-11 on April 25, 2006 (DCA No. 06-1); and

WHEREAS, the Plan Amendment proposes to change the designation of 232 acres on the Future Land Use Map from Rural to Urban Fringe; and

WHEREAS, the Department of Community Affairs ("Department") signed its Statement of Intent regarding the Plan Amendment on June 30, 2006 and published its Notice of Intent on July 5, 2006; and

1 WHEREAS, as set forth in the Statement of Intent, the Department contends that the Plan  
2 Amendment is not "in compliance" because it does not demonstrate that the level of service for  
3 facilities and services will be maintained, it exhibits indicators of urban sprawl, and it is  
4 internally inconsistent with portions of the comprehensive plan; and

5  
6 WHEREAS, on February 27, 2007, Leon County entered into a Stipulated Settlement  
7 Agreement to resolve the Department's compliance objections to the Plan Amendment wherein  
8 Leon County agreed to adopt remedial amendments to amend the Future Land Use Map Element  
9 of the 2010 Comprehensive Plan to limit the number of permitted residential units on parcels 12-  
10 022-0602-0000 and 12-11-20-202-0000 to 81 single family detached residential units; and  
11 adopting an amendment to the Capital Improvement Element of the 2010 Comprehensive Plan  
12 regarding financial responsibility for the construction of water and sewer infrastructure for the  
13 properties; and

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15 WHEREAS, in exercise of its authority, the Leon County Board of County  
16 Commissioners has determined it necessary and desirable to adopt this amendment to the  
17 comprehensive plan to preserve and enhance present advantages; encourage the most appropriate  
18 use of land, water and resources, consistent with the public interest; overcome present handicaps;  
19 and deal effectively with future problems that may result from the use and development of land  
20 within the County, and to meet all requirements of law.

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22 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
23 **LEON COUNTY, FLORIDA, as follows, that:**

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25 **Section 1. Purpose and Intent.**

26 This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the  
27 authority set out in, the Local Government Comprehensive Planning and Land Development  
28 Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, as amended.

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30 **Section 2. Amendment.**

31 The Ordinance does hereby adopt the following portion of the text attached hereto as  
32 Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-Leon County 2010  
33 Comprehensive Plan, as amended, and does hereby amend "The Tallahassee-Leon County 2010  
34 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the  
35 following Plan element:

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37 Amendment to the Urban Fringe Category of the Future Land Use Map in the Land Use Element.

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39 **Section 3. Amendment.**

40 The Ordinance does hereby adopt the following portion of the text attached hereto as  
41 Exhibit "B," and made a part hereof, as an amendment to the Tallahassee-Leon County 2010  
42 Comprehensive Plan, as amended, and does hereby amend "The Tallahassee-Leon County 2010

1 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the  
2 following Plan element:

3  
4 Amendment to the Leon County Capital Improvement Element, Developer Funded Projects  
5 sections.

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7 **Section 4. Applicability and Effect.**

8 The applicability and effect of these amendments to the 2010 Comprehensive Plan shall  
9 be as provided by the Local Government Comprehensive Planning and Land Development  
10 Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes. This Ordinance shall  
11 apply to all properties under the jurisdiction of Leon County except to the extent that such  
12 properties are exempted or vested pursuant to the Leon County Vested Rights Review Ordinance  
13 No. 90-31.

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15 **Section 5. Conflict With Other Ordinances and Codes.**

16 All ordinances or parts of ordinances of the Code of Laws of Leon County, Florida, in conflict  
17 with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

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19 **Section 6. Severability.**

20 If any provision or portion of this Ordinance is declared by any court of competent  
21 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and  
22 portions of this Ordinance shall remain in full force and effect.

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24 **Section 7. Copy on File.**

25 To make the Tallahassee-Leon County 2010 Comprehensive Plan available to the public,  
26 a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon  
27 County 2010 Comprehensive Plan and these amendments thereto, shall also be located in the  
28 Tallahassee-Leon County Planning Department. The Planning Director shall also make copies  
29 available to the public for a reasonable publication charge.

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31 **Section 8. Effective Date.**

32 The effective date of these plan amendments shall be according to law and the applicable  
33 statutes and regulations pertaining thereto.

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1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon  
2 County, Florida, this 14th day of March, 2007.

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5 LEON COUNTY, FLORIDA

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8 BY: \_\_\_\_\_  
9 C. E. DePuy, Chairman  
10 Board of County Commissioners

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12 ATTESTED BY:  
13 BOB INZER, CLERK OF THE COURT  
14 LEON COUNTY, FLORIDA

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17 BY: \_\_\_\_\_  
18 Clerk of the Court

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20 APPROVED AS TO FORM:  
21 COUNTY ATTORNEY'S OFFICE  
22 LEON COUNTY, FLORIDA

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24  
25 BY: \_\_\_\_\_  
26 Herbert W. A.Thiele, Esq.  
27 County Attorney