

ORDINANCE NO. 10- _____

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
4 LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VII,
5 DIVISION 4, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA,
6 ENTITLED "PROCEDURE FOR REVIEW AND APPROVAL OF SITE
7 DEVELOPMENT PLANS"; AMENDING SECTION 10-7.402,
8 DEVELOPMENT REVIEW APPROVAL SYSTEM; AMENDING 10-7.403,
9 TYPE A REVIEW; AMENDING SECTION 10-7.404, TYPE B REVIEW;
10 AMENDING SECTION 10-7.405, TYPE C REVIEW; AMENDING
11 SECTION 10-7.414, SPECIAL MASTER PROCEEDINGS; REPEALING
12 SECTION 10-7.415, MEDIATION; AMENDING SECTION 10-7.416,
13 HEARINGS BEFORE THE BOARD OF COUNTY COMMISSIONERS;
14 PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;
15 AND PROVIDING AN EFFECTIVE DATE.
16

17 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
18 COUNTY, FLORIDA, that:

19 Section 1. Chapter 10, Article VII, Division 4, Section 10-7.402 of the Code of Laws of
20 Leon County, Florida, is hereby amended to read as follows:

21 **Sec. 10-7.402. Development review approval system.**

22 * * *

23 ~~9. Notice requirements. Within ten days after the filing of an application, notice~~
24 ~~must be published or mailed consistent with the provisions of [F.S.] section 125.66(4)(b)2. and 3.~~
25 ~~and must be posted prominently at the job site. The notice must clearly delineate that an~~
26 ~~aggrieved or adversely affected person has the right to request a quasi-judicial hearing pursuant~~
27 ~~to the provisions set forth in section 10-7.414, must explain the conditions precedent to the~~
28 ~~appeal of any development order ultimately rendered upon the application, and must specify the~~
29 ~~location where written procedures can be obtained that describe the process, including how to~~
30 ~~initiate the quasi-judicial process, the timeframes for initiating the process, and the location of~~
31 ~~the hearing.~~

1 criteria. Failure to comply with these time limits shall render the site and development plan
2 application approval expired.

3 (e) *Public notice.* Public notice of the Type A application shall be given within seven
4 calendar days of receipt of application, in a newspaper of regular and general circulation in the
5 county. In addition, public notice shall be mailed at least five calendar days in advance of the
6 public meeting to the current address (based upon the most current tax rolls in the office of the
7 Leon County Property Appraiser) of each property owner within 600 feet of the project and to
8 registered neighborhood and business associations. The public notice shall advise such persons
9 of the application, and specify that input and comments regarding the application should be sent
10 to the department of growth and environmental management. The public notice shall advise that
11 the application will be reviewed by staff at a public technical review staff meeting and provide
12 the date, time, and place of that meeting. The public notice shall advise that no public testimony
13 will be taken at the technical review staff meeting and that the application will be subject to
14 administrative review and not subject to quasi-judicial provisions. The notice must also include a
15 statement that, in order to qualify as an aggrieved or adversely affected person for purpose of
16 challenging the county's determination with regard to approval or denial of the application, one
17 must submit written comments regarding the application to the department of growth and
18 environmental management in response to the public notice no less than seven calendar days
19 from the date of newspaper publication.

20
21 (f) ~~*Formal proceedings.*~~ *Appeals.* The decision of the county administrator or
22 designee shall become final 15 calendar days after it is rendered unless an applicant or a person
23 who qualifies as a party, as defined in Section 10-7.703 ~~Division 7 of this article,~~ who has filed

1 comments in response to subsection (e), above, and ~~has filed a notice of administrative appeal~~
2 files a petition for administrative hearing to be heard by a special master within 15 calendar days
3 of the date of rendition of the decision. Petitions shall be made in writing and directed to the
4 Clerk of the DRC, and shall include the project name, application number, a description of the
5 facts upon which the decision is challenged, all allegations of inconsistency with the
6 Comprehensive Plan and land development regulations, and any argument in support thereof.
7 Failure to file is jurisdictional and will result in a waiver of the hearing. Appeals heard by a
8 special master will be conducted in accordance with the procedures outlined in section 10-7.414
9 and 10-7.415. ~~Appeals of the special master's decision shall be by petition for writ of certiorari~~
10 ~~filed in circuit court no later than 30 days following rendition of a written decision on the~~
11 ~~application, or when all administrative appeals, if any, are exhausted, whichever occurs later.~~

12 **Section 3.** Chapter 10, Article VII, Division 4, Section 10-7.404 of the Code of Laws of
13 Leon County, Florida, is hereby amended to read as follows:

14 **Sec. 10-7.404. Type B review.**

15 * * *

16 (d) *Public notice.* Public notice of the Type B application shall be given within seven
17 calendar days of receipt of application, in a newspaper of regular and general circulation in the
18 County and mailed to each property owner, based upon the most current tax rolls in the Office of
19 the Leon County Property Appraiser, owning property within 800 feet of the project and to
20 registered home owners associations and business associations within 800 feet of the project.
21 Public notice of the DRC meeting shall be given at least five calendar days in advance of the
22 meeting by publication in a newspaper of regular and general circulation in the county. In
23 addition, written notice shall be mailed at least five calendar days in advance of the DRC

1 meeting to the current address (based upon the most current tax rolls in the office of the Leon
2 County Property Appraiser) of each property owner within 800 feet of the project and to
3 registered neighborhood and business associations. ~~The public n~~ Notices shall advise such
4 persons of the application, and specify that no testimony may be heard by the DRC at their
5 meeting since it is an administrative review and not subject to quasi-judicial provisions. ~~The n~~
6 Notices must clearly delineate that an aggrieved or adversely affected person has the right to
7 request a quasi-judicial hearing, and must also include a statement that, in order to qualify as an
8 aggrieved or adversely affected person, one must submit written comments regarding the
9 application to the DRC in response to the public notice of the DRC meeting on the application.

10 (e) *DRC meetings.* No testimony shall be received from any applicant or member of
11 the public during the course of the DRC meeting, although written comments may be provided to
12 the DRC and the meetings shall be open to public attendance. Each member of the DRC is
13 responsible for providing proposed written findings which identify whether a development meets
14 the applicable criteria and standards of this chapter and those imposed by other applicable
15 ordinances, regulations and/or adopted standards of the county. The proposed written findings
16 shall be transmitted to other members of the DRC, the applicant, and made available for public
17 inspection at least one working day prior to consideration by the DRC. The proposed written
18 findings shall be the basis for a recommendation by each DRC member to the DRC as a whole to
19 issue a written preliminary decision to approve, approve with conditions, or deny the application.
20 Absent a written preliminary decision, the DRC may continue consideration of an application to
21 a date and time certain.

22 (f) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall
23 prepare and submit to the county administrator or designee a written preliminary decision

1 including an itemized list of findings of fact which support the preliminary decision of approval,
2 approval with conditions, or denial of the application; or shall request additional material and
3 data determined to be necessary to undertake the required review and continue its review to a
4 date and time certain. The county administrator or designee shall notify the applicant of the
5 written preliminary decision of the DRC within five working days of the decision by the DRC.

6 ~~(g)~~ The written preliminary decision of the DRC shall include a statement that an
7 aggrieved or adversely affected person may request a quasi-judicial hearing pursuant to
8 paragraph (h) herein.

9 (g) Approval. Subsequent to the action of the DRC to approve a Type B site and
10 development plan subject to conditions becoming final, the applicant shall furnish for review and
11 verification by the DRC or their designee, a revised site and development plan application,
12 demonstrating compliance with all conditions. The revised site and development plan shall be
13 submitted to the DRC or their designee within 90 days of the date of approval entity's action;
14 however, the applicant may, upon demonstration of good faith effort and hardship that is not
15 self-created, be granted a 90-day extension by the DRC or designee. Subsequent 90-day
16 extensions may be requested and granted, based on the same criteria. Failure to comply with
17 these time limits shall render the site and development plan application approval expired.

18 (h) Appeals. The written preliminary decision of the DRC shall become the DRC's
19 final decision 15 calendar days after it is rendered unless a person who qualifies as a party, as
20 defined in Section 10-7.703 ~~article VII of chapter 10 at division 7 of this Code,~~ and who has filed
21 comments in response to subsection (d), above, and has filed files a Petition for Hearing Before a
22 Special Master for review of the decision of the DRC. A Petition must be filed within 15
23 calendar days from the date of rendition of the DRC's decision. Petitions shall be made in

1 writing and directed to the Clerk of the DRC, and shall include the project name, application
2 number, a description of the facts upon which the decision is challenged, and all allegations of
3 inconsistency with the Comprehensive Plan and land development regulations, and any argument
4 in support thereof. a notice of administrative appeal to be heard by a special master Failure to
5 file is jurisdictional and will result in a waiver of the hearing. Hearings before a special master
6 will be conducted in accordance with the procedures outlined in section 10-7.414 and 10-7.415.

7 ~~(i) Subsequent to the action of the DRC to approve a Type B site and development plan~~
8 ~~subject to conditions becoming final, the applicant shall furnish for review and verification by~~
9 ~~the DRC or their designee, a revised site and development plan application, demonstrating~~
10 ~~compliance with all conditions. The revised site and development plan shall be submitted to the~~
11 ~~DRC or their designee within 90 days of the date of approval entity's action; however, the~~
12 ~~applicant may, upon demonstration of good faith effort and hardship that is not self-created, be~~
13 ~~granted a 90 day extension by the DRC or designee. Subsequent 90 day extensions may be~~
14 ~~requested and granted, based on the same criteria. Failure to comply with these time limits shall~~
15 ~~render the site and development plan application approval expired.~~

16 **Section 4.** Chapter 10, Article VII, Division 4, Section 10-7.405 of the Code of Laws of
17 Leon County, Florida, is hereby amended to read as follows:

18 **Sec. 10-7.405. Type C review.**

19 * * *

20 (d) *Public notice.* Notice of the Type C application shall be given within seven
21 calendar days of receipt of application, in a newspaper of regular and general circulation in the
22 County notice of the application must be mailed to each property owner, based upon the most
23 current tax rolls in the Office of the Leon County Property Appraiser, owning property within

1 1000 feet of the project and to registered home owners associations and business associations
2 within 1000 feet of the project. Notice of the application shall be as set forth in section 10-7.402.
3 ~~6.(d)~~ Public notice of the DRC meeting shall be given at least five calendar days in advance of
4 the meeting by publication in a newspaper of regular and general circulation in the county. In
5 addition, written notice shall be mailed at least five calendar days in advance of the DRC
6 meeting to the current address (based upon the most current tax rolls in the office of the Leon
7 County Property Appraiser) of each property owner within 1,000 feet of the project and to
8 registered neighborhood and business associations. ~~The public notice of the DRC meeting~~
9 Notices shall advise such persons of the substance of the application, and specify that no
10 testimony may be heard by the DRC at their meeting since it is an administrative review and not
11 subject to quasi-judicial provisions. The notice must also include a statement that an aggrieved or
12 adversely affected person has the right to request a quasi-judicial hearing, and that, in order to
13 qualify as an aggrieved or adversely affected person for purposes of challenging the proposed
14 order of the DRC, one must submit written comments regarding the application to the DRC in
15 response to the public notice.

16 (e) *DRC meetings.* DRC meetings are administrative and not quasi-judicial in nature.
17 No testimony shall be received from any applicant or member of the public during the course of
18 the DRC meeting, although the meetings shall be open to public attendance. Each member of the
19 DRC is responsible for providing proposed written findings which identify whether a
20 development meets the applicable criteria and standards of this chapter and those imposed by
21 other applicable ordinances, regulations and/or adopted standards of the county. The proposed
22 written findings shall be transmitted to other members of the DRC, the applicant, and made
23 available for public inspection at least one working day prior to consideration by the DRC. The

1 proposed written findings shall be the basis for a recommendation by each DRC member to the
2 DRC as a whole to approve, approve with conditions, deny, or continue consideration of an
3 application to a date and time certain.

4 (f) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall
5 prepare ~~an~~ a recommended order including an itemized list of findings of fact which support a
6 recommendation of approval, approval with conditions, or denial of the application; or shall
7 request additional material and data determined to be necessary to undertake the required review
8 and continue its review to a date and time certain. The DRC shall ~~issue a written~~
9 ~~recommendation~~ provide the recommended order to the applicant and the Board of County
10 Commissioners ~~to approve, approve with conditions, or deny the application.~~ The ~~application~~
11 Board of County Commissioner's review of the recommended order shall be advertised and
12 ~~scheduled to be heard~~ at the next available date for public hearings before the Board of County
13 Commissioners. ~~However, the public hearing on the application shall be continued if the~~
14 ~~applicant, or any other person qualifying as a party as defined in article VII of chapter 10 at~~
15 ~~division 7 of this Code who has filed comments in response to subsection (d) above, requests a~~
16 ~~quasi-judicial hearing on the recommendations of the DRC within 15 days of issuance of the~~
17 ~~DRC recommendations. Requests shall be made in writing and directed to the office of the~~
18 ~~county attorney, and shall include the project name, application number, and a description of the~~
19 ~~facts upon which the recommendation is challenged and any argument in support thereof. Failure~~
20 ~~to timely file a request will result in waiver of a quasi-judicial hearing on the application.~~
21 ~~Hearings shall be conducted in accordance with the procedures outlined in sections 10-7.414 and~~
22 ~~10-7.416.~~

1 (g) Appeals of the recommended order of the DRC. County Commission review of
2 the DRC recommended order shall be stayed if the applicant, or a person qualified as a party as
3 defined in Section 10-7.703 who had filed comments in response to subsection (d) above, files a
4 Petition for Hearing Before a Special Master on the recommendations of the DRC. A Petition
5 must be filed within 15 calendar days from the date of issuance of the DRC recommendations.
6 Petitions shall be made in writing and directed to the Clerk of the DRC, and shall include the
7 project name, application number, a description of the facts upon which the recommendation is
8 challenged, and all allegations of inconsistency with the Comprehensive Plan and land
9 development regulations, and any argument in support thereof. Failure to timely file a request
10 will result in waiver of a hearing before a special master on the application. Hearings shall be
11 conducted in accordance with the procedures outlined in sections 10-7.414 and 10-7.415.

12 (g)(h) *Board of county commissioners review and decision:* The Board of County
13 Commissioners shall review the application at a public hearing noticed in accordance with
14 applicable provisions of the Florida Statutes. The Board of County Commissioners will review
15 the application for compliance with the criteria set out subsection 10-7.402. 5., above, and render
16 final decision regarding the application.

17 (h)(i) Subsequent to the action of the Board of County Commissioners to approve a
18 Type C site and development plan subject to conditions becoming final, the applicant shall
19 furnish for review and verification by the Board of County Commissioners or their designee, a
20 revised application, demonstrating compliance with all conditions. The revised site and
21 development plan shall be submitted to the Board of County Commissioners or their designee
22 within 90 days of the date of approval entity's action; however, the applicant may, upon
23 demonstration of good faith effort and hardship that is not self-created, be granted a 90-day

1 extension by the Board of County Commissioners or designee. Subsequent 90-day extensions
2 may be requested and granted, based on the same criteria. Failure to comply with these time
3 limits shall render the site and development plan application approval expired.

4 **Section 5.** Chapter 10, Article VII, Division 4, Section 10-7.414 of the Code of Laws of
5 Leon County, Florida, is hereby amended to read as follows:

6 **Sec. 10-7.414. Procedures for hearings before a special master ~~Special master proceedings.~~**

7 (A) *Appointment of a special master.* From time to time the Board of County
8 Commissioners shall appoint and retain special masters or shall contract with the Florida
9 Division of Administrative Hearings for administrative law judges to conduct quasi-judicial
10 proceedings regarding site and development plan applications. Each special master shall be a
11 licensed attorney with the Florida Bar who has practiced law in Florida for at least five years,
12 and who has experience in land use law, real estate law, local governmental law, or
13 administrative law. None of the special masters or the law firms with which they may be
14 associated shall be representing clients before any agency of the county government or any
15 agency of any municipality in the county during the period in which they serve as special
16 master.

17 (B) *Term, compensation.* Each special master appointed and retained by the Board of
18 County Commissioners shall serve at the pleasure of the board and shall be compensated at a rate
19 or rates to be fixed by the board.

20 (C) *Ex parte communication.*

21 (i) No county employee, elected official, or other person who is or may become a
22 party to a proceeding before a special master shall engage in an ex parte communication with the
23 special master. However, the foregoing does not prohibit discussions between the special master

1 and county staff that pertain solely to scheduling and other administrative matters unrelated to
2 the merits of the hearing.

3 (ii) If a person engages in an ex parte communication with the special master, the
4 special master shall place on the record of the pending case all ex parte written communications
5 received, all written responses to such communications, a memorandum stating the substance of
6 all oral communications received, and all oral responses made, and shall advise all parties that
7 such matters have been placed on the record. Any party desiring to rebut the ex parte
8 communication shall be entitled to do so, but only if such party requests the opportunity for
9 rebuttal within ten days after notice of such communication. If he or she deems it necessary due
10 to the effect of an ex parte communication received by him, the special master may withdraw
11 from the case.

12 (iii) After the receipt of a petition for quasi-judicial hearing before a special master, no
13 party to the hearing may engage in any ex parte communication with a member of the Board of
14 County Commissioners regarding the pending application for site and development plan or the
15 issues in the pending hearing.

16 (D) *Prohibition from acting as agent or attorney for subject matter.* A special master,
17 and any firm with which he or she is or may become associated, is prohibited for a period of
18 three years, after issuance of the decision on the application which was the subject of a quasi-
19 judicial hearing in which he or she presided, from acting as an agent or attorney on any matter
20 involving property which was the subject of the proceeding in which the special master hearing
21 officer presided. Violations of this subsection shall be prosecuted in the manner provided by
22 general law.

1 (E) *Timeliness of requests for quasi-judicial hearings and standing determinations.*
2 All determinations on the timeliness of petitions and all determinations of standing will be made
3 by the county attorney.

4 (F) *Powers of special masters.* The special masters who conduct quasi-judicial
5 proceedings pursuant to this section shall have the powers of special masters enumerated in F.S.
6 § 120.569(2)(f), as well as the power to compel entry upon the land.

7 (G) *Mediation.* Parties are encouraged to agree to formal mediation when an appeal is
8 filed pursuant to this article. If agreed upon, mediation shall be commenced within 30 days and
9 completed within 45 days of the filing of the appeal, unless extended by stipulation of the parties
10 to the appeal. Such mediation shall be conducted in accordance with the Florida Rules of Civil
11 Procedures regarding mediation, and the county appellate procedures shall be concurrent with
12 mediation.

13 (G) (H) *Prehearing requirements.* At least seven days prior to the date set for the
14 hearing, the parties shall exchange a list of names and addresses of witnesses planned to testify at
15 the hearing, and a list of exhibits planned to be introduced at the hearing, as well as produce the
16 physical exhibits for inspection by the parties. Each party is entitled to depose witnesses
17 scheduled to testify at the final hearing.

18 (H)(I) *Hearings.*

19 (i) All hearings shall be commenced within 45 days of the date the written
20 preliminary decision on the site and development plan application was rendered. Requests for
21 continuance by any party, either before or during the hearing, may be considered upon good
22 cause shown.

1 (ii) All hearings shall be open to the public and shall be advertised in a newspaper of
2 general circulation not less than 14 days prior to the date of the hearing.

3 (iii) The participants before the special master shall be the applicant, the applicant's
4 witnesses, if any, county staff, and other parties as the term "party" is defined in section 10-7.701
5 of this Code, if any, and witnesses of the parties, if any. Any party who is not the applicant or
6 county staff who participates at the hearing shall leave his or her mailing address with the special
7 master.

8 (iv) Testimony and evidence shall be limited to matters directly relating to the
9 application and development. Irrelevant, immaterial or unduly repetitious testimony or evidence
10 may be excluded.

11 (v) All testimony shall be under oath. The order of presentation of testimony and
12 evidence shall be as follows:

13 a. The party challenging the DRC's written preliminary recommendation and his or
14 her witnesses, if any.

15 b. The applicant, if not the party challenging the DRC's written preliminary decision,
16 and his or her witnesses, if any.

17 c. The county, and his or her witnesses, if any, including county staff.

18 d. Comments by the public, if any.

19 (vi) To the maximum extent practicable, the hearings shall be informal. All parties
20 shall have the opportunity to respond, to present evidence and argument on all issues involved
21 which are related to the development order, and to conduct cross-examination and submit
22 rebuttal evidence. During cross examination of witnesses, questioning shall be confined as
23 closely as possible to the scope of direct testimony. The special master may call and question

1 witnesses or request additional evidence as he or she deems necessary and appropriate. To that
2 end, if during the hearing the special master believes that any facts, claims, or allegations
3 necessitate review and response by the applicant, staff, or both, then the special master may order
4 the hearing continued until a date certain. The special master shall decide all questions of
5 procedure and standing.

6 (vii) The standard of review applied by the special master in determining whether a
7 proposed development order is consistent with the Comprehensive Plan shall be strict scrutiny in
8 accordance with Florida law.

9 (viii) The special master shall render a recommended order on the application to the
10 Board of County Commissioners within ten days after the hearing concludes, unless the parties
11 waive the time requirement. The recommended order shall contain written findings of fact,
12 conclusions of law, and a recommendation to approve, approve with conditions, or deny the
13 application. A copy of the recommended order shall be mailed to the party who requested the
14 hearing, the applicant and any other interested member of the public who participated at the
15 hearing.

16 (J)(f) *Action by Board of County Commissioners.* Upon receipt of the special master's
17 recommended order, the board shall take up the matter pursuant to section 10-7.416 of this Code.

18 **Section 6.** Chapter 10, Article VII, Division 4, Section 10-7.415 of the Code of Laws of
19 Leon County, Florida, is hereby repealed as follows:

20 **~~Sec. 10-7.415 Mediation.~~**

21 ~~Notwithstanding the procedures in this article, parties may agree to formal mediation at~~
22 ~~any stage of the review process; however, when an appeal is filed pursuant to this article, the~~
23 ~~issue(s) appealed shall be referred to mediation, which shall be a precondition to the processing~~

1 of any such appeal, and which shall be commenced within 30 days and completed within 45 days
2 of the first mediation conference, unless extended by stipulation of the parties to the appeal. Such
3 mediation shall be conducted in accordance with the Florida Rules of Civil Procedures regarding
4 mediation, and the county appellate procedures shall be concurrent with mediation. This
5 provision does not apply to matters coming before the planning commission, which shall be
6 governed by its bylaws.

7 **Section 7.** Chapter 10, Article VII, Division 4, Section 10-7.416 of the Code of Laws of
8 Leon County, Florida, is hereby amended to read as follows:

9 ~~Sec. 10-7.416 Hearings before the Board of County Commissioners.~~

10 **Sec. 10-7.415. Board of County Commissioners Review.**

11 (A) The provisions of this section apply to hearings before the Board of County
12 Commissioners to review the recommended order of a hearing officer following a quasi-judicial
13 hearing on a site and development plan application, pursuant to section 10-7.414 ~~10-7.405~~ of this
14 Code.

15 (B) After the receipt of a petition for hearing before a special master regarding a site
16 and development plan application, no person may communicate with any commissioner
17 regarding the case.

18 (C) All hearings shall be open to the public and shall be advertised in a newspaper of
19 general circulation not less than 14 days prior to the date of the hearing. Public comment on the
20 recommended order shall be taken prior to the argument by the parties pursuant to subsection

21 (G). Public comment shall be limited to three minutes per person.

22 (D) All hearings will be scheduled within 30 days of receipt of the recommended
23 order and record of the decision being reviewed.

1 (E) The record before the Board of County Commissioners shall consist of the
2 complete record of the proceedings before the special master or hearing officer.

3 (F) The participants before the Board of County Commissioners shall be the parties
4 who participated at the hearing before the special master or hearing officer.

5 (G) All parties, as that term is defined in section 10-7.703 of this Code, who
6 participated at the hearing before the special master or hearing officer, shall be limited to a total
7 of 20 minutes to present his or her argument, as shall the county staff. For good cause shown the
8 chairman may grant additional time.

9 (H) At the conclusion of the hearing, the Board of County Commissioners shall render
10 a decision approving, approving with conditions, or denying the application for site and
11 development plan. The board is bound by the special master's findings of fact unless the findings
12 of fact are not supported by competent substantial evidence. The board may modify the
13 conclusions of law if it finds that the special master's application or interpretation of law is
14 erroneous. The board may make reasonable legal interpretations of its Comprehensive Plan and
15 land development regulations without regard to whether the special master's interpretation is
16 labeled as a finding of fact or a conclusion of law. The board's final decision must be reduced to
17 writing, including the findings of fact and conclusions of law, and is not considered rendered or
18 final until officially date-stamped by the county clerk.

19 (I) Judicial review. The sole method by which an aggrieved or adversely affected
20 party may challenge the decision of the board is by an appeal filed by a petition for writ of
21 certiorari filed in circuit court no later than 30 days following rendition of the board's decision.

22 **Section 8. Conflicts.** All ordinances or parts of ordinances in conflict with the
23 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the

1 extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended,
2 which provisions shall prevail over any part of this ordinance which is inconsistent, either in
3 whole or in part, with the said Comprehensive Plan.

4 **Section 9. Severability.** If any word, phrase, clause, section or portion of this
5 ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such
6 portion or words shall be deemed a separate and independent provision and such holding shall
7 not affect the validity of the remaining portions thereof.

8 **Section 10. Effective Date.** This ordinance shall have effect upon becoming law.

9 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon
10 County, Florida, this _____ day of _____, 2010.

11
12 LEON COUNTY, FLORIDA

13
14
15 By: _____
16 Bob Rackleff, Chairman
17 Board of County Commissioners
18

19 ATTEST:
20 Bob Inzer, Clerk of the Court
21 Leon County, Florida
22

23
24 By: _____
25

26
27 APPROVED AS TO FORM:
28 Leon County Attorney's Office
29

30
31 By: _____
32 Herbert W. A. Thiele, Esq.
33 County Attorney
34
35