

Board of County Commissioners

Agenda Request 17

Date of Meeting: November 25, 2008

Date Submitted: November 19, 2008

To: Honorable Chairman and Members of the Board
From: Parvez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
David McDevitt, Director, Growth and Environmental Management
Subject: Second and Final Public Hearing to Consider Adoption of the Proposed Revised 2.1.9 Subdivision Standards Ordinance

Statement of Issue:

Conduct the second and final Public Hearing to consider adoption of the Proposed Revised 2.1.9 Subdivision Standards Ordinance (Attachment #1).

Background:

The proposed Ordinance amends Section 10-7.202 of the Leon County Land Development Code (LDC) to revise regulations, standards, and procedures pertaining to subdivision of land consistent with Policy 2.1.9 of the Land Use Element of the Comprehensive Plan. Policy 2.1.9 has been in effect since the adoption of the Tallahassee-Leon County Comprehensive Plan in 1990. Prior to the adoption of the Comprehensive Plan in 1990, most of Leon County located outside of the urban services area could be developed at a maximum density of two dwelling units per acre. The new Comprehensive Plan standards limited development in these areas to generally one dwelling unit per 10 acres (Rural Future Land Use category), and one dwelling unit per three acres (in the Urban Fringe and the Lake Talquin Recreation/Urban Fringe categories). Policy 2.1.9 was created to mitigate the economic hardship that might otherwise occur when the new lower density standards in the Plan went into effect.

Policy 2.1.9 of the Land Use Element is implemented by Section 10-7.202 of the LDC. The Policy and implementing Code regulations allow persons who have owned property as of February 1, 1990, to subdivide the property to obtain higher densities than otherwise allowed by the applicable future land use category and zoning district limitations; specifically, a maximum of six lots can be created that are as small as one-half acre.

There are two types of 2.1.9 subdivisions recognized by the Comprehensive Plan and LDC. The two types of subdivisions are referred to as; “non-family-heir” and “family heir” subdivisions. Property owners who have held fee simple title to their property since February 1, 1990 can use the “non-family-heir” subdivision provisions to create parcels that may be transferred or sold to anyone, regardless of the relationship to the owner. This special “non-family-heir” subdivision may be used only once by the property owner.

The other type of Policy 2.1.9 subdivision is referred to as the “family heir” subdivision. The

“family heir” subdivision has a broader scope of eligibility than the “non-family-heir” type of subdivision (no limitations on the date of the acquisition of the property) but is more limiting concerning the intended recipients of the subdivided property. This form of 2.1.9 subdivision allows property owners to convey subdivided parcels of property to each of their relatives, consistent with Chapter 163.3179, Family Homestead, Florida Statutes.

The Board discussed various issues related to the 2.1.9 subdivision process at a workshop on September 18, 2007; workshop materials are included as Attachment #2. At this workshop, the Board directed staff to amend the Comprehensive Plan and LDC to eliminate the ability to utilize the “non-family heir” 2.1.9 subdivision after February 1, 2010; to make necessary amendments to the LDC to facilitate the ability of successive generations of a property owner to continue to utilize the “family heir” 2.1.9 subdivision process to create smaller parcels of property for their descendants and relatives (consistent with Chapter 163.3179, Florida Statutes, Family Homestead); and, to explicitly allow these relatives to transfer/sell this property after they’ve held it for a period of five years.

The Tallahassee-Leon County Planning Department subsequently processed an amendment to the Comprehensive Plan that generally implements the Board’s direction with regard to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan. The amended Policy 2.1.9 became effective June 6, 2008 (Attachment #3).

On June 27, 2008, the Leon County Growth and Environmental Management (GEM) Users Group met to discuss the proposed LDC amendment with staff. The GEM Users Group supported the proposed amendment. The Tallahassee-Leon County Planning Commission reviewed the proposed Ordinance for consistency with the Comprehensive Plan at its meeting of September 2, 2008, and found it consistent with the Comprehensive Plan. The Planning Commission also recommended that sub-sections 10-7.202.6 and 10-7.202.8 of the proposed Ordinance be amended so that the statement “failure to revise the application within the allotted time period...shall render the application ineligible for new application under Section 10-7.202.1” be replaced with “Failure to revise the application within the allotted time period to demonstrate satisfaction of all conditions shall have the same effect as a denial, but without prejudice to reapply.” The Ordinance was subsequently revised consistent with the Planning Commission's recommendations. The Board held the first of two required Public Hearings on this Ordinance on October 14, 2008, and voted to conduct the second and final Public Hearing on November 25, 2008. The Board did not direct the staff to make any further changes to the Ordinance. This Public Hearing has been appropriately noticed in the *Tallahassee Democrat* (Attachment #4).

Analysis:

Chapter 163.3179 of the Florida Statutes (Family Homestead) defines an eligible heir(s) as; grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel. For the purpose of clarifying the Family Heir 2.1.9 subdivision, the Ordinance has been amended to define “Original homestead family member,” which are those persons who are eligible to convey a portion(s) of their property to an eligible family member and “Originally intended heir” which is defined as; persons eligible under Florida Statutes eligible to receive a parcel of land created through the “family heir” 2.1.9 subdivision for the purpose of family homestead.

The proposed Ordinance recognizes the fact that Policy 2.1.9 of the Comprehensive Plan will sunset the ability to utilize the “non-family-heir” on February 1, 2010. Based on direction provided by the Board at their September 18, 2007 Workshop on Policy 2.1.9 subdivision, parcels of property that have been in existence (that is, they have not been subdivided or created through subdivision) since 1990, and parcels that were created by the “family-heir” or “non-family-heir” subdivision process could be eligible for further “family-heir” subdivision by an “original homestead family member” for transfer to an “originally intended heir.” This process could continue through successive generations, so long as the applicant fit the eligibility limitations of an “original family homestead member” and the resulting parcels were of sufficient size (1/2-acre buildable area). In addition, the Ordinance implements Board direction that allows an “originally intended heir” to convey, transfer, or sell the property on the open market to any person, notwithstanding the restriction of having to be an “originally intended heir,” provided this transfer occurs after a period of five years from the date of subdivision approval, which created the subject “heir” parcel.

The following is a synopsis of the significant revisions embodied in the proposed Ordinance:

- Eliminates the “non-family heir” 2.1.9 subdivision application process as of February 1, 2010.
- Establishes the intent of the “family heir” 2.1.9 subdivision process: to subdivide property into parcels for the purpose conveyance for use solely as a homestead by the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild of the person who conveying the property.
- Establishes two new definitions used in explaining who is eligible to subdivide property and receive subdivided property pursuant to the “family heir” 2.1.9 subdivision process:

Original homestead family member is a person eligible, under this section and the Chapter 163.3179, Florida Statutes, to obtain rights for additional dwelling units or create parcels of land for ownership by an originally intended heir through the 2.1.9 subdivision process for purpose of family homestead.

Originally intended heir is a person eligible, under this section and the Chapter 163.3179, Florida Statutes, to receive ownership of a lot/parcel created through the 2.1.9 subdivision process for purpose of family homestead.

- Stipulates that the smallest lot that may be created through the 2.1.9 subdivision process is one-half acre of buildable area
- Establishes applicant eligibility for the “family heir” 2.1.9 subdivision:

The parcels to be created are for use solely as homesteads by *originally intended heirs* (grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person conveying the property)

The property to be subdivided is located in one or more of the following zoning districts: Rural (R); Urban Fringe (UF); Lake Talquin Recreation/Urban Fringe (LTRUF); or Residential Preservation (RP) overlay of one of these three districts

The parcel to be subdivided has existed in its present configuration since February 1, 1990; or, the parcel was created after that date through the “family heir” 2.1.9 subdivision process and conveyed to an originally intended heir, and the applicant is an originally intended heir or an heir through successive generations of that property owner.

- Establishes three general criteria for approval of 2.1.9 subdivision applications consistent with all other development approvals:
 1. the application is consistent with the Comprehensive Plan.
 2. the application complies with the standards set out in subsection 10-7.202.5; and,
 3. the application complies with applicable provisions of the Land Development Code and other applicable regulations and ordinances have been met, including those pertaining to environmental protection, access, zoning district development standards, and concurrency management system requirements.
- Establishes additional criteria for approval for “family heir” 2.1.9 subdivision applications:
 1. documentation of the recording of covenants and restrictions, executed by the applicant and the Chair of the Development Review Committee (DRC), restricting use of parcels created through the process to homestead properties for a period of five years.
 2. limits the number of lots that may be created to the number of heirs intended to receive the parcels plus the original homestead family member.

- Establishes the following additional limitations for “family heir” 2.1.9 subdivisions:

Allows the application to be fashioned for approval of additional dwelling units *without subdivision*; in which instance, the application must demonstrate sufficient land area for each dwelling unit, equivalent to amount of land and arrangement of dwelling units as would otherwise be required to create subdivision lots.

Prohibits further subdivision of land included within a recorded subdivision [*this standard exists in current regulations*]; and, further subdivision of land within unrecorded subdivisions is limited: allowed if the resulting parcels are no smaller than the smallest existing lot within the subdivision, established in accordance with the Leon County Land Development Code, nor less than one-half acre in size. [*Current regulations allow subdivision within unrecorded subdivisions in accordance with the following requirements for previously platted unrecorded subdivisions: Residential development is permitted if the following criteria are met: (a) the parcel must be a minimum of four acres; (b) the parcel must lie outside the urban service area as defined in the comprehensive plan; (c) the density on the resulting parcels may not exceed one dwelling unit per two acres, including existing dwelling units, up to a maximum division of five lots; (d) the resulting parcels shall be compatible and consistent with the majority of lots within the subdivision; (e) the resulting parcels shall meet concurrency requirements; and, (f) and the parcel must meet all applicable items in subsection.*]

- Establishes the appropriate review level for 2.1.9 subdivision applications:

Generally, 2.1.9 subdivision applications shall be reviewed pursuant to the Type A site and development plan application process; no pre-application meeting or technical staff meeting will be required, but may be provided, at the request of the applicant, free of charge.

2.1.9 subdivision applications creating a new access connection to a designated canopy road or the removal of any protected tree or vegetation within the canopy road protection zone, shall be subject to the review and approval requirements of the Type B site and development plan application process; no pre-application meeting or technical staff meeting shall be required, but may be provided, at the request of the applicant, free of charge.

- Establishes provisions for the timely completion of an incomplete application. Provides applicant 180 days, from the date of the issuance of notice from the County, informing of deficiencies in their application, to make required corrections or provide additional information, and provides the opportunity for one 90-day extension based upon a demonstration of hardship, by the applicant.

- Establishes provisions for the timely revision of an application approved subject to condition. Provides the applicant with 180 days from the date of the issuance of notice informing the applicant of approval subject to condition to revise the application to demonstrate satisfaction of all conditions; provides the opportunity for one 90-day extension based upon a demonstration of hardship, by the applicant.

Staff has evaluated the proposed Ordinance and determined that because it represents a significant change in policy, and affects a significant portion of the population, extensive public notice and outreach are appropriate. The breadth of notification and subsequent staff – public interaction will of course be limited by the amount of resources available. Staff recommends that the Board authorize staff to run at least two quarter-page legal notices in the *Tallahassee Democrat* to help inform the public of this proposed regulatory change and, in particular, the deadline to make application for “non-family heir” 2.1.9 subdivisions.

Options:

1. Conduct the second and final Public Hearing and adopt the proposed revised 2.1.9 Subdivision Standards Ordinance.
2. Conduct the second and final Public Hearing and do not adopt the proposed revised 2.1.9 Subdivision Standards Ordinance.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Revised 2.1.9 Subdivision Standards Ordinance
2. September 18, 2007, Board Workshop Materials
3. Policy 2.1.9 of the Comprehensive Plan, as amended, effective June 6, 2008
4. *Tallahassee Democrat* Public Hearing Advertisement

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-1.101, DEFINITIONS; AMENDING DIVISION 2 OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS, SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING, TO DELETE SECTION 10-7.202, RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9; AMENDING DIVISION 2 OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS, SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING, TO ADD A NEW SECTION 10-7.202, RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 10.7.202 of the Leon County Code of Laws, relating to Residential Development Pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan;

WHEREAS, Policy 2.1.9 of the Land Use Element of the Comprehensive Plan was amended, effective June 6, 2008, to sunset the ability to subdivide land to create parcels of transferable property pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan on February 1, 2010;

WHEREAS, Policy 2.1.9 of the Land Use Element of the Comprehensive Plan was amended, effective June 6, 2008, to preserve the ability for the owners of property within Leon County to subdivide land to create parcels for use as a homestead by a family member pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan on February 1, 2010;

WHEREAS, the Board of County Commissioners desires to ensure that the provisions included herein are utilized for their intended purposes of conveying land for use as a homestead by a family member and not as a general exception from the density limitations established for affected regions of the County in the Comprehensive Plan and thereby desires to establish appropriate implementing regulations;

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

Section 1. Short title: The short title of this ordinance shall be referred to as “Revised 2.1.9 Subdivision Standards.”

Section 2: A portion of Section 10-1.101 of the Code of Laws of Leon County, Florida, Definitions, is hereby amended to add the following definition entries, as follows:

Original homestead family member – shall mean a person eligible, under this section, and Ch. 163.3179, Florida Statutes, to obtain rights for additional dwelling units or create parcels of land for ownership by an originally intended heir through the 2.1.9 subdivision process for purpose of family homestead.

Originally intended heir – shall mean a person eligible, under this section, and Ch. 163.3179, Florida Statutes, to receive ownership of a lot/parcel created through the 2.1.9 subdivision process for purpose of family homestead.

Section 3: Section 10-7.202 of the Code of Laws of Leon County, Florida, is hereby repealed and amended as follows:

~~**Sec. 10-7.202. Residential development pursuant to Comprehensive Plan Land Use Element Policy 2.1.9.**~~

~~1. The following qualify for review as a Comprehensive Plan Land Use Element Policy 2.1.9. "Subdivision," which allows residential development at a maximum density of two units per acre for the first six dwelling units, whether subdivided or not, including existing dwelling units.~~

~~2. To qualify for use of Land Use Element Policy 2.1.9., the following conditions must be met:~~

~~(a) The parcel must be located in one or more of the following zoning districts:~~

~~(i) Rural;~~

~~(ii) Urban Fringe; or~~

~~(iii) Lake Talquin Recreation/Urban Fringe; or~~

~~(iv) Residential preservation overlay of one of the above only if outside the urban services area.~~

- ~~———— (b) ——— This special policy has not previously been approved or applied to any other parcel in the applicant's ownership or control;~~
- ~~———— (c) ——— The applicant held fee simple title to the parcel and in single ownership as of February 1, 1990, and has continuously retained fee simple title since that date, except for applicants covered by the Family Parcel Policy 2.1.9 as defined in section 10-7.202, 3.(b) of this chapter; and,~~
- ~~———— (d) ——— All lots proposed to be created utilizing the Policy 2.1.9 process shall meet all concurrency requirements.~~
- ~~———— 3. ——— Policy 2.1.9 "Subdivisions" shall be permitted only in the following categories:~~
 - ~~———— (a) ——— For metes and bounds property: Residential development is only allowed to a maximum density of two units per acre, whether previously subdivided or not, for the first six dwelling units, including any existing units.~~
 - ~~———— (b) ——— For metes and bounds property under the "Family Parcel Provision," residential development is applicable to property owners who cannot use the provision in 3(a), above, due to date of ownership or acquisition, or because an adequate number of lots would not result for family members. The property owner may convey a portion of the property to each of their relatives, as defined by Florida Statutes (Section 163.3179), notwithstanding the density or intensity applicable to the subject parcel in the zoning district: (a) if the subdivision does not create lots which are less than one-half acre in size; (b) such parcel has not been previously created through a Policy 2.1.9 non heir provision; (c) said "Family Parcel" provision has not been used previously by the property owner; (d) the proposed subdivision meets all other applicable provisions of subsection 2 of this section, above.~~
 - ~~———— (c) ——— For previously platted unrecorded subdivisions: Residential development is~~

~~permitted if the following criteria are met: (a) the parcel must be a minimum of four acres; (b) the parcel must lie outside the urban service area as defined in the comprehensive plan; (c) the density on the resulting parcels may not exceed one dwelling unit per two acres, including existing dwelling units, up to a maximum division of five lots; (d) the resulting parcels shall be compatible and consistent with the majority of lots within the subdivision; (e) the resulting parcels shall meet concurrency requirements; and, (f) and the parcel must meet all applicable items in subsection 2, above.~~

~~———— (d) ——— For property that abuts a canopy road with existing physical access, Policy 2.1.9 may be utilized where no protected tree and/or vegetation removal is required, and which meets the provisions of subsection 2, shall qualify under this section. However, where the subject property abuts a canopy road and there is no existing physical access, full Type B site and development plan review shall be required.~~

~~4. Approval of an application for residential development pursuant to Comprehensive Plan Land Use Policy 2.1.9. shall be dependent upon a finding by the County in the affirmative for each of the three following criteria:~~

~~———— (a) Whether the application is consistent with the Comprehensive Plan.~~

~~— (b) Whether the application complies with applicable provisions of the Land Development Code; and,~~

~~(c) Whether the requirements of this chapter and other applicable regulations and ordinances have been met.~~

~~In those instances wherein the application substantially meets these three criteria but, in the determination of the reviewing entity, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected;~~

~~whereupon the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate complete satisfaction with these criteria.~~

Sec. 10-7.202. Residential development pursuant to Comprehensive Plan Land Use Element

Policy 2.1.9.

1. Eligibility to subdivide land to create parcels of transferable property. To qualify for subdivision of land pursuant to Comprehensive Plan Land Use Element Policy 2.1.9., for purposes of creating parcels of property that may be transferred to entities unrelated to the property owner, notwithstanding the density or intensity of limits established for this land by the Future Land Use Map of the Comprehensive Plan or the Official Zoning Map, the following conditions must be met:

(a) The land to be subdivided must be located in one or more of the following zoning districts:

(i) Rural;

(ii) Urban Fringe; or

(iii) Lake Talquin Recreation/Urban Fringe; or

(iv) Residential preservation overlay of one of the three districts listed above, and only if outside the urban services area.

(b) The applicant has not previously utilized the provisions of Policy 2.1.9 to subdivide this or any other parcel in the applicant's ownership or control;

(c) The applicant has held fee simple title to the parcel, in single ownership, as of February 1, 1990, and has continuously maintained a record interest in the parcel since that date;

(d) A maximum of six lots may be created at a maximum residential density of two units per acre, with a minimum lot size of one-half acre of buildable area, whether the parcel is subdivided or not, including existing dwelling units; additional lots may be created so long as their size and density comply with applicable zoning district and future land use category standards; and,

(e) This subsection, 10-7.202.1, shall no longer be in effect as of February 1, 2010.

2. Eligibility to subdivide land to create parcels for use as a homestead by a family member.

To qualify for subdivision of land pursuant to Comprehensive Plan Land Use Element Policy 2.1.9., for purposes of creating parcels of property for use solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveys the parcel, notwithstanding the density or intensity of limits established for this land by the Future Land Use Map of the Comprehensive Plan or the Official Zoning Map, the following conditions must be met:

(a) The land to be subdivided must be located in one or more of the following zoning districts: the Rural; the Urban Fringe; the Lake Talquin Recreation/Urban Fringe; or the Residential preservation overlay of one of the three districts listed above, and only if outside the urban services area.

(b) The parcel to be subdivided has existed in its present configuration since February 1, 1990; or, the parcel was created, subsequent to February 1, 1990, through subdivision pursuant to the family heir provision of Policy 2.1.9 of the Land Use Element of the Comprehensive Plan and conveyed to an originally intended heir, as defined herein, and the applicant is an originally intended heir or an heir through successive generations of that property owner. Any subdivision or conveyance of the parcel after February 1, 1990, shall thereafter void the eligibility to subdivide the parcel under this

section for use as a homestead by a family member, unless such subdivision or conveyance was undertaken pursuant to the family heir provision of Policy 2.1.9 of the Land Use Element of the Comprehensive Plan.

3. *Criteria for approval.* Approval of an application for residential development pursuant to Comprehensive Plan Land Use Policy 2.1.9. shall be dependent upon a finding by the County in the affirmative for each of the following criteria:

(i) That the application is consistent with the Comprehensive Plan.

(ii) That the application complies with the standards set out in subsection 10-7.202.5; and,

(iii) That the application complies with applicable provisions of the Land Development Code and other applicable regulations and ordinances have been met, including those pertaining to environmental protection, access, zoning district development standards except lot size, and concurrency management system requirements.

4. *Additional criteria for approval for subdivision to create parcels for use as a homestead by a family member* (subsection, 10-7.202.2). In addition to an affirmative finding for each of the three criteria set out in subsection 10-7.202.3, approval of an application made pursuant to subsection 10-7.202.2 shall be dependent upon a finding by the County in the affirmative for each of the following criteria:

(a) that the application includes documentation of those covenants and restrictions, executed by the applicant and the Chair of the DRC, recorded pursuant to subsection 10-7.202.9(f); and,

(b) that the number of lots that may be created through subdivision of property for use solely as a homestead by a family member is equal to or less than the number of heirs plus the original homestead family member.

5. Substantive requirements for the subdivision of land pursuant to this section.

(a) General. The following general requirements apply to applications submitted pursuant to this section:

- 1) No lot created may be any smaller than one-half acre of buildable area in size;
- 2) parcels within a recorded subdivision may not be further subdivided by application of this section; and,
- 3) the application may be fashioned for approval of additional dwelling units without subdivision; in which instance, the application shall demonstrate sufficient land area for each dwelling unit, equivalent to amount of land and arrangement of dwelling units as would otherwise be required to create subdivision lots.

(b) Additional requirements for application for subdivision of land within previously approved unrecorded subdivisions. Further subdivision of land to create residential lots or additional dwelling units pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan shall be allowed if the resulting parcels are no smaller than the smallest existing lot within the subdivision, established in accordance with the Leon County Land Development Code, nor less than one-half acre in size.

6. Timely completion of a deficient application. The Department of Growth and Environmental Management or its successor, shall inform the applicant of any deficiencies constituting an incomplete application. The applicant shall have 180 days, from the date of the issuance of notice from the County informing of deficiencies constituting an incomplete application, to make required corrections to the application and submit that application for review. The applicant shall be entitled to request, in writing to the County, one 90-day extension; the County may grant that extension based upon a demonstration of hardship by the applicant. Failure to resubmit a

revised application in a timely manner shall have the same effect as denial of the application without prejudice; however, no application filed pursuant to subsection 10-7.202.1 shall be accepted after February 1, 2010.

7. Approval subject to condition. In those instances wherein the application substantially meets the applicable criteria for approval but, in the determination of the entity with authority to approve the application, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; whereupon the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

8. Timely revision of an application approved subject to condition. Any application made pursuant to this section, approved subject to condition, shall be revised to demonstrate satisfaction of all conditions within 180 days from the date of the issuance of notice informing the applicant of approval subject to condition by the County. The applicant shall be entitled to request, in writing to the County, one 90-day extension; the County may grant that extension based upon a demonstration of hardship by the applicant. Failure to revise the application within the allotted time period to demonstrate satisfaction of all conditions shall have the same effect as denial of the application without prejudice; however, no application filed pursuant to subsection 10-7.202.1 shall be accepted after February 1, 2010.

9. Limitations on the Use of Parcels Created Pursuant to 10-7.202.2; creating parcels of property for use solely as a homestead by a family member:

- a) Parcels created through subdivision pursuant to subsection 10-7.202.2 are intended as homestead property for heirs of the owner/subdivider. No parcel created through this

process shall be conveyed to any person other than the originally intended heir within a period of less than five years from the date of the approval of the 2.1.9 subdivision.

b) No building permit shall be issued for any building on any parcel created through subdivision pursuant to subsection 10-7.202.2, except to the originally intended heir or the original homestead family member, within a period of five years from the date of the approval of the 2.1.9 subdivision.

c) After a period of five years from the date of the creation of a lot created pursuant to subsection 10-7.202.2, that lot may be conveyed to any other person.

d) Except as provided in e), below, any lot created by subdivision pursuant to subsection 10-7.202.2 may, after a period of five years from the date of the creation of the lot, be eligible for further subdivision or additional dwelling units pursuant to this Chapter.

e) Any lot created by subdivision pursuant to subsection 10-7.202.2 may be eligible for further subdivision or additional dwelling units, within the five-year period immediately following the date of the creation, by originally intended heir or original homestead family member, solely for the purpose of creating additional lots for conveyance to another eligible family member, as provided by Florida Statutes (Section 163.3179). Such subdivision or application for additional dwelling units shall comply with subsection 10-7.202.2.

f) The applicant for subdivision or additional dwelling unit pursuant to subsection 10-7.202.2, shall provide covenants and restrictions to be executed by the applicant and the Chair of the Development Review Committee, on the behalf of Leon County, which shall be recorded in the Clerk of the Court's records, restricting transfer and regulating the development of the property to comply with the limitations of subsection 10-7.202.9. The covenants and restrictions shall be enforceable by Leon County. The covenants and

restrictions may be amended, by the Board of County Commissioners, as necessary, to otherwise provide for the transfer or permitting in the case of the death or institutionalization of the originally intended heir.

10. Procedural standards.

a) Except as provided for in b) below, all applications for subdivision pursuant to this section shall be subject to the review and approval requirements of the Type A site and development plan application process; however, no pre-application meeting or technical staff meeting shall be required, but may be provided, at the request of the applicant, free of charge.

b) In those instances where subdivision pursuant to this section would result in the requirement of a new access connection to a designated canopy road or the removal of any protected tree and/or vegetation within the canopy road protection zone the subdivision application shall be subject to the review and approval requirements of the Type B site and development plan application process including, mandatory pre-application and technical staff meetings, at the expense of the applicant.

Section 5. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 6. Severability.

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

Section 7. Effective date.

This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
Florida, this _____ day of _____, 2008.

LEON COUNTY, FLORIDA

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By: _____
Clerk

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

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

AGENDA MATERIALS

Comprehensive Plan Amendment Cycle 2007-2

**LEON COUNTY BOARD OF COUNTY
COMMISSIONERS
WORKSHOP**

**September 18, 2007, 1:00 PM
County Commission Chambers
5th Floor, Leon County Courthouse**

ATTACHMENT #1

Workshop Agenda

September 18, 2007

**PLACE AGENDA IN THE FRONT OF THE
3-RING CYCLE 2007-2 NOTEBOOK**

**BOARD OF COUNTY COMMISSIONERS
AGENDA**

**SEPTEMBER 18, 2007, 1 PM
County Commission Chambers
Fifth Floor, Leon County Courthouse**

CYCLE 2007-2 PLAN AMENDMENT WORKSHOP AGENDA

- A. Introductory comments by Staff**
- B. Workshop on Cycle 2007-2 Comprehensive Plan amendments**

Amendment #PCM070201

Proposed map amendment change from Residential Corridor to Residential Corridor Node for 10.3 acres fronting on Mahan Drive and Dempsey Mayo Road. [Staff: Cherie Bryant]

Amendment #PCM070202a

Proposed map amendment change from Suburban to Recreation/Open Space on 2.9 acres fronting on the east side of Lake Bradford Road at its intersection with Walcott Street. [Staff: Steve Hodges]

Amendment #PCM 070202b

Proposed map amendment change from Rural to Recreation/Open Space on 328.6 acres located at the southeast corner of Baum and Buck Lake Roads. [Staff: Steve Hodges]

Amendment #PCM 070203

Proposed map amendment change from Residential Preservation to Grayville Mixed Use on 10.3 acres fronting on the east side of Thomasville Road opposite its intersection with Chocomausville Road. [Staff: Sean Gregory]

WITHDRAWN

Amendment #PCM 070204

Proposed map amendment change from Urban Fringe to Residential Preservation on 119.82 acres lying east of Hill N Dale Drive and bounded on the north by Interstate 10. The property is also proposed for inclusion inside the Urban Service Area (USA). [Staff: Brian Wiebler]

Amendment #PCM 070205

Proposed map amendment change from Residential Preservation to Urban Residential on 2.07 acres located at the southwest corner of the intersection of Ox Bottom and Thomasville Roads. [Staff: Steve Hodges]

Amendment #PCT 070206

Proposed text amendment change would replace the optional Education Element with the required Public School Facilities Element. The proposed Element integrates State-mandated concurrency requirements for public schools into the comprehensive plan. New policies are also proposed for the Intergovernmental Coordination and Capital Improvements Elements. [Staff: Dan Lucas]

Amendment #PCT 070207

Proposed text amendment change modifies Policy 2.1.9 of the Land Use Element, providing a sunset date of February 1, 2009 for the non-family heir provision. The proposed amendment also simplifies comprehensive plan language related to family heir Policy 2.1.9 subdivisions, creating consistency with Florida Statutes. [Staff: Allison Stewart]

Amendment #PCT 070202

Proposed text amendment change to Land Use Element Policies 1.4.18, 2.1.11, and 2.2.28 to remove the restriction in Central Urban future land use category that density on a local street is limited to 16 dwelling units per acre. With the restriction removed the maximum allowable density would be 45 dwelling units per acre. [Staff: Fred Goodrow]

Amendment #PCT 070203

Proposed text amendment change to the Land Use Element Policy 2.1.12 and disengagement from the Tallahassee Land Development Matrix to remove the restriction that properties in University Transition future land use category are limited to 25 dwelling units per acre on local streets. With the restriction removed the allowable density would be a maximum of 50 dwelling units per acre. [Staff: Allison Stewart]

C. Adjournment

If you have a disability requiring accommodations, please contact the Planning Department. The Planning Department telephone number is (850) 891-8600. The telephone number of the Florida Relay TDD Service is # 1-800-955-8771.

"Please be advised that if a person decided to appeal any decision made by the County Commission with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. The County Commission does not provide or prepare such a record (Section 286.0105 F.S.)."

ATTACHMENT #2

**Summary
Of Cycle 2007-2 Actions**

**PLACE SUMMARY BEHIND THE AGENDA IN
THE FRONT OF THE
3-RING CYCLE 2007-2 NOTEBOOK**

MATRIX FOR CYCLE 2007-2

A = Approve
 D = Denial
 AM = Approve as Modified

Item #	Amendment To:	Nature of Proposed Amendment	Leon County School District Staff Comments	Planning Staff Recommendation	LPA Recommendation	City Commission Position	Board of County Commissioners Position
PCM070201	FUTURE LAND USE MAP (Mahan Dr. & Dempsey Mayo Rd.)	From: Residential Corridor To: Residential Corridor Node 10.83 acres	District-wide capacity is available. New middle school to open in 2008 that will affect Swift Creek Middle School enrollment.	A	A		
PCM070202a	FUTURE LAND USE MAP (E. side of Lake Bradford Rd. at its intersection with Walcott St.)	From: Suburban To: Recreation/Open Space 2.9 acres	District-wide capacity is available. No impact proposed.	A	A		
PCM070202b	FUTURE LAND USE MAP (SE corner of Baum & Buck Lake Roads)	From: Rural To: Recreation/Open Space 328.6 acres	District-wide capacity is available. No impact proposed.	A	A		
PCM070203	FUTURE LAND USE MAP (E. side of Thomasville Rd. opposite Chancellorville Dr. intersection)	From: Residential Preservation To: Bradfordville Mixed Use 10.3 acres	District-wide capacity is available. Capital improvements are budgeted that will increase capacity.	D	D		
PCM070204	FUTURE LAND USE MAP (Lying E. of Hill N Dale Dr. & south of I-10)	From: Urban Fringe To: Residential Preservation & bring inside the USA	District-wide capacity is available. 2 new schools will open in 2008 & that will increase capacity.	A with conditions	2-2 tie vote on a motion to recommend approval with conditions; motion failed		
PCM070205	FUTURE LAND USE MAP (SW corner of Ox Bottom & Thomasville Rds.)	From: Residential Preservation To: Urban Residential 2.09 acres	District-wide capacity is available. Capital improvements are budgeted that will increase capacity.	A	A		

A = Approve
 D = Denial
 AM = Approve as Modified

Item #	Amendment To:	Nature of Proposed Amendment	Leon County School District Staff Comments	Planning Staff Recommendation	LPA Recommendation	City Commission Position	Board of County Commissioners Position
PCT070203	TEXT AMENDMENT	Changes to the Land Use Element & disengagement from the Land Development Matrix to remove the restriction limiting density in UT to 25 d.u.s per acre on		AM	D		
PCT070204	TEXT AMENDMENT	Changes to Land Use & Capital Improvements Elements establishing an Urban Service Boundary as a subset of the Urban Service Area		A	A		
PCT070205	TEXT AMENDMENT	Changes to the Land Use Element clarifying timing of development under the cluster option when urban services are available in UF		A	A		
PCT070206	TEXT AMENDMENT	Change would replace the optional Education Element with the required Public School Facilities Element		A	A		
PCT070207	TEXT AMENDMENT	Changes modify Policy 2.1.9 of the Land Use Element providing a sunset date for 2.1.9 subdivisions & modify Comp Plan language related to family heir subdivisions.		A	AM (Notify property owners of sunset date.)		

ATTACHMENT #3

AMENDMENT PCT 070203

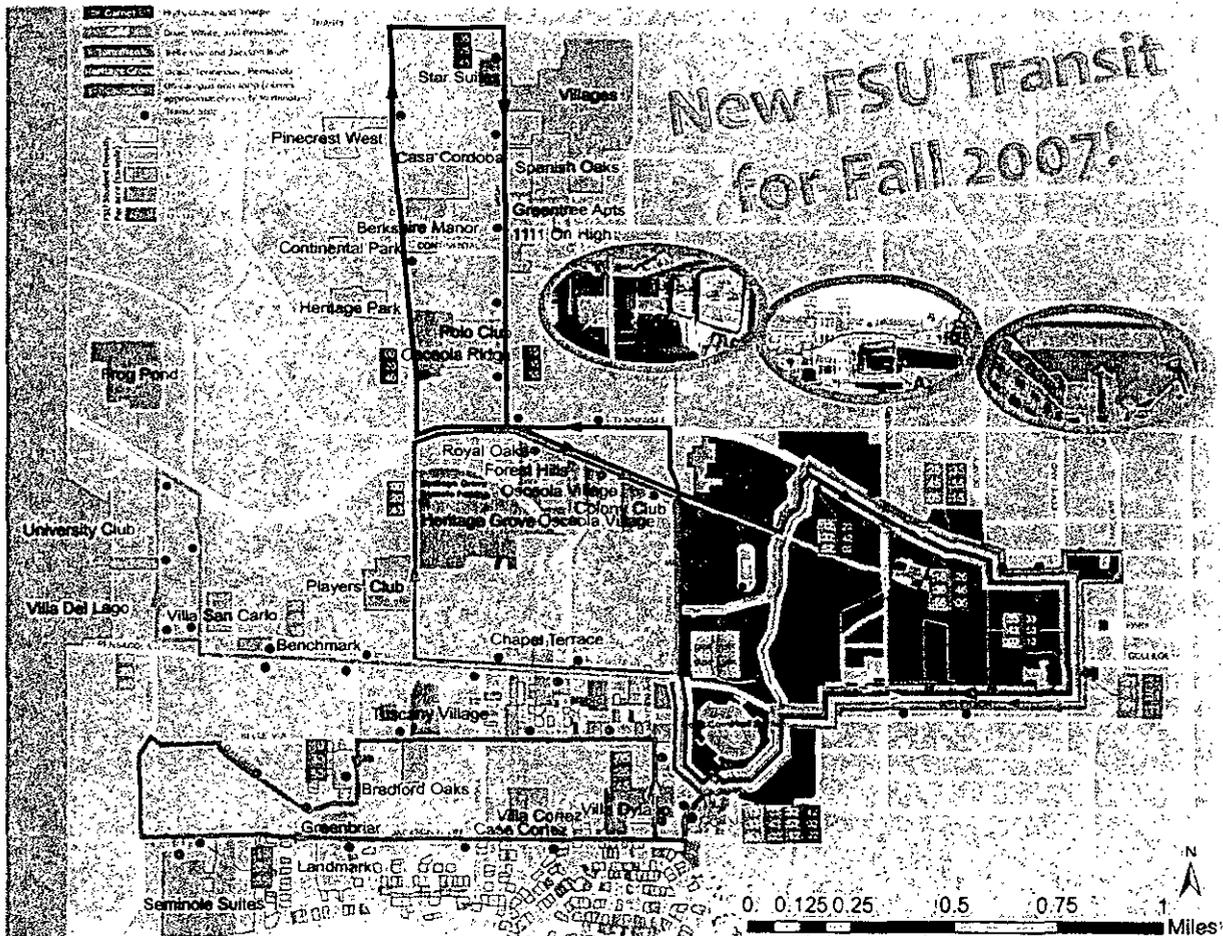
Review of the New Campus Star Metro Routes

**PLACE DOCUMENT BEHIND TEXT AMENDMENT
TAB, TAB 3
in the 3-RING CYCLE 2007-2 NOTEBOOK**

PCT070203 (University Transition)
New StarMetro Services to FSU and the FSU/FAMU Engineering School

StarMetro began running new "Seminole Express" routes in the FSU area on August 20, 2007. The routes use the same 11 buses previously used as on-campus circulators. However, the new routes include off-campus destinations as well, in order to increase use of the buses and decrease congestion around the universities. The bus routes service over 55 apartment complexes. Over 53% of the student population live within 1/4 mile of the expanded bus routes, greatly increasing the number of students who have access to transit. In addition, all of the buses on these routes have bike racks.

The buses serving apartment complexes run from 7 am to 7 pm approximately every 20 minutes, and the on-campus circulator runs approximately every 10 minutes. The expanded Night Nole service runs from 10 pm - 3 am between FSU, Pensacola, Appleyard, Tennessee, Ocala, and Tarpe. StarMetro does not have conclusive data for ridership yet, but riders and staff observed "packed" buses that are busy at times buses used to run almost empty. This indicates a high success rate for increasing the number of students using the buses. In addition, StarMetro has requested information on student residence locations from TCC and FAMU to evaluate potential route changes to better address student commutes. The map below shows the new routes, campus boundaries, and student densities in the catchment area.



ATTACHMENT #4

AMENDMENT PCT070206

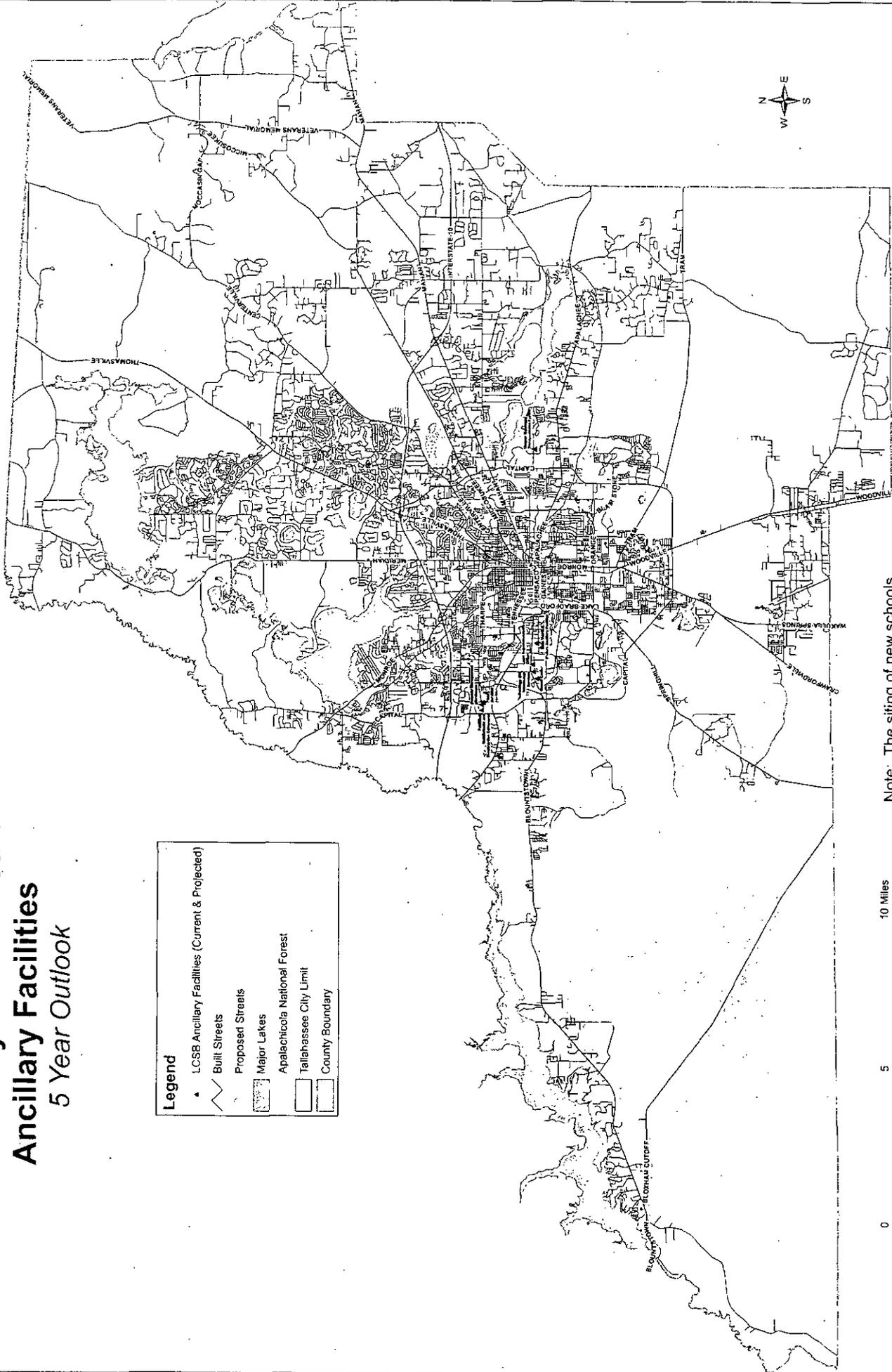
**Maps Required by FL Statutes
To be Adopted as Part of the Element**

**PLACE MAPS BEHIND TEXT AMENDMENT TAB,
TAB 6
in the 3-RING CYCLE 2007-2 NOTEBOOK**

Leon County School Board Ancillary Facilities 5 Year Outlook

Legend

- LCSB Ancillary Facilities (Current & Projected)
- Built Streets
- Proposed Streets
- ▭ Major Lakes
- ▨ Apalachicola National Forest
- ▭ Tallahassee City Limit
- ▭ County Boundary



Note: The siting of new schools is based on demographic demands, current thinking and availability of appropriate land.

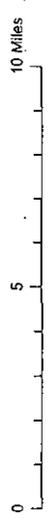
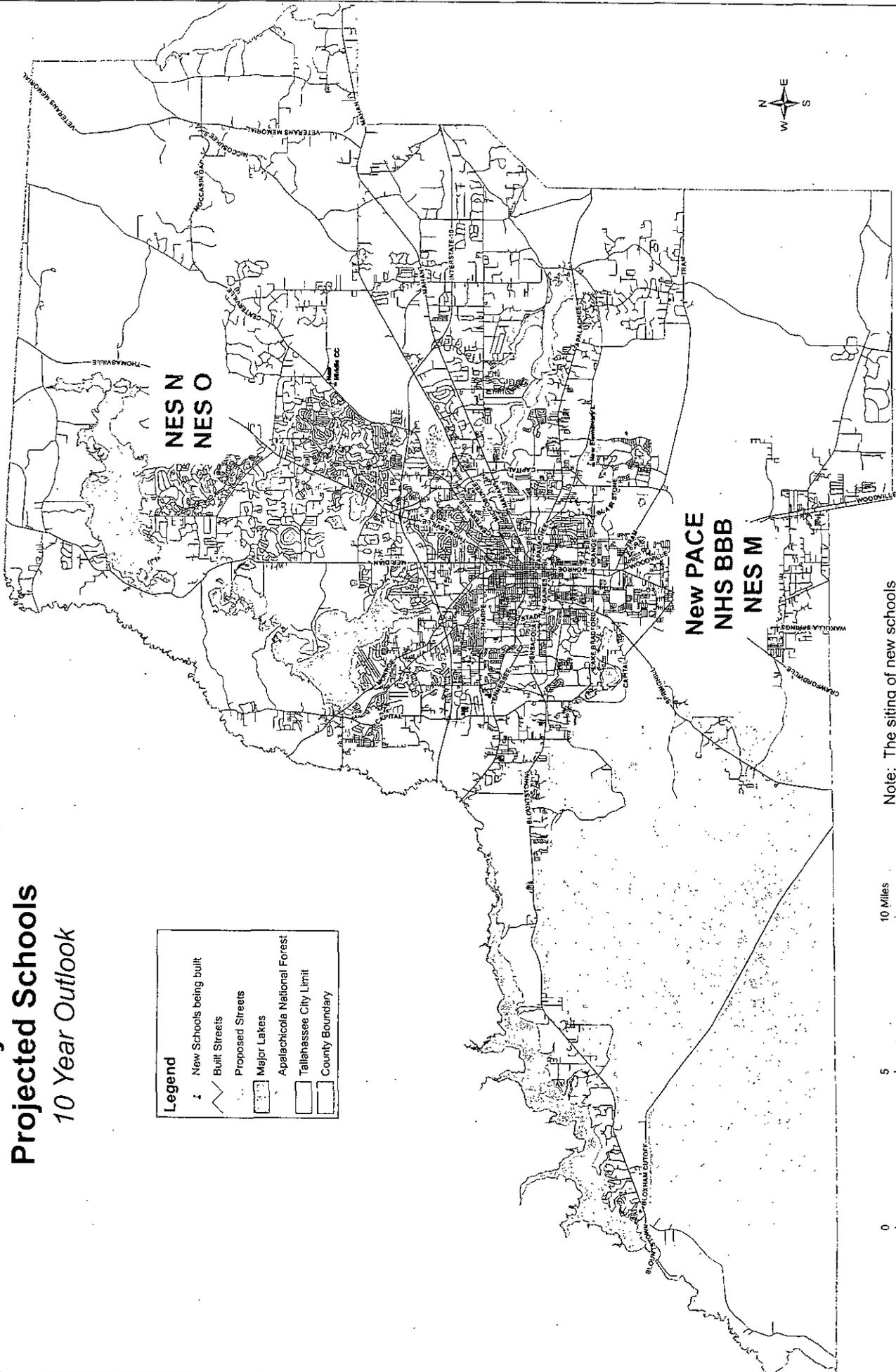


Scale of Map: 1:66,000

Map prepared by:
 Date:
 Title:
 Scale:
 Author:
 Date:
 Title:
 Scale:
 Author:
 Date:

Leon County School Board Projected Schools 10 Year Outlook

Legend	
+	New Schools being built
—	Built Streets
⋯	Proposed Streets
○	Major Lakes
▨	Apalachicola National Forest
□	Tallahassee City Limit
□	County Boundary



Scale of Map: 1:56,000

Note: The siting of new schools is based on demographic demands, current thinking and availability of appropriate land.

This map was prepared by the Leon County School Board in cooperation with the Leon County Planning Department. The map is based on the most current available data and is subject to change without notice. The map is not intended to be used for any purpose other than that for which it was prepared.

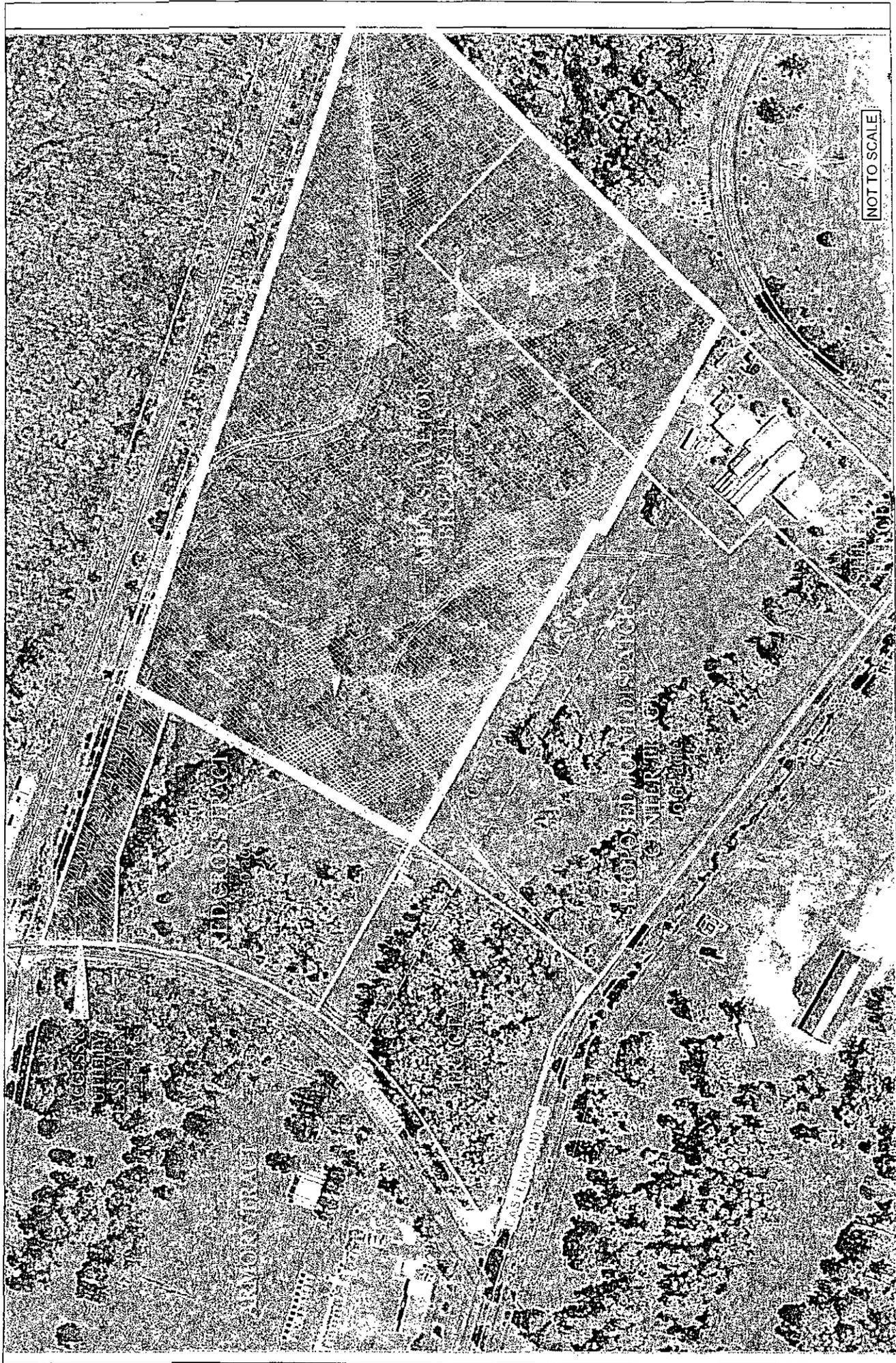
ATTACHMENT #5

AMENDMENT PCM070206

Map of Request Site

**PLACE MAP BEHIND MAP AMENDMENT TAB,
TAB 6
in the 3-RING CYCLE 2007-2 NOTEBOOK**

NOT TO SCALE



CITIZEN COMMENTS

(RECEIVED SINCE AUGUST 30, 2007)

**IF YOU WISH TO PLACE THESE COMMENTS IN
COMMISSION CYCLE 2007-2 3-RING NOTEBOOK,
THE INSTRUCTIONS FOLLOW THIS PAGE**

AMENDMENT PCT070201

**PLACE COMMENTS BEHIND TEXT AMENDMENT
TAB,
TAB 1
in the 3-RING CYCLE 2007-2 NOTEBOOK**

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge and on information presented by Planning Department staff, the Committee reviewed the Cycle 2007-2 Proposed Comprehensive Plan Amendments PCM070202a and PCM070202b, PCT070201, PCT070204, PCT070205, and PCT070207 at its meeting on August 27, 2007 and has the following recommendations and comments:

1. The Committee voted unanimously to recommend that the Leon County Board of County Commissioners **support the staff recommendation to adopt Proposed Amendments PCM070202a and PCM070202b (requesting a change in the Future Land Use designation from Rural to Recreation/Open Space)**. This recommendation is based on the facts and reasoning presented in the staff recommendation.
2. The Committee voted unanimously to recommend that the Board **deny Proposed Amendment PCT070201 (changing the definition of Altered Floodplains), and to request City and County Environmental Permitting staff to address these issues in a systematic and communitywide process in order to create a scientifically defensible and rational definition.**
3. The Committee discussed **Amendment PCT070204 (establishing the Urban Services Area as the Urban Services Boundary as defined in Florida Statutes)**, but voted to table until their next meeting on September 10, 2007. Concerns raised by the Committee during the discussion included the possibility of landowners submitting proposed Future Land Use amendments outside of the established amendment process, and the size and scope of the proposed Urban Services Boundary.
4. The Committee voted unanimously to recommend that the Board **support the staff recommendation to adopt Amendment PCT070205 (clarify timing of development under the clustering option and density of development when urban services are available within the Urban Fringe future land use category)**. This recommendation is based on the facts and reasoning presented in the staff recommendation.

5. The Committee voted unanimously to recommend that the Board **support the staff recommendation to adopt Amendment PCT070207 (modifying Policy 2.1.9, providing a sunset date of February 1, 2009 for the non-family heir provision, and simplifying Comprehensive Plan language related to family heir Policy 2.1.9 subdivisions, creating consistency with Florida Statutes).** This recommendation is based on the facts and reasoning presented in the staff recommendation.

I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee following its meeting on August 27, 2007.



Dr. Don Axelrad, Chair

Dr. Don Axelrad
Ms. Jessie Brown
Dr. Jim Cavanagh
Dr. Pam Hall
Ms. Nancy Miller
Dr. Larry Robinson
Mr. Robert Scanlon

cc: Board of County Commissioners
Parwez Alam, County Administrator

AMENDMENT PCT070204

**PLACE COMMENTS BEHIND TEXT AMENDMENT
TAB,
TAB 4
in the 3-RING CYCLE 2007-2 NOTEBOOK**

**Citizen Comment
Amendmnt # PCT070204**

Sullivan, Sherri

From: Whitaker, Angela G
Sent: Thursday, September 06, 2007 8:37 PM
To: 'agillum@pfaw.org'
Cc: Gregory, Jean; Sullivan, Sherri
Subject: Judith Taps Re: Charles Pattison's comments on the Comprehensive Plan Amendments

FYI

-----Original Message-----

From: Judith Taps [mailto:judith_taps@hotmail.com]

Sent: Thursday, September 06, 2007 6:29 PM

To: Dailey, John; Desloge, Bryan; Whitaker, Angela G; Katz, Allan; Lightsey, Deborah A; Mustian, Mark;

proctorb@mail.co.leon.fl.us; racklefb@mail.co.leon.fl.us; SAULSJ@mail.co.leon.fl.us; cliff@mail.co.leon.fl.us

Cc: secretary@econa.org; stephen100@comcast.net; Spellman, Hella; hellaspellman@comcast.net; sbu62@earthlink.net;

judith_taps@hotmail.com; darwingamble@yahoo.com; jadavis@MACTEC.com; libertyj@nettally.com; daxe@comcast.net;

KC4TOC@comcast.net

Subject: Charles Pattison's comments on the Comprehensive Plan Amendments

Hello,

Attached, for your information, are the comments Charles Pattison would have made at the August 29 Comprehensive Plan public hearing. Mayor Marks agreed to allow him to submit them later, as he needed to leave. Thank you for your consideration.

Judy Taps

CONA Neighborhood Protection Chair

Get a FREE small business Web site and more from Microsoft® Office Live!

Citizen Comment Amendmnt # PCT070204

September 5, 2007

Mayor John Marks
Chairman Ed DePuy

RE: PCT070204/Land Use Policy change to create USB

Dear Mayor Marks and Chairman DePuy:

At last week's joint comprehensive plan amendment workshop, we agreed to provide additional comments from one of our colleagues, Charles Pattison, a member of the CONA Neighborhood Protection Committee and a board member of the Betton Hills Neighborhood Association. CONA asks that these comments be added to the record for this proposed amendment and shared with your colleagues.

The information provided by staff does not indicate how the 2010 to 2020 timeframe creating the new Urban Service Boundary (USB) demonstrates consistency with the statutory requirement that the USB only contain an adequate area, and infrastructure, to accommodate the projected 10 year growth needs of the area. It is interesting to note, as the staff memo confirms, that the existing boundary could accommodate approximately 30 years of new growth, and as such documents once again that there is no need to expand the USB.

It remains unclear how the staff believes this amendment will be "activated" should it become effective. There is no procedure within current state growth management law for a community to decide when a plan amendment goes into effect. In order for this amendment then to meet state standards, the effective date for this amendment must be adjusted to reflect statutory requirements. As such, it would seem that the 10 year timeframe for this amendment should be 2008 to 2018.

Along with such an amendment, it is necessary that a 10 year capital improvement schedule also be included, and none was provided with this amendment. One of the fundamental justifications for establishing the desired USB is a demonstration that the capital facilities needed for 10 years of growth be documented. Without this, the ability to service the USB is in doubt.

We also want to reiterate our concerns regarding the justification for this amendment as proposed by staff. In particular, we seriously question the statement that since "adequate" neighborhood protections are in place, there is no longer a need to have detailed plan amendment reviews, especially by the state. CONA has patiently worked with staff to identify our concerns and recommendations regarding neighborhood protection, a policy that is in the joint comprehensive plan and which, thus far, has seen little specific attention. Before any consideration of a more limited review is even considered, we believe action on our recommended land development changes regarding notice, buffers, and appropriate design standards to mitigate and/or eliminate commercial encroachments need to be specifically adopted. In addition, there must be a commitment to future plan amendments for this same purpose. It remains curious to us that although we worked with staff before and during the EAR process to develop our recommendations on this matter, such amendments were not forthcoming, and yet this USB amendment, which was never identified, has somehow surfaced.

Mayor Marks
Chairman DePuy
September 5, 2007
Page 2

To conclude, we have great reservations about this amendment shortening the review time for plan amendments. For whatever reason this is done, it will limit the ability of citizens to participate in plan amendments affecting their neighborhoods. Hopefully that is not the intent of the amendment, but without adequate neighborhood safeguards in place, this will be one of the results.

Sincerely,

Charles G. Pattison, AICP
CONA Neighborhood Protection Committee

CC: CONA Board
City/County Planning Staff

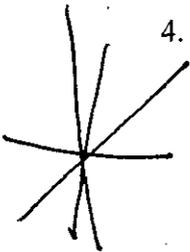
**AMENDMENTS PCT070205
&
PCT070207**

**PLACE COMMENTS BEHIND TEXT AMENDMENT
TAB,
TAB 5 FOR THE TOP SHEET
&
TAB 7 FOR THE SECOND SHEET
in the 3-RING CYCLE 2007-2 NOTEBOOK**

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge and on information presented by Planning Department staff, the Committee reviewed the Cycle 2007-2 Proposed Comprehensive Plan Amendments PCM070202a and PCM070202b, PCT070201, PCT070204, PCT070205, and PCT070207 at its meeting on August 27, 2007 and has the following recommendations and comments:

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I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee following its meeting on August 27, 2007.



Dr. Don Axelrad, Chair

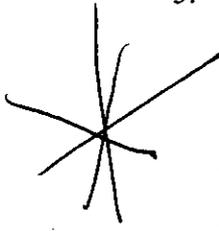
Dr. Don Axelrad
Ms. Jessie Brown
Dr. Jim Cavanagh
Dr. Pam Hall
Ms. Nancy Miller
Dr. Larry Robinson
Mr. Robert Scanlon

cc: Board of County Commissioners
Parwez Alam, County Administrator

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

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Dr. Don Axelrad, Chair

Dr. Don Axelrad
Ms. Jessie Brown
Dr. Jim Cavanagh
Dr. Pam Hall
Ms. Nancy Miller
Dr. Larry Robinson
Mr. Robert Scanlon

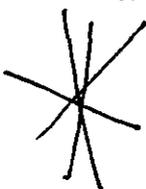
cc: Board of County Commissioners
Parwez Alam, County Administrator

AMENDMENT PCM070202

**PLACE COMMENTS BEHIND MAP AMENDMENT
TAB,
TAB 2
in the 3-RING CYCLE 2007-2 NOTEBOOK**

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge and on information presented by Planning Department staff, the Committee reviewed the Cycle 2007-2 Proposed Comprehensive Plan Amendments PCM070202a and PCM070202b, PCT070201, PCT070204, PCT070205, and PCT070207 at its meeting on August 27, 2007 and has the following recommendations and comments:

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I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee following its meeting on August 27, 2007.



Dr. Don Axelrad, Chair

Dr. Don Axelrad
Ms. Jessie Brown
Dr. Jim Cavanagh
Dr. Pam Hall
Ms. Nancy Miller
Dr. Larry Robinson
Mr. Robert Scanlon

cc: Board of County Commissioners
Parwez Alam, County Administrator

AMENDMENT PCM070206

**PLACE COMMENTS BEHIND MAP AMENDMENT
TAB,
TAB 6
in the 3-RING CYCLE 2007-2 NOTEBOOK**

Sullivan, Sherri

Citizen Comment Amendment # PCM070206

From: Whitaker, Angela G
Sent: Thursday, August 30, 2007 3:43 PM
To: Gregory, Jean
Cc: Sullivan, Sherri
Subject: Amy Reimer Re: keep rezoning reasonable

-----Original Message-----

From: Reimer, Amy (Tallahassee) [mailto:amy.reimer@med.fsu.edu]
Sent: Thursday, August 30, 2007 1:14 PM
To: Gillum, Andrew
Subject: keep rezoning reasonable

Tallahassee and Leon County Commissions & the Public Service Communications Board
Tallahassee, Florida

We, the members of the Tallahassee/Leon County community and the Partnership for Parks & Public Safety, applaud and support the Public Service Communications Board's recommendation to locate a Joint Dispatch Center for law enforcement, fire, emergency medical services and a regional Red Cross facility on county property located adjacent to Tom Brown Park. We want to express our strong support for our community's law enforcement and emergency services. We also believe that Tallahassee's parks, trails and open space are vital to the recreational needs of our children and to the quality of life we all enjoy.

Our city and county commissions are considering an amendment to the Comprehensive Future Land Use Map that would change the zoning of a 45+/- acre parcel of land adjacent to Tom Brown Park from Recreation/Open Space to Government Operations. We oppose the rezoning of this entire parcel, as it is excessive and unnecessary.

While we agree that the location is appropriate, we strongly recommend that the City and County Commissions consider the following and incorporate these items into the proposed comprehensive plan amendment:

1. Limit the rezoning to a 10.67 acre parcel. (Map attached)
2. Demonstrate leadership by building one "green" building for both the Joint Dispatch Center and the Red Cross on the 10.67 acre parcel. One building - rather than the two currently planned - would require a smaller footprint and would cost less per square foot.
3. Empower the community (stakeholders) by inviting us to be included in a participatory design process for the new "green" building.
4. Transfer the remaining 34.28 acre parcel from County to City ownership to be managed as part of Tom Brown Park.
5. Financially support the creation of a comprehensive trail plan and funding for all ongoing maintenance of our system of trails throughout Tallahassee and Leon county. In addition we request a one time capitaloutlay for upgrading our local trail system.

We stand united in our request and look forward to working with the Commissions on this very important Public Service endeavor.

Supporters

Capital City Cyclists
Gulf Winds Track Club
The Trust for Public Land
Audubon of Tallahassee
Fat of the Land

And Myself,
Amy Reimer
Year 4 Medical Student
Class of 2008

"As a dog returns to its vomit, so a fool repeats his folly."
Proverbs 26:11

Sullivan, Sherri

**Citizen Comment
Amendment # PCM070206**

From: ermine@owenbyfamily.com
Sent: Thursday, August 30, 2007 3:09 PM
To: Sullivan, Sherri
Subject: Comprehensive Growth Plan Amendment

As a 15-year disaster volunteer and former Board member of the Capital Area Chapter of the American Red Cross, I would urge the City Commissioners to approve the Comprehensive Growth Planning amendment. It is a more effective use of time, energy, and resources to have emergency management agencies working under one roof. I would appreciate your supporting this amendment in the best interests of the citizens of Leon County, City of Tallahassee, as well as the 11 county area served by the Capital Area Chapter of the American Red Cross in time of a disaster.

Thank you,
Ermine M. Owenby

Gerrell, Carolyn

**Citizen Comment
Amendment # PCM070206**

From: Ingram, M'Lisa on behalf of City Manager
Sent: Thursday, August 30, 2007 4:12 PM
To: Gerrell, Carolyn
Subject: FW: Please Approve

-----Original Message-----

From: Lisa S. [mailto:mc68000@comcast.net]
Sent: Thursday, August 30, 2007 3:24 PM
To: Marks, John; Katz, Allan; Whitaker, Angela G; Lightsey, Deborah A; Mustian, Mark; City Manager; Bentley, Chris; Nicholson-Choice, Maribel; Fronczak, Dave; Hinson, Terence; Kendall, Cathy; Norwood, Dianna; parker_planning@comcast.net; Stengle, Dan
Subject: Please Approve

Dear Commissioners:

Please support the Capital Area Chapter of the American Red Cross by approving the Comprehensive Growth Plan amendment in tonight's meeting. Gifts, for such a worthwhile cause as this, are few and far between. Let's not compromise this opportunity to save future dollars from coming out of the city/county coffers by having to pick up slack that the Red Cross might have been able to handle entirely, with adequate resources.

Having worked for county government, I understand the pressures that are put on the Commissions, practically on a daily basis, to alter the Growth Plan. Usually for individual gain.

However, keeping a growth plan from becoming obsolete, beginning from the day it is adopted, is why these hearings exist. To account for unforeseen, yet beneficial, occurrences such as this.

Their gift is a boon to us all. This amendment deserves a positive vote.

Thank you,

--
Lisa R. L. Seay
mc68000@comcast.net
850/553-4653

Don't miss the colors and the dance of the sunrise. Can the sunrise be too beautiful?
- Blackwolf Jones

**Citizen Comment
Amendment # PCM070206**

Sullivan, Sherri

From: Ingram, M'Lisa
Sent: Friday, August 31, 2007 8:50 AM
To: Goodrow, Fred; Gregory, Jean; Sullivan, Sherri
Subject: FW: !Comments regarding PCM 070206!

-----Original Message-----

From: Steve MacLeod [mailto:baba_thaba@yahoo.com]
Sent: Thursday, August 30, 2007 4:27 PM
To: Marks, John; Katz, Allan; Whitaker, Angela G; Lightsey, Deborah A;
Mustian, Mark; City Manager
Cc: Nicholson-Choice, Maribel
Subject: !Comments regarding PCM 070206!

Dear Mayor Marks and Tallahassee Commissioners,

I would like to offer my comments for the proposed change to the Comprehensive Plan (2007-2 cycle) listed as PCM070206. This change would reclassify a portion of land in or near Tom Brown Park to allow the construction of a centralized emergency operations center.

I am a member of the Red Cross - Capital Chapter. Our chapter has a great reputation for membership involvement, but the current facilities do not provide the space and location to adequately support operations and training. The planned facility will solve this problem.

I am also an outdoor enthusiast, and do have some concern about the potential impact to bike trails in Tom Brown Park. However, if the planning group is kept to its word to reroute some of the trails, and thus preserve the majority of the trail lengths, then I am not concerned with the impact to recreation.

I have another concern that does not seem to be highlighted; what will happen to the existing facilities? I would hate to see these turn into "brown fields," i.e., generally vacant lots and buildings, in exchange for the loss of open park space. Tallahassee struggles with keeping the central city vibrant, and vacant buildings deter businesses, residents and tourists. Is the demand for the existing facilities high enough that they will be occupied or redeveloped by other interests?

Finally, I note that this puts the emergency center into one of the more affluent parts of our community. Will this result in delayed response or receptiveness to areas on the west side of town that are generally less wealthy, which would mean less service to those who often need help the most?

Thank you for your consideration.

Sincerely,

Steven MacLeod
216 Dixie Dr, Unit E-2
Tallahassee, FL 32304

Building a website is a piece of cake. Yahoo! Small Business gives you all the tools to get online.
<http://smallbusiness.yahoo.com/webhosting>

Sullivan, Sherri

**Citizen Comment
Amendment # PCM070206**

From: Gregory, Jean
Sent: Thursday, August 30, 2007 12:22 PM
To: Sullivan, Sherri
Subject: FW: Disaster Center at Tom Brown Park.

-----Original Message-----

From: Divine, Ruth A **On Behalf Of** Lightsey, Deborah A
Sent: Thursday, August 30, 2007 12:07 PM
To: Gregory, Jean
Subject: FW: Disaster Center at Tom Brown Park.

-----Original Message-----

From: Pat Singletary [mailto:patsingletary@comcast.net]
Sent: Wednesday, August 29, 2007 7:50 PM
To: Lightsey, Deborah A
Subject: Disaster Center at Tom Brown Park.

Please approve the location of the Disaster Center including the Red Cross building that is already funded to be built at Tom Brown Park..Thank you Patricia Singletary

Sullivan, Sherri

**Citizen Comment
Amendment # PCM070206**

From: ermine@owenbyfamily.com
Sent: Thursday, August 30, 2007 3:09 PM
To: Sullivan, Sherri
Subject: Comprehensive Growth Plan Amendment

As a 15-year disaster volunteer and former Board member of the Capital Area Chapter of the American Red Cross, I would urge the City Commissioners to approve the Comprehensive Growth Planning amendment. It is a more effective use of time, energy, and resources to have emergency management agencies working under one roof. I would appreciate your supporting this amendment in the best interests of the citizens of Leon County, City of Tallahassee, as well as the 11 county area served by the Capital Area Chapter of the American Red Cross in time of a disaster.
Thank you,
Ermine M. Owenby

Sullivan, Sherri

**Citizen Comment
Amendment # PCM070206**

From: Whitaker, Angela G
Sent: Friday, August 31, 2007 3:01 AM
To: Gregory, Jean
Cc: Sullivan, Sherri
Subject: Steve MacLeod FW: !Comments regarding PCM 070206!

From: Steve MacLeod [mailto:baba_thaba@yahoo.com]
Sent: Thu 8/30/2007 4:27 PM
To: Marks, John; Katz, Allan; Whitaker, Angela G; Lightsey, Deborah A; Mustian, Mark; City Manager
Cc: Nicholson-Choice, Maribel
Subject: !Comments regarding PCM 070206!

Dear Mayor Marks and Tallahassee Commissioners,

I would like to offer my comments for the proposed change to the Comprehensive Plan (2007-2 cycle) listed as PCM070206. This change would reclassify a portion of land in or near Tom Brown Park to allow the construction of a centralized emergency operations center.

I am a member of the Red Cross - Capital Chapter. Our chapter has a great reputation for membership involvement, but the current facilities do not provide the space and location to adequately support operations and training. The planned facility will solve this problem.

I am also an outdoor enthusiast, and do have some concern about the potential impact to bike trails in Tom Brown Park. However, if the planning group is kept to its word to reroute some of the trails, and thus preserve the majority of the trail lengths, then I am not concerned with the impact to recreation.

I have another concern that does not seem to be highlighted; what will happen to the existing facilities? I would hate to see these turn into "brown fields," i.e., generally vacant lots and buildings, in exchange for the loss of open park space. Tallahassee struggles with keeping the central city vibrant, and vacant buildings deter businesses, residents and tourists. Is the demand for the existing facilities high enough that they will be occupied or redeveloped by other interests?

Finally, I note that this puts the emergency center into one of the more affluent parts of our community. Will this result in delayed response or receptiveness to areas on the west side of town that are generally less wealthy, which would mean less service to those who often need help the most?

Thank you for your consideration.

Sincerely,

Steven MacLeod
216 Dixie Dr, Unit E-2
Tallahassee, FL 32304

Sullivan, Sherri

**Citizen Comment
Amendment # PCM070206**

From: Gerrell, Carolyn
Sent: Thursday, August 30, 2007 5:47 PM
To: Goodrow, Fred; Sullivan, Sherri
Cc: Ingram, M'Lisa
Subject: FW: COMPREHENSIVE GROWTH PLAN AMENDMENT

Citizens Comments for Cycle 2007-2 Comp Plan Amendments.

Thank you.

Carol Gerrell

Executive Secretary

Tallahassee-Leon County Planning Department

Phone: (850) 891-8633

Fax: (850) 891-8734

-----Original Message-----

From: Ingram, M'Lisa **On Behalf Of** City Manager
Sent: Thursday, August 30, 2007 4:12 PM
To: Gerrell, Carolyn
Subject: FW: COMPREHENSIVE GROWTH PLAN AMENDMENT

-----Original Message-----

From: Tamy [mailto:kitnicintally@yahoo.com]
Sent: Thursday, August 30, 2007 3:35 PM
To: Marks, John; Katz, Allan; Whitaker, Angela G; Lightsey, Deborah A; Mustian, Mark; City Manager
Subject: COMPREHENSIVE GROWTH PLAN AMENDMENT

I am writing to ask you to please approve the Comprehensive Growth Plan amendment. It is critical to emergency operations in this area. In looking back at previous storms, including Hurricane Katrina, it is imperative to make sure that our area is as prepared as possible. Let's not wait for "20/20 hindsight" when we already know how much this will improve the abilities and efficiency of Response & Recovery when disaster strikes.

When disaster strikes and people start talking about what could've been done differently or what should've been done, you will be under one of the biggest spotlights. Do you want the community to point fingers at you and say that if you had approved this plan, then the devastation would've been dramatically lessened or do you want the community to praise your planning and foresight and be glad of your decision to approve this plan?

I understand that there are some who would disapprove of this plan, but these people think in the moment. They think only of what they WANT now, not what they will NEED in the future.

We CANNOT afford to think of just the present. We have to think ahead and do what's in the best interest of the community when disaster strikes. I say "when" because it's not a matter of "if". We WILL be hit. It's just a matter of when it will happen.

We need to think of how this decision will affect this community and surrounding communities. One thing to keep in mind is that the Capital Area Chapter of the American Red Cross covers 8 counties and supports disaster relief operations in several other counties as well. The abilities of the Red Cross to conduct effective and efficient Response & Recovery during disasters in these areas will also be affected by your decision. That's over 600,000 people who will be directly affected by your decision. Although I understand that you are only responsible for this community, the lives and property of hundreds of thousands of residents in surrounding communities that depend on the Capital Area Chapter of the American Red Cross for support and assistance when disaster strikes are in your hands since this is where the operational headquarters are located. Make sure that when you make this decision, you think of all the worst case scenarios and decide in your heart if you'll be able to live with the decision you've made should any of those scenarios happen. Will you be able to sleep knowing that our operational capabilities during a disaster are at their best or will you spend sleepless nights wishing that they were and knowing you could've made it happen?

Tamy

Take the Internet to Go: Yahoo!Go puts the Internet in your pocket: mail, news, photos & more.

Land Use Element Policy 2.1.9, as amended, effective June 6, 2008

Policy 2.1.9: [L] (Leon County) (Rev. Effective 4/18/02)

To avoid a disproportionate impact on owners of small parcels of property, each parcel of property in single ownership as of February 1, 1990, in the Urban Fringe, and Rural and Lake Talquin Recreation/Urban Fringe areas may be developed at a maximum density of two units per acre, for the first six dwelling units on such parcel, including existing dwelling units. Property owners who are not able to use the above provision because of date of ownership/acquisition, or if the provision would not allow for an adequate number of lots for a property owner who wishes to subdivide a parcel for family members, may convey a portion of that property to their heirs (as defined by Chapter 163.3179, F.S.) for the sole purpose as a homestead, notwithstanding the density or intensity of use assigned to the parcel in the plan. Either provision may apply only once to any individual, and may not be used in combination. Any parcel created through use of the non-heir provision of this policy shall not be further divided using the heir provision. Neither provision may be used to create a lot which is smaller than 1/2 acre in size.

Policy 2.1.9: [L] (Leon County)

Either provision described in Policy 2.1.9 (a) and (b) below may apply only once to any individual, and may not be used in combination. Any parcel created through use of the non-family heir provision of this policy shall not be further divided using the family heir provision. Neither provision may be used to create a lot which is smaller than 1/2 acre in size. The provisions described below shall be further described and regulated within the implemented land development regulations.

a) Family Heir Subdivisions

The use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual is permitted per this policy, notwithstanding the density or intensity of use assigned to the parcel within this Plan.

b) Non-Family Heir Subdivisions

To avoid a disproportionate impact on owners of small parcels of property, each parcel of property in single ownership as of February 1, 1990, in the Urban Fringe, and Rural and Lake Talquin Recreation/Urban Fringe areas may be developed at a maximum density of two units per acre, for the first six dwelling units on such parcel, including existing dwelling units. This provision for non-family heir subdivisions shall expire on February 1, 2010 at 12:01 a.m. when such subdivisions shall no longer be permitted.

NOTICE OF ESTABLISHMENT OR CHANGE OF A LAND USE REGULATION

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, November 25, 2008, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-1.101, DEFINITIONS; AMENDING DIVISION 2 OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS, SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING, TO DELETE SECTION 10-7.202, RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9; AMENDING DIVISION 2 OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS, SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING, TO ADD A NEW SECTION 10-7.202, RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Christine Coble or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 606-5300 or 606-5000; 1-800-955-8771 (TDD), 1-800-955-8770 (Voice), or 711 via Florida Relay service.

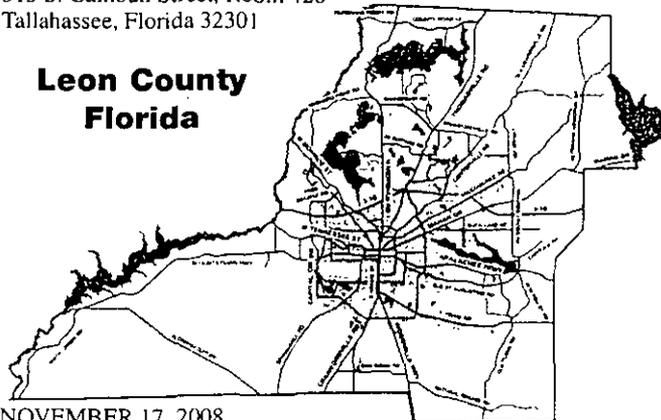
Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, FL 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 426
Tallahassee, Florida 32301

**Leon County
Florida**



NOVEMBER 17, 2008

Attachment # 4
Page 1 of 1