

**Leon County Board of County Commissioners
and
Tallahassee City Commission**

**Joint County/City
Adoption Public Hearing on a
2018 Cycle Comprehensive Plan
Text Amendment**

**Thursday
June 21, 2018
3:00 p.m.**

**City Hall
2nd Floor Commission Chambers
300 South Adams Street**

**Leon County
Board of County Commissioners**

Notes for Agenda Item #1

Joint County/City Public Hearing on the Adoption of a 2018 Cycle Comprehensive Plan Text Amendment

Agenda Item #1

June 21, 2018

To: Honorable Chairman and Members of the Board of County Commissioners
Mayor and City Commissioners

From: Vincent S. Long, County Administrator
Reese Goad, Interim City Manager

Title: Joint County/City Adoption Public Hearing on the 2018 Cycle Comprehensive Plan Text Amendment to the Intergovernmental Coordination Element

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management, and Community Enhancement (PLACE) Cherie Bryant, Director, Tallahassee-Leon County Planning Department
Lead Staff/ Project Team:	Artie White, Administrator – Comprehensive Planning

Statement of Issue:

This item provides for the Joint County/City Public Hearings to adopt a 2018 Cycle amendment to the Intergovernmental Coordination Element of the Tallahassee-Leon County Comprehensive Plan. The purpose of the Public Hearings is to adopt a text amendment that establish a procedure where future amendments to the Comprehensive Plan would become effective only with the approval of both the Board of County Commissioners and the City Commission, with some exceptions.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1:
- City of Tallahassee:* Conduct the Adoption Public Hearing and adopt Ordinance No. 18-O-20 (Attachment #1), thereby adopting the 2018 Cycle Text Amendment to the Intergovernmental Coordination Element of the Tallahassee-Leon County 2030 Comprehensive Plan.
 - Leon County:* Conduct the Adoption Public Hearing and adopt the proposed ordinance (Attachment #2), thereby adopting the Text Amendment to the Tallahassee-Leon County 2030 Comprehensive Plan.

Report and Discussion

Background:

The purpose of the Public Hearings is to:

- Adopt a text amendment to the Intergovernmental Coordination Element of the Tallahassee-Leon County Comprehensive Plan

Text amendments require two public hearings (transmittal public hearing and adoption public hearing). The transmittal public hearing occurred on April 10, 2018.

Following introductory remarks by staff on the 2018 Cycle Comprehensive Plan Text Amendment to the Intergovernmental Coordination Element, the agenda for the Joint City/County Adoption Public Hearings calls for the City to take up the text amendment prior to the County and is reflected in the staff recommendations (Attachment #3).

Analysis:

Adoption Public Hearings

The proposed ordinance would adopt the following text amendment for the 2018 Comprehensive Plan Amendment Cycle:

- PCT201803: Intergovernmental Coordination Element

PCT201803: Intergovernmental Coordination Element

Applicant: Leon County, City of Tallahassee

TLCPD Staff: Artie White

Text Amendment: The proposed text amendment to the Intergovernmental Coordination Element would remove the restriction limiting the number of times the Comprehensive Plan can be amended annually and would clarify voting procedures for proposed amendments to the Comprehensive Plan.

The proposed text amendment would establish a procedure where future amendments to the Comprehensive Plan become effective only with the approval of both the Board of County Commissioners and the City Commission except in the case of map amendments that are solely located within the City limits or within unincorporated Leon County, or text amendments that solely apply to the City limits or unincorporated Leon County. In these cases, approval is needed only from the governing body with jurisdiction. The proposed text amendment does not preclude the Board of County Commissioners and the City Commission from holding joint workshops or public hearings.

The proposed text amendment also sets one annual amendment cycle with additional cycles initiated by the Board of County Commissioners or City Commission as needed. The Board of County Commissioners or the City Commission may direct staff to initiate additional

Comprehensive Plan amendments or staff may bring amendments to the Board of County Commissioners or the City Commission to request direction on whether to initiate the amendments or not.

In an effort to resolve concerns raised regarding jurisdiction, the County Attorney's Office and the City Attorney's Office, in conjunction with the Planning Department, drafted the proposed text amendment and recommend approval.

Staff recommendation on proposed amendment: Approve

Local Planning Agency recommendation on proposed amendment: Approve

The staff report for the proposed text amendment is included as Attachment #4. The State Land Planning Agency (Florida Department of Economic Opportunity) provided a Technical Assistance Comment on the transmitted amendment. Technical Assistance Comments are not required to be addressed, however addressing the comment would help ensure consistency with Florida Statutes and strengthen the Tallahassee-Leon County Comprehensive Plan. As such, minor edits were made to the proposed text amendment transmitted to the State Land Planning Agency and other review agencies. The minor edits acknowledge the statutory process for the adoption of comprehensive plan amendments and do not substantively change the text amendment. The edits are reflected in the staff report, which is posted on the 2018 Comprehensive Plan Amendment Cycle website for the public to review.

At the time of this writing, no citizen comments were received on either the original proposed amendment or the proposed amendment with the minor edits.

Adoption Ordinance – Leon County

The proposed ordinance (Attachment #2) would adopt the text amendment to the Tallahassee-Leon County 2030 Comprehensive Plan pursuant to section 163.3184, Florida Statutes. The adopted ordinance will subsequently be submitted to the Florida Department of Economic Opportunity.

Adoption Ordinance - City of Tallahassee

The adoption of Ordinance 18-O-20 (Attachment #1) adopts the text amendment to the Tallahassee-Leon County Comprehensive Plan. The adopted ordinance will subsequently be submitted to the Florida Department of Economic Opportunity.

These public hearings have been noticed and advertised in accordance with the provisions of section 163.3184, Florida Statutes, the *Leon County Code of Ordinances* (Attachment #5) and the *City of Tallahassee Code of Ordinances* (Attachment #6).

Options:

- Option #1: a. *City of Tallahassee*: Conduct the Adoption Public Hearing and adopt Ordinance No. 18-O-20 (Attachment #1), thereby adopting the 2018 Cycle Text Amendment to the Intergovernmental Coordination Element of the Tallahassee-Leon County 2030 Comprehensive Plan.
- b. *Leon County*: Conduct the Adoption Public Hearing and adopt the proposed Ordinance (Attachment #2), thereby adopting the Text Amendment to the Tallahassee-Leon County 2030 Comprehensive Plan.
- Option #2: Board direction.

Recommendation:

Options #1a and 1b.

Attachments:

1. Proposed City of Tallahassee Ordinance 18-O-20
2. Proposed Leon County Ordinance Amending the 2030 Tallahassee-Leon County Comprehensive Plan
3. Agenda for the Joint City-County Adoption Public Hearings on the 2018 Cycle Comprehensive Plan Text Amendment to the Intergovernmental Coordination Element
4. PCT201803 Intergovernmental Coordination Element Staff Report
5. County Legal Ad
6. City Legal Ad

ORDINANCE NO. 18-O-20

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING TEXT AMENDMENTS TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapters 163 and 166, Florida Statutes, empower the City Commission of the City of Tallahassee to prepare and enforce comprehensive plans for the development of the City; and,

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

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Commission of the City of Tallahassee has held several public work sessions, public meetings and several public hearings with due public notice having been provided, on these amendments to the Comprehensive Plan; and,

WHEREAS, on May 23, 2017, pursuant to Section 163.3184, Florida Statutes, the City Commission of the City of Tallahassee transmitted copies of the proposed amendments of the comprehensive plan to the Department of Economic Opportunity and other state and regional agencies for written comment; and,

WHEREAS, the City Commission of the City of Tallahassee considered all oral and written comments received during public hearings, including the data collection and analyses packages, the recommendations of the Local Planning Agency/Planning

1 Commission; and,

2 WHEREAS, in exercise of its authority, the City Commission of the City of Tallahassee has
3 determined it necessary and desirable to adopt these amendments to the comprehensive
4 plan to preserve and enhance present advantages; encourage the most appropriate use of
5 land, water and resources, consistent with the public interest; overcome present
6 handicaps; and deal effectively with future problems that may result from the use and
7 development of land within the City of Tallahassee, and to meet all requirements of law.

8 NOW THEREFORE, BE IT ENACTED by the People of the City of Tallahassee, Florida, as
9 follows, that:

10 **Section 1. Purpose and Intent.**

11 This ordinance is hereby enacted to carry out the purpose and intent of, and exercise the
12 authority set out in, Sections 163.3161 through 163.3215, Florida Statutes, the Community
13 Planning Act.

14 **Section 2. Text Amendment.**

15 The ordinance does hereby adopt the following portion of the text attached hereto as
16 Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-Leon County
17 2030 Comprehensive Plan, as amended, and does hereby amend "The Tallahassee-Leon County
18 2030 Comprehensive Plan," as amended, in accordance therewith, being an amendment to the
19 following Plan element:

20 Text Amendment PCT201803 which relates to the Intergovernmental Coordination Element.

21 **Section 3. Conflict With Other Ordinances and Codes.**

22 All ordinances or parts of ordinances of the Code of Ordinances of the City of Tallahassee,
23 Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of
24 such conflict.

Section 4. Severability.

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

Section 5. Copy on File.

To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon 2030 Comprehensive Plan and these amendments thereto, shall also be located in the Tallahassee-Leon County Planning Department. The Planning Director shall also make copies available to the public for a reasonable publication charge.

Section 6. Effective Date.

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

INTRODUCED in the City Commission on the 6th day of June, 2018.

PASSED the City Commission on the 21st day of June, 2018.

CITY OF TALLAHASSEE

By: _____
Andrew Gillum, Mayor

ATTEST:

APPROVED AS TO FORM:

BY: _____
James O Cooke, IV
City Treasurer-Clerk

By: _____
Cassandra K. Jackson, City Attorney

Exhibit A

Text Amendment PCT201803

Objective 1.8: [I]

~~Develop~~ Provide a ~~joint~~ comprehensive plan amendment procedure ~~that is~~ consistent with state statute.

Policy 1.8.1: [I]

~~The Comprehensive Plan may be amended no more than twice a year at a joint City County Commission meeting.~~

To promote the efficient use of City and County resources, one Comprehensive Plan amendment cycle will be initiated annually. The Board of County Commissioners or City Commission may approve the initiation of additional Comprehensive Plan amendments outside of the annual cycle.

Amendments to the Joint Comprehensive Plan shall require approval by both the Leon County Board of County Commissioners and the Tallahassee City Commission except as set forth below:

(1) An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall require approval solely by the Tallahassee City Commission.

(2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall require approval solely by the Leon County Board of County Commissioners.

All amendments to the Joint Comprehensive Plan shall follow the statutory process for the adoption of plan amendments with effective dates as outlined in Florida Statutes.

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE INTERGOVERNMENTAL COORDINATION ELEMENT; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Ordinance 90-30 was enacted on July 16, 1990, to adopt the Tallahassee-Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City of Tallahassee also adopted a plan for its municipal area by separate ordinance; and

WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is now 2030 and the Comprehensive Plan is now known as the Tallahassee-Leon County 2030 Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Leon County has held several public work sessions, public meetings, and public hearings on the proposed amendment to the comprehensive plan, with due public notice

1 having been provided, to obtain public comment, and has considered all written and oral
2 comments received during said work sessions, public meetings and public hearings; and

3 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
4 Commissioners of Leon County transmitted copies of the proposed amendment to the
5 comprehensive plan to the Department of Economic Opportunity as the State Land Planning
6 Agency and other state and regional agencies for written comment; and

7 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
8 Commissioners of Leon County held a public hearing with due public notice having been
9 provided on the proposed amendment to the comprehensive plan; and

10 WHEREAS, the Board of County Commissioners of Leon County further considered all
11 oral and written comments received during such public hearing, including the data collection and
12 analyses packages, the recommendations of the Tallahassee-Leon County Local Planning
13 Agency, and the Objections, Recommendations, and Comments Report of the Department of
14 Economic Opportunity; and

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

21 BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,
22 that:

23 **Section 1. Purpose and Intent.**

24 This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the
25 authority set out in the Community Planning Act, Sections 163.3161 through 163.3215, Florida
26 Statutes, as amended.

1 **Section 2. Text Amendment.**

2
3 The Ordinance does hereby adopt the following portion of the text attached hereto as
4 Exhibit “A,” and made a part hereof, as an amendment to the Tallahassee-Leon County 2030
5 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
6 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
7 following Plan element:

8 Text Amendment PCT201803, which relates to the Intergovernmental Coordination
9 Element.

10
11 **Section 3. Applicability and Effect.**

12 The applicability and effect of this update to the 2030 Comprehensive Plan shall be as
13 provided by the Community Planning Act, Sections 163.3161 through 163.3215, Florida
14 Statutes, and this Ordinance, and shall apply to all properties under the jurisdiction of Leon
15 County.

16 **Section 4. Conflict with Other Ordinances and Codes.**

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

19 **Section 5. Severability.**

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

23 **Section 6. Copy on File.**

24 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public,
25 a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon
26 County 2030 Comprehensive Plan and these updates thereto, shall also be located in the

Tallahassee-Leon County Planning Department. The Planning Director shall also make copies available to the public for a reasonable publication charge.

Section 7. Effective Date.

The effective date of this Plan update shall be according to law and the applicable statutes and regulations pertaining thereto.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 21st day of June, 2018.

LEON COUNTY, FLORIDA

BY: _____
NICK MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
GWENDOLYN MARSHALL, CLERK
OF THE COURT AND COMPTROLLER

BY: _____
CLERK

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

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

Exhibit A

Text Amendment PCT201803

Objective 1.8: [I]

~~Develop~~ Provide a joint comprehensive plan amendment procedure that is consistent with state statute.

Policy 1.8.1: [I]

~~The Comprehensive Plan may be amended no more than twice a year at a joint City County Commission meeting.~~

To promote the efficient use of City and County resources, one Comprehensive Plan amendment cycle will be initiated annually. The Board of County Commissioners or City Commission may approve the initiation of additional Comprehensive Plan amendments outside of the annual cycle.

Amendments to the Joint Comprehensive Plan shall require approval by both the Leon County Board of County Commissioners and the Tallahassee City Commission except as set forth below:

(1) An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall require approval solely by the Tallahassee City Commission.

(2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall require approval solely by the Leon County Board of County Commissioners.

All amendments to the Joint Comprehensive Plan shall follow the statutory process for the adoption of plan amendments with effective dates as outlined in Florida Statutes.

**JOINT CITY-COUNTY COMMISSION ADOPTION PUBLIC HEARINGS ON THE
2018 CYCLE TEXT AMENDMENT TO THE INTERGOVERNMENTAL COORDINATION
ELEMENT OF THE TALLAHASSEE-LEON COUNTY 2030 COMPREHENSIVE PLAN**

JUNE 21, 2018 3:00 PM

2nd Floor Commission Chambers, City Hall, 300 S. Adams Street

A. Introductory comments by staff

B. First and only Public Hearing on City of Tallahassee Ordinance 18-O-20

Adoption Public Hearing on Ordinance No. 18-O-20: Adopting text amendments to the 2030 Tallahassee/Leon County Comprehensive Plan; Providing for severability and conflicts and providing an effective date.

C. First and only Public Hearing on Leon County Ordinance adopting text amendments to the Tallahassee-Leon County 2030 Comprehensive Plan County

Adoption Public Hearing on an Ordinance Of The Board Of County Commissioners of Leon County, Florida, Amending The 2030 Tallahassee-Leon County Comprehensive Plan; Adopting An Amendment To The Intergovernmental Coordination Element; Providing For Applicability And Effect; Providing For Conflicts; Providing For Severability; Providing For A Copy To Be On File With The Tallahassee-Leon County Planning Department; And Providing For An Effective Date.

D. Adjournment

If you have a disability requiring accommodations, please contact the Tallahassee-Leon County Planning Department. The Planning Department telephone number is (850) 891-6400. 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 Planning Commission/Local Planning Agency 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 Planning Commission/Local Planning Agency does not provide or prepare such a record (Section 286.0105 F.S.).



2018 Comprehensive Plan Amendment Cycle
PCT201803
Intergovernmental Coordination Element

SUMMARY		
Applicant:	Proposed Change	TLCPD Recommendation:
Tallahassee-Leon County Planning Department	Remove the limitation on the number of times the Comprehensive Plan can be amended annually and clarify voting procedures for proposed amendments to the Comprehensive Plan.	Approve
TLCPD Staff:	Comprehensive Plan Element	LPA Recommendation:
Artie White	Intergovernmental Coordination	Approve
Contact Information:	Policy Number(s)	
Artie.White@Talgov.com (850) 891-6400	Objective 1.8 [I] Policy 1.8.1 [I]	
Date: November 15, 2017	Updated: June 7, 2018	

A. SUMMARY:

The proposed amendment would remove the limitation on the number of times the Comprehensive Plan can be amended annually and clarifies the procedure for voting on proposed amendments to the Comprehensive Plan.

B. STAFF RECOMMENDATION:

a. *City of Tallahassee:* Conduct the adoption public hearing and adopt Ordinance No. 18-O-20, thereby adopting the 2018 Cycle Text Amendment to the Intergovernmental Coordination Element of the Tallahassee-Leon County 2030 Comprehensive Plan.

b. *Leon County:* Conduct the adoption public hearing and adopt the proposed ordinance, thereby adopting the text amendment to the Tallahassee-Leon County 2030 Comprehensive Plan.

C. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:

Find that the proposed text amendment is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and adopt the proposed amendment.

D. PROPOSED POLICY CHANGE:

The proposed policy change below includes minor edits based on a technical assistance comment from the State Land Planning Agency following the transmittal of the amendment.

Objective 1.8: [I]

~~Develop~~ Provide a ~~joint~~ comprehensive plan amendment procedure ~~that is~~ consistent with state statute.

Policy 1.8.1: [I]

~~The Comprehensive Plan may be amended no more than twice a year at a joint City-County Commission meeting.~~

To promote the efficient use of City and County resources, one Comprehensive Plan amendment cycle will be initiated annually. The City Commission or Board of County Commissioners may approve the initiation of additional Comprehensive Plan amendments outside of the annual cycle.

Amendments to the Joint Comprehensive Plan shall require approval by both the Tallahassee City Commission and the Leon County Board of County Commissioners except as set forth below:

(1) An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall require approval solely by the Tallahassee City Commission.

(2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall require approval solely by the Leon County Board of County Commissioners.

All amendments to the Joint Comprehensive Plan shall follow the statutory process for the adoption of plan amendments with effective dates as outlined in Florida Statutes.

E. APPLICANT'S REASON FOR THE AMENDMENT:

The proposed amendment is intended to allow more flexibility for initiating Comprehensive Plan amendments while promoting the efficient use of City and County resources. The proposed amendment also provides clarification on the voting procedures for proposed amendments to the Comprehensive Plan.

The proposed amendment is a result of County Commission direction provided at the November 14, 2017 Board of County Commissioners meeting, City Commission direction provided at the December 6, 2017 City Commission meeting, and direction provided at the Joint City-County Workshop on 2018 Cycle Comprehensive Plan Amendments on January 23, 2018.

F. STAFF ANALYSIS

History and Background for the proposed text amendment regarding the limitation on the number of times the Comprehensive Plan can be amended annually

In 2011, the Florida Legislature passed and the Governor signed HB 7207, comprehensive growth management reform legislation. One of the many changes resulting from this law was the deletion of the limit restricting plan amendments to no more than twice a year (Previously §163.3187(1)(a), F.S.).

The current Intergovernmental Element Policy 1.8.1 reflects the pre-2011 state growth management legislation, which included a restriction on the number of times the local government Comprehensive Plan could be amended each year.

The proposed amendment eliminates the two cycles per year limitation, thereby allowing the City Commission and Board of County Commissioners to dictate the number of amendment cycles to adjust for community needs. If adopted, either the City Commission or Board of County Commissioners may initiate an amendment to the Comprehensive Plan at any point during the year in cases where the applicant demonstrates time sensitivity. Out-of-cycle amendments have occurred in the past by scheduling the required public hearings to coincide with regular City Commission or Board of County Commissioners meetings. This change is not intended to encourage amendments throughout the year, as significant staff time and advertising savings are recognized through the annual process. The annual process also allows for a longer period of public outreach and involvement. Rather, this change is intended to give the City Commission and Board of County Commissioners flexibility to initiate changes in response to unexpected situations.

Considerations for developing policies on out-of-cycle amendments

With the proposed amendments, the City Commission and Board of County Commissioners would continue current practices for initiating amendments out-of-cycle. If desired, the Board of County Commissioners and/or City Commission may consider the development of policies for staff to use when evaluating the initiation of additional comprehensive plan amendment cycles. A policy for this purpose may include the initiation of additional amendments:

- When a proposed amendment would provide a public benefit.
- When a proposed amendment is time-sensitive and the initiation of an out-of-cycle amendment would expedite the amendment substantively.
- When a proposed amendment would more efficiently use local government resources or result in a fiscal cost-savings.
- When a proposed amendment is consistent with established Board or Commission priorities.

Consideration may also be given to the fees needed to cover the cost of advertisements, notices, signage, and other expenditures required as part of the amendment process. Staff time that would be directed to the additional amendment cycles instead of on other Board or Commission priorities could also be considered.

History and Background for the proposed text amendment regarding the procedures for voting on proposed amendments to the Comprehensive Plan

At the February 7, 2017 Leon County Board of County Commissioners meeting, County Attorney Herb Thiele explained that although the City and County have historically held joint meetings to discuss and approve proposed amendments, only votes taken on amendments affecting the specific entity (City or County) are binding. Votes taken on amendments not affecting the specific entity are ceremonial only. This opinion is outlined in the letter from Commissioner Dailey included as Attachment #2.

Based on this opinion from the County Attorney, the Board of County Commissioners refrained from voting on map amendments and text amendments only affecting property within the City limits for the 2017 Cycle Comprehensive Plan Amendments and the 2017 Out-of-Cycle Comprehensive Plan Amendments.

At the February 7, 2017 meeting, County Attorney Thiele stated that staff would bring back an agenda item regarding the amendment process and provide further clarification and/or seek policy direction. County Administrator Vince Long stated that the agenda would address a potential process for how the Board may formally object to decisions made by the City Commission.

Current Practices

The City Commission and Board of County Commissioners currently hold joint workshops, joint Transmittal Public Hearings, and joint Adoption Public Hearings for Comprehensive Plan Amendments. The purpose of these joint meetings is to streamline the process for public input to elected officials (particularly for amendments that affect both jurisdictions), to facilitate dialog between both Commissions on all amendments, and to recognize the joint nature of the Tallahassee-Leon County Comprehensive Plan. The proposed amendment would not change these current practices.

Intergovernmental Coordination Element Policies

Objective 1.8 of the Intergovernmental Coordination Element of the *Tallahassee-Leon County Comprehensive Plan* is to “Develop a joint comprehensive plan amendment procedure that is consistent with state statute.” The policies associated with this objective do not specify how voting for the amendments is to be conducted or how the votes are to be counted; however, Policy 1.8.3 states, “All local rezoning and subdivision decisions within the jurisdiction of the County and City shall be the responsibility of the respective government.”

Dispute Resolution

Intergovernmental Coordination Element

Objective 1.10 and associated policies in the Intergovernmental Coordination Element of the *Tallahassee-Leon County Comprehensive Plan* outline a dispute resolution process to reconcile differences on planning and growth management issues. The hierarchy for resolving disputes is:

1. Use the procedures established in the referenced agreements
2. Use existing agreements with Leon County and/or the City of Tallahassee
3. The County Manager or the City Manager, respectively, shall direct the appropriate level staff to work with the staff of the other governmental and/or nongovernmental entity to resolve any such conflicts
4. Utilize the dispute resolution process established by Apalachee Regional Planning Council pursuant to Section 186.509, Florida Statutes

Florida Statutes

Should the above ever fail to result in a resolution; Florida Statutes provide a framework for administrative challenges to plans and plan amendments. An affected person, including the affected local government and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction, may file a petition with the Division of Administrative Hearings to request a formal hearing to challenge whether the plan or plan amendments are in compliance. "In compliance" means consistent with the requirements of Ch. 163.3177 (Required and optional elements of comprehensive plan; studies and surveys), Ch. 163.3178 (Coastal Management), Ch. 163.31380 (Concurrency), Ch. 163.3191 (Evaluation and appraisal of comprehensive plan), Ch. 163.3245 (Sector Plan), and Ch. 163.3248 (Rural land stewardship areas), and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

Previous Commission Consideration

At the November 14, 2017 Board of County Commissioners meeting, the Board of County Commissioners initiated an amendment regarding the limitation on the number of times the Comprehensive Plan can be amended annually. At this meeting, the Board of County Commissioners decided to not initiate the text amendment regarding the procedures for voting on proposed amendments to the Comprehensive Plan. The agenda item from this meeting is included as Attachment #3.

At the December 6, 2017 City Commission meeting, the City Commission voted to initiate a proposed amendment brought by the City Attorney that addresses both the limitation on the number of times the Comprehensive Plan can be amended annually and the procedures

for voting on proposed amendments to the Comprehensive Plan. The agenda item from this meeting is included as Attachment #4.

STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2018 Meetings		Dates	Time and Locations
X	Local Planning Agency Public Hearing	March 6, 2018	6:00 PM, Second Floor, Frenchtown Renaissance Center
X	Joint City-County Commission Workshop	January 23, 2018	1:00 PM, Fifth Floor, Leon County Courthouse
X	Joint City-County Transmittal Public Hearing	April 10, 2018	6:00 PM, Fifth Floor, Leon County Courthouse
	Joint City-County Adoption Public Hearing	June 21, 2018	3:00 PM, Fifth Floor, Leon County Courthouse

Public Open House - November 16, 2017: 14 citizens attended the first open house to discuss the 2018 Cycle amendments. Of the 14 attendees, none were present to discuss this amendment. There were no questions or comments on this proposed amendment.

Local Planning Agency Public Hearing - December 5, 2017: Due to a Blueprint Intergovernmental Agency (IA) meeting being scheduled for the same afternoon, the members of the Local Planning Agency voted to continue the Public Hearing to the January 2, 2018 Local Planning Agency meeting.

Local Planning Agency Public Hearing – January 2, 2018: The Local Planning Agency voted to continue the Public Hearing to the February 6, 2018 Local Planning Agency meeting to allow staff the opportunity to gain additional direction at the January 23, 2018 Joint City-County Commission Workshop.

Joint City-County Commission Workshop – January 23, 2018: The Board of County Commissioners and City Commission provided direction for staff from the City Attorney's Office and the County Attorney's Office to coordinate on the proposed amendment and to work with Planning Department staff.

Local Planning Agency Public Hearing – February 6, 2018: The Local Planning Agency voted to continue the Public Hearing to the March 6, 2018 Local Planning Agency meeting to allow staff from the City Attorney's Office and County Attorney's Office to

coordinate on the proposed amendment, given the direction from the Board of County Commissioners and City Commission at the January 23, 2018 Joint City-County Commission Workshop.

Local Planning Agency Public Hearing – March 6, 2018: The Local Planning Agency voted to recommend approval of the proposed amendment with a five-to-one vote. The sole dissenting vote came from a Local Planning Agency member who expressed concern that the portion of the proposed amendment addressing the voting procedure is not consistent with Florida Statutes, specifically the definition of “Governing Body.” Per section 163.3164(20), “Governing body” means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of this act is accomplished as provided herein.

Joint City-County Commission Transmittal Public Hearing – April 10, 2018: The Board of County Commissioners and the City Commission held the transmittal public hearing and voted to transmit the proposed amendment to the state land planning agency and other review agencies.

State Land Planning Agency Review – May 22, 2018: The Department of Economic Opportunity provided one technical assistance comment on the proposed amendment. The purpose of the comment is to help strengthen the Tallahassee-Leon County comprehensive plan and the ensure consistency with the Community Planning Act. The review letter with the technical assistance comment is included as Attachment #5.

F. CONCLUSION:

Based on the above analysis, Planning Department staff recommends approval of the proposed amendment.

H. ATTACHMENTS:

Attachment #1: Proposed text amendment to Policy 1.8.1: [I], including edits based on the technical assistance comment from the State Land Planning Agency (Department of Economic Opportunity)

Attachment #2: Letter from Leon County Commissioner Dailey

Attachment #3: Agenda item from the November 14, 2017 Board of County Commissioners meeting

Attachment #4: Agenda item from the December 6, 2017 City Commission meeting

Attachment #5: Review letter and technical assistance comment from the State Land Planning Agency



2018 Comprehensive Plan Amendment Cycle
PCT201803
Intergovernmental Coordination Element

Attachment #1

Objective 1.8: [I]

~~Develop~~ Provide a joint comprehensive plan amendment procedure that is consistent with state statute.

Policy 1.8.1: [I]

~~The Comprehensive Plan may be amended no more than twice a year at a joint City County Commission meeting.~~

To promote the efficient use of City and County resources, one Comprehensive Plan amendment cycle will be initiated annually. The Board of County Commissioners or City Commission may approve the initiation of additional Comprehensive Plan amendments outside of the annual cycle.

Amendments to the Joint Comprehensive Plan shall ~~be effective only upon~~ require approval by both the Leon County Board of County Commissioners and the Tallahassee City Commission except as set forth below:

(1) An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall ~~be effective upon~~ require approval solely by the Tallahassee City Commission.

(2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall ~~be effective upon~~ require approval solely by the Leon County Board of County Commissioners.

All amendments to the Joint Comprehensive Plan shall follow the statutory process for the adoption of plan amendments with effective dates as outlined in Florida Statutes.



2018 Comprehensive Plan Amendment Cycle
PCT201803
Intergovernmental Coordination Element

Attachment #2

Letter from Leon County Commissioner Dailey regarding voting on proposed amendments to the Comprehensive Plan.

February 9, 2017

Re: 2017 Comprehensive Plan Amendments

Dear Concerned Citizen:

As you know, the 2017 Comprehensive Plan Amendment Cycle is in process presently. Included in this Amendment Cycle are two land use map amendments and accompanying re-zonings for parcels of property in the Myers Park area and in the Killearn Country Club area. Both of these parcels of property are completely within the City of Tallahassee city limits and the City Commission jurisdiction.

The Leon County Attorney has informed the County Commission that since these are completely within the City, the Leon County Commission vote, if any, on these amendments is essentially ceremonial, and could in no way block or overturn the approval of these amendments if the City Commission voted to do so. At the County Commission meeting of February 7, 2017, the Board unanimously voted to authorize the Chairman to send out this letter to clarify the role of the County Commission in the Comprehensive Plan amendment process as regards City only amendments.

With that in mind, while I am more than willing to hear your concerns and to pass those along as needed, I just wanted you to be aware that the Leon County Commission will not be able to approve nor block these two Comprehensive Plan land use map amendments in 2017.

Thank you for your continued interest.

Very truly yours,

LEON COUNTY, FLORIDA

John E. Dailey, Chairman
Leon County Commissioner, District Three



2018 Comprehensive Plan Amendment Cycle
PCT201803
Intergovernmental Coordination Element

Attachment #3

November 14, 2017 Board of County Commissioners meeting Item 14 Comprehensive Plan Amendment to Clarify Voting Procedures

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Leon County Board of County Commissioners Cover Sheet for Agenda #14

November 14, 2017

To:	Honorable Chairman and Members of the Board
From:	Vincent S. Long, County Administrator
Title:	Comprehensive Plan Amendment to Clarify Voting Procedures

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review and Approval:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management & Community Enhancement (PLACE)
Lead Staff/Project Team:	Cherie Bryant, Planning Director Artie White, Principal Planner Jessica Icerman, Assistant County Attorney

Statement of Issue:

This agenda item seeks the Board's approval to initiate a Comprehensive Plan Amendment to clarify the voting procedures for voting on amendments to the Tallahassee-Leon County 2030 Comprehensive Plan.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option # 1: Direct staff to submit an application to amend the Tallahassee-Leon County Comprehensive Plan, Intergovernmental Coordination Element, Objective 1.8 and Policy 1.8.1 (Attachment #1).

Report and Discussion

Background:

During the Board's February 7, 2017 meeting, several Commissioners requested clarification on the voting procedures for amendments to the Comprehensive Plan. The County Attorney opined that, as to map amendments concerning property located entirely within the City limits, only City Commission votes were necessary for adoption. The County Commission vote as to property located entirely within the City limits was deemed to be ceremonial. Therefore, during the 2017 Comprehensive Plan Amendment Cycle the Board refrained from voting on certain amendments concerning property located entirely within the City.

Historically, the City and County have held joint meetings to discuss proposed amendments. There has been a difference of opinion between City and County officials concerning the effect of votes of the City and County Commission regarding certain Comprehensive Plan amendments. Where an amendment solely affects property within unincorporated Leon County, the County Attorney has deemed only the vote of the County Commission as necessary and, where an amendment solely affects property within the City limits, only the vote of the City Commission is necessary. In contrast to the County Attorney's position, the City Attorney asserted that both Commissions were required to vote on Comprehensive Plan amendments.

County and City staff have reviewed the historic voting procedures and determined that an amendment to the Comprehensive Plan is necessary to clarify and provide certainty to the Comprehensive Plan amendment procedures. Should the Board wish resolve this matter by clarifying the amendment procedures in the Comprehensive Plan, this item describes the process to modify the Comprehensive Plan and provides a draft text amendment for the Board's consideration.

The application window for the 2018 Comprehensive Plan Amendment Cycle ran from April 2017 through September 2017. Since this application would be outside of the application window, Board approval of the request to initiate the amendment is required. Should the Board direct staff to initiate the proposed text amendment, the amendment may be incorporated into the 2018 Cycle.

Analysis:

County and City staff jointly drafted a proposed text amendment to the Comprehensive Plan to amend Objective 1.8 and Policy 1.8.1 of the Intergovernmental Coordination Element (Attachment #1).

If adopted, the proposed text amendment would amend Objective 1.8 [I] to read:

Provide a comprehensive plan amendment procedure consistent with state statute.

Additionally, if adopted, the proposed text amendment would amend Policy 1.8.1 [I] to read:

Amendments to the Joint Comprehensive Plan shall be effective only upon approval by both the Tallahassee City Commission and the Leon County Board of County Commissioners except as set forth below:

- 1. An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall be effective upon approval solely by the Tallahassee City Commission.*
- 2. An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall be effective upon approval solely by the Leon County Board of County Commissioners.*

In effect, the proposed text amendment clarifies that all amendments to the Comprehensive Plan must be approved by both the County and City except for map amendments affecting land located solely within the County or City and existing text provisions that are applicable only to the County or City, for which approval is solely required by the respective entity.

The proposed amendment would also eliminate the two cycles per year limitation, thereby allowing the Board and City Commission to dictate the number of amendment cycles to adjust for community needs. This change was requested by the City in response to a few requests over the past several years to initiate amendments outside of the single annual cycle. If adopted, it would allow either the Board or the City Commission to initiate an amendment to the Comprehensive Plan at any point during the year in cases where the applicant demonstrates time sensitivity. Out of cycle amendments have occurred in the past by scheduling the required public hearings to coincide with regular Board or City Commission meetings. This change is not intended to encourage amendments throughout the year, as significant staff time and advertising savings are recognized through the annual process. The annual process also allows for a longer period of public outreach and involvement. Rather, this change is intended to give the Board and City Commission flexibility to initiate changes in response to unexpected situations. If the Board supports this change, staff will bring back an item with recommendations for processing future amendments outside of the cycle prior to the formal adoption of this proposed amendment to the Comprehensive Plan. The analysis will include a review of the fee schedule in order to accommodate additional advertising costs for amendments taken out of cycle.

The City Commission may also consider submitting an application to amend the Comprehensive Plan in the same manner as proposed herein, however, City action is not required for the County to submit the application for the proposed amendment.

This agenda item would not adopt the proposed amendment. Approval of staff's recommendation would simply direct staff to incorporate this text amendment into the 2018

Comprehensive Plan Amendment Cycle. The proposed amendment would come back before the County and City for approval.

Options:

1. Direct staff to submit an application to amend the Tallahassee-Leon County Comprehensive Plan, Intergovernmental Coordination Element, Objective 1.8 and Policy 1.8.1 (Attachment #1).
2. Do not direct staff to submit an application to amend the Tallahassee-Leon County Comprehensive Plan, Intergovernmental Coordination Element, Objective 1.8 and Policy 1.8.1.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. [Proposed Comprehensive Plan Amendment to Objective 1.8 \[I\] and Policy 1.8.1 \[I\]](#).

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Proposed Amendment to Objective 1.8 [I] and Policy 1.8.1 [I]

COMPREHENSIVE PLAN AMENDMENT PROCESS

Objective 1.8: [I]

~~Develop~~ Provide a ~~joint~~ comprehensive plan amendment procedure ~~that is~~ consistent with state statute.

Policy 1.8.1: [I]

~~The Comprehensive Plan may be amended no more than twice a year at a joint City County Commission meeting.~~

Amendments to the Joint Comprehensive Plan shall be effective only upon approval by both the Tallahassee City Commission and the Leon County Board of County Commissioners except as set forth below:

- (1) An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall be effective upon approval solely by the Tallahassee City Commission.
- (2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall be effective upon approval solely by the Leon County Board of County Commissioners.



2018 Comprehensive Plan Amendment Cycle
PCT201803
Intergovernmental Coordination Element

Attachment #4

December 6, 2017 City Commission meeting Item 13.08 Comprehensive Plan Voting and Amendment Procedure



Agenda Item Details

Meeting	Dec 06, 2017 - City Commission Meeting & Summary
Category	13. POLICY FORMATION AND DIRECTION
Subject	13.08 Comprehensive Plan Voting and Amendment Procedure -- Lewis E. Shelley, City Attorney
Access	Public
Type	Action, Discussion
Fiscal Impact	No
Budget Source	None
Recommended Action	Options 1 and 2: 1. Provide guidance to staff, and 2. Direct staff to initiate an amendment to the Tallahassee-Leon County Comprehensive Plan, to clarify the amendment voting procedure (Attachment 1).

Public Content

For more information, please contact: Louis C. Norvell, Asst. City Attorney: 850-891-8554.

Statement of Issue

This agenda item seeks Commission guidance concerning the voting procedure for amendment to the Tallahassee-Leon County 2030 Comprehensive Plan, and requests initiation of an amendment to the Comprehensive Plan to clarify the amendment voting procedure.

As discussed further below, it has recently become apparent that there is some uncertainty concerning the process to amend the Comprehensive Plan and the City and County have differing perspectives on existing procedure. The uncertainty was apparent during the 2017 amendment cycle. The Board of County Commissioners also discussed the amendment procedure at its November 14, 2017, meeting and has proposed to strike the existing text from the Comprehensive Plan concerning the amendment procedure without providing for replacement language.

County and City staff jointly drafted the following proposed text amendment to the Comprehensive Plan to amend Objective 1.8 and Policy 1.8.1 of the Intergovernmental Coordination Element (Attachment 1).

The proposed amendment states:

Objective 1.8 [I]:

Provide a comprehensive plan amendment procedure consistent with state statute.

Policy 1.8.1 [I]:

Amendments to the Joint Comprehensive Plan shall be effective only upon approval by both the Tallahassee City Commission and the Leon County Board of County Commissioners, except as set forth below:

(1) An amendment to the Future Land Use Map, which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall be effective upon approval solely by the Tallahassee City Commission.

(2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan, which is designated as specific to Leon County, shall be effective upon approval solely by the Leon County Board of County Commissioners.

The proposed amendment is intended to (a) clarify that the affirmative vote of both the City and County Commissions are necessary for adoption of an amendment except where an amendment solely concerns a future land use map amendment exclusively within or outside the City limits, and (b) remove the limitation on the number of amendment cycles per year.

This item merely requests initiation of an amendment, which would be considered as part of the 2018 amendment cycle. As noted, the County has initiated an amendment with alternative language.

Recommended Action

Options 1 and 2: 1. Provide guidance to staff, and 2. Direct staff to initiate an amendment to the Tallahassee-Leon County Comprehensive Plan, to clarify the amendment voting procedure (Attachment 1).

Fiscal Impact

None.

Supplemental Material/Issue Analysis

History/Facts & Issues

The Comprehensive Plan currently provides:

COMPREHENSIVE PLAN AMENDMENT PROCESS

Objective 1.8: [I]

Develop a joint comprehensive plan amendment procedure that is consistent with state statute.

Policy 1.8.1: [I]

The Comprehensive Plan may be amended no more than twice a year at a joint City-County Commission meeting.

Historically, both the City Commission and the County Commission have voted on the adoption of provisions to the Comprehensive Plan at a joint City-County Commission meeting.

In 2017, an issue arose concerning the effect of County Commission voting as to a future land use amendment where the property was entirely within the City limits. At the March 7, 2017, joint City-County Commission meeting, at the inquiry of a County Commissioner, the County Attorney opined that County Commission votes were solely ceremonial as to a future land use amendment where the property was located entirely within the City limits. The County Attorney further opined that County Commission votes were not required for property exclusively within the City limits. The County Commission subsequently departed the meeting and did not participate in the voting for the City items.

The City Attorney's Office has construed the existing text of the Comprehensive Plan as to require the vote of both the City and County Commissions for approval of an amendment.

County and City staff have reviewed the historic voting procedures and determined that an amendment to the Comprehensive Plan is necessary to clarify and provide certainty to the Comprehensive Plan amendment procedures.

The Board of County Commissioners discussed the amendment procedure at its November 14, 2017, meeting. The County agenda item is attached as Attachment 2. At the November 14, 2017, meeting, the County approved initiation of an amendment striking the existing text from the Comprehensive Plan concerning the amendment procedure. The County did not propose alternative language

concerning the voting procedure.

It is the opinion of the City Attorney's Office that the absence of specific language concerning the voting and amendment procedure creates uncertainty and calls into question the validity of future amendments to the Comprehensive Plan.

Options

1. Provide guidance to staff.
2. Direct staff to initiate an amendment to the Tallahassee-Leon County Comprehensive Plan, to clarify the amendment voting procedure (Attachment 1).
3. Do not initiate an amendment to the Tallahassee-Leon County Comprehensive Plan to clarify the amendment voting procedure.

Attachments/References

1. Proposed Comprehensive Plan Amendment to Objective 1.8 [I] and Policy 1.8.1 [I].
2. Board of County Commissioners November 14, 2017, Agenda Item.

1 - Proposed Amendment.pdf (173 KB)

2 - 11-14-17 BOCC Agenda Item.pdf (147 KB)

Proposed Amendment to Objective 1.8 [I] and Policy 1.8.1 [I]

COMPREHENSIVE PLAN AMENDMENT PROCESS

Objective 1.8: [I]

~~Develop~~ Provide a ~~joint~~ comprehensive plan amendment procedure ~~that is~~ consistent with state statute.

Policy 1.8.1: [I]

~~The Comprehensive Plan may be amended no more than twice a year at a joint City County Commission meeting.~~

Amendments to the Joint Comprehensive Plan shall be effective only upon approval by both the Tallahassee City Commission and the Leon County Board of County Commissioners except as set forth below:

- (1) An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall be effective upon approval solely by the Tallahassee City Commission.
- (2) An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall be effective upon approval solely by the Leon County Board of County Commissioners.

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Leon County Board of County Commissioners Cover Sheet for Agenda #14

November 14, 2017

To:	Honorable Chairman and Members of the Board
From:	Vincent S. Long, County Administrator
Title:	Comprehensive Plan Amendment to Clarify Voting Procedures

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review and Approval:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management & Community Enhancement (PLACE)
Lead Staff/Project Team:	Cherie Bryant, Planning Director Artie White, Principal Planner Jessica Icerman, Assistant County Attorney

Statement of Issue:

This agenda item seeks the Board's approval to initiate a Comprehensive Plan Amendment to clarify the voting procedures for voting on amendments to the Tallahassee-Leon County 2030 Comprehensive Plan.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option # 1: Direct staff to submit an application to amend the Tallahassee-Leon County Comprehensive Plan, Intergovernmental Coordination Element, Objective 1.8 and Policy 1.8.1 (Attachment #1).

Report and Discussion**Background:**

During the Board's February 7, 2017 meeting, several Commissioners requested clarification on the voting procedures for amendments to the Comprehensive Plan. The County Attorney opined that, as to map amendments concerning property located entirely within the City limits, only City Commission votes were necessary for adoption. The County Commission vote as to property located entirely within the City limits was deemed to be ceremonial. Therefore, during the 2017 Comprehensive Plan Amendment Cycle the Board refrained from voting on certain amendments concerning property located entirely within the City.

Historically, the City and County have held joint meetings to discuss proposed amendments. There has been a difference of opinion between City and County officials concerning the effect of votes of the City and County Commission regarding certain Comprehensive Plan amendments. Where an amendment solely affects property within unincorporated Leon County, the County Attorney has deemed only the vote of the County Commission as necessary and, where an amendment solely affects property within the City limits, only the vote of the City Commission is necessary. In contrast to the County Attorney's position, the City Attorney asserted that both Commissions were required to vote on Comprehensive Plan amendments.

County and City staff have reviewed the historic voting procedures and determined that an amendment to the Comprehensive Plan is necessary to clarify and provide certainty to the Comprehensive Plan amendment procedures. Should the Board wish resolve this matter by clarifying the amendment procedures in the Comprehensive Plan, this item describes the process to modify the Comprehensive Plan and provides a draft text amendment for the Board's consideration.

The application window for the 2018 Comprehensive Plan Amendment Cycle ran from April 2017 through September 2017. Since this application would be outside of the application window, Board approval of the request to initiate the amendment is required. Should the Board direct staff to initiate the proposed text amendment, the amendment may be incorporated into the 2018 Cycle.

Analysis:

County and City staff jointly drafted a proposed text amendment to the Comprehensive Plan to amend Objective 1.8 and Policy 1.8.1 of the Intergovernmental Coordination Element (Attachment #1).

If adopted, the proposed text amendment would amend Objective 1.8 [I] to read:

Provide a comprehensive plan amendment procedure consistent with state statute.

Additionally, if adopted, the proposed text amendment would amend Policy 1.8.1 [I] to read:

Amendments to the Joint Comprehensive Plan shall be effective only upon approval by both the Tallahassee City Commission and the Leon County Board of County Commissioners except as set forth below:

- 1. An amendment to the Future Land Use Map which concerns property located entirely within the Tallahassee city limits, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to the City of Tallahassee, shall be effective upon approval solely by the Tallahassee City Commission.*
- 2. An amendment to the Future Land Use Map which concerns property located entirely within unincorporated Leon County, or an amendment to an existing provision of the Comprehensive Plan which is designated as specific to Leon County, shall be effective upon approval solely by the Leon County Board of County Commissioners.*

In effect, the proposed text amendment clarifies that all amendments to the Comprehensive Plan must be approved by both the County and City except for map amendments affecting land located solely within the County or City and existing text provisions that are applicable only to the County or City, for which approval is solely required by the respective entity.

The proposed amendment would also eliminate the two cycles per year limitation, thereby allowing the Board and City Commission to dictate the number of amendment cycles to adjust for community needs. This change was requested by the City in response to a few requests over the past several years to initiate amendments outside of the single annual cycle. If adopted, it would allow either the Board or the City Commission to initiate an amendment to the Comprehensive Plan at any point during the year in cases where the applicant demonstrates time sensitivity. Out of cycle amendments have occurred in the past by scheduling the required public hearings to coincide with regular Board or City Commission meetings. This change is not intended to encourage amendments throughout the year, as significant staff time and advertising savings are recognized through the annual process. The annual process also allows for a longer period of public outreach and involvement. Rather, this change is intended to give the Board and City Commission flexibility to initiate changes in response to unexpected situations. If the Board supports this change, staff will bring back an item with recommendations for processing future amendments outside of the cycle prior to the formal adoption of this proposed amendment to the Comprehensive Plan. The analysis will include a review of the fee schedule in order to accommodate additional advertising costs for amendments taken out of cycle.

The City Commission may also consider submitting an application to amend the Comprehensive Plan in the same manner as proposed herein, however, City action is not required for the County to submit the application for the proposed amendment.

This agenda item would not adopt the proposed amendment. Approval of staff's recommendation would simply direct staff to incorporate this text amendment into the 2018

Comprehensive Plan Amendment Cycle. The proposed amendment would come back before the County and City for approval.

Options:

1. Direct staff to submit an application to amend the Tallahassee-Leon County Comprehensive Plan, Intergovernmental Coordination Element, Objective 1.8 and Policy 1.8.1 (Attachment #1).
2. Do not direct staff to submit an application to amend the Tallahassee-Leon County Comprehensive Plan, Intergovernmental Coordination Element, Objective 1.8 and Policy 1.8.1.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. [Proposed Comprehensive Plan Amendment to Objective 1.8 \[I\] and Policy 1.8.1 \[I\].](#)

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2018 Comprehensive Plan Amendment Cycle
PCT201803
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Attachment #5

Review letter and technical assistance comment from the State Land Planning Agency (Department of Economic Opportunity)

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

May 22, 2018

The Honorable Andrew Gillum
Mayor, City of Tallahassee
300 South Adams Street
Tallahassee, Florida 32301

The Honorable Nick Maddox
Chairman, Leon County
Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301

Dear Mayor Gillum and Chairman Maddox:

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for Tallahassee-Leon County (Amendment No. 18-2ESR), which was received on April 23, 2018. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The Department does offer one technical assistance comment pursuant to Section 163.3168, Florida Statutes. The technical assistance comment is offered to help strengthen the Tallahassee-Leon County comprehensive plan or to ensure consistency with the Community Planning Act and will not form the basis for a challenge to the amendment after adoption.

Technical Assistance Comment:

Proposed Policy 1.8.1 of the Joint Comprehensive Plan appears intended to clarify when the city and county commissions are required to vote on a plan amendment. However, the proposed policy is written in terms of when a plan amendment is effective and conflicts with the plan amendment effective date language in sections 163.3184(3) or (4), Florida Statutes. Tallahassee-Leon County should consider revising the policy prior to adoption to eliminate reference to when a plan amendment is effective. For example, Tallahassee-Leon County could consider modifying the policy to read ". . . shall require be effective only upon the approval of" or similar language.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

The Honorable Andrew Gillum

The Honorable Nick Maddox

May 22, 2018

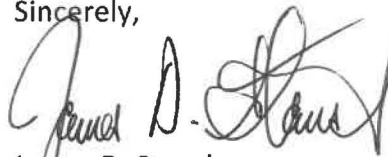
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Tallahassee-Leon County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City and County. If other reviewing agencies provide comments, we recommend that Tallahassee-Leon County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

Tallahassee-Leon County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment.

If you have any questions concerning this review, please contact Mark Yelland, Planning Analyst, by telephone at (850) 717-8517 or by email at mark.yelland@deo.myflorida.com.

Sincerely,



James D. Stansbury

Bureau of Community Planning and Growth

JDS/my

Enclosure: Procedures for Adoption

cc: Cherie Bryant, AICP, Planning Director, Tallahassee-Leon County Planning Department
Artie White, Principal Planner, Tallahassee-Leon County Planning Department
Chris Rietow, Executive Director, Apalachee Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

Notice of Comprehensive Plan Amendment Public Hearing

County Commission
Adoption Public Hearing
Thursday, June 21, 2018 3 pm
2nd Floor Commission Chambers
City Hall, 300 S. Adams Street

At the above public hearing the Board of County Commissioners will take public comments on and consider adoption of the following Ordinance, which adopts the map amendment in this advertisement. The Ordinance titled is included below.

ORDINANCE NO. 18- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN; ADOPTING AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Requested Text Amendment: Intergovernmental Coordination Element

Reference Number: PCT201803

Applicant: Tallahassee-Leon County Planning Dept.

The proposed text amendment to the Intergovernmental Coordination Element would remove the restriction limiting the number of times the Comprehensive Plan can be amended annually and would clarify voting procedures for proposed amendments to the Comprehensive Plan.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinances and resolutions. The application, ordinances and resolutions are on file at the Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida and may be reviewed between 8:00 A.M. and 5:00 P.M. For further information please call 891-6400.

The purpose of the hearing is to consider Cycle 2018 amendments to the Tallahassee-Leon County Comprehensive Plan. The Plan provides a blueprint of how the community is intended to develop over the next 15-20 years. The plan amendments may be inspected by the public at the Tallahassee-Leon County Planning Department, located on the third floor of the Frenchtown Renaissance Center, 435 North Macomb Street, Tallahassee, Florida, during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. For more information, contact the Planning Department at (850) 891-6400.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least three (3) working days prior to the hearing. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

NOTICE: PLEASE BE ADVISED that if a person decides to appeal any decision made by the City 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. See Section 286.0105, Florida Statutes.

County Adoption Hearing 6/21/18.

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Posted June 11, 2018

Notice of Comprehensive Plan Amendment Public Hearing

**City Commission Adoption
Public Hearing
Thursday, June 21, 2018, 3 pm
2nd Floor Commission Chambers
City Hall
300 S. Adams Street**

TEXT AMENDMENT ADOPTION

At the above public hearing the City Commission will take public comments on and consider adoption of the following Ordinance, which adopts the map and text amendments in this advertisement:

ORDINANCE NO. 18-O-20

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING TEXT AMENDMENTS TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN, PROVIDING FOR SEVERABILITY AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

Requested Text Amendment: Intergovernmental Coordination Element

Reference Number: PCT201803

Applicant: Tallahassee-Leon County Planning Department

The proposed text amendment to the Intergovernmental Coordination Element would remove the restriction limiting the number of times the Comprehensive Plan can be amended annually and would clarify voting procedures for proposed amendments to the Comprehensive Plan.

NOTICE: PLEASE BE ADVISED that if a person decides to appeal any decision made by the City 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 City Commission does not provide or prepare such a record. See Section 286.0105, Florida Statutes.

Adoption Hearing 6/21/18