

Board of County Commissioners

Leon County, Florida

Policy No. 95-5

Title: Ordinance Drafting

Date Adopted: July 25, 1995

Effective Date: June 15, 1995

Reference: 125.66 Florida Statutes (1995)

Policy Superseded: Policy No. 92-2, "Ordinance Drafting," adopted March 10, 1992

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that:

The drafting, advertising, and adoption of all ordinances shall be governed by the procedures set forth on the flowcharts attached to this policy and further elaborated in the accompanying text below:

Ordinances Processing Procedures

1. **CONCEPT:** Ideas for new or revisions to existing ordinances may be suggested by the Board, the Administrator, citizens, or Department Heads.
2. **OBTAIN APPROVAL:** Departments should consult with the Administrator and obtain Board approval prior to the drafting of a Concept Memorandum and the allocation of staff time to do so.

Steps 3 through 16 can be waived for a given issue if approved by the Board of County Commissioners.

3. **IDENTIFY INTERESTED PARTIES:** These may include affected parties, government agencies, and departments.
4. **DEFINE PROBLEM/OPPORTUNITY:** Research and define the policy issue, obtaining input from interested parties, and other counties or jurisdictions with similar ordinances as more information becomes available, the problem or opportunity may need to be redefined.
5. **IDENTIFY EVALUATION CRITERIA:** Work with interested parties to identify the criteria to be used to evaluate different alternatives. Examples of criteria commonly used to assess options are cost and benefit, effectiveness, administrability, and community acceptance.

6. DEVELOP CONCEPTUAL ALTERNATIVES: A list of feasible options should be identified which address the policy problem. Include as one alternative a “no-action” choice. In this step, only major alternatives need to be explored, since there is seldom sufficient resources to investigate all possible options.
7. COLLECT DATA AND MAKE FORECASTS: Collect information for and project the probable outcomes of each alternative.
8. EVALUATE ALTERNATIVES: Using the criteria defined in step 5, assess each alternative.
9. CONDUCT IMPLEMENTATION ANALYSIS: For each option, estimate how it can be implemented and its cost.
10. ESTABLISH MONITORING AND EVALUATION PROCEDURES: Indicate how the goals, objectives and procedures for each program will be monitored and evaluated.
11. MAKE RECOMMENDATIONS IN A CONCEPT MEMORANDUM: Reduce to writing all or the prior steps in a concise memorandum, accompanied by back-up data, that facilitates Board deliberation and decision on the problem addressed.
12. BCC CONCEPT WORKSHOP: Prepare information and make arrangements for and presentations in the workshop.
13. DRAFT ORDINANCE PREPARED: Once initiating agencies prepare a draft ordinance, the ordinance must be sent to the County Attorney’s Office which shall review the proposal for consistency with existing ordinances and Florida law. The Attorney’s Office shall ensure that the ordinance is in proper form.
14. CITIZEN INPUT WORKSHOP: Inform and make information available to interested parties in advance of the workshop, and inform other citizens of the workshop.
15. STAFF REVIEW AND FINAL DRAFTING: Staff shall make any required technical revisions and forward same to the County Attorney’s Office for review and inclusion in BCC Ordinance Workshop Draft.
16. BCC ORDINANCE WORKSHOP: Sponsoring agencies shall disseminate workshop materials and organize presentations in coordination with County Administration and the County Attorney’s Office.
17. ORDINANCE ADVERTISING: (SEE FOLLOWING ADVERTISING PROCEDURES.)
18. PUBLIC HEARING (THE ONLY PUBLIC HEARING OR THE FIRST ONE): Distribute hearing materials and organize presentations in coordination with the county Administration and the County Attorney’s Office.

19. SECOND PUBLIC HEARING (IF APPLICABLE)l Disseminate hearing materials and organize presentation in coordination with the County Administration and the County Attorney's Office.
20. ORDINANCE FILED WITH THE SECRETARY OF STATE: Filing to be made by the Clerk, within 10 days after enactment.
21. ORDINANCE BECOMES A LAW: Upon filing with the Department of State, or later date specified in the ordinance.
22. CODIFICATION IN CODE OF LAWS: Under the stewardship of the County Attorney's Office.

Ordinance Advertising

Step 17 of the Ordinance Processing procedures provides that ordinances must be advertised. These procedures set forth responsible parties, advertisement standards, and related matters for ordinance advertising.

1. TYPES OF ORDINANCES AND ADVERTISING REQUIREMENTS: The following table summarizes the different types of legal notices required by various sections of Florida Statutes.

Type of Ordinance	Number of Hearings	Number of days before hearings that ads must run	Type of notice
<p>1. Regular Ordinance, includes Building Code, Ordinances or resolutions, initiated by other than the county, that change the actual zoning map designation of a parcel or parcels of land.</p>	<p>One</p>	<p>at least 10 days (Include Sundays and legal holidays)</p>	<p>Legal ad includes the date, time, and place of the meeting; the title or titles of proposed ordinance; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Copy of the notice to be available during regular business hours of the Clerk’s Office.</p>
<p>2. Emergency (Cannot establish or amend the actual zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional or prohibited uses with a zoning category. Cannot be used for land use plans adopted pursuant to Part II of Chapter 163.</p>	<p>None</p>	<p>Waived by four/fifths vote of Board, declaring that an emergency exists and that the immediate enactment of said ordinance is necessary.</p>	<p>Not applicable.</p>

Type of Ordinance	Number of Hearings	Number of days before hearings that ads must run	Type of notice
<p>3. Ordinances or resolutions initiated by the county that change the actual zoning map designations for a parcel or parcels of land involving less than 10 contiguous acres.</p>	<p>One</p>	<p>Newspaper ad to run at least 10 days (include Sundays and legal holidays). Mail notice at least 30 days prior to hearing.</p>	<p>Legal ad includes the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Also need to notify by mail real property owners affected.</p>
<p>4. Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category; or Ordinances or resolutions initiated by the county that change the actual zoning map designations for a parcel or parcels of land involving 10 contiguous acres or more.</p>	<p>Two. Hearings to be at least 10 days apart. At least one hearing shall be held after 5:00 pm on a weekday unless the Board, by the majority plus one vote, elects to conduct the hearing at another time of day.</p>	<p>At least 7 days before the first hearing. At least 5 days before the second hearing.</p>	<p>Display ad to be no less than two columns wide by ten inches long. Headline to be no smaller than 18 point type. Not in the legal notices and classified ad sections. The ad language is set out in the statute. Except for amendments which change the actual list of permitted, conditional or prohibited uses within a zoning category, the ad also to contain a geographic location map, with major streets names.</p>

Type of Ordinance	Number of Hearings	Number of days before hearings that ads must run	Type of notice
<p>5. Transmittal or adoption of comp plan or plan amendment.</p>	<p>At least two. Once at transmittal stage, one at adoption stage.</p>	<p>At least 7 days before the transmittal hearing. At least 5 days before the adoption hearing.</p>	<p>If the comp plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, display ad shall be no less than two columns wide by ten inches long. Headline to be no smaller than 18 point type. Not in the legal notices and classified ad sections. The ad language is set out in the statute. Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the ad also to contain a geographic location map with major street names.</p>

Type of Ordinance	Number of Hearings	Number of days before hearings that ads must run	Type of notice
<p>6. Comp plan amendments directly related to small scale development activities, as long as the proposed amendment is a residential land use of 10 acres or less and a density of 10 units per acre or less and the cumulative effect of the above amendments shall not exceed 60 acres annually; the proposed amendment does not involve the same owner's property more than once a year; and the proposed amendment does not involve the same owner's property within 200 feet of property granted a change within prior 12 months</p>	<p>One</p>	<p>Newspaper ad to run at least to days (include Sundays and legal holidays). Mail notice at least 30 days prior to hearing.</p>	<p>Legal ad includes the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places with in the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Also need to notify by mail real property owners affected.</p>

2. PLACEMENT PROCEDURES:

- a. Types 1 (with the exception of zoning ordinances) and should be sent to the County Attorney's Office who shall draft and place the legal advertisements.
- b. Types 3, 4, 5, and 6 should be drafted and advertised by the Planning Department. Copies of the advertisement shall be sent to the County Attorneys Office for filing when the ad is sent to the newspaper.