

AN ORDINANCE ADOPTING THE 2023 CAPITAL IMPROVEMENTS PROJECT SCHEDULE ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3177(3)(a), Florida Statutes (2022), requires that a local government Comprehensive Plan shall contain a Capital Improvements Element designed to consider the need for, and location of, public facilities in order to encourage the efficient use of such facilities; and

WHEREAS, Section 163.3177(3)(b), Florida Statutes (2022) requires that local governments review the Capital Improvements Element on an annual basis, and provides that modifications to update the five-year capital improvements schedule may be accomplished by ordinance and not be deemed to be an amendment to the Comprehensive Plan; and

WHEREAS, “capital improvement” generally means physical assets constructed or purchased to provide, improve, or replace a public facility, typically large scale, high in cost, generally nonrecurring, and may require multi-year financing; and

WHEREAS, Section 163.3177(3)(a)4, Florida Statutes (2022), requires projects necessary to achieve and maintain the adopted levels of service for the five-year planning period be included in the capital improvements schedule of the Comprehensive Plan; and

WHEREAS, review by the Seminole County Land Planning Agency is not required for a Capital Improvements Project Schedule Annual Update, which is not an amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners held a public hearing on March 28, 2023 with all the required public notice, for the purpose of hearing and considering comments of the general public and other jurisdictions prior to final action on the Capital Improvements Project Schedule Annual Update set forth herein; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of the Capital Improvements Project Schedule Annual Update enacted by this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Recitals/Legislative findings:

The above recitals are true and correct and include legislative findings which are a material part of this Ordinance.

Section 2. Amendment to the Capital Improvements Schedule:

The Capital Improvements Project Schedule Annual Update is hereby adopted as set forth in Exhibit A, attached to this Ordinance and incorporated by this reference.

Section 3. Severability:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. Exclusion from County Code/Codification:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance will not be codified into the Seminole County Code, but that the Code Codifier will have liberal authority to codify this Ordinance as a separate document in accordance with prior directions given to the Code Codifier.

(b) The Code Codifier is hereby granted authority to update the Capital Improvements Project Schedule Annual Update or otherwise make notation by reference to this Ordinance in the Seminole County Comprehensive Plan, as amended.

Section 5. Effective Date:

In accordance with Sections 125.66, Florida Statutes, this Ordinance shall become effective upon the County filling a certified copy of this Ordinance with the Florida Department of State.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 28th day of March, 2023.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

Amy Lockhart, Chairman

Attachment:

Exhibit A – 2023 Capital Improvements Project Schedule Annual Update