

ORDINANCE NO. 13- 06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE, BY AMENDING SECTION 10-2.346 OF ARTICLE II, APPEALS; AMENDING SECTION 10-2.347 OF ARTICLE II, VARIATIONS AND MODIFICATIONS; AMENDING SECTION 10-6.652 OF ARTICLE VI, M-1 LIGHT INDUSTRIAL DISTRICT; AMENDING SECTION 10-6.680 AND REPEALING 10-6.681 OF ARTICLE VI, BRADFORDVILLE MIXED USE OVERLAY DISTRICT; AMENDING SECTION 10-1.810 OF ARTICLE VI, COMMUNITY RESIDENTIAL HOME REQUIREMENTS; AMENDING SECTION 10-7.200 OF ARTICLE VII, PRIVATE RESIDENTIAL SUBDIVISIONS; AMENDING SECTION 10-7.201 OF ARTICLE VII, LIMITED PARTITIONS; AMENDING SECTION 10-7.202 OF ARTICLE VII, REVISED 2.1.9 FAMILY HEIR SUBDIVISION STANDARDS; AMENDING SECTION 10-7.203 OF ARTICLE VII, SITE AND DEVELOPMENT PLANS PROPOSING SUBDIVISION OF PROPERTY REQUIRING PLATTING; AMENDING SECTION 10-7.301 OF ARTICLE VII, PRIOR IMPROPERLY SUBDIVIDED PARCELS; AMENDING SECTION 10-7.402 OF ARTICLE VII, DEVELOPMENT REVIEW AND APPROVAL SYSTEM; AMENDING SECTION 10-7.522 OF ARTICLE VII, BUFFER ZONE STANDARDS; AMENDING SECTION 10-7.524 OF SECTION VII, PUBLIC SANITARY SEWER OR ON-SITE SEWAGE DISPOSAL SYSTEMS; AMENDING SECTION 10-7.529 OF ARTICLE VII, GENERAL REQUIREMENTS FOR SIDEWALKS WITH NEW DEVELOPMENT, FEE IN LIEU OF SIDEWALK CONSTRUCTION; AMENDING SECTION 10-11.104 OF ARTICLE XI, DEFINITIONS; AMENDING SECTION 10-12.103 OF ARTICLE XI, STANDARED DESIGN MANUFACTURED HOMES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. A portion of Section 10-2.346 of Article II of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Appeals," is hereby amended as follows:

1 **Sec. 10-2.346. Appeals.**
2

- 3 (a) Whenever it is claimed that the true intent or meaning of any of the codes referred to
4 in this article or any of the regulations contained therein or promulgated thereunder
5 have been misconstrued or wrongly interpreted, the owner or his duly authorized
6 agent may appeal from the decision of the administrative officer of the code
7 involved to the board of adjustment and appeals. In addition, a request for an
8 extension of time to avoid a determination that a discontinuance of use constitutes an
9 abandonment for purposes of the zoning code shall be processed as an appeal.
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- 11 (b) Notice of appeal shall be in writing and filed within 30 days after the decision is
12 rendered by the responsible administrative officer under the code. In case of a
13 building or structure which in the opinion of the responsible administrative officer is
14 unsafe or dangerous, he may in his order limit the time for such appeal in the public
15 interest to a shorter period.
16
- 17 (c) Appeals hereunder shall be on forms provided by the ~~Tallahassee Leon County~~
18 ~~Planning Department~~ Department of Development Support and Environmental
19 Management.
20

21 (Ord. No. 07-20, § 2, 7-10-07)
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23 **SECTION 2.** A portion of Section 10-2.347 of Article II of Chapter 10 of the Code of
24 Laws of Leon County, Florida, entitled "Variations and Modifications" is hereby
25 amended as follows:
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- 27 (a) The board of adjustment and appeals, when appealed to and after a hearing, may
28 vary the application of any provision of the codes as set out in this chapter.
29
- 30 (b) A variance is hereby defined as a relaxation of the strict terms of this Code or
31 ordinance in cases involving practical difficulties or hardships and where such
32 variance request meets the following criteria:
33
- 34 (1) The variance will not be contrary to the public interest;
 - 35
 - 36 (2) The intent of the regulation sought to be varied will be observed
37 and substantial justice done by granting the variance;
 - 38
 - 39 (3) Where owing to conditions peculiar to the property, existing
40 structure or building thereon, and not the result of the actions of
41 the applicant, a strict and literal enforcement of the code involved
42 would deprive the applicant of rights commonly enjoyed by and
43 frequently occurring on other properties in the same zoning district
44 under the terms of this Code, and would result in undue practical

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difficulty or hardship not shared by other property owners in the zoning district;

- (4) The owner's predicament feasibly cannot be obviated through any method other than the variance;
- (5) The applicant may not have created the hardship or practical difficulty;
- (6) The alleged hardship or practical difficulties which would result from failure to grant the variance extend to the inability to use the land in question for any reasonable legal use which is consistent with the surrounding properties and in conformity with the provisions of this Code and include substantially more than mere inconvenience and inability to obtain a higher financial return;
- (7) The variance shall not substantially interfere with or detrimentally affect the health, safety, or welfare of others whose property would be affected by allowance of the variance;
- (8) The variance shall not adversely affect the delivery of government services;
- (9) The variance shall not be in conflict with the Comprehensive Plan;
- (10) The variance shall not allow establishment or expansion of a nonconforming use;
- (11) A variance shall not be granted because of the presence of nonconformities in the zoning district or adjoining districts;
- (12) No use variances are permitted;
- (13) For the purpose of the zoning code a variance is authorized only for the area and size of structure or size of yards or open spaces, or parking regulations;
- (14) In granting a variance of a provision of the environmental management article, the board of adjustment and appeals must also determine that the criteria in section 10-4.503 has been met.

- 1 (c) The board of adjustment and appeals may consider a variance upon filing of a
 2 written request with the department of ~~growth~~ development support and
 3 environmental management by the property owner for whose land the variance is
 4 sought, and payment of a fee for same.
 5
- 6 (d) A decision of the board of adjustment and appeals to vary the application of any
 7 provision of the codes or to reverse or modify an order, requirement, decision or
 8 determination of an administrative official shall specify in writing in what manner
 9 such variation or modification is made, the conditions upon which it is made,
 10 including, but not limited to safeguards and the reasons for the variance. The board
 11 of adjustment and appeals may impose reasonable conditions upon the granting of
 12 any variance to ensure that the public health, safety, and general welfare shall be
 13 protected. When all criteria for a variance have been met, based on the evidence
 14 presented, only the minimum variance necessary shall be granted.
 15
- 16 (e) Any variance granted shall be deemed to be applicable to the affected land in
 17 perpetuity, except as provided in section 10-2.349, regardless of ownership.
 18

19 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 2010-30, § 2, 12-14-10)
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21
 22 **SECTION 3.** A portion of Section 10-6.652 of Article VI of Chapter 10 of the Code of
 23 Laws of Leon County, Florida, entitled "M-1 Light Industrial District" is hereby amended
 24 as follows:
 25

26 **Sec. 10-6.652. M-1 Light Industrial District.**
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1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
The M-1 district is intended to be located in areas designated Branfordville Mixed Use or Suburban on the Future Land Use Map of the Comprehensive Plan shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light	(1) Armored truck services. (2) Assembly of apparel and accessories. (3) Automotive service and repair, including car wash. (4) Bottling plants. (5) Broadcasting studios. (6) Building contractors and related services. (7) Cemeteries. (8) Communications and utilities.	(17) Laboratories: research and development activities. (18) Lawn and tree removal services. (19) Manufacturing (consistent with the definition of light industrial). (20) Non-medical offices and services, including business and government
		(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the county administrator or designee. The 33 percent limitation

<p>industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations.</p>	<p>(9) Community services, including vocational schools and police/fire stations. Libraries, elementary, middle, or high schools are prohibited. Other community services may be allowed in accordance with section 10-6.806 of these regulations. (10) Crematoriums. (11) Distribution facilities. (12) Dry cleaning <u>pants plants</u>. (13) Food processing, excluding slaughter. (14) Golf courses. (15) Gun firing ranges (indoor). (16) Heavy infrastructure (maintenance yards, motor pools, airports, land fills, sewage treatment plants, etc.).</p>	<p>offices and services. (21) Off-street parking facilities. (22) Passive and active recreational activities. (23) Post control services. (24) Printing and publishing. (25) Repair services, non-automotive. (26) Towing, wrecking, and recovery services. (27) Transportation and freight handling activities. (28) Warehouses, mini-warehouses, or self-storage facilities. (29) Welding and machine shops. (30) Wholesale activities. (31) Wholesale building supplies. (32) Other uses, which in the opinion of the county administrator or designee, are of a similar and compatible nature to those uses described in this district.</p>	<p>does not apply to outdoor storage that is accessory to a permitted principal use. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the county administrator or designee. (3) Residential use (intended for watchman or guard not to exceed 1 dwelling unit per industrial use). (4) Outdoor storage (without the 33 percent limitation), provided it complies with section 7 below.</p>
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DEVELOPMENT STANDARDS									
	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area)	b. Building Height (excluding stories used for

								used for parking)	parking)
Permitted Principal Commercial Uses Number (3), (21), (25)	none	none	none	25 feet	none	25 feet	10 feet	10,000 square feet of gross building floor area parcel.	3 stories
All Other Permitted Principal Nonresidential Uses	none	none	none	25 feet	none	25 feet	10 feet	2,500 square feet of commercial floor area per acre. 50,000 Square feet of gross building floor area per acre for storage areas within buildings	3 stories

7. Criteria for Outdoor Storage: Outdoor storage is permitted as an accessory use to a permitted principal use (without the 33 percent limitation) if the outdoor storage area is screened with an opaque material (an opaque material may include regulation. The opacity requirements are as follows: 100 percent along any property line that adjoins an existing residential use; 80 percent along any property line that adjoins any other type of use other than residential (commercial, office, etc.) or a street right-of-way. The determination of the adequacy of the opaque material will be evaluated at the time of permitting.

8. Street Vehicular Access Restrictions: Properties in the M-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from nonresidential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, and RP.

9. Fencing requirement: All areas proposed for use, currently used, or previously used, in open-pit mining operations and/or construction and demolition debris disposal must be secured by a fence, unless the area is determined to be a reclaimed open-pit mine by the county administrator or designee. The fence must be at least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be hazardous conditions on the premises.

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GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank, also, refer to sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.

- 1 2. Refer to the Environmental Management Act (EMN) for information pertaining to the
2 regulation of environmental features (preservation/conservation features), stormwater
3 management requirements, etc.
4
- 5 3. Refer to the Concurrency Management Ordinance for information pertaining to the
6 availability of capacity for certain public facilities (roads, parts, etc.).
7

8 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-17, § 5, 7-22-08; Ord. No. 09-13, § 4, 3-19-
9 09)

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11 **SECTION 4.** Division 6 of Article VI of Chapter 10 of the Code of Laws of Leon
12 County, Florida, entitled “Official zoning districts established; Official zoning map” is
13 hereby amended to revise Section 10-6.680, entitled “Bradfordville mixed use overlay
14 district” as follows:
15

16 **Sec. 10-6.680. Bradfordville mixed use overlay district.**
17

- 18 (a). *Purpose and intent.* The purpose and intent of the Bradfordville Mixed Use Overlay
19 District (BOD) is to provide development standards that implement the goals,
20 objectives, and policies of the Tallahassee-Leon County Comprehensive Plan
21 recognizing the special character of the Bradfordville Study Area. The overlay is
22 provided to ensure that goods and services are provided primarily for the area
23 residents rather than serving a regional market and providing development consistent
24 with the character of the area. The district is also intended to provide more focused
25 development reviews for projects associated with sensitive historical, cultural or
26 environmental resources. The overlay district is implemented by the following
27 zoning districts: BC-1 Bradfordville Commercial-Auto Oriented District, BC-2
28 Bradfordville Commercial-Pedestrian Oriented District, BCS Bradfordville
29 Commercial Services District, BOR Bradfordville Office Residential District, OS
30 Open Space, and PUD Planned Unit Development. The Bradfordville Mixed Use
31 Overlay District boundaries are defined in Figure 10-1006(1).
32
- 33 (b). *Allowable uses.* The uses permitted in the BOD are those provided in the underlying
34 zoning district. The overall intensity of development of land may not exceed that
35 permitted by the underlying zoning district, and may be further reduced in
36 accordance with special development and design standards set forth in this Division.
37
- 38 (c). *Development standards.* Development standards are established in the underlying
39 zoning district as set forth in this Division. Developments affecting land within the
40 BOD shall be subject to review pursuant to Division 4 of Article VII of this Chapter
41 and shall comply with the following development standards: ~~The following~~
42 standards shall be applied to the overlay district.
43
- 44 (1) Site analysis: A comprehensive site analysis is required before planning and
45 design begins. The analysis should examine the site's physical properties,

1 amenities, special problems, character, and the neighboring environment of the
2 site.

- 3
- 4 (2) Roadway access standards: In order to protect the roadway capacity of
5 Thomasville, Bannerman, and Bradfordville Roads, new direct access is
6 prohibited along the arterial and collector roadways except as permitted in this
7 Division.
- 8
- 9 (3) Site design: Development within the overlay shall provide integration of the
10 proposed use and development with the adjacent uses and developments
11 including, but not limited to, access/egress, building and parking
12 location/orientation, natural and landscaped areas. Development shall
13 incorporate the existing natural features of the development site into site and
14 development plans avoiding clearing of expansive naturally vegetated areas.
15 Parking areas shall be buffered from all public roadways through placement of
16 vegetation and/or topography or manmade structures.
- 17
- 18 (4) Signage: All signage shall be proportional to the roadway classification along
19 which it is located. Larger signs will be permitted along arterial roadways,
20 smaller signs will be permitted along collector roadways, and the smallest
21 signs will be permitted along local nonresidential streets. Freestanding signs
22 are prohibited in the BC-2 district along local streets. Roof signs and pole signs
23 are prohibited within the overlay district. Freestanding signs shall be
24 architecturally compatible with the principle structure to which it is related.
- 25
- 26 (5) Lighting: All building lighting and parking area lighting shall be downward
27 directional. Lighting in parking areas shall be restricted to low mounted closely
28 spaced fixtures to minimize glare.
- 29

30 A design manual shall be developed by the county to define the design standards. This
31 design manual shall be separately approved by the Board of County Commissioners.

32
33 (Ord. No. 07-20, § 2, 7-10-07)

34
35 **SECTION 5.** Division 6 of Article VI of Chapter 10 of the Code of Laws of Leon
36 County, Florida, entitled "Official zoning districts established; Official zoning map" is
37 hereby amended to repeal Section 10-6.681, entitled "Bradfordville mixed use overlay
38 district" as follows:

39
40 **~~Sec. 10-6.681. Bradfordville mixed use overlay district.~~**

- 41
42 ~~(a). Purpose and intent. The purpose and intent of the Bradfordville Mixed Use Overlay~~
43 ~~District (BOD) is to provide for more focused development reviews associated with~~
44 ~~sensitive historical, cultural or environmental resources.~~

1 ~~(b). Allowable uses. The uses permitted in BOD are those provided in the underlying~~
2 ~~zoning district. The overall intensity of development of land may not exceed that~~
3 ~~permitted by the underlying zoning district, and may be further reduced in~~
4 ~~accordance with special development and design standards set forth herein.~~
5

6 ~~(c). Applicable development standards. Developments affecting land within the BOD~~
7 ~~shall be subject to review pursuant to Division 4 of Article VII of this Chapter and~~
8 ~~shall comply with the special development standards for the BOD, which are found~~
9 ~~in Section 10-6.680.~~
10

11 **SECTION 6.** Division 8 of Article VI of Chapter 10 of the Code of Laws of Leon
12 County, Florida, entitled "Supplementary Regulations for Specific Uses" is hereby
13 amended to amend Section 10-1.810, entitled "Community residential home
14 requirements" as follows:
15

16 **Sec. ~~10-1.810~~ 10-6.810. Community residential home requirements.**
17

18 (a) Local government responsibilities.
19

20 (1) In the case of homes of one to six residents, the local government will receive
21 notification from the applicable state licensing agency at the time of home
22 occupancy that the home has been licensed by the applicable state licensing
23 agency. Pursuant to F.S. ch. 419, the following state agencies may license
24 community residential homes: Department of Elderly Affairs, the Agency for
25 Persons with Disabilities, the Department of Juvenile Justice, the Department
26 of Children and Family Services, or the Agency for Health Care
27 Administration, hereinafter referred to collectively as "state licensing agency".
28

29 (2) Review notification by the providers of homes of seven to 14 residents in
30 accordance with F.S. ch. 419 is required.
31

32 (3) In reviewing notifications of homes of seven to 14 residents, the local
33 government may:
34

35 a. Fail to respond within 60 days, in which case the home may be established
36 at the site selected.
37

38 b. Deny the siting of the home, in which case the local government must
39 establish that the siting of the home at the place selected:
40

41 1. Does not otherwise conform to existing zoning regulations applicable
42 to other multifamily uses in area;
43

44 2. Does not meet applicable licensing criteria established as determined
45 by the state licensing agency, including the requirement that the home
46 be located to assure the safe care and supervision of the clients; or

1 3. Would result in such a concentration of community residential homes
2 in the area or a combination of such homes with other residences such
3 that the nature and character of the area would be substantially altered.
4

5 c. Approve the siting.
6

7 (b) Categories of community residential homes. Categories of homes licensed by the state
8 licensing agency are included under F.S. ch. 419.
9

10 (c) Procedures.
11

12 (1) The applicant obtains a license application package from the appropriate the
13 state licensing agency licensing office. A meeting with the state licensing
14 agency district community residential home coordinator should be initiated by
15 the applicant or prospective applicant for licensure, by contacting the
16 appropriate appropriate state licensing agency office.
17

18 (2) At this meeting, the coordinator will advise the provider of the notification
19 procedures required by law and will fill out the preliminary survey form for
20 the registry.
21

22 (3) The coordinator will advise the provider that for the purposes of licensure by
23 the state licensing agency the burden of proof regarding the dispersion
24 requirements rests with the provider (for a proposed home of six or fewer
25 residents) or the local government and provider (for a proposed home for
26 seven to 14 residents).
27

28 (4) The coordinator will make the registry available to the provider/sponsor so
29 that the provider/sponsor can check the proposed site for the proximity of
30 other community residential homes.
31

32 (d) Six or fewer residents.
33

34 (1) The provider certifies that the proposed site is not within 1,000 feet of another
35 such home on the most recent edition of HRS Form 1786, March 1990, or its
36 equivalent form if licensed by another agency. The provider notifies the
37 licensing office that the home may be licensed without review or zoning
38 approval by local government by sending a copy of HRS Form 1786 or
39 equivalent to the licensing office. If the proposed site is within 1,000 feet of
40 another such home, the provider must obtain written approval from the local
41 government for the siting. A copy of the written approval must also be sent to
42 the licensing office.
43

44 (2) Upon completion of licensure, the community residential home coordinator
45 will send notification to the local government that the facility has been

1 licensed (HRS Form 1784 or equivalent). The coordinator will update the
2 community residential homes registry in the district.
3

4 (e) Seven to 14 residents.
5

6 (1) The provider certifies that the proposed site is not within 1000 feet of another
7 such home on the most recent edition of HRS Form 1786, March 1990 or
8 equivalent. The provided notifies the licensing office that the home may be
9 licensed without review or zoning approval by local government by sending a
10 copy of HRS Form 1786 or equivalent to the licensing office. If the proposed
11 site is within 1,000 feet of another such home, the provider must obtain
12 written approval from the local government for the siting. A copy of the
13 written approval must also be sent to the licensing office.
14

15 (2) Upon completion of licensure, the community residential home coordinator
16 will send notification to the local government that the facility has been
17 licensed (HRS Form 1784 or equivalent). The coordinator will update the
18 community residential homes registry in the district.
19

20 (3) The district administrator will provide the notification letter (HRS Form 1785
21 or equivalent) for inclusion in the provider's local government notification
22 packet.
23

24 (4) The provider must apply to the local government for approval. The local
25 government has 60 days to respond. If no response is provided in 60 days, the
26 home is automatically permitted. It is the provider's responsibility to ensure on
27 HRS Form 1786 or equivalent that the notification package has been sent to
28 the local government and to keep track of the time, contacting the coordinator
29 and the licensing office at the expiration of 60 days. If denied, the provider
30 may request that the local government arrange for conflict resolution through
31 mediation as provided for by F.S. § 419.001(5) or may request an
32 administrative hearing.
33

34 (5) If the proposed site does not meet the dispersion requirement, the provider
35 must obtain approval from the local government. The coordinator will advise
36 the provider to contact the local government directly if the provider wishes to
37 seek siting approval on an exception basis. The provider will notify the district
38 coordinator and the licensing office once the zoning decision has been made.
39

40 (6) Upon completion of licensure, the state licensing agency licensing component
41 will notify the district coordinator.
42

43 (7) Upon licensure, the coordinator will update the local registry and the
44 statewide registry.
45

46 (Ord. No. 07-20, § 2, 7-10-07)

1 **SECTION 7.** Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon
2 County, Florida, entitled “Subdivision Classifications, Exemptions, and Platting” is
3 hereby amended to amend Section 10-7.200, entitled “Private residential subdivisions” as
4 follows:
5

6 **Section 10-7.200. Private residential subdivisions.**
7

- 8 1. *Purpose and intent.* This section provides restrictions on new development proposing
9 subdivision of property that will utilize privately maintained infrastructure. This
10 section prohibits the development of private residential subdivisions inside the urban
11 service area. Outside the urban service area, the development of private residential
12 subdivisions shall be restricted to the establishment of private residential subdivisions
13 pursuant to Policy 2.1.9 of the Comprehensive Plan, Limited Partition Subdivisions,
14 gated communities meeting the criteria of ~~{subsection}~~ subsection 3.(B)(3) of this
15 section, or subdivisions of property meeting the criteria of ~~{subsection}~~ subsection
16 3.(b)(4) and approved by the ~~development review committee~~ Development Review
17 Committee.
18
- 19 2. *Applicability.* This section shall be applicable to and shall regulate any and all
20 applications proposing subdivision of property within the unincorporated portions of
21 the county, unless otherwise provided in Article VII of Chapter 10 of the Leon
22 County Land Development Code. In case of a conflict between the requirements in
23 Article VII of Chapter 10, Land Development Code, and this Section, the provisions
24 in Article VII of Chapter 10, Land Development Code, shall prevail.
25
- 26 3. *Location.*
27
- 28 (a) *Inside the urban services area.* In no case shall an application proposing
29 subdivision of property within the urban service area, with the exception of a
30 one into two lot subdivision, be allowed to establish a private residential
31 subdivision.
32
- 33 (b) *Outside the urban service area.* For applications proposing subdivision of
34 property located outside the urban service area, private residential
35 subdivisions shall only be allowed if the subdivision of property demonstrates
36 satisfaction of one or more of the following criteria:
37
- 38 (1) The application is for a subdivision of property pursuant to Policy 2.1.9
39 of the Comprehensive Plan; or,
40
- 41 (2) The application is for a subdivision of property pursuant to Section 10-
42 7.201 of the Land Development Code, Limited Partitions; or,
43
- 44 (3) The subdivision of property will establish a gated community consisting
45 of ten or fewer lots; or,

1 (4) The development review committee has determined that the proposed
2 private residential subdivision will not create an adverse impact on
3 county residents or public infrastructure and meets all of the following
4 criteria:

- 5
- 6 (i) Is not a conservation subdivision; and,
- 7
- 8 (ii) Does not include construction of curb and gutter and/or underground
9 drainage systems; and,
- 10
- 11 (iii) Does not include the construction of stormwater management
12 facility(ies) with maintenance intensive structures, which includes,
13 but is not limited to, the following: detention with filtration systems
14 and recovery by irrigation; and,
- 15
- 16 (iv) Includes restrictive covenants consistent with the requirements of
17 Article VII, Division 6.
- 18

19 (Ord. No. 10-29, § 1, 11-9-10)

20

21 **SECTION 8.** Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon
22 County, Florida, entitled “Subdivision Classifications, Exemptions, and Platting” is
23 hereby amended to amend Section 10-7.201, entitled “Limited Partitions” as follows:

24

25 **Section 10-7.201. Limited Partitions.**

26

27 (1) ~~The following shall qualify for review as a limited partition subdivision:~~ The
28 following shall qualify for review as a Limited Partition Subdivision:

29

- 30 (a) (i) ~~A subdivision of an unrecorded unplatted residentially zoned lot or parcel~~
31 land into not more than ten lots provided that such land is located outside of
32 the Urban Service Area, as depicted on the Future Land Use Map of the
33 Comprehensive Plan; is located on an existing public or private street, with
34 legal access, into not more than ten single family residential attached lots
35 (maximum of ten dwelling units); sanitary service is provided by on-site
36 septic tank; potable water is provided via on-site or community well; and
37 provided that the subdivision complies with all applicable development
38 standards. density does not exceed the density that is allowed by the zoning
39 district. Further, no lot created under this section within the urban service
40 area, except for a one into two lot division, shall have new direct driveway
41 access to a major or minor arterial or major collector roadway;
- 42
- 43 (b) (ii) ~~The subdivision of existing duplex or triplex or quadruplex structures~~
44 provided that the resulting subdivided units are certified to be in compliance
45 with applicable zoning, subdivision and building codes. Compliance with

1 applicable building codes shall be so certified by a registered professional and
2 such compliance subject to verification by the chief building official;

3
4 ~~(e) (iii) A division of an unrecorded nonresidentially zoned lot or parcel of~~
5 ~~property into not more than ten lots, provided the division meets the design~~
6 ~~criteria of Division 5 of Article VII. When determined by the county~~
7 ~~administrator or designee, site and development plan review and approval~~
8 ~~may be processed concurrently if determined to be a Type A site and~~
9 ~~development plan;~~

10
11 (c) ~~(iv) A~~ The division of any existing parcel outside of the urban services areas
12 into parcels with a minimum size of 50 acres each in the Rural, Urban Fringe,
13 or Lake Talquin Urban Fringe Districts or a minimum size of ten acres each in
14 the ~~rural community district~~ Rural Community zoning district. Subdivisions
15 created under this provision shall be exempt from subsection (b)~~(iii)~~ of this
16 section.

17
18 (d) The division of previously improperly subdivided land, pursuant to Section
19 10-7.301.

20
21 (2) ~~(b) (i)~~ The division authorized pursuant to subsection (1)(a) of this section shall not
22 require the creation of a new street, as defined in section 10-1.101 of this Code, to
23 provide legal access to any subdivided lot created pursuant to this section; and

24
25 ~~(ii) No division created pursuant to subsection (1)(a) of this section will result in a~~
26 ~~requirement for the extension of water and sewer mains to the site; extensions of~~
27 ~~water and sewer service within the development are permitted; and,~~

28
29 ~~(iii) The~~ the land included in the application has not been previously subdivided
30 through the approval of a limited partition subdivision Limited Partition Subdivision
31 process. ~~shall not be permitted where any portion of the subject property has been~~
32 ~~involved in any subdivision pursuant to this section.~~

33
34 (3) ~~(2) Land use and project determination:~~ Land use and project determination: Prior to
35 submittal of an application, the applicant shall first obtain a permitted use verification
36 certificate (PUV) from the Division of Development Services which verifies that the
37 development qualifies for review as a limited partition subdivision, based on criteria
38 in section 10-7.201(1).

39
40 (4) ~~(3)~~ The applicant shall make application on appropriate forms provided by the county
41 administrator or designee for the review of limited partitions.

42
43 (5) (4) A complete application shall include the following:

44
45 (a) An 8 1/2 by 14-inch document acceptable to be recorded in the Official Records
46 of Leon County, which shall include:

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1. Boundary survey of the parcel, and a separate sketch plan showing boundaries of the proposed individual lots and legal descriptions of the overall parent tract and individual lots;
 2. Signature and seal of surveyor who prepared said boundary survey;
 3. Existing structures and parking area(s) on the parcel to be subdivided;
 4. Date of preparation;
 5. Total acreage of the parcel to be subdivided;
 6. Lot and block numbers, if applicable;
 7. All easements on the property to be subdivided and each abutting street;
 8. A statement on the face of the plan stating that any further subdivision of the lot or lots shall be subject to the platting requirements as specified in section 10-7.203, site and development plans, as applicable, of these regulations; and
 9. Scale of plan, both written and graphic.
- (b) Supplemental information, which shall, upon the request of the growth and environmental management director or designee, include the following:
1. A vicinity map which depicts the location of the proposed subdivision in relation to adjacent streets and properties;
 2. The 100-year flood frequency hazard area or a notation if not applicable; and
 3. The method by which utilities including, but not limited to, water, sewer, electric, telephone, and cablevision will be provided to the subdivision. All underground utilities will be constructed prior to placement of final roadway surface.
- (c) A completed application form.
- (d) A certificate of concurrency.
- (e) Payment of applicable fee.
- (f) Pro forma documents which set forth any proposed conservation and preservation easements as may be required by this section.
- (g) For properties proposing residential use, a completed School Impact Analysis Form.

1 (6) ~~(5)~~ Procedure Procedure.
2

3 (a) Application. The applicant shall submit the required subdivision application to the
4 director of the growth and environmental management department or designee.
5

6 (b) Determination of completeness.
7

8 1. Within ten working days after receipt of the application for a limited partition,
9 the county administrator or designee shall determine whether the application
10 contains all required information at the required level of detail; and shall
11 advise the applicant of all areas of deficiency. This notification shall specify
12 the additional information and level of detail required in order to meet the
13 requirements of this section.
14

15 2. In the event that an applicant fails to submit the required additional
16 information within 15 calendar days of the date of the notice of deficiency, the
17 county administrator or designee shall consider the application to be
18 withdrawn. The county administrator or designee may grant extensions of up
19 to 30 days at the request of the applicant; provided any such request for an
20 extension is received prior to the expiration of the relevant time period.
21

22 3. Upon a determination of completeness, the county administrator or designee
23 shall approve, approve with conditions, or deny the application within ten
24 working days of receipt of a complete application and shall so notify the
25 applicant in writing. The county administrator or designee may also refer the
26 application to the DRC for full review if site conditions or features warrant
27 more in-depth evaluation. The DRC shall then make a recommendation at a
28 regularly scheduled meeting. The referral of an application to the DRC shall
29 stay the time for decision by the county administrator or designee.
30

31 (c) The determination of the county administrator or designee will become final 15
32 calendar days after it is rendered unless a person who qualifies as a party as
33 defined in Division 7 of this article files a notice of intent to file a petition for
34 formal proceedings together with the filing fee within this time period, and
35 subsequently files within 30 calendar days after the decision is rendered, the
36 petition for formal proceedings before a special master. Failure to file is
37 jurisdictional and will result in a waiver of the hearing. Appeals heard by a special
38 master will be conducted in accordance with the procedures outlined in section
39 10-7.414. Appeals of the special master's decision shall be reviewable by the
40 circuit court.
41

42 ~~(7)~~ (6) Any plan approved under this section shall be recorded in the Office of the Clerk
43 of the Circuit Court of Leon County by the department upon the submittal of the
44 approved plan and recording fee by the applicant. If the applicant fails to submit
45 either the approved plan with the appropriate recording fees within 30 calendar days

1 following final plan approval, said approval shall be deemed to have been revoked
2 and expired.

3
4 ~~(8) In deciding whether to approve, approve with conditions, or deny a limited partition,~~
5 ~~the director of growth and environmental management or designee shall consider:~~

6
7 ~~_____ (a) Whether all the design standards and requirements set forth in this~~
8 ~~chapter have been met;~~

9
10 ~~_____ (b) Whether all the zoning standards and requirements have been met; and~~

11
12 ~~(c) Whether all the requirements of other applicable regulations or~~
13 ~~ordinances which impose specific requirements on limited partitions have~~
14 ~~been met, including section 10 4.202 of this chapter.~~

15
16 Approval of a Limited Partition Subdivision application shall be granted if the
17 application satisfies the following criteria:

18
19 (a) The application is consistent with the Comprehensive Plan.

20
21 (b) The application complies with applicable provisions of the Land
22 Development Code, except when the application is intended to correct
23 the deficiencies in previously improperly subdivided lands, pursuant to
24 Section 10-7.301, wherein lots created may be smaller than the zoning
25 district standard, so long as they are no less than ½-acre in size and the
26 density of the subdivision will be consistent with the applicable Future
27 Land Use Map category; and,

28
29 (c) The requirements of this chapter and other applicable regulations and
30 ordinances have been met.

31
32 In those instances wherein the application substantially meets these three criteria but,
33 in the determination of the reviewing entity, does not satisfy these criteria, the entity
34 may approve the application subject to condition that all deficiencies are corrected;
35 wherein the applicant shall thereafter be required to provide a revised application,
36 demonstrating satisfaction with these criteria. No permits for development activity
37 for properties included in such applications shall be issued by the County unless and
38 until the application has been determined to demonstrate satisfaction with these
39 criteria.

40
41 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 13, 1-29-08; Ord. No. 08-24, § 2, 11-25-
42 08)

43 **SECTION 9.** Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon
44 County, Florida, entitled "Subdivision Classifications, Exemptions, and Platting" is
45 hereby amended to amend Section 10-7.202, entitled "Revised 2.1.9 Family Heir
46 Subdivision Standards" as follows:

1 ~~1. Eligibility to subdivide land to create parcels of transferable property. To~~
2 ~~qualify for subdivision of land pursuant to Comprehensive Plan Land Use~~
3 ~~Element Policy 2.1.9., for purposes of creating parcels of property that may be~~
4 ~~transferred to entities unrelated to the property owner, notwithstanding the~~
5 ~~density or intensity of limits established for this land by the future land use~~
6 ~~map of the Comprehensive Plan or the official zoning map, the following~~
7 ~~conditions must be met:~~

- 8 (a) ~~The land to be subdivided must be located in one or more of the~~
9 ~~following zoning districts:~~
10 (i) ~~Rural;~~
11 (ii) ~~Urban Fringe; or~~
12 (iii) ~~Lake Talquin Recreation/Urban Fringe; or~~
13 (iv) ~~Residential preservation overlay of one of the three districts~~
14 ~~listed above, and only if outside the urban services area.~~
15 (b) ~~The applicant has not previously utilized the provisions of Policy~~
16 ~~2.1.9 to subdivide this or any other parcel in the applicant's~~
17 ~~ownership or control;~~
18 (c) ~~The applicant has held fee simple title to the parcel, in single~~
19 ~~ownership, as of February 1, 1990, and has continuously~~
20 ~~maintained a record interest in the parcel since that date;~~
21 (d) ~~A maximum of six lots may be created at a maximum residential~~
22 ~~density of two units per acre, with a minimum lot size of one half~~
23 ~~acre of buildable area, whether the parcel is subdivided or not,~~
24 ~~including existing dwelling units; additional lots may be created so~~
25 ~~long as their size and density comply with applicable zoning~~
26 ~~district and future land use category standards; and,~~
27 (e) ~~This subsection 10 7.202.1, shall no longer be in effect as of~~
28 ~~February 1, 2010.~~

29
30 2.1. *Eligibility to subdivide land to create parcels for use as a homestead by a*
31 *family member.* To qualify for subdivision of land pursuant to
32 Comprehensive Plan Land Use Element Policy 2.1.9., for purposes of
33 creating parcels of property for use solely as a homestead by an individual
34 who is the grandparent, parent, stepparent, adopted parent, sibling, child,
35 stepchild, adopted child, or grandchild of the person who conveys the
36 parcel, notwithstanding the density or intensity of limits established for
37 this land by the future land use map of the Comprehensive Plan or the
38 official zoning map, the following conditions must be met:

- 39
40 (a) The land to be subdivided must be located outside of the urban
41 services area.

1 (b) The parcel to be subdivided is in the same configuration as it was
2 on February 1, 1990; or, the parcel was created, subsequent to
3 February 1, 1990, through subdivision pursuant to the family heir
4 provision of Policy 2.1.9 of the Land Use Element of the
5 Comprehensive Plan and conveyed to an originally intended heir,
6 as defined herein, and the applicant is an originally intended heir or
7 an heir through successive generations of the originally intended
8 heir. Any subdivision of the parcel after February 1, 1990, shall
9 thereafter void the eligibility to subdivide the parcel under this
10 section for use as a homestead by a family member, unless that
11 subdivision was undertaken pursuant to the family heir provision
12 of Policy 2.1.9 of the Land Use Element of the Comprehensive
13 Plan.
14

15 3-2. *Criteria for approval.* Approval of an application for residential
16 development pursuant to Comprehensive Plan Land Use Policy 2.1.9. shall
17 be dependent upon a finding by the county in the affirmative for each of
18 the following criteria:
19

- 20 (i) That the application is consistent with the Comprehensive Plan.
21
22 (ii) That the application complies with the standards set out in
23 subsection 10-7.202.5.; and,
24
25 (iii) That the application complies with applicable provisions of the
26 Land Development Code and other applicable regulations and
27 ordinances have been met, including those pertaining to
28 environmental protection, access, zoning district development
29 standards except lot size, and concurrency management system
30 requirements.
31

32 4-3. *Additional criteria for approval for subdivision to create parcels for use*
33 *as a homestead by a family member (subsection, 10-7.202.2.).* In addition
34 to an affirmative finding for each of the three criteria set out in subsection
35 10-7.202.3., approval of an application made pursuant to subsection 10-
36 7.202.2. shall be dependent upon a finding by the county in the affirmative
37 for each of the following criteria:
38

- 39 (a) That the application includes documentation of those covenants
40 and restrictions, executed by the applicant and the chair of the
41 DRC, recorded pursuant to subsection 10-7.202.9.(f); and,

1 (b) That the number of lots that may be created through subdivision of
2 property for use as a homestead by a family member is equal to or
3 less than the number of heirs plus the original homestead family
4 member.
5

6 5.4. *Substantive requirements for the subdivision of land pursuant to this*
7 *section.*
8

9 (a) General. The following general requirements apply to applications
10 submitted pursuant to this section:
11

12 (1) No lot created may be any smaller than one-half acre of
13 buildable area in size;
14

15 (2) Parcels within a recorded subdivision may not be further
16 subdivided by application of this section; and,
17

18 (3) The application may be fashioned for approval of
19 additional dwelling units without subdivision; in which
20 instance, the application shall demonstrate sufficient land
21 area for each dwelling unit, equivalent to amount of land
22 and arrangement of dwelling units as would otherwise be
23 required to create subdivision lots.
24

25 (b) Additional requirements for application for subdivision of land
26 within previously approved unrecorded subdivisions. Further
27 subdivision of land to create residential lots or additional dwelling
28 units pursuant to Policy 2.1.9 of the Land Use Element of the
29 Comprehensive Plan shall be allowed if the resulting parcels are no
30 smaller than the smallest existing lot within the subdivision,
31 established in accordance with the Leon County Land
32 Development Code, nor less than one-half acre in size.
33

34 6.5. *Timely completion of a deficient application.* The department of growth
35 and environmental management or its successor, shall inform the applicant
36 of any deficiencies constituting an incomplete application. The applicant
37 shall have 180 days, from the date of the issuance of notice from the
38 county informing of deficiencies constituting an incomplete application, to
39 make required corrections to the application and submit that application
40 for review. The applicant shall be entitled to request, in writing to the
41 county, one 90-day extension; the county may grant that extension based

1 upon a demonstration of hardship by the applicant. Failure to resubmit a
2 revised application in a timely manner shall have the same effect as denial
3 of the application without prejudice; however, no application filed
4 pursuant to subsection 10-7.202.1. shall be accepted after February 1,
5 2010.

6
7 7.6. *Approval subject to condition.* In those instances wherein the application
8 substantially meets the applicable criteria for approval but, in the
9 determination of the entity with authority to approve the application, does
10 not completely satisfy these criteria, the entity may approve the
11 application subject to condition that all deficiencies are corrected;
12 whereupon the applicant shall thereafter be required to provide a revised
13 application, demonstrating complete satisfaction with these criteria. No
14 permits for development activity for properties included in such
15 applications shall be issued by the county unless and until the application
16 has been determined to demonstrate complete satisfaction with these
17 criteria.

18
19 8.7. *Timely revision of an application approved subject to condition.* Any
20 application made pursuant to this section, approved subject to condition,
21 shall be revised to demonstrate satisfaction of all conditions within 180
22 days from the date of the issuance of notice informing the applicant of
23 approval subject to condition by the county. The applicant shall be entitled
24 to request, in writing to the county, one 90-day extension; the county may
25 grant that extension based upon a demonstration of hardship by the
26 applicant. Failure to revise the application within the allotted time period
27 to demonstrate satisfaction of all conditions shall have the same effect as
28 denial of the application without prejudice; however, no application filed
29 pursuant to subsection 10-7.202.1. shall be accepted after February 1,
30 2010.

31
32 9.8. *Limitations on the use of parcels created pursuant to ~~subsection~~ ~~10-~~*
33 *~~7.202-2.~~ 10-7.202.1; creating parcels of property for use as a homestead*
34 *by a family member:*

35
36 (a) Parcels created through subdivision pursuant to subsection ~~10-~~
37 ~~7.202-2.~~ 10-7.202.1 are intended as homestead property for heirs of
38 the owner/subdivider. No parcel created through this process shall
39 be conveyed to any person other than the originally intended heir
40 within a period of fewer than two years from the date of the
41 approval of the 2.1.9 subdivision.

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- (b) No building permit shall be issued for any building on any parcel created through subdivision pursuant to subsection ~~10-7.202-2~~, 10-7.202.1, except to the originally intended heir or the original homestead family member, within a period of fewer than two years from the date of the approval of the 2.1.9 subdivision.

- (c) After a period of two years from the date of the creation of a lot created pursuant to subsection ~~10-7.202-2~~, 10-7.202.1, that lot may be conveyed to any other person.

- (d) Except as provided in (e), below, any lot created by subdivision pursuant to subsection ~~10-7.202-2~~, 10-7.202.1 may, after a period of two years from the date of the creation of the lot, be eligible for further subdivision or additional dwelling units pursuant to this chapter.

- (e) Any lot created by subdivision pursuant to subsection ~~10-7.202-2~~ 10-7.202.1. may be eligible for further subdivision or additional dwelling units, within the two-year period immediately following the date of the creation, by originally intended heir or original homestead family member, for the purpose of creating additional lots for conveyance to another eligible family member, as provided by F.S. § 163.3179. Such subdivision or application for additional dwelling units shall comply with subsection ~~10-7.202-2~~ 10-7.202.1.

- (f) The applicant for subdivision or additional dwelling unit pursuant to subsection ~~10-7.202-2~~, 10-7.202.1, shall provide covenants and restrictions to be executed by the applicant and the chair of the development review committee, on the behalf of Leon County, which shall be recorded in the clerk of the court's records, restricting transfer and regulating the development of the property to comply with the limitations of subsection 10-7.202.9. The covenants and restrictions shall be enforceable by Leon County. The covenants and restrictions may be amended, by the Board of County Commissioners, as necessary, to otherwise provide for the transfer or permitting in the case of the death or institutionalization of the originally intended heir.

1 10.9. *Procedural standards.*

2
3 (a) Except as provided for in (b) below, all applications for
4 subdivision pursuant to this section shall be subject to the review
5 and approval requirements of the Type A site and development
6 plan application process; however, no pre-application meeting or
7 technical staff meeting shall be required, but may be provided, at
8 the request of the applicant, free of charge.

9
10 (b) In those instances where subdivision pursuant to this section would
11 result in the requirement of a new access connection to a
12 designated canopy road or the removal of any protected tree and/or
13 vegetation within the canopy road protection zone the subdivision
14 application shall be subject to the review and approval
15 requirements of the Type B site and development plan application
16 process including, mandatory pre-application and technical staff
17 meetings, at the expense of the applicant.

18
19 (*Ord. No. 08-26, § 3, 11-25-08; Ord. No. 09-19, §§ 1, 3, 6-9-09*)

20 *Editor's note—*

21 Ord. No. 09-19, § 1, adopted June 9, 2009, amended § 10-7.202 title as herein set
22 out. Former § 10-7.202 title pertained to revised 2.1.9 subdivision
23 standards. Ord. No. 08-26, § 3, adopted Nov. 25, 2008, repealed former §
24 10-7.202, and enacted a new § 10-7.202 as set out herein. The former §
25 10-7.202 pertained to residential development pursuant to Comprehensive
26 Plan Land Use Element Policy 2.1.9. See the Code Comparative Table for
27 complete derivation.

28
29 **SECTION 10.** Division 2 of Article VII of Chapter 10 of the Code of Laws of Leon
30 County, Florida, entitled “Subdivision Classifications, Exemptions, and Platting” is
31 hereby amended to amend Section 10-7.203, entitled “Site and development plans
32 proposing subdivision of property requiring platting” as follows:

33
34 **Section 10-7.203. Site and development plans proposing subdivision of property**
35 **requiring platting.**

- 36
37 1. Pursuant to F.S. Ch. 177, and these ordinances, no subdivision plat within the
38 jurisdiction of the county shall be recorded by the Clerk of the Circuit Court of Leon
39 County unless and until it has received plat approval as provided herein. To secure
40 plat approval, the applicant/subdivider shall also follow the procedures established in
41 Article VII, Division 6, Plats.

- 1 2. Site and development plans are required for all parcels or lots proposed for
2 subdivision, with the exception of: those exceptions specified under the definition of
3 subdivision in section 10-1.101; the exemptions and requirements of section 10-
4 7.201, Limited Partitions, and section 10-7.202, Residential Development Pursuant to
5 Comprehensive Plan Policy 2.1.9, and, those exceptions identified in section ~~10-~~
6 ~~7.402(5)~~ 10-7.402(6) of this chapter.
- 7
- 8 3. Procedure:
- 9
- 10 (a) *Land use and project determination.* Prior to submittal of a pre-application
11 request, the applicant shall first obtain a permitted use verification certificate
12 (PUV) from the ~~planning department~~ Department of Development Support and
13 Environmental Management which verifies that the subject development is a site
14 and development plan proposing subdivision of property requiring platting.
- 15
- 16 (b) ~~Preapplication~~ Presubmittal. The applicant ~~shall~~ may schedule a ~~preapplicatio~~
17 presubmittal meeting with the county administrator or designee to discuss the
18 application, the procedures for review and approval, and the applicable
19 regulations and requirements for the review type. The county administrator or
20 designee may modify or eliminate any required information submittals, after
21 documentation, based upon consideration of the complexity of the proposed site
22 and development plan, environmental constraints, existing site conditions, or
23 other relevant submittal items required for DRC review, if applicable, and
24 approval of site and development plans.
- 25
- 26 (c) Review process. All site and development plans proposing subdivision of
27 property requiring platting shall be reviewed pursuant to the provisions of this
28 section.
- 29

30 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 15, 1-29-08)

31

32 **SECTION 11.** Division 3 of Article VII of Chapter 10 of the Code of Laws of Leon
33 County, Florida, entitled “Vested Rights” is hereby amended to amend Section 10-7.301,
34 entitled “Prior improperly subdivided parcels” as follows:

35

36 In addition to the vested rights provided for in ~~section 10-1451~~ Article II, Division
37 4 and other provisions of this article notwithstanding, all single-family lots created by
38 recorded transfers of title recorded on or before October 31, 1990, at 11:59 p.m., shall
39 be deemed nonconforming within the meaning of the Comprehensive Plan and thus
40 shall be excepted from the requirements for subdivision review as set forth in this
41 article. Such single-family lots shall be excepted from the residential density
42 limitations imposed by the Comprehensive Plan. These lots shall also be exempt from
43 residential density restrictions of the Comprehensive Plan and the December 1, 1970,
44 Tallahassee-Leon County Zoning Codes, as amended. Nothing herein shall exempt
45 these lots from the other requirements and limitations of land development
46 regulations implementing the local Comprehensive Plan.

1 (Ord. No. 07-20, § 2, 7-10-07)

2
3 **SECTION 12.** Division 4 of Article VII of Chapter 10 of the Code of Laws of Leon
4 County, Florida, entitled “Procedure for Review and Approval of Site and Development
5 Plans” is hereby amended to amend Section 10-7.402, entitled “Development review and
6 approval system” as follows:
7

8 The development review and approval system shall consist of the following elements:
9

- 10 1. Permitted use verification process. A permitted use verification certificate (PUV)
11 shall be used to determine eligibility for either subdivision of property, development
12 of land, or change in use, based upon applicable land development regulations and
13 site-specific conditions. A residential ~~permitted use verification compliance~~
14 certificate (~~RPV~~) (RCC) shall be used to determine eligibility for small residential
15 uses or structures. The fee for a (~~RPV~~) RCC may be applied to fees for a subsequent
16 project status determination application (PSD) or an administrative streamlined
17 approval process (ASAP) application associated with the proposed residential
18 development tendered within one year of the issuance of the ~~RPV~~ RCC. PUVs and
19 ~~RPVs~~ RCCs shall not be construed to be development order approvals.
20
- 21 2. Project status determination. For any development proposal not required to comply
22 with the provisions of article VII, the applicant must request a project status
23 determination (PSD) from the ~~growth~~ development support and environmental
24 management department prior to submitting an application for development approval.
25 This PSD will indicate on what basis the proposed development is excepted from
26 either the procedural or substantive provisions of this article and and shall verify
27 compliance with any applicable previously approved development order and land
28 development code, as may be applicable. ~~Any project status determination associated~~
29 ~~with development not requiring the approval of a site and development plan~~
30 ~~application shall be recorded in the public records of Leon County, as maintained by~~
31 ~~the clerk of courts, in a form approved by the county administrator or designee.~~
32 Applications for PSDs shall be reviewed, and if appropriate, approved by the county
33 administrator or designee.
34
- 35 3. ~~Preapplication~~ Pre-submittal conference (optional for Type A, B, and C; required for
36 Type D). ~~An applicant may request a preapplication~~ The pre-submittal conference is
37 intended to set forth the specific application requirements once a development review
38 track is identified.
39
- 40 4. Development review types. There are four different review types of development
41 review, Type A, B, C, and D review. The applicable level of review for proposed
42 subdivision or site and development plan application depends upon the type and
43 intensity of development, the extent of environmental constraint, and zoning district
44 in which the development site is located. Table 10-7.1, below, specifies the applicable
45 review level for development qualifying for administrative streamlined application
46 process, and Type A through Type C site and development plan review applications.

1 Table 10-7.1 specifies the review level by zoning district, for residential,
2 nonresidential, and institutional land uses. Type D site and development plan review
3 is required for any new planned unit development concept plan application, and for
4 any application determined, by the State of Florida, to require an application for
5 development approval, substantial deviation to a development of regional impact
6 (DRI) or Florida quality development (FQD). Type C applications consist of any
7 application where the scale of development proposed exceeds the upper limit of the
8 thresholds listed in the table for Type B site and development plan review, but not
9 required to undergo Type D review.

10
11 The thresholds set out in Table 10-7.1 may be modified as follows:

12
13 (a) *Incentive for mixed use development.* The review threshold for any Type A--Type
14 C site and development plan application proposing a mixture of residential and
15 office or retail/service commercial use shall be equivalent to 100 percent of the
16 residential unit threshold plus 100 percent of the office or retail/service
17 commercial use; however, the thresholds for Type A and Type B site and
18 development plan applications proposing a mixture of residential and office or
19 retail/service commercial use may be increased to 125 percent of the residential
20 unit threshold plus 125 percent of the office or retail/service use, so long as the
21 following criteria are met: (1) the application must include a minimum of four
22 residential dwelling units per gross acre of site area; and, (2) the application must
23 include a minimum of 10,000 gross square feet of nonresidential use.

24
25 (b) *Incentive for quality design--Nonresidential use.* The review threshold for any
26 Type A - Type C site and development plan application proposing any
27 nonresidential or institutional use, and proposing the following design elements
28 may be increased by the corresponding percentage:

29
30 (1) Threshold increased by ten percent, for a building footprint of no greater than
31 50,000 square feet of enclosed floor area;

32
33 (2) By 15 percent, for utilization of a planted "green roof" over no less than 40
34 percent of roof surface area, or a rain garden, which reduces stormwater
35 runoff by no less than 60 percent;

36
37 (3) By 15 percent, for developments with access to an arterial road and having
38 $\geq 100,000$ gross square feet of office or commercial retail floor area (also
39 referred to as equivalent to 100 percent commercial base standard) and ≥ 100
40 dwelling units (equivalent to 100 percent of the residential base standard) or,
41 any combination of these uses wherein the square footage of office or
42 commercial floor space exceeds 20,000 and the number of residential units
43 exceeds 25 and the cumulative total of the base standards exceeds 200
44 percent;

- 1 (4) By 15 percent, for developments having $\geq 100,000$ of office or commercial
2 retail gross square footage floor area that provide a transit stop consisting of
3 surface area for bus access, a shelter to provide weather protection, bench or
4 seating for the shelter, and pedestrian access to the stop;
5
- 6 (5) By 25 percent, for developments locating no less than 90 percent of provided
7 parking spaces behind the front building facade line;
8
- 9 (6) By ten percent, for structures having ground floor window glazing along
10 building frontages adjacent to streets or publicly-accessible parking areas
11 ≥ 20 percent of facade area on the ground floor principal frontage and ≥ 15
12 percent of the area of each other applicable ground floor facade;
13
- 14 (7) By 15 percent, for developments where the number of spaces provided ≤ 80
15 percent of the standard number of parking spaces set out in Schedule 6-2; and,
16
- 17 (8) By 15 percent, for developments having a density of connectivity of $\geq .4$ per
18 acre.
19
- 20 (c) *Incentive quality design--Residential use.* The review threshold for any Type A -
21 Type C site and development plan application proposing residential use site and
22 proposing the following design elements may be increased by the corresponding
23 percentage:
24
- 25 (1) Threshold increased by ten percent, for utilization of a planted "green roof"
26 over no less than 40 percent of roof surface area, or a rain garden, which
27 reduces stormwater runoff by no less than 80 percent;
28
- 29 (2) By ten percent, for developments with access to an arterial road having ≥ 200
30 dwelling units that provide a transit stop of surface area for bus access, a
31 shelter to provide weather protection, bench or seating for the shelter, and
32 pedestrian access to the stop;
33
- 34 (3) By 15 percent, for having $\geq .25$ accessory dwelling unit for every residential
35 dwelling unit;
36
- 37 (4) By 15 percent, for having ≥ 50 percent of all principal dwelling units served
38 by side- or rear-loaded garages;
39
- 40 (5) By 15 percent, for developments having a density of connectivity of $\geq .4$ per
41 acre;
42
- 43 (6) By 15 percent, for developments having an index of interconnectivity of $\leq .5$.
44
- 45 (d) *Incentive for development in the Southern Strategy Area.* The review threshold for
46 any Type A, B or C site and development plan proposed within the Southern

1 Strategy Area, as identified in the Tallahassee-Leon County Comprehensive Plan,
2 shall be increased 25 percent.
3

4 (e) *Incentive for development in the Gum Road Target Planning Area.* The review
5 threshold for any Type A, B or C site and development plan proposed within the
6 Gum Road Target Planning Area, as adopted by the Leon County Board of
7 County Commissioners, shall be increased 25 percent.
8

9 (f) *Incentive for providing access to multiple businesses within a safe and convenient*
10 *pedestrian pathway through facade design.* The threshold is increased by 25
11 percent, when all proposed nonresidential building facades are less than 100 feet
12 in length; and, each facade abutting a street frontage, public open space, parking
13 area, or pedestrian corridor, has no less than 40 percent surface area coverage by
14 windows, display areas, or doorways, or, in those instances where the facade
15 exceeds 100 feet in length, the following criteria are met:
16

17 1. Structure with a single facade longer than 100 feet shall be divided into
18 individual tenant spaces and shall not be used solely by a single business.
19 Individual tenant spaces shall have no more than 60 feet of horizontal frontage
20 along that facade. Tenant spaces shall be separated by vertical elements on the
21 facade at intervals no greater than 60 feet, coinciding with the dimensions of
22 tenant spaces. Vertical elements shall include columns, posts, or pilasters;
23 reveals, recesses and other shadow-casting devices; variations in material,
24 texture or color; recessed entrances; or, other methods of architectural
25 articulation.
26

27 2. Every individual business establishment located along the facade of greater
28 than 100 feet shall have it's own public entrance located on the facade or on a
29 diagonal at each building corner having two street frontages, with one of them
30 being the facade.
31

32 3. The facade shall have windows, display areas or doorways spanning no less
33 than 75 percent of the length of the facade and covering no less than 40
34 percent of the surface area of the facade. No blank walls shall face street
35 frontages, public open spaces or pedestrian corridors along any building side.
36

37 4. The area directly adjacent to the facade length shall include a pedestrian
38 walkway of at least eight feet in width.
39

40 5. The applicant may utilize alternative design approaches to qualify for this
41 incentive by demonstrating to the county administrator or designee that the
42 alternative fulfills the design objective of providing access to multiple
43 businesses within a safe and convenient pedestrian pathway.
44

45 (g) *Incentive for conservation subdivisions.* The review threshold for any Type A, B
46 or C site and development plan proposed within the Lake Talquin Recreation

1 Urban Fringe or Urban Fringe zoning district, accomplished as a conservation
2 subdivision, shall be increased 50 percent.
3

4 (h) *More rigorous review to protect environmental features.* Any application
5 otherwise qualifying for Administrative Streamlined Application Process or Type
6 A site and development plan review per this Section, and proposing development
7 on a site inside the urban services area with 75 percent or more site coverage by
8 conservation or preservation areas as defined by the Comprehensive Plan or
9 outside of the urban services area with 40 percent or more coverage by
10 conservation or preservation areas, shall require review as Type B site and
11 development plan application. Sites of three acres or larger wherein all buildings,
12 attendant parking facilities, streets, and access facilities will be located outside of
13 conservation and preservation areas shall be exempt from this requirement.
14

15 (i) *Combination of threshold modifications.* A combination of threshold
16 modifications (a)--(e) may be cumulatively applied to Type A--Type C site and
17 development plan applications, as applicable.
18

19 (j) *Limitation on degree of site and development plan review level reduction.* The
20 incentives provided above may be used to reduce what would otherwise be a Type
21 C site and development plan application to a Type B or Type A site and
22 development plan application, to reduce what would otherwise be a Type B site
23 and development plan application to a Type A site and development plan
24 application, and a Type A site and development plan application to an
25 administrative streamlined application. Modifications (a)-(f) shall not be
26 applicable to any Type D application, including those establishing a planned unit
27 development concept plan, or for development of regional impact, or Florida
28 quality development.
29
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32

1 5. *Development review tracks.* Proposed development projects that have been
2 determined through the PUV process to require Type A, B, or C subdivision or
3 site and development plan approval, shall be required to select at the option of the
4 applicant from two review tracks. These review tracks are as follows:

5
6 (a) *Concept Plan Approval (CPA) review track.* The CPA review track is an
7 available option for all proposed projects that have been determined
8 through the PUV process to require review and approval of a Type A or
9 Type B level subdivision or site and development plan. The CPA review
10 track option is intended to expedite the review process by reducing the
11 requirement for permitting level information while providing the applicant
12 the assurance that the development entitlements reflected on the concept
13 plan can be realized on the subject site. Subsequent to CPA, the applicant
14 would be required to complete the environmental permitting process for
15 the project prior to initiating onsite development. The CPA review track
16 shall include the following sequential steps:

- 17
18 (1) Completion of a PUV in support of the proposed project.
19
20 (2) Submittal and approval of a Natural Features Inventory (NFI) for
21 the subject property.
22
23 (3) Approval of an Environmental Impact Analysis (EIA) in support of
24 the proposed development project. The EIA submittal requirements
25 shall be limited to a conceptual analysis and discussion of the
26 proposed project's stormwater management system and shall
27 include information outlining how onsite conservation and/or
28 preservation features as identified in the project's approved NFI
29 will be protected and/or preserved including how all anticipated
30 impacts to these features will be mitigated in the design of the
31 proposed development project. Permitting level information shall
32 be deferred to the project's associated environmental permit review
33 process and will not be required for the CPA review track.
34
35 (4) Completion and approval of a concurrency management
36 application to address the anticipated impacts to public and other
37 facilities from the proposed development.
38
39 (5) Scheduling and participating in ~~an pre-application meeting~~ an
40 Application Review Meeting on the proposed development project.
41 A Pre-submittal meeting is optional.

1
2 (6) Submittal of a completed subdivision or site and development plan
3 application.
4

5 (b) *Final Design Plan Approval (FDPA) review track.* The FDPA review
6 track is an available option for all proposed projects that have been
7 determined through the PUV process to require review and approval of a
8 Type A, B, or C level subdivision or site and development plan. The
9 FDPA review track option is intended to expedite the review process by
10 providing for the concurrent review of a proposed project's subdivision or
11 site and development plan and associated environmental permit. Under the
12 FDPA review track option, subsequent to completion of the associated
13 review process, the applicant would receive land use and environmental
14 permitting approval concurrently. The FDPA review track shall include
15 the following sequential steps:
16

17 (1) Completion of a PUV in support of the proposed project.
18

19 (2) Submittal and approval of a Natural Features Inventory (NFI) for
20 the subject property.
21

22 (3) Submittal of an Environmental Management Permit (EMP)
23 application in support of the proposed development project. The
24 EMP shall include the conceptual EIA components outlined in
25 Section 10-7.402.5(a)(3) and all engineering and design level
26 information required to demonstrate compliance with all
27 environmental and stormwater related requirements applicable to
28 the subject site.
29

30 (4) Completion and approval of a concurrency management
31 application to address the anticipated impacts to public and other
32 facilities from the proposed development.
33

34 (5) Scheduling and participating in a ~~pre-application meeting~~ an
35 Application Review Meeting on the proposed development project.
36 A pre-submittal meeting is optional.
37

38 (6) Submittal of a completed subdivision or site and development plan
39 application.
40

1 (7) For Type B and Type C level subdivision or site and development
2 plan proposals scheduling the review of the proposed project by
3 the development review committee. Additionally, all Type C level
4 projects will require final disposition by the Board of County
5 Commissioners.
6

7 6. Administrative streamlined application process Exception to site and development
8 plan review. The following shall be exceptions to those review types set forth in
9 subsection 4., above:
10

11 (a) The construction or modification of one single-family dwelling unit; a
12 two-, three-, or four-family dwelling unit; or a manufactured home; or the
13 construction of an accessory building to such a dwelling on a lot or parcel
14 with legal access. For properties proposing residential use, a completed
15 school impact analysis form shall be provided.
16

17 (b) Commencement of home occupations as defined in and in accordance with
18 this Code.
19

20 (c) Development of nonresidential or multiple use development providing for
21 not more than 1,000 square feet of total gross floor area after construction
22 or ten percent increase of total on-site impervious area. This exemption
23 applies to additions to existing structures and uses and to new construction
24 and uses on a noncumulative basis. Nonresidential development of less
25 than 1,000 square feet that would increase the total gross floor area of a
26 development by 20 percent or more shall require that the applicant
27 demonstrate, through the completion of an application for exception to site
28 plan, that such development will not result in an increase in total on-site
29 impervious area of ten percent or greater.
30

31 (d) Changes in tenancy in already built space (existing structure), provided
32 that the conversion requires no substantial modification to the exterior of
33 the structure or modifications to the associated parking area. Type A
34 review applies to those changes of tenancy involving substantial
35 modification to the exterior of the building or modification to the
36 associated parking area, as determined by the county administrator or
37 designee.
38

39 (e) The development or alteration of any building used exclusively for
40 agriculture, horticulture, or floriculture located in the rural land use
41 district; provided, however, that construction of dwellings units, not

1 otherwise exempt, or commercial or industrial facilities to process
 2 agricultural, horticultural or floricultural beyond harvest, storage or sale of
 3 the raw materials is not exempt from this article.
 4

5 (f) Change of occupancy. The establishment, exclusively through change of
 6 occupancy, of new uses in an existing structure shall not be subject to
 7 Type A site and development plan review; but, shall be required to meet
 8 all other applicable development standards of this chapter. However, Type
 9 A review shall apply to those changes of occupancy involving substantial
 10 modifications to the exterior of the building or modification to the
 11 associated parking area, as determined by the county administrator or
 12 designee.
 13

14 (g) Industrial development. New or expansion of existing industrial uses or
 15 development of up to 10,000 square feet, if site is zoned industrial and
 16 infrastructure extensions to the subject site are not required.
 17

18 (h) Exceptions specified under the definition of subdivision in section 10-
 19 1.101. Any and all landowner(s) of a parcel that is divided or developed
 20 pursuant to this exception shall file an affidavit, on a form approved by the
 21 county attorney, with the clerk of the court in the public records of the
 22 county. The affidavit shall specify that the property has been modified or
 23 subdivided, the number of new parcels, if any, created, the exemption type
 24 used for this action, the legal description of the original location of the
 25 parcel(s), and the metes and bounds descriptions of each new parcel.
 26

27 7. Review process for exceptions ~~Exceptions~~. The development listed in the table set
 28 out as parts (a) and (b) of this subsection shall be excepted from Type A—D site
 29 and development plan review, as set forth in subsection 4., above.
 30

31 (a) The following chart provides a range of development and changes of use
 32 excepted from site and development plan application. The chart specifies
 33 appropriate criteria for approval, applicable review process, notice
 34 requirements and other applicable substantive or procedural requirements.
 35 Omission of a particular requirement from the chart shall not be construed
 36 so as to alleviate requirement for compliance.
 37
 38

Proposed Use or Development	Criteria for Approval	PUV or R-PUV Required	Review Required for Approval	Notice Requirements	Public Meeting Requirements	Application Content Requirements

Single-family (attached or detached) residential dwelling unit, manufactured home, duplex residential units on any vacant existing parcel; any structures accessory to these residential units, including garages, pavilions, kiosks, gazebos, or other similar structures accessory as determined by the county administrator or designee.	Precedent development order, such as, approved plat or site plan, Otherwise as required in the Land Development Code	No, RPV is optional.	PSD	None	No	PSD; scaled sketch plan accessory buildings in this category require affidavit of nonhabitable structure; project-specific environment permits as applicable
Home occupation in an existing residence	Home occupation standards; Life-safety code	No	PSD	Notice advertising approval or denial	No	PSD; project-specific environment permits as applicable
Agricultural, horticultural, floriculture, and silviculture-related bldgs bldgs in a zoning district allowing agricultural as a principal use; structure size $\leq 5,000$ feet ²	As required in the Land Development Code	No	PSD	None	No	Affidavit of nonhabitable structure; project-specific environment permits as applicable
Agricultural, horticultural floriculture and silviculture-related bldgs bldgs in a zoning district allowing agricultural as a principal use; structure size $5,000 > 5,000$ feet ²	As required in the Land Development Code	No	ASAP	None	No	Affidavit of nonhabitable structure; project-specific environment permits as applicable
Principal industrial use	As required in the Land	Yes	PSD	Ad for PUV	No	Sketch plan; project-specific

within a district allowing heavy or light Industrial use as a Principal Use; structure size ≤ 300 feet ²	Development Code					environment permits as applicable
Principal industrial use within a district allowing heavy or light Industrial use as a Principal Use; structure size > 300 feet ² and $\leq 10,000$ feet ²	As required in the Land Development Code	Yes	ASAP	Ad for PUV	No	Site plan; project-specific environment permits as applicable
Proposed use or development	Criteria for approval	PUV or RPV required	Review required for approval	Notice requirements	Public meeting requirements	Application content requirements
Change in tenancy without expansion or functional modification	N/A	Yes, to verify that use was originally properly established and allowed in zoning district	None	None	No	N/A
Change of use without expansion or functional modification, to another use allowed within the zoning district, $\leq 1,000$ feet ²	Zoning district; life-safety health codes	Yes	PSD	Public Notice of approval or denial	No	Project-specific environment permits, as applicable
Change of use without expansion or functional modification, to another use allowed within the zoning district, $> 1,000$ feet ²	Zoning district; life-safety health codes	Yes	ASAP	Public notice of approval or denial	No	Project specific environmental permits, as needed.
Additional dwelling unit	Approved plat or site plan, otherwise as required in	No, RPV optional	PSD	None	None	Affidavit; project specific environment permits as

	the Land Development Code					applicable
Accessory dwelling unit	Approved plat or site plan, otherwise as required in the Land Development Code	RPV required	ASAP	None	Pre-application (optional)	Site plan for ASAP, PSD requires scaled sketch plan; project specific environment permits as applicable.
Miscellaneous residential accessory structures	Approved plat or site plan, otherwise as required in the Land Development Code	No	PSD	None	None	PSD requires scaled sketch plan; project specific environment permits as applicable.
Other development determined to be below the type A site and development plan review threshold and ≤ 300 feet ² ; and structures accessory to other than single-family, manufactured home, or duplex residential dwellings and ≤ 300 feet ²	Approved plat or site plan, and otherwise as required in the Land Development Code	Yes, except for accessory structures	PSD	Public notice of approval or denial	No	Scaled sketch plan; information demonstration compliance with Land Development Code standards; project specific environment permits as applicable.
Other development determined to be below the Type A site and development plan review threshold and > 300 feet ² ; and structures > 300 feet ² accessory to other than single-family, manufactured home, or duplex residential dwellings	Approved plat or site plan, otherwise as required in the Land Development Code	Yes	ASAP	Public notice of approval or denial	Pre-application (optional)	Site plan; project specific environmental permits, as applicable.

1 (b) Exceptions specified under the definition of subdivision in Section 10-
2 1.101. Any and all landowner(s) of a parcel that is divided or developed
3 pursuant to this exception shall file an affidavit, on a form approved by the
4 county attorney, with the clerk of the court in the public records of the
5 county. The affidavit shall specify that the property has been modified or
6 subdivided, the number of new parcels, if any, created, the exemption type
7 used for this action, the legal description of the original location of the
8 parcel(s), and the metes and bounds descriptions of each new parcel. A
9 judicial exception based on a court order shall be excepted from site and
10 development plan application but may be required to comply with the
11 Land Development Code. Review of development proposed pursuant to
12 such orders shall be through a process determined by the county
13 administrator or designee.

14 (c) Requirements for administrative streamlined application process (ASAP).

15 (1) *Accessory dwelling unit.* All ASAP applications for Accessory
16 Dwelling Units shall demonstrate compliance with subsection 10-
17 6.803(b). Review and determination of compliance shall be
18 conducted by the county administrator or their designee. Review
19 may include consultation with other county and affiliated agency
20 technical staff. Pre-application meeting is available at the option of
21 the applicant. Applications shall include a site plan or survey of the
22 subject property along with sufficient information to demonstrate
23 compliance with applicable standards.

24 (2) *1:2 subdivision/lot split, inside the urban service area.* All ASAP
25 applications for 1:2 subdivision/lot split shall demonstrate
26 compliance with article IV, environmental management, article VI,
27 zoning, and division 5 of article VII, substantive standards and
28 criteria, subdivision and site and development plan regulations.
29 Review and determination of compliance shall be conducted by the
30 county administrator or their designee. Review may include
31 consultation with other county and affiliated agency technical staff.
32 Applications shall include a site plan or survey of the subject
33 property along with sufficient information to demonstrate
34 compliance with applicable standards. The application should
35 furnish sufficient information to clearly demonstrate legal access,
36 utility service connections, compliance with zoning district
37 standards, and adequate protection of environmental resources.
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1 (3) *Other administrative streamlined applications process*
2 *applications.* All other ASAP applications shall demonstrate
3 compliance with article IV, environmental management; article VI,
4 zoning; and division 5 of article VII, substantive standards and
5 criteria, subdivision and site and development plan regulations.
6 Review and determination of compliance shall be conducted by the
7 county administrator or their designee. Review may include
8 consultation with other county and affiliated agency technical staff.
9 Applications shall include a site plan or survey of the subject
10 property along with sufficient information to demonstrate
11 compliance with applicable standards. The application should
12 furnish sufficient information to clearly demonstrate legal access,
13 utility service connections, compliance with zoning district
14 standards, and adequate protection of environmental resources.
15 Applications shall be required to furnish a natural features
16 inventory, as set out in article IV, and provide calculations
17 demonstrating compliance with applicable stormwater
18 management standards; waiver or modification of these
19 requirements may be provided by the county administrator or
20 designee. The application should furnish sufficient information to
21 clearly demonstrate compliance with zoning district standards and
22 any precedent development order.
23

24 8. *Review process application.* Except for any exception or exemptions
25 specified in this chapter, a site and development plan application is
26 required for review Types A, B, C, and D site and development plans.
27 Application submittal requirements for Types A, B, and C site and
28 development plans are as set forth in sSection 10-7.402. Application
29 submittal requirements for Type D site and development plans are as set
30 forth in sSection 10-7.406. The difference between the review types shall
31 also be affected by the level of detail as determined by the county
32 administrator or designee and technical assistance staff, which may be
33 determined at the preapplication conference or quick check. The submittal
34 requirements for site and development plan review are listed below. The
35 county administrator or designee is authorized to waive or modify specific
36 submittal requirements for any site and development plan proposal based
37 on review type, site conditions, and characteristics of the proposed
38 development. When site and development plan applications are to be
39 submitted to the county administrator or designee, the county
40 administrator or designee is also authorized to waive any specific
41 submittal requirements as deemed appropriate.

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- (a) The requirement for "planned development review" for development of properties abutting a designated canopy road segment shall mean compliance with the site and development plan regulations set forth in this chapter.

- (b) Submittal requirements.
 - (1) An applicant shall provide for the preapplication meeting the required information on a form approved by the county administrator or designee.

 - (2) The following information shall be required for a site and development plan application, unless the county administrator or designee waives a requirement, with documentation, as inapplicable to the particular development;
 - (i) A site and development plan for the parcel or parcels which are the subject of the application. A proposed plat, if the parcel or parcels are to be subdivided, and the depiction of the site and development plan, shall be prepared as a single map, if the information conveyed remains clear. The proposed plat and site and development plan shall include, consistent with the provisions of this section:
 - a. A title block containing the following:
 - 1. The proposed development.
 - 2. Date of preparation.
 - 3. Scale of the site and development plan, both written and graphic.

 - b. A legal description and boundary survey of the parcel which shall be signed and sealed by a professional surveyor licensed to practice in the state.

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- c. Tax identification number(s) for parcel or parcels that are subject of application.
- d. Total acreage of the parcel or parcels, and, if the development is on a portion of a larger parcel, the acreage of the larger parcel and of the portion to be developed.
- e. A scaled vicinity map with north arrow.
- f. Names, addresses, and telephone numbers of all owners of the parcel or parcels, developers, optionees, and agents.
- g. Location and type of proposed easements, including legal access.
- h. Dimensions of the lots, to the nearest foot.
- i. Lot and block numbers, if applicable. If a resubdivision of an existing plat is proposed, the numbering must be consistent with the existing system.
- j. A circulation diagram showing vehicular and pedestrian movements including location and dimensions of access points, sidewalks, any special engineering features and traffic control devices, if any.
- k. Proposed changes to existing topography.
- l. Location of stormwater management facilities, including all conveyances and drainage easements.
- m. Location and type of buffers and conservation easements to be provided.

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- n. Number of spaces and location of parking facilities or other impervious surfaces. A calculation of the square footage of parking facilities and other impervious surfaces.
- o. Location and depth of setbacks. This information may be provided in tabular form.
- p. Location and use of temporary structures as defined in sSection10-7.109
- q. Location and generalized footprint of each building existing or to be constructed by the applicant. For nonresidential structures, a calculation of the gross square footage for each, including floor area ratios and height of any structure proposed.
- r. Location and footprint of each type of infrastructure to be constructed.
- s. Areas to be protected by a conservation easement, preservation easement, or other means acceptable to the county.
- t. If the development fronts on a street or roadway, include each street or roadway and street or roadway name.
- u. Street plans, locations, designs, and names assigned in accordance with county regulations shall be depicted and described.
- v. If the applicant will construct them, location and description of all structures to be built by the developer, and, if common facilities are to be constructed, how those common facilities will be maintained.
- w. Location and type of recreation facilities.

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- x. Refuse collection areas, and location and type of screening, if proposed.
 - y. Where the site and development plan covers only a portion of the landowner's entire parcel, a map depicting all of the landowner's contiguous property and proposed use for the balance of the parcel or parcels not including in the site which is the subject of the application.
 - z. Proposed build-out date of the infrastructure for the development in its entirety, and, if the development will be built in phases, a development scheduled and proposed buildout date for each phase.
 - aa. A utility service plan addressing proposed water supply, power supply, and method and location of sewage disposal.
 - bb. All lot lines, parcel tax identification numbers, roads, access easements on the subject parcel, structures, and paved areas within 300 feet of the parcel boundaries.
- (ii) A site map depicting the existing natural and developed features on the parcel or parcels which are the subject of the application shall also be submitted. The information submitted shall include consistent with the provisions of this section:
- a. Location of the wooded areas, differentiating between native forests, high quality successional forests, and mature successional forests.
 - b. Location of listed species, as defined by the EMA, occurrences, and their habitats.

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- c. For multifamily residential and all nonresidential site plans, identify trees defined as protected by the EMA which are impacted by the proposed development.
- d. Location of wetlands.
- e. Conservation and preservation areas as set forth in the Comprehensive Plan.
- f. Location of sinkholes.
- g. Location of all water bodies, watercourses, drainage ditches, canals, and other surface water features.
- h. Location and type of known hazardous materials, hazardous waste and underground storage tanks.
- i. Location of 100-year floodplain.
- j. Location of other natural features.
- k. A scaled aerial photograph showing the location of the site and adjacent properties within 300 feet of the site. The boundary of the subject property shall be outlined or highlighted on the aerial photograph.
- l. A conceptual landscaping plan, including a planting plan for public right-of-way, common areas, and buffers or open space areas showing types, sizes, and spacing of trees and other vegetation.
- m. Location of closed basins and natural drainage divides.
- n. Proposed covenants, grants, easements, dedications, and restrictions to be imposed

1 on the land, buildings, and/or structure,
2 including proposed easements for public
3 utilities and instruments relating to the use
4 and maintenance of common natural areas,
5 open spaces, private streets, and other
6 private infrastructure shall be furnished with
7 an application. All such documents shall be
8 subject to review and approval by the county
9 attorney as to form and sufficiency, prior to
10 action on this application. Such instruments
11 shall allow access of public vehicles for
12 public safety or maintenance purposes.
13

14 (iii) For nonresidential development, the applicant also
15 shall provide the following information consistent
16 with the provisions of this section:
17

- 18 a. Names and amounts of hazardous or toxic
19 materials or wastes to be used or produced
20 on-site.
- 21 b. Types and amounts of radioactive materials
22 or wastes, explosives, or flammable
23 materials to be used or produced on-site.
- 24 c. Types and amounts of smoke, dust,
25 particulate matter, noxious or odorous gases
26 or other pollution of the air produced on-
27 site.
- 28 d. Types and amounts of materials identified
29 above in subsections a, b, and c above,
30 which can be expected to be moved off-site.
- 31 e. Noise levels expected at the site boundaries.
- 32 f. The types of manufacturing, production,
33 processing or other industrial activities
34 which will take place.
35
36
37
38
39
40

1 (iv) Additional information as may be required by the
2 county to clarify relevant points.
3

4 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 17, 1-29-08; Ord. No. 08-24, § 3, 11-25-08;
5 Ord. No. 09-04, § 1, 1-15-09; Ord. No. 09-24, §§ 1—3, 7-14-09; Ord. No. 10-07, § 4, 3-23-10;
6 Ord. No. 10-28, § 1, 10-12-10; Ord. No. 11-01, § 1, 1-18-11)
7
8

9 **SECTION 13.** Division 5 of Article VII of Chapter 10 of the Code of Laws of Leon County,
10 Florida, entitled “Substantive Standards and Criteria” is hereby amended to amend Section 10-
11 7.522, entitled “Buffer Zone Standards” as follows:
12

13 (a) *Buffering standards.* The following buffering standards are intended to implement
14 the provisions of the Land Development Code and applicable policies of the
15 Comprehensive Plan. Should there be a conflict between the provisions of this
16 article and those of the Comprehensive Plans and article IV, the most restrictive
17 or that imposing the higher standard shall govern.
18

19 (1) A buffer zone is a landscaped strip along parcel boundaries that serve a
20 buffering and screening function between uses and zoning districts,
21 provides an attractive boundary of the parcel or use, or as both a buffer
22 and attractive boundary. This shall not be interpreted to mean that parcels
23 within a planned mixed use development must meet these requirements.
24

25 (2) The width and degree of vegetation required depends on the nature of the
26 adjoining uses. The standards specified below prescribe the required width
27 and landscaping of all buffer zones.
28

29 (3) The standards for buffer zones are set out in the following illustrations that
30 specify the number of plants required per 100 linear feet. To determine the
31 total number of plants required, the length of each side of the property
32 requiring a buffer shall be divided by 100 and multiplied by the number of
33 plants shown in the illustration. The plants shall be spread reasonably
34 evenly along the length of the buffer.

35 (4) The buffering standards applicable to community services/institutional
36 uses shall be determined during the course of the required land
37 development review process pursuant to Section 10-6.806.
38

39 (5) The foregoing standards shall be applied between abutting parcels as
40 follows:

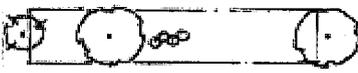
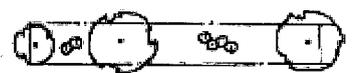
BUFFERING AND SCREENING REQUIREMENTS																							
EXISTING DEVELOPMENT		PROPOSED DEVELOPMENT Land Use Code Number																					
L/U Code Number	Land Use Activity	NONURBAN			RESIDENTIAL					COMMERCIAL					OFFICE USES				INDUSTRIAL				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
NONURBAN LAND USES																							
1	Agriculture	NR	NR	NR	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
2	Commercial forestry	NR	NR	NR	A	A	A	A	A	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
3	Mining	NR	NR	NR	D	D	D	D	D	B	B	B	B	B	C	C	C	C	C	B	C	NA	B
RESIDENTIAL LAND USES																							
4	Single-family detached	NR	NR	D	A ¹	A	B	B	C	B	C	C	D	B	A	B	A	B	C	D	D	D	D
5	Two-family, attached; duplexes	NR	NR	D	A	NR	B	B	B	B	C	C	D	B	A	B	A	B	C	D	D	D	D
6	Townhouse; single-family attached	NR	NR	D	B	B	NR	B	C	B	C	C	D	B	A	B	A	B	C	C	D	D	D
7	Multifamily	NR	NR	D	B	B	B	NR	C	B	B	C	C	B	A	B	A	B	C	D	D	D	D
8	Manufactured mobile home park	NR	NR	D	B	B	B	C	NR	B	B	C	C	B	A	B	A	B	C	D	D	D	D
COMMERCIAL LAND USES																							
9	<20,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	A	NR	NR	B	B	C	B
10	20,000–100,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	C	B
11	100,000–200,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	B	NR	NR	B	B	C	B
12	200,000–1,000,000 sf	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	C	NR	NR	B	B	C	B
13	Retail w/ outside storage, not withstanding square feet	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	A	NR	C	C	A	A
OFFICE AND PERSONAL SERVICES LAND USES																							
14	Minor offices	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	B	B	C	B
15	Office park	NR	NR	B	B	B	B	B	B	A	B	B	C	B	NR	NR	NR	NR	NR	B	B	C	B
Office buildings																							
16	Personal services	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	B	B	C	B
17	Major	NR	NR	B	B	B	B	B	B	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	A	B	C	B
HEAVY COMMERCIAL/INDUSTRIAL LAND USES																							
18	Warehousing/distribution	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	A	NR	A	C	A	A
19	Light industrial	NR	NR	C	D	D	D	D	D	B	B	B	B	B	B	B	A	B	A	NR	C	A	A
20	Heavy industrial/heavy infrastructure	NR	NR	NA	D	D	D	D	D	C	C	C	C	C	C	C	D	B	C	B	C	NR	B
21	Transportation/ utilities	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	B	A	C	B	NR	NR

KEY: A, B, C, and D indicate accompanying Landscape Standards that must be used.
 NR indicates that no buffering is required.
¹ indicates that no buffering is required, except when the proposed development is adjacent to adjoining a single-family detached dwelling unit located within the RP zoning district, whereupon, the proposed development must provide buffering meeting no less than the Type A landscape standard.

NOTES: To determine the required buffer:
 (1) Locate "Existing" adjacent use on left side of table;
 (2) Locate "Land Use Code Number" of proposed use at top of table;
 (3) Read down in row of Existing Adjacent Use in final buffer requirement.

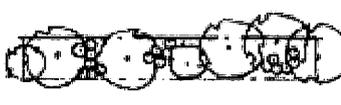
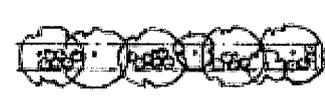
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TYPE "A" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
12 CANOPY 0.4 UNDERSTORY 4 SHRUBS	20	
18 CANOPY 0.6 UNDERSTORY 6 SHRUBS	15	
24 CANOPY 0.8 UNDERSTORY 8 SHRUBS	10	

1

TYPE "B" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
35 CANOPY 14 UNDERSTORY 14 SHRUBS	25	
4 CANOPY 1.6 UNDERSTORY 16 SHRUBS	20	
4.5 CANOPY 1.8 UNDERSTORY 18 SHRUBS	15	
6 CANOPY 2 UNDERSTORY 20 SHRUBS	10	

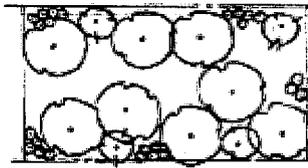
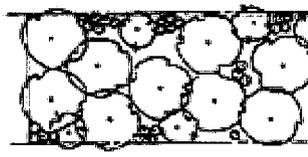
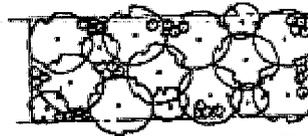
2

TYPE 'C' LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
48 CANOPY 24 UNDERSTORY 19 SHRUBS	35'	
54 CANOPY 27 UNDERSTORY 22 SHRUBS	40'	
6 CANOPY 3 UNDERSTORY 24 SHRUBS	25'	
96 CANOPY 33 UNDERSTORY 26 SHRUBS	30'	

1

TYPE 'D' LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
8 CANOPY 4 UNDERSTORY 24 SHRUBS	40'	
11 CANOPY 4.5 UNDERSTORY 27 SHRUBS	50'	
16 CANOPY 8 UNDERSTORY 30 SHRUBS	40'	
12 CANOPY 6 UNDERSTORY 16 SHRUBS	30'	

2
3
4
5
6

- 1 (6) Buffering for mixed use developments shall be based on the more intense
2 use in the building or cluster of buildings.
3
- 4 (7) The use of existing native vegetation in buffer zones is preferred. If a
5 developer proposes to landscape a buffer zone with existing native
6 vegetation, the environmental compliance staff may recommend, and the
7 director may allow, a waiver from the strict planting requirements of this
8 section if:
9
- 10 1. The waiver is necessary to prevent harm to the existing native
11 vegetation; and
12
- 13 2. The buffering and/or aesthetic purposes of the buffer zone are
14 substantially fulfilled despite the waiver.
15
- 16 (8) The desired width of a buffer zone between two parcels is the sum of the
17 required buffer zones of the parcels. Where a new use is proposed next to
18 an existing use that has less than the required buffer zone for that use, the
19 lower standards will be tolerated until the nonconforming parcel is
20 redeveloped and brought into conformity with the buffer zone
21 requirements of this article. The developer of the new adjoining use is
22 encouraged, however, to take into account the inadequacy of the adjoining
23 buffer zone in designing the site layout of the new development.
24
- 25 (9) In any case where an unbuffered view exists within 500 feet from the side
26 or rear service areas of any nonresidential land use to any single-family or
27 two-family residential land use, uncomplimentary land use buffer
28 requirements shall apply as if such residential uses were located on
29 immediately adjacent lands.
30
- 31 (10) A buffer fence as defined in section 10-1.101, which may include the use
32 of berms for visual screening, shall be required, in addition to minimum
33 landscaping standards, when nonresidential uses are adjacent to existing
34 single-family or manufactured/mobile home uses. When required, a buffer
35 fence shall meet standards in subsection (b) below. The buffer fence may
36 be exempted for the following reasons:
37
- 38 a. If the uncomplimentary land use areas are occurring within an
39 approved planned unit development or site and development plan,
40 provided that the objectives of this division are met in the design of
41 the planned unit development.

1 b. If a transitional character, sufficient to satisfy the purpose and
2 intent of this division, has been achieved through the design of the
3 planned unit development or site and development plan as
4 determined by the director.
5

6 (11) Prevailing requirements. Whenever development activity is subject to both
7 the perimeter landscaping requirements and the uncomplimentary land use
8 buffer strip requirements of this subdivision, the latter requirement shall
9 prevail.
10

11 (b) *Buffer fence standards:*
12

13 (1) Whenever a buffer fence is required, it shall be of sufficient height to
14 obstruct the view between adjoining properties, as determined by the
15 director, presumably a minimum of eight feet in height, unless the
16 applicant can prove to the satisfaction of the director that the intent of this
17 article will be met by a fence of lesser height under the particular
18 circumstances. The buffer fence shall be solid opaque, constructed of
19 durable materials appropriate for the intended use and consistent with
20 materials commonly used in surrounding neighborhoods, and shall include
21 provision for access to all landscape materials.
22

23 (2) The side of a fence facing a less intensive use shall have a finished
24 appearance to furnish an aesthetically pleasing view.
25

26 (3) At least one-half of all required plant materials shall be installed and
27 maintained on the side facing the less intensive use, unless otherwise
28 specifically provided.
29

30 (4) Fencing shall be maintained in good repair.
31

32 (5) In the case when a buffer fence and vegetative buffer is required, the
33 required vegetative buffer shall be reduced by one landscape standard.
34

35 (c) *Use of buffer areas.* No use shall be made of, nor development activity permitted
36 in, the uncomplimentary land use buffers. No accessory structures, garbage or
37 trash collection points or receptacles, parking or any other functional use contrary
38 to the intent and purpose of this article shall be permitted in a required buffer area
39 except for:
40

41 (1) Planting material approved as part of the landscape plan.

1
2 (2) Installing and maintaining completely underground utilities and essential,
3 specifically approved, overhead or above ground utilities which do not
4 interfere with the mature growth of required plant material.
5

6 (3) Installing and maintaining grass ditches, with back slopes no steeper than
7 3:1, which can support the required landscaping materials. This does not
8 prohibit the combining of compatible functions such as landscaping,
9 drainage facilities, passive recreation areas and preservation areas into an
10 effective and beneficial multiple use of the subject land resource.
11

12 (d) *Development.* All development must be consistent with article IV.
13

14 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 18, 1-29-08; Ord. No. 09-20, § 8, 7-14-
15 09)
16

17 **SECTION 14.** Division 5 of Article VII of Chapter 10 of the Code of Laws of Leon County,
18 Florida, entitled “Substantive Standards and Criteria” is hereby amended to amend Section 10-
19 7.524, entitled “Public Sanitary sewer or on-site sewage disposal systems” as follows:
20

21 (a) Sanitary sewer facilities shall be installed in accordance with the requirements,
22 policies, and specifications of the county and service provider and those treatment
23 standards of the Florida Department of Environmental Regulation. On-site sewage
24 disposal systems shall be installed in accordance with the requirements, policies
25 and specifications of the county.
26

27 (b) Needed sanitary sewer facilities will be provided in a manner which promotes
28 orderly, compact urban and cost efficient growth while optimizing the use of
29 existing facilities.
30

31 (c) In the urban fringe and the rural land use categories, package plants can only be
32 constructed to serve:
33

34 (1) Environmental problem areas; or
35

36 (2) Allowable industrial activities; or
37

38 (3) Community services.
39

40 (d) Heavy infrastructure facilities which do not generate a demand for central sanitary
41 sewer service and which are traditionally located far from urban development

1 because of their off-site impacts, shall not be required to have central sanitary
2 sewer service or potable water service. Examples of such uses are waste-to-energy
3 facilities, power generating plants, landfills, sanitary sewer sprayfields, and
4 materials recovery facilities.
5

6 (e) In this section "heavy infrastructure" shall mean government operational facilities
7 which have significant off-site impacts. "Heavy infrastructure" shall include such
8 facilities operated by semi-public or private utility providers. These facilities shall
9 include but are not limited to:

- 10 (1) Waste-to-energy facilities.
- 11 (2) Materials recovery facilities.
- 12 (3) Sanitary sewer sprayfields.
- 13 (4) Sanitary sewer percolation ponds
- 14 (5) Sewage treatment plants.
- 15 (6) Airports.
- 16 (7) Electric generating facilities.
- 17 (8) Landfill.
- 18 (9) Sludge disposal facilities.
- 19 (10) Incinerators.
- 20 (11) Correctional facilities.
- 21 (12) Water treatment plants.
- 22 (13) Outdoor storage facilities.
- 23 (14) Vehicle maintenance facilities.
- 24 (15) Solid waste transfer station.

1 (f) Connection and user fees shall be set at levels sufficient to equitably finance the
2 sewer infrastructure projects in the CIE where "equitably" is defined as users
3 paying their fair share of the infrastructure projects.
4

5 (g) On or after May 1, 1993, all developments within the urban service area shall be
6 required to connect to a central sewer system, if such system is made available
7 within 1,000 feet of the subject property along an existing right-of-way or
8 easement or proposed dedicated right-of-way or easement and within 180 days of
9 the approval of the site and development plan, or issuance of development order,
10 whichever comes first; or within 365 days if right-of-way or easements must be
11 acquired to accomplish the extension. The City of Tallahassee within its franchise
12 area and the public works department in all other unincorporated portions of the
13 urban service area shall determine based on the above criteria whether central
14 sewer service is available and shall require a developer to finance, design, and
15 build an off-site extension to serve a proposed development in order to meet the
16 180 or 365-day availability criteria.
17

18 If the system is not available as defined in the above paragraph, then the
19 property owner shall be allowed to install septic tanks on no less than one-half
20 acre lots, or construct a small wastewater treatment facility. Any such wastewater
21 treatment facility shall be constructed by the developer and designed to meet DER
22 treatment standards. Such design and construction cost shall be borne exclusively
23 by the developer. If such facility is within the City of Tallahassee franchise area,
24 upon completion of the construction of the facility, it shall be dedicated to the
25 city, and the city shall then be responsible for its operation. By the Year 2010,
26 within the City of Tallahassee franchise area, the city shall be obligated to connect
27 any wastewater treatment facilities authorized by this section to its central
28 wastewater treatment system. The distribution or collection system associated
29 with such treatment facility shall be constructed and then dedicated to the city in
30 the same manner as any other distribution or collection system in the city system.

31 Any land developed within the City of Tallahassee franchise area in the urban
32 service area with septic tanks under this provision at a residential development
33 level of seven units or more with lots smaller than one acre, or a nonresidential
34 development of 2,500 square feet or less that is estimated to generate a
35 wastewater flow of 900 gallons or less per day, will be subject to:

- 36 a. Payment of city system charges.
37
38 b. Dedicating easements/rights-of-way for future installation of water and
39 sewer lines.

- c. Connecting to central water and sewer service, when it is available.
- d. County assessment of the on-site water and sewer installation costs within the area at the time the provider is ready to provide the water and/or sewer service.
- e. A requirement that the developer include a deed restriction requiring the property owner to connect to central water and sewer as well as a notice to the buyer of lots in the subdivision.

No nonresidential development ~~in excess of 2,500 square feet~~ that is estimated to generate a wastewater flow of 900 gallons or more per day, except community facilities as authorized in Policy 2.1.3[SS] of the Comprehensive Plan, shall be allowed to be developed with septic tanks under this section.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 12-01, § 4, 1-24-12)

SECTION 15. Division 5 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled “Substantive Standards and Criteria” is hereby amended to amend Section 10-7.522, entitled “Buffer Zone Standards” as follows:

- (1) *Purpose and intent.* Within the urban services area, new development shall be designed and constructed to facilitate pedestrian mobility in and between residential developments; between residential development and nearby businesses, recreational opportunities, and community facilities; and, to connect places of business to one another and to residential developments.
- (2) *Objective.* New development shall be designed to implement a pedestrian mobility system that facilitates access to residential development, business establishments, community facilities and other nonresidential land uses, and, provides safe and convenient linkage between developments and between the public and private street system.
- (3) *Specific requirements for sidewalks.*
 - (a) Along adjacent streets and rights-of-way. Within the urban services area, all new development, as well as reconstruction, expansion, and extension, as defined in article VI, division 3, shall provide sidewalks along all public and private streets adjoining the development. However, no sidewalks shall be required if the expansion, reconstruction, or renovation is less than 1,000 square feet. Said exemption shall only be available once per subject property, and shall be expressly conditioned upon the fee simple title holder's (and any lien holder) execution of a document providing for

1 sidewalk easement if and when the sidewalk is ultimately constructed by a
2 third-party or a governmental entity. The sidewalk shall be located as
3 follows: when sufficient right-of-way exists, the sidewalk shall be located
4 within the public right-of-way; when sufficient right-of-way does not
5 exist, the sidewalk shall be located at an alternative location parallel to the
6 right-of-way or elsewhere on the development property, if approved by the
7 county engineer. For those developments where sidewalks cannot be
8 located within the public right-of-way, the developer must provide and
9 record in the public records of Leon County, Florida, all easements
10 necessary to guarantee public access to the sidewalk.
11

12 (b) *Linking pedestrian on-site destinations and adjacent rights-of-way.* Within
13 the urban services area, nonresidential and multifamily residential
14 development shall provide safe and efficient sidewalk linkages between
15 building entrances and parking areas, adjacent portions of the
16 development, and adjacent rights-of-way. At least one accessible route in
17 accordance with the Florida Accessibility Code shall connect buildings to
18 parking areas and adjacent rights-of-way.
19

20 (c) *Linking adjacent development.* In addition to the requirements of
21 paragraph (2), within the urban services area, both commercial and office
22 development shall provide internal sidewalk interconnection between
23 adjacent commercial and office development. This requirement does not
24 apply to the following development proposals: (i) where the building
25 entrance is located within 30 feet of a sidewalk along an adjacent right-of-
26 way serving both developments, (ii) where the length of the common
27 property boundary of the two adjacent developments is less than 50 feet,
28 (iii) where construction or use of the sidewalk would have an adverse
29 impact upon a preservation area, as defined in article VI, or (iv) where a
30 sidewalk would create a safety hazard.
31

32 (d) *Along new streets.* Within the urban services area, sidewalks shall be
33 constructed on both sides of all new arterial and collector streets.
34 Sidewalks shall be constructed on at least one side of all other new streets
35 within residential and nonresidential subdivisions.
36

37 (e) *Design and construction standard.* Sidewalks shall be installed and
38 constructed in accordance with the requirements and specifications of the
39 county engineer.
40

41 (f) *Exemptions.* Sidewalks shall not be required in association with new
residential development within the Lake Protection zoning district.

- 1
2 (4) *Fee in-lieu of sidewalk construction authorized.* In those instances where the
3 development review committee determines, pursuant to the satisfaction of
4 applicable criteria set out herein, that the construction of a sidewalk required by
5 section 10-7.502(b)(2) ~~and (6)~~ is inappropriate or unnecessary, the applicant for
6 the development or subdivision shall be required to pay, into the applicable
7 sidewalk area trust fund, a fee in-lieu of providing the sidewalk.
8
9 (5) *Fee in-lieu of sidewalk construction - process and criteria for approval.* In order
10 to approve payment of a fee-in-lieu of sidewalk construction, the developer shall
11 submit a formal request with sufficient documentation to the development review
12 committee, which shall approve the request if it finds that one or more of the
13 following criteria have been met:
14
15 (a) The location of the sidewalk would likely create a significant safety
16 hazard; or
17
18 (b) Construction or subsequent use of the sidewalk would have an adverse
19 impact upon a preservation area, as defined in article X; or
20
21 (c) Construction of the sidewalk has already been scheduled by its inclusion
22 in the approved transportation improvement plan, the approved capital
23 budget, a state- or federally-funded project, or a development agreement
24 executed pursuant to F.S. § 163.3221; or
25
26 (d) The construction of sidewalks is not warranted at the time of development
27 due the presence of safety hazard or environmental limitations off-site that
28 would likely preclude the extension of sidewalks to the affected
29 development site; or
30
31 (e) ~~the~~ The affected development site lies within a subdivision recorded prior
32 to August 1, 2006, that does not presently have sidewalks; or
33
34 (f) The construction of a sidewalk from the interior of the site connecting to
35 the public sidewalk system along and parallel to street frontage, when the
36 site is located within a the M-1, I, or PUD zoning district and principal use
37 is proposed to be industrial or warehousing, and such sidewalk would not
38 be warranted at the time of development due to projected low pedestrian
39 accessibility demand.
40

1 (6) *Payment of fee in-lieu.* In those instances where the entity with authority to
2 approve a proposed development or subdivision authorizes payment of a fee in-
3 lieu of sidewalk construction, the following provisions shall apply:
4

5 (a) The developer shall pay a fee in-lieu to the sidewalk area trust fund
6 account, applicable based upon project location, prior to receiving final
7 approval for the development;
8

9 (b) The fee shall be adopted by resolution of the Board of County
10 Commissioners.
11

12 (7) *Appropriation of fees paid in-lieu of sidewalk construction.* To facilitate the
13 equitable and efficient expenditure of fee revenues for the exclusive purpose of
14 improvements to the pedestrian mobility system within the area of affected
15 development projects, there are hereby established the following Leon County
16 Sidewalk Trust Fund Areas:
17

18 *Trust fund area 1:* That portion of county commission district 1, not including that
19 area within the corporate limits of any municipality, located within the urban
20 services area, as of July 31, 2004;

21 *Trust fund area 2:* That portion of county commission district 2, not including that
22 area within the corporate limits of any municipality, located within the urban
23 services area, as of July 31, 2004;

24 *Trust fund area 3:* That portion of county commission district 3, not including that
25 area within the corporate limits of any municipality, located within the urban
26 services area, as of July 31, 2004;

27 *Trust fund area 4:* That portion of county commission district 4, not including that
28 area within the corporate limits of any municipality, located within the urban
29 services area, as of July 31, 2004; and,

30 *Trust fund area 5:* That portion of county commission district 5, not including that
31 area within the corporate limits of any municipality, located within the urban
32 services area, as of July 31, 2004.
33

34 Fees collected pursuant to this section shall be held in an account for that trust
35 fund area in which the affected development project is located; shall be expended
36 only for the purpose of improvements to the pedestrian mobility system within
37 that trust fund area; and, may not be combined with the assets of any other trust
38 fund area account, except when used for improvements to the pedestrian mobility
39 system facilities extending into two or more trust fund areas, in which case only
40 those assets necessary for the improvements may be combined. Any fees paid in-

1 lieu of sidewalk construction associated with an individual development project
2 not expended within a period of seven years from the date of collection shall be
3 refunded to the payer.
4

- 5 (8) *Interpretation.* The directors of the departments of ~~growth~~ development support
6 and environmental management and public works or their designees shall be
7 authorized to administer and provide interpretations regarding the implementation
8 and administration of this section.

9 (*Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 20, 1-29-08; Ord. No. 10-06, § 1, 3-23-*
10 *10)*

11
12 **SECTION 16.** Division 1 of Article XI of Chapter 10 of the Code of Laws of Leon County,
13 Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-
14 11.104, entitled "Uniform street naming and property numbering system implementation" as
15 follows:
16

- 17 (a) A uniform system of numbering buildings, as shown on the maps identified by the
18 title "Property Numbering Maps," which are maintained on Leon County Tax
19 Parcel Maps and in the Geographical Information System's Electronic Database in
20 the Leon County ~~and City of Tallahassee~~ Growth Development Support and
21 Environmental Management Departments Department and the City of Tallahassee
22 Growth Management Department. All explanatory matter thereon and related
23 thereto, is hereby adopted, incorporated herein by this reference, and made a part
24 of this article.
25
- 26 (b) "Uniform Street Naming and Property Numbering System" is the set of policies
27 and procedures adopted by both the City of Tallahassee and Leon County, and
28 amended from time to time, for the purpose of implementing this [article]
29 ordinance.
30
- 31 (c) An addressing steering committee is established for the purpose of providing
32 intergovernmental cooperation and system integrity of the implementation of
33 policies and procedures as set forth by the Board of County Commissioners. The
34 powers and duties of the addressing steering committee are:
35
- 36 (1) To resolve ambiguities in the regulations and policies and procedures
37 relating to implementation; and to provide guidance where there are
38 conflicting regulations or policies.
39

1 (2) To hear appeals by citizen residents and businesses of proposed
2 implementation directives concerning addressing assignments and street
3 naming actions.
4

5 (3) To make recommendations to both elected commissions regarding street
6 naming and address re-assignments.
7

8 (4) To make recommendations to both elected commissions regarding
9 changes to applicable regulations and changes to policies and procedures.
10

11 (d) This article will be administered in accordance with the duly adopted policies and
12 procedures which may be amended from time to time by the addressing steering
13 committee.
14

15 (Ord. No. 09-39, § 4, 11-10-09)

16 **SECTION 17.** Division 1 of Article XI of Chapter 10 of the Code of Laws of Leon County,
17 Florida, entitled "Substantive Standards and Criteria" is hereby amended to amend Section 10-
18 11.104, entitled "Uniform street naming and property numbering system implementation" as
19 follows:
20

21 **Section 10-12.103. Standard design manufactured homes.**
22

23 (a) *SDMH placement.* Standard design manufactured homes (SDMH) shall be placed
24 only in mobile home/manufactured home land lease communities; and in the
25 Residence 5, MH Manufactured Home Park, Rural, Urban Fringe, Lake Talquin
26 Urban Fringe, Lake Protection, or Rural Community zoning districts.
27

28 (b) *Private temporary use.* A SDMH may be used in any zoning district as a
29 temporary office or shelter for materials or tools (but not for residential purposes
30 except in cases where it can be demonstrated to the satisfaction of the chief
31 building official that for security reasons such occupancy is necessary and
32 essential and except as provided otherwise herein) incidental to construction on or
33 development of the premises upon which the manufactured home is located; such
34 use shall be strictly limited to the time construction or development is actively
35 underway. In no event shall the use continue more than six months without further
36 approval of the chief building official, and he/she shall give such further approval
37 only upon finding that actual construction is continuing.
38

39 (c) *Government temporary use.* Any agency of local, state or federal government may
40 utilize a SDMH for temporary public purposes in any zoning district.
41

1 (Ord. No. 07-20, § 2, 7-10-07)

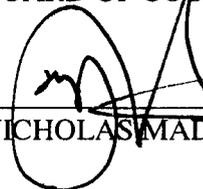
2
3 **SECTION 18.** Conflicts. All ordinances or parts of ordinances in conflict with the provisions
4 of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of
5 this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County
6 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this
7 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

8
9 **SECTION 19.** Severability. If any section, subsection, sentence, clause, phrase or portion of
10 this article is for any reason held invalid or unconstitutional by any court of competent
11 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and
12 such holding shall not affect the validity of the remaining portions of this Ordinance.

13
14 **SECTION 20.** Effective date. This ordinance shall be effective according to law.

15
16
17 **DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon County,
18 Florida, this 12th day of March, 2013.

19
20
21 LEON COUNTY, FLORIDA
22 BOARD OF COUNTY COMMISSIONERS

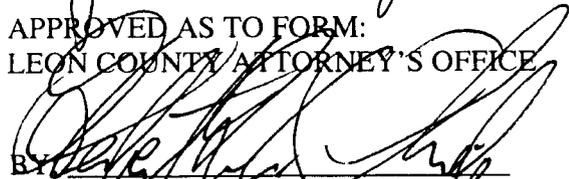
23
24
25 BY: 
26 NICHOLAS MADDUX, CHAIRMAN



32 ATTEST:
33 BOB INZER, CLERK OF THE COURT
34 LEON COUNTY, FLORIDA

35
36
37 BY: 

38
39 APPROVED AS TO FORM:
40 LEON COUNTY ATTORNEY'S OFFICE

41
42
43 
44 HERBERT W.A. THIELE, ESQ.
45 COUNTY ATTORNEY