

ORDINANCE NO. 08-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VII, DIVISION 2, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING SUBDIVISION CLASSIFICATION, EXEMPTIONS, AND PLATTING, BY AMENDING SECTION 10-7.202, ENTITLED "RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. Section 10.7.202 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

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

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

- (a) The parcel must be located in one or more of the following zoning districts:
 - (i) Rural;
 - (ii) Urban Fringe; or
 - (iii) Lake Talquin Recreation/Urban Fringe; or

1 (iv) Residential preservation overlay of one of the above only if outside the
2 Urban Service Area.

3 (b) This special policy has not previously been approved or applied to any other
4 parcel in the applicant's ownership or control;

5 (c) The applicant held fee simple title to the parcel and in single ownership as of
6 February 1, 1990, and has continuously retained a record interest in the parcel fee
7 simple title since that date, except for applicants covered by the Family Parcel
8 Policy 2.1.9 as defined in the Section 10-7.202,3(b) of this chapter; and,

9 (d) All lots proposed to be created utilizing the Policy 2.1.9 process shall meet all
10 concurrency requirements.

11 3. Policy 2.1.9: "Subdivisions" shall be permitted only in the following categories:

12 (a) For metes and bounds property: Residential development is only allowed to a
13 maximum density of two units per acre, whether previously subdivided or not, for
14 the first six dwelling units, including any existing units.

15 (b) For metes and bounds property under the "Family Parcel Provision," residential
16 development is applicable to property owners who cannot use the provision in
17 3(a), above, due to date of ownership or acquisition, or be because an adequate
18 number of lots would not result for family members. The property owner may
19 convey a portion of the property to each of their relatives, as defined by Florida
20 Statutes (Section 163.3179), notwithstanding the density or intensity applicable to
21 the subject parcel in the zoning district: (a) if the subdivision does not create lots
22 which are less than one-half acre in size; (b) such parcel has not been previously
23 created through a Policy 2.1.9 non-heir provision; (c) said "Family Parcel"

1 provision has not been used previously by the property owner; (d) the proposed
2 subdivision meets all other applicable provisions of this subsection 2 of this
3 section, above.

4 (c) For previously platted unrecorded subdivisions: Residential development is
5 permitted if the following criteria are met: (a) the parcel must be a minimum of
6 four acres; (b) the parcel must lie outside the Urban Service Area as defined in the
7 Comprehensive Plan; (c) the density on the resulting parcels may not exceed one
8 dwelling unit per two acres, including existing dwelling units, up to a maximum
9 division of five lots; (d) the resulting parcels shall be compatible and consistent
10 with the majority of lots within the subdivision; (e) the resulting parcels shall
11 meet concurrency requirements; and, (f) and the parcel must meet all applicable
12 items in subsection 2, above.

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

18 **Section 2. Conflicts.**

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

1 **Section 3. Severability.**

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

5 **Section 4. Effective Date.**

6 This ordinance shall have effect upon becoming law.

7 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
8 County, Florida this ____ day of ____, 20

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10 LEON COUNTY, FLORIDA

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12
13 By: _____
14 Jane G. Sauls, Chairman
15 Board of County Commissioners
16

17 ATTESTED BY:
18 BOB INZER, CLERK OF THE COURT
19 LEON COUNTY, FLORIDA
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21
22 By: _____
23 Bob Inzer, Clerk of Court
24 Leon County, Florida
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27 APPROVED AS TO FORM:
28 COUNTY ATTORNEY'S OFFICE
29 LEON COUNTY, FLORIDA
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32 By: _____
33 Herbert W. A. Thiele, Esq.
34 County Attorney
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