AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, AMENDING SUBSECTION 10-6.804 B; OFF-SITE TEMPORARY CONSTRUCTION STAGING AREAS, AND RENAMING THIS SUBSECTION, TEMPORARY CONSTRUCTION STAGING AREAS, PROVIDING SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 10-6.804 B. of the Code of Laws of Leon County, Florida , is amended as follows:

B. ~~OFF-SITE~~ TEMPORARY CONSTRUCTION STAGING AREAS.

(1) Temporary off-site construction staging areas shall ~~not~~ be permitted in ~~the Residential Preservation, R-1, R-2, R-3, R-4, R-5, or MH~~ all zoning districts. A temporary off-site construction staging area proposed within or adjacent to the Residential Preservation, R-1, R-2, R-3, R-4, R-5, LP, or MH zoning districts shall provide an opaque buffer between the boundary of the proposed site and ~~the~~ any adjacent residential~~ly zoned property~~ use.

(2) The applicant for a temporary off-site construction staging area permit shall provide the county with a notarized affidavit from the entity contracting the applicant's construction services indicating the location of the construction project, the scope of the work to be completed by the contractor, and the anticipated time required to complete the construction consistent with an approved construction contract.

(3) The applicant shall provide the county a site plan of the proposed site which identifies adjacent land uses, on-site environmental features, existing topography, the location of any required landscaping, the location of any proposed temporary structures including septic tank, if required, the location of access to the site from a public right-of-way, location of parking, location and type of lighting, and completion of other items as may be appropriate to a specific site. Furthermore, based on the presence of on-site

environmental features, the county administrator or designee may require the applicant to complete the appropriate Environmental Management Act permit. ~~permitting process~~.

(4) ~~In granting a temporary off-site construction area permit, the County shall require the posting of a security or performance bond, in an amount to be determined by the county, not to exceed the cost of returning the site to preconstruction condition prior to expiration of the permit as required by subsection (6) below.~~

~~(5)~~ A permit for a temporary off-site construction staging area shall be valid for a period not to exceed 24 months. The applicant may request an extension to the original permit based on the anticipated length of the proposed construction project. All other requests for an extension to a previously issued and unexpired temporary ~~off-site~~ construction staging area permit shall be considered on a case by case basis and in consideration of the circumstances unique to each request.

~~(6)~~ (5) Prior to the expiration of the temporary permit the applicant shall return the site to the predevelopment condition. This shall include, but shall not be limited to, the removal of all structures, including closure of the septic system consistent with the guidelines provided by the county environmental health department if applicable, and certification from a licensed professional in the State of Florida that the post-development topography on-site is consistent with the predevelopment condition as identified in the site plan. Failure by the applicant to return the site to the predevelopment condition consistent with the provisions of this section shall constitute a violation of this section, and shall be referred to the county's code enforcement board.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion

or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2009.

LEON COUNTY, FLORIDA

BY:_____
Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

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

By:_____
Herbert W. A. Thiele, Esq.
County Attorney