

ORDINANCE NO. 10-\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VII, DIVISION 5 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS; AMENDING SECTION 10-7.529 ENTITLED "GENERAL REQUIREMENTS FOR SIDEWALKS WITH NEW DEVELOPMENT; FEE IN-LIEU OF SIDEWALK CONSTRUCTION" BY ADDING ADDITIONAL LANGUAGE TO SUBSECTION (3)(A); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance to amend Chapter 10, Article VII, Division 5, Section 10-7.529 of the Code of Laws of Leon County, Florida relating to the general requirements of sidewalk construction as it pertains to new development.

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

**Section 1.** Section 10-7.529 of Chapter 10, Article VII, Division 5 of the Code of Laws of Leon County, Florida, entitled "General requirements for sidewalks with new development; fee in-lieu of sidewalk construction" is hereby amended by adding additional language to subsection 3(a), which shall read as follows:

(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

1 renovation is less than 1,000 square feet. Said exemption shall only be available once per subject  
2 property, and shall be expressly conditioned upon the fee simple title holder's (and any  
3 lienholder) execution of a document providing for sidewalk easement if and when the sidewalk is  
4 ultimately constructed by a third-party or a governmental entity. The sidewalk shall be located  
5 as follows: when sufficient right-of-way exists, the sidewalk shall be located within the public  
6 right-of-way; when sufficient right-of-way does not exist, the sidewalk shall be located at an  
7 alternative location parallel to the right-of-way or elsewhere on the development property, if  
8 approved by the county engineer. For those developments where sidewalks cannot be located  
9 within the public right-of-way, the developer must provide and record in the public records of  
10 Leon County, Florida, all easements necessary to guarantee public access to the sidewalk.

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

16 **Section 3.** **Severability.** If any word, phrase, clause, section or portion of this  
17 ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such  
18 portion or words shall be deemed a separate and independent provision and such holding shall  
19 not affect the validity of the remaining portions thereof.

20 **Section 4.** **Effective Date.** This ordinance shall have effect upon becoming law.

1 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon  
2 County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

3 LEON COUNTY, FLORIDA

4  
5  
6 By: \_\_\_\_\_  
7 Bob Rackleff, Chairman  
8 Board of County Commissioners  
9

10 ATTEST:  
11 Bob Inzer, Clerk of Circuit Court

12  
13  
14 By: \_\_\_\_\_  
15 Clerk of Court  
16  
17

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

21  
22  
23 By: \_\_\_\_\_  
24 Herbert W. A. Thiele, Esq.  
25 County Attorney  
26  
27