

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

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3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
4 LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VII,  
5 DIVISION 2, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA,  
6 ENTITLED "SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND  
7 PLATTING," BY ADDING A NEW SECTION 10-7.200 ENTITLED  
8 "PRIVATE RESIDENTIAL SUBDIVISIONS"; PROVIDING FOR  
9 SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN  
10 EFFECTIVE DATE.  
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13 WHEREAS, as a result of a lack of long-term property maintenance, incomplete  
14 infrastructure and issues relating to the lack of interconnectivity with adjacent land uses, the  
15 Leon County Board of County Commissioners has determined that continuing to allow private  
16 residential subdivisions without certain limitations creates an adverse impact on public  
17 infrastructure and County residents; and

18 WHEREAS, the Leon County Board of County Commissioners finds that additional  
19 measures to restrict the establishment of privately maintained residential subdivisions shall be  
20 created;

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

23 **Section 1.** Chapter 10, Article VII, Division 2 of the Code of Laws of Leon County,  
24 Florida, which is entitled "Subdivision Classifications, Exemptions, and Platting," is hereby  
25 amended by adding a new section to be numbered Section 10-7.200 and entitled "Private  
26 Residential Subdivisions," which shall read as follows:

27 **Sec. 10-7.200. Private Residential Subdivisions.**

28 A. Purpose and Intent. This section provides restrictions on new developments proposing  
29 subdivision of property that will utilize privately maintained infrastructure. This section will prohibit

1 the development of private residential subdivisions inside the Urban Service Area and restrict the  
2 development of private residential subdivisions outside the Urban Service Area by limiting the  
3 establishment of private residential subdivisions to residential development pursuant to Policy  
4 2.1.9 of the Comprehensive Plan or gated communities. Private residential subdivisions tend to  
5 lack the financial and organizational support to maintain privately maintained infrastructure.  
6 Private residential subdivisions have the ability to block pedestrian and vehicular  
7 interconnections with existing access-ways which adversely contributes to the efficiency of  
8 public pedestrian and vehicular access.

9 B. *Applicability.* This section shall be applicable to and shall regulate any and all  
10 applications proposing subdivision of property within the unincorporated portions of the County,  
11 unless otherwise provided in Article VII of Chapter 10 of the Leon County Land Development  
12 Code (LDC). In case of a conflict between the requirements in Article VII of Chapter 10, LDC,  
13 and this Section, the provisions in Article VII of Chapter 10, LDC, shall prevail. This Section  
14 shall be prospective only, and shall not impair any existing contracts.

15 C. *Location.*

16 (1) *Inside the Urban Services Area.* In no case shall an application proposing subdivision of  
17 property within the Urban Service Area, with the exception of a one into two lot  
18 subdivision, be allowed to establish a private residential subdivision.

19 (2) *Outside the Urban Service Area.* For applications proposing subdivision of property  
20 located outside the Urban Service Area, private residential subdivisions shall only be  
21 allowed provided the subdivision of property demonstrates satisfaction of one or more of  
22 the following criteria:

1            (a) The subdivision of property pursuant to Policy 2.1.9 of the Comprehensive Plan;

2            or,

3            (b) The subdivision of property will establish a gated community; or,

4            (c) The Development Review Committee has determined that the proposed private  
5            residential subdivision will not create an adverse impact on County residents or  
6            public infrastructure and meets all of the following criteria:

7            (i) Does not include construction of curb and gutter and/or underground  
8            drainage system; and,

9            (ii) does not include the construction of a maintenance-intensive stormwater  
10           management facility(s), which includes, but is not limited to the  
11           following: detention with filtration systems and recovery by irrigation;  
12           and,

13           (iii) includes restrictive covenants consistent with the requirements of Article  
14           VII, Division 6, which prohibit the impediment of the use of pedestrian  
15           or vehicular inter-connection(s) to adjoining property(s); and,

16           (iv) is not a conservation subdivision.

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

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

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

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

4 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon  
5 County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

6 LEON COUNTY, FLORIDA

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8  
9 By: \_\_\_\_\_  
10 Bob Rackleff, Chairman  
11 Board of County Commissioners  
12

13 ATTEST:  
14 Bob Inzer, Clerk of the Court  
15 Leon County, Florida  
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18 By: \_\_\_\_\_  
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21 APPROVED AS TO FORM:  
22 Leon County Attorney's Office  
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24  
25 By: \_\_\_\_\_  
26 Herbert W. A. Thiele, Esq.  
27 County Attorney  
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