

ORDINANCE NO. 10- _____

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, ENTITLED "SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING," BY ADDING A NEW SECTION 10-7.200 ENTITLED "PRIVATE RESIDENTIAL SUBDIVISIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as a result of a lack of long-term property maintenance, incomplete infrastructure and issues relating to the lack of interconnectivity with adjacent land uses, the Leon County Board of County Commissioners has determined that continuing to allow private residential subdivisions without certain limitations creates an adverse impact on public infrastructure and County residents; and

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

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

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

Sec. 10-7.200. Private Residential Subdivisions.

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

1 section prohibits the development of private residential subdivisions inside the Urban Service
2 Area. Outside the Urban Service Area, the development of private residential subdivisions shall
3 be restricted to the establishment of private residential subdivisions pursuant to Policy 2.1.9 of
4 the Comprehensive Plan, Limited Partition Subdivisions, gated communities meeting the criteria
5 of C.(2)(c) of this section, or subdivisions of property meeting the criteria of C.(2)(d) and
6 approved by the Development Review Committee.

7 2. *Applicability.* This section shall be applicable to and shall regulate any and all
8 applications proposing subdivision of property within the unincorporated portions of the County,
9 unless otherwise provided in Article VII of Chapter 10 of the Leon County Land Development
10 Code. In case of a conflict between the requirements in Article VII of Chapter 10, Land
11 Development Code, and this Section, the provisions in Article VII of Chapter 10, Land
12 Development Code, shall prevail.

13 3. *Location.*

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

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

- 22 (1) The application is for a subdivision of property pursuant to Policy 2.1.9 of
23 the Comprehensive Plan; or,

- 1 (2) The application is for a subdivision of property pursuant to Section 10-
2 7.201 of the Land Development Code, Limited Partitions; or,
- 3 (3) The subdivision of property will establish a gated community consisting of
4 10 or fewer lots; or,
- 5 (4) The Development Review Committee has determined that the proposed
6 private residential subdivision will not create an adverse impact on County
7 residents or public infrastructure and meets all of the following criteria:
- 8 (i) Is not a conservation subdivision; and,
- 9 (ii) Does not include construction of curb and gutter and/or
10 underground drainage systems; and,
- 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
14 systems and recovery by irrigation; and,
- 15 (iv) Includes restrictive covenants consistent with the requirements of
16 Article VII, Division 6.

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

7
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

16
17
18 By: _____

19
20 APPROVED AS TO FORM:
21 Leon County Attorney's Office

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

28
29
30
31 F:\New Ordinances\Private Subdivisions\Private subdivisions ordinance - post user group rev 1.doc
32 F91-00306