

ORDINANCE NO. 14- 10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; AMENDING SECTION 10-1.101, DEFINITIONS; AMENDING SECTION 10-2.301, DEVELOPMENT REVIEW COMMITTEE; AMENDING SECTION 10-2.351, WAIVER OF NONCONFORMING STATUS; AMENDING SECTION 10-2.402, VESTED CATEGORIES; AMENDING SECTION 10-3.107, APPEALS; AMENDING SECTION 10-4.202, RELATING TO PRE-DEVELOPMENT ENVIRONMENTAL ANALYSIS REVIEWS; AMENDING SECTION 10-4.203, RELATING TO ENVIRONMENTAL MANAGEMENT PERMIT APPLICATION REQUIREMENTS AND CONDITIONS; AMENDING SECTION 10-4.214, EXPIRATION AND TRANSFER OF PERMITS; AMENDING SECTION 10-4.301, WATER QUALITY TREATMENT STANDARDS; AMENDING SECTION 10-4.303, STORMWATER MANAGEMENT DESIGN STANDARDS; AMENDING SECTION 10-4.323, SPECIAL DEVELOPMENT STANDARDS FOR ENVIRONMENTALLY SENSITIVE ZONES; AMENDING SECTION 10-4.327, TOPOGRAPHIC ALTERATIONS; AMENDING SECTION 10-4.342, GENERAL APPLICABILITY; AMENDING SECTION 10-4.357, USE OF LANDSCAPE AREA; AMENDING SECTION 10-4.401, REDEVELOPMENT ALLOWANCES; AMENDING SECTION 10-4.503, VARIANCES; AMENDING SECTION 10-6.204, SCHEDULE OF FEES, CHARGES AND EXPENSES; AMENDING SECTION 10-6.696, PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 10-6.803, ACCESSORY USES; AMENDING SECTION 10-6.804, TEMPORARY USES; AMENDING SECTION 10-6.812, COMMUNICATION ANTENNAS AND COMMUNICATION ANTENNA SUPPORT STRUCTURES; AMENDING SECTION 10-6.813, BROADCAST ANTENNA SUPPORT STRUCTURES; AMENDING SECTION 10-6.814, OUTDOOR PAINTBALL RANGES; AMENDING SECTION 10-6.815(1)P, RELATING TO RURAL SMALL-SCALE PLANT NURSURIES; AMENDING SECTION 10-7.201, LIMITED PARTITIONS; AMENDING SECTION 10-7.202, REVISED 2.1.9 FAMILY HEIR SUBDIVISION STANDARDS; AMENDING SECTION 10-7.203, SITE AND DEVELOPMENT PLANS PROPOSING SUBDIVISION OF PROPERTY REQUIRING PLATTING; AMENDING SECTION 10-7.204, CONSERVATION SUBDIVISION; AMENDING SECTION 10-7.402, DEVELOPMENT REVIEW AND APPROVAL SYSTEM; AMENDING SECTION 10-7.403, TYPE A REVIEW; AMENDING SECTION 10-7.404, TYPE B REVIEW; AMENDING SECTION 10-7.405, TYPE C REVIEW; AMENDING SECTION 10-7.413, ON-GOING INSPECTIONS; AMENDING SECTION 10-7.525, WATER AND SEWER CHARGES; AMENDING SECTION 10-7.542, PARKING STANDARDS COMMITTEE; AMENDING SECTION 10-7.545, NUMBER OF OFF-STREET PARKING

1 SPACES; AMENDING SECTION 10-7.603, SUBMITAL; AMENDING
2 SECTION 10-8.106, PERMIT CERTIFICATION REQUIREMENTS;
3 AMENDING SECTION 10-8.202, CERTIFICATION FOR CERTAIN
4 CONSTRUCTION; AMENDING SECTION 10-9.303, MAXIMUM
5 NUMBER OF OFF-SITE SIGNS ALLOWED WITHIN THE
6 UNINCORPORATED COUNTY; AMENDING SECTION 10-9.306,
7 PROCEDURAL REQUIREMENTS TO OBTAIN A NEW OFF-SITE SIGN;
8 AMENDING SECTION 10-11.105, STREET NAMES; AMENDING
9 SECTION 10-11.107, ADMINISTRATION AND NUMBER ASSIGNMENT;
10 AMENDING SECTION 10-11.108, AUTHORIZATION FOR ADDRESS
11 CORRECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR
12 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

13
14 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
15 COUNTY, FLORIDA:

16
17 **SECTION 1.** Section 10-1.101 of Article I of Chapter 10 of the Code of Laws of Leon County,
18 Florida, entitled "Definitions," is hereby amended to read as follows:

19
20 **Sec. 10-1.101. Definitions.**

21
22 * * *

23
24 *Environmentally sensitive land use matrix* shall mean a land use environmental management tool
25 which shall be maintained and made available for public use in the ~~department of growth and~~
26 ~~environmental management~~ Department of Development Support and Environmental
27 Management, and which prescribes management strategies for each of several environmental
28 constraints in relation to various land use categories and densities.

29
30 * * *

31
32 *Shade tree* shall mean any self-supporting woody plant of a species that is generally well-shaped,
33 well-branched, and well-foliated which normally grows to an overall minimum height of 35 feet
34 with a minimum average mature crown spread of 30 feet, and which is commonly accepted by
35 local horticultural and arboricultural professionals as a species which can be expected to survive
36 for at least 15 years in a healthy and vigorous growing condition over a wide range of
37 environmental conditions. A listing of suggested shade trees shall be maintained by the director
38 of ~~growth and environmental management~~ Development Support and Environmental
39 Management.

40
41 * * *

42
43 *Vested rights staff committee* shall mean a committee consisting of the following persons or their
44 designated representatives: the county attorney, the director of planning and the director of
45 ~~environmental management~~ Development Support and Environmental Management.

1 * * *

2
3 **SECTION 2.** Section 10-2.301 of Article II of Chapter 10 of the Code of Laws of Leon County,
4 Florida, entitled “Development Review Committee,” is hereby amended to read as follows:

5
6 **Sec. 10-2.301. Development Review Committee.**

7
8 (a) There is hereby established a development review committee (DRC) whose primary purpose
9 is to provide professional, informed review of proposed development with respect to design,
10 adequacy of public facilities, services and utilities and consistency with the Comprehensive Plan,
11 this chapter, and other applicable land development regulations.

12
13 The DRC shall advise the Board of County Commissioners, the planning commission, the
14 ~~growth and environmental management~~ Department of Development Support and Environmental
15 Management director, or designee, and the county administrator or designee concerning
16 applications for site and development plan approvals, platting, and other development approval,
17 and shall prepare studies and make recommendations on such matters as are requested by the
18 planning commission. The members of the DRC shall attend meetings of the planning
19 commission and Board of County Commissioners, as required.

20
21 (b) The DRC shall be composed of the department directors or their respective designee of the
22 following county departments:

- 23
24 (1) Tallahassee-Leon County Planning Department,
25 (2) Public works department, and
26 (3) ~~Growth and environmental management department~~ Department of Development
27 Support and Environmental Management.

28 * * *

29
30
31 **SECTION 3.** Section 10-2.351 of Article II of Chapter 10 of the Code of Laws of Leon County,
32 Florida, entitled “Waiver of nonconforming status,” is hereby amended to read as follows:

33
34 **Sec. 10-2.351. Waiver of nonconforming status.**

35 * * *

36
37
38 (d) The written certificate of the board of adjustment and appeals shall be permanently on file in
39 the office of the ~~department of growth and environmental management~~ Department of
40 Development Support and Environmental Management and a copy thereof promptly transmitted
41 to the applicant. The applicant shall provide proof that the certificate has been recorded in the
42 public records of Leon County within 30 days of the date of the certificate. Failure to record shall
43 render the certificate null and void as though it had never been issued.

44 * * *

1 **SECTION 4.** Section 10-2.402 of Article II of Chapter 10 of the Code of Laws of Leon County,
2 Florida, entitled “Vested Categories,” is hereby amended to read as follows:

3

4 **Sec. 10-2.402. Vested Categories.**

5

6 (a) *Presumptively vested.* The following categories were presumptively vested for the purposes
7 of consistency with the Comprehensive Plan and concurrency as specified in the Comprehensive
8 Plan and were not required to file an application to preserve their vested rights status:

9

10 (1) All nonresidential lots within a subdivision recorded as of July 16, 1990, or lots in
11 approved unrecorded subdivisions for which streets, stormwater management facilities,
12 utilities, and other infrastructure required for the development have been completed as of
13 July 16, 1990. Leon County ~~Growth and Environmental Management~~ Department of
14 Development Support and Environmental Management shall maintain a listing of such
15 exempt subdivisions.

16

17 (2) All active and valid building permits issued prior to July 17, 1990. All technically
18 complete building permit applications received by the ~~environmental management and~~
19 ~~permitting department~~ Department of Development Support and Environmental
20 Management on or before July 2, 1990, and subsequently issued, shall be vested under
21 the provisions of the Comprehensive Plan, regardless of the date of issuance.

22

23 * * *

24

25 **SECTION 5.** Section 10-3.107 of Article III of Chapter 10 of the Code of Laws of Leon
26 County, Florida, entitled “Appeals,” is hereby amended to read as follows:

27

28 **Sec. 10-3.107. Appeals.**

29

30 (a) *Process for administrative appeals.* Should an applicant seek to appeal a denial of a
31 certificate of concurrency, the appeal shall be submitted in writing, and shall include factual
32 information to document the basis for the appeal. The appeal document shall be filed with the
33 director within ten working days of receipt of notice by certified mail to the address of the
34 applicant of denial of the issuance of a certificate of concurrency or the issuance of a certificate
35 of concurrency with conditions unacceptable to the applicant. The director shall, within 30
36 calendar days, convene the concurrency appeals committee which shall render a decision on the
37 appeal within 15 working days after convening. The applicant will be provided an advance
38 notice of 15 working days before the scheduled meeting of the concurrency appeals committee
39 unless such notice is waived by the applicant.

40

41 (b) *Composition of concurrency appeals committee.* The concurrency appeals committee shall be
42 composed of the county administrator, the ~~director of growth and environmental management~~
43 Director of Development Support and Environmental Management and the county attorney, or
44 their designees as approved by the Board of County Commissioners.

45

1 (c) *Meetings of appeals committee.* The director shall schedule meetings of the concurrency
2 appeals committee as required to facilitate timely review of all appeals pursuant to subsection (a)
3 above and enforcement actions set forth in section 10-3.102
4

5 **SECTION 6.** Section 10-4.202(a)(2)b.7 of Article IV of Chapter 10 of the Code of Laws of
6 Leon County, Florida, related to “Pre-development environmental analysis reviews,” is hereby
7 amended to read as follows:
8

9 **Sec. 10-4.202. Pre-development environmental analysis reviews.**

10 * * *

11 7. *Cultural resources.* Significant cultural resources shall be protected in accordance with
12 section ~~10-300~~ 10-4.329. A cultural resource protection plan is required for areas
13 containing identified significant cultural resources. This plan may require a conservation
14 easement encompassing the cultural resources, provision of public access to the cultural
15 resource site, or other measures to protect, maintain, and manage the resource or to
16 mitigate for impacts to the resource.
17

18 * * *

19
20 **SECTION 7.** Section 10-4.203(c)(8) of Article IV of Chapter 10 of the Code of Laws of Leon
21 County, Florida, related to “Environmental management permit application requirements and
22 conditions,” is hereby amended to read as follows:
23

24 **Sec. 10-4.203. Environmental management permit application requirements and**
25 **conditions.**

26 * * *

27 (8) *Recording and notification of easements.* Conservation easement documents shall be
28 executed and provided with recording fees to Leon County, Department of ~~Growth and~~
29 ~~Environmental Management~~ Development Support and Environmental Management staff
30 prior to the issuance of an environmental permit. All stormwater and other easements
31 required pursuant to this article shall be recorded in the public records, and where
32 established prior to or at the time of platting or replatting shall be specifically referenced
33 in the plat to the affected property. A copy of the easement, with proof of recording, shall
34 be provided to the county administrator or designee prior to final inspection. Where
35 transfer of title to any affected parcel is proposed, it shall be the duty of the owner to
36 provide clear information, to the best of his knowledge after due diligent investigation, to
37 each prospective buyer prior to execution of any contracts, about the existence, impacts,
38 and responsibilities associated with the easements on the property. A copy of the
39 applicable easements shall be provided by the owner to each prospective purchaser prior
40 to closing, and the copy shall be initialed by the parties and attached to such closing
41 documents upon execution.

42 * * *

1 **SECTION 8.** Section 10-4.214 of Article IV of Chapter 10 of the Code of Laws of Leon
2 County, Florida, entitled “Expiration and transfer of permits,” is hereby amended to read as
3 follows:
4

5 **Sec. 10-4.214. Expiration and transfer of permits.**
6

7 (a) *Environmental management permits.*
8

9 (1) *Permit life.* Environmental management permits shall expire 36 months after
10 issuance unless otherwise specified by the county administrator or designee for
11 master planned subdivisions or phased development projects, as provided in
12 section 10-4.203(c)(7)b., or otherwise specified in subsection ~~(1)~~(a)(3).
13

14 (2) *Extensions.* Permits may be extended, by request of the applicant and approval of
15 the county administrator or designee, for successive periods of time not to exceed
16 36 months each, provided the request is made prior to the expiration of the prior
17 approval and provided continuous good faith efforts have been made to complete
18 the development. After expiration, the applicant must resubmit an application for
19 a permit and comply with all requirements in effect at the time of resubmission.
20 Extensions will not be granted to mining and Construction and Demolition (C&D)
21 facilities if the facility does not have an approved closure plan that meets current
22 stormwater requirements at the time of obtaining approval for the closure plan.
23

24 (3) *Early expiration for cause.* If no substantial and readily observable site
25 development activity has taken place within 24 months of the issuance of the
26 permit or, once development is started, if no such development activity occurs for
27 any 24 consecutive months, the county administrator or designee may, after
28 notifying the permittee and providing an opportunity for hearing, determine the
29 permit to be expired and shall so notify the permittee. Such a permit may not
30 thereafter be extended.
31

32 * * *

33 **SECTION 9.** Section 10-4.301 of Article IV of Chapter 10 of the Code of Laws of Leon
34 County, Florida, entitled “Water Quality Treatment Standards,” is hereby amended to read as
35 follows:
36

37 **10-4.301 Water Quality Treatment Standards.**
38

39 * * *

40
41 (5) *Stormwater treatment standards within the Bradfordville Study Area.* Stormwater runoff
42 from new development in the Bradfordville Study Area shall meet the standards set forth in
43 this section in addition to other standards within Article IV.
44

45 (a) Stormwater runoff shall be treated to one of the following standards below:
46

1 (i) Systems utilizing on-line dry retention only. A volume of runoff calculated as
2 four inches times the total impervious area that will be situated on the site
3 shall be retained on the site or in an approved master stormwater facility. This
4 calculation can exclude the wetted area of the pond/stormwater facility. This
5 volume of runoff shall be collected from the entire developed portion of the
6 site and directed to on-line dry retention storage. Retention can occur in
7 cisterns, ponds, shallow swales, landscaped areas, or natural areas.
8

9 (ii) Systems utilizing a combination of off-line dry retention and detention:
10

- 11 a. Off-line retention shall be provided with a treatment volume calculated
12 as two and one-half inches times the total impervious area on the site.
- 13 b. Detention portion of system--In addition to the dry retention volume,
14 one of the following detention options shall also be provided:
 - 15 1. Dry detention systems will provide a treatment volume
16 calculated as two inches times the total impervious area on the
17 site, or
 - 18 2. Wet detention system with a permanent pool volume equivalent
19 to two and nine-tenths inches times the impervious area onsite.
- 20 c. The calculation of the above volumes can exclude the wetted area of
21 the stormwater facility.
- 22 d. Runoff from the entire developed portion of the site shall be directed in
23 sequence to each of the above facilities.
24

25 (b) Drawdown requirements:
26

- 27 (i) For on-line dry retention (Subsection (5)(a)(i) above), the entire treatment
28 volume must recover within 72 hours.
- 29
- 30 (ii) For off-line dry retention (Subsection (5)(a)(ii)a. above), the entire treatment
31 volume must recover within 24 hours.
32
- 33 (iii) For dry detention systems (Subsection (5)(a)(ii)b.1.above), the treatment
34 volume must recover within 72 hours. Dry detention systems will not include
35 underdrains but will utilize an orifice or V-notch weir for drawdown. The
36 bottom of the drawdown device will be a minimum of six inches above the
37 pond bottom.
38
- 39 (iv) For wet detention systems (Subsection (5)(a)(ii)b.2. above), the bottom of the
40 weir crest will be a minimum of 12 inches above the normal water level
41 (seasonal high groundwater table elevation).
42
- 43 (v) Regardless of the method of volume recovery, the entire retention volume
44 must recover within the time frame established above unless an approved
45 continuous analysis, using Tallahassee Airport rainfall data from January 1,
46 1959 to December 31, 1998, demonstrates that the total volume retained

1 within the stormwater system over the 40-year period is greater than or equal
2 to that retained by a dry retention system as set forth in subsection (4)
3 (5)(a)(i) based on the above described recovery times. For systems requiring
4 a combination of retention and detention, this analysis shall only be used for
5 the retention portion of the system. The detention portion of this
6 combination system will still be required in full pursuant to Subsection
7 (5)(a)(ii)b.
8

9 * * *

10
11 **SECTION 10.** Section 10-4.303 of Article IV of Chapter 10 of the Code of Laws of Leon
12 County, Florida, entitled "Stormwater Management Design Standards," is hereby amended to
13 read as follows:
14

15 **10-4.303 Stormwater Management Design Standards.**
16

17 The design and construction of stormwater management systems shall be consistent with the
18 following minimum standards:
19

20 * * *

21
22 (16) *Minimum access stabilization requirements and permitting.* It is the intent of this
23 subsection to provide stabilization of all new roadway accesses to prevent erosion,
24 sedimentation and water quality problems in surface waters.
25

26 a. All new roadways and ingress/egress easements that serve three or more single-
27 family residential parcels must be stabilized to prevent erosion, sedimentation and
28 water quality problems in surface waters. This stabilization requirement applies as
29 long as there are no conflicts with more stringent standards in the Code. If a conflict
30 exists, the more stringent standard shall apply.
31

32 b. A short form permit will be required provided that the roadway or ingress/egress
33 easement:
34

- 35 1. Has an exposed sandy soil footprint of less than 5,000 square feet, or an
36 impervious area of less than 8,000 square feet, or a graveled area of less
37 than 10,000 square feet.
- 38 2. Has a width of ten feet or less and constructed on grade.
- 39 3. Has a parallel downstream swale at least six feet in width and between 12
40 and 15 inches in depth, ditch blocked as necessary to retain at least ~~one-~~
41 ~~half-inch~~ 1.125 inches of runoff from the roadway, and directed to
42 properly sized and stabilized conveyances if the swale provides a
43 concentrated discharge.
- 44 4. Provides no anticipated adverse impact on downstream property.
45

1 c. Roadways and ingress/egress easements meeting the requirements in subsection
2 (16)a. and b. above shall not be required to obtain an operating permit and property
3 owner's association as required in section 10-4.209.

4
5 * * *

6
7 **SECTION 11.** Section 10-4.323 of Article IV of Chapter 10 of the Code of Laws of Leon
8 County, Florida, entitled "Special development standards for environmentally sensitive zones,"
9 is hereby amended to read as follows:

10
11 **Sec. 10-4.323. Special development standards for environmentally sensitive zones.**

12
13 (a) *Special development standards designation.* The Board of County Commissioners may
14 designate special development standards for environmentally sensitive zones adjacent to
15 watercourses or receiving water bodies and in other environmentally sensitive areas within any
16 watershed where additional or more stringent minimum design and development standards shall
17 apply. Design and development standards shall be established to minimize the adverse
18 environmental impacts associated with both the extent of development activity and the type of
19 land uses permitted within or adjacent to sensitive environmental features such as watercourses,
20 water bodies, wetlands, and areas subject to periodic flooding.

21
22 (b) *Lake Jackson special development zone.* Special development zones adjacent to Lake
23 Jackson are hereby designated within which the following minimum design and development
24 standards shall apply, notwithstanding any less restrictive provisions in any state law or
25 regulation or local ordinance:

- 26
27 (1) *Zone A.* Wetland and floodplain ecotone, from elevation 89 feet NGVD or the
28 water's edge, whichever provides the greater area of protection, to 100 feet NGVD:

29
30 a. *Development area limitations.*

- 31
32 1. Clearing, soil disturbance, and building area shall not exceed the
33 greater of 4,000 square feet or five percent of that part of the
34 development site located within zone A above 89 feet NGVD,
35 hereafter referred to as the base square footage. For purposes of
36 calculating this base square footage, the septic tank and drainfield area
37 shall not be included and gravel driveways kept on grade will be
38 considered as 50 percent disturbed.
- 39 2. No cut and fill and no fill except as necessary and specifically
40 authorized for permitted impervious areas.
- 41 3. No structures at or below elevation 96.5 feet NGVD, unless
42 specifically approved based on compliance with the provisions of
43 section 10-4.503, or unless approved for a previously platted lot or lot
44 of record existing on January 15, 1990, when used for single-family
45 residential use. Single-family residential use includes accessory
46 structures such as pools, tennis courts, storage sheds, and gazebos

1 which are customarily incidental and subordinate to the single-family
2 dwelling.

- 3 4. Reasonable minimum clearing for docks and access to these docks
4 accessory to a single-family use may be permitted as an exception
5 when constructed in accordance with state and local permit criteria.
6

7 b. *On-site sewage disposal system standards* shall be in compliance with Chapter
8 18 of this Code.

- 9
10 1. Minimum lot size of one acre, net usable land, exclusive of all paved
11 areas, public rights-of-way, and prepared road beds within easements,
12 and exclusive of streams, lakes, drainage ditches, marshes, or other
13 such bodies of water, and wetlands as determined by the State
14 Department of Environmental Protection or the county administrator
15 or designee.
16 2. No portion of any on-site sewage disposal system shall be located
17 within 75 feet upland of elevation 89 feet NGVD, within 75 feet of any
18 water body or watercourse or the jurisdictional limit of a wetland as
19 determined by the State Department of Environmental Protection or
20 the county administrator or designee, or within any 100-year
21 floodplain area.
22 3. An existing, previously platted, lot or lot of record existing on January
23 15, 1990, when used for single-family residential use, shall be exempt
24 from the standards of this subsection (b)(1)b. but shall comply with all
25 other applicable laws, ordinances and regulations relating to septic
26 tanks. Existing septic tanks may be replaced by the same size or larger
27 units as required by other applicable laws, ordinances, and regulations
28 relating to septic tanks, except where sanitary sewer is available.
29

30 c. *Natural vegetation protection zone.* All vegetation shall be protected in a
31 natural state from the water's edge or the normal high water line, whichever
32 provides the greater area of protection, to a minimum distance of 50 feet
33 upland from elevation 89 feet NGVD, except that established lawns existing on
34 developed single-family lots prior to January 15, 1990, may continue to be
35 maintained. Annual (or less frequent) cutting of woody plants and controlled
36 burning within the natural vegetation protection zone is allowed, as well as
37 selective removal of species which are intrusive to the native species, and
38 planting of native species, such as to improve the environmental function of the
39 area.
40

41 d. *Motor vehicle prohibition.* Automobiles, motorcycles, dune buggies, or other
42 wheeled motorized or tracked vehicles shall not be allowed within any portion
43 of zone A, including any portion of lake bottom periodically exposed as a
44 result of natural or artificial drawdown, except as follows:

- 45 1. Entry shall be allowed into those areas which must be entered to
46

1 provide reasonable access to structures, to approved boat launching
2 areas, to public parks, to approved rights-of-way, or to public
3 roadways.

- 4 2. Lawn mowers shall be allowed in areas within zone A which lie
5 landward of the natural vegetation zone, and within the latter zone if
6 permitted pursuant to subsection (b)(1) ~~cc.~~, unless otherwise prohibited
7 by this article.
8 3. Entry shall be allowed where associated with bona fide public uses,
9 such as agency research, law enforcement, and approved lake
10 restoration and management activities.

11 * * *

12
13
14 **SECTION 12.** Section 10-4.327 of Article IV of Chapter 10 of the Code of Laws of Leon
15 County, Florida, entitled "Topographic alterations," is hereby amended to read as follows:
16

17 **Sec. 10-4.327. Topographic alterations.**
18

19 All projects involving alteration of the contour, topography, use or vegetation cover of land, shall
20 comply with the following minimum standards:
21

22 * * *

23
24 (3) *Flood zone grade change restrictions.* The wetland protection provisions of Article IV shall
25 first be complied with prior to considering the provisions of this section. It is the intent of
26 this subsection to allow selective alterations and redevelopment activities in those specific
27 portions of a floodplain meeting the definition of altered floodplain, provided that the
28 requirements of all other applicable portions of this article are met and that the applicant
29 demonstrates in the permit application that a net improvement in the hydrologic function of
30 the adjacent unaltered floodplain will result post-development.
31

- 32 a. No fill or other alteration shall be made to the topography or vegetative cover in any
33 floodplain. An exception to this provision is to allow up to a maximum of five percent
34 disturbance to the unaltered floodplain located on-site, if the applicant demonstrates, to
35 the satisfaction of the county administrator or designee, that there is no reasonable
36 alternative. The following provisions apply to altered floodplains and to unaltered
37 floodplains qualifying for the five percent disturbance:
38

- 39 1. Minimum fill or alteration in a floodplain may be allowed for an approved road
40 right-of-way, driveway, water management area, or septic tank, provided that
41 all other applicable state and local standards are met and that the applicant
42 demonstrates, to the satisfaction of the county administrator or designee, that
43 there is no reasonable alternative to intruding into the floodplain and that the
44 activities will not increase water stages (for the same event) on offsite
45 properties, increase water stages onsite to an extent that this could cause
46 degradation of onsite wetland vegetation, or increase flow velocities more than

1 ten percent in unhardened stream beds adjacent to the area of the alteration.
2 For newly permitted roads within the floodplain under this subsection, which
3 could be either public road rights-of-way or those that will be accepted by
4 Leon County for public dedication, the applicant shall demonstrate that at full
5 basin buildout, upstream backwater stages will be raised no more than one-half
6 foot for a ten-year flood event, no more than one foot for a 100-year flood
7 event, and no higher than one foot below the finished floor elevations of
8 existing upstream occupied structures during a 100-year flood event. If flow
9 velocities are increased to an extent that erosion of the streambed can result,
10 the streambed shall be lined or energy dissipation devices shall be installed to
11 lower flow velocities.

- 12 2. For projects where placement of fill is allowed in a floodprone area or in the
13 floodplain pursuant to subsection 1., compensating volume shall be provided.
14 The compensating volume required shall be located so as to mitigate the
15 ecological and hydrologic impacts of the fill.
- 16 3. There shall be a prohibition against the placement of fill within FEMA
17 designated floodways, except for the placement of piles, piers, or abutments as
18 required for bridge construction and such construction shall comply with the
19 provisions of subsection 1.
- 20 4. Where fill is to be placed within a 100-year floodplain, as deemed necessary by
21 the county administrator or designee based on technical criteria, compliance
22 with the provisions of Standards for Flood Hazard Reduction, Subsections 10-
23 8.3014736(f)(1) through (6) shall be demonstrated.

- 24
25 b. Fill for single-family home foundations located within the 100-year floodplain will be
26 allowed as long as it is in full compliance with the technical policy as set forth by the
27 county administrator or designee, "Policy Concerning the Placement of Fill in the
28 Floodplain on Single-family Residential Lots" or its successor. This policy only
29 applies to previously platted nonconforming lots where there is no reasonable
30 alternative to the limited placement of foundation fill. This subsection or policy shall
31 not be interpreted to facilitate in any way whatsoever the creation of new lots of record
32 that would cause a single-family home to be constructed within the 100-year
33 floodplain.

34
35 **SECTION 13.** Section 10-4.342 of Article IV of Chapter 10 of the Code of Laws of Leon
36 County, Florida, entitled "General applicability," is hereby amended to read as follows:

37
38 **Sec. 10-4.342. General applicability.**

- 39
40 (a) Landscaping information shall be provided in a landscape development plan as part of the
41 environmental management permit application, for all new development and redevelopment
42 in the county except as specified in subsection (b). The following requirements and
43 standards for landscaping shall apply:
44
45 (1) Minimum landscaped areas in all developed land use areas, including towers and
46 telecommunication projects, additions of 1,000 square feet or more of impervious

1 area, or where redevelopment requires additional parking, in accordance with
2 sections 10-173, 10-4.344, 10-4.347 through 10-4.355, including section 10-6.812
3 for towers and telecommunication projects.

- 4 (2) A reforestation program, in accordance with sections 10-4.347, 10-4.349, 10-4.350,
5 and 10-4.353.
- 6 (3) Landscaped areas in off-street parking facilities and other vehicular use areas, in
7 accordance with sections 10-4.347, 10-4.348, 10-4.350 and 10-4.351.
- 8 (4) Minimum natural area, site design alternative, or other environmentally sensitive
9 areas, in accordance with sections 10-4.345, 10-4.345.1, 10-4.346, and 10-4.202.
- 10 (5) Landscape buffer requirements for uncomplimentary land use conflicts applicable to
11 all development identified in the zoning and site plan review code, section 10-7.522.
- 12 (6) Vegetation management plan. A vegetation maintenance plan for pre-development
13 vegetation in accordance with subsections 10-4.345(c) and 10-4.209(c)2. (2), (f)(1)h.
14 and (g)(7).
- 15 (7) Bradfordville. Additional landscape requirements for the Bradfordville Study area
16 are set forth in section 10-4.386, 10-6.673(10), 10-6.674(10), 10-6.675(10), and 10-
17 6.676(10).
- 18 (8) Projects within or abutting future transportation corridors. This paragraph applies to
19 land within or abutting future transportation corridors designated on/in the future
20 right-of-way needs map and the Tallahassee-Leon County Long Range
21 Transportation Plan of the Tallahassee-Leon County Comprehensive Plan, as
22 amended. Subsection 10-7.530(h) of the Leon County Code of Laws provides that
23 green space credits and other incentives may be given to landowners who dedicate
24 property determined by the county as necessary for corridor protection. Therefore,
25 for the purpose of calculating natural area and landscape area requirements pursuant
26 to section's 10-4.344 and 10-4.345 of this chapter, the acreage of the parcel prior to
27 dedication shall be used. If land to be dedicated includes natural area that will be
28 removed in the future, the developer may replant natural area elsewhere on the site.
29 In the event that right-of-way needs restrict the parcel to the point that staff
30 determines economic use of the land is significantly reduced by the natural area
31 requirement, the County Administrator or designee may provide a functional waiver
32 of this requirement, and the terms of such waiver shall be included in the written
33 agreement required by subsection 10-7.530(h) of the Leon County Code of Laws.
34 This incentive, if applicable, shall be provided consistent with subsection 10-
35 7.530(h).

36 * * *

37
38
39 **SECTION 14.** Section 10-4.357 of Article IV of Chapter 10 of the Code of Laws of Leon
40 County, Florida, entitled "Use of landscape area," is hereby amended to read as follows:

41
42 **Sec. 10-4.357. Use of landscape area.**

43
44 No required landscape area shall be used for parking (except limited encroachment as permitted
45 in Subsection 10-4.347(1)(6)b.) or for accessway structures, garbage or trash collection or any
46 other functional use contrary to the intent and purposes of this division.

1
2 **SECTION 15.** Section 10-4.401 of Article IV of Chapter 10 of the Code of Laws of Leon
3 County, Florida, entitled “Redevelopment allowances,” is hereby amended to read as follows:
4

5 **Sec. 10-4.401. Redevelopment allowances.**
6

7 (a) In the unincorporated area of the County, when redevelopment is occurring and when the
8 demolition or removal of the principal structure or 50 percent or more of the impervious
9 surface existing on a site is occurring, it is the intent of this section to allow for the
10 following modifications to this article:
11

12 (1) *Allowances.* The following allowances apply to parcels with impervious area greater
13 than or equal to 25 percent of the parcel existing on or before January 1, 2004, if
14 there is no reduction to special development zone requirements and the requirements
15 of section 10-4.202:
16

- 17 a. Only 1/2 of the landscaping area requirements of sections 10-4.344, 10-
18 4.347(1)a., and (2) shall be applied except the minimum landscape island area
19 shall remain 400 sf.
- 20 b. Section 10-4.351(e)(4)a. (40 percent canopy coverage of parking areas) shall
21 not apply.
- 22 c. Trees preserved shall receive double the credit listed in section 10-4.349.
- 23 d. A parcel may utilize section 10-4.346 if no impacts are proposed to
24 preservation areas.
- 25 e. If no increase in impervious area is proposed, section 10-4.302 2.a. is
26 presumed to be met.
- 27 f. If full water quality treatment is provided as required by this article, then the
28 parcel may utilize 50 percent of the existing impervious in the rate control and
29 downstream analysis calculations required in section 10-4.302.
- 30 g. Site specific stormwater standards in Section’s 10-4.301(2), 10-4.301(3) and
31 10-4.301(4) may be reduced up to 50% for all previously developed areas if
32 stormwater treatment is provided by retention. The treatment volume for
33 these areas must still meet the minimum state water quality treatment
34 standards.
35

36 (2) *Variances.* Where a redevelopment site cannot meet the requirements of specific
37 stormwater management, landscape, and tree protection requirements of division 3, a
38 variance may be sought by submitting an application to Leon County ~~Growth and~~
39 ~~Environmental Management Department~~ Development Support and Environmental
40 Management in accordance with the requirements in section 10-2.347.
41

42 * * *

43
44 **SECTION 16.** Section 10-4.503 of Article IV of Chapter 10 of the Code of Laws of Leon
45 County, Florida, entitled “Variances,” is hereby amended to read as follows:
46

1 **Sec. 10-4.503. Variances.**

2
3 (a) *Authorized.* To the extent that a variance, if granted, would not be inconsistent with the
4 provision of the Comprehensive Plan, the Leon County Board of Adjustment and Appeals is
5 hereby authorized to grant variances to the specific stormwater management, landscape, and tree
6 protection requirements of division 3, except for the requirements of division 3 as they apply
7 within any wetland, water body, watercourse, floodplain, or floodway, upon filing of a written
8 petition with the Leon County Department of ~~Growth and Environmental Management~~
9 Development Support and Environmental Management by the property owner for whose land the
10 variance is sought, and payment of a fee for same. The board of adjustment and appeals shall
11 consider such a request at a public hearing. The procedures, criteria, and hearing requirements
12 set forth for variances in article II shall govern applications for variances under this article. When
13 all criteria for a variance have been met, based on the evidence presented, only the minimum
14 variance necessary shall be granted.

15
16 (b) *Criteria.* Applications for variances under this article may only be approved when:

- 17
18 (1) Literal enforcement of the requirements of this article would result in an
19 unnecessary and undue hardship not resulting from the actions of the property
20 owners, and
21 (2) Granting of the variance will not impair the attainment of the objectives of this
22 article, and
23 (3) Technical evidence reasonably supports the conclusion that no significant adverse
24 impacts will result from the granting of the variance, and
25 (4) When an application for subdivision or site and development approval has been
26 submitted.

27
28 (c) *Wetlands, water bodies, watercourses, floodplains, or floodways.* To the extent that a
29 variance, if granted, would not be inconsistent with the provision of the Comprehensive Plan,
30 only the Board of County Commissioners may grant variances to the requirements of division 3
31 as they apply within any wetland, water body, watercourse, floodplain, or floodway, upon
32 application of the property owner filed with the director and payment of a fee as established by
33 the Board of County Commissioners, in the same manner, and pursuant to the same procedures
34 and criteria, as set forth for variance requests in this section.

35
36 (d) *Public sector linear infrastructure variances.*

- 37
38 (1) *Standards and procedures.* Variances for public sector projects approved as
39 provided herein are intended to comply with Policy 1.3.11[C] of the
40 Comprehensive Plan Conservation Element, and are not limited to the maximum
41 five percent threshold associated with conservation or preservation areas.

- 42
43 a. *Development activity within a conservation or preservation overlay*
44 *district:* A governmental entity or a franchisee of a governmental entity
45 serving a public purpose may petition for a public sector linear
46 infrastructure variance pursuant to this section.

- 1 (a) *Purpose and intent.* The purpose and intent of this subsection is to provide for the
2 required review of the uses specifically identified in the Comprehensive Plan as uses
3 to be developed as planned developments or planned unit developments. These uses
4 are ones which may have a potential adverse impact and therefore should be subject
5 to additional review.
- 6 (b) *Allowable land uses.* Those uses specifically identified in the goals, objectives, and
7 policies, the land use categories and the land development use matrix shall be
8 allowed.
- 9 (c) *Development standards.* These uses shall be subject to review and approval by the
10 Board of County Commissioners and any specific standards as shown in the
11 Comprehensive Plan, these regulations, and other applicable codes or ordinances.

12
13 2. *Planned unit development (PUD) zoning district requirements and procedures.*

- 14
15 (a) *Purpose and intent of district.* The planned unit development (PUD) zoning district
16 and associated concept plan may be used to establish types of development and
17 arrangements of land uses that are consistent with the Comprehensive Plan, but which
18 are not otherwise provided for or allowed in the zoning districts set out in this
19 chapter. The range of uses and development intensities allowed within a particular
20 PUD district, along with any corresponding development and design standards are
21 established by an associated PUD concept plan. Subsequent development within the
22 PUD district is implemented by the approval of one or more site and development
23 plans, known as PUD final plans.

24
25 The standards for creating a new PUD district and its associated concept plan set out
26 herein are intended to promote flexibility of design and permit planned diversification
27 and integration of uses and structures. The process set out herein allows the Board of
28 County Commissioners to evaluate applications to establish new PUD districts and
29 their associated concept plans, to make modifications to adopted concept plans, and to
30 render final determination as to whether applications should be approved, approved
31 with conditions, or denied. In addition, the Board of County Commissioners, may
32 through approval with conditions, establish such additional limitations and
33 regulations as it deems necessary to protect the public health, safety, and general
34 welfare. Specifically, the PUD district is intended to:

- 35
36 (1) Promote more efficient and economic uses of land.
37 (2) Provide flexibility to meet changing needs, technologies, economics, and
38 consumer preferences.
39 (3) Encourage uses of land which reduce transportation needs and which conserve
40 energy and natural resources to the maximum extent possible.

- 1 (4) Preserve to the greatest extent possible, and utilize in a harmonious fashion,
2 existing landscape features and amenities.
- 3 (5) Provide for more usable and suitably located recreational facilities, open
4 spaces and scenic areas, either commonly owned or publicly owned, than
5 would otherwise be provided under a conventional zoning district.
- 6 (6) Lower development and building costs by permitting smaller networks of
7 utilities and streets and the use of more economical building types and shared
8 facilities.
- 9 (7) Permit the combining and coordinating of land uses, building types, and
10 building relationships within a planned development, which otherwise would
11 not be provided under a conventional zoning district.
- 12

13 (b) *Planned unit development in residential preservation land use category.* In addition
14 to the provisions of this section, planned unit developments proposed for lots in a
15 recorded or unrecorded residential subdivision zoned residential preservation and
16 which directly abut an arterial or a major collector roadway shall be consistent with
17 the provisions cited in subsection 10-6.617(a)(4) of these regulations. Planned unit
18 developments proposed for interior lots in a recorded or unrecorded subdivision
19 zoned residential preservation shall be consistent with the density of the existing
20 residential development in the recorded or unrecorded subdivision as provided for in
21 subsection 10-6.617(a)(2) of these regulations. For the purpose of this section, interior
22 lots mean those lots within a recorded or unrecorded subdivision in the residential
23 preservation zoning district having sole legal access via the roadway network internal
24 to the subdivision and said roadway network was specifically constructed as part of
25 the subdivision roadway network.

26
27 (c) *Establishment of a new PUD district and adoption of an associated concept plan.*

- 28
- 29 (1) *Eligibility for application.* Applications for establishment of a new PUD
30 zoning district shall demonstrate compliance with the following minimum
31 eligibility criteria:
 - 32 a. *Minimum area for a PUD zoning district.* The minimum area required
33 for an application to a PUD district shall be five acres, except where
34 the proposed use is required to be approved as a planned unit
35 development by the Comprehensive Plan wherein, there shall be no
36 minimum area required.
 - 37 b. *Configuration of the PUD zoning district.* The PUD zoning district
38 shall consist of a single discrete area of land of sufficient width and
39 depth to accommodate the proposed use.

1 c. *Unified control/ownership.* All properties included for the purpose of
2 application to amend the official zoning map to create a PUD district
3 shall be under the ownership or control of the applicant.

4 (2) *Review process.* The approval of a PUD zoning map amendment and
5 associated concept plan application rests with the Board of County
6 Commissioners. An application for a PUD zoning district shall include a PUD
7 concept plan; a PUD zoning district shall not be established unless and until
8 an associated implementing PUD concept plan is approved by the Board of
9 County Commissioners. Review of an application for a PUD zoning map
10 amendment and associated concept plan shall undergo the following
11 sequence:

12 a. *Pre-application conference.* An application for a pre-application
13 conference shall be submitted in accordance with established policies
14 and procedures.

15 b. *PUD concept plan application.* A PUD concept plan application shall
16 be submitted in accordance with the submittal requirements set forth in
17 subsection (3) of this section.

18 c. *Public notification.* Public notice of the PUD concept plan shall be
19 provided by publication in a newspaper of regular and general
20 circulation. In addition, written notice shall be mailed to the current
21 address of each owner of property located within 1,000 feet of the
22 properties included in the application based upon the records of the
23 Leon County Property Appraiser's office, and to registered
24 neighborhood associations.

25 d. *DRC meeting and recommendation.* The development review
26 committee shall review the PUD concept plan application to evaluate
27 consistency with the Comprehensive Plan and compliance with
28 applicable land development regulations adopted by the county. The
29 DRC shall prepare an itemized list of written findings of fact that
30 support a recommendation of approval, approval with conditions, or
31 denial of the PUD concept plan. The written findings of the DRC shall
32 be forwarded to the planning commission.

33 e. *Planning commission public hearing and recommendation.* The
34 planning commission shall conduct a public hearing on the PUD
35 zoning map amendment and concept plan application and formulate
36 findings supporting a recommendation to the Board of County
37 Commissioners to approve, approve with conditions, or deny the
38 application. The planning commission's recommendation shall be
39 based upon the recommendation of the DRC, public testimony and
40 findings made on the record at the public hearing. Quasi-judicial

1 proceedings may be invoked pursuant to the provisions of Article XI,
2 Division 9 of this Code.

- 3 f. *Board of County Commissioners public hearing and disposition.* The
4 Board of County Commissioners shall conduct a public hearing on the
5 PUD zoning map amendment and concept plan application. The
6 Board's final action approve, approve with conditions, or deny the
7 application shall be based upon the recommendations of the planning
8 commission and the DRC, public testimony, and findings made on the
9 record at the public hearing. The decision of the Board of County
10 Commissioners shall be supported by written findings. The decision of
11 the Board of County Commissioners shall be final.

12 (3) *Application content and submittal requirements.*

- 13 (a) *PUD concept plan.* A PUD concept plan is a generalized plan that
14 establishes the allowable land uses and the allowable development
15 density or intensity ranges as well as any corresponding development
16 and design standards for all lands within the PUD zoning district. A
17 PUD concept plan may further establish separate subdistricts. The
18 PUD concept plan may, for each subdistrict, establish a separate list of
19 allowable uses and applicable standards, so long as those uses and
20 standards are consistent with those established for the PUD district.

21 A PUD concept plan shall consist of the graphic and/or textual
22 information itemized in [subsections] 1. through 4. below.
23 Adjustments to this information can be made at the pre-application
24 conference.

- 25 1. A general plan for the use of all lands within the proposed
26 PUD. Such plans shall indicate the general location of
27 residential areas (including density and unit types), open space,
28 parks, passive or scenic areas, and nonresidential areas
29 (including maximum building square footage and maximum
30 height).
- 31 2. A plan of vehicular and pedestrian circulation showing the
32 general locations and right-of-way widths of roads, sidewalks,
33 the capacity of the system and access points to the external and
34 internal thoroughfare network. The conceptual vehicular plan
35 for a PUD utilizing the provisions of section 10-6.617(a)(4) of
36 these regulations shall identify the functional classification of
37 the roadway that will provide access to the proposed
38 development.
- 39 3. A summary of allowable development. The summary shall
40 provide:

- a. The total acreage of the PUD district, and each subdistrict, as may be proposed;
 - b. The acreage of areas proposed for specific land uses proposed to be allowed within the PUD district and PUD sub-districts proposed in the concept plan, as may be applicable;
 - c. The acreage of open space or conservation areas not to be developed within the PUD district and PUD sub-districts proposed in the concept plan;
 - d. The minimum and maximum allowable quantity of residential units to be allowed within the PUD district, and PUD sub-districts proposed in the concept plan, measured in residential dwelling units per acre;
 - e. The minimum and maximum allowable residential density to be allowed within the PUD district, and PUD sub-districts proposed in the concept plan, measured in residential dwelling units per acre;
 - f. The minimum and maximum allowable nonresidential development intensity to be allowed within the PUD district, measured in gross building square footage; and,
 - g. The minimum and maximum allowable nonresidential development intensity to be allowed within the PUD district, measured in floor area ratio.
4. Regulations and development standards for the PUD district and for each sub-district, including:
- a. An itemized list of uses proposed to be allowed in each the PUD district, or sub-districts, if any.
 - b. The minimum and maximum residential densities for the PUD district and for any sub-districts.
 - c. The minimum and maximum nonresidential gross square footage and floor area ratios for the PUD district and for any sub-districts.
 - d. Development and design standards governing the development of the PUD district and any sub-districts which shall, at a minimum, address: lot dimensions and size; building setbacks; building heights; dimensions of internal streets, sidewalks, and other transportation facilities (such standards may be conveyed through annotated diagrams); open space provision, off-street parking, buffering, and landscaping.

1 e. The PUD Concept Plan may establish, for the PUD
2 district or any sub-district therein, additional
3 development and design standards for other
4 development and design characteristics and elements,
5 etc., so long as these standards are consistent with the
6 Comprehensive Plan. The PUD Concept Plan may
7 establish proprietary standards to regulate a particular
8 development or design characteristic or element. In
9 those instances where development or design standards
10 are not specifically provided in the PUD Concept Plan,
11 the standards set out in the Land Development Code
12 shall remain in force.

13 (b) A site conditions map that includes:

14 (i) A legal description of the properties included in the
15 application with an associated boundary survey signed and
16 sealed by a registered Florida land surveyor.

17 (ii) Name of the PUD; the owners of all properties included in
18 the PUD district; the agent for the PUD application, and
19 address and phone number of the agent; and, date of
20 drawing and of any subsequent revision.

21 (iii) Scale, north arrow, and general location map showing
22 relationship of the site to external uses, structures, and
23 features.

24 (c) A natural features inventory approved by the department of ~~growth~~
25 ~~and environmental management~~ Development Support and
26 Environmental Management.

27 (d) A preliminary certificate of concurrency or appropriate documentation
28 issued by the county ~~growth and environmental management~~
29 ~~department~~ Department of Development Support and Environmental
30 Management.

31 (4) *Review criteria.* In order to be approved, a proposed PUD zoning map
32 amendment and concept plan application shall demonstrate satisfaction of
33 the following criteria:

34 (i) Consistency with the Comprehensive Plan. The proposed PUD
35 district shall be consistent with the Comprehensive Plan.

36 (ii) Consistency with other ordinances. The proposed PUD district
37 shall be consistent with all other ordinances adopted by the county,
38 including but not limited to the applicable environmental and
39 concurrency management ordinances.

1 (iii) Consistency with purpose and intent of PUD district. An
2 application for a PUD district shall include a narrative indicating
3 how the proposed PUD district meets the purpose and intent of the
4 PUD district, as set forth in subsection (a) of this section. The
5 narrative shall specifically address the seven statements itemized in
6 subsection (a).

7
8 * * *

9
10 **SECTION 19.** Section 10-6.803 of Article VI of Chapter 10 of the Code of Laws of Leon
11 County, Florida, entitled "Accessory uses," is hereby amended to read as follows:

12
13 **Sec. 10-6.803. Accessory uses.**

14
15 * * *

16
17 (b) *Accessory dwelling units.*

18
19 * * *

20
21 (4) *Standards for detached accessory dwelling units:*

- 22
23 a. Freestanding or detached accessory dwelling units shall be allowed in
24 conjunction with any principal residential use.
25 b. A detached dwelling unit accessory to a single-family residential
26 structure shall not exceed 800 square feet nor five percent of the total
27 lot or parcel area.
28 c. A detached dwelling unit accessory to a single-family residential
29 structure shall be located and designed not to interfere with the
30 appearance of the principal structure. This provision shall not be
31 construed so as to limit an attached accessory dwelling unit from
32 having its own entryway, porch, or to limit the quantity or location of
33 window space.
34 d. A detached dwelling unit accessory to a single-family residential
35 structure shall be setback a minimum distance equal to the applicable
36 minimum rear and side yard setbacks established by the zoning district
37 in which it is located, except that within the residential preservation
38 zoning district, any detached dwelling unit accessory to a single-family
39 residential structure shall be no less than 105 percent of the applicable
40 minimum side yard setback and 110 percent of the applicable minimum
41 rear yard setback for principal residential structures.

1 e. Within the lake protection and the residential preservation zoning
2 districts and overlays, detached accessory dwelling units are subject to
3 under the following conditions:

- 4 i) as a component of a new site and development plan application,
5 on a parcel of no less than three acres within the lake protection
6 zoning district; a parcel of no less than .3 acres within the
7 residential preservation zoning district inside the urban services
8 area; or a parcel of no less than three acres within the residential
9 preservation overlay, outside of the urban services area; and,
10 ii) in conjunction with a previously developed, existing residential
11 dwelling, on a parcel of no less than three acres within the lake
12 protection zoning district, no less than one acre within the
13 residential preservation zoning district inside the urban services
14 area, and no less than three acres within the residential
15 preservation overlay, outside of the urban services area.

16 f. An approved application demonstrating compliance with these
17 regulations shall be required prior to the issuance of any permits for the
18 establishment of accessory dwelling units. Accessory dwelling units may
19 be reviewed as components of a new site and development plan
20 application. Applications for accessory dwelling units in conjunction
21 with a previously developed, existing residential dwelling shall be
22 provided and reviewed by the Leon County ~~Department of Growth and~~
23 ~~Environmental Management~~ Department of Development Support and
24 Environmental Management through the Administrative Streamlined
25 Application Process.

26 * * *

27
28
29 (e) *Bed and breakfast inn.*

30
31 (1) *Generally.* Private home bed and breakfast inns may be permitted in all districts
32 that permit residential and residential mixed-use development as an accessory
33 use to a single-family dwelling unit.

34
35 (2) *Standards.* Accessory private home bed and breakfast inns may be allowed
36 provided all the following requirements are met:

- 37
38 a. Private home bed and breakfast inns shall be limited to three guest
39 rooms, except in the Historic Overlay District, where five guest rooms
40 may be provided.

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b. Guests are limited to a length of stay of no more than 14 consecutive days.

c. Planning department review is required to ensure that the establishment of the private home bed and breakfast inn accessory use is consistent with the Comprehensive Plan and conforms with the Land Development Regulations. Requests for the establishment of private home bed and breakfast inns, in the form of application/affidavit shall be filed with the planning department accompanied by a fee of \$200.00, for the purposes of notification. The application shall undergo staff review, including, but not necessarily limited to, review by the planning, ~~growth and environmental management~~ Development Support and Environmental Management, and public works departments.

Within 15 days of receipt of the application, the director of the planning department shall make a recommendation based on comments from reviewing departments.

The Board of County Commissioners shall consider the application and planning department recommendation and shall hold a public hearing on the application.

Notice of the public hearing shall be provided at least ten days in advance of the meeting through publication in a newspaper of general circulation. The Board shall take final action on the application following the public hearing.

d. The private home bed and breakfast inn operator shall be required to obtain an occupational license.

e. The number of required parking spaces for guests and residents shall conform to the following schedule:

One guest room, two spaces.

Two guest rooms, three spaces.

Three guest rooms, four spaces.

Four guest rooms, five spaces.

Five guest rooms, six spaces.

Parking is prohibited in the front yard unless the area is screened and the parking arrangement is determined to be compatible with the surrounding area. Parking may be located to the side or rear of the structure, to be screened from view of adjacent properties. (See section 10-7.522 for screening and buffering requirements.)

- 1 f. No food preparation or cooking for guests shall be conducted within
2 any bedroom nor other individual rooms, except for the kitchen and/or
3 pantry. Meals may be provided only to residents and guests.
- 4 g. No structure shall be constructed for the sole purpose of being utilized
5 as a bed and breakfast inn; no existing structure should be enlarged or
6 expanded for the purpose of providing additional rooms for guests. It is
7 intended that private home bed and breakfast inn be converted or
8 renovated single-family residences, and that this principal function be
9 maintained. The exterior appearance of the structure shall not be altered
10 from its single-family character.
- 11 h. Only a singular sign, for the purposes of identification, not
12 advertisement, shall be permitted. This sign shall not exceed two square
13 feet in area, and be posted no higher than three and one-half feet. This
14 sign shall not be illuminated.

15
16 (f) *Private home adult day care facilities.*

17
18 (1) *Generally.* Private home adult day care facilities for more than six persons may
19 be permitted as an accessory use to a single-family dwelling in all districts
20 except for residential preservation, R-1, and R-2 as an accessory use to a
21 single-family dwelling unit. Private home adult day care facilities that provide
22 care for six or fewer persons not related to the operator of the facility by blood,
23 marriage, adoption or foster care shall be allowed as a home occupation as a
24 home occupation consistent with the provisions of subsection (c) of this
25 section.

26
27 (2) *Standards.* Accessory private home adult day care facilities that provide care to
28 seven or more persons may be allowed provided all of the following
29 requirements are met:

- 30
31 a. Private home adult day care facilities are required to comply with all
32 licensing and regulatory requirements as established by the State of
33 Florida.
- 34 b. The facility shall only provide care to clients for a period less than 24
35 hours per day.
- 36 c. Development review is required to ensure that the establishment of the
37 private home adult day care facility accessory use is consistent with the
38 Comprehensive Plan and conforms with the land development
39 regulations. Requests for the establishment of home private adult day
40 care facilities, in the form of application/affidavit shall be filed with the
41 ~~department of growth and environmental management~~ Department of

1 Development Support and Environmental Management accompanied
2 by a fee set by the Board of County Commissioners for the purposes of
3 notification.
4

5 * * *

6
7 (g) *Private airports.*

8
9 (1) *Generally.* Private airports are not permitted except in the rural or planned unit
10 development districts. All private airports shall comply with the provisions of
11 F.S. Ch. 330, and Chapter 14-60, Florida Administrative Code. All terms,
12 words, and phrases used in this section shall have the same meaning or
13 definition as noted in F.S. Ch. 330.
14

15 (2) *Standards.* Private airports may be allowed provided all the following
16 requirements are met:
17

18 a. The proposed landing area shall be located at least 500 feet from
19 residential structures on adjoining properties.

20 b. The hours of operation shall be daylight hours, from sunup to sundown.

21 c. There shall be no sale of fuel or sale of maintenance services at a private
22 airport. Commercial or business activities of aviation related services
23 such as leasing of tiedowns and hangars, operation of a flight school, or
24 the transportation of passengers for consideration shall not be
25 permitted.

26 d. Rural zoning district. Planning department review is required to ensure
27 that the establishment of the private airport is consistent with the
28 Comprehensive Plan and conforms with the land development
29 regulations. Requests for the establishment of a private airport, in the
30 form of an application, shall be filed with the planning department
31 accompanied by a fee of \$200.00, for the purposes of notification. The
32 application shall undergo staff review, including, but not necessarily
33 limited to, review by the planning, ~~growth and environmental~~
34 ~~management~~ Development Support and Environmental Management,
35 and public works departments.

36 The planning department shall provide notice of the application by
37 certified mail to property owners located within 500 feet of the
38 proposed private airport.

39 Within 45 days of receipt of the application, the director of the planning
40 department shall make a recommendation based on comments from
41 reviewing departments. The Board of County Commissioners shall

1 consider the application and planning department recommendation and
2 shall hold a public hearing on the application. Notice of the public
3 hearing shall be provided at least ten days in advance of the meeting
4 through publication in a newspaper of general circulation. The board
5 shall take final action on the application following the public hearing.
6 Such action is not appealable.

7 e. Planned unit development zoning district. A request for a private airport
8 in this district shall comply with the provisions set forth in section 10-
9 6.696 of this chapter.

10
11 (3) *Variances*. The board of adjustment and appeals shall grant variances to
12 section (2), standards, of this section consistent with the provisions of section
13 10-2.347 of this chapter.

14
15 **SECTION 20.** Section 10-6.804 of Article VI of Chapter 10 of the Code of Laws of Leon
16 County, Florida, entitled "Temporary uses," is hereby amended to read as follows:

17
18 **Sec. 10-6.804. Temporary uses.**

19
20 *A. Temporary uses and structures.*

21
22 (1) Regulations in this section shall apply to the following:

23
24 a. *Temporary uses regulated*. Outdoor events and events in temporary
25 structures, intended to accommodate attendance of 250 or more persons
26 may be permitted by the county administrator or designee upon
27 demonstration of compliance with the following regulations, standards,
28 and requirements specific in this section, and article, as applicable.

29 b. *Temporary structures regulated*. Temporary structures, with a capacity
30 of 100 or more persons regardless of location or use, shall be subject to
31 applicable building permitting requirements. Documentation, from the
32 Leon County ~~Department of Growth and Environmental Management~~
33 Department of Development Support and Environmental Management,
34 Building Inspection Division, that the temporary structure complies
35 with applicable building code requirements; including, receipt of
36 electrical permit and satisfactory inspection for any temporary lighting
37 and temporary electric service for any electric-powered equipment
38 associated with the temporary use. Satisfactory inspection of temporary
39 structures, temporary lighting, and temporary electric service for any
40 electric-powered equipment may be demonstrated subsequent to permit
41 issuance, as a condition of the permit, and as noted on the permit.
42

1 * * *

2
3 **SECTION 21.** Section 10-6.812 of Article VI of Chapter 10 of the Code of Laws of Leon
4 County, Florida, entitled “Communication antennas and communication antenna support
5 structures,” is hereby amended to read as follows:
6

7 **Sec. 10-6.812. Communication antennas and communication antenna support structures.**
8

9 (a) *Applicability; use of existing structures.*
10

11 (1) All new communication antennas and communication antenna support
12 structures in the unincorporated areas of the county shall be subject to these land
13 development regulations and all other applicable building and construction codes.
14 In the event of any conflict between other land development regulations and the
15 regulations contained in this section, the provisions of this section shall override
16 and supersede such other regulations unless otherwise specifically set forth herein.
17

18 (2)~~a~~. All communication antenna support structures existing on July 14, 2009 shall
19 be allowed to continue to be used as they presently exist, provided that a notice of
20 continuing use is submitted by the communication antenna support structure
21 owner/operator to the ~~department of growth and environmental management~~
22 Department of Development Support and Environmental Management not later
23 than July 30, 2010 and no later than every three years there after. A notice of
24 continuing use shall certify that the structure continues to be used as a
25 communication antenna support structure and that a security or performance bond
26 has been posted in an amount to be determined by the county to cover the cost of
27 removal plus a reasonable safety factor. The notice of continuing use shall specify
28 the antenna support structure's use, number of collocated antennas and use, owner
29 and contact information for the antenna support structure and all collocated
30 antennas. Failure to file a notice of continuing use shall constitute abandonment in
31 accordance with subsection (o). Routine maintenance or minor modifications to
32 accommodate the collocation of an additional user or users shall be permitted on
33 such existing communication antenna support structures subject to the criteria in
34 [subsection] (b) below. New construction, other than routine maintenance and
35 modifications to accommodate collocation on an existing communication antenna
36 support structure, shall comply with the requirements of this section.
37

38 * * *

39
40 (i) *Structural design.* Communication antenna support structures shall be designed and
41 constructed to ensure that the structural failure or collapse of the tower will not create
42 a safety hazard, according to the EIA/TIA 222-E Standards, to adjoining properties.

1 Communication antenna support structures shall be constructed to the EIA/TIA 222-E
2 Standards, as published by the Electronic Industries Association, which may be
3 amended from time to time, and all applicable county building codes. Further, any
4 improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing
5 communication antenna support structures shall require submission of site plans
6 sealed and verified by a professional engineer, which demonstrate compliance with
7 the EIA/TIA 222-E Standards in effect at the time of said improvement or addition.
8 Said plans shall be submitted to and reviewed and approved by the ~~Growth and~~
9 ~~Environmental Management Department~~ Department of Development Support and
10 Environmental Management at the time building permits are requested.

11 * * *

12
13
14 **SECTION 22.** Section 10-6.813 of Article VI of Chapter 10 of the Code of Laws of Leon
15 County, Florida, entitled “Broadcast antennas and broadcast antenna support structures,” is
16 hereby amended to read as follows:

17
18 **Sec. 10-6.813. Broadcast antennas and broadcast antenna support structures.**

19
20 (a) *Applicability; use of existing structures.*

21
22 (1) All new broadcast antennas and broadcast antenna support structures in the
23 unincorporated areas of the county shall be subject to these land development regulations
24 and all other applicable building and construction codes. In the event of any conflict
25 between other land development regulations and the regulations contained in this section,
26 the provisions of this section shall override and supersede such other regulations unless
27 otherwise specifically set forth herein.

28
29 (2) a. All broadcast antennas and broadcast antenna support structures existing on July
30 14, 2009 shall be allowed to continue to be used as they presently exist, provided
31 that a notice of continuing use is submitted by the broadcast antenna support
32 structure owner/operator to the ~~department of growth and environmental~~
33 ~~management~~ Department of Development Support and Environmental
34 Management not later than July 30, 2010 and no later than every three years there
35 after. A notice of continuing use shall certify that the structure continues to be used
36 as a broadcast antenna or broadcast antenna support structure and that a security or
37 performance bond has been posted in an amount to be determined by the county to
38 cover the cost of removal plus a reasonable safety factor. The notice of continuing
39 use shall specify the antenna support structure's use, number of collocated antennas
40 and use, owner and contact information for the antenna support structure and all
41 collocated antennas. Failure to file a notice of continuing use shall constitute
42 abandonment in accordance with paragraph (p). Routine maintenance or minor

1 modifications to accommodate additional or new broadcast antennas shall be
2 permitted on such existing broadcast antenna support structures. New construction,
3 other than routine maintenance and modifications, shall comply with the
4 requirements of this section.

5 b. Replacement of antennas on a broadcast antenna support structure with a different
6 antenna shall be considered routine maintenance or a minor modification to
7 accommodate a new or additional antenna, provided such maintenance or minor
8 modification does not increase the height of any broadcast antenna support
9 structure more than 25 feet or ten percent, whichever is less, above the initially
10 constructed height.

11
12 (3) For purposes of this section, a broadcast antenna support structure that has received
13 final approval in the form of a building permit for an approved site and development
14 plan or where substantial construction has been completed, shall be considered an
15 existing broadcast antenna support structure, provided such approval is valid and
16 unexpired as of the effective date of this section.

17
18 (4) A broadcast antenna support structure may be rebuilt, reconstructed, or replaced, in
19 any zoning district other than Residential Preservation, R-1, R-2, R-3, R-4, R-5, or in
20 a recorded or unrecorded subdivision, regardless of the zoning designation. Broadcast
21 antenna support structures proposed inside the Urban Service Area shall use
22 construction techniques that do not require guy wires (e.g., lattice or monopole
23 structures).

24
25 (5) All broadcast antenna support structures proposed in the unincorporated areas of the
26 county shall comply with the requirements of section 10-6.808, "airport regulation,"
27 of the Zoning Code. If there is any conflict between the requirements of this section
28 and section 10-6.808, the requirements in section 10-6.808 shall apply. Furthermore,
29 no new broadcast antenna support structure shall be permitted within 1,000 feet of the
30 landing area of a private airport that has been approved by the county pursuant to the
31 provisions of subsection 10-6.803(f) of the Zoning Code.

32
33 (b) *Location and setback requirements.*

34
35 (1) Broadcast antenna support structures may be located in any zoning district
36 other than Residential Preservation, R-1, R-2, R-3, R-4, R-5, or in a recorded
37 or unrecorded residential subdivision, regardless of the zoning designation.

38
39 (2) All broadcast antenna support structures shall be located not less than the
40 height of the proposed broadcast antenna support structure itself, from the

1 nearest residential lot line zoned for or constructed with single or multifamily
2 residences.

3
4 (3) Variances from these location and setback requirements may be granted
5 consistent with the procedures and standards contained in subsections (t), (u),
6 and (v) of this section.

7
8 (4) Distances shall be measured from the center of the base of the broadcast
9 antenna support structure to the residential lot line, or as the case may be, to
10 the lot line of the nearest occupied structure.

11
12 (5) Towers should not be sited in or near wetlands, other known bird
13 concentration areas (e.g., state or federal refuges, staging areas, rookeries), in
14 known migratory or daily movement flyways, or in habitat of threatened or
15 endangered species. Construction is prohibited in areas habitually containing a
16 significant number of breeding, feeding, or roosting birds.

17
18 (6) Broadcast antenna support structures and guy wires shall not be sited in or
19 adjacent wetlands.

20
21 (7) Anchors and guy wires shall be oriented to provide the maximum distance to
22 the nearest residentially-zoned lot line.

23
24 (c) *Broadcast antenna support structure permitting.*

25
26 (1) New broadcast antenna support structures.

27
28 a. Broadcast antenna support structure applications.

29 1. In granting a broadcast antenna support structure permit, the
30 county shall require the posting of a security or performance bond,
31 in an amount to be determined by the county, not to exceed the
32 cost of removal, to ensure removal of such broadcast antenna
33 support structure, if it becomes abandoned as described in
34 subsection (n) of this section.

35 2. Any information of an engineering nature that the applicant
36 submits, whether civil, mechanical, or electrical, shall be certified
37 by a professional engineer licensed in the State of Florida, as
38 otherwise required by law.

39 3. An applicant for a broadcast antenna support structure permit shall
40 submit the information described in this section and a

1 nonrefundable fee as established by the county to reimburse the
2 county for the costs of reviewing the application.

3 4. The applicant for a broadcast antenna support structure permit
4 shall be required to obtain Type C site and development plan
5 approval, in accordance with the Land Development Code.

6 5. Information required. In addition to any information required by
7 the land development regulations for Type C site and development
8 plans, applicants for a broadcast antenna support structure permit
9 shall submit the following information:

10 (i) A scaled site plan clearly indicating the location, type,
11 and height of the proposed broadcast antenna support
12 structure, on-site land uses and zoning, adjacent land
13 uses and zoning (including when adjacent to other
14 municipalities), master plan classification of the site
15 and all properties within the applicable setback areas,
16 adjacent roadways, proposed means of access, property
17 lines, elevation drawings of the proposed broadcast
18 antenna support structure and any other structures,
19 topography, parking, and other information deemed by
20 the county to be necessary to assess compliance with
21 this ordinance.

22 (ii) A sealed survey performed by a Florida professional
23 land surveyor, and a legal description of the parent tract
24 and leased parcel (if applicable).

25 (iii) The setback distance between the proposed broadcast
26 antenna support structure and the nearest residential
27 unit or residentially zoned property line.

28 (iv) The location of all broadcast antenna support structures
29 within a one mile radius of the location of the proposed
30 broadcast antenna support structure, currently existing
31 or closed and filed with the FAA, FCC or both.

32 (v) A landscape plan showing specific landscape materials.

33 (vi) Method of fencing, and finished color and, if
34 applicable, the method of camouflage and illumination.

35 (vii) A description of compliance with the requirements of
36 this section and all applicable federal, state, or local
37 laws.

38 (viii) The location of the proposed broadcast antenna support
39 structure in digital format compatible with the county's
40 GIS system.

- (ix) Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) licenses, permits, or approvals, if applicable.
- (x) The names and addresses of all property owners within 2,640 feet of the proposed broadcast antenna support structure if the proposed site is outside the Urban Service Area, and 500 feet if inside the Urban Service Area. The county will verify this information, and notify all identified property owners of the proposal's required ~~pre-application~~ presubmittal meeting.
- (xi) Proof that the applicant owns the broadcast antenna support structure site or has a leasehold interest in the proposed site. If a leasehold interest, the lease must evidence a term of at least ten years, and the fee simple property owner must consent in writing to the proposed use of the broadcast antenna support structure location.

b. Provisions governing the issuance of permits. The county may consider the following factors in determining whether to issue a broadcast antenna support structure permit, although the county may waive or reduce the burden on the applicant of one or more of these criteria if the county concludes that the goals of this ordinance are better served as determined pursuant to the variance provision of this ordinance:

1. Height of the proposed broadcast antenna support structure;
2. Proximity of the broadcast antenna support structure to residential structures and residential zoning district boundaries;
3. Nature of uses on adjacent and nearby properties, within 2,640 feet of the broadcast antenna support structure site property line;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress.
8. Co-location options.

(d) *Height.* The permitted height of a broadcast antenna support structure is to be determined in accordance with the setback regulations contained in subsection (b)(2) of this section.

(e) *Minimum yard requirements.* There are no minimum yard requirements for broadcast antenna support structures.

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(f) *Illumination.* Broadcast antenna support structure shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).

- (1) Broadcast antenna support structures exceeding 200 feet in height must use the minimum number of lights having the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) permitted by the FAA (i.e., daytime high intensity and night time low intensity). The use of solid red or pulsating red warning lights shall be prohibited at night.
- (2) On broadcast antenna support structures exceeding 200 feet in height, only white strobe lights shall be used at night, where permissible by the FAA. All tower lighting shall automatically switch to the lowest luminance allowed at different times of day or circumstances as defined by FAA advisories.
- (3) All lights on broadcast antenna support structures of any height shall be up-shielded and directed upwards to the maximum extent allowed by FAA regulations, eliminating luminescence toward the ground.
- (4) Guyed broadcast antenna support structures shall use daytime visual markers (e.g., bird diverter devices) on the guy wires to reduce collisions by migratory birds.
- (5) Security lighting for on-ground facilities and equipment shall be down-shielded to keep light within the boundaries of the site and to minimize its potential attraction for birds and impact on adjacent land uses.

(g) *Finished color.* Broadcast antenna support structures not requiring FAA painting/markings shall have either a galvanized finish or painted a dull blue, gray, or black finish.

(h) *Structural design.* Broadcast antenna support structures shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard, according to the most current EIA/TIA 222 Standards, to adjoining properties. Broadcast antenna support structures shall be constructed to the EIA/TIA 222 Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable county building codes. Further, any improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing broadcast antenna support structures shall require submission of site plans sealed and verified by a professional engineer, which demonstrate compliance with the most current EIA/TIA 222 Standards in effect at the time of said improvement or addition. Said plans shall be submitted to and reviewed for approval by the ~~department of growth and environmental management~~ Department of Development Support and Environmental Management and shall incorporate the following:

- (1) The proposed antenna support structure and all apertures shall be designed and built to withstand 125 mph winds. All proposed apertures shall include planned and future

1 antennas, antenna mounts, tower lights, transmission lines, guy wires and other
2 equipment mounted on the tower.

3 (2) The proposed antenna support structure shall be designed and constructed with
4 adequate antenna load for planned and future antennas, including planned antennas
5 for public safety (law enforcement, fire, EMS, etc.). At a minimum, the proposed
6 antenna support structure shall be designed and constructed to include five additional
7 antenna spaces with five square foot of loading space per antenna. All proposed
8 future antenna allocations should be at 25-foot intervals on the support structure. A
9 15/8 transmission line shall be allocated for each antenna.

10 (3) The proposed antenna support structure shall be designed and constructed to include a
11 space allocation at the 150-foot and 135-foot level for cellular/PCS antennas on each
12 tower face.

13
14 (i) *Fencing.* A minimum eight-foot finished masonry wall or an eight-foot fence with less than
15 85 percent opacity shall be required around all broadcast antenna support structure sites.
16 Access to the tower shall be through a locked gate.

17
18 (j) *No advertising.* Neither the broadcast antenna support structure nor the broadcast antenna
19 support structure site shall be used for advertising purposes and shall not contain any signs
20 for the purpose of advertising.

21
22 (k) *Landscaping.* The visual impacts of residentially or commercially located broadcast antenna
23 support structures shall be mitigated through landscaping or other screening materials at the
24 base of the tower and ancillary structures as follows:

25
26 (1) A 20-foot landscape buffer which meets the landscape requirements of Section 10-
27 7.522 of the Zoning Code shall be required around the perimeter of the broadcast
28 antenna support structure and any accessory structures located outside the required
29 wall or fence;

30 (2) All required landscaping shall be of the native evergreen variety;

31 (3) All required landscaping shall be xeriscape tolerant or irrigated and properly
32 maintained to ensure good health and vitality;

33 (4) Required landscaping shall be installed outside the fence or wall;

34 (5) Existing vegetation shall be preserved to the maximum extent practicable and may be
35 credited as appropriate toward meeting landscaping requirements.

36
37 (l) *Access.* The operator of a broadcast antenna shall allow reasonable access to all qualified
38 researchers for the purpose of investigating the impact of the broadcast antenna on wildlife.

39
40 (m) *Operation of antenna.* The proposed or future broadcast antennas shall not impact or
41 interfere with the operation of adjacent or nearby electrical devices. The applicant shall

1 demonstrate compliance with this provision during the site plan review process. Any
2 corrective action shall be at the tower owner's expense.

3
4 (n) An applicant may request deviation to the standards in this section from the Board of
5 County Commissioners as part of the Type C review process and shall meet section 10-
6 1.106, including the setback standards contained in subsection (b)(2) of this section.

7
8 (o) *Nonconforming broadcast antenna support structures.* To the extent set forth herein, the
9 restrictions on nonconforming uses and structures contained in Division 3 of Article VI of
10 the Leon County Code of Laws are modified and supplemented by this section. Bona fide
11 nonconforming broadcast antenna support structures or broadcast antennas that are damaged
12 or destroyed may be rebuilt and all such broadcast antenna support structures or broadcast
13 antennas may be modified or replaced without meeting the minimum distance requirements
14 specified in paragraph (c) herein above. The type, height, and location of the broadcast
15 antenna support structure on the site shall be of the same type and intensity as the original
16 facility approval. Building permits to rebuild the tower shall comply with the applicable
17 county codes and shall be obtained within 180 days from the date the broadcast antenna
18 support structure is damaged or destroyed. If no permit is applied for, or obtained, or if said
19 permit expires, the broadcast antenna support structure shall be deemed abandoned as
20 specified in paragraph (p) hereinafter.

21
22 (p) *Abandonment.* In the event the use of any broadcast antenna support structure has been
23 discontinued for a period of 180 consecutive days, the broadcast antenna support structure
24 shall be deemed to be abandoned. Determination of the date of abandonment shall be made
25 by the county administrator or his/her designee, based upon documentation and/or affidavits
26 from the broadcast antenna support structure owner/operator regarding the issue of usage.
27 Upon the determination of such abandonment, the owner/operator of the broadcast antenna
28 support structure shall have an additional 180 days within which to: (1) reactivate the use of
29 the broadcast antenna support structure or transfer the structure to another owner/operator
30 who makes actual use of the structure, or (2) dismantle and remove the structure and all
31 facilities, returning the property to its pre-development state. Upon the expiration of 180
32 days from the date of abandonment without reactivation or upon completion of dismantling
33 and removal, any exception and/or variance approval for the broadcast antenna support
34 structure shall automatically expire.

35
36 (q) *Certification of compliance with Federal Communication Commission (FCC) NIER*
37 *standards.* Prior to receiving final inspection, documentation shall be submitted to the
38 ~~department of growth and environmental management~~ Department of Development Support
39 and Environmental Management, building inspection division, demonstrating that the
40 broadcast antenna support structure complies with all current FCC regulations for
41 nonionizing electromagnetic radiation (NIER). The county administrator or designee shall

1 indicate on the site plan approval that this certification has been received. Future use of this
2 structure for additional broadcast antennas shall be governed by this requirement as well.

3
4 * * *

5
6 **SECTION 23.** Section 10-6.814 of Article VI of Chapter 10 of the Code of Laws of Leon
7 County, Florida, entitled "Outdoor paintball ranges," is hereby amended to read as follows:

8
9 **Sec. 10-6.814. Outdoor paintball ranges.**

10
11 All outdoor paintball ranges shall be required to demonstrate compliance with the following
12 standards, as determined through the review and approval by the Board of County
13 Commissioners following a duly noticed public hearing; compliance shall be documented on a
14 plan furnished by the applicant demonstrating the following:

15 (1) *Location.* Outdoor paintball ranges shall be allowed only in the following locations: the
16 Rural (R), Urban Fringe (UF0, Lake Talquin Recreation Urban Fringe (LTRUF), and Light
17 Industrial (M-1) zoning districts.

18
19 (2) *Screening, setbacks and separation from other uses.* Outdoor paintball ranges shall be
20 allowed only upon demonstration of protection of adjacent properties, public rights-of-way, and
21 private streets, from nuisance impacts, including errant projectiles, noise, lighting and overflow
22 parking, and unkempt site design. All portions of the range shall be set back a minimum of 300
23 feet from the perimeter property boundaries or 500 feet from the nearest off-site residence,
24 residential zoning district, or subdivision intended primarily for residential land use, whichever
25 distance is greater. This setback standard may be reduced by up to 50 percent if netting, walls,
26 buffering or other containment method is to be incorporated.

27
28 (3) *Access.* Within the urban services area, outdoor paintball ranges may have access only
29 from streets other than local streets, with the exception that access may be allowed from local
30 streets designated "nonresidential" streets in the Comprehensive Plan. Outside the urban services
31 area, access may be allowed from any public street, or any private street under the ownership or
32 control of the proprietor, except that, in no instance, shall the sole route of access be through a
33 street located within the Residential Preservation (RP) zoning district.

34
35 (4) *Additional considerations.*

36
37 a. *Buffering.* Outdoor paintball ranges shall provide a minimum of Type D
38 buffering when adjacent to any residential or agricultural use; a minimum of
39 Type C buffering shall be required for all other adjacencies.

40 b. *Minimum lot sizes.* Three acres.

41 c. *Lighting.* No lighting shall shine directly from the site upon any other property.

- 1 d. *Hours of operation.* Outside of the urban services area, and adjacent to
2 properties within the residential zoning district, or subdivision intended
3 primarily for residential land use activities shall be limited only to daylight
4 hours.
- 5 e. *Parking.* No less than eight parking spaces shall be provided; however, the
6 plan shall demonstrate the provision that sufficient parking will be provided so
7 that no parking associated with the property is located off-site. Except for
8 handicapped parking spaces, spaces may be gravel or other hard surface if
9 approved by the department of public works.
- 10 f. *Solid waste facilities.* Solid waste containers shall be located with appropriate
11 screening and landscaping to facilitate aesthetic compatibility with adjacent
12 properties.
- 13 g. *Structures and activities.* Structures shall be limited to a cumulative size of no
14 greater than 1,000 square feet gross floor area; all accessory activities shall be
15 conducted within structures.
- 16 h. *Posting.* Signage warning the general public that the site is being used as an
17 outdoor paintball range shall be posed no less than every 150 linear feet along
18 all property perimeter boundaries. Warning signs shall not contain advertising.
- 19 i. *Limitation on "Large competitions."* Competitions on the site exceeding ten
20 teams or 60 participants shall be considered "large competitions." Any outdoor
21 paintball facility may have no more than two large competitions per year.
- 22 j. *Adequate sanitary facilities.* The applicant shall furnish documentation, from
23 the Leon County Public Health Department, that the applicant has ensured the
24 provision of adequate sanitary facilities to accommodate the proposed use.
- 25 k. *Safety review.* The applicant shall furnish documentation, from the City of
26 Tallahassee Fire Department and Leon County Emergency Medical Services,
27 that the proposed use complies with applicable fire and life safety code
28 regulations.

29
30 (5) *Environmental review.* The applicant shall furnish documentation of compliance with all
31 applicable environmental regulations and review standards, demonstrating that the proposed site
32 design will not adversely impact any preservation or conservation features, will properly
33 maintain and manage stormwater run-off, and minimize other adverse environmental impact
34 including: approval of a Natural Features Inventory (NFI); receipt of applicable environmental
35 permits; and other documentation, as may be required by the Leon County ~~Department of~~
36 ~~Growth and Environmental Management~~ Department of Development Support and
37 Environmental Management and Department of Public Works. Completion and approval of
38 environmental impact assessment shall not be required.

39 * * *

1 **SECTION 24.** Section 10-6.815(1)p of Article VI of Chapter 10 of the Code of Laws of Leon
2 County, Florida, relating to “Rural small-scale plant nurseries,” is hereby amended to read as
3 follows:
4

5 **Sec. 10-6.815. Rural small-scale plant nurseries.**
6

7 * * *

8
9 p. *Environmental regulatory compliance.* The applicant shall furnish documentation of
10 compliance with all applicable environmental regulations and review standards, demonstrating
11 that the proposed site design will not adversely impact any preservation or conservation features,
12 will properly maintain and manage stormwater run-off, and minimize other adverse
13 environmental impact, including: approval of a Natural Features Inventory (NFI) - No Impact,
14 NFI, or NFI - with Floodplain, as applicable; receipt of applicable environmental permits; and,
15 other documentation, as may be required by the Leon County ~~Department of Growth and~~
16 ~~Environmental Management~~ Department of Development Support and Environmental
17 Management, Department of Public Works, and any other regulatory agency's permitting
18 requirements.
19

20 * * *

21
22 **SECTION 25.** Section 10-7.201 of Article VII of Chapter 10 of the Code of Laws of Leon
23 County, Florida, entitled “Limited Partitions,” is hereby amended to read as follows:
24

25 **Sec. 10-7.201. Limited Partitions.**
26

27 * * *

28
29 (5) A complete application shall include the following:
30

31 (a) An 8½ by 14-inch document acceptable to be recorded in the Official
32 Records of Leon County, which shall include:
33

- 34 1. Boundary survey of the parcel, and a separate sketch plan showing
35 boundaries of the proposed individual lots and legal descriptions of the
36 overall parent tract and individual lots;
- 37 2. Signature and seal of surveyor who prepared said boundary survey;
- 38 3. Existing structures and parking area(s) on the parcel to be subdivided;
- 39 4. Date of preparation;
- 40 5. Total acreage of the parcel to be subdivided;
- 41 6. Lot and block numbers, if applicable;
- 42 7. All easements on the property to be subdivided and each abutting street;

- 1 8. A statement on the face of the plan stating that any further subdivision
- 2 of the lot or lots shall be subject to the platting requirements as
- 3 specified in section 10-7.203, site and development plans, as applicable,
- 4 of these regulations; and
- 5 9. Scale of plan, both written and graphic.
- 6

7 (b) Supplemental information, which shall, upon the request of the ~~growth and~~
8 ~~environmental management~~ Development Support and Environmental
9 Management director or designee, include the following:

- 10 1. A vicinity map which depicts the location of the proposed subdivision
- 11 in relation to adjacent streets and properties;
- 12 2. The 100-year flood frequency hazard area or a notation if not
- 13 applicable; and
- 14 3. The method by which utilities including, but not limited to, water,
- 15 sewer, electric, telephone, and cablevision will be provided to the
- 16 subdivision. All underground utilities will be constructed prior to
- 17 placement of final roadway surface.
- 18

19 (c) A completed application form.

20 (d) A certificate of concurrency.

21 (e) Payment of applicable fee.

22 (f) Pro forma documents which set forth any proposed conservation and

23 preservation easements as may be required by this section.

24 (g) For properties proposing residential use, a completed school impact analysis

25 form.

26 (6) Procedure.

27 (a) *Application.* The applicant shall submit the required subdivision application

28 to the director of the ~~growth and environmental management department~~

29 Department of Development Support and Environmental Management or

30 designee.

31 * * *

32

33 **SECTION 26.** Section 10-7.202 of Article VII of Chapter 10 of the Code of Laws of Leon

34 County, Florida, entitled "Revised 2.1.9 Family Heir Subdivision Standards," is hereby amended

35 to read as follows:

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1
2 **Sec. 10-7.202. Revised 2.1.9 Family Heir Subdivision Standards.**
3

4 1. *Eligibility to subdivide land to create parcels for use as a homestead by a family member.*

5 To qualify for subdivision of land pursuant to Comprehensive Plan Land Use Element
6 Policy 2.1.9., for purposes of creating parcels of property for use solely as a homestead by
7 an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child,
8 stepchild, adopted child, or grandchild of the person who conveys the parcel,
9 notwithstanding the density or intensity of limits established for this land by the future land
10 use map of the Comprehensive Plan or the official zoning map, the following conditions
11 must be met:

- 12
- 13 (a) The land to be subdivided must be located outside of the urban services area.
 - 14 (b) The parcel to be subdivided is in the same configuration as it was on February
15 1, 1990; or, the parcel was created, subsequent to February 1, 1990, through
16 subdivision pursuant to the family heir provision of Policy 2.1.9 of the Land
17 Use Element of the Comprehensive Plan and conveyed to an originally
18 intended heir, as defined herein, and the applicant is an originally intended
19 heir or an heir through successive generations of the originally intended heir.
20 Any subdivision of the parcel after February 1, 1990, shall thereafter void the
21 eligibility to subdivide the parcel under this section for use as a homestead by
22 a family member, unless that subdivision was undertaken pursuant to the
23 family heir provision of Policy 2.1.9 of the Land Use Element of the
24 Comprehensive Plan.
25

26 2. *Criteria for approval.* Approval of an application for residential development pursuant to
27 Comprehensive Plan Land Use Policy 2.1.9. shall be dependent upon a finding by the
28 county in the affirmative for each of the following criteria:
29

- 30 (a) That the application is consistent with the Comprehensive Plan.
- 31 (b) That the application complies with the standards set out in subsection 10-
32 7.202.5.; and,
- 33 (c) That the application complies with applicable provisions of the land
34 development code and other applicable regulations and ordinances have been
35 met, including those pertaining to environmental protection, access, zoning
36 district development standards except lot size, and concurrency management
37 system requirements.
38

39 3. *Additional criteria for approval for subdivision to create parcels for use as a homestead by*
40 *a family member (subsection, 10-7.202.2.).* In addition to an affirmative finding for each of
41 the three criteria set out in subsection 10-7.202.3., approval of an application made pursuant

1 to subsection 10-7.202.2. shall be dependent upon a finding by the county in the affirmative
2 for each of the following criteria:

- 3
- 4 (a) That the application includes documentation of those covenants and
5 restrictions, executed by the applicant and the chair of the DRC, recorded
6 pursuant to subsection 10-7.202.9.(f); and,
 - 7 (b) That the number of lots that may be created through subdivision of property
8 for use as a homestead by a family member is equal to or less than the number
9 of heirs plus the original homestead family member.

10

11 4. *Substantive requirements for the subdivision of land pursuant to this section.*

- 12
- 13 (a) *General.* The following general requirements apply to applications submitted
14 pursuant to this section:
 - 15 (1) No lot created may be any smaller than one-half acre of buildable area in
16 size;
 - 17 (2) Parcels within a recorded subdivision may not be further subdivided by
18 application of this section; and,
 - 19 (3) The application may be fashioned for approval of additional dwelling
20 units without subdivision; in which instance, the application shall
21 demonstrate sufficient land area for each dwelling unit, equivalent to
22 amount of land and arrangement of dwelling units as would otherwise be
23 required to create subdivision lots.
 - 24 (b) Additional requirements for application for subdivision of land within
25 previously approved unrecorded subdivisions. Further subdivision of land to
26 create residential lots or additional dwelling units pursuant to Policy 2.1.9 of
27 the Land Use Element of the Comprehensive Plan shall be allowed if the
28 resulting parcels are no smaller than the smallest existing lot within the
29 subdivision, established in accordance with the Leon County Land
30 Development Code, nor less than one-half acre in size.

31

32 5. *Timely completion of a deficient application.* ~~The department of growth and environmental~~
33 ~~management~~ Department of Development Support and Environmental Management or it
34 successor, shall inform the applicant of any deficiencies constituting an incomplete
35 application. The applicant shall have 180 days, from the date of the issuance of notice from
36 the county informing of deficiencies constituting an incomplete application, to make
37 required corrections to the application and submit that application for review. The applicant
38 shall be entitled to request, in writing to the county, one 90-day extension; the county may
39 grant that extension based upon a demonstration of hardship by the applicant. Failure to
40 resubmit a revised application in a timely manner shall have the same effect as denial of the

1 application without prejudice; however, no application filed pursuant to subsection 10-
2 7.202.1. shall be accepted after February 1, 2010.

3
4 6. *Approval subject to condition.* In those instances wherein the application substantially meets
5 the applicable criteria for approval but, in the determination of the entity with authority to
6 approve the application, does not completely satisfy these criteria, the entity may approve
7 the application subject to condition that all deficiencies are corrected; whereupon the
8 applicant shall thereafter be required to provide a revised application, demonstrating
9 complete satisfaction with these criteria. No permits for development activity for properties
10 included in such applications shall be issued by the county unless and until the application
11 has been determined to demonstrate complete satisfaction with these criteria.

12
13 7. *Timely revision of an application approved subject to condition.* Any application made
14 pursuant to this section, approved subject to condition, shall be revised to demonstrate
15 satisfaction of all conditions within 180 days from the date of the issuance of notice
16 informing the applicant of approval subject to condition by the county. The applicant shall
17 be entitled to request, in writing to the county, one 90-day extension; the county may grant
18 that extension based upon a demonstration of hardship by the applicant. Failure to revise the
19 application within the allotted time period to demonstrate satisfaction of all conditions shall
20 have the same effect as denial of the application without prejudice; however, no application
21 filed pursuant to subsection 10-7.202.1. shall be accepted after February 1, 2010.

22
23 8. *Limitations on the use of parcels created pursuant to [subsection] 10-7.202.1; creating*
24 *parcels of property for use as a homestead by a family member:*

25
26 (a) Parcels created through subdivision pursuant to subsection 10-7.202.1 are
27 intended as homestead property for heirs of the owner/subdivider. No parcel
28 created through this process shall be conveyed to any person other than the
29 originally intended heir within a period of fewer than two years from the date
30 of the approval of the 2.1.9 subdivision.

31 (b) No building permit shall be issued for any building on any parcel created
32 through subdivision pursuant to subsection 10-7.202.1, except to the originally
33 intended heir or the original homestead family member, within a period of
34 fewer than two years from the date of the approval of the 2.1.9 subdivision.

35 (c) After a period of two years from the date of the creation of a lot created
36 pursuant to subsection 10-7.202.1, that lot may be conveyed to any other
37 person.

38 (d) Except as provided in [subsection] (e), below, any lot created by subdivision
39 pursuant to subsection 10-7.202.1 may, after a period of two years from the
40 date of the creation of the lot, be eligible for further subdivision or additional
41 dwelling units pursuant to this chapter.

- 1 (e) Any lot created by subdivision pursuant to subsection 10-7.202.1 may be
2 eligible for further subdivision or additional dwelling units, within the two-
3 year period immediately following the date of the creation, by originally
4 intended heir or original homestead family member, for the purpose of
5 creating additional lots for conveyance to another eligible family member, as
6 provided by F.S. § 163.3179. Such subdivision or application for additional
7 dwelling units shall comply with subsection 10-7.202.1.
- 8 (f) The applicant for subdivision or additional dwelling unit pursuant to
9 subsection 10-7.202.1, shall provide covenants and restrictions to be executed
10 by the applicant and the chair of the development review committee, on the
11 behalf of Leon County, which shall be recorded in the clerk of the court's
12 records, restricting transfer and regulating the development of the property to
13 comply with the limitations of subsection 10-7.202.9. The covenants and
14 restrictions shall be enforceable by Leon County. The covenants and
15 restrictions may be amended, by the Board of County Commissioners, as
16 necessary, to otherwise provide for the transfer or permitting in the case of the
17 death or institutionalization of the originally intended heir.

18
19 *9. Procedural standards.*

- 20
21 (a) Except as provided for in ~~subsection~~ subsection (b) below, all applications
22 for subdivision pursuant to this section shall be subject to the review and
23 approval requirements of the Type A site and development plan application
24 process; however, no ~~pre-application~~ presubmittal meeting or technical staff
25 meeting shall be required, but may be provided, at the request of the applicant,
26 free of charge.
- 27 (b) In those instances where subdivision pursuant to this section would result in
28 the requirement of a new access connection to a designated canopy road or the
29 removal of any protected tree and/or vegetation within the canopy road
30 protection zone the subdivision application shall be subject to the review and
31 approval requirements of the Type B site and development plan application
32 process including, mandatory ~~pre-application and technical-staff~~ application
33 review meetings (presubmittal meetings are optional), at the expense of the
34 applicant.

35
36 **SECTION 27.** Section 10-7.203 of Article VII of Chapter 10 of the Code of Laws of Leon
37 County, Florida, entitled "Site and development plans proposing subdivision of property
38 requiring platting," is hereby amended to read as follows:

39
40 **Sec. 10-7.203. Site and development plans proposing subdivision of property requiring**
41 **platting.**

1 1. Pursuant to F.S. ch. 177, and these ordinances, no subdivision plat within the jurisdiction of
2 the county shall be recorded by the Clerk of the Circuit Court of Leon County unless and
3 until it has received plat approval as provided herein. To secure plat approval, the
4 applicant/subdivider shall also follow the procedures established in article VII, division 6,
5 plats.

6
7 2. Site and development plans are required for all parcels or lots proposed for subdivision, with
8 the exception of: those exceptions specified under the definition of subdivision in section 10-
9 1.101; the exemptions and requirements of section 10-7.201, limited partitions, and section
10 10-7.202, residential development pursuant to Comprehensive Plan policy 2.1.9, and, those
11 exceptions identified in subsection 10-7.402(6) of this chapter.

12
13 3. Procedure:

14
15 (a) *Land use and project determination.* Prior to submittal of a ~~pre-application request~~
16 formal application, the applicant shall first obtain a permitted use verification
17 certificate (PUV) from the ~~department of development support and environmental~~
18 management Department of Development Support and Environmental Management
19 which verifies that the subject development is a site and development plan proposing
20 subdivision of property requiring platting.

21 (b) *Presubmittal.* The applicant may schedule a presubmittal meeting with the county
22 administrator or designee to discuss the application, the procedures for review and
23 approval, and the applicable regulations and requirements for the review type. The
24 county administrator or designee may modify or eliminate any required information
25 submittals, after documentation, based upon consideration of the complexity of the
26 proposed site and development plan, environmental constraints, existing site
27 conditions, or other relevant submittal items required for DRC review, if applicable,
28 and approval of site and development plans.

29 (c) *Review process.* All site and development plans proposing subdivision of property
30 requiring platting shall be reviewed pursuant to the provisions of this section.
31

32 **SECTION 28.** Section 10-7.204 of Article VII of Chapter 10 of the Code of Laws of Leon
33 County, Florida, entitled "Conservation Subdivision," is hereby amended to read as follows:
34

35 **Sec. 10-7.204. Conservation Subdivision.**
36

37 (a) *Purpose and intent.* Conservation subdivision design is encouraged to advance
38 environmental resource protection or restoration by analyzing the development parcel so as
39 to locate and coordinate appropriate areas for development and conservation. Such
40 development shall permanently aside preservation features and canopy road protection
41 zones and, to the greatest extent practicable, other functional open space and sensitive

1 natural resources. In addition, conservation subdivisions shall allow for a diversity of lot
2 sizes, housing choices, and building densities.

3
4 (b) *Eligibility.* Conservation subdivision provisions, no matter the form of ownership, may be
5 applied at the request of a landowner in the urban fringe zoning district or Lake Talquin
6 Recreation/Urban Fringe zoning district, and they shall apply to all clustered development
7 proposed in areas designated rural residential in the Bradfordville Sector Plan. The
8 provisions herein shall be applied to all conservation subdivisions, regardless of the form of
9 ownership.

10
11 (c) *Procedures and review.*

12
13 (1) Conservation subdivisions shall be reviewed and authorized pursuant to the site and
14 development plan review and approval procedure provisions of division 4, article
15 VII of chapter 10 of the Leon County Code. In addition to submittals required for
16 appropriate review under other provisions of the Leon County Code, the following
17 submittals shall also be required:

- 18 a. A land preservation plan, showing all existing vegetation and proposed
19 changes and new planting, if any.
- 20 b. A geographic features and land use map of all land within 500 feet of the site
21 that shall indicate floodplains, area hydrography, publicly or privately
22 managed parks or preserves, and adopted or proposed greenways.
23
24 The required plans and maps shall be prepared and sealed by a licensed
25 architect, engineer, or landscape architect, as appropriate.

26
27 (2) ~~Pre-application~~ Presubmittal meeting. Applicants shall be required to participate in
28 a ~~pre-application~~ presubmittal meeting with all necessary and appropriate local
29 government departments prior to submission of an application for a conservation
30 subdivision. At least five working days prior to the meeting, the applicant shall
31 provide the land preservation plan and the site's geographic features and land use
32 map as described above.

33
34 * * *

35
36 **SECTION 29.** Section 10-7.402 of Article VII of Chapter 10 of the Code of Laws of Leon
37 County, Florida, entitled “Development review and approval system,” is hereby amended to read
38 as follows:

39
40 **Sec. 10-7.402. Development review and approval system.**

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7. *Review process for exceptions.* The development listed in the table set out as parts (a) and (b) of this subsection shall be excepted from Type A-D site and development plan review, as set forth in subsection 4., above.

(a) The following chart provides a range of development and changes of use excepted from site and development plan application. The chart specifies appropriate criteria for approval, applicable review process, notice requirements and other applicable substantive or procedural requirements. Omission of a particular requirement from the chart shall not be construed so as to alleviate requirement for compliance.

Proposed Use or Development	Criteria for Approval	PUV or R- PUV <u>RCC</u> Required	Review Required for Approval	Notice Requirements	Public Meeting Requirements	Application Content Requirements
Single-family (attached or detached) residential dwelling unit, manufactured home, duplex residential units on any vacant existing parcel; any structures accessory to these residential units, including garages, pavilions, kiosks, gazebos, or other similar structures accessory as determined by the county administrator or designee.	Precedent development order, such as, approved plat or site plan, Otherwise as required in the Land Development Code	No, RPV <u>RCC</u> is optional.	PSD	None	No	PSD; scaled sketch plan accessory buildings in this category require affidavit of nonhabitable structure; project-specific environment permits as applicable
Home occupation in an existing residence	Home occupation standards; Life-safety code	No, <u>RCC</u> is optional	PSD None	Notice advertising approval or denial <u>None</u>	No	<u>PSD RCC</u> (optional); project-specific environment permits as applicable
Agricultural, horticultural, floriculture, and silviculture-related bldgs. in a zoning district allowing agricultural as a principal use; structure size ≤5,000 feet ² s.f.	As required in the Land Development Code	No	PSD	None	No	Affidavit of nonhabitable structure; project-specific environment permits as applicable
Agricultural, horticultural	As required in the Land	No <u>Yes</u>	ASAP	None <u>Ad for PUV</u>	No	Affidavit of nonhabitable

floriculture and silviculture-related bldgs. in a zoning district allowing agricultural as a principal use; structure size ≥5,000 feet ² s.f.	Development Code					structure; project-specific environment permits as applicable
Principal industrial use within a district allowing heavy or light Industrial use as a Principal Use; structure size ≤300 feet ² s.f.	As required in the Land Development Code	Yes	PSD	Ad for PUV	No	Sketch plan; project-specific environment permits as applicable
Principal industrial use within a district allowing heavy or light Industrial use as a Principal Use; structure size >300 feet ² s.f. and ≤10,000 feet ² s.f.	As required in the Land Development Code	Yes	ASAP	Ad for PUV	No	Site plan; project-specific environment permits as applicable
Proposed use or development	Criteria for approval	PUV or RPV <u>RCC</u> required	Review required for approval	Notice requirements	Public meeting requirements	Application content requirements
Change in tenancy without expansion or functional modification	N/A	Yes, to verify that use was originally properly established and allowed in zoning district	None	None Ad for PUV	No	N/A
Change of use without expansion or functional modification, to another use allowed within the zoning district, ≤1,000 feet ² s.f.	Zoning district; life-safety health codes	Yes	PSD None, unless a special exception or restricted use	Public Notice of approval or denial Ad for PUV	No	Project-specific environment permits, as applicable
Change of use without expansion or functional modification, to another use allowed within the zoning district, >1,000 feet ² s.f.	Zoning district; life-safety health codes	Yes	ASAP, unless a special exception or restricted use	Public notice of approval or denial	No	Project specific environmental permits, as needed.
Additional dwelling unit <u>without subdivision</u>	Approved plat or site plan, otherwise as required in the Land Development Code	No, RPV <u>RCC</u> optional	PSD	None	None	Affidavit; project specific environment permits as applicable

Accessory dwelling unit <u>without subdivision</u>	Approved plat or site plan, otherwise as required in the Land Development Code	<u>RPV PUV</u> required	ASAP	<u>None Ad for PUV</u>	<u>Pre-application Presubmittal</u> (optional)	Site plan for ASAP, PSD requires scaled sketch plan ; project specific environment permits as applicable.
Miscellaneous residential accessory structures	Approved plat or site plan, otherwise as required in the Land Development Code	No	PSD	None	None	PSD requires scaled sketch plan; project specific environment permits as applicable.
Other development determined to be below the type A site and development plan review threshold and ≤ 300 <u>feet² s.f.</u> ; and structures accessory to other than single-family, manufactured home, or duplex residential dwellings and ≤ 300 <u>feet² s.f.</u>	Approved plat or site plan, and otherwise as required in the Land Development Code	Yes, except for accessory structures	PSD	<u>Public notice of approval or denial Ad for PUV</u>	No	Scaled sketch plan; information demonstration compliance with Land Development Code standards; project specific environment permits as applicable.
Other development determined to be below the Type A site and development plan review threshold and > 300 <u>feet² s.f.</u> ; and structures > 300 <u>feet² s.f.</u> accessory to other than single-family, manufactured home, or duplex residential dwellings	Approved plat or site plan, otherwise as required in the Land Development Code	Yes	ASAP	<u>Public notice of approval or denial Ad for PUV</u>	<u>Pre-application Presubmittal</u> (optional)	Site plan; project specific environmental permits, as applicable.

1

2 (b) Exceptions specified under the definition of subdivision in Section 10-1.101. Any

3 and all landowner(s) of a parcel that is divided or developed pursuant to this

4 exception shall file an affidavit, on a form approved by the county attorney, with the

5 clerk of the court in the public records of the county. The affidavit shall specify that

6 the property has been modified or subdivided, the number of new parcels, if any,

7 created, the exemption type used for this action, the legal description of the original

8 location of the parcel(s), and the metes and bounds descriptions of each new parcel.

9 A judicial exception based on a court order shall be excepted from site and

10 development plan application but may be required to comply with the Land

1 Development Code. Review of development proposed pursuant to such orders shall
2 be through a process determined by the county administrator or designee.
3

4 (c) Requirements for administrative streamlined application process (ASAP).
5

6 (1) *Accessory dwelling unit.* All ASAP applications for Accessory Dwelling
7 Units shall demonstrate compliance with subsection 10-6.803(b). Review and
8 determination of compliance shall be conducted by the county administrator
9 or their designee. Review may include consultation with other county and
10 affiliated agency technical staff. ~~Pre-application~~ Presubmittal meeting is
11 available at the option of the applicant. Applications shall include a site plan
12 or survey of the subject property along with sufficient information to
13 demonstrate compliance with applicable standards.

14 (2) *1:2 subdivision/lot split, inside the urban service area.* All ASAP
15 applications for 1:2 subdivision/lot split shall demonstrate compliance with
16 article IV, environmental management, article VI, zoning, and division 5 of
17 article VII, substantive standards and criteria, subdivision and site and
18 development plan regulations. Review and determination of compliance shall
19 be conducted by the county administrator or their designee. Review may
20 include consultation with other county and affiliated agency technical staff.
21 Applications shall include a site plan or survey of the subject property along
22 with sufficient information to demonstrate compliance with applicable
23 standards. The application should furnish sufficient information to clearly
24 demonstrate legal access, utility service connections, compliance with zoning
25 district standards, and adequate protection of environmental resources.

26 (3) *Other administrative streamlined applications process applications.* All other
27 ASAP applications shall demonstrate compliance with article IV,
28 environmental management; article VI, zoning; and division 5 of article VII,
29 substantive standards and criteria, subdivision and site and development plan
30 regulations. Review and determination of compliance shall be conducted by
31 the county administrator or their designee. Review may include consultation
32 with other county and affiliated agency technical staff. Applications shall
33 include a site plan or survey of the subject property along with sufficient
34 information to demonstrate compliance with applicable standards. The
35 application should furnish sufficient information to clearly demonstrate legal
36 access, utility service connections, compliance with zoning district standards,
37 and adequate protection of environmental resources. Applications shall be
38 required to furnish a natural features inventory, as set out in article IV, and
39 provide calculations demonstrating compliance with applicable stormwater
40 management standards; waiver or modification of these requirements may be
41 provided by the county administrator or designee. The application should

1 furnish sufficient information to clearly demonstrate compliance with zoning
2 district standards and any precedent development order.

- 3
4 8. *Review process application.* Except for any exception or exemptions specified in this chapter,
5 a site and development plan application is required for review Types A, B, C, and D site and
6 development plans. Application submittal requirements for Types A, B, and C site and
7 development plans are as set forth in section 10-7.402. Application submittal requirements
8 for Type D site and development plans are as set forth in section 10-7.406. The difference
9 between the review types shall also be affected by the level of detail as determined by the
10 county administrator or designee and technical assistance staff, which may be determined at
11 the ~~preapplication conference~~ presubmittal meeting (optional) or quick check. The submittal
12 requirements for site and development plan review are listed below. The county
13 administrator or designee is authorized to waive or modify specific submittal requirements
14 for any site and development plan proposal based on review type, site conditions, and
15 characteristics of the proposed development. When site and development plan applications
16 are to be submitted to the county administrator or designee, the county administrator or
17 designee is also authorized to waive any specific submittal requirements as deemed
18 appropriate.

19 * * *

20
21
22 **SECTION 30.** Section 10-7.403 of Article VII of Chapter 10 of the Code of Laws of Leon
23 County, Florida, entitled "Type A Review," is hereby amended to read as follows:

24
25 **Sec. 10-7.403. Type A review.**

26
27 Type A review shall be applied to those types of site and development plans listed in Table 10-
28 7.1. For the purposes of this section, nonresidential site and development plans include but are
29 not limited to certain commercial, office, institutional, and/or industrial development.

30
31 *Review requirements.*

- 32
33 (a) ~~*Preapplication:* The applicant shall obtain a permitted use verification, as applicable,~~
34 ~~prior to filing a Type A site and development plan application. A preapplication~~
35 ~~meeting with staff shall be scheduled by the applicant. Interested parties are permitted~~
36 ~~to attend and participate in the preapplication meeting. Public notice shall be mailed~~
37 ~~at least five calendar days in advance of the preapplication meeting to the current~~
38 ~~address (based upon the most current tax rolls in the office of the Leon County~~
39 ~~Property Appraiser) of each property owner within 600 feet of the project and to~~
40 ~~neighborhood and business associations. The applicant may schedule a presubmittal~~
41 ~~meeting with the county administrator or designee to discuss the application, the~~
42 ~~procedures for review and approval, and the applicable regulations and requirements~~
43 ~~for the review type. The county administrator or designee may modify or eliminate~~

1 any required information submittals, after documentation, based upon consideration
2 of the complexity of the proposed site and development plan, environmental
3 constraints, existing site conditions, or other relevant submittal items required for
4 review and approval of site and development plans.
5

6 (b) *Application:* The applicant shall submit the required site and development plan to
7 the county administrator or designee. The applicant shall select the proposed
8 project's development review track from the options outlined in section 10-7.402 5.,
9 and proceed accordingly.

10
11 (c) *Determination of completeness:* Within 14 calendar days after receipt of the
12 application for site and development plan approval, the county administrator or
13 designee shall determine whether the application contains all required information
14 set out in section 10-7.402 8. at the required level of detail, and shall advise the
15 applicant of all areas of deficiency. This notification shall specify any additional
16 information and level of detail required in order to meet the requirements of this
17 section. In the event that an applicant fails to submit the required additional
18 information within 30 calendar days of the date of the notice of deficiency, the
19 county administrator or designee shall consider the application to be withdrawn.
20 The county administrator or designee may grant extensions of up to 30 days at the
21 request of the applicant; provided any such request for an extension is received
22 prior to the expiration of the relevant time period.

23
24 (d) *Public notice.* Public notice of the Type A application consistent with the provisions
25 of section 125.66(4)(b)2. and 3. shall be published within seven calendar days of
26 receipt of application. Notice of the application must be prominently posted at the
27 job site. Notice of the application must clearly delineate that an aggrieved or
28 adversely affected person has the right to request a quasi-judicial hearing before a
29 special master, must explain the conditions precedent to the appeal of any
30 development order rendered on the application, and must specify where written
31 procedures can be obtained that describe the process to appeal the decision of the
32 county.

33
34 (e) *Review at application review meeting and decision by county administrator.* The
35 application review committee shall review the application for compliance with
36 applicable regulations; and, if necessary, receive input from any appropriate
37 agencies. The application review committee shall render a written recommendation
38 to the county administrator or designee recommending approving, approving with
39 conditions, or denying the application. The county administrator or designee shall
40 render a written preliminary decision within 14 calendar days from the date that the
41 application is determined complete, pursuant to subsection (c) above. Within five

1 calendar days of the decision, notice of the written preliminary decision shall be
2 provided to the applicant and persons who submitted written comments, provided
3 the person's mailing address is readily ascertainable on the face of the written
4 comments provided.
5

6 (f) *Approval subject to conditions.* Subsequent to the action of the county administrator
7 or designee to approve a Type A site and development plan subject to conditions,
8 the applicant shall furnish for review and verification by the county administrator or
9 designee, a revised site and development plan application, demonstrating
10 compliance with all conditions. The revised site and development plan shall be
11 submitted to the county administrator or designee within 90 days of the date of
12 approval entity's action; however, the applicant may, upon demonstration of good
13 faith effort and hardship that is not self-created, be granted a 90-day extension by
14 the county administrator or designee. Subsequent 90-day extensions may be
15 requested and granted, based on the same criteria. Failure to comply with these time
16 limits shall render the site and development plan application approval expired.
17

18 (g) *Notice of the application review meeting.* Public notice of the application review
19 meeting shall be mailed at least
20 seven calendar days in advance of the meeting to the current address (based upon
21 the most current tax rolls in the office of the Leon County Property Appraiser) of
22 each property owner whose property is located within 600 feet of the project and to
23 registered homeowners associations and business associations of property within
24 600 feet of the project. The public notice shall advise such persons of the
25 application, and specify that input and comments regarding the application should
26 be sent to the ~~department of development support and environmental management~~
27 Department of Development Support and Environmental Management. The public
28 notice shall advise that the application will be reviewed by staff at a public
29 application review meeting and provide the date, time, and place of that meeting.
30 The public notice shall advise that the application will be subject to administrative
31 review and not subject to quasi-judicial provisions. The notice must also include a
32 statement that, as a condition precedent to filing an appeal, one must submit written
33 comments regarding the application to the ~~department of development support and~~
34 ~~environmental management~~ Department of Development Support and
35 Environmental Management prior to the adjournment of the application review
36 meeting at which the written preliminary decision on the development application is
37 made. Required notices may be provided in combination with other notices.
38

39 (h) *Appeals.* The decision of the county administrator or designee shall become final 15
40 calendar days after it is rendered unless an applicant or a person who qualifies as a
41 party, as defined in section 10-7.414 has filed written comments with the

1 ~~department of development support and environmental management~~ Department of
2 Development Support and Environmental Management prior to the adjournment of
3 the meeting at which the decision was rendered, files a notice of intent to file an
4 appeal of a decision on a site and development plan application. Subsequent to the
5 filing of a notice of intent, a petition must be filed within 30 calendar days from the
6 date of rendition of the decision. Petitions shall be made in writing and filed at the
7 ~~department of development support and environmental management~~ Department of
8 Development Support and Environmental Management, and shall include the
9 project name, application number, a description of the facts upon which the
10 decision is challenged, all allegations of inconsistency with the Comprehensive Plan
11 and land development regulations, and any argument in support thereof. Failure to
12 file both a notice and intent or a petition is jurisdictional and will result in a waiver
13 of the hearing. Appeals heard by a special master will be conducted in accordance
14 with the procedures outlined in section[s] 10-7.414 and 10-7.415
15

16 **SECTION 31.** Section 10-7.404 of Article VII of Chapter 10 of the Code of Laws of Leon
17 County, Florida, entitled "Type B Review," is hereby amended to read as follows:
18

19 **Sec. 10-7.404. Type B review.**
20

21 Type B review shall be applied to the types of site and development plans listed in Table 10-7.1.
22 For the purpose of this section, nonresidential site and development plans include, but are not
23 limited to, commercial, office, institutional, and industrial development.

24 *Review requirements.*

25 (a) ~~Preapplication. The applicant shall obtain a permitted use verification, as applicable,~~
26 ~~prior to filing a Type B site and development plan application. The applicant shall~~
27 ~~schedule an appointment and meet with the county administrator or designee and~~
28 ~~technical assistance staff to discuss the application, the procedures for review and~~
29 ~~approval, and the applicable regulations and requirements for the review type. The~~
30 ~~county administrator or designee shall determine the level of application detail and~~
31 ~~specific methodologies required for petitions seeking Type B development approval.~~
32 ~~Interested parties are permitted to attend and participate in the preapplication meeting.~~
33 ~~Public notice shall be mailed at least five calendar days in advance of the~~
34 ~~preapplication meeting to the current address (based upon the most current tax rolls in~~
35 ~~the office of the Leon County Property Appraiser) of each property owner within 800~~
36 ~~feet of the project and to neighborhood and business associations. The applicant may~~
37 schedule a presubmittal meeting with the county administrator or designee to discuss
38 the application, the procedures for review and approval, and the applicable
39 regulations and requirements for the review type. The county administrator or
40 designee may modify or eliminate any required information submittals, after

1 documentation, based upon consideration of the complexity of the proposed site and
2 development plan, environmental constraints, existing site conditions, or other
3 relevant submittal items required for review and approval of site and development
4 plans.
5

6 (b) *Application.* The applicant shall select the proposed project's development review
7 track from the options outlined in subsection 10-7.402 5. and proceed accordingly.
8 The applicant shall submit the required site and development plan to the county
9 administrator or designee for distribution to the DRC. Notice of the application
10 shall be as set forth in subsection 10-7.402 6.(d).
11

12 (c) *Determination of completeness.* Within ten working days after receipt of the
13 application for site and development plan approval, the county administrator or
14 designee shall determine whether the application contains all required information at
15 the required level of detail; and shall advise the applicant of all areas of deficiency.
16 This notification shall specify the additional information and level of detail required
17 in order to meet the requirements of this section. In the event that an applicant fails
18 to submit the required additional information within 30 calendar days of the date of
19 the notice of deficiency, the county administrator or designee shall consider the
20 application to be withdrawn. The county administrator or designee may grant
21 extensions of up to 30 days at the request of the applicant; provided any such
22 request for an extension is received prior to the expiration of the relevant time
23 period. Upon a determination of completeness, the county administrator or designee
24 shall refer the application to the DRC.
25

26 (d) *Public notice of application.* Public notice of the Type B application shall be
27 published consistent with the provisions of [F.S. §] 125.66(4)(b)2. and 3. within
28 seven calendar days of receipt of application and mailed to each property owner,
29 based upon the most current tax rolls in the Office of the Leon County Property
30 Appraiser, owning property within 800 feet of the project and to registered home
31 owners associations and business associations of property within 800 feet of the
32 project. Notice of the application must be prominently posted at the job site. Notice
33 of the application must clearly delineate that an aggrieved or adversely affected
34 person has the right to request a quasi-judicial hearing before a special master, must
35 explain the conditions precedent to the appeal of any development order rendered
36 on the application, and must specify where written procedures can be obtained that
37 describe the process to appeal the decision of the county. Required notices may be
38 provided in combination with other notices.
39

40 (e) *DRC meeting notice.* Public notice of the DRC meeting shall be given at least seven
41 calendar days in advance of the meeting by publication in a newspaper of regular

1 and general circulation in the county. In addition, written notice shall be mailed at
2 least five calendar days in advance of the DRC meeting to the current address
3 (based upon the most current tax rolls in the office of the Leon County Property
4 Appraiser) of each property owner within 800 feet of the project and to registered
5 neighborhood and business associations of property located within 800 feet of the
6 project. Notices shall advise such persons of the application, and specify that the
7 application will be reviewed by staff at a public DRC meeting and provide the date,
8 time, and place of that meeting. The public notice shall also advise that no
9 testimony may be heard by the DRC at their meeting since it is an administrative
10 review and not subject to quasi-judicial provisions. Notices must state that an
11 aggrieved or adversely affected person has the right to request a quasi-judicial
12 hearing, and must also include a statement that, as a condition precedent to filing an
13 appeal, one must submit written comments regarding the application to the clerk of
14 the DRC prior to the adjournment of the DRC meeting at which the written
15 preliminary decision on the development application is made. Required notices may
16 be provided in combination with other notices.
17

18 (f) *DRC meetings.* No testimony shall be received from any applicant or member of the
19 public during the course of the DRC meeting, although written comments may be
20 provided to the DRC and the meetings shall be open to public attendance. Each
21 member of the DRC is responsible for providing proposed written findings which
22 identify whether a development meets the applicable criteria and standards of this
23 chapter and those imposed by other applicable ordinances, regulations and/or
24 adopted standards of the county. The proposed written findings shall be transmitted
25 to other members of the DRC, the applicant, and made available for public
26 inspection at least one working day prior to consideration by the DRC. The
27 proposed written findings shall be the basis for a recommendation by each DRC
28 member for the DRC as a whole to issue a written preliminary decision to approve,
29 approve with conditions, or deny the application. Absent a written preliminary
30 decision, the DRC may continue consideration of an application to a date and time
31 certain.
32

33 (g) *DRC review.* The DRC shall review the application at any scheduled meeting, and
34 shall prepare and submit to the county administrator or designee a written
35 preliminary decision including an itemized list of findings of fact which support the
36 preliminary decision of approval, approval with conditions, or denial of the
37 application; or shall request additional material and data determined to be necessary
38 to undertake the required review and continue its review to a date and time certain.
39 Within five calendar days of the decision, notice of the written preliminary decision
40 shall be provided to the applicant and persons who submitted written comments,
41 provided the person's mailing address is readily ascertainable on the face of the

1 written comments provided. The written preliminary decision of the DRC shall
2 include a statement that an aggrieved or adversely affected person may request a
3 quasi-judicial hearing pursuant to paragraph (h) herein.
4

5 (h) *Conditional approval.* Subsequent to the action of the DRC to approve a Type B
6 site and development plan subject to conditions, the applicant shall furnish for
7 review and verification by the DRC or their designee, a revised site and
8 development plan application, demonstrating compliance with all conditions. The
9 revised site and development plan shall be submitted to the DRC or their designee
10 within 90 days of the date of approval entity's action; however, the applicant may,
11 upon demonstration of good faith effort and hardship that is not self-created, be
12 granted a 90-day extension by the DRC or designee. Subsequent 90-day extensions
13 may be requested and granted, based on the same criteria. Failure to comply with
14 these time limits shall render the site and development plan application approval
15 expired.
16

17 (i) *Appeals.* The written preliminary decision of the DRC shall become final 15
18 calendar days after it is rendered unless a person who qualifies as a party, as defined
19 in section 10-7.414, and who has filed written comments with the ~~department of~~
20 ~~development support and environmental management~~ Department of Development
21 Support and Environmental Management prior to the adjournment of the meeting at
22 which the decision was rendered files a notice of intent to file an appeal of a
23 decision on a site and development plan application. Subsequent to the filing of a
24 notice of intent, a petition must be filed within 30 calendar days from the date of
25 rendition of the DRC's decision. Petitions shall be made in writing and directed to
26 the clerk of the DRC, and shall include the project name, application number, a
27 description of the facts upon which the decision is challenged, and all allegations of
28 inconsistency with the Comprehensive Plan and land development regulations, and
29 any argument in support thereof. Failure to file both a notice of intent and a petition
30 is jurisdictional and will result in a waiver of the hearing. Hearings before a special
31 master will be conducted in accordance with the procedures outlined in section[s]
32 10-7.414 and 10-7.415
33

34 **SECTION 32.** Section 10-7.405 of Article VII of Chapter 10 of the Code of Laws of Leon
35 County, Florida, entitled "Type C Review," is hereby amended to read as follows:
36

37 **Sec. 10-7.405. Type C review.**

38 Type C review shall be applied to the types of site and development plans listed in Table 10-7.1.,
39 and to all site and development plans listed as special exception uses within any zoning district.
40 For the purpose of this section, nonresidential site and development plans include, but are not
41 limited to, commercial, office, institutional, and industrial development.

1 plan by the applicant. Any DRC member may, however, refer any minor modification that
2 significantly affects the development's compliance with the purpose of this Code to the DRC
3 for treatment as a major modification. Minor modifications may not become effective until
4 24 hours after notice is provided to each DRC member of the proposed minor modification.
5 The time frame for effectiveness of any minor modification may be stayed upon request of a
6 DRC member if a proposed minor modification is referred to the DRC members.
7

8 3. *Major modifications:* If the proposed or ongoing work is found to have one or more
9 modifications, the ~~growth and environmental management department~~ Department of
10 Development Support and Environmental Management shall:
11

- 12 (a) Refer the matter for consideration to the next agenda of the DRC, allowing for
13 adequate notice, and recommend appropriate action for the DRC to take. An
14 applicant shall be required to pay any and all applicable fees.
- 15 (b) Issue a stop-work order and/or refuse to allow occupancy of all or part of the
16 development if deemed necessary to protect the public's health, safety, and welfare.
17 The order shall remain in effect until the ~~growth~~ development support and
18 environmental management department or public works department, as applicable,
19 determines that work or occupancy may proceed pursuant to the decision of the
20 DRC.
- 21 (c) Refer the matter to a county code inspector, if it appears that the developer has
22 committed violations within the jurisdiction of the county code enforcement board.
- 23 (d) If the ~~growth and environmental management department~~ Department of
24 Development Support and Environmental Management or public works department,
25 as applicable, refers a matter pursuant to subsection (3)(a) above, the DRC shall
26 hold a public meeting on the matter and shall take one of the following actions:
 - 27 (i) Order the developer to bring the development into substantial compliance
28 (that is, having no or only minor modifications) within a reasonable period
29 of time. Any development order or permit shall be revoked if this order is
30 not complied with.
 - 31 (ii) Amend the development order or permit to accommodate adjustments to the
32 development made necessary by technical or engineering considerations
33 first discovered during actual development and not reasonably anticipated
34 during the initial approval process. Amendments shall be the minimum
35 necessary to overcome the difficulty, and shall be consistent with the intent
36 and purpose of the development approval given and the requirements of this
37 Code.
 - 38 (iii) Revoke the relevant development order or permit based on a determination
39 that the development cannot be brought into substantial compliance and that
40 the development order or permit should not be amended to accommodate the
41 modifications.

1
2 **SECTION 34.** Section 10-7.525 of Article VII of Chapter 10 of the Code of Laws of Leon
3 County, Florida, entitled “Water and sewer charges,” is hereby amended to read as follows:
4

5 **Sec. 10-7.525. Water and sewer charges.**
6

7 Water and sewer system charges collected by the ~~department of growth and environmental~~
8 ~~management~~ Department of Development Support and Environmental Management for the
9 benefit of county franchisees shall be paid prior to the issuance of a building permit or tap,
10 whichever is first. Water and sewer systems charges shall not be made for development
11 proposals that are served by existing on-site well and/or septic systems which are determined to
12 be functioning properly and do not require repair or substantial modification as determined by
13 the county public health unit.
14

15 **SECTION 35.** Section 10-7.542 of Article VII of Chapter 10 of the Code of Laws of Leon
16 County, Florida, entitled “Parking standards committee,” is hereby amended to read as follows:
17

18 **Sec. 10-7.542. Parking standards committee.**
19

20 There is hereby established a parking standards committee comprised of the planning director,
21 the ~~growth and environmental management~~ Development Support and Environmental
22 Management director and the public works director, or their respective designees. The parking
23 standards committee shall meet on an as-needed basis to approve, approve with conditions, or
24 deny requests and applications as provided for in this article.
25

26 **SECTION 36.** Section 10-7.545 of Article VII of Chapter 10 of the Code of Laws of Leon
27 County, Florida, entitled “Number of off-street parking spaces,” is hereby amended to read as
28 follows:
29

30 **Sec. 10-7.545. Number of off-street parking spaces.**
31

- 32 (a) The standard number of off-street parking spaces required for specific land uses is
33 established in schedule 6-2, below. The actual number of parking spaces provided in
34 association with any proposed use may, at the developer's discretion, be equivalent to a
35 range of number of parking spaces based upon the zoning district in which the
36 development is located, pursuant to the following table:
37

Zoning District	Allowed Number of Parking Spaces
R, UF, LTRUF, RC, WRC <u>WC</u> , LP, RP, RA, OS, OA-1	95%—100% of standard in schedule 6-2 up to 5% may be allowed over the standard, but shall be of an approved pervious material.
R1, R2, R3, R4, R5, OR-1, MH, MRC	85%—100% of standard in schedule 6-2 up to 10% may be allowed over the standard, but shall be of an approved pervious material.
OR-2, MR-1, C-1, BC-1, BOR, M-1, I, MRCN, NBO	80%—100% of standard in Schedule 6-2 up to 15% may be allowed over the standard, but shall be of an approved pervious material.
AC, BC-2, BCS, OR-3, CM, C-2, CP, IC,	75%—100% of standard in schedule 6-2 up to 15% may be allowed over

UP-1, UP-2	the standard, but shall be of an approved pervious material.
DRI, PUD	Development-specific schedule to be included in approved development application.

1 Any deviation from the range of required parking established within the table above,
2 would require approval or approval with conditions by the parking standards committee.

3 Surface parking areas in excess of the standard identified in schedule 6-2 of this division
4 shall be of an approved pervious material, unless determined that pervious material
5 would be more damaging to the environment or would not comply with accessibility
6 requirements.

7 **SCHEDULE 6-2**
8 **Required Parking Spaces**

	Use	Minimum Off-Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
RESIDENTIAL					
1.	Conventional detached	1,2 and 3 bedrooms: 1.5 spaces/unit* ** 4 bedrooms: 2 spaces/unit* **	100/0	0	* If on-street parking is not permitted or is restricted on the unit's street frontage, then 1 visitor parking space shall be required. The visitor space shall be located not more than 100 feet from the unit's street frontage. ** Resident parking spaces may be tandem.
2.	Cluster/multifamily development: -Resident parking*	1 Studio/bedroom: 1 space/unit 2, 3 or more bedrooms: 1.5 spaces/unit	100/0	0.10 per required parking space	* Resident parking spaces may be tandem. ** On-street parking provided in accordance with the dimensions required for parallel spaces may count toward visitor parking requirements. These spaces must be located within the maximum distances specified in section 10-7.544(d)(2).
	Visitor parking**	0.5 space/unit	50/50		
3.	Housing for the elderly	To be determined by the parking standards committee*			* Developer shall submit a parking study.
4.	Mobile home parks				* Resident parking spaces

					may be tandem.
-Resident parking*	1.5 spaces/unit	100/0	0		
-Visitor parking**	0.25 spaces/unit	50/50			** On-street parking provided in accordance with the dimensions required for parallel spaces may count toward fulfilling visitor parking requirements. These spaces must be located within the maximum distances specified in section 10-7.544(d)(2).

COMMERCIAL

5.	Uses located in commercial shopping centers	1 space/350 square feet of gross floor area	70/30	0.10 per required parking space	
6.	Auto repair/service station	2 per service bay plus 1 per 2,000 square feet of gross floor area	70/30	0	
7.	Auto sales	1 space/400 square feet of gross floor area*	70/30	0	* Areas for vehicle display shall utilize pervious material to the greatest extent possible.
8.	Auto washing	1 space/washing stall	70/30	0	
9.	Barbershops or beauty parlors	1 space/250 square feet of gross floor area	70/30	0.10 per required parking space	
10.	Bank, savings and loan	1 space/400 square feet of gross floor area	70/30	0.10 per required parking space	
11.	Hotel, motel	.75 space per unit	70/30	0	
12.	Lumberyards, nurseries	1 space/350 square feet of gross floor area for retail sales plus 1 space/2,000 square feet of outdoor area devoted to displays and storage	70/30	2	
13.	Offices:			0.10 per required parking space	* For on-site parking facilities containing 1,000 or more parking spaces, the parking requirement shall be 1 space per 500 square feet of gross floor area for parking spaces required in excess of 1,000.
	-Administrative business and professional	1 space/350 square feet of gross floor area*	50/10		
	- Government	1 space/350 square feet of gross floor area*	50/50	0.05 per required parking space	
14.	Restaurants:				
	-All restaurants except fast food	1 space/200 gross square feet of floor area up to 6,000 gross square feet plus 1 space/150 gross square feet of floor area over 6,000 square feet	70/30	0.10 per required parking space	
	-Fast food restaurant	1 space/350 square feet of	70/30	0.25 per	

		gross floor area		required parking space	
15.	Retail, general (i.e. department stores, markets, etc.)	1 space/350 square feet of gross floor area	70/30	0.10 per required parking space	
16.	Retail, furniture and appliance	1 space/1000 square feet of gross floor area	70/30	0.05 per required parking area	
17.	Elementary and junior high schools	1.5 spaces/classroom	70/30	5.00 per required parking space*	* Bicycle spaces for teachers and visitors should be separate from spaces for students.
18.	Senior high schools	3.25 spaces/classroom	70/30	2.50 per required parking space	
19.	Colleges	3.25 spaces/classroom	70/30	3.00 per required parking space	
20.	Convenience food stores	1 space/300 square feet of gross floor area	70/30	0.10 per required parking space	

HEALTH SERVICES

21.	Convalescent and nursing homes	1 space/4 beds	70/30	0.10 per required parking space	
22.	Medical and dental offices and clinics, veterinary hospitals and clinics	1 space/250 square feet of gross floor area	70/30	0.5 per required parking space	

INDUSTRIAL USES

23.	Manufacturing	1 space/750 square feet of gross floor area devoted to manufacturing for the first 20,000 square feet plus the required parking for area devoted to other uses; 1 space/2,000 square feet for the second 20,000 square feet. 1 space/4,000 square feet for floor area in excess of 40,000 square feet	50/50	0.10 per required parking space	
24.	Warehouse	1 space/1,000 square feet of gross floor area for the first 20,000 square feet devoted to warehousing plus the required footage devoted to other uses. 1 space/2,000 square feet for the second 20,000 square feet. 1 space/4,000 square feet for floor	50/50	.05 per required parking space	

		area in excess of 40,000 square feet			
25.	Reserved				

ENTERTAINMENT AND RECREATION

26.	Arcades, games	1 space/300 square feet of gross floor area	70/30	0.20 per required parking space	
27.	Bowling alleys, billiard halls	3 spaces/alley plus 1.5 for each billiard table plus required parking for other uses on the site	70/30	0.20 per required parking space	
28.	Commercial stables	1 space/5 stalls boarded on the site	70/30	0.10 per required parking space	
29.	Driving range (golf)	1 space/tee plus required parking for any other uses on the site	70/30	0.10 per required parking space	
30.	Golf course (regulation)	5 spaces/hole plus required parking for any other uses on the site	70/30	0.10 per required parking space	
31.	Miniature golf	1 space/3 holes plus required parking for any other uses on the site	70/30	0.10 per required parking space	
32.	Parks (public or private)	To be determined by the parking standards committee*	70/30		* Developer must submit a parking study.
33.	Skating rinks	1 space/300 square feet of gross floor area	70/30	0.25 per required parking space	
34.	Tennis, handball and racquetball facilities	2 spaces/court plus required parking for additional uses on the site	70/30	0.25 per required parking space	
35.	Health club	1 space/ 200 square feet of gross floor area*	70/30	0.25 per required parking space	* Swimming pool shall be counted as floor area.
36.	Theaters, movies: - Single screen	1 space/4 seats	70/30	0.10 per required parking space	
	-Multiscreen	1 space/4 seats			

MISCELLANEOUS

37.	Auditoriums	1 space/200 square feet of gross floor area	70/30	0.10 per required parking space	
38.	Churches and other	1 space/200 square feet of	70/30	0.10 per	* May be all pervious

	<u>spaces of public assembly</u>	chapel, sanctuary or assembly area*		required parking space	material unless determined by parking standards committee to require impervious parking
39.	Day care, preschools, nursery schools	1 space/300 square feet of gross floor area, if adequate drop-off facilities are provided*	70/30	0.10 per required parking space	* Drop-off facilities must be designed to accommodate a continuous flow of passenger vehicles to load and unload children safely. The adequacy of drop-off facilities shall be determined by the transportation engineer based on standard traffic safety principles.
40.	Model home	2 spaces/model home plus 1 space/salesperson * **	100/0	0	* Salesperson space may be a vacant garage space in the model home. ** On-street parking adjacent to the site frontage may count toward fulfilling required parking if doing so does not produce a shortage or residential parking or obstruct traffic.
41.	Utilities	To be determined by the parking standards committee*			* Developer must submit a parking study.
42.	Libraries	To be determined by the parking standards committee*	70/30	0.20 per required parking space	* Developer must submit a parking study.

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(b) For any use not listed in schedule 6-2, the county administrator or designee, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

SECTION 37. Section 10-7.603 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Submittal," is hereby amended to read as follows:

Sec. 10-7.603. Submittal.

While the approval of a site and development plan is in effect, the applicant may submit the plat for approval to the county in the following order:

1. The developer or representative shall submit the plat, so marked, to the Leon County Public Works Department, at which time it will be considered for approval. The plat shall be submitted not more than 36 months after the date on which the site and development plan was approved, otherwise such request and approval shall be deemed null and void unless a written extension of this time limit has been granted by

1 the county administrator or designee for just cause on or before the 36th month
2 anniversary of the approval of the site and development plan.

3
4 2. The planning department or the ~~growth and environmental management department~~
5 Department of Development Support and Environmental Management, appropriate,
6 shall notify the developer in writing whether the plat, as submitted, conforms to the
7 approved site and development plan. This document then shall be forwarded by the
8 planning department or the ~~growth and environmental management department~~
9 Department of Development Support and Environmental Management, as
10 appropriate, to the county engineer.

11
12 3. The developer or representative shall then submit the original plat to the county
13 engineer in a manner to allow for the review of the plat for consistency with respect
14 to any easements, design standards, and requirements of applicable county codes, and
15 shall also submit a current title opinion for the subject property, including any
16 joinders.

17
18 **SECTION 38.** Section 10-8.106 of Article VIII of Chapter 10 of the Code of Laws of Leon
19 County, Florida, entitled "Permit certification requirements," is hereby amended to read as
20 follows:

21
22 **Sec. 10-8.106. Permit certification requirements.**

23
24 All real property identified as subject to flooding and as special flood hazard areas by the Flood
25 Insurance Study (FIS), FIRM's (dated August 18, 2009), FHBM's and FBFM's promulgated by
26 the Federal Emergency Management Agency or the Department of Housing and Urban
27 Development, Federal Insurance Administration and any subsequent revisions thereto, which are
28 hereby adopted by reference and declared to be a part of this article, is subject to the permitting
29 provisions hereof. All other real property shall require certification as set forth in Subsection 10-
30 8.202(1). The FIS and FIRMs are on file at the Leon County Department of ~~Growth and~~
31 Environmental Management Office Development Support and Environmental Management.

32
33 **SECTION 39.** Section 10-8.202 of Article VIII of Chapter 10 of the Code of Laws of Leon
34 County, Florida, entitled "Certification for certain construction," is hereby amended to read as
35 follows:

36
37 **Sec. 10-8.202. Certification for certain construction.**

38
39 Every application for a development permit for new construction shall be accompanied by a
40 flood certificate from a professional civil engineer licensed in the state unless the application is
41 for an accessory structure less than 300 square feet. The certificate at a minimum shall have the
42 following information submitted to the county:

- 43
44 (1) The certificate shall certify one of the following statements:
45 a. All of the property is at or above the flood protection elevation as set forth
46 in subsections (1), (2), (3), and (4) of the flood protection elevation

1 definition in section 10-1.101.

- 2 b. Some or all of the property is located below the 100-year flood elevation
3 (base flood elevation). The base flood elevation must be provided along
4 with the flood protection elevation and the required lowest floor elevation.
5 c. All of the property is located at or above the 100-year flood elevation
6 (base flood elevation), but some or all of the property is lower than the
7 flood protection elevation as set forth in subsections (1), (2), (3), and (4)
8 of the flood protection elevation definition in section 10-1.101. The base
9 flood elevation must be provided along with the flood protection elevation
10 and the required lowest floor elevation.

- 11
12 (2) Where appropriate, the certificate may certify one of the following statements:
13 a. The location of the proposed building is in an area of the parcel that is at
14 or above the 100-year (base flood) elevation as determined by a site plan
15 with building location shown; or
16 b. The following narrative describes the area of the parcel that is at or above
17 the 100-year (base flood) elevation. This statement should be followed by
18 a layman's description of the area outside of the floodplain.

19
20 ~~(3)e.~~ The Flood Insurance Rate Map (FIRM) panel number on which the property is
21 located.

22
23 ~~(4)d.~~ The parcel ID number.

24
25 ~~(5)e.~~ The designated zone for the parcel from the FIRM maps.

26
27 ~~(6)f.~~ A statement certifying that the site has been visited by the engineer.

28
29 ~~(7)g.~~ The flood certificate must be signed and sealed by a professional civil engineer
30 licensed in the state in accordance with 61G15-23.002 F.A.C. The certificate will
31 not be accepted if it is older than five years.

32
33 ~~(8)h.~~ The engineer shall review all potential flood information sources to make a
34 determination as to whether the property is located within a flood zone. At a
35 minimum, the following sources must be reviewed:

36 ~~(a)1.~~ Topographic information in two-foot or four-foot contour intervals.

37 ~~(b)2.~~ FIRM maps and accompanying flood profiles.

38 ~~(c)3.~~ Any study or model available through the county files that would have
39 pertinent flood elevation information.

40 ~~(d)4.~~ Any plat, subdivision, site plan or environmental permit file that would
41 have pertinent flood elevation information.

42 ~~(e)5.~~ Aerial photos.

43
44 ~~(9)i.~~ If any portion of the parcel is located in a flood area other than zone AE, whether
45 FEMA designated or not, the engineer shall determine an appropriate base flood
46 elevation, a corresponding flood protection elevation, and a required minimum

1 lowest floor elevation. Supporting documentation for the base flood elevation
2 must also be submitted with the flood certificate. At a minimum the following
3 must be done:

- 4 (a)~~1~~- Topographic information must be reviewed with two-foot contour
5 intervals. This information should be submitted with the flood certificate.
6 Upstream and downstream constrictions should be analyzed.
7 (b)~~2~~- Review any model or plat available through the county files that would
8 have pertinent base flood elevation information.
9 (c)~~3~~- Where sufficient information is not conclusive for determining a base
10 flood elevation for a FIRM designated A zone, the elevation should be
11 determined as identified in FEMA's publication titled: "Managing
12 Floodplain Development in Approximate Zone A Areas", April 1995 or its
13 successor.
14

15 **SECTION 40.** Section 10-9.303 of Article IX of Chapter 10 of the Code of Laws of Leon
16 County, Florida, entitled "Maximum number of off-site signs allowed within the unincorporated
17 county," is hereby amended to read as follows:
18

19 **Sec. 10-9.303.**
20

- 21 (a) *Off-site signs inventory will be maintained by Leon County. The ~~department of growth and~~
22 ~~environmental management~~ Department of Development Support and Environmental
23 Management will maintain an annual inventory of off-site signs within the unincorporated
24 portion of Leon County. Leon County will conduct an annual audit of permits issued for
25 off-site signs to determine the current number of such signs within the unincorporated
26 portion of Leon County. Signs located within areas subsequently annexed into corporate
27 municipal limits shall be deleted from the county's inventory of off-site signs.
28*
- 29 (b) *The Maximum number of permitted off-site signs shall be equivalent to the number in the*
30 *inventory. The maximum number of off-site signs allowed within the county shall be*
31 *limited to the number of signs included in the off-site sign inventory.*
32

33 **SECTION 41.** Section 10-9.306 of Article IX of Chapter 10 of the Code of Laws of Leon
34 County, Florida, entitled "Procedural requirements to obtain a new off-site sign," is hereby
35 amended to read as follows:
36

37 **Sec. 10-9.306. Procedural requirements to obtain a new off-site sign.**
38

39 A building permit for the construction of a new off-site sign may be issued only after the
40 removal of one existing off-site sign with its supporting structure. Confirmation of removal of an
41 existing off-site sign shall be on file in the Leon County Department of ~~Growth and~~
42 ~~Environmental Management~~ Development Support and Environmental Management prior to
43 issuance of a building permit to construct a new sign. Such documentation shall be in the form of
44 a site inspection by county staff. Upon documentation of the removal of an off-site sign with its
45 supporting structure, a certificate shall be issued by Leon County for each off-site sign and

1 structure removed. The certificate of removal (COR) shall allow the holder to apply for a permit
2 for construction of a sign having a surface area no greater than that of the sign removed. The
3 owner of the certificate may hold the certificate, redeem it as a prerequisite for a building permit
4 to construct a new off-site sign, or convey the certificate to a third party.

5
6 **SECTION 42.** Section 10-11.105 of Article XI of Chapter 10 of the Code of Laws of Leon
7 County, Florida, entitled “Street Names,” is hereby amended to read as follows:

8
9 **Sec. 10-11.105. Street names.**

10
11 All streets as defined herein, in both the unincorporated and incorporated area of Leon County
12 shall be named, including private-to-private accesses, for the purposes of emergency response
13 (E-9-1-1) location. Street names shall be developed and assigned, in accordance with the uniform
14 street naming and property numbering system, according to the following requirements:

- 15 (1) *Authority.* The Leon County Board of County Commissioners has designated the
16 Leon County ~~Growth and Environmental Management Department~~ Department of
17 Development Support and Environmental Management, to assign street names to all
18 streets within the incorporated and unincorporated areas of Leon County. Citizens
19 who desire to name streets must complete a street name application provided by
20 Leon County.
21
- 22 (2) *Existing rights-of-way and road easements.* When any existing public right-of-way
23 or private road easement is determined consistent with the definitions contained in
24 this [article] ordinance, Leon County shall assign or coordinate a name to such
25 street. Such public streets shall be identified with street signs provided by the
26 appropriate local government jurisdiction.
27
- 28 (3) *New and proposed public rights-of-way and private road easements.* When any new
29 street is constructed as a public right-of-way or private road easement, Leon County
30 shall have full authority to assign or coordinate the street name. Such public streets
31 and private streets which result from new development or subdivision shall be
32 identified by street signs specified by the appropriate local government agency.
33 Costs of the sign shall be the obligation of the person(s) applying for the
34 development permit for construction of the street, and satisfaction of such
35 obligation shall be made a condition of the development permit. Certificates of
36 occupancy shall not be issued until all required all street signs required by this
37 provision are properly installed.
38
- 39 (4) For private road easements, or fee simple situations created by a subdivision of
40 lands, the subdivider, at his or her expense, shall provide and post the required
41 street signs when they are not directly adjoining existing public rights-of-way.

1 These street signs must be erected in accordance with specifications set forth by the
2 appropriate local government agency. Final subdivision plats will be recorded with
3 the assigned street names indicated on the final plat. Certificates of occupancy shall
4 not be issued until and unless street signs required are properly installed. The
5 applicable local government is responsible for verifying the placement and
6 installation of all street signs.
7

8 **SECTION 43.** Section 10-11.107 of Article XI of Chapter 10 of the Code of Laws of Leon
9 County, Florida, entitled "Administration and number assignment," is hereby amended to read as
10 follows:
11

12 **Sec. 10-11.107. Administration and number assignment.**
13

14 The city ~~and county growth and environmental management departments~~ Growth Management
15 Department and the Leon County Department of Development Support and Environmental
16 Management shall be responsible for managing, coordinating, and maintaining the property
17 numbering maps in accordance with the uniform street naming and property numbering system.
18

- 19 (1) *Address numbers.* All new principal buildings and all new activities involving uses
20 of land without principal buildings shall be assigned address numbers by the
21 appropriate local government agency. For principal uses of land without principal
22 buildings, or any other permitted activity or approval requires the posting of the
23 assigned address numbers by the time the final electrical inspection is conducted.
24 The assigned address number shall be displayed as indicated in the Uniform Street
25 Naming and Property Numbering System Ordinance. For principal buildings, final
26 electrical inspections and certificates of occupancy will be issued after the assigned
27 address number or numbers are displayed as provided in the uniform street naming
28 and property numbering system policies and procedures. The following criteria
29 shall be used to assign address numbers:
30

- 31 a. Numbers should be assigned according to the adopted policies and
32 procedures, using the grid system illustrated on the General Highway Map.
33 The grid is established by the Tallahassee Meridian (the numbering meridian
34 line has been established as the road segment of Meridian Road North and
35 South) and the Tallahassee Base line (the numbering base line has been
36 established as the road segment of Tharpe Street through to Buck Lake Road).
37 The grid lines are based on the established section lines at one mile intervals
38 with each line representing 1,000 addresses.
39

1 **SECTION 44.** Section 10-11.108 of Article XI of Chapter 10 of the Code of Laws of Leon
2 County, Florida, entitled "Authorization for address corrections," is hereby amended to read as
3 follows:
4

5 **Sec. 10-11.108. Authorization for address corrections.**
6

7 The county administrator and/or city manager or designee is hereby directed to require changes
8 as necessary in existing street names and street address numbers, so as to bring such names and
9 numbers into reasonable conformance with the property numbering maps and the adopted
10 uniform street naming and property numbering system policies and procedures.
11

12 (1) *Standards for renaming and renumbering.* Any changes in the names of streets
13 must be approved by the Board of County Commissioners. The county
14 administrator and the city manager shall require address numbers to be changed to
15 streets which are not in reasonable conformance with this article. Street name
16 changes may be required by the Board of County Commissioners only if they
17 duplicate or are phonetically similar to or are otherwise easily confused with other
18 street names in the same response area for the "Enhanced 9-1-1 Emergency
19 Telephone System." Street and address number changes shall be coordinated, to the
20 extent possible, with the City of Tallahassee. When one of two duplicated or
21 phonetically-similar or otherwise confusing street names must be changed the
22 appropriate adopted policies and procedures will be followed.
23

24 (2) *Street renaming.*
25

26 a. When any street is to be renamed pursuant to the requirements of this article,
27 the Leon County ~~Growth and Environmental Management Department~~
28 Department of Development Support and Environmental Management shall
29 notify by mail all property owners, as set forth in the most recent county tax
30 rolls, whose lands abut such street, and shall make a reasonable attempt by
31 public notice to notify the residents or businesses occupying such lands, that
32 the street will be renamed. Cost of all installation of signs shall be the
33 responsibility of appropriate local government. This includes public and
34 private streets regardless of its intersections to public or private streets.

35 b. Public notices of the new street name shall be provided in the form of a
36 display advertisement to run in a local public newspaper of general circulation
37 at least 30 days prior to the effective date of change. The advertisement will
38 identify the change of the street name and the effective date of the change.
39 The cost associated for the implementation of this action will be that of the
40 appropriate local government agency as set forth in this article.

41 c. For street number changes without street name changes. The city manager and
42 or county administrator or their designees shall notify by mail the affected
43 property owners, as shown on the latest tax rolls, of any street number
44 changes and the effective date of the change.
45

1 (3) *Contents of notice.* The notices provided for in subsection 10-11.108(2)b. above,
2 shall clearly identify the change in street name as it affects each property owner
3 and/or occupant; shall identify the effective date of the change; and shall set forth
4 the property owner's and occupant's obligations pursuant to this article.
5

6 (4) *Recorded plats.* Notwithstanding any other provisions to the contrary in Chapter 10
7 of the Leon County Code of Laws, the county administrator or their designee is
8 authorized to record a document in a form approved by the county attorney that
9 would notify property owners, in recorded final plats in Leon County, when street
10 names that are specifically listed on the recorded final plat are changed or otherwise
11 modified in accordance with the terms and conditions of the Leon County/City of
12 Tallahassee Street Naming and Uniform Property Numbering Ordinance. The form
13 of the document shall list the plat book and page number of the recorded final plat
14 being referred to along with the former and newly designated street name. In no
15 event shall a replat be required of the recorded final plat for the purposes of the
16 street naming change.
17

18 **SECTION 45.** Conflicts. All ordinances or parts of ordinances in conflict with the provisions
19 of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of
20 this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County
21 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this
22 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.
23

24 **SECTION 46.** Severability. If any section, subsection, sentence, clause, phrase or portion of
25 this article is for any reason held invalid or unconstitutional by any court of competent
26 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and
27 such holding shall not affect the validity of the remaining portions of this Ordinance.
28

29 **SECTION 47.** Effective date. This ordinance shall be effective according to law.
30

31 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
32 Florida, this 10th day of June, 2014.
33

34
35 LEON COUNTY, FLORIDA

36
37 BY: 
38 _____
39 KRISTIN DOZIER, CHAIRMAN
40 BOARD OF COUNTY COMMISSIONERS
41
42
43



1 ATTEST:
2 BOB INZER, CLERK OF THE COURT
3 AND COMPTROLLER
4 LEON COUNTY, FLORIDA
5

6
7 BY: John Stott, Deputy Clerk
8

9 APPROVED AS TO FORM:
10 LEON COUNTY ATTORNEY'S OFFICE

11
12
13 BY: Herbert W.A. Thiele
14 HERBERT W.A. THIELE, ESQ.
15 COUNTY ATTORNEY
16
17