

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE NO. 16- 04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REPEALING SECTIONS 16-56(b), 16-58, 16-59 AND 16-60 OF ARTICLE III OF CHAPTER 16 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATED TO "DRIVEWAY CONNECTIONS"; AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY ADDING ARTICLE XV ENTITLED "PERMITTING FOR CONNECTIONS TO COUNTY MAINTAINED ROADS AND STREETS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the intent of the Permitting for Connections to County Maintained Roads Ordinance is to promote the public health, safety and general welfare by establishing criteria for permitting, siting and constructing driveway and roadway connections to county maintained roads; and

WHEREAS, the Ordinance will ensure compliance with Florida Department of Transportation standards while establishing County-specific guidelines and procedures for driveway and roadway connections to county maintained roads.

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

SECTION 1. Sections 16-56(b), 16-58, 16-59, and 16-60 of Article III of Chapter 16 of the Code of Laws of Leon County, Florida, related to "Driveway Connections," are hereby repealed in their entirety.

SECTION 2. Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended by adding Article XV entitled "Permitting for Connections to County Maintained Roads and Streets," which article shall read as follows:

**ARTICLE XV. PERMITTING FOR CONNECTIONS TO
COUNTY MAINTAINED ROADS AND STREETS**

Sec. 10-15.101. - Defined, classification.

- (a) For the purpose of this article, a "connection" is defined as any driveway, street, turnout, sidewalk, bikeway, trail or other means providing for the movement of motor vehicles, pedestrians or bicycles to or from the public street system.
- (b) Roadway connections will be classified according to the expected traffic volume using the connection, the type of property and land use served, and the type of connection. The classification shall be determined by the Department of

1 Development Support and Environmental Management in conjunction with the
2 Department of Public Works. Classifications are:

- 3
4 (1) Class I: Minimum connection or sidewalk/bikeway;
5 (2) Class II: Minor connection (ADT from 40 - 1000 VPD);
6 (3) Class III: Major connection (ADT > 1000 VPD);
7 (4) Class IV: Public/private roads.

8
9 **Sec. 10-15.102. Purpose and intent.**

10 The purpose and intent of this article is to regulate and control the location,
11 construction, and design of connections to county maintained roads and streets, thereby
12 maximizing the capacity of the transportation systems by limiting driveway connections
13 and harmonizing the needs and demands of the road users, the rights of the abutting
14 property owners, and the needs of the county in controlling storm water discharge. It is
15 not the purpose of this article to regulate connections on roadways maintained by the
16 state department of transportation, or on roadways maintained by the City of
17 Tallahassee.

18
19 **Sec. 10-15.103. Appeals.**

- 20 (a) Whenever it is claimed that the true intent or meaning of this article or any of the
21 regulations promulgated hereunder have been misconstrued or wrongly
22 interpreted, the owner, or the duly authorized agent of the owner, may appeal the
23 decision of the administrative official to the Board of Adjustment and Appeals (the
24 "Board"). Notice of appeal shall be in writing and filed within 30 days after the
25 decision is rendered by the responsible administrative official under this article.
- 26 (b) Appeals hereunder shall be on forms provided by the Development Support and
27 Environmental Management Department.
- 28 (c) The decision of the Board shall be final. The decision shall be in writing and shall
29 indicate the vote. Every decision shall be promptly filed in the office of the
30 Development Support and Environmental Management Department. A copy
31 shall be sent by mail or otherwise to the applicant.
- 32 (d) The Board shall, in every case, reach a decision without unreasonable or
33 unnecessary delay. In no case may the Board fail to render a decision on the
34 application within five days after the final hearing.
- 35 (e) If a decision of the Board reverses or modifies a decision, order, requirement or
36 determination of the responsible official, the affected administrative official shall
37 immediately take action in accordance with such decision.

38
39 **Sec. 10-15.104. Permit required.**

40 No new connection or modifications to an existing connection to any county maintained
41 road or street from any abutting parcel of property shall be constructed unless a permit

1 for the development activity has been obtained from the Department of Development
2 Support and Environmental Management.

3
4 **Sec. 10-15.105. Application for permit.**

5 (a) Application for a permit for a connection shall be made to the Department of
6 Development Support and Environmental Management.

7 (b) A construction plan for the proposed connection shall be included as part of the
8 application.

9 (c) Applications for connection permits shall be accompanied by an application
10 review fee. The review fee is established by the Board of County Commissioners
11 by resolution. No application shall be considered complete or reviewed without
12 the appropriate application review fee.

13 (d) Applications for connection permits shall be approved by the Department of
14 Development Support and Environmental Management. Connection permits shall
15 be approved in accordance with the standards and guidelines established in the
16 County Driveway and Street Connection Guidelines and Procedures Manual.
17 Copies of this document may be obtained from the Department of Development
18 Support and Environmental Management.

19
20 **Sec. 10-15.106. Construction.**

21 All connections shall be constructed pursuant to the approved permit and any conditions
22 therein. The construction shall be subject to inspection consistent with the inspection
23 procedures outlined in Article IV by the Department of Development Support and
24 Environmental Management and must conform to standards and guidelines established
25 in the County Driveway and Street Connection Guidelines and Procedures Manual. The
26 construction of such connections shall not be performed by the county.

27
28 **Sec. 10-15.107. Enforcement.**

29 The provisions of this Article shall be enforced by the Department of Development
30 Support and Environmental Management consistent with the procedures outlined in
31 Chapter 10 of the Leon County Code of Laws. Any person violating any provision of
32 this article shall be punished according to law or in accordance with the findings of any
33 duly established code enforcement board. Each day any violation continues shall
34 constitute a separate offence. No building permit shall be issued for a site unless and
35 until a required connection permit has been secured, nor while any violation of this
36 article exists on the site. No "certificate of occupancy" shall be issued for a structure on
37 a site which is under a "notice of violation."

38
39 **SECTION 3.** Conflicts. All ordinances or parts of ordinances in conflict with the
40 provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the
41 effective date of this Ordinance, except to the extent of any conflicts with the
42 Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall
43 prevail over any parts of this Ordinance which are inconsistent, either in whole or in
44 part, with the Comprehensive Plan.
45

1 **SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase or
2 portion of this article is for any reason held invalid or unconstitutional by any court of
3 competent jurisdiction, such portion shall be deemed a separate, distinct, and
4 independent provision and such holding shall not affect the validity of the remaining
5 portions of this Ordinance.
6

7 **SECTION 5.** Effective date. This ordinance shall have effect upon becoming law, but
8 shall commence beginning May 16, 2016.
9

10 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
11 County, Florida, this 12th day of April, 2016.
12

13
14 LEON COUNTY, FLORIDA



15
16
17 BY:

Bill Proctor

18 _____
19 BILL PROCTOR, CHAIRMAN
20 BOARD OF COUNTY COMMISSIONERS
21

22 ATTEST:
23 BOB INZER, CLERK OF THE COURT
24 AND COMPTROLLER
25 LEON COUNTY, FLORIDA
26

27
28 BY: *Betsy Coxen*
29 _____
30

31 APPROVED AS TO FORM:
32 LEON COUNTY ATTORNEY'S OFFICE
33

34
35 BY: *Herbert W.A. Thiele*
36 _____
37 HERBERT W.A. THIELE, ESQ.
38 COUNTY ATTORNEY