

ORDINANCE NO. 10-28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CERTAIN SECTIONS OF DIVISION 4, PROCEDURE FOR REVIEW AND APPROVAL OF SITE AND DEVELOPMENT PLANS OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS OF CHAPTER 10, LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; 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 10-7.411 MINOR MODIFICATIONS; AMENDING SECTION 10-7.412 MAJOR MODIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 10-7.402, Section 10-7.403, Section 10-7.404, and Section 10-7.405 of the Leon County Code of Laws, relating to the County's development review and approval process to implement a two-track review process that provides a concept plan approval and a final design plan approval track;

WHEREAS, the Board of County Commissioners desires to amend Section 10-7.411 and Section 10-7.412 of the Leon County Code of Laws to implement the two track review process by revising the thresholds associated with modifications and revisions to approved subdivisions and site and development plans; and,

WHEREAS, the Board of County Commissioners desires to adopt amendments to the County's development review and approval process that are anticipated to reduce the overall time frames associated with the review and approval of proposed subdivisions and site and development plans while ensuring that all existing applicable land development regulations and public notification provisions of the Code of Laws are maintained as presently codified in Chapter 10 of the Leon County Code of Laws;

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

Section 1: Section 10-7.402 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.402. Development review and approval system.

The development review and approval system shall consist of the following elements:

1. *Permitted use verification process.* A permitted use verification certificate (PUV) shall be used to determine eligibility for either subdivision of property, development of land, or change in use, based upon applicable land development regulations and site-specific conditions. A residential permitted use verification certificate (RPV) shall be used to determine eligibility for small residential uses or structures. The fee for a RPV may be applied to fees for a subsequent project status determination application (PSD) or an administrative streamlined approval process (ASAP) application associated with the proposed residential development tendered within one year of the issuance of the RPV. PUVs and RPVs shall not be construed to be development order approvals.

2. *Project status determination.* For any development proposal not required to comply with the provisions of article VII, the applicant must request a project status determination (PSD) from the growth and environmental management department prior to submitting an application for development approval. This PSD will indicate on what basis the proposed development is excepted from either the procedural or substantive provisions of this article and shall verify compliance with any applicable previously approved development order and land development code, as may be applicable. Any project status determination associated with development not requiring the approval of a site and development plan application shall be recorded in the public records of Leon County, as maintained by the clerk of courts, in a form approved by the county administrator or designee. Applications for PSDs shall be reviewed, and if appropriate, approved by the county administrator or designee.
3. *Preapplication conference.* An applicant may request a preapplication conference to set forth the specific application requirements once a development review track is identified.
4. *Development review types.* There are four different review types of development review, Type A, B, C, and D review. The applicable level of review for proposed subdivision or site and development plan application depends upon the type and intensity of development, the extent of environmental constraint, and zoning district in which the development site is located. Table 10-7.1, below, specifies the applicable review level for development qualifying for administrative streamlined application process, and Type A through Type C site and development plan review applications. Table 10-7.1 specifies the review level by zoning district, for residential, nonresidential, and institutional land uses. Type D site and development plan review is required for any new planned unit development concept plan application, and for any application determined, by the State of Florida, to require an application for development approval, substantial deviation to a development of regional impact (DRI) or Florida quality development (FQD). Type C applications consist of any application where the scale of development proposed exceeds the upper limit of the thresholds listed in the table for Type B site and development plan review, but not required to undergo Type D review.

The thresholds set out in Table 10-7.1 may be modified as follows:

- (a) *Incentive for mixed use development.* The review threshold for any Type A--Type C site and development plan application proposing a mixture of residential and office or retail/service commercial use shall be equivalent to 100 percent of the residential unit threshold plus 100 percent of the office or retail/service commercial use; however, the thresholds for Type A and Type B site and development plan applications proposing a mixture of residential and office or retail/service commercial use may be increased to 125 percent of the residential unit threshold plus 125 percent of the office or retail/service use, so long as the following criteria are met: (1) the application must include a minimum of four residential dwelling units per gross acre of site area; and, (2) the application must include a minimum of 10,000 gross square feet of nonresidential use.
- (b) *Incentive for quality design--Nonresidential use.* The review threshold for any Type A--Type C site and development plan application proposing any nonresidential or institutional use, and proposing the following design elements may be increased by the corresponding percentage:
 - (1) Threshold increased by ten percent, for a building footprint of no greater than 50,000 square feet of enclosed floor area;
 - (2) By 15 percent, for utilization of a planted "green roof" over no less than 40 percent of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 60 percent;

- (3) By 15 percent, for developments with access to an arterial road and having $\geq 100,000$ gross square feet of office or commercial retail floor area (also referred to as equivalent to 100 percent commercial base standard) and ≥ 100 dwelling units (equivalent to 100 percent of the residential base standard) or, any combination of these uses wherein the square footage of office or commercial floor space exceeds 20,000 and the number of residential units exceeds 25 and the cumulative total of the base standards exceeds 200 percent;
 - (4) By 15 percent, for developments having $\geq 100,000$ of office or commercial retail gross square footage floor area that provide a transit stop consisting of surface area for bus access, a shelter to provide weather protection, bench or seating for the shelter, and pedestrian access to the stop;
 - (5) By 25 percent, for developments locating no less than 90 percent of provided parking spaces behind the front building facade line;
 - (6) By ten percent, for structures having ground floor window glazing along building frontages adjacent to streets or publicly-accessible parking areas ≥ 20 percent of facade area on the ground floor principal frontage and ≥ 15 percent of the area of each other applicable ground floor facade;
 - (7) By 15 percent, for developments where the number of spaces provided ≤ 80 percent of the standard number of parking spaces set out in Schedule 6-2; and,
 - (8) By 15 percent, for developments having a density of connectivity of $\geq .4$ per acre.
- (c) *Incentive quality design--Residential use.* The review threshold for any Type A--Type C site and development plan application proposing residential use site and proposing the following design elements may be increased by the corresponding percentage:
- (1) Threshold increased by ten percent, for utilization of a planted "green roof" over no less than 40 percent of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 80 percent;
 - (2) By ten percent, for developments with access to an arterial road having ≥ 200 dwelling units that provide a transit stop of surface area for bus access, a shelter to provide weather protection, bench or seating for the shelter, and pedestrian access to the stop;
 - (3) By 15 percent, for having $\geq .25$ accessory dwelling unit for every residential dwelling unit;
 - (4) By 15 percent, for having ≥ 50 percent of all principal dwelling units served by side- or rear-loaded garages;
 - (5) By 15 percent, for developments having a density of connectivity of $\geq .4$ per acre;
 - (6) By 15 percent, for developments having an index of interconnectivity of $\leq .5$.
- (d) *Incentive for development in the Southern Strategy Area.* The review threshold for any Type A, B or C site and development plan proposed within the Southern Strategy Area, as identified in the Tallahassee-Leon County Comprehensive Plan, shall be increased 25 percent.

- (e) *Incentive for development in the Gum Road Target Planning Area.* The review threshold for any Type A, B or C site and development plan proposed within the Gum Road Target Planning Area, as adopted by the Leon County Board of County Commissioners, shall be increased 25 percent.
- (f) *Incentive for providing access to multiple businesses within a safe and convenient pedestrian pathway through facade design.* The threshold is increased by 25 percent, when all proposed nonresidential building facades are less than 100 feet in length; and, each facade abutting a street frontage, public open space, parking area, or pedestrian corridor, has no less than 40 percent surface area coverage by windows, display areas, or doorways, or, in those instances where the facade exceeds 100 feet in length, the following criteria are met:
 1. Structure with a single facade longer than 100 feet shall be divided into individual tenant spaces and shall not be used solely by a single business. Individual tenant spaces shall have no more than 60 feet of horizontal frontage along that facade. Tenant spaces shall be separated by vertical elements on the facade at intervals no greater than 60 feet, coinciding with the dimensions of tenant spaces. Vertical elements shall include columns, posts, or pilasters; reveals, recesses and other shadow-casting devices; variations in material, texture or color; recessed entrances; or, other methods of architectural articulation.
 2. Every individual business establishment located along the facade of greater than 100 feet shall have it's own public entrance located on the facade or on a diagonal at each building corner having two street frontages, with one of them being the facade.
 3. The facade shall have windows, display areas or doorways spanning no less than 75 percent of the length of the facade and covering no less than 40 percent of the surface area of the facade. No blank walls shall face street frontages, public open spaces or pedestrian corridors along any building side.
 4. The area directly adjacent to the facade length shall include a pedestrian walkway of at least eight feet in width.
 5. The applicant may utilize alternative design approaches to qualify for this incentive by demonstrating to the county administrator or designee that the alternative fulfills the design objective of providing access to multiple businesses within a safe and convenient pedestrian pathway.
- (g) *Incentive for conservation subdivisions.* The review threshold for any Type A, B or C site and development plan proposed within the Lake Talquin Recreation Urban Fringe or Urban Fringe zoning district, accomplished as a conservation subdivision, shall be increased 50 percent.
- (h) *More rigorous review to protect environmental features.* Any application otherwise qualifying for Administrative Streamlined Application Process or Type A site and development plan review per this Section, and proposing development on a site inside the urban services area with 75 percent or more site coverage by conservation or preservation areas as defined by the Comprehensive Plan or outside of the urban services area with 40 percent or more coverage by conservation or preservation areas, shall require review as Type B site and development plan application. Sites of three acres or larger wherein all buildings, attendant parking facilities, streets, and access facilities will be located outside of conservation and preservation areas shall be exempt from this requirement.

- (i) *Combination of threshold modifications.* A combination of threshold modifications (a)--(e) may be cumulatively applied to Type A--Type C site and development plan applications, as applicable.
- (j) *Limitation on degree of site and development plan review level reduction.* The incentives provided above may be used to reduce what would otherwise be a Type C site and development plan application to a Type B or Type A site and development plan application, to reduce what would otherwise be a Type B site and development plan application to a Type A site and development plan application, and a Type A site and development plan application to an administrative streamlined application. Modifications (a)--(f) shall not be applicable to any Type D application, including those establishing a planned unit development concept plan, or for development of regional impact, or Florida quality development.

LAND DEVELOPMENT CODE § 10-7.402

| Zoning District – Type of Use ↓ | R, UF, LTRUF | RC, WC | RP, RA, OS | LP | R-1, R-2, R-3, R-4, R-5 | MH | BOR, OR-1, OR-2, C-1, BC-1, BC-2, BCS | MRC, MRCN | NBO | I | TPA, OR-3, CM, MR-1, C-2, CP, IC, UP-1, UP-2, OA-1, M-1, PUD, and DRI | AC |
|---|---------------------------------|---|--|---|--|---|---|---|---|---|---|--|
| Administrative Streamlined Application Process* | Non-Residential | See Note** | 2 dwellings or lots for dwellings | Limited Expansions | 2 dwellings or lots for dwellings | See Note** | See Note** | 2 dwellings or lots for dwellings | 9,999 gross building | 9,999 gross building | 2 dwellings or lots for dwellings | See Note** |
| | Institutional Residential | See Note** | N/A | See Note** | N/A | See Note** | See Note** | See Note** | See Note** | See Note** | See Note** | See Note** |
| Type A | Non-Residential | 49,999 gross building square ft. | N/A | [PUD (Type D) Required] | N/A | N/A | 34 dwellings | 24 dwellings | N/A | N/A | 299 dwellings | 499 dwellings |
| | Institutional | 14,999 gross building square ft. | Expansion of existing use by 5,000 square feet gross building area no greater than, or an increase in total impervious surface area on the subject parcel of 15%. | [PUD (Type D) Required] | Expansion of existing use by 5,000 square feet gross building area no greater than, or an increase in total impervious surface area on the subject parcel of 15%. | Expansion of existing use by 5,000 square feet gross building area no greater than, or an increase in total impervious surface area on the subject parcel of 15%. | 19,999 gross building square ft. | 9,999 gross building square ft. | 10,000-39,999 g b sq ft. | 10,000-39,999 g b sq ft. | 49,999 gross building square ft. | 14,999 gross building square ft. |
| Type B | Residential | 11-74 dwellings | 15-99 dwellings | | 25-149 dwellings | Addition of 100-199 dwellings to an existing mhp | 35-199 dwellings | 25-49 dwellings | N/A | N/A | 300-449 dwellings | 500-649 dwellings |
| | Non-Residential & Institutional | 15,000-149,999 g b sq ft. | New use of 5,000 square feet gross building area, expansion of existing use by 7,500 square feet gross building area, or, an increase in total impervious surface area on the subject parcel of 25%. | [PUD (Type D) Required] | New use of 5,000 square feet gross building area, expansion of existing use by 7,500 square feet gross building area, or, an increase in total impervious surface area on the subject parcel of 25%. | New use of 5,000 square feet gross building area, or, an increase in total impervious surface area on the subject parcel of 25%. | 20,000-179,999 g b sq ft. | 10,000-59,999 g b sq ft. | 40,000-249,999 g b sq ft. | 50,000-249,999 g b sq ft. | 50,000-249,999 g b sq ft. | 150,000-499,999 g b sq ft. |
| Type C | Residential | 75 dwellings – DRI threshold | 75 dwellings – DRI threshold | 100 or more dwellings – DRI threshold* | 150 dwellings – DRI threshold* | Establishment of a new manufactured home park, or more dwellings to an existing mhp, not to exceed – DRI threshold* | 200 dwellings – DRI threshold | 75 dwellings – DRI threshold | 50 dwellings – DRI threshold | N/A | 450 dwellings – DRI threshold | 650 dwellings – DRI threshold |
| | Non-Residential & Institutional | 150,000 g b sq ft – DRI threshold | Any development in excess of Type B level, not determined to be a PUD or DRI | [PUD (Type D) Required] | Any development in excess of Type B level, not determined to be a PUD or DRI | Any development in excess of Type B level, not determined to be a PUD or DRI | 180,000 g b sq ft. – DRI threshold | 80,000 g b sq ft. – DRI threshold | 60,000 g b sq ft. – DRI threshold | 250,000 g b sq ft. – DRI threshold | 250,000 g b sq ft. – DRI threshold | 500,000 g b sq ft. – DRI threshold |
| Type D | Residential | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | Generally, any development determined to be a DRI or FQD* | N/A | Generally, any development determined to be a DRI or FQD* | Any development determined to be a DRI or FQD* |
| | Non-Residential & Institutional | Any development determined to be a DRI or FQD | N/A | Any non-residential development | N/A | N/A | Any development determined to be a DRI or FQD | Any development determined to be a DRI or FQD | Any development determined to be a DRI or FQD | Any development determined to be a DRI or FQD | Any development determined to be a DRI or FQD | Any development determined to be a DRI or FQD |

* Generally, in Leon County, a development of 2,000 or more dwellings is presumed to be a DRI or FQD. The Florida Statutes and Florida Administrative Code establish a variety of exceptions.
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5. Development review tracks. Proposed development projects that have been determined through the PUV process to require Type A, B, or C subdivision or site and development plan approval, shall be required to select at the option of the applicant from two review tracks. These review tracks are as follows:

(a) Concept Plan Approval (CPA) review track. The CPA review track is an available option for all proposed projects that have been determined through the PUV process to require review and approval of a Type A or Type B level subdivision or site and development plan. The CPA review track option is intended to expedite the review process by reducing the requirement for permitting level information while providing the applicant the assurance that the development entitlements reflected on the concept plan can be realized on the subject site. Subsequent to CPA, the applicant would be required to complete the environmental permitting process for the project prior to initiating onsite development. The CPA review track shall include the following sequential steps:

- (1) Completion of a PUV in support of the proposed project.
- (2) Submittal and approval of a Natural Features Inventory (NFI) for the subject property.
- (3) Approval of an Environmental Impact Analysis (EIA) in support of the proposed development project. The EIA submittal requirements shall be limited to a conceptual analysis and discussion of the proposed project's stormwater management system and shall include information outlining how onsite conservation and/or preservation features as identified in the project's approved NFI will be protected and/or preserved including how all anticipated impacts to these features will be mitigated in the design of the proposed development project. Permitting level information shall be deferred to the project's associated environmental permit review process and will not be required for the CPA review track.
- (4) Completion and approval of a concurrency management application to address the anticipated impacts to public and other facilities from the proposed development.
- (5) Scheduling and participating in a pre-application meeting on the proposed development project.
- (6) Submittal of a completed subdivision or site and development plan application.

(b) Final Design Plan Approval (FDPA) review track. The FDPA review track is an available option for all proposed projects that have been determined through the PUV process to require review and approval of a Type A, B, or C level subdivision or site and development plan. The FDPA review track option is intended to expedite the review process by providing for the concurrent review of a proposed project's subdivision or site and development plan and associated environmental permit. Under the FDPA review track option, subsequent to completion of the associated review process, the applicant would receive land use and environmental permitting approval concurrently. The FDPA review track shall include the following sequential steps:

- (1) Completion of a PUV in support of the proposed project.

- (2) Submittal and approval of a Natural Features Inventory (NFI) for the subject property.
- (3) Submittal of an Environmental Management Permit (EMP) application in support of the proposed development project. The EMP shall include the conceptual EIA components outlined in Section 10-7.402.5(a)(3) and all engineering and design level information required to demonstrate compliance with all environmental and stormwater related requirements applicable to the subject site.
- (4) Completion and approval of a concurrency management application to address the anticipated impacts to public and other facilities from the proposed development.
- (5) Scheduling and participating in a pre-application meeting on the proposed development project.
- (6) Submittal of a completed subdivision or site and development plan application.
- (7) For Type B and Type C level subdivision or site and development plan proposals scheduling the review of the proposed project by the Development Review Committee. Additionally, all Type C level projects will require final disposition by the Board of County Commissioners.

5.6. *Administrative streamlined application process.* The following shall be exceptions to those review types set forth in subsection 4., above:

- (a) The construction or modification of one single-family dwelling unit; a two-, three-, or four-family dwelling unit; or a manufactured home; or the construction of an accessory building to such a dwelling on a lot or parcel with legal access. For properties proposing residential use, a completed school impact analysis form shall be provided.
- (b) Commencement of home occupations as defined in and in accordance with this Code.
- (c) Development of nonresidential or multiple use development providing for not more than 1,000 square feet of total gross floor area after construction or ten percent increase of total on-site impervious area. This exemption applies to additions to existing structures and uses and to new construction and uses on a noncumulative basis. Nonresidential development of less than 1,000 square feet that would increase the total gross floor area of a development by 20 percent or more shall require that the applicant demonstrate, through the completion of an application for exception to site plan, that such development will not result in an increase in total on-site impervious area of ten percent or greater.
- (d) Changes in tenancy in already built space (existing structure), provided that the conversion requires no substantial modification to the exterior of the structure or modifications to the associated parking area. Type A review applies to those changes of tenancy involving substantial modification to the exterior of the building or modification to the associated parking area, as determined by the county administrator or designee.
- (e) The development or alteration of any building used exclusively for agriculture, horticulture, or floriculture located in the rural land use district; provided, however, that construction of dwellings units, not otherwise exempt, or commercial or industrial facilities to process agricultural, horticultural or floricultural beyond harvest, storage or sale of the raw materials is not exempt from this article.
- (f) Change of occupancy. The establishment, exclusively through change of occupancy, of new uses in an existing structure shall not be subject to Type A site and development plan

review; but, shall be required to meet all other applicable development standards of this chapter. However, Type A review shall apply to those changes of occupancy involving substantial modifications to the exterior of the building or modification to the associated parking area, as determined by the county administrator or designee.

- (g) Industrial development. New or expansion of existing industrial uses or development of up to 10,000 square feet, if site is zoned industrial and infrastructure extensions to the subject site are not required.
- (h) Exceptions specified under the definition of subdivision in section 10-1.101. Any and all landowner(s) of a parcel that is divided or developed pursuant to this exception shall file an affidavit, on a form approved by the county attorney, with the clerk of the court in the public records of the county. The affidavit shall specify that the property has been modified or subdivided, the number of new parcels, if any, created, the exemption type used for this action, the legal description of the original location of the parcel(s), and the metes and bounds descriptions of each new parcel.

~~6.7.~~ *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 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 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 | PSD | Notice advertising approval or denial | No | PSD, project-specific environment permits as applicable |
| Agricultural, horticultural, floricultural, and silviculture-related bldgs in a zoning district allowing agricultural as a principal use; structure size ≤5,000 square feet | As required in the Land Development Code | No | PSD | None | No | Affidavit of nonhabitable structure; project-specific environment permits as applicable |
| Agricultural, horticultural, floricultural, and silviculture-related bldgs in a zoning district allowing agricultural as a principal use; structure size 5,000 square feet | As required in the Land Development Code | No | ASAP | None | No | Affidavit of nonhabitable 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 square feet | 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 square feet and ≤10,000 square feet | As required in the Land Development Code | Yes | ASAP | Ad for PUV | No | Site plan; project-specific environment permits as applicable |
| 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 | No | N/A |
| Change of use without expansion or functional modification, to another use allowed within the zoning district ≤1,000 square feet | Zoning district, life-safety health codes | Yes | PSD | Public notice of approval or denial | 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 square feet | Zoning district, life-safety health codes | Yes | ASAP | Public notice of approval or denial | No | Project-specific environment permits, as applicable |
| Additional dwelling unit | Approved plat or site plan, otherwise as required in the Land Development Code | No, RPV optional | PSD | None | None | Affidavit, project-specific environment permits as applicable |
| Accessory dwelling unit | Approved plat or site plan, otherwise as required in the Land Development Code | RPV required | ASAP | None | Pre-application (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 square feet, and structures accessory to other than single-family, manufactured home, or duplex residential dwellings and ≤300 square feet | Approved plat or site plan, and otherwise as required in the Land Development Code | Yes, except for accessory structures | PSD | Public notice of approval or denial | 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 square feet; and structures >300 square feet 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 | Public notice of approval or denial | Pre-application (optional) | Site plan, project-specific environment permits as applicable |

- (b) Exceptions specified under the definition of subdivision in Section 10-1.101. Any and all landowner(s) of a parcel that is divided or developed pursuant to this exception shall file an affidavit, on a form approved by the county attorney, with the clerk of the court in the public records of the county. The affidavit shall specify that the property has been modified or subdivided, the number of new parcels, if any, created, the exemption type used for this action, the legal description of the original location of the parcel(s), and the metes and bounds descriptions of each new parcel. A judicial exception based on a court order shall be excepted from site and development plan application but may be required to comply with the Land Development Code. Review of development proposed pursuant to such orders shall be through a process determined by the county administrator or designee.
- (c) Requirements for administrative streamlined application process (ASAP).
- (1) *Accessory dwelling unit.* All ASAP applications for Accessory Dwelling Units shall demonstrate compliance with subsection 10-6.803(b). Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Pre-application meeting is available at the option of the applicant. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards.
 - (2) *1:2 subdivision/lot split, inside the urban service area.* All ASAP applications for 1:2 subdivision/lot split shall demonstrate compliance with article IV, environmental management, article VI, zoning, and division 5 of article VII, substantive standards and criteria, subdivision and site and development plan regulations. Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards. The application should furnish sufficient information to clearly demonstrate legal access, utility service connections, compliance with zoning district standards, and adequate protection of environmental resources.
 - (3) *Other administrative streamlined applications process applications.* All other ASAP applications shall demonstrate compliance with article IV, environmental management; article VI, zoning; and division 5 of article VII, substantive standards and criteria, subdivision and site and development plan regulations. Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards. The application should furnish sufficient information to clearly demonstrate legal access, utility service connections, compliance with zoning district standards, and adequate protection of environmental resources. Applications shall be required to furnish a natural features inventory, as set out in article IV, and provide calculations demonstrating compliance with applicable stormwater management standards; waiver or modification of these requirements may be provided by the county administrator or designee. The application should furnish sufficient information to clearly demonstrate compliance with zoning district standards and any precedent development order.

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

- (a) The requirement for "planned development review" for development of properties abutting a designated canopy road segment shall mean compliance with the site and development plan regulations set forth in this chapter.
- (b) Submittal requirements.
 - (1) An applicant shall provide for the preapplication meeting the required information on a form approved by the county administrator or designee.
 - (2) The following information shall be required for a site and development plan application, unless the county administrator or designee waives a requirement, with documentation, as inapplicable to the particular development;
 - (i) A site and development plan for the parcel or parcels which are the subject of the application. A proposed plat, if the parcel or parcels are to be subdivided, and the depiction of the site and development plan, shall be prepared as a single map, if the information conveyed remains clear. The proposed plat and site and development plan shall include, consistent with the provisions of this section:
 - a. A title block containing the following:
 - 1. The proposed development.
 - 2. Date of preparation.
 - 3. Scale of the site and development plan, both written and graphic.
 - b. A legal description and boundary survey of the parcel which shall be signed and sealed by a professional surveyor licensed to practice in the state.
 - c. Tax identification number(s) for parcel or parcels that are subject of application.
 - d. Total acreage of the parcel or parcels, and, if the development is on a portion of a larger parcel, the acreage of the larger parcel and of the portion to be developed.
 - e. A scaled vicinity map with north arrow.

- f. Names, addresses, and telephone numbers of all owners of the parcel or parcels, developers, optionees, and agents.
- g. Location and type of proposed easements, including legal access.
- h. Dimensions of the lots, to the nearest foot.
- i. Lot and block numbers, if applicable. If a resubdivision of an existing plat is proposed, the numbering must be consistent with the existing system.
- j. A circulation diagram showing vehicular and pedestrian movements including location and dimensions of access points, sidewalks, any special engineering features and traffic control devices, if any.
- k. Proposed changes to existing topography.
- l. Location of stormwater management facilities, including all conveyances and drainage easements.
- m. Location and type of buffers and conservation easements to be provided.
- n. Number of spaces and location of parking facilities or other impervious surfaces. A calculation of the square footage of parking facilities and other impervious surfaces.
- o. Location and depth of setbacks. This information may be provided in tabular form.
- p. Location and use of temporary structures as defined in section 10-7.109.
- q. Location and generalized footprint of each building existing or to be constructed by the applicant. For nonresidential structures, a calculation of the gross square footage for each, including floor area ratios and height of any structure proposed.
- r. Location and footprint of each type of infrastructure to be constructed.
- s. Areas to be protected by a conservation easement, preservation easement, or other means acceptable to the county.
- t. If the development fronts on a street or roadway, include each street or roadway and street or roadway name.
- u. Street plans, locations, designs, and names assigned in accordance with county regulations shall be depicted and described.
- v. If the applicant will construct them, location and description of all structures to be built by the developer, and, if common facilities are to be constructed, how those common facilities will be maintained.

- w. Location and type of recreation facilities.
 - x. Refuse collection areas, and location and type of screening, if proposed.
 - y. Where the site and development plan covers only a portion of the landowner's entire parcel, a map depicting all of the landowner's contiguous property and proposed use for the balance of the parcel or parcels not including in the site which is the subject of the application.
 - z. Proposed build-out date of the infrastructure for the development in its entirety, and, if the development will be built in phases, a development scheduled and proposed buildout date for each phase.
 - aa. A utility service plan addressing proposed water supply, power supply, and method and location of sewage disposal.
 - bb. All lot lines, parcel tax identification numbers, roads, access easements on the subject parcel, structures, and paved areas within 300 feet of the parcel boundaries.
- (ii) A site map depicting the existing natural and developed features on the parcel or parcels which are the subject of the application shall also be submitted. The information submitted shall include consistent with the provisions of this section:
- a. Location of the wooded areas, differentiating between native forests, high quality successional forests, and mature successional forests.
 - b. Location of listed species, as defined by the EMA, occurrences, and their habitats.
 - c. For multifamily residential and all nonresidential site plans, identify trees defined as protected by the EMA which are impacted by the proposed development.
 - d. Location of wetlands.
 - e. Conservation and preservation areas as set forth in the Comprehensive Plan.
 - f. Location of sinkholes.
 - g. Location of all water bodies, watercourses, drainage ditches, canals, and other surface water features.
 - h. Location and type of known hazardous materials, hazardous waste and underground storage tanks.
 - i. Location of 100-year floodplain.
 - j. Location of other natural features.
 - k. A scaled aerial photograph showing the location of the site and adjacent properties within 300 feet of the site. The boundary of the subject property shall be outlined or highlighted on the aerial photograph.

- l. A conceptual landscaping plan, including a planting plan for public right-of-way, common areas, and buffers or open space areas showing types, sizes, and spacing of trees and other vegetation.
 - m. Location of closed basins and natural drainage divides.
 - n. Proposed covenants, grants, easements, dedications, and restrictions to be imposed on the land, buildings, and/or structure, including proposed easements for public utilities and instruments relating to the use and maintenance of common natural areas, open spaces, private streets, and other private infrastructure shall be furnished with an application. All such documents shall be subject to review and approval by the county attorney as to form and sufficiency, prior to action on this application. Such instruments shall allow access of public vehicles for public safety or maintenance purposes.
- (iii) For nonresidential development, the applicant also shall provide the following information consistent with the provisions of this section:
- a. Names and amounts of hazardous or toxic materials or wastes to be used or produced on-site.
 - b. Types and amounts of radioactive materials or wastes, explosives, or flammable materials to be used or produced on-site.
 - c. Types and amounts of smoke, dust, particulate matter, noxious or odorous gases or other pollution of the air produced on-site.
 - d. Types and amounts of materials identified above in subsections a, b, and c above, which can be expected to be moved off-site.
 - e. Noise levels expected at the site boundaries.
 - f. The types of manufacturing, production, processing or other industrial activities which will take place.
- (iv) Additional information as may be required by the county to clarify relevant points.

8. 9. *Notice requirements.* Within ten days after the filing of an application, notice must be published or mailed consistent with the provisions of [F.S.] section 125.66(4)(b)2. and 3. and must be posted prominently at the job site. The notice must clearly delineate that an aggrieved or adversely affected person has the right to request a quasi-judicial hearing pursuant to the provisions set forth in section 10-7.414, must explain the conditions precedent to the appeal of any development order ultimately rendered upon the application, and must specify the location where written procedures can be obtained that describe the process, including how to initiate the quasi-judicial process, the timeframes for initiating the process, and the location of the hearing.

9. 10. *Appeals.* The sole method by which an aggrieved or adversely affected party may challenge the decision on an application for site and development plan review is by an appeal filed by a petition for writ of certiorari filed in circuit court no later than 30 days

following rendition of a written decision on the application, or when all administrative appeals, if any, are exhausted, whichever occurs later.

Section 2: Section 10-7.403 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.403. Type A review.

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

Review requirements.

- (a) *Preapplication:* The applicant shall obtain a permitted use verification, as applicable, prior to filing a Type A site and development plan application. A preapplication meeting with staff ~~may~~ shall be scheduled ~~at the option of~~ by the applicant. Interested parties are permitted to attend and participate in the preapplication meeting. Public notice shall be mailed at least five calendar days in advance of the preapplication meeting to the current address (based upon the most current tax rolls in the office of the Leon County Property Appraiser) of each property owner within 600 feet of the project and to neighborhood and business associations.
- (b) *Application:* The applicant shall submit the required site and development plan to the county administrator or designee. The applicant shall select the proposed project's development review track from the options outlined in Section 10-7.402.5., and proceed accordingly.
- (c) *Determination of completeness:* Within ten working days after receipt of the application for site and development plan approval, the county administrator or designee shall determine whether the application contains all required information at the required level of detail, and shall advise the applicant of all areas of deficiency. This notification shall specify any additional information and level of detail required in order to meet the requirements of this section.

In the event that an applicant fails to submit the required additional information within 30 calendar days of the date of the notice of deficiency, the county administrator or designee shall consider the application to be withdrawn. The county administrator or designee may grant extensions of up to 30 days at the request of the applicant; provided any such request for an extension is received prior to the expiration of the relevant time period.

Upon determination of completeness, the county administrator or designee may refer the application to the DRC. The DRC shall make a determination within ten working days of the referral of an application. The referral of an application to the DRC shall stay the period for the county administrator's or designee's decision.

- (d) *County administrator review.* The county administrator or designee shall review the application for compliance with the criteria set out subsection 10-7.402 5., above; and, if necessary, receive input from any appropriate agencies. The county administrator or designee shall render final decision regarding the application, and shall notify the applicant of the decision within ten working days of receipt of a complete application, after providing notice to the applicant and other parties identified in subsection (e) below.

Subsequent to the action of the county administrator or designee to approve a Type A site and development plan subject to conditions, the applicant shall furnish for review and verification by the county administrator or designee, a revised site and development plan application, demonstrating compliance with all conditions. The revised site and development plan shall be submitted to the county administrator or designee within 90

days of the date of approval entity's action; however, the applicant may, upon demonstration of good faith effort and hardship that is not self-created, be granted a 90-day extension by the county administrator or designee. Subsequent 90-day extensions may be requested and granted, based on the same criteria. Failure to comply with these time limits shall render the site and development plan application approval expired.

- (e) *Public notice.* Public notice of the Type A application shall be given within seven calendar days of receipt of application, in a newspaper of regular and general circulation in the county. In addition, public notice shall be mailed at least five calendar days in advance of the public meeting to the current address (based upon the most current tax rolls in the office of the Leon County Property Appraiser) of each property owner within 600 feet of the project and to registered neighborhood and business associations. The public notice shall advise such persons of the application, and specify that input and comments regarding the application should be sent to the department of growth and environmental management. The public notice shall advise that the application will be reviewed by staff at a public technical review staff meeting and provide the date, time, and place of that meeting. The public notice shall advise that no public testimony will be taken at the technical review staff meeting and that the application will be subject to administrative review and not subject to quasi-judicial provisions. The notice must also include a statement that, in order to qualify as an aggrieved or adversely affected person for purpose of challenging the county's determination with regard to approval or denial of the application, one must submit written comments regarding the application to the department of growth and environmental management in response to the public notice no less than seven calendar days from the date of newspaper publication.
- (f) *Formal proceedings.* The decision of the county administrator or designee shall become final 15 calendar days after it is rendered unless a person who qualifies as a party, as defined in Division 7 of this article, has filed comments in response to subsection (e), above, and has filed a notice of administrative appeal to be heard by a special master. Failure to file is jurisdictional and will result in a waiver of the hearing. Appeals heard by a special master will be conducted in accordance with the procedures outlined in section 10-7.414. Appeals of the special master's decision shall be by petition for writ of certiorari filed in circuit court no later than 30 days following rendition of a written decision on the application, or when all administrative appeals, if any, are exhausted, whichever occurs later.

Section 3: Section 10-7.404 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.404. Type B review.

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

Review requirements.

- (a) *Preapplication.* The applicant shall obtain a permitted use verification, as applicable, prior to filing a Type B site and development plan application. The applicant shall schedule an appointment and meet with the county administrator or designee and technical assistance staff to discuss the application, the procedures for review and approval, and the applicable regulations and requirements for the review type. The county administrator or designee shall determine the level of application detail and specific methodologies required for petitions seeking Type B development approval. Interested parties are permitted to attend and participate in the preapplication meeting. Public notice shall be mailed at least five calendar days in advance of the preapplication meeting to the

current address (based upon the most current tax rolls in the office of the Leon County Property Appraiser) of each property owner within 800 feet of the project and to neighborhood and business associations.

- (b) *Application.* The applicant shall select the proposed project's development review track from the options outlined in Section 10-7.402.5. and proceed accordingly. The applicant shall submit the required site and development plan to the county administrator or designee for distribution to the DRC. Notice of the application shall be as set forth in section 10-7.402, 6.(d).
- (c) *Determination of completeness.* Within ten working days after receipt of the application for site and development plan approval, the county administrator or designee shall determine whether the application contains all required information at the required level of detail; and shall advise the applicant of all areas of deficiency. This notification shall specify the additional information and level of detail required in order to meet the requirements of this section. In the event that an applicant fails to submit the required additional information within 30 calendar days of the date of the notice of deficiency, the county administrator or designee shall consider the application to be withdrawn. The county administrator or designee may grant extensions of up to 30 days at the request of the applicant; provided any such request for an extension is received prior to the expiration of the relevant time period. Upon a determination of completeness, the county administrator or designee shall refer the application to the DRC.
- (d) *Public notice.* Public notice of the DRC meeting shall be given at least five calendar days in advance of the meeting by publication in a newspaper of regular and general circulation in the county. In addition, written notice shall be mailed at least five calendar days in advance of the DRC meeting to the current address (based upon the most current tax rolls in the office of the Leon County Property Appraiser) of each property owner within 800 feet of the project and to registered neighborhood and business associations. The public notice shall advise such persons of the application, and specify that no testimony may be heard by the DRC at their meeting since it is an administrative review and not subject to quasi-judicial provisions. The notice must also include a statement that, in order to qualify as an aggrieved or adversely affected person, one must submit written comments regarding the application to the DRC in response to the public notice of the DRC meeting on the application.
- (e) *DRC meetings.* No testimony shall be received from any applicant or member of the public during the course of the DRC meeting, although written comments may be provided to the DRC and the meetings shall be open to public attendance. Each member of the DRC is responsible for providing proposed written findings which identify whether a development meets the applicable criteria and standards of this chapter and those imposed by other applicable ordinances, regulations and/or adopted standards of the county. The proposed written findings shall be transmitted to other members of the DRC, the applicant, and made available for public inspection at least one working day prior to consideration by the DRC. The proposed written findings shall be the basis for a recommendation by each DRC member to the DRC as a whole to issue a written preliminary decision to approve, approve with conditions, or deny the application. Absent a written preliminary decision, the DRC may continue consideration of an application to a date and time certain.
- (f) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall prepare and submit to the county administrator or designee a written preliminary decision including an itemized list of findings of fact which support the preliminary decision of approval, approval with conditions, or denial of the application; or shall request additional material and data determined to be necessary to undertake the required review and continue its review to a date and time certain. The county administrator or designee shall notify the applicant of the written preliminary decision of the DRC within five

working days of the decision by the DRC.

- (g) The written preliminary decision of the DRC shall include a statement that an aggrieved or adversely affected person may request a quasi-judicial hearing pursuant to paragraph (h) herein.
- (h) The written preliminary decision of the DRC shall become the DRC's final decision 15 calendar days after it is rendered unless a person who qualifies as a party, as defined in article VII of chapter 10 at division 7 of this Code, has filed comments in response to subsection (d), above, and has filed a notice of administrative appeal to be heard by a special master. Failure to file is jurisdictional and will result in a waiver of the hearing. Hearings before a special master will be conducted in accordance with the procedures outlined in section 10-7.414.
- (i) Subsequent to the action of the DRC to approve a Type B site and development plan subject to conditions becoming final, the applicant shall furnish for review and verification by the DRC or their designee, a revised site and development plan application, demonstrating compliance with all conditions. The revised site and development plan shall be submitted to the DRC or their designee within 90 days of the date of approval entity's action; however, the applicant may, upon demonstration of good faith effort and hardship that is not self-created, be granted a 90-day extension by the DRC or designee. Subsequent 90-day extensions may be requested and granted, based on the same criteria. Failure to comply with these time limits shall render the site and development plan application approval expired.

Section 4: Section 10-7.405 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.405. Type C review.

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

Review requirements.

- (a) *Preapplication.* The applicant shall obtain a permitted use verification, as applicable, prior to filing a Type C site and development plan application. The applicant shall schedule an appointment and meet with the county administrator or designee and technical assistance staff to discuss the application, the procedures for review and approval, and the applicable regulations and requirements for the review type. The county administrator or designee shall determine the level of application detail and specific methodologies required for petitions seeking Type C development approval. Interested parties are permitted to attend and participate in the preapplication meeting. Public notice shall be mailed at least five calendar days in advance of the preapplication meeting to the current address (based upon the most current tax rolls in the office of the Leon County Property Appraiser) of each property owner within 1,000 feet of the project and to neighborhood and business associations.
- (b) *Application.* The applicant shall submit the required site and development plan to the county administrator or designee for distribution to the DRC. The applicant shall proceed with the FDPA review track as outlined in Section 10-7.402.5.(b).
- (c) *Determination of completeness.* Within ten working days after receipt of the application for site and development plan approval, the county administrator or designee shall determine whether the application contains all required information at the required level of

detail; and shall advise the applicant of all areas of deficiency. This notification shall specify the additional information and level of detail required in order to meet the requirements of this section.

In the event that an applicant fails to submit the required additional information within 30 calendar days of the date of the notice of deficiency, the county administrator or designee shall consider the application to be withdrawn. The county administrator or designee may grant extensions of up to 30 days at the request of the applicant; provided any such request for an extension is received prior to the expiration of the relevant time period.

Upon a determination of completeness, the county administrator or designee shall refer the application to the DRC.

- (d) *Public notice.* Notice of the application shall be as set forth in section 10-7.402. 6.(d). Public notice of the DRC meeting shall be given at least five calendar days in advance of the meeting by publication in a newspaper of regular and general circulation in the county. In addition, written notice shall be mailed at least five calendar days in advance of the DRC meeting to the current address (based upon the most current tax rolls in the office of the Leon County Property Appraiser) of each property owner within 1,000 feet of the project and to registered neighborhood and business associations. The public notice of the DRC meeting shall advise such persons of the application, and specify that no testimony may be heard by the DRC at their meeting since it is an administrative review and not subject to quasi-judicial provisions.
- (e) *DRC meetings.* No testimony shall be received from any applicant or member of the public during the course of the DRC meeting, although the meetings shall be open to public attendance. Each member of the DRC is responsible for providing proposed written findings which identify whether a development meets the applicable criteria and standards of this chapter and those imposed by other applicable ordinances, regulations and/or adopted standards of the county. The proposed written findings shall be transmitted to other members of the DRC, the applicant, and made available for public inspection at least one working day prior to consideration by the DRC. The proposed written findings shall be the basis for a recommendation by each DRC member to the DRC as a whole to approve, approve with conditions, deny, or continue consideration of an application to a date and time certain.
- (f) *DRC review.* The DRC shall review the plans at any scheduled meeting, and shall prepare an itemized list of findings of fact which support a recommendation of approval, approval with conditions, or denial of the application; or shall request additional material and data determined to be necessary to undertake the required review and continue its review to a date and time certain. The DRC shall issue a written recommendation to the applicant and the Board of County Commissioners to approve, approve with conditions, or deny the application. The application shall be advertised and scheduled to be heard at the next available date for public hearings before the Board of County Commissioners. However, the public hearing on the application shall be continued if the applicant, or any other person qualifying as a party as defined in article VII of chapter 10 at division 7 of this Code who has filed comments in response to subsection (d) above, requests a quasi-judicial hearing on the recommendations of the DRC within 15 days of issuance of the DRC recommendations. Requests shall be made in writing and directed to the office of the county attorney, and shall include the project name, application number, and a description of the facts upon which the recommendation is challenged and any argument in support thereof. Failure to timely file a request will result in waiver of a quasi-judicial hearing on the application. Hearings shall be conducted in accordance with the procedures outlined in sections 10-7.414 and 10-7.416.
- (g) *Board of county commissioners review and decision:* The Board of County Commissioners shall review the application at a public hearing noticed in accordance

with applicable provisions of the Florida Statutes. The Board of County Commissioners will review the application for compliance with the criteria set out subsection 10-7.402. 5., above, and render final decision regarding the application.

- (h) Subsequent to the action of the Board of County Commissioners to approve a Type C site and development plan subject to conditions becoming final, the applicant shall furnish for review and verification by the Board of County Commissioners or their designee, a revised application, demonstrating compliance with all conditions. The revised site and development plan shall be submitted to the Board of County Commissioners or their designee within 90 days of the date of approval entity's action; however, the applicant may, upon demonstration of good faith effort and hardship that is not self-created, be granted a 90-day extension by the Board of County Commissioners or designee. Subsequent 90-day extensions may be requested and granted, based on the same criteria. Failure to comply with these time limits shall render the site and development plan application approval expired.

Section 5: Section 10-7.411 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.411. Minor Modifications to Approved Subdivisions or Site and Development Plans.

- 1. ~~A minor modification to an approved site and development plan is a modification from an approved site and development plan that falls within the following limits, and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated by the applicant during the initial approval process:~~
 - ~~(a) — Alteration of the location of any road, walkway, or structure by not more than 20 feet, provided that such alteration does not permit any development no in compliance with any requirement of this Code.~~
 - ~~(b) — Reduction of the total amount of open space by not more than five percent, or reduction of the yard area or open space associated with any single structure by not more than five percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.~~

~~Approval of such minor modifications are hereby delegated to the county administrator or designee.~~

- 2. ~~In recognition of the fact that, as a result of obtaining more accurate field data and more complete design, there may be minor modifications between an approved site and development plan and the final construction plans for projects, the following elements of an approved site and development plan may be modified except as restricted in subsection 3. Below:~~
 - ~~(a) — The location, shape, and size of landscape islands in the vehicle use areas;~~
 - ~~(b) — The shape of landscape areas or open space;~~
 - ~~(c) — The location, dimensions and material of fences; walkways and other manmade landscape features or landscape materials;~~
 - ~~(d) — The general location of storm water management facilities may be altered consistent with the approved environmental management permit;~~
 - ~~(e) — The location of water, sewer, gas, and electric mains or services;~~
 - ~~(f) — The shape of any structures; or~~
 - ~~(g) — The shape of any vehicle use area provided that the minimum number of required spaces;~~

open space and landscape area are maintained.

- ~~3. Revisions that significantly alter or affect other elements of the site and development plan or subdivision, create a type of land use or impact on neighboring landowners not previously reviewed, or alter a specific condition of approval shall not qualify as a minor modification.~~
1. A proposed modification to an approved subdivision or site and development plan shall be reviewed based on the type of approval previously granted and the modification(s) being proposed. Proposed revisions that are determined to be major modifications shall be required to submit a revised application for development review and approval, and complete the appropriate review process as outlined in Section 10-7.402. Revisions to approved development plans that are determined not to be major modifications shall be reviewed administratively with final approval by the county administrator or designee. The following criteria shall be utilized to determine if the proposed modification is a major modification:
 - (a) *Modifications to development projects with Concept Plan Approval.* Proposed revisions to projects with CPA shall be considered major modifications if the proposed revisions increase the density or intensity of development, revise the location and/or number of access points to the project, or propose other substantial modifications to the previously approved development plan that in the determination of the county administrator or designee will result in a off-site impact not considered during the previous review of the project. Proposed reviews to a development project with CPA that are not determined to be major shall be considered minor modifications and shall be reviewed administratively with final approval by the county administrator or designee.
 - (b) *Modifications to development projects with Final Design Plan Approval.* Proposed revisions to projects with FDPA shall be reviewed consistent with the criteria outlined in Section 10-4.215. Proposed modification that would require submittal of a new environmental permit application under this section, shall be considered a major modification to the previously approved development plan. Proposed revisions to the approved FDPA that are determined to be minor consistent with the provisions of Section 10-4.215 shall be reviewed administratively with final approval by the county administrator or designee.
2. Proposed modifications to approved subdivisions or site and development plans other than those outlined in Section 10-7.411.1., shall be reviewed based on the anticipated impact onsite and offsite of the proposed revision. If the anticipated impact of the proposed modification was not considered during the previous review process, the proposal may require re-analysis as a major modification. Proposed modifications that are considered minor in nature shall be reviewed administratively with final approval by the county administrator or designee. The applicant for a proposed modification under this section shall demonstrate that the proposed revision to the previously approved plan of development is not a substantial change generally consistent with the provisions of Section 10-4.215 in order to proceed as a minor modification. The final determination of the appropriate review process for a proposed subdivision or site and development plan modification pursuant to this section shall be the county administrator or designee.

Section 6: Section 10-7.412 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.412. ~~Major modifications.~~ (Reserved)

~~A major modification to an approved site and development plan is any modification that does not qualify as a minor modification of a site and development plan or limited partition subdivision. Major modifications shall be considered new development and shall be subject to applicable reviews as set forth in Article VII of this chapter.~~

~~Approvals of any major modifications shall be by the original approving body/entity.~~

Section 7: Conflicts.

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

Section 8: Severability.

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

Section 9: Effective date.

This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida,
this 12th day of October, 2010.



LEON COUNTY, FLORIDA

BY:

Bob Rackleff
Bob Rackleff, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:

John Stott
John Stott, Deputy Clerk
Clerk

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

By:

Herbert W. A. Thiele
Herbert W. A. Thiele, Esq.
County Attorney

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

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|---|--|
| COUNTY: (<u>LEON</u>) | COUNTY ORDINANCE # (<u>10-28</u>) <small>(e.g., 00-001)</small> |
| PRIMARY KEYFIELD DESCRIPTOR: (<u>BUILDING/DEVELOPMENT REGULATIONS</u>) | |
| SECONDARY KEYFIELD DESCRIPTOR: (<u>BUILDING/DEVELOPMENT</u>) | |
| OTHER KEYFIELD DESCRIPTOR: (_____) | |
| ORDINANCE DESCRIPTION: (<u>DEVELOPMENT REVIEW</u>) <small>(25 characters maximum including spaces)</small> | |
| ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.) | |
| AMENDMENT # 1: (<u>10-7,402</u>) | AMENDMENT # 2: (<u>10-7,403</u>) |
| ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.) | |
| REPEAL # 1: (_____) | REPEAL # 3: (_____) |
| REPEAL # 2: (_____) | REPEAL # 4: (_____) |
| (Others repealed: List all that apply): _____ | |

| | |
|----------------------------|-------------------------------|
| (FOR OFFICE USE ONLY): | COUNTY CODE NUMBER: (_____) |
| KEYFIELD 1 CODE: (_____) | KEYFIELD 2 CODE: (_____) |
| KEYFIELD 3 CODE: (_____) | Rev. 4/10/01 |