Last Revision: 11/26/03

ORDINANCE NO. 03-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE LEON COUNTY CODE OF LAWS RELATING TO THE ENVIRONMENTAL MANAGEMENT ACT (EMA); ADDING A NEW SECTION 10-173, REDEVELOPMENT ALLOWANCES; AMENDING SECTION 10-186, PROHIBITIONS; AMENDING SECTION 10-242, GENERAL APPLICABILITY; AMENDING SECTION 10-266, PLANTING STANDARDS FOR ALL LANDSCAPE AREAS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Portions of the Table of Contents of Chapter 10 of the Code of Laws of Leon County, Florida, are hereby amended as follows:

Sec. 10-173. Redevelopment Allowances

Secs. 10-173~~4~~–10-185. Reserved

Section 2. Article VII, entitled "Environmental Management" of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new Section, 10-173 "Redevelopment Allowances", which section shall read as follows:

Section 10-173. Redevelopment Allowances

When redevelopment is occurring, it is the intent of this section to allow for the following modifications to this article:

(1) Allowances. The following allowances apply to parcels within the urban services area with impervious area greater than or equal to 25% of the parcel existing on or before January 1, 2004, if there is no reduction to Special Development Zone Requirements and the requirements of section 10-346:

(a) Only ½ of the landscaping area requirements of section's 10-257, 10-260(1)a., 260(2)shall be applied except the minimum landscape island area shall remain 400sf.

(b) Section 10-266(e)(4)a. (40% canopy coverage of parking areas) shall not apply.

(c) Trees preserved shall receive double the credit listed in section 10-264.

(d) A parcel may utilize section 10-259 if no impacts are proposed to preservation areas.

(e) If no increase in impervious area is proposed, section 10-208 (15)a. is presumed to be met.

(f) If full water quality treatment is provided as required by this article, then the parcel may utilize 50% of the existing impervious in the rate control and downstream analysis calculations required in section 10-208.

(2) Variances.

Where a redevelopment site can not meet the requirements of specific stormwater management, landscape, and tree protection requirements of divisions 2, 3, and 4, a variance may be sought by submitting an application to Leon County Growth and Environmental Management Department in accordance with the requirements in Section 10-378.

Secs. 10-1734--10-185. Reserved.

Section 2. Section 10-186 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-186. Prohibitions.

(a) unchanged

(b) *Compliance with standards.*

(1) *Permits issued January 15, 1990, and thereafter.* No development or redevelopment activity shall be permitted or undertaken subsequent to January 15, 1990, unless and until the director determines that plans and specifications for such activity indicate that all stormwater management requirements and standards of this division will be met for the entire site for new development activities, or for the particular parcel in the case of redevelopment activity with the allowances listed in section 10-173. However, where activities proposed for a parcel will be less extensive than that set out in the definition of redevelopment, the plans and specifications for such activity need only show that all requirements of this division will be met for the specific portions of the parcel subject to alteration, without requiring that the entire parcel be retrofitted.

(2) unchanged

(c) and (d) unchanged

(Ord. No. 92-3, § 1(7-10), 1-28-92; Ord. No. 95-14, § 4, 9-12-95; Ord. No. 00-45, § 3, 11-14-00)

Section 3. Section 10-242 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-242. General applicability.

(a) Landscaping information shall be provided in a landscape development plan as part of the environmental management permit application; for all new development and redevelopment in the county except as specified in subsection(b). The following requirements and standards for landscaping shall apply:

(1) Minimum landscaped areas in all developed land use areas, including towers and telecommunication projects, additions of 1,000 square feet or more of impervious area, or where redevelopment requires additional parking ~~or stormwater management facilities~~, in accordance with sections 10-173, 10-257 and 10-260 through 10-269, including section 10-1115 for towers and telecommunication projects.

(2) through (6) unchanged

(b) unchanged

(Ord. No. 92-3, § 1(7-21(2)), 1-28-92; Ord. No. 95-14, § 10,9-12-95; Ord. No. 00-45, § 3, 11-14-00)

Section 4. Section 10-266 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-266. Planting standards for all landscape areas.

(a) *Applicability.* The following requirements and standards for landscaping shall apply, and landscaping information shall be provided in a landscape plan as part of the Environmental Management Permit application, for all new development and redevelopment in accordance with sections 10-173, 10-242,10-257 and 10-258 of this division.

(b) through (e) unchanged

(Ord. No. 92-3, § 1(7-22(10)), 1-28-92; Ord. No. 00-45, § 3, 11-14-00)

Section 5. Conflicts

All ordinances or parts of ordinances in conflict with the provisions of the Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which

provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

Section 6. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date and Sunset Date

This ordinance shall have an effective date of January 1, 2004, and shall terminate on December 31, 2018, unless reenacted by the Board of County Commissioners.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ of _____.

LEON COUNTY, FLORIDA

BY:_____
JANE G. SAULS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY