

ORDINANCE NO. 08- 03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-4.202, PRE-DEVELOPMENT ENVIRONMENTAL ANALYSIS REVIEWS; AMENDING SECTION 10-4.206, TREE REMOVAL APPLICATION REQUIREMENTS; AMENDING SECTION 10-4.301, WATER QUALITY TREATMENT STANDARDS; AMENDING SECTION 10-4.322, WETLANDS; AMENDING SECTION 10-4.327, TOPOGRAPHIC ALTERATIONS; AMENDING SECTION 10-4.342, GENERAL APPLICABILITY; AMENDING SECTION 10-4.345, NATURAL AREA REQUIREMENTS; ADDING A NEW SECTION 10-4.345.1, LANDSCAPE AND NATURAL AREA REQUIREMENTS FOR NON-RESIDENTIAL AND MULTI-FAMILY PROJECT SITES 3 ACRES OR LESS IN SIZE; AMENDING SECTION 10-4.362, PROTECTED TREES; AMENDING SECTION 10-4.364, REMOVAL OF PROTECTED TREES; AMENDING SECTION 10-1.101, DEFINITIONS; AMENDING SECTION 10-6.803, ACCESSORY USES; AMENDING SECTION 10-7.201, LIMITED PARTITIONS; AMENDING SECTION 10-7.202, RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9; AMENDING SECTION 10-7.203, SITE AND DEVELOPMENT PLANS PROPOSING SUBDIVISION OF PROPERTY REQUIRING PLATTING; ADDING A NEW SECTION TO ARTICLE VII, DIVISION 2, TO ALLOW THE SPLITTING OF A SINGLE LOT LOCATED WITHIN THE URBAN SERVICES AREA INTO TWO LOTS WHEN URBAN LEVEL INFRASTRUCTURE IS PRESENT; 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 10-7.404, TYPE C REVIEW; AMENDING SECTION 10-7.406, TYPE D REVIEW; AMENDING SECTION 10-7.522, BUFFER ZONE STANDARDS; AMENDING SECTION 10-7.502, GENERAL LAYOUT DESIGN STANDARDS; AMENDING SECTION 10-7.529, FEE-IN-LIEU OF SIDEWALK CONSTRUCTION; AMENDING SECTION 10-7.545, NUMBER OF OFF-STREET PARKING SPACES; 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: Section 10-4.202 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

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

(a) Every application for standard form permit, for subdivision approval, for conceptual or final PUD approval, for approval of any project which includes 40 percent or more area of the proposed site located in a conservation or preservation overlay district, for every required application for site and development plan approval, for all roadway projects on new locations, and all widening of existing roadways, shall be accompanied by an environmental analysis which shall become, upon approval, a part of the final development approval. The environmental analysis shall include the following components:

- (1) *Natural features inventory (NFI)*--The identification and mapping of conservation and preservation areas located on or adjacent to the property under review. A natural features inventory--no impact, may be submitted in lieu of a standard natural features inventory if the property under review is less than 20 acres in size and contains no conservation or preservation areas. Conservation and preservation areas are defined as:

Preservation areas. Wetlands, waterbodies, floodplains and floodways, watercourses, native forests, severe grades (greater than 20 percent slope), areas of environmental significance (springs and other active karst features)

Conservation areas. ~~Altered wetlands, A~~altered floodplains, altered floodways, altered watercourses, high quality successional forest, significant grades (10--20 percent), archaeological or historical sites, closed basins, special development zones, canopy roads

The natural features inventory will be performed by a qualified professional and shall include:

- a. Identification of all endangered and threatened species, all species of special concern, and other wildlife and its habitat, which are located on the property, and which are located adjacent to the property to the best of the applicant's knowledge after reasonable investigation.
- b. ~~General identification of all protected trees, protected plants, and other existing vegetation located on the property,~~ A narrative description and classification map of all on-site plant communities and those which are located adjacent to the property to the best of the applicant's knowledge after reasonable investigation. Species identification shall include Latin names. Quality of the upland plant communities shall be evaluated and provided based on Leon County's Natural Plant Community Criteria. A narrative description of observed non-listed wildlife shall be provided.
- c. Identification of natural grades, including the nature and extent of soils, located on the property, and which are located adjacent to the property to the best of the applicant's knowledge after reasonable investigation.
- d. Mapped inventory of on-site environmental constraints, (such as wetlands,

watercourses, water bodies, active karst feature, underground storage tanks, native forests, high quality successional forests, significant and severe grades, and closed basins), and a narrative, drawn, or mapped inventory of adjoining and downstream environmental constraints to the best of the applicant's knowledge after reasonable investigation.

- e. Identification of the 100-year floodplain for properties that have all or a portion of their area located within the 100-year floodplain. Where a FEMA base flood elevation was not provided, the applicant should use the best available data from the inventory of drainage studies to determine the base flood elevation. Available studies may include, but are not limited to, the USGS-91 study, a county public works department approved drainage study, a private engineering study, or the certified results of an approved drainage study performed by a professional engineer and approved by the county.
- (2) *Standards for the protection of natural features.* If an application contains one or more of the preservation/conservation areas listed in subsection (1) above, the applicant shall propose measures to mitigate the adverse affects of the development on such areas, using as a minimum, the standards and guidelines set forth below. Details of the proposed mitigation for on-site preservation/conservation areas must be supplied with the environmental impact analysis application.
- a. *Preservation areas.* Development activity is prohibited in preservation areas, however if there is no other suitable option development may be allowed at one unit per 40 acres not to exceed a total of five percent disturbance for preservation areas. Conservation easements which include the limits of the feature within the subject parcel and the appropriate buffer and setback requirements stated below shall be required for all preservation areas. Conservation easements shall be dedicated in favor of the county.
 1. *Wetlands, waterbodies, and watercourses.* These features shall be protected in accordance with section 10-4.322, section 10-4.324 and section 10-4.327 (3). Buffers and setbacks are required in accordance with Table 1 of section 10-4.202 (a)(2)c. A minimum 20-foot vegetated buffer plus the appropriate setback must be maintained from the jurisdictional boundary of all wetlands. A buffer width of up to 50 feet plus a setback may be required for wetlands depending on the land-use designation of the parcel.
 2. *Floodplains and floodways.* These features shall be protected in accordance with section 10-4.327 (3). A drainage or conservation easement is required for the limits of the 100-year floodplain and any floodway as determined during the natural features inventory.
 3. *Native forests.* Native forests shall be protected as follows:
 - (a) Areas determined to be native forest shall be preserved to the

boundary determined during the natural features inventory plus a minimum 20-foot buffer and placed in conservation easement.

- (b) When impact to the native forest is unavoidable and does not exceed the 5% disturbance criteria, priority must be given to preserve the largest total area of the native forest by considering adjacent on and off-site native forests and associated wetlands, floodplains, significant and severe slopes, and canopy road protection zones, while ultimately minimizing fragmentation of the natural plant community.
 - (c) The preserved native forest areas shall be restored and enhanced in accordance with a vegetation management plan. The plan shall ensure protection and appropriate management of the native forest, including protection from secondary impacts of development. The plan shall, at a minimum, provide the following: description and mapped limits of the native forest; description of desired future conditions; description of management techniques; management and monitoring schedules; estimated costs; designated responsible management entity; and conservation easement signage.
4. *Severe grades.* Regions of severe grade (areas with greater than 20 percent slope) shall be preserved to the boundary determined during the natural features inventory and placed in conservation easement in accordance with Section 10-4.327(2)c.
 5. *Areas of environmental significance.* Areas of environmental significance include springs and other active karst features. The limits of the feature as determined by the uppermost contiguous contour or slope break plus a buffer width of 35 feet shall be placed in conservation easement as outlined in section 10-4.325.
- b. *Conservation areas.* Development activity is permitted within conservation areas provided that it is specified in the document establishing the conservation area and is consistent with the following criteria:
- ~~1. *Degraded wetlands.* In cases where a wetland has been considered degraded in accordance with section 10-4.322, some development activity may be permitted as outlined in section 10-4.322 (e) and section 10-4.322 (f).~~
 12. *Altered floodplains.* Development is allowed within altered floodplains provided that no floodway is adversely affected, compensating volume is provided for any net fill within the floodplain, and the lowest floor elevation of any structure is placed at or above the flood protection elevation.

23. *Altered floodways.* Development shall not be allowed in areas designated as floodways, as defined in section 10-1.101. However, public sector infrastructure projects shall be allowed if it can be shown by certified technical methods, approved by the county administrator or designee, that the development activity will not cause an increase in the 100-year floodplain profile. For floodways not designated as FEMA floodways, it shall be demonstrated that all activities associated within the development shall not increase the 100-year floodplain elevation by more than one foot.
34. *Altered watercourses.* Development is allowed within altered watercourses pursuant to meeting other Code sections if compensating volume is provided for any net fill within the watercourse, and the lowest floor elevation of any structure is placed at or above the flood protection elevation.
45. *High quality successional forest.* ~~Development activity is not allowed within areas designated as high quality successional forest. However, if the entire parcel under review is considered high quality successional forest, then the site may be developed at 4,000 square feet of disturbance per two acres, up to a maximum of 20 percent of the entire parcel. Those areas designated to be preserved shall be placed in a conservation easement. Impacts to the forest must meet the following criteria:~~
- (a) If the entire parcel under review is considered high quality successional forest, then the site may be developed at the allowed density with no more than 20% disturbance of the site or at a density of one unit per two acres.
 - (b) If the site is not entirely high quality successional forest and impact is unavoidable, a maximum disturbance of 5% may be allowed.
 - (c) Those areas designated to be preserved shall be placed in conservation easement. Priority must be given to preserve the largest total area of the high quality successional forest by considering adjacent on and off-site high quality successional forests and associated wetlands, floodplains, significant and severe slopes, and canopy road protection zones, while ultimately minimizing fragmentation of the natural plant community.
 - (d) The preserved high quality successional forest areas shall be restored and enhanced in accordance with a vegetation management plan. The plan shall ensure protection and appropriate management of the high quality successional forest, including protection from secondary impacts of development. The plan shall, at a minimum, provide the following:

description and mapped limits of the high quality successional forest; description of desired future conditions; description of management techniques; management and monitoring schedules; estimated costs; designated responsible management entity; and conservation easement signage.

56. *Significant grade area.* ~~Fifty percent of the total grade area or 50 percent of each individual grade area must be left natural and shall be placed into a conservation easement. This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas, whichever most effectively provides downhill buffers, protects forested areas, or buffers other protected conservation or preservation areas.~~ Significant (ten percent to 20 percent slope) grade areas shall be protected in accordance with Section 10-4.327(2)c.
67. *Closed basins.*
- a. Development activity within closed basins must meet the standard outlined in section 10-4.301 and 10-4.303.
 - b. *One-hundred-year storm event flood exclusion area.* The applicant shall determine the post-development 100-year storm event flood elevation within the closed basin assuming full build-out of all on-site and off-site property within the closed basin. A broad range of storm durations and sequences, up to a ten-day duration, shall be analyzed and the storm sequence generating the highest flood elevation shall be utilized. No on-grade structures or other development activity shall be permitted below the 100-year storm event flood elevation other than those which are approved under this article relating to landscaping, stormwater management, sidewalks, roads, and outside passive recreation facilities. All property of the applicant located within the 100-year storm event floodplain shall be encumbered by the applicant with flood easements for the benefit of the public, and deed restrictions enforceable by the local government, prohibiting all uses which violate this restriction. If the applicant owns all of the property within the existing 100-year floodplain and no other sensitive features are present, disturbance to the floodplain may be allowed as long as sufficient storage volume exists for all of the requirements of this subsection and there are no adverse impacts to adjacent property owners. If the pre-existing 100-year floodplain is recontoured within the site under this provision, the lowest elevation of the reconfigured floodplain shall be at least five feet above seasonal high water table and shall not cause any adverse impacts to the aquifer.
78. *Cultural resources.* Significant cultural resources shall be protected in accordance with section 10-300. A cultural resource protection plan is

required for areas containing identified significant cultural resources. This plan may require a conservation easement encompassing the cultural resources, provision of public access to the cultural resource site, or other measures to protect, maintain, and manage the resource or to mitigate for impacts to the resource.

- c. *Table of Standards for the Protection of Natural Features* is included herein as Table 1. If an application includes land on which one or more of the natural features listed within the table is present, the applicant shall propose measures to mitigate the adverse effects of the development on such constraints, using as a minimum the mitigation measures set forth in the table, but in addition may include other appropriate mitigation techniques which would meet the objectives thereof.

Table 1. Table of Standards for the Protection of Natural Features

Allowable Use Categories	Low-Density Residential Passive Recreation	High-Density Residential Medium-Density Residential Recreation	Residential Active	Minor Neighborhood Community Highway Regional Postsecondary Office Park	Commercial Commercial Commercial Commercial Minor Office Office Services	Heavy Infrastructure Industrial Light Industrial Park Interchange Commercial	Heavy Infrastructure Light Industrial Interchange Involves use of regulated hazardous materials**
Natural features							
Waterbodies	Conservation easement to O.H.W. line plus 50' naturally vegetated buffer					Conservation easement to O.H.W. plus 50' × setback factor*	
Watercourses/Tributaries**	Conservation easement to O.H.W. plus 10' × setback factor*	Conservation easement to 25-year flood elev. plus 20' × setback factor*		Conservation easement to 25-year flood elev. plus 30' × setback factor*		Conservation easement to 25-year flood elev. plus 50' × setback factor*	
	Conservation Easement to O.H.W. line plus a 50' naturally vegetated buffer for all tributaries as defined in section 10-1.101						
Wetlands	Conservation easement to jurisdictional line plus 10' × setback factor*	Conservation easement to jurisdictional line plus 20' × setback factor*		Conservation easement to jurisdictional line plus 30' × setback factor*		Conservation easement to jurisdictional line plus 50' × setback factor	
Floodplain	Drainage easement to 100 year post-development floodplain elevation/conservation easement to 100-year floodplain if additional natural features are present						
Native Forest**	Conservation easement to boundary determined during the NFI plus a <u>minimum 20' buffer—A Vegetation Management plan is required. approved by local, state, and federal agencies</u>						
High Quality Successional Forest**	Conservation easement to boundary determined during the NFI <u>plus a minimum 20' buffer—A Vegetation Management plan is required. approved by local, state, and federal agencies.</u> If entire site is comprised of HQSF, then the site may be developed at <u>4,000 square feet of disturbance one unit</u> per two acres, not to exceed 20% of the parcel						
Severe Slopes	Conservation easement for all areas in accordance with Section 10-4.327(2)c.						
Significant Slopes	Conservation easement for 50% of grade area in accordance with Section 10-4.327(2)c.						
Closed Basins	Retention of 100 year post-development volume increase/soil tests to verify percolation						
Site with Special Concern, Threatened and Endangered Species	protection and management plan required (approved by local, state and federal resource management agencies)						
Areas of Environmental Significance	Conservation easement to uppermost contiguous slope break plus a 35-foot setback					Conservation easement to uppermost contiguous slope break plus a 50' setback	
Cultural Resources	Protection plan is required if significant cultural resources are present as set forth in section 10-4.329						

* Setback factor: Buffer width as given X slope factor X soil factor. Where slope factor = 1 + average gradient in % and soil factor = clay × 2 and sand × 1 (i.e. the required buffer for an apartment complex with a 5% slope on clay soils: 20 × 1.05 × 2 = 42')

** See section 10-1.101 for definitions

- (3) *Environmental Impact Analysis (EIA)*, consisting of a conceptual development plan and an analysis of its impact on the natural features identified in the NFI. The analysis should address all of the applicable items in the "Environmental Impact Analysis Application". In general this application includes the following:
- a. A conceptual development plan.
 - b. An assessment of the project impact on any endangered, threatened, or special concern species and its habitat and a discussion of wildlife habitat characteristics of other wildlife, which are located on the property, and a description of any management plans which are proposed to eliminate project impact and which have been submitted to the state game and fresh water fish commission for review. Any permit issued for development on a site which includes endangered, threatened, or special concern species or their habitat shall be contingent upon approval by state or federal agencies where such approval is required by state or federal law.
 - c. Description of proposed changes in vegetative and tree cover, including specific identification of all protected trees 36-inch DBH or greater and all dogwoods 4-inch DBH or greater. If the tree debit/credit option is proposed, all protected trees must be specifically identified.
 - d. Description of proposed changes in natural grades, including identification of the nature and extent of soils and soil disturbance, and proposed erosion, sedimentation, and water management techniques and development practices to be employed.
 - e. Evaluation of water quality impacts which may result from the proposed action, including such parameters as pre-development and post-development discharge of nutrients, sediments, and other pollutants.
 - f. Evaluation of changes in volumes and rates of stormwater runoff, including significant impacts on the water table, surface water flows, and water levels of downstream wetlands, watercourses, and water bodies.
 - g. Evaluation of adequacy of downstream conveyances to carry rate and volume of stormwater runoff to a receiving wetland or water body, both during construction and after development. This evaluation may include calculations or modeling.
 - h. Environmental impacts on all additional on-site, adjoining, and downstream conservation and preservation areas, including altered and undisturbed wetlands, altered and undisturbed water courses, water bodies, active karst features, altered and undisturbed floodplains and floodways, significant (ten--20 percent) and severe grades over 20 percent, native forests, high quality

successional forests, drainage basins, including closed basins, designated canopy road corridors, cultural resources, special development zones, and areas of environmental significance.

- i. Verification that all newly proposed lots have sufficient buildable area outside of environmental constraints and special development zone (SDZ) restrictions. Sufficient buildable area shall be considered one-half acre of contiguous area if the site has environmental constraints and/or SDZ restrictions, or the allowable zoning density if there are no site constraints.
- j. Mitigation as required in subsection (2). The EIA may be waived if there is no required mitigation for sensitive features and no anticipated stormwater problems that could affect the site plan (in this case, the stormwater items in the EIA application shall be addressed in stormwater permitting).

(b) *Sufficiency of applications.* Any application which requires an environmental impact analysis pursuant to subsection (a) above, shall not be accepted for filing and processing unless an NFI has been completed and approved by the environmental compliance division. The EIA will be submitted after approval of the NFI and as part of the above application. The EIA shall be sufficiently complete to allow a review of possible adverse impacts of the proposed development activity. Within 15 working days after the submission of a complete NFI or EIA application, the county administrator or designee shall determine that the application is approved, approved with conditions, denied or does not contain sufficient information for review, and shall notify the applicant of such determination as soon as reasonably possible thereafter. Each additional resubmittal will be reviewed within 15 working days.

Section 2: A portion of Section 10-4.206 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.206. Tree removal application requirements.

- (a) Same.
- (b) Same.
- (c) *Other protected tree removal, patriarch tree removal, and vegetation management applications.*
 - (1) *Required information.* Permits for removal or relocation of protected trees, other than trees located within a canopy road tree protection zone, and applications for vegetation management plan approval for areas other than those located within a canopy road tree protection zone, shall be obtained by making application for permit to the county administrator or designee. Applications for vegetation management plan approval shall be accompanied by a diagram depicting the area to be subject to the plan and the existing vegetation therein, and a description of the nature and purpose of the plan.

The application for tree removal shall be accompanied by a written statement indicating the reasons requiring removal or relocation of each protected tree, ~~a general description of each protected tree to be removed or relocated,~~ and an area map indicating the location of ~~each trees~~ to be removed or relocated and any existing and proposed structures or vehicular use areas. In addition, the application shall contain a signed acknowledgment by the applicant verifying that no protected trees will be removed on the site except as noted on the approved application and permit. If the proposed tree removal is associated with development requiring a stormwater management application as part of the environmental management permit application, the written statement and area map mentioned above shall include, at a minimum, the following:

- a. Written, detailed justification for the proposed removal of each protected tree, which shall reference the development area where the trees are to be removed. Each tree that is 36-inch DBH or greater and any dogwood 4-inch DBH or greater must be shown on the required development ~~each tree on the required~~ area map by map number designation for each such tree.
- b. The locations and dimensions of all existing and proposed vehicular use areas and other improvements, including finished elevations for each.
- c. Significant natural site features.
- d. Existing and proposed site contours.
- e. If the applicant chooses the option of obtaining credit for preserved trees onsite instead of replanting the developed area with 40 trees per acre, the preserved trees must be identified on the plans. Existing protected or required trees to remain on-site, and protected trees proposed to be removed, shall be indicated by a number assigned to each tree and noting DBH, species and critical protection zone. Indication of the general location of the trees, including blocks of trees, may be acceptable depending on-site conditions and provided that a listing of individual trees by species and size is submitted.
- f. Existing and proposed utilities, underground and overhead, and location of any other known man-made on-site features, such as underground tanks or old building foundations.
- g. Building and other setbacks.
- h. Protected trees on adjacent property which may be affected by proposed development activity within the critical protection zone of such trees.
- i. All applicable land use requirements pertaining to property use or restrictions, including easements, zoning, rezonings, site and development plan or plat reviews and development orders.

- (2) *Inspection.* Subsequent to application, but prior to the issuance of a permit for tree removal or relocation, the county administrator or designee shall conduct an on-site inspection.
- (3) *Application review.* The county administrator or designee shall have 20 working days after receipt of a complete application filed pursuant to this subsection to approve or deny the requested permit, or to request additional information from the applicant, unless the application is accompanied by a short-form application as part of the environmental management permit, in which case approval, denial, or request for additional information shall be made according to the short-form timelines. Where additional information is requested, the county administrator or designee shall grant or deny the permit request within ten working days after the information is provided by the applicant. If the applicant fails to provide such information within 14 days of the request, the application shall be deemed to have been withdrawn. In the event the county administrator or designee denies an application, the county administrator or designee shall specify to the applicant in writing the reason for such action. If no additional information is requested and no final action with respect to a complete application is taken within the required 20 working days, the application shall be deemed to have been approved to the extent that it is in compliance with the requirements of this article, provided that no stop work order is in effect on the site.

Section 3: A portion of Section 10-4.301 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

10-4.301. Water Quality Treatment Standards

- (1) *Minimum Standards.* Water quality treatment shall be provided as a part of all development activity which requires a stormwater application under this article. Treated stormwater shall meet the applicable water quality standards set forth in F.A.C. chs. 62-4, 62-302, 62-520, 62-522, 62-550 and 62-346 ~~62-25~~, and in this division. Design and performance standards set forth in such F.A.C. chapters are hereby adopted and incorporated in this article by reference. However, design and performance standards more stringent than those specified therein may be required whenever discharge from a site does not meet state water quality standards, and may also be required for specific watersheds for which the Board of County Commissioners has adopted, or shall adopt, conservation measures.
- (2) Same.
- (3) Closed basins and standards.
 - (a) Closed basins meeting the following criteria shall be regulated in accordance with this subsection:

(i) Any closed basin which has been identified and mapped as a regulated closed basin by the Board of County Commissioners; or

(ii) Any closed basin for which it can be shown by hydrologic analysis that cumulative increases in runoff volume from potential development patterns will cause a significant adverse impact on the frequency, duration, or extent of flooding.

(b) *Volume control required.* Runoff volumes within regulated closed basins in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the closed basin, the excess volume may be discharged from individual sites to an approved regional detention or retention facility located within the closed basin as may be allowed under other subsections of this section and pursuant to section 10-4.305. One-half the required pond volume shall be recovered within seven days, and the full volume shall be recovered within 30 days.

(c) Residential subdivisions that create no more than three lots shall be exempt from the provisions in subsection (b) above if the following five criteria are met:

1. There are no structures at the bottom of the closed basin that could flood.
2. There are no existing flooding problems or adverse impact to downstream properties.
3. The new lots are at least one acre in size and have less than 20% impervious area.
4. The new lots have adequate stormwater conveyance to the bottom of the closed basin. If not, downstream drainage easements will be required.
5. The new lots meet state stormwater standards or receive an exemption.

(4) Same.

(5) Same.

(6) Same.

(7) Same.

Section 4: Section 10-4.322 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.322. Wetlands.

(a) *Jurisdictional determination.* The beneficial functioning of wetlands as areas for the

natural storage and filtration of surface water runoff shall be protected, and shall be enhanced where functional degradation has occurred. Final determination of a wetland area, if in question, shall be made by the county administrator or designee based on a site inspection and the documentation of findings pursuant to the definition of a wetland in Chapter 62-340, F.A.C.

(b) *Boundary determination.* Determination of the actual extent of a wetland area on a development site shall be made by a qualified professional retained by the applicant, based on soils analysis, botanical review surveying, or other standard engineering or environmental analysis practices, and subject to review and approval by the county administrator or designee.

(c) *Protection of topography and hydrocycle.* Existing natural topography shall be maintained within wetland areas. No alterations shall be made within a wetland area to the natural fluctuation of water levels or flows, ~~unless such alterations are part of an approved stormwater detention or retention system, or unless such alterations are necessary for an approved utility system. In either case, such alterations are limited to wetlands which have been determined to be degraded to the extent that their ecological functions have been significantly and detrimentally degraded. As a condition of the use of such a wetland, the design of the overall wetland alteration shall result in the substantial re-establishment of the natural functioning of the undisturbed portion of the wetland as described in the 1993 DEP Florida Development Manual Guide to Sound Land and Water Management, or its successor publication. Wetlands which have been cleared as the result of silviculture operations, wetlands which have been subjected to animal activity during agricultural operations, wetlands which have been disturbed through activities which are a violation of the Leon County Code, and as determined by the county administrator or designee, wetlands which may have their beneficial level of functioning restored through natural processes, will not be considered degraded. If none of these conditions apply, the county administrator or designee shall determine a wetland to be significantly and detrimentally degraded if at least four of the five following conditions apply:~~

- ~~(1) No evidence of utilization by wildlife (mammals, aquatic birds, reptiles, amphibians, fish, and invertebrates) whose life cycles are dependent on wetland communities.~~
- ~~(2) Vegetation if present is not indicative of a natural community type recognized in applicable published scientific literature.~~
- ~~(3) Greater than 75 percent of the vegetation is comprised of upland plant species or undesirable exotic species.~~
- ~~(4) Evidence of draining, ditching, dredging, filling, or sediment deposition that has negatively impacted the hydrology of the feature.~~
- ~~(5) Physical quality of soil is reduced as evidenced by pore size, rupture resistance, and structure.~~

(d) *Structures and roads.* Disturbance for new structures or roads located within a wetland area shall be limited to five percent of the total wetland area within the development and the road placed at the location that minimizes impact. New structures, access roads or improvements to

existing roads shall require the road to be elevated on pilings or piers or otherwise constructed so that the circulation and flow of water is not impeded or restricted. The applicant must demonstrate to the satisfaction of the county administrator or designee that structures or roads do not interfere with the ecological functions of the wetland area, through maintaining the existing flow patterns and minimizing the water elevation changes within 0.1 foot difference from the pre- and post-development conditions.

(e) *Protection of vegetation.* No tree or vegetation located within a wetland or within 20 feet of the perimeter boundary of a wetland area shall be removed or damaged except as permitted in accordance with the provisions of this division. No natural vegetation shall be removed, except:

- (1) As necessary for routine trimming and pruning of trees; as necessary to construct approved stormwater detention or retention systems, or approved utilities, roadways, or other structures, and in compliance with an approved environmental management permit and all requirements of this division; or
- (2) As necessary for trimming of wetland vegetation within 15 feet of each side of a dock or other accessory structure located on residentially zoned lots.
- (3) As necessary for the installation of temporary disced or mowed fire lanes as part of a vegetation management plan which is designed to enhance and maintain the ecological functions of the wetland or waterbody. The vegetation management plan must be submitted and approved by the county administrator or designee prior to any disturbance of wetland vegetation.

~~(f) *Constructed water bodies.* Water bodies approved to be constructed within significantly degraded wetland areas pursuant to subsection (c) shall be designed to provide water quality and storage benefits which approximate natural healthy water bodies. Minimum requirements to ensure these benefits include:~~

- ~~(1) Side slopes from the design highwater elevation to the bottom must be 6:1 or flatter.~~
- ~~(2) A natural buffer area shall be provided between the normal pool elevation and the design highwater elevation, within which no alterations may be made to the design topography nor any vegetation removed, except for periodic mowing, maintenance, or restoration activities.~~
- ~~(3) The capability for periodic gravity drawdown, to facilitate water quality and fishery benefits, shall be provided where feasible.~~
- ~~(4) Approval by the state department of environmental regulation in accordance with F.S. ch. 403, if subject to that agency's jurisdiction.~~

(fg) *Conservation easements required.* A conservation easement, or other suitable means of protection, in a form approved by the county attorney, shall be required for all on-site areas of a development which are within the jurisdictional limit of a wetland, water body, or natural

watercourse, and for all areas which are within the perimeter of such a jurisdictional boundary plus any setback required by section 10-4.202 for development activities to insure that such areas will be protected and preserved.

Section 5: A portion of Section 10-4.327 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.327. Topographic alterations.

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

- (1) Same.
- (2) *Grade change limitations.* It is the intent of this article to minimize alterations of the natural topography of land within the county.
 - a. The type, intensity, and structural design of each proposed development project shall be consistent with and compatible with natural pre-development topography and characteristics of the proposed site.
 - b. Alterations of natural topography shall not exceed the absolute minimum necessary to develop a site safely. Design criteria will emphasize site designs that fit the topography, not change the topography to fit the design. Any development proposed for a site shall be appropriate to the existing natural topographical characteristics of the site, while recognizing that minimal grade changes are essential to site development.
 - c. ~~All development activity is restricted to 50 percent of significant (ten percent to 20 percent) grade areas. Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and reasonable construction access.~~

The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. Man made slopes shall not be regulated. Development in sloped areas of ten percent and above shall be permitted as follows:

1. Off-grade construction techniques shall be utilized to minimize clearing and topographic alteration, and shall provide (and clearly delineate on-site) specific clearing limits to restrict clearing and topographic alterations to the minimum area necessary for construction of the permitted facilities and

- reasonable construction access.
2. A minimum of 50% of significant (ten percent to 20 percent slope) grade areas must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas. This requirement may be met by preserving 50 percent of each individual area or 50 percent of the total grade areas.
 3. Severe grade areas (greater than 20 percent slope) shall remain undisturbed. Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
 4. All significant and severe grades required to be undisturbed shall be preserved in their pre-development state by conservation easement.
 5. Urban service area only: All isolated significant slopes that are 0.25 acres or less in size shall not be protected. All other significant slopes may be disturbed more than 50% provided the following criteria are met:
 - (a) The disturbance is necessary to encourage urban infill in the urban core or to create new, high wage employment.
 - (b) If a non-residential site is less than or equal to three acres in size with no other preservation features present on the site.
 - (c) All residential development qualifies for the additional disturbance.
 - (d) Stormwater treatment shall be off-line retention equal to the first 1/2 inch of runoff with full recovery within 72 hours. If it can be demonstrated that retention is not achievable due to soil and site characteristics, wet detention, in accordance with Section 10-4.301(2)(b)(i) and FDEP regulations, will be allowed. If wet detention is not achievable due to site characteristics, the County Administrator or designee may allow other treatment alternatives if it can be satisfactorily demonstrated that the alternative provides a pollutant removal efficiency of 80% or greater.
- ~~d. All areas of a development site which are severe (over 20 percent) grade and 50 percent of all significant grade areas shall be protected and preserved in their pre-development state by conservation easement.~~
- de. The county administrator or designee may allow limited exemption from these grade change limitations for approved roadway projects, provided that the permit application related to such project includes:
1. Appropriate restrictive limits of areas as to clearing and topographic alteration.
 2. Approved erosion and sediment control plans.
 3. An evaluation of alternatives which support the allowance of an exemption.

(3) Same.

Section 6: Section 10-4.342 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.342. 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, in accordance with sections 10-173, 10-4.344, 10-4.347 through 10-4.355, including section 10-6.812 for towers and telecommunication projects.
- (2) A reforestation program, in accordance with sections 10-4.347, 10-4.349, 10-4.350, and 10-4.353.
- (3) Landscaped areas in off-street parking facilities and other vehicular use areas, in accordance with sections 10-4.347, 10-4.348, 10-4.350 and 10-4.351.
- (4) Minimum natural area, site design alternative, or other environmentally sensitive areas, in accordance with sections 10-4.345, 10-4.345.1, 10-4.346, and 10-4.202.
- (5) Landscape buffer requirements for uncomplimentary land use conflicts applicable to all development identified in the zoning and site plan review code, section 10-7.522.
- (6) Vegetation management plan. A vegetation maintenance plan for pre-development vegetation in accordance with subsections 10-4.345 (c) and 10-4.209 (c)(2), (f)(1)h. and (g)(7).
- (7) Bradfordville. Additional landscape requirements for the Bradfordville Study area are set forth in section 10- 4.386.

(b) Exemptions. The following activities are exempt to the degree specified herein from the landscaping requirements of this division:

- (1) Individual mobile homes, individual detached single-family dwelling units, individual two-family dwelling units, triplex and quadraplex units, or bona fide agricultural uses.
- (2) All public roadway construction and reconstruction projects shall be exempt from the provisions of sections 10-4.344 through 10-4.347. Arterial roadway projects shall

conform to the visual screen requirements in sections 10-4.348 (a)(2), in addition to any other requirements that may apply to such projects.

Section 7: Section 10-4.345 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.345. Natural area requirements.

(a) Minimum natural area. All development activity shall preserve a minimum of 25 percent of the total area of the development site in a natural condition, unless the site design alternative criteria of section 10-4.346 are met. In either case, all natural areas designated in the permit to be preserved shall be recorded as a conservation easement. The development activity shall preserve at least ten percent of the total number of protected trees located on the site. If there are no environmental constraints or forested areas onsite, ~~and if the required natural area is less than one-half of an acre,~~ no conservation easement is required, but the area must be delineated as a conservation area on the site plan.

(b) Credit towards landscape area requirements of section 10-4.344 may be allowed for all or part of the natural area, provided the applicant demonstrates to the satisfaction of the county administrator or designee that the natural area to be claimed for landscape credit addresses one or more of the following criteria:

- (1) Encompasses tree clusters including high quality successional forest, native forest, protected trees, or urban forest with native understory that have been protected from development impact; or
- (2) Is located so as to protect the downhill sides of severe or significant grade areas; or,
- (3) Constitutes a perimeter buffer on at least three sides of the site; or,
- (4) Encompasses all significant on-site environmental constraints; or,
- (5) Provides a forested buffer along any roadway; or,
- (6) Includes other environmentally sensitive considerations as determined to be consistent with the intent of this subdivision by the county administrator or designee; or,
- (7) Provides a perimeter buffer on at least two sides of a site contiguous to high quality successional, native or urban forest on adjacent properties.
- (8) Is located adjacent to an environmentally sensitive land feature.

(c) Maintenance of natural areas. A management plan submitted as part of the environmental management permit application is required for all pre-development vegetation located on the site. Vegetation management shall be allowed for the purpose of integrating pre-development vegetation both visually and physically into the site's master landscape plan. Maintenance guidelines shall be required and provisions made for any supplemental planting, if additional plantings are

desired. Approved maintenance activities include pruning of dead and hazardous tree limbs, planting, mulching, fertilization, pest control. Mechanical methods which compact the earth or impair root systems, or the pruning of limbs greater than 10 percent of the green mass of a tree are prohibited, unless otherwise allowed in an approved plan. Activities that would result in a change in the vegetative composition of the forest community including removal of native species and replacement by invasive/exotics, or the removal of understory and ground cover are prohibited.

Section 8: Article IV, entitled "Environmental Management" of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new section, 10-4.345.1 "Landscape and Natural Area Requirements for Non-residential and Multi-family Project Sites 3 Acres or Less in Size", which section shall read as follows:

Sec. 10-4.345.1 Landscape and Natural Area Requirements for Non-residential and Multi-family Project Sites 3 Acres or Less in Size.

It is the intent of this section to provide an alternative approach to the landscaping requirements in section 10-4.344 and natural area requirements in section 10-4.345 for non-residential and multi-family project sites 3 acres or less in size. A 35% minimum threshold for landscaping, natural area, and stormwater management facilities will be allowed provided that the site design meets the following criteria:

- (a) Front perimeter landscape area. A 40-foot wide strip of land along the entire front perimeter of a site, located between the front property line and any vehicular use area shall either remain natural or shall be landscaped. Corner parcels where any two streets intersect shall be considered to have perimeter frontage on two sides of the site. Width of sidewalks shall not be included within the 40-foot wide front perimeter landscape buffer. The minimum total tree requirement within this front perimeter shall be determined using a ratio of one tree for every 324 square feet, with no less than 75 percent of said trees being canopy trees. Understory and ornamental trees may be utilized in the remaining 25 percent. This provision is not intended to require trees to be equally spaced.
- (b) Interior landscape for vehicular use areas. In vehicular use areas within the interior of a site, one 800 square foot (sixteen percent) natural or landscape planted area shall be required for every 5,000 square feet of vehicular use area, or major portion thereof. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving, reduce heat inversion, and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than 24 feet in width, exclusive of curbing.
- (c) Stormwater management facilities can be included in the 35% minimum as follows:
 - (1) If a wet detention pond meets the requirements in Section 10-4.350.
 - (2) If a dry retention pond meets the requirements in Section 10-4.350. If the dry retention pond has slopes greater than 4:1, 5 percent will be added to the 35% minimum threshold for landscaping, natural area and stormwater making the minimum threshold 40%.

- (d) All other interior landscaping requirements must be met.
- (e) If the site contains preservation and/or conservation features that require protection, credit for these features can be provided toward the 35% minimum provided that all the other requirements of this section have been met.

Section 9: Section 10-4.362 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.362. Protected trees.

(a) *Intent.* It is the intent of this division to facilitate a holistic approach to development which incorporates trees suitable for integration into urban development, regardless of size, and which utilizes urban forest areas. It is also the intent to protect and maintain wildlife habitat areas and the forested character of the community through management of development impact and reforestation requirements.

(b) *Scope and applicability.* The following trees are protected and shall not be removed or damaged without permit approval pursuant to sections 10-4.364 and 10-4.206:

- (1) Any tree having a diameter of 18 ~~12~~ inches DBH or greater.
- (2) Any tree with a DBH of four inches or greater which is located in the lot perimeter zone of any development site except for sites being developed for detached single-family residential use. The lot perimeter zone is the area of a development site which falls between a property line and the minimum building setback corresponding to that property line as required by Article VI (Zoning).
- (3) Any tree within a canopy road tree protection zone.
- (4) Any tree planted to meet the replanting, reforestation, or landscaping requirements of this chapter.
- (5) Any tree located within a conservation or preservation area as described in section 10-4.202.
- (6) Any dogwood (*Cornus florida*) tree of four ~~eight~~ inches DBH or greater.

(c) *Exemptions.* The following shall be exempt from subsection (b) and the tree removal permit requirements of this division:

1. Removal of trees which are less than 36 inches DBH on lots upon which there is an existing, lawfully occupied, single-family detached dwelling (or mobile home), provided that such trees proposed for removal:

- a. Are not located within a wetland or floodplain area;
 - b. Are not located within a canopy road tree protection zone; and
 - c. Are not located within a required buffer, preservation, conservation, or easement area.
2. The removal of any tree planted and grown in the ordinary course of business of a lawful plant or tree nursery.
3. The removal of any tree during or following an emergency or an act of nature, when the county administrator or designee determines that permitting requirements will hamper private or public work to restore order to the county.
4. The removal of any tree which the county administrator or designee finds to be in such a hazardous or dangerous condition as to endanger the public health, welfare, or safety and therefore to require immediate removal.
5. Removal of trees as necessary for a project which the county administrator or designee has determined is a bona fide agricultural use, provided that:
 - a. A short form environmental management permit application or silvicultural permit for the project has been approved by the county administrator or designee pursuant to Division 2 and sections 10-187, 10-4.2 (a), and 10-4.206 (1) of this chapter.
 - b. No tree proposed for removal is a patriarch tree.
 - c. No tree proposed for removal is located within a wetland area, a conservation or preservation area, or a canopy road tree protection zone.
6. Removal of trees for a project which the county administrator or designee has determined is a silvicultural operation and a bona fide agricultural use provided that a silviculture application for a short form environmental management permit or a silviculture notice of intent has been applied for and, as required herein, approved. Further, no tree proposed for removal shall be a patriarch tree or a tree located within a canopy road protection zone unless the criteria in Subsection 10-4.206 (b)(4)d.2. applies.
7. Limited excavation activity within the critical protection zone of any protected tree when necessary in association with an archeological project approved by and performed under the direction of the state's department of state, provided that a plan for mitigating the impact upon affected trees is submitted with the exemption application and approved by the county administrator or designee.

Section 10: Section 10-4.364 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-4.364. Removal of protected trees.

(a) *Criteria for protected tree removal.* The county administrator or designee shall approve a permit for removal of a protected tree if the applicant demonstrates the presence of one or more of the following conditions:

- (1) *Safety hazard.* Necessity to remove a tree which poses a safety hazard to pedestrians or other persons, buildings or other property, or vehicular traffic, or which threatens to cause disruption of public services.
- (2) *Diseased or pest infested trees.* Necessity to remove a diseased or pest infested tree to prevent the spread of the disease or pests. The need to remove trees because of disease or pest-infestation must be determined by a forester with a B.S. degree or higher from a Society of American Foresters accredited college or by an arborist certified by the International Society of Arboriculture.
- (3) *Good forestry practices.* Necessity to reduce competition between trees or to remove exotic species and replace them with native species.
- (4) *Reasonable and permissible use of property.* Tree removal which is essential for reasonable and permissible use of property, or necessary for construction of essential improvements, resulting from:
 - a. Need for access immediately around the proposed structure for essential construction equipment, limited to a maximum width of 20 feet from the structure.
 - b. Limited access to the building site essential for reasonable use of construction equipment.
 - c. Essential grade changes. Essential grade changes are those grade changes needed to implement safety standards common to standard engineering or architectural practices, and reference to a text where such standards are found shall be required.
 - d. Location of driveways, buildings or other permanent improvements. Driveway-aisles shall be consistent with other applicable standards.
- (5) *Compliance with other ordinances or codes.* Necessity for compliance with county codes, such as building, zoning and site and development plan, subdivision regulations, health provisions, and other environmental ordinances.

(b) *Tree replanting requirements.*

(1) *Replanting schedule.* As a condition of the issuance of a permit for removal of a protected tree, a satisfactory plan shall be presented by the applicant for the successful replacement of trees to be removed. Two options are available for replacement of trees as follows:

a. The first option is to replant the developed area at 40 trees per acre. If there are protected trees that are 36-inch DBH or greater and the minimum replacement tree credits for these 36-inch DBH trees exceed 40 tree credits per acre, the replacement credits will be calculated based on the schedule in subsection b. below.

b. The second option for replacement of trees to be removed shall be based on the following schedule:

Diameter (DBH) Tree Removed (inches)	Minimum Replacement Tree Credits
Over 60	40
49--60	28
43--48	24
37--42	20
31--36	16
25--30	10
19--24	8
13--18	6
7--12	4
4--6	2
2--3	1

*Tree trunk diameter shall be rounded off to the nearest inch.

1a. If protected trees are removed without permit or otherwise in violation of this article, this second option must be used and the number of required replacement tree credits in the schedule shall be doubled.

(2) *Enhanced credit availability for replanting with trees exceeding minimum size requirement.* In order to promote planting of larger size replacement trees, the number of two-inch diameter trees (tree credits) that must be replanted as determined by the table above may be reduced when replanted trees are of a larger size than two-inch DBH, according to the following table:

Diameter (Caliper) of Tree Replanted	Number of Tree Credits
For each 3-inch tree	2
For each 4-inch tree	4
For each 5-inch tree	7
For each 6-inch tree	10

(3) *Off-site replanting agreements.* If the total number of trees to be replanted based on the tree replanting schedule in subsection (b)(1) exceeds that which may be reasonably planted on the development site, the applicant may enter into an agreement with the county, as approved by the county administrator or his designee, to plant the excess

trees on an approved public site or to provide the monetary equivalent to the county for use in public landscaping projects and which may, upon proper application be provided for organizations for the purpose of wildlife protection and preservation, however, in no event shall greater than 50 percent of the funds received after the effective date of this section be allocated to organizations for the purpose of wildlife protection and preservation. Further, monies collected prior to the effective date of this section, may only be used in public landscaping projects.

- (4) *Minimum guarantee for trees for which credit given.* If any tree for which credit was given under this section or subsection 10-4.349 (b) in relation to a project other than a single-family residential project is not alive and growing three years after all associated development activity on the property is completed, it shall be removed and replaced by the permittee with trees of at least the size which originally would have been required to be planted if such credit had not been allowed.

Section 11. A portion of Section 10-1.101 of the Code of Laws of Leon County, Florida, Definitions, is hereby amended to add the following definition entries, as follows:

Accessory dwelling unit – shall mean an additional, ancillary dwelling unit located on the same lot or parcel as a principal dwelling unit. The accessory dwelling unit may be attached or detached; its use is secondary to the principal use of the property.

Administrative Streamlined Application Process – shall mean the appropriate review process for approval of development excepted from development review as provided in Section 10-7.402.5, Development review and approval system; exceptions; except where otherwise specified in Section 10-7.402.5.

Building façade line – shall mean an imaginary line running along and parallel to the elevation of a building, extending along a horizontal plane, terminating at the property's boundaries.

Density of connectivity – shall mean, for a given development, number of street access connections to adjacent properties and off-site streets divided by the developments size in acres. An easement to extend a street for connection in the future shall be considered an access connection for purpose of this definition. The higher the density of interconnectivity, the greater the degree of external connectivity.

Green roof – shall mean a roof having the following components: an insulation layer, a waterproof membrane to protect the building from leaks, a root barrier to prevent roots from penetrating the waterproof membrane; a drainage layer, usually made of lightweight gravel, clay, or plastic; a geotextile or filter mat that allows water to soak through but prevents erosion of fine soil particles; a growing medium; plants; and, sometimes, a wind blanket. There are two basic types of green roofs: intensive and extensive. Intensive green roofs require a minimum of one foot of soil depth to accommodate large trees, shrubs and other manicured landscapes, are composed of multi-layer constructions, and include elaborate irrigation and drainage systems. Extensive green roofs range from as little as 1 to 5 inches in soil depth, and also generally require less maintenance than intensive

systems. A green roof may incorporate both intensive and extensive elements. [Derived from the City of Chicago Department of Environment].

Gum Road Target Planning Area -- shall mean that area designated by the Board of County Commissioners wherein incentives should be provided for economic development, defined as bounded by US Highway 90 on the north, Capital Circle on the east, the CSX railroad right-of-way on the south, and Aenon Church Road on the west.

High quality successional forest shall mean a medium quality upland natural plant community. These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. These forests shall be identified and delineated using Leon County's Publication titled "Natural Plant Community Criteria" and must meet the minimum area requirement, which may include adjacent conservation and preservation features. These plant community types shall generally include upland pine forest, upland hardwood forest, and upland mixed forest. ~~type in which regeneration succession has occurred in such a manner that native vegetation and wildlife species are dominant and are present in such numbers and diversity that when evaluated with standard ecological parameters it is evident that the community will proceed to a native forest type.~~

Index of interconnectivity – shall mean, within a given development, number of points of interconnection of street segments divided by the number of street segments in the development. The lower the index of interconnectivity, the greater the degree of internal street connection within a development.

Native forest shall mean a high quality upland natural plant community. These plant communities are recognized as those occurring in Leon County at the time of European settlement. These forests show little to no past disturbance and are dominated by high quality indicator species. These forests shall be identified and delineated using Leon County's Publication titled "Natural Plant Community Criteria" and must meet the minimum area requirements. These plant community types shall generally include upland pine forests, upland hardwood forests, and upland mixed forests. ~~dominated by native vegetation and wildlife species whose life cycle is naturally perpetuated in that community type. Native vegetation is present in such age, numbers, and diversity that when evaluated with standard ecological parameters the integrity of the site is evident. Some level of anthropogenic disturbance may have occurred but has not destroyed or prevented the persistence of the community.~~

Rear-loaded garage – shall mean a garage, attached or detached to the principal structure, where the vehicle-access entry-way is oriented between 150 to 210 degrees away from both the front door of the house and the front yard of the property.

Side-loaded garage – shall mean a garage attached to the principal structure where the vehicle-access entry-way is oriented at least 90 and not more than 120 degrees away from both the front door of the house and the front yard of the property.

Section 12. Section 10-6.803(b) of the Code of Laws of Leon County, Florida, Accessory apartments, is hereby amended to read as follows:

~~(b) *Accessory apartments.*~~

- ~~(1) *Purpose.* The purpose of this subsection is to provide for inexpensive housing units, making housing available to persons who might otherwise have difficulty finding homes while maintaining and protecting the property values and residential character of neighborhoods where accessory apartments are located.~~
- ~~a. No more than one accessory apartment shall be permitted on any lot.~~
- ~~b. Any accessory apartment shall be located within or attached to the principal structure. An accessory apartment shall not be construed to be located within or attached to the principal structure if connected only by a breezeway, roofed passage or similar structure.~~
- ~~c. Any accessory apartment shall not exceed 800 square feet gross floor area or ten percent of the total square footage, whichever is greater when accessory to single-family or two-family structures. An accessory apartment shall not be permitted for multi-family structures. There shall be no maximum square footage for accessory apartments to retail, office, and industrial principal structures.~~
- ~~d. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure.~~
- ~~e. No variances or waivers to the requirements of this article shall be allowed in order to accommodate an accessory apartment.~~

~~(b) *Accessory dwelling units.*~~

- ~~(1) *Purpose.* The purpose of this subsection is to provide for inexpensive housing units, making housing available to persons who might otherwise have difficulty finding homes while maintaining and protecting the property values and residential character of neighborhoods where accessory dwelling units are located. Applicable regulations governing accessory dwelling units are set out below.~~
- ~~(2) *General Standards:*~~
- ~~a. Accessory dwelling units shall be allowed in conjunction with the following principal structures: 1) detached single-family residential dwelling units; 2) retail establishments; 3) offices; and, 4) principal industrial structures.~~
- ~~b. No more than one accessory dwelling unit shall be allowed on any residential lot or within any principal non-residential structure.~~
- ~~c. Accessory dwelling units in conjunction with single-family residential structure~~

may be incorporated within or attached to the principal structure or, under limited conditions, specified in Section 4(a) below, established as free-standing or detached structures.

- d. All dwelling units accessory to a single-family residential unit shall meet the applicable zoning district front yard setback.
- e. Dwelling units accessory to a single-family residential unit shall be no greater in height than the principal residential unit, except that accessory dwelling units may be located attached to and above an accessory structure, such as a free-standing garage, in which case, the height of the combined structure may be 24 feet. In no instance shall an accessory dwelling unit be so designed and located as to have windows, which at their base elevation, are higher than the eave of any residential dwelling unit located on an adjacent property.
- f. Accessory dwelling units shall be constructed utilizing similar architectural standards as utilized for the design and construction of the principal structure.
- g. Dwelling units accessory to retail, office, and industrial principal structures shall not exceed one-third of the area of the principal structure, nor 2,500 square feet.
- h. In no instance shall a mobile home, standard design manufactured home, or storage shed be used as an accessory dwelling unit.
- i. An accessory dwelling unit shall be required to obtain permitting as a habitable structure.
- j. Deviations may not be granted to the requirements set out in this section except in regard to subsections (2)e. and (4)d. To obtain approval for deviation to the requirements set out in subsections (2)e. and (4)d. under this subsection, the applicant shall demonstrate that, in addition to the general criteria for approval, the proposed placement and elevation of the accessory dwelling unit will not adversely impact any adjacent residential property resident; the application may demonstrate satisfaction of this objective by taking advantage of the topographic characteristics or natural vegetation present on site, or through the use of enhanced landscaping, architectural, or other design responses.

(3) Standards for Attached Accessory Dwelling units:

- a. An accessory dwelling unit may be attached to a principal single-family residential structure if connected by a breezeway, roofed passage or similar structure. Accessory dwelling units in conjunction with non-residential uses shall be incorporated within or attached to the principal structure.
- b. Any accessory dwelling unit attached to a single-family residential structure, including those connected by breezeway, roofed passage or similar structure, shall

not exceed 45% of the total gross floor area of the principal residential structure nor 800 square feet gross floor area.

- c. An accessory dwelling unit attached to a single-family residential dwelling shall be located and designed not to interfere with the appearance of the principal structure. This provision shall not be construed so as to limit an attached accessory dwelling unit from having its own entryway, porch, or to limit the quantity or location of window space.
- d. An accessory dwelling unit attached to a single-family residential dwelling shall be located entirely within all minimum yard setbacks established by the zoning district in which it is located.
- e. As an accessory dwelling unit is not considered a principal use, it shall not be subject to concurrency management system requirements.

(4) Standards for Detached Accessory Dwelling units:

- a. Free-standing or detached accessory dwelling units shall be allowed in conjunction with any principal residential use.
- b. A detached dwelling unit accessory to a single-family residential structure shall not exceed 800 square feet nor 5% of the total lot or parcel area.
- c. A detached dwelling unit accessory to a single-family residential structure shall be located and designed not to interfere with the appearance of the principal structure. This provision shall not be construed so as to limit an attached accessory dwelling unit from having its own entryway, porch, or to limit the quantity or location of window space.
- d. A detached dwelling unit accessory to a single-family residential structure shall be setback a minimum distance equal to the applicable minimum rear and side yard setbacks established by the zoning district in which it is located, except that within the Residential Preservation zoning district, any detached dwelling unit accessory to a single-family residential structure shall be no less than 105% of the applicable minimum side yard setback and 110% of the applicable minimum rear yard setback for principal residential structures.
- e. Within the Lake Protection and the Residential Preservation zoning districts and overlays, detached accessory dwelling units are subject to under the following conditions:
 - i) as a component of a new site and development plan application, on a parcel of no less than 3 acres within the Lake Protection zoning district; a parcel of no less than .3 acres within the Residential Preservation zoning district inside the urban services area; or a parcel of no less than 3 acres

within the Residential Preservation overlay, outside of the urban services area; and,

ii) in conjunction with a previously developed, existing residential dwelling, on a parcel of no less than 3 acres within the Lake Protection zoning district, no less than 1 acre within the Residential Preservation zoning district inside the urban services area, and no less than 3 acres within the Residential Preservation overlay, outside of the urban services area.

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

Section 13. Section 10-7.201 of the Code of Laws of Leon County, Florida, Limited partitions, is hereby amended to read as follows:

Sec. 10-7.201. Limited partitions.

(1) The following shall qualify for review as a limited partition subdivision:

(a)(i) A subdivision of unrecorded unplatted residentially-zoned lot or parcel land located outside of the urban services area on an existing public or private street, with legal access, into not more than ten lots single-family residential attached lots (maximum of ten dwelling units), where sanitary service is intended to be provided by on-site septic tank, and potable water is provided via on-site or community well, and provided that the subdivision complies with all applicable development standards. density does not exceed the density that is allowed by the zoning district. Further, no lot created under this section within the urban service area, except for a one into two lot division, shall have new direct driveway access to a major or minor arterial or major collector roadway;

(b)(ii) The subdivision of existing duplex or triplex or ~~quadplex~~ quadruplex structures provided that the resulting subdivided units are certified to be in compliance with applicable zoning, subdivision and building codes. Compliance with applicable building codes shall be so certified by a registered professional, and such compliance subject to verification by the chief building official;

(c)-(iv) A ~~The~~ division of any existing parcel outside of the urban services areas into parcels with a minimum size of 50 acres each in the Rural, Urban Fringe, or Lake Talquin Urban Fringe Districts or a minimum size of ten acres each in the ~~rural community district~~ Rural Community zoning district. Subdivisions created

under this provision shall be exempt from subsection (2) of this section.

~~(d) (iii) A The division of an unrecorded nonresidentially zoned lot or parcel of property into not more than ten lots, provided the division meets the design criteria of Division 5 of Article XI VII. When determined by the county administrator or designee, site and development plan review and approval may be processed concurrently if determined to be a Type A site and development plan;~~

~~(e) The division of previously improperly subdivided land, pursuant to Section 10-7.301.~~

- (b2) The division authorized pursuant to subsection (1) of this section shall not require the creation of a new street, as defined in section ~~10-1~~ 10-1.101 of this Code, to provide legal access to any subdivided lot created pursuant to this section; and
- (ii) ~~No division created pursuant to subsection (1)(a) of this section will result in a requirement for the extension of water and sewer mains to the site; extensions of water and sewer service within the development are permitted; and,~~
- (iii) ~~The the land included in the application has not been previously subdivided through the approval of a limited partition subdivision process. shall not be permitted where any portion of the subject property has been previously involved in any subdivision pursuant to this section.~~
- (23) Land use and project determination: Prior to submittal of an application, the applicant shall first obtain a permitted use verification certificate (PUV) from the Division of Development Services which verifies that the development qualifies for review as a limited partition subdivision, based on criteria in section 10-142610-7.201(1).
- (34) The applicant shall make application on appropriate forms provided by the county administrator or designee for the review of limited partitions.
- (45) A complete application shall include the following:
- (a) An eight and one-half by 14-inch document acceptable to be recorded in the Official Records of Leon County, which shall include:
1. Boundary survey of the parcel, and a separate sketch plan showing boundaries of the proposed individual lots and legal descriptions of the overall parent tract and individual lots;
 2. Signature and seal of surveyor who prepared said boundary survey;
 3. Existing structures and parking area(s) on the parcel to be subdivided;
 4. Date of preparation;

5. Total acreage of the parcel to be subdivided;
 6. Lot and block numbers, if applicable;
 7. All easements on the property to be subdivided and each abutting street;
 8. A statement on the face of the plan stating that any further subdivision of the lot or lots shall be subject to the platting requirements as specified in section ~~10-1428~~ 10-7.203, site and development plans, as applicable, of these regulations; and
 9. Scale of plan, both written and graphic.
- (b) Supplemental information, which shall, upon the request of the growth and environmental management director or designee, include the following:
1. A vicinity map which depicts the location of the proposed subdivision in relation to adjacent streets and properties;
 2. The 100-year flood frequency hazard area or a notation if not applicable; and
 3. The method by which utilities including, but not limited to, water, sewer, electric, telephone, and cablevision will be provided to the subdivision. All underground utilities will be constructed prior to placement of final roadway surface.
- (c) A completed application form.
- (d) A certificate of concurrency.
- (e) Payment of applicable fee.
- (f) Pro forma documents which set forth any proposed conservation and preservation easements as may be required by this section.
- (56) Procedure:
- (a) Application: The applicant shall submit the required subdivision application to the director of the growth and environmental management department or designee.
- (b) Determination of completeness:
1. Within ten working days after receipt of the application for a limited partition, 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.

2. In the event that an applicant fails to submit the required additional information within 15 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.
3. Upon a determination of completeness, the county administrator or designee shall approve, approve with conditions, or deny the application within ten working days of receipt of a complete application and shall so notify the applicant in writing. The county administrator or designee may also refer the application to the DRC for full review if site conditions or features warrant more in-depth evaluation. The DRC shall then make a recommendation at a regularly scheduled meeting. The referral of an application to the DRC shall stay the time for decision by the county administrator or designee.

(c) The determination of the county administrator or designee will become final 15 calendar days after it is rendered unless a person who qualifies as a party as defined in ~~Article XI of Chapter 10~~ at Division ~~9~~ 7 of this Code ~~article~~ files a notice of intent to file a petition for formal proceedings together with the filing fee within this time period, and subsequently files within 30 calendar days after the decision is rendered, the petition for formal proceedings before a ~~hearing officer~~ special master. Failure to file is jurisdictional and will result in a waiver of the hearing. Appeals heard by a ~~hearing officer~~ special master will be conducted in accordance with the procedures outlined in section ~~10-1485~~ 10-7.414. Appeals of the ~~hearing officer's~~ special master's decision shall be reviewable by the circuit court.

(67) Upon approval of the limited partition, the applicant shall provide the county administrator or designee with the following:

- (a) One original eight and one-half by 14-inch copy of the plan with appropriate signatures, which also depicts any revisions which have been made during the course of the review;
- (b) A metes and bounds description of each lot in the approved limited partition subdivision; and,
- (c) The required recording fee.

(78) Any plan approved under this section shall be recorded in the Office of the Clerk of the Circuit Court of Leon County by the department upon the submittal of the approved plan and recording fee by the applicant. If the applicant fails to submit either the approved plan with the appropriate recording fees within 30 calendar days following final plan approval, said approval shall be deemed to have been revoked and expired.

~~(89) In deciding whether to approve, approve with conditions, or deny a limited partition, the director of growth and environmental management or designee shall consider:~~

- ~~(a) Whether all the design standards and requirements set forth in this chapter have been met;~~
- ~~(b) Whether all the zoning standards and requirements have been met; and~~
- ~~(c) Whether all the requirements of other applicable regulations or ordinances which impose specific requirements on limited partitions have been met, including section 10-346 10-4.202 of this chapter.~~

Approval of a limited partition subdivision application shall be dependent upon a finding by the County in the affirmative for each of the three following criteria:

- (a) Whether the application is consistent with the Comprehensive Plan.
- (b) Whether the application complies with applicable provisions of the Land Development Code, except when the application is intended to correct the deficiencies in previously improperly subdivided lands, pursuant to Section 10-7.301, wherein lots created may be smaller than the zoning district standard, so long as they are no less than ½-acre in size and the density of the subdivision will be consistent with the Future Land Use Map Category; and,
- (c) Whether the requirements of this chapter and other applicable regulations and ordinances have been met.

In those instances wherein the application substantially meets these three criteria but, in the determination of the reviewing entity, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; wherein the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

Section 14. Section 10-7.202 of the Code of Laws of Leon County, Florida, Residential development pursuant to Comprehensive Plan Policy 2.1.9, is hereby amended to read as follows:

Sec. 10-7.202. Residential development pursuant to Comprehensive Plan Land Use Element Policy 2.1.9.

1. The following qualify for review as a Comprehensive Plan Land Use Element Policy 2.1.9. "Subdivision," which allows residential development at a maximum density of two units per acre for the first six dwelling units, whether subdivided or not, including existing dwelling units.

2. To qualify for use of Land Use Element Policy 2.1.9., the following conditions must be met:
- (a) The parcel must be located in one or more of the following zoning districts:
 - (i) Rural;
 - (ii) Urban Fringe; or
 - (iii) Lake Talquin Recreation/Urban Fringe; or
 - (iv) Residential preservation overlay of one of the above only if outside the urban services area.
 - (b) This special policy has not previously been approved or applied to any other parcel in the applicant's ownership or control;
 - (c) The applicant held fee simple title to the parcel and in single ownership as of February 1, 1990, and has continuously retained fee simple title since that date, except for applicants covered by the Family Parcel Policy 2.1.9 as defined in section 10-7.202, 3.(b) of this chapter; and,
 - (d) All lots proposed to be created utilizing the Policy 2. 1.9 process shall meet all concurrency requirements.
3. Policy 2.1.9 "Subdivisions" shall be permitted only in the following categories:
- (a) For metes and bounds property: Residential development is only allowed to a maximum density of two units per acre, whether previously subdivided or not, for the first six dwelling units, including any existing units.
 - (b) For metes and bounds property under the "Family Parcel Provision," residential development is applicable to property owners who cannot use the provision in 3(a), above, due to date of ownership or acquisition, or because an adequate number of lots would not result for family members. The property owner may convey a portion of the property to each of their relatives, as defined by Florida Statutes (Section 163.3179), notwithstanding the density or intensity applicable to the subject parcel in the zoning district: (a) if the subdivision does not create lots which are less than one-half acre in size; (b) such parcel has not been previously created through a Policy 2.1.9 non-heir provision; (c) said "Family Parcel" provision has not been used previously by the property owner; (d) the proposed subdivision meets all other applicable provisions of subsection 2 of this section, above.
 - (c) For previously platted unrecorded subdivisions: Residential development is permitted if the following criteria are met: (a) the parcel must be a minimum of four acres; (b) the parcel must lie outside the urban service area as defined in the comprehensive plan; (c)

the density on the resulting parcels may not exceed one dwelling unit per two acres, including existing dwelling units, up to a maximum division of five lots; (d) the resulting parcels shall be compatible and consistent with the majority of lots within the subdivision; (e) the resulting parcels shall meet concurrency requirements; and, (f) and the parcel must meet all applicable items in subsection 2, above.

- (d) For property that abuts a canopy road with existing physical access, Policy 2.1.9 may be utilized where no protected tree and/or vegetation removal is required, and which meets the provisions of subsection 2, shall qualify under this section. However, where the subject property abuts a canopy road and there is no existing physical access, full Type B site and development plan review shall be required.

4. Approval of an application for residential development pursuant to Comprehensive Plan Land Use Policy 2.1.9. shall be dependent upon a finding by the County in the affirmative for each of the three following criteria:

(a) Whether the application is consistent with the Comprehensive Plan.

(b) Whether the application complies with applicable provisions of the Land Development Code; and,

(c) Whether the requirements of this chapter and other applicable regulations and ordinances have been met.

In those instances wherein the application substantially meets these three criteria but, in the determination of the reviewing entity, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; whereupon the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

Section 15. Section 10-7.203 of the Code of Laws of Leon County, Florida, Site and development plans proposing subdivision of property requiring platting, is hereby amended to read as follows:

Sec. 10-7.203. Site and development plans proposing subdivision of property requiring platting.

1. Pursuant to Chapter 177, Florida Statutes, and these ordinances, no subdivision plat within the jurisdiction of the county shall be recorded by the Clerk of the Circuit Court of Leon County unless and until it has received plat approval as provided herein. To secure plat approval, the applicant/subdivider shall also follow the procedures established in Article VII, Division 6, Plats.

2. ~~Site and development plans proposing subdivision of property requiring platting shall, at a minimum, be subject to review and approval by the DRC as a Type B approval.~~

~~3.~~ Site and development plans are required for all parcels or lots proposed for subdivision, with the exception of: those exceptions specified under the definition of subdivision in section 10-1.101; the exemptions and requirements of section 10-7.201, Limited Partitions, and section 10-7.202, Residential Development Pursuant to Comprehensive Plan Policy 2.1.9, and, those exceptions identified in section ~~10-7.202, 5: 10-7.402(5)~~ of this chapter.

43. Procedure:

- (a) *Land use and project determination.* Prior to submittal of a pre-application request, the applicant shall first obtain a Permitted Use Verification Certificate (PUV) from the planning department which verifies that the subject development is a site and development plan proposing subdivision of property requiring platting.
- (b) *Preapplication.* The applicant shall schedule a preapplication meeting with the county administrator or designee 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 may modify or eliminate any required information submittals, after documentation, based upon consideration of the complexity of the proposed site and development plan, environmental constraints, existing site conditions, or other relevant submittal items required for DRC review and approval of site and development plans.
- (c) *Review process.* All site and development plans proposing subdivision of property requiring platting shall be reviewed pursuant to the provisions of this section.

Section 16. Division 2 of Article VII of the Code of Laws of Leon County, Florida, Subdivision and site and development plan regulations; subdivision classifications, exemptions, and platting, is hereby amended to add the following new section:

New Section: One-Into-Two Lot Subdivision

(1) The following shall qualify for review as a one-into-two subdivision:

- (a) A subdivision of an unrecorded, residentially zoned lot or parcel on an existing public or private street, with legal access, into not more than two single-family residential lots (maximum of two dwelling units), provided that the density does not exceed the density that is allowed by the zoning district; and if located within an existing unrecorded subdivision, provided that the lots created are at least as large as any adjacent lots within the same subdivision, and no less than the mean size of all other existing lots within that subdivision. Further, this provision is limited to those lands or parcels located within the Urban Service Area.
- (b) The subdivision of an existing duplex, provided that the resulting subdivided units are certified to be in compliance with applicable zoning, subdivision and building codes. Compliance with applicable building codes shall be so certified by a registered

professional, and such compliance subject to verification by the chief building official.

(2) Limitations:

- (a) A one-into-two subdivision shall not require the creation of a new street, as defined in Section 10-1.101 of this Code, to provide legal access to any subdivided lot created pursuant to this section;
- (b) The one-into-two subdivision may not be used where extension of central potable water or sewer utilities would be required; however, this qualification shall not be construed to prohibit connections to existing utility infrastructure; and,
- (c) The one-into-two subdivision may not be used when any portion of the subject property has been previously involved in any subdivision pursuant to this section.

(3) Prerequisite of land use and project determination: Prior to submittal of an application, the applicant shall first obtain a Permitted Use Verification certificate (PUV) from the Division of Development Services which verifies that the development qualifies for review as a one-into-two subdivision, based on criteria in Section 10-7.201(1).

(4) Application: The applicant shall make application on appropriate forms provided by the County Administrator or designee for the review of a one-into-two subdivision. A complete application shall include the following:

- (a) An eight and one-half by 14-inch document acceptable to be recorded in the Official Records of Leon County, which shall include:
 - 1. A legal description and boundary survey of the existing or parent parcel which is signed and sealed by a professional surveyor licensed to practice in the State of Florida, and a separate sketch plan showing boundaries of the proposed individual lots and legal descriptions of the overall parent tract and individual lots;
 - 2. The location of all existing structures and associated infrastructure present on site, including: driveways, accessory buildings, septic tanks and associated drainfields, wells, parking area(s), and other man-made features;
 - 3. Date of preparation;
 - 4. Total acreage of the parcel to be subdivided;
 - 5. Lot and block numbers, if applicable;
 - 6. All easements on the property to be subdivided, with corresponding Official Record book and page numbers;

7. Each abutting street;

8. A statement on the face of the plan stating that any further subdivision of the lot or lots shall be subject to the platting requirements, as specified in Section 10-7.203, site and development plans, as applicable, of these regulations; and,

9. Scale of plan, both written and graphic.

(b) Supplemental information, which shall, upon the request of the growth and environmental management director or designee, include the following:

1. A vicinity map which depicts the location of the proposed subdivision in relation to adjacent streets and properties;

2. The 100-year flood frequency hazard area or a notation if not applicable; and

(c) A completed application form.

(d) A Certificate of Concurrency.

(e) Payment of applicable fee.

(f) Pro forma documents which set forth any proposed conservation and preservation easements as may be required by this section.

(5) Procedure:

(a) Application: The applicant shall submit the required subdivision application to the director of the Growth and Environmental Management Department or designee.

(b) Determination of completeness:

1. Within ten (10) working days after receipt of the application for a one-into-two subdivision, 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.

2. In the event that an applicant fails to submit the required additional information within 15 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.

3. Upon a determination of completeness, the County Administrator or designee

shall approve, approve with conditions, or deny the application within ten working days of receipt of a complete application and shall so notify the applicant in writing.

4. Approval of a one-into-two subdivision application shall be dependent upon a finding by the County in the affirmative for each of the three following criteria:

(a) Whether the application is consistent with the Comprehensive Plan.

(b) Whether the application complies with applicable provisions of the Land Development Code, except when the application is intended to correct the deficiencies in previously improperly subdivided lands, pursuant to Section 10-7.301, wherein lots created may be smaller than the zoning district standard, so long as they are no less than ½-acre in size and the density of the subdivision will be consistent with the Future Land Use Map Category; and,

(c) Whether the requirements of this chapter and other applicable regulations and ordinances have been met.

In those instances wherein the application substantially meets these three criteria but, in the determination of the reviewing entity, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; whereupon the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

The determination of the County Administrator or designee will 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 files a notice of intent to file a petition for formal proceedings together with the filing fee within this time period, and subsequently files within 30 calendar days after the decision is rendered, the petition for formal proceedings before 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 reviewable by the circuit court.

(6) Materials required for recording. Upon approval of the one-into-two subdivision application, the applicant shall provide the County Administrator or designee with the following:

(a) One original eight and one-half by 14-inch copy of the plan with appropriate signatures, which also depicts any revisions which have been made during the course of the review;

(b) A metes and bounds description of each lot in the approved one-into-two subdivision;

and,

(c) The required recording fee.

(7) Recording subsequent to approval: All one-into-two subdivision plans approved under this section shall be recorded in the Office of the Clerk of the Circuit Court of Leon County by the department upon the submittal of the approved plan and recording fee by the applicant. If the applicant fails to submit either the approved plan with the appropriate recording fees within 30 calendar days following final plan approval, said approval shall be deemed to have been revoked and expired.

Section 17: Section 10-7.402 of the Code of Laws of Leon County, Florida, Development review and approval system, 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. *Land use and project determination.* The purpose of land use and project determination is to clarify land use and permit issues and determine the appropriate review type. Land use and project determinations shall be made by the county administrator or designee in the form of a permitted use verification. Such decisions on permitted use verifications are not appealable. Furthermore, any permitted use verification appeals pending as of May 1, 1997, are hereby dismissed with prejudice.
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) or a certificate of concurrency from the growth and environmental management department prior to submitting an application for development approval. This PSD will indicate on what basis the proposed project is exempted or vested from the provisions of this article and identify the development standards that will be applied in the review of the proposed project.
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. based on the provisions of this chapter, project complexity, site characteristics, and all applicable land development regulation requirements, being 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, non-residential, 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% of the residential unit threshold plus 100% 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% of the residential unit threshold plus 125% of the office or retail/service use, so long as the following criteria are met: 1) the application must include a minimum of 4 residential dwelling units per gross acre of site area; and, 2) the application must include a minimum of 10,000 gross square feet of non-residential use.

(b) *Incentive for quality design – non-residential use.* The review threshold for any Type A - Type C site and development plan application proposing any non-residential or institutional use ~~site and development plan application~~ proposing the following design elements may be increased by the corresponding percentage: 1) threshold increased by 10%, when all proposed building façades are less than 100 ft in length; 2) by 10%, for a building footprint of no greater than 50,000 square feet of enclosed floor area; 3) by 15%, for utilization of a planted “green roof” over no less than 40% of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 60%; 4) by 15%, for developments with access to an arterial road and having $\geq 100,000$ of office or commercial retail gross square footage floor area (also referred to as equivalent to 100% commercial base std.) and ≥ 100 dwelling units (equivalent to 100% of the residential base std.) 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 stds. exceeds 200%; 5) by 15%, 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; 6) by 25%, for developments locating no less than 90% of provided parking spaces behind the front building façade line; 7) by 10%, for structures having ground floor window glazing along building frontages adjacent to streets or publicly-accessible parking areas $\geq 20\%$ of façade area on the ground floor principal frontage and $\geq 15\%$ of the area of each other applicable ground floor façade; 8) by 15%, for developments where the number of spaces provided $\leq 80\%$ of the

standard number of parking spaces set out in Schedule 6-2 ; and, 9) by 15%, for developments having a density of connectivity of $\geq .4$ /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 ~~development plan application~~ proposing the following design elements may be increased by the corresponding percentage: 1) threshold increased by 10%, for utilization of a planted “green roof” over no less than 40% of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 80%; 2) by 10%, 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%, for having $\geq .25$ accessory dwelling unit for every residential dwelling unit; 4) by 15%, for having $\geq 50\%$ of all principal dwelling units served by side- or rear-loaded garages; 5) by 15%, for developments having a density of connectivity of $\geq .4$ /acre; 6) by 15%, 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%.

(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%.

(f) *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%.

(g) *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% or more site coverage by conservation or preservation areas as defined by the comprehensive plan or outside of the urban services area with 40% 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.

h) *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.

i) ~~PUDs, DRIs, FODs~~ *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.

Administrative Streamlined Application Process *	Zoning District	Type of use 1	R, UF, LTR/UE		RC, W/C		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	
			≤ 2 dwellings or lots for dwellings	See Note **	See Note **	See Note **	See Note **	See Note **		See Note **	See Note **		See Note **	See Note **				See Note **
Type A	Non-Residential	Institutional	≤ 14,999 gross building square ft.	≤ 49,999 gross building square ft.	N/A	(PUD (Type D) required)	Expansion of existing use by ≤ 5,000 square feet by 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 by 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 by 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 by greater than, or, an increase in total impervious surface area on the subject parcel of ≤ 15%.	≤ 19,999 gross building square ft.	≤ 49,999 gross building square ft.	10,000 - 39,999 g/b sq ft.	≤ 49,999 gross building square ft.	≤ 149,999 gross building square ft.	≤ 49,999 gross building square ft.	≤ 149,999 gross building square ft.	≤ 499 dwellings
			≤ 14,999 gross building square ft.	≤ 49,999 gross building square ft.	N/A	(PUD (Type D) required)	Expansion of existing use by ≤ 5,000 square feet by 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 by 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 by 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 by greater than, or, an increase in total impervious surface area on the subject parcel of ≤ 15%.	≤ 19,999 gross building square ft.	≤ 49,999 gross building square ft.	10,000 - 39,999 g/b sq ft.	≤ 49,999 gross building square ft.	≤ 149,999 gross building square ft.	≤ 49,999 gross building square ft.	≤ 149,999 gross building square ft.	≤ 499 dwellings
Type B	Non-Residential & Institutional	Residential	15,000 - 149,999 g/b sq ft.	50,000 - 99,999 g/b sq ft.	11-74 dwellings	(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; 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; 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; 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%.	25 - 199 dwellings	35 - 74 dwellings	25 - 49 dwellings	N/A	300 - 449 dwellings	500 - 649 dwellings	300 - 449 dwellings	500 - 649 dwellings
			15,000 - 149,999 g/b sq ft.	50,000 - 99,999 g/b sq ft.	11-74 dwellings	(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; 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; 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; 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%.	25 - 199 dwellings	35 - 74 dwellings	25 - 49 dwellings	N/A	300 - 449 dwellings	500 - 649 dwellings	300 - 449 dwellings	500 - 649 dwellings
Type C	Non-Residential & Institutional	Residential	75 dwellings - DRI threshold	75 dwellings - DRI threshold	100 or more dwellings - DRI threshold *	(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.	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	450 dwellings - DRI threshold	650 dwellings - DRI threshold	450 dwellings - DRI threshold	650 dwellings - DRI threshold
			75 dwellings - DRI threshold	75 dwellings - DRI threshold	100 or more dwellings - DRI threshold *	(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.	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	450 dwellings - DRI threshold	650 dwellings - DRI threshold	450 dwellings - DRI threshold	650 dwellings - DRI threshold
Type D	Non-Residential & Institutional	Residential	150,000 g/b sq ft - DRI threshold	100,000 g/b sq ft - DRI threshold	Any Development determined to be a DRI or FOD *	(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.	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	450 dwellings - DRI threshold	650 dwellings - DRI threshold	450 dwellings - DRI threshold	650 dwellings - DRI threshold
			150,000 g/b sq ft - DRI threshold	100,000 g/b sq ft - DRI threshold	Any Development determined to be a DRI or FOD *	(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.	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	450 dwellings - DRI threshold	650 dwellings - DRI threshold	450 dwellings - DRI threshold	650 dwellings - DRI threshold

* Generally, in Leon County, a development of 2000 or more dwellings is presumed to be a DRI or FOD. The Florida Statutes and Florida Administrative Code establish a variety of exceptions.

5. Basis for Approval. Approval of any application under this Division shall be based upon the following:

- (a) Whether the application is consistent with the Comprehensive Plan.
- (b) Whether the application complies with applicable provisions of the Land Development Code; and,
- (c) Whether the requirements of this chapter and other applicable regulations and ordinances have been met.

In those instances wherein the application substantially meets these three criteria but, in the determination of the entity with authority to make final decision of the application, does not completely satisfy these criteria, the entity may approve the application subject to condition that all deficiencies are corrected; whereupon the applicant shall thereafter be required to provide a revised application, demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the County unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

56. *Exceptions.* 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.
- (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 onsite impervious area. This exemption applies to additions to existing structures and uses and to new construction and uses on a non-cumulative basis. Non-residential 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 structures), 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.

67. *Review process (a) 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.

(ba) 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.

(eb) *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 non-residential 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 non-residential 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 ~~wasteland~~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.

~~(d)~~ 8. Notice requirements. Within 10 days after the filing of an application, notice must be published or mailed consistent with the provisions of 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.

~~(e)~~ 9. 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.

Sec. 10-7.403 [10-1478]. Type A review.

Type A review shall be applied to those types of site and development plans listed in Table 10-7.1. subsections 1. through 10. below. For the purposes of this section, non-residential site and development plans include but are not limited to certain commercial, office, institutional, and/or industrial development.

- ~~1. Properties in the Residential Preservation, Lake Protection, RA, R-1, R-2, R-3, R-4, R-5 and OS Zoning Districts:~~
 - ~~(a) Residential site and development plans: Proposed residential site and development plans containing ten or fewer residential dwelling units.~~
 - ~~(b) Expansion of existing churches or schools and institutional facilities: Proposed site and development plans for the expansion of existing churches or schools or institutional facilities of up to and including 4,999 gross building square feet.~~
 - ~~(c) Other non-residential uses of 5,000 or less gross building square footage in the Lake Protection District.~~
- ~~2. Properties in the OR-1, OR-2, and C-1, BC-1, BC-2, BCS, BOR, Urban-Fringe, Lake Talquin Urban Fringe, Rural, or Woodville Commercial Zoning Districts:~~
 - ~~(a) Residential site and development plans: Proposed residential site and development plans containing 20 or fewer residential dwelling units.~~

~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 10,000 or less gross building square footage.~~

~~3. Properties in the OR-3, CM, MR-1, C-2, CP (except as noted in 7 below), IC (with an approved concept plan pursuant to section 10-1480 10-7.406), UP-1, UP-2, OA-1, M-1 PUD, and DRI Zoning Districts:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing 200 or fewer residential dwelling units.~~

~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 40,000 or less gross building square footage.~~

~~4. Properties in the Activity Center Zoning District:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing 400 or less residential dwelling units.~~

~~(b) Non-residential site and development plans; Proposed non-residential site and development plans containing 100,000 or less gross building square footage.~~

~~6. Rural Community Zoning District:~~

~~(a) Residential development of not more than ten dwelling units;~~

~~(b) Non-residential development not exceeding 50,000 gross building square footage consistent with the provisions of section 10-6.615 10-1208(b).~~

~~7. Industrial Zoning District:~~

~~New or expansion of existing industrial uses or development greater than 10,000 square feet, but less than 40,000 square feet, or less than 10,000 square feet if infrastructure extensions are required.~~

~~8. Commercial Parkway Zoning District:~~

~~Redevelopment of sites, notwithstanding the square footage.~~

~~9. M-H Zoning District:~~

~~Expansion of an existing mobile home park.~~

~~10. Mahan Residential Corridor and Mahan Residential Corridor Node Zoning Districts:~~

~~11.~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing 20 or less residential dwelling units.~~

11. *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 be scheduled at the option of the applicant; ~~however, the applicant is encouraged to attend the department of growth and environmental management's "Quick Check" session to discuss the proposed project in an informal preapplication setting.~~ Interested parties are permitted to attend and participate in the preapplication meeting.
- (b) *Application:* The applicant shall submit the required site and development plan to the county administrator or designee.
- (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. ~~All Type A site and development plans that propose the subdivision of property requiring platting shall be referred to the DRC for review.~~ 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 plan application for compliance with the criteria set out Section 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 section (e) below.
- (e) *Notice:* ~~In addition to the notice required by section 10-7.402, 6.(d), prior to a decision on the application, but after the application is complete, the county administrator or designee shall provide notice of the pendency of such application to all property owners actually abutting the subject site, as said owners are~~

~~depicted on the most current tax rolls in the office of the Leon County Property Appraiser. The county administrator or designee shall also provide notice of the pendency of such application to registered neighborhood associations. *Public Notice.* Public notice of the Type A application shall be given within no less than fourteen calendar days of receipt of application, in a newspaper of regular and general circulation in the county. In addition, written notice shall be provided, within no less than fourteen calendar days of receipt of application, 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 500 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 fifteen 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.

Sec. 10-7.404 [10-1479]. Type B review.

Type B review shall be applied to the types of site and development plans listed in Table 10-7.1. subsections 1 through 10, below. For the purpose of this section, non-residential site and development plans include, but are not limited to, commercial, office, institutional, and industrial development.

- ~~1. Properties in the Residential Preservation, Lake Protection, RA, R-1, R-2, R-3, R-4 R-5 and OS Zoning Districts:~~

- ~~(a) Residential site and development plan: Proposed residential site and development plans containing 11 to 49 residential dwelling units.~~
 - ~~(b) Additions to or new construction of churches or schools or institutional facilities: Proposed site and development plans for the expansion of existing churches or schools or institutional facilities, or the construction of new churches, schools, or institutional facilities, containing 5,000 to 24,999 gross building square feet.~~
 - ~~(c) Other non-residential uses containing 5,000 to 24,999 gross building square footage.~~
- ~~2. Properties in the Mixed Use A OR-1, OR-2, and C-1, Urban Fringe, Lake Talquin Urban Fringe, or Rural, or Woodville Commercial Zoning Districts:~~
- ~~(a) Residential site and development plans: Proposed residential site and development plans containing 21 to 149 residential dwelling units.~~
 - ~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 10,000 to 149,999 gross building square footage.~~
- ~~3. Properties in the OR-3, CM, MR-1, C-2, undeveloped sites in CP (redevelopment sites in CP are addressed in 10-7.403), UP-1, UP-2, OA-1, IC, DRI, PUD, and M-1 Zoning Districts:~~
- ~~(a) Residential site and development plans: Proposed residential site and development plans containing 200 to 299 residential dwelling units.~~
 - ~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 40,000 to 249,999 gross building square footage.~~
- ~~4. Properties in the Activity Center Zoning District:~~
- ~~(a) Residential site and development plans: Proposed residential site and development plans containing 400 to 499 residential dwelling units.~~
 - ~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 100,000 499,999 gross building square footage.~~
- ~~5. Industrial zoning districts. New or expansion of existing industrial uses or development containing 40,000 to 249,999 square footage.~~
- ~~6. A residential or non-residential site and development plan in any zoning district which has unique location characteristics arising from proximity to existing or approved low density residential development, as determined by the county administrator or~~

designee, or which is proposed on a site with 40 or more percent coverage by conservation or preservation areas as defined by the comprehensive plan.

~~7. Rural Community Zoning District:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing 11 to 49 residential dwelling units.~~

~~(b) Non-residential development plans: Proposed non-residential site and development plans containing 50,000 to 99,000 gross building square footage.~~

~~8. MH. New manufactured home parks.~~

~~9. Properties in Neighborhood Boundary Office District:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing five or more residential dwelling units.~~

~~(b) Non-residential site and development plans: Any proposed non-residential site plan.~~

~~10. Mahan Residential Corridor and Mahan Residential Corridor Node Zoning Districts:~~

~~(b) Residential site and development plans: Proposed residential site and development plans containing 20 or more residential dwelling units and all residential site and development plans developed as part of a mixed use development under a common plan of development.~~

~~(c) Non-residential site and development plans (MRCN): All non-residential development not exceeding the maximum gross building square footage consistent with the provision of Section 10-1243.~~

11. 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 500 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. 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 500 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:* Meetings of the DRC are administrative in nature and not subject to quasi-judicial provisions. 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.

Sec. 10-7.404 [10-1479.1]. Type C review.

Type C review shall be applied to the types of site and development plans listed in Table 10-7.1. Subsections 1. through 7., below, and to all site and development plans listed as special exception uses within any zoning district. For the purpose of this section, non-residential site and development plans include, but are not limited to, commercial, office, institutional, and industrial development.

- ~~1. *Properties in the Residential Preservation, Lake Protection, R-1, R-2, R-3, R-4, R-5, and OS Zoning Districts:*~~
 - ~~(a) *Residential site and development plan:* Proposed residential site and development plans containing 50 or more residential dwelling units.~~
 - ~~(b) *Additions to or new construction of churches or schools or institutional facilities:* Proposed site and development plans for the expansion of existing churches or schools or institutional facilities, or the construction of new~~

churches, schools, or institutional facilities, containing 25,000 or more gross building square feet.

~~(c) Other non-residential uses containing 25,000 or more gross building square footage.~~

~~2. Properties in the OR-1, OR-2, C-1, BC-1, BC-2, BCS, BOR, Urban Fringe, Lake Talquin Urban Fringe, Rural, or Woodville Commercial Zoning Districts:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing 150 or more residential dwelling units.~~

~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 150,000 or more gross building square footage.~~

~~3. Properties in the OR-3, CM, MR-1, C-2, undeveloped sites in CP (redevelopment sites in CP are addressed in section 10-7.403), IC (with an approved concept plan pursuant to section 10-7.406), UP-1, UP-2, OA-1, DRI, PUD, and M-1 Zoning Districts:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing more than 300 residential dwelling units.~~

~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 250,000 or more gross building square footage.~~

~~4. Properties in the Activity Center Zoning District:~~

~~(a) Residential site and development plans: Proposed residential site and development plans containing 500 or more residential dwelling units.~~

~~(b) Non-residential site and development plans: Proposed non-residential site and development plans containing 500,000 or more gross building square footage.~~

~~5. Industrial Zoning District. New or expansion of existing industrial uses or development of 250,000 gross building square footage or greater.~~

~~6. Rural Community Zoning District:~~

~~(a) Residential development of not less than fifty dwelling units;~~

~~(b) Non-residential development not less than 99,999 building square footage.~~

7. 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 500 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.
- (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 500 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:* Meetings of the DRC are administrative in nature and not subject to quasi-judicial provisions. 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 section 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 Section 10-7.402.5, above, and render final decision regarding the application.

Sec. 10-7.406 [10-1480]. Type D review.

1. *Type D review shall be applied to the creation of Historic Preservation or Canopy Road Special Regulatory Overlays; Developments of Regional Impact; Florida Quality*

Developments; and, transitional residential facilities. The applicant shall obtain a permitted use verification, as applicable, prior to filing a Type D site and development plan application. Such applications shall be reviewed by the DRC, which shall make a recommendation to the planning commission. The planning commission shall review the application at a public hearing and make a recommendation to the Board of County Commissioners. Quasi-judicial proceedings may be invoked pursuant to the provisions of Article VII, Division 7 of this Code. After a public hearing, the Board of County Commissioners shall approve, approve with conditions, deny the application, or continue their consideration to a date and time certain. Type D review provides a flexible process affording any applicant with the ability to demonstrate the appropriateness of modifying any standards set forth in this chapter.

2. *Developments of Regional Impact (DRI) and Florida Quality Developments (FQD).*
 - (a) Any development qualifying for review as a DRI or FQD as defined by Florida Statutes shall be subject to initial review pursuant to the requirements specified under this chapter. Such review shall, as a minimum, include the submittal requirements specified under Florida Statutes for an application for development approval (ADA) and those submittal requirements specified by subsection 10-7.406.
 - (b) Prior to the Board of County Commissioners' consideration of any approval, or any proposed change to an approved DRI or FQD, or for a Board of County Commissioners' consideration for a determination of substantial deviation to an approved DRI or FQD, the planning commission shall review the proposed change or request for determination of substantial deviation at a public hearing and shall transmit its recommendation to the Board of County Commissioners for its consideration. Quasi-judicial proceedings may be invoked pursuant to the provisions of Article VII, Division 7 of this Code. The planning commission shall render its recommendation considering:
 - (i) Whether the proposed change is a substantial deviation,
 - (ii) Whether the proposed change is consistent with the comprehensive plan, and
 - A. Whether the proposed change is consistent with other applicable codes, rules, regulations, and policies of the county.

3. *Submittal requirements.* Applications for Type D review shall include a plan that provides the following:

- (i) A general plan for the use of all lands within the Type D development application. Such plans shall indicate the general location of residential areas (including density and unit types); open space, parks, passive or scenic areas; and, commercial areas (including square footage and height).
- (ii) A plan of vehicular circulation showing the general locations and right-of-way widths of roads, the capacity of the system and access points to the external

thoroughfare network.

- (iii) Quantitative summary of land uses (acres, square feet, number of dwelling units) and parking spaces. A report shall be submitted that includes a statement indicating how the proposed development fully complies with the comprehensive plan and a general description of the proposed development including:
- a. The total acreage of the project.
 - b. The number of acres proposed to be developed in the various categories of land use shown on the concept plan; the percentage of total acreage represented by each category of use and each component of development; and an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the Type D development.
 - c. The number and type of dwelling units proposed for the overall site and for its components, including dwelling units per acre calculations and population projections for each or for non-residential projects, gross square footage devoted for each land use.
 - d. The establishment of minimum design standards which shall govern the site development such as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking, buffers, signage, and landscape areas.
 - e. A binding commitment to develop the property in accordance with the approved concept plan and conditions of approval. The commitment shall bind subsequent owners.
 - f. A site conditions map which includes:
 1. Legal description and boundary survey.
 2. Name of the Type D development; owner; agent, and address and phone number of each.
 3. Scale, date, north arrow, and general location map showing relationship of the site to external uses, structures and features.
 4. Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features.
 5. Existing topography.

6. The location and size of all existing drainage, water sewer, and other utility provisions.
7. Information about the existing vegetative cover and general soil types, and their appropriateness to the proposed project.
8. The location and function of all other existing public facilities which would serve the residents of the site including, but not limited to, schools, parks, and fire stations. The requirement to provide this information may be waived for small projects. If required, notation of this information on a scaled map is acceptable.

4. *Review requirements.* The county administrator or designee shall determine the level of detail required for the application for concept plan consideration requesting Type D review. At the option of the applicant, and upon submittal of necessary requirements for site and development plan application consistent with the applicable review procedure pursuant to this chapter, the Board of County Commissioners' action approving a plan for properties shall constitute a final approval and such projects shall not be subject to further review.

5. *Further review of individual development components of Type D development.* Once a plan for a Type D Development has been approved by the Board of County Commissioners, the approval of individual parcels, tracts, or projects within the Type D development shall utilize the applicable review procedure pursuant to this chapter to ensure compatibility with the concept plan as well as to meet all other appropriate technical requirements.

6. *Revocation of the concept plan.* An approved concept plan under the provisions of this chapter (except for developments of regional impact and Florida Quality Developments) shall be effective for 60 months. If no building permit has been issued prior to the expiration of that time, the concept plan approval shall expire. Extensions may be granted by the county administrator or designee, provided that the concept plan is consistent with the comprehensive plan and meets the requirements of this chapter, for a period not to exceed six months upon a demonstration of continuing good faith effort to move the development toward completion.

Section 18. Section 10-7.522 of the Code of Laws of Leon County, Florida, Buffer zone standards, is hereby amended to read as follows:

Sec. 10-7.522 Buffer zone standards.

(a) *Buffering standards:* The following buffering standards are intended to implement the provisions of the Land Development Code and applicable policies of the comprehensive plan. Should there be a conflict between the provisions of this article and those of the comprehensive plans and Article IV, the most restrictive or that imposing the higher standard shall govern.

- (1) A buffer zone is a landscaped strip along parcel boundaries that serve a buffering and

screening function between uses and zoning districts, provides an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

- (2) The width and degree of vegetation required depends on the nature of the adjoining uses. The standards specified below prescribe the required width and landscaping of all buffer zones.
- (3) The standards for buffer zones are set out in the following illustrations that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.
- (4) The buffering standards applicable to community services/institutional uses shall be determined during the course of the required land development review process pursuant to section 10-6.806.
- (5) The foregoing standards shall be applied between abutting parcels as follows:

18	Warehousing/distribution	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	A	NR	A	C	A
19	Light industrial	NR	NR	C	D	D	D	D	D	B	B	B	B	B	B	B	A	B	A	NR	C	A
20	Heavy industrial/heavy infrastructure	NR	NR	NA	D	D	D	D	D	C	C	C	C	C	C	D	B	C	B	C	NR	B
21	Transportation/ utilities	NR	NR	B	D	D	D	D	D	B	B	B	B	B	B	B	A	B	A	C	B	NR

KEY:

A, B, C, and D indicate accompanying Landscape Standards that must be used.

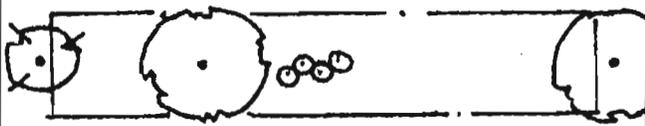
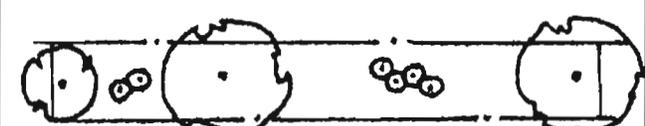
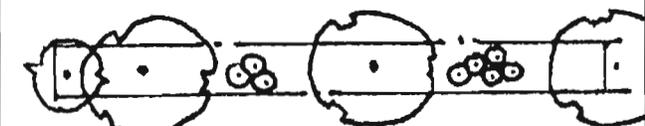
NR indicates that no buffering is required.

1 indicates that no buffering is required, except when the proposed development is adjacent to a single-family detached dwelling unit located within the RP zoning district, whereupon, the proposed development must provide buffering meeting no less than the Type A landscape standard.

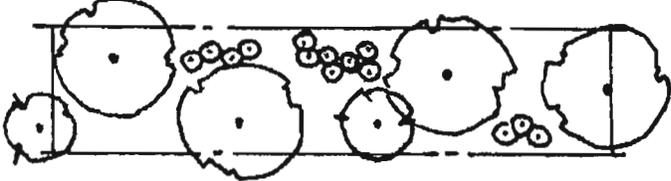
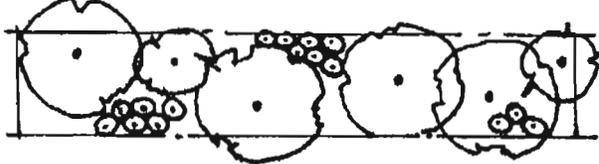
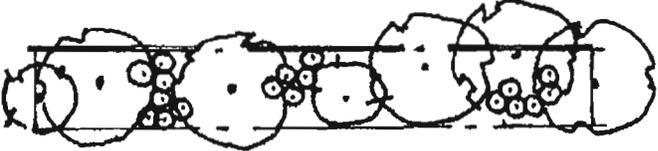
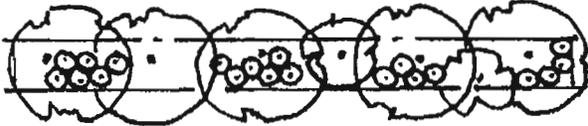
NOTES: To determine the required buffer:

- (1) Locate "Existing" adjacent use on left side of table;
- (2) Locate "Land Use Code Number" of proposed use at top of table;
- (3) Read down in row of Existing Adjacent Use in final buffer requirement.

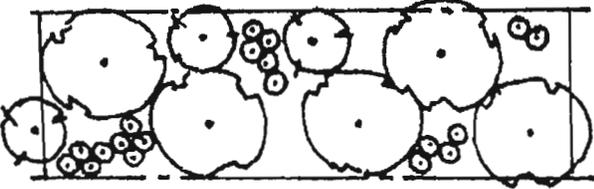
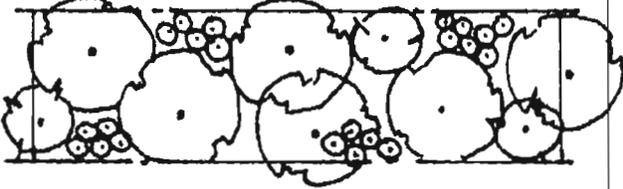
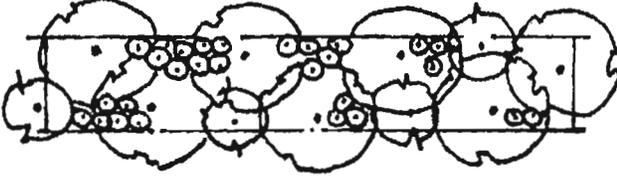
TYPE "A" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
1.2 CANOPY 0.4 UNDERSTORY 4 SHRUBS	20'	
1.8 CANOPY 0.6 UNDERSTORY 6 SHRUBS	15'	
2.4 CANOPY 0.8 UNDERSTORY 8 SHRUBS	10'	

TYPE "B" LANDSCAPE BUFFER

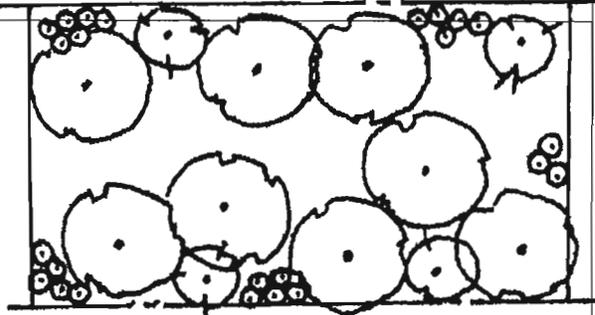
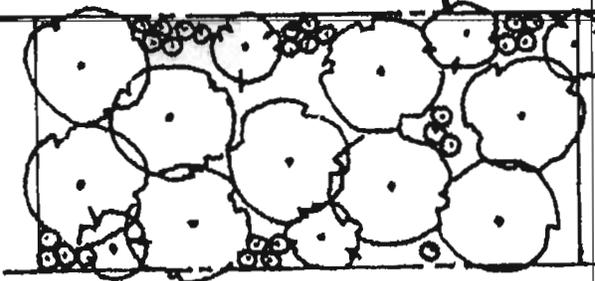
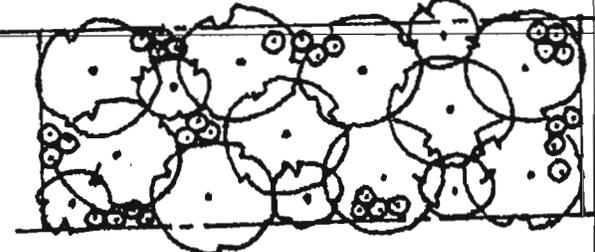
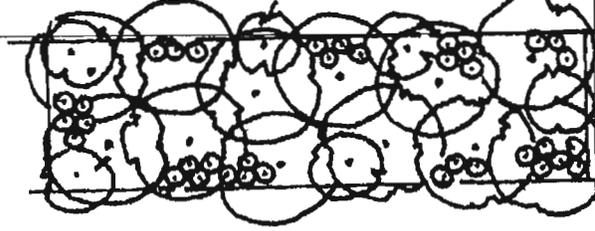
PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
3.5 CANOPY 1.4 UNDERSTORY 14 SHRUBS	25'	
4 CANOPY 1.6 UNDERSTORY 16 SHRUBS	20'	
4.5 CANOPY 1.8 UNDERSTORY 18 SHRUBS	15'	
5 CANOPY 2 UNDERSTORY 20 SHRUBS	10'	

TYPE "C" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
4.8 CANOPY 2.4 UNDERSTORY 19 SHRUBS	35'	
5.4 CANOPY 2.7 UNDERSTORY 22 SHRUBS	30'	
6 CANOPY 3 UNDERSTORY 24 SHRUBS	25'	
6.6 CANOPY 3.3 UNDERSTORY 28 SHRUBS	20'	

LANDSCAPE STANDARD "C"

TYPE "D" LANDSCAPE BUFFER

PLANT MATERIAL REQUIRED PER 100' OF LANDSCAPE BUFFER	MINIMUM BUFFER WIDTH	ILLUSTRATION
8 CANOPY 4 UNDERSTORY 24 SHRUBS	60'	
9 CANOPY 4.5 UNDERSTORY 27 SHRUBS	50'	
10 CANOPY 5 UNDERSTORY 30 SHRUBS	40'	
12 CANOPY 6 UNDERSTORY 36 SHRUBS	30'	

- (6) Buffering for mixed use developments shall be based on the more intense use in the building or cluster of buildings.
 - (7) The use of existing native vegetation in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, the environmental compliance staff may recommend, and the director may allow, a waiver from the strict planting requirements of this section if:
 1. The waiver is necessary to prevent harm to the existing native vegetation; and
 2. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the waiver.
 - (8) The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, the lower standards will be tolerated until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this article. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.
 - (9) In any case where an unbuffered view exists within 500 feet from the side or rear service areas of any nonresidential land use to any single-family or two-family residential land use, uncomplimentary land use buffer requirements shall apply as if such residential uses were located on immediately adjacent lands.
 - (10) A buffer fence as defined in section 10-1.101, which may include the use of berms for visual screening, shall be required, in addition to minimum landscaping standards, when non-residential uses are adjacent to existing single-family or manufactured/mobile home uses. When required, a buffer fence shall meet standards in subsection 10-262 (b), below. The buffer fence may be exempted for the following reasons:
 - a. If the uncomplimentary land use areas are occurring within an approved planned unit development or site and development plan, provided that the objectives of this division are met in the design of the planned unit development.
 - b. If a transitional character, sufficient to satisfy the purpose and intent of this division, has been achieved through the design of the planned unit development or site and development plan as determined by the director.
 - (11) Prevailing requirement. Whenever development activity is subject to both the perimeter landscaping requirements and the uncomplimentary land use buffer strip requirements of this subdivision, the latter requirement shall prevail.
- (b) *Buffer fence standards:*

- (1) Whenever a buffer fence is required, it shall be of sufficient height to obstruct the view between adjoining properties, as determined by the director, presumably a minimum of eight feet in height, unless the applicant can prove to the satisfaction of the director that the intent of this article will be met by a fence of lesser height under the particular circumstances. The buffer fence shall be solid opaque, constructed of durable materials appropriate for the intended use and consistent with materials commonly used in surrounding neighborhoods, and shall include provision for access to all landscape materials.
- (2) The side of a fence facing a less intensive use shall have a finished appearance to furnish an aesthetically pleasing view.
- (3) At least one-half of all required plant materials shall be installed and maintained on the side facing the less intensive use, unless otherwise specifically provided.
- (4) Fencing shall be maintained in good repair.
- (5) In the case when a buffer fence and vegetative buffer is required, the required vegetative buffer shall be reduced by one landscape standard.

Section 19. Section 10-7.502 of the Code of Laws of Leon County, Florida, General layout design standards, is hereby amended to read as follows:

Sec. 10-7.502 General layout design standards.

- (a) A subdivision and every lot therein, as well as each undivided site to be developed, shall have legal access to a publicly dedicated street. Except for use with subdivisions that are to be platted, legal access shall also include licenses of way which are held by property owners, on the condition that the license holder agrees to execute a license recognition agreement with Leon County as a condition for the issuance of the permit. The license recognition agreement shall be in a form approved by the county attorney, and shall include covenants which shall run with the land, acknowledging the existence of a terminable license agreement as the access basis for the issuance of the permit and agreeing that the licensee shall hold Leon County harmless for the issuance of such permit. Each permit granted pursuant to this license provision shall only be issued after the department has given notice of intent to issue such permit to the owners of all property that abut the license location, other than the licensor and any entity maintaining a public street adjoining the license area. The requirement for legal access for a lot of record as of January 1, 1984 shall be waived where the existing parcel does not have legal access at the time a permit application is filed for any residential use, provided that the existing parcel has at the time the permit application is filed and has previously maintained actual access through one or more adjoining parcels, one of which is at least 1,000 acres in size; provided that as a condition for approval of such permit, the applicant acknowledges such lack of legal access in a

form approved by the County Attorney, and records such form in the public records of Leon County, and agrees to hold Leon County harmless for the subsequent issuance of any such permits.

- (b) ~~New development shall be designed to implement a pedestrian mobility system that facilitates access to residential development, business establishments, community facilities and non-residential land uses, and, provides safe and convenient linkage between developments and the public and private street system.~~

~~Design shall support the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing fabric of the community. Such a network makes the following possible: provides choices for drivers, bicyclists, and pedestrians, connects neighborhoods to each other and to local destinations, reduces vehicle miles of travel and travel times, improves air quality, reduces emergency response times, increases effectiveness of municipal service delivery, and frees up arterial capacity to better serve regional long distance travel needs.~~

The following standards shall apply to all new development, including subdivisions, undivided sites proposed to be developed, and construction of new streets:

- ~~(1) Within the urban services area, new development shall be designed and constructed to facilitate pedestrian mobility in and between residential developments; between residential development and nearby businesses, recreational opportunities, and community facilities; and, to connect places of business to one another and to residential developments.~~

- ~~(2) Within the urban services area, all new development, as well as reconstruction, expansion, and extension, as defined in article VI, division 3, shall provide sidewalks along all public and private streets adjoining the development. The order of preference in placing the sidewalk is as follows: (a) within the public right of way; (b) at an alternative location parallel to the right of way; or (c) elsewhere on the development property, if approved by the County Engineer. For those developments where sidewalks cannot be located within the public right of way, the developer must provide and record in the public records of Leon County, Florida, all easements necessary to guarantee public access to the sidewalk.~~

- ~~(3) Within the urban services area, non-residential and multifamily residential development shall provide safe and efficient sidewalk linkages between building entrances and parking areas, adjacent portions of the development, and adjacent rights-of-way. At least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent rights-of-way.~~

- ~~(4) In addition to the requirements of paragraph (2), within the urban services area, both commercial and office development shall provide internal sidewalk interconnection between adjacent commercial and office development. This requirement does not~~

~~apply to the following development proposals: (a) where the building entrance is located within 30 feet of a sidewalk along an adjacent right of way serving both developments, (b) where the length of the common property boundary of the two adjacent developments is less than 50 feet, (c) where construction or use of the sidewalk would have an adverse impact upon a preservation area, as defined in article X VI, or (d) where a sidewalk would create a safety hazard.~~

~~(5)(1)~~ Within the urban services area, nonresidential and multi-family development shall be designed to require vehicular and pedestrian cross access to adjacent commercial, office, multi-family, recreation, and community facility uses to reduce the necessity of using the public street system in order to move between adjacent and complementary land uses. The following shall apply:

- (a) If the adjacent site is developed, the developer shall design and build the appropriate cross-access to the property line of the adjacent parcel, unless found infeasible by the Development Review Committee based on the criteria listed in paragraph 9(e)(i) and 9(e)(ii) of this section.
- (b) If the adjacent site is undeveloped or if the adjacent site is developed but cross-access is not possible at the time of application, the developer shall design and build the cross-access to the property line of the adjacent parcel in anticipation of future connection when that site is developed or redeveloped, unless found infeasible by the Development Review Committee based on the criteria listed in paragraph 9(e)(i) and 9(e)(ii) of this section.
- (c) The minimum pavement width of a vehicular and pedestrian cross-access shall be determined by the County Engineer or designee and shall be designed to allow for vehicular and pedestrian cross access to adjacent commercial, office, multi-family, recreation, and community uses and to allow shared access points on public or private streets.
- (d) Shared access points, rather than individual access points, on public or private streets shall be required where it is determined by the County Engineer or designee that such shared access points would protect capacity on adjoining roadways or be in the interest of public safety.

~~(6) Within the urban services area, sidewalks shall be constructed on both sides of all new arterial and collector streets. Sidewalks are required on at least one side of all other new streets within residential and non-residential subdivisions.~~

~~(7) A sidewalk is not required where it will result in an obstruction to planned improvements in the area by the Board of County Commissioners or other governmental entity. [Note, DPW indicated that this condition is already a prerequisite for payment of a fee in-lieu]~~

~~(8) Sidewalks shall be installed and constructed in accordance with the requirements and specifications of the County Engineer.~~

- (9) (2) Streets shall interconnect within a development and with adjoining development, and the street system of a proposed development shall be designed to coordinate with any existing or proposed streets outside of the development.
- a. The proposed development shall include street connections to existing or proposed streets or rights-of-way that abut, are adjacent to, or terminate at the development site, unless determined impractical by the County Engineer or designee. If the adjacent ROW is not paved, the new development shall construct that offsite portion of roadway necessary to complete the interconnection.
 - b. The proposed development shall dedicate right-of-way that extends to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition. Right-of-way shall be provided to the property line to provide for future development, and shall be in locations that will not prevent the adjoining property from developing consistent with applicable standards, as determined by the Development Review Committee.
 - c. In cases where the creation of a new collector would significantly enhance the internal and external transportation network supporting the new subdivision, as determined by the Development Review Committee, such collector, built to standards of this Code, shall be incorporated into the design of the new subdivision.
 - d. Subdivisions with individual driveway cuts into new or existing arterial and collector streets shall not be allowed, unless approved by the Development Review Committee through the deviation process. This provision shall not apply if such application would completely remove ingress or egress from the parcel, as determined by the County Engineer.
 - e. The requirements of paragraph 2(a) and (b) above do not apply if it is demonstrated, as determined by the Development Review Committee, that a connection cannot be made because of the existence of one or more of the following conditions:
 - i. Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, wildlife habitat area, or other conservation or preservation features;
 - ii. Buildings or other existing development on adjacent land, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future. The potential for redevelopment of adjacent lands shall be considered in evaluating whether or not a connection will be required.

- (10) (3) Pedestrian, bicycle, and emergency access will be provided to any public building, public park, trail, bikeway, transit stop, or to any abutting public school where such connection is approved by the school system.
- (11) (4) Where residential developments have cul-de-sac or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sac in adjoining subdivisions via a sidewalk or multi-use path, unless deemed impractical or unsafe by the Development Review Committee.
- (12) (5) All paths shall connect to the street system in a safe and convenient manner, as determined by the Development Review Committee, based on the following criteria:
- a. All path connections shall be signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) or as directed by the County Engineer.
 - b. All paths shall be built in locations that are visible and easily accessible, for the personal safety of users.
 - c. All paths, including those where multiple uses are intended (i.e., shared pedestrian and bicycle traffic), shall be constructed of durable, low-maintenance materials, with sufficient width and clearance to allow users to proceed at reasonable speeds, as determined by the County Engineer or designee.

Section 20. Section 10-7.50229 of the Code of Laws of Leon County, Florida, Fee in-lieu of sidewalk construction, is hereby amended to read as follows:

Sec. 10-7.529. Fee in-lieu of sidewalk construction. General Requirements for sidewalks with new development; fee in-lieu of sidewalk construction.

- 1) Purpose and intent. Within the urban services area, new development shall be designed and constructed to facilitate pedestrian mobility in and between residential developments; between residential development and nearby businesses, recreational opportunities, and community facilities; and, to connect places of business to one another and to residential developments.
- 2) Objective. New development shall be designed to implement a pedestrian mobility system that facilitates access to residential development, business establishments, community facilities and other non-residential land uses, and, provides safe and convenient linkage between developments and between the public and private street system.
- 3) Specific requirements for sidewalks.
 - a) Along adjacent streets and rights-of-way. Within the urban services area, all new development, as well as reconstruction, expansion, and extension, as defined in article VI, division 3, shall provide sidewalks along all public and private streets adjoining the

development. The sidewalk shall be located as follows: when sufficient right-of-way is exists, the sidewalk shall be located within the public right-of-way; when sufficient right-of-way does not exist, the sidewalk shall be located at an alternative location parallel to the right-of-way or elsewhere on the development property, if approved by the County Engineer. For those developments where sidewalks cannot be located within the public right-of-way, the developer must provide and record in the public records of Leon County, Florida, all easements necessary to guarantee public access to the sidewalk.

- b) Linking pedestrian on-site destinations and adjacent rights-of-way. Within the urban services area, non-residential and multifamily residential development shall provide safe and efficient sidewalk linkages between building entrances and parking areas, adjacent portions of the development, and adjacent rights-of-way. At least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent rights-of-way.
- c) Linking adjacent development. In addition to the requirements of paragraph (2), within the urban services area, both commercial and office development shall provide internal sidewalk interconnection between adjacent commercial and office development. This requirement does not apply to the following development proposals: (i) where the building entrance is located within 30 feet of a sidewalk along an adjacent right-of-way serving both developments, (ii) where the length of the common property boundary of the two adjacent developments is less than 50 feet, (iii) where construction or use of the sidewalk would have an adverse impact upon a preservation area, as defined in article VI, or (iv) where a sidewalk would create a safety hazard.
- d) Along new streets. Within the urban services area, sidewalks shall be constructed on both sides of all new arterial and collector streets. Sidewalks shall be constructed on at least one side of all other new streets within residential and non-residential subdivisions.
- e) Design and construction standard. Sidewalks shall be installed and constructed in accordance with the requirements and specifications of the County Engineer.
- f) Exemptions. Sidewalks shall not be required in association with new residential development within the Lake Protection zoning district.

~~(a) — The development review committee is authorized to determine that the construction of a sidewalk required by section 10-7.502(b)(2) and (6) is inappropriate or unnecessary, under the following circumstances, and require the developer to pay into the applicable sidewalk area trust fund, a fee in-lieu of providing sidewalks.~~

- 4) Fee in-lieu of sidewalk construction authorized. In those instances where the Development Review Committee determines, pursuant to the satisfaction of applicable criteria set out herein, that the construction of a sidewalk required by section 10-7.502(b)(2) and (6) is inappropriate or unnecessary, the applicant for the development or subdivision shall be required to pay, into the applicable sidewalk area trust fund, a fee in-lieu of providing the sidewalk.

~~(b)5)~~ *Fee in-lieu of sidewalk construction – process and criteria for approval.* In order to approve payment of a fee-in-lieu of sidewalk construction, the developer shall submit a formal request with sufficient documentation to the development review committee, ~~which shall determine that one or more of the following criteria has been met:~~ which shall approve the request if it finds that one or more of the following criteria have been met:

- a) The location of the sidewalk would likely create a significant safety hazard; or
- b) Construction or subsequent use of the sidewalk would have an adverse impact upon a preservation area, as defined in article X; or
- c) Construction of the sidewalk has already been scheduled by its inclusion in the approved transportation improvement plan, the approved capital budget, a state- or federally-funded project, or a development agreement executed pursuant to F.S. § 163.3221; or
- ⇨ d) the construction of sidewalks is not warranted at the time of development due the presence of safety hazard or environmental limitations off-site that would likely preclude the extension of sidewalks to the affected development site; or
- ⇨ e) the affected development site lies within a subdivision recorded prior to August 1, 2006, that does not presently have sidewalks; or
- ⇨ f) the construction of a sidewalk from the interior of the site connecting to the public sidewalk system along and parallel to street frontage, when the site is located within a the M-1, I, or PUD zoning district and principal use is proposed to be industrial or warehousing, and such sidewalk would not be warranted at the time of development due to projected low pedestrian accessibility demand.

76) *Payment of fee in-lieu.* In those instances where the entity with authority to approve a proposed development or subdivision authorizes payment of a fee in-lieu of sidewalk construction, the following provisions shall apply:

- a) The developer shall pay a fee in-lieu to the sidewalk area trust fund account, applicable based upon project location, prior to receiving final approval for the development;
- b) The fee shall be adopted by resolution of the Board of County Commissioners.

87) *Appropriation of fees paid in-lieu of sidewalk construction.* To facilitate the equitable and efficient expenditure of fee revenues for the exclusive purpose of improvements to the pedestrian mobility system within the area of affected development projects, there are hereby established the following Leon County Sidewalk Trust Fund Areas:

Trust fund area 1: That portion of county commission district 1, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 2: That portion of county commission district 2, not including that area within

the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 3: That portion of county commission district 3, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 4: That portion of county commission district 4, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004; and,

Trust fund area 5: That portion of county commission district 5, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004.

Fees collected pursuant to this section shall be held in an account for that trust fund area in which the affected development project is located; shall be expended only for the purpose of improvements to the pedestrian mobility system within that trust fund area; and, may not be combined with the assets of any other trust fund area account, except when used for improvements to the pedestrian mobility system facilities extending into two or more trust fund areas, in which case only those assets necessary for the improvements may be combined. Any fees paid in-lieu of sidewalk construction associated with an individual development project not expended within a period of seven years from the date of collection shall be refunded to the payer.

98) *Interpretation.* The directors of the Departments of Growth and Environmental Management and Public Works or their designees shall be authorized to administer and provide interpretations regarding the implementation and administration of this section.

Section 21. Section 10-7.545 of the Code of Laws of Leon County, Florida, Number of off-street parking spaces, is hereby amended to read as follows:

Sec. 10-7.545. Number of off-street parking spaces.

(a) The standard number of off-street parking spaces required for specific land uses is established in schedule 6-2, below. ~~Parking spaces in excess of these requirements up to 20% of the required number of spaces is allowed at the option of the applicant. Any deviation below the code standard, or more than 20% above, would require affirmative action by the Parking Standards Committee.~~ The actual number of parking spaces provided in association with any proposed use may, at the developer's discretion, be equivalent to a range of number of parking spaces based upon the zoning district in which the development is located, pursuant to the following table:

<u>Zoning District</u>	<u>Allowed # of Parking Spaces</u>
<u>R, UF, LTRUF, RC, WRC, LP, RP, RA, OS, OA-1</u>	<u>95% - 105% of standard in Schedule 6-2</u>
<u>R1,R2,R3,R4,R5,OR-1, MH, MRC</u>	<u>85% - 110% of standard in Schedule 6-2</u>
<u>OR-2, MR-1, C-1, BC-1, BOR, M-1, I, MRCN, NBO</u>	<u>80% - 115% of standard in Schedule 6-2</u>
<u>AC, BC-2, BCS, OR-3, CM, C-2, CP, IC, UP-1, UP-2</u>	<u>75% - 115% of standard in Schedule 6-2</u>
<u>DRI, PUD</u>	<u>Development-specific schedule to be included in approved development application</u>

Any deviation from the range of required parking established within the table above, would require approval or approval with conditions by the Parking Standards Committee.

Surface parking areas in excess of the requirements of this division shall be of an approved pervious material unless determined that pervious material would be more damaging to the environment or would not comply with accessibility requirements.

SCHEDULE 6-2

goes here

[schedule follows – no changes proposed]

Section 22. 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 23. 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 24. 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 29th day of January, 2008.

LEON COUNTY, FLORIDA



BY: *Jane G. Sauls*
Jane G. Sauls, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By: *Bob Inzer*
Clerk

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

By: *Herbert W. A. Thiele*
Herbert W. A. Thiele, Esq.
County Attorney