ORDINANCE NO. 09-19

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 DIVISION 2 OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS, SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING, AMENDING DIVISION 2 OF ARTICLE VII, SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS, SUBDIVISION CLASSIFICATIONS, EXEMPTIONS, AND PLATTING, TO AMEND SECTION 10-7.202, RESIDENTIAL DEVELOPMENT PURSUANT TO COMPREHENSIVE PLAN POLICY 2.1.9; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 10.7.202 of the Leon County Code of Laws, relating to Residential Development Pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan;

WHEREAS, Policy 2.1.9 of the Land Use Element of the Comprehensive Plan was amended, effective June 6, 2008, to sunset the ability to subdivide land to create parcels of transferable property pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan on February 1, 2010;

WHEREAS, Policy 2.1.9 of the Land Use Element of the Comprehensive Plan was amended, effective June 6, 2008, to preserve the ability for the owners of property within Leon County to subdivide land to create parcels for use as a homestead by a family member pursuant to Policy 2.1.9 of the Land Use Element of the Comprehensive Plan on February 1, 2010;

WHEREAS, the Board of County Commissioners desires to ensure that the provisions included herein are utilized for their intended purposes of conveying land for use as a homestead by a family member and not as a general exception from the density limitations established for affected regions of the County in the Comprehensive Plan and thereby desires to establish appropriate implementing regulations;

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

Section 1. Short title: The short title of this ordinance shall be referred to as "Revised 2.1.9 Family Heir Subdivision Standards."

Section 2: [Same]

Section 3: Section 10-7.202 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

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

1. *Eligibility to subdivide land to create parcels of transferable property.* [Same]

2. *Eligibility to subdivide land to create parcels for use as a homestead by a family member.* To qualify for subdivision of land pursuant to Comprehensive Plan Land Use Element Policy 2.1.9., for purposes of creating parcels of property for use solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveys the parcel, notwithstanding the density or intensity of limits established for this land by the Future Land Use Map of the Comprehensive Plan or the Official Zoning Map, the following conditions must be met:

(a) The land to be subdivided must be located ~~in one or more of the following zoning districts: the Rural; the Urban Fringe; the Lake Talquin Recreation/Urban Fringe; or the Residential preservation overlay of one of the three districts listed above, and only if~~ outside of the urban services area.

(b) The parcel to be subdivided ~~has existed in its present~~ is in the same configuration as it was on ~~since~~ February 1, 1990; or, the parcel was created, subsequent to February 1, 1990, through subdivision pursuant to the family heir provision of Policy 2.1.9 of the Land Use Element of the Comprehensive Plan and conveyed to an originally intended heir, as defined herein, and the applicant is an originally intended heir or an heir through successive generations of ~~that property owner~~ the originally intended heir. Any subdivision ~~or conveyance~~ of the parcel after February 1, 1990, shall thereafter void the eligibility to

subdivide the parcel under this section for use as a homestead by a family member, unless ~~such~~ that subdivision ~~or conveyance~~ was undertaken pursuant to the family heir provision of Policy 2.1.9 of the Land Use Element of the Comprehensive Plan.

3. *Criteria for approval.* [Same]

4. *Additional criteria for approval for subdivision to create parcels for use as a homestead by a family member* (subsection, 10-7.202.2). [Same]

5. *Substantive requirements for the subdivision of land pursuant to this section.* [Same]

6. *Timely completion of a deficient application.* [Same]

7. *Approval subject to condition.* [Same]

8. *Timely revision of an application approved subject to condition.* [Same]

9. *Limitations on the Use of Parcels Created Pursuant to 10-7.202.2; creating parcels of property for use solely as a homestead by a family member*:

[Same]

10. *Procedural standards.*

[Same]

Section 5. 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 6. 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 7. 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 9th day of June, 2009.

LEON COUNTY, FLORIDA

BY: Bob Rackleff, Vice Chair
Bryan Desloge, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By: _____
Clerk

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

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

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