

ORDINANCE NO. 09- 24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-7.402.1, DEVELOPMENT REVIEW AND APPROVAL SYSTEM, LAND USE AND PROJECT DETERMINATION, SECTION 10-7.402.2., DEVELOPMENT REVIEW AND APPROVAL SYSTEM, PROJECT STATUS DETERMINATION, AND SECTION 10-7.402.6., DEVELOPMENT REVIEW AND APPROVAL SYSTEM, EXCEPTIONS; 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 10-7.402.1 of the Code of Laws of Leon County, Florida, Development review and approval system, land use and project determination, is hereby amended as follows:

1. ~~Land use and project determination. Permitted Use Verification process.~~ 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. A Permitted Use Verification certificate (PUV) shall be used to determine eligibility for either subdivision of

1 property, development of land, or change in use, based upon applicable land
2 development regulations and site-specific conditions. A Residential Permitted use
3 Verification certificate (RPV) shall be used to determine eligibility for small
4 residential uses or structures. The fee for a RPV may be applied to fees for a
5 subsequent Project Status Determination application (PSD) or an Administrative
6 Streamlined Approval Process (ASAP) application associated with the proposed
7 residential development tendered within one year of the issuance of the RPV.
8 PUVs and RPVs shall not be construed to be development order approvals.

9
10 **Section 2. Section 10-7.402.2 of the Code of Laws of Leon County, Florida,**
11 **Development review and approval system, project status determination, is**
12 **hereby amended as follows:**

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14 2. *Project status determination.* For any development proposal not required to
15 comply with the provisions of Article XI VII, the applicant must request a project
16 status determination (PSD) ~~or a certificate of concurrency~~ from the growth and
17 environmental management department prior to submitting an application for
18 development approval. This PSD will indicate on what basis the proposed ~~project~~
19 development is exempted or vested excepted from either the procedural or
20 substantive the provisions of this article and ~~identify the development standards~~
21 ~~that will be applied in the review of the proposed project.~~ and shall verify
22 compliance with any applicable previously approved development order and land
23 development code, as may be applicable. Any project status determination

1 associated with development not requiring the approval of a site and development
2 plan application shall be recorded in the public records of Leon County, as
3 maintained by the Clerk of Courts, in a form approved by the County
4 Administrator or designee. Applications for PSDs shall be reviewed, and if
5 appropriate, approved by the County Administrator or designee.

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7 **Section 3. Section 10-7.402.6 of the Code of Laws of Leon County, Florida,**
8 **Development review and approval system, exceptions, is hereby amended as**
9 **follows:**

10
11 6. *Exceptions.* ~~The following~~ The development listed in the Table set out as parts (a)
12 and (b) of this subsection shall be excepted from Type A-D site and development plan
13 review, as set forth in subsection 4., above.

14 ~~(a) The construction or modification of one single family dwelling unit; a two-, three-,~~
15 ~~or four-family dwelling unit; or a manufactured home; or the construction of an accessory~~
16 ~~building to such a dwelling on a lot or parcel with legal access.~~

17 ~~(b) Commencement of home occupations as defined in and in accordance with this~~
18 ~~Code.~~

19 ~~(c) Development of non-residential or multiple use development providing for not more~~
20 ~~than 1,000 square feet of total gross floor area after construction or ten percent increase~~
21 ~~of total onsite impervious area will be required to undergo review through the necessary~~
22 ~~exemption process. This exemption applies to additions to existing structures and uses~~

1 and to new construction and uses on a non-cumulative basis. Non-residential
2 development of less than 1,000 square feet that would increase the total gross floor area
3 of a development by 20 percent or more shall require that the applicant demonstrate,
4 through the completion of an application for exception to site plan, that such development
5 will not result in an increase in total on-site impervious area of ten percent or greater.

6 (d) ~~Changes in tenancy in already built space (existing structures), provided that the~~
7 ~~conversion requires no substantial modification to the exterior of the structure or~~
8 ~~modifications to the associated parking area. Type A review applies to those changes of~~
9 ~~tenancy involving substantial modification to the exterior of the building or modification~~
10 ~~to the associated parking area, as determined by the county administrator or designee.~~

11 (e) ~~The development or alteration of any building used exclusively for agriculture,~~
12 ~~horticulture, or floriculture located in the rural land use district; provided, however, that~~
13 ~~construction of dwellings units, not otherwise exempt, or commercial or industrial~~
14 ~~facilities to process agricultural, horticultural or floricultural beyond harvest, storage or~~
15 ~~sale of the raw materials is not exempt from this article.~~

16
17 (f) ~~Change of occupancy Use. The establishment, exclusively through change of~~
18 ~~occupancy, of new uses in an existing structure shall not be subject to Type A site and~~
19 ~~development plan review; but, shall be required to meet all other applicable~~
20 ~~development standards of this chapter. However, Type A review shall apply to those~~
21 ~~changes of occupancy involving substantial modifications to the exterior of the~~

1 building or modification to the associated parking area, as determined by the county
2 administrator or designee.

3 ~~(g) *Industrial development.* New or expansion of existing industrial uses or development~~
4 ~~of up to 10,000 square feet, if site is zoned industrial and infrastructure extensions to the~~
5 ~~subject site are not required.~~

6 (a) The following chart provides a range of development and changes of use excepted
7 from site and development plan application. The chart specifies appropriate criteria for
8 approval, applicable review process, notice requirements and other applicable substantive
9 or procedural requirements. Omission of a particular requirement from the chart shall not
10 be construed so as to alleviate requirement for compliance.

11 **[Editor's Note: Entire Chart as added/new material]**

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Proposed Use or Development	Criteria for Approval	PUV or R-PUV Required	Review Required for Approval	Notice Requirements	Public Meeting Requirements	Application Content Requirements
Single family (attached or detached) residential dwelling unit, manufactured home, duplex residential units on any vacant existing parcel, any structures accessory to these residential units, including garages, pavilions, kiosks, gazebos, or other similar structures accessory as determined by the County Administrator or designee.	Precedent development order, such as, approved Plat or Site Plan, Otherwise as required in the Land Development Code	No, RPV is optional.	PSD	None	No	PSD, scaled sketch plan Accessory buildings in this category require affidavit of non-habitable environment permits as applicable
Home Occupation in an existing residence	Home occupation standards; Life-safety code	No	PSD	Notice advertising approval or denial	No	PSD, project-specific environment permits as applicable
Agricultural, horticultural, floriculture, and silviculture-related bldgs in a zoning district allowing agricultural as a principal use; structure size ≤ 5000 ft ²	As required in the Land Development Code	No	PSD	None	No	Affidavit of non-habitable structure; project-specific environment permits as applicable
Agricultural, horticultural, floriculture, and silviculture-related bldgs in a zoning district allowing agricultural as a principal use; structure size > 5000 ft ²	As required in the Land Development Code	No	ASAP	None	No	Affidavit of non-habitable structure; project-specific environment permits as applicable
Principal industrial use within a district allowing heavy or light industrial use as a Principal Use; structure size ≤ 300 ft ²	As required in the Land Development Code	Yes	PSD	Ad for PUV	No	Sketch plan; project-specific environment permits as applicable
Principal industrial use within a district allowing heavy or light industrial use as a Principal Use; structure size > 300 ft ² & ≤ 10,000 ft ²	As required in the Land Development Code	Yes	ASAP	Ad for PUV	No	Site plan; project-specific environment permits as applicable

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Proposed Use or Development	Criteria for Approval	PV or RPV Required	Review Required for Approval	Notice Requirements	Public Meeting Requirements	Application Content Requirements
Change in Tenancy without expansion or functional modification	N/A	Yes, to verify that use was originally properly established & allowed in zoning district	None	None	No	N/A
Change of Use without expansion or functional modification, to another use allowed within the zoning district, ≤ 1,000 ft²	Zoning District; Life-Safety Health Codes	Yes	PSD	Public Notice of Approval or Denial	No	Project-specific environment permits as applicable
Change of Use without expansion or functional modification, to another use allowed within the zoning district, > 1,000 ft²	Zoning District; Life-Safety Health Codes	Yes	ASAP	Public Notice of Approval or Denial	No	Project specific environmental permits, as needed.
Additional Dwelling Unit	Approved Plat or Site Plan, Otherwise as required in the Land Development Code	No, RPV optional	PSD	None	None	Affidavit, project specific environment permits as applicable
Accessory Dwelling Unit	Approved Plat or Site Plan, Otherwise as required in the Land Development Code	RPV required	ASAP	None	Pre-application (optional)	Site Plan for ASAP, PSD requires scaled sketch plan; project specific environment permits as applicable.
Misc. Residential Accessory Structures	Approved Plat or Site Plan, Otherwise as required in the Land Development Code	No	PSD	None	None	PSD requires scaled sketch plan; project specific environment permits as applicable.
Other Development determined to be below the type A site and development plan review threshold and ≤ 300 ft²; and structures accessory to other than single-family, manufactured home, or duplex residential dwellings and ≤ 300 ft²	Approved Plat or Site Plan, and Otherwise as required in the Land Development Code	Yes, except for accessory structures	PSD	Public Notice of Approval or Denial	No	Scaled sketch plan; information demonstration compliance with Land Development Code stds; Project specific environment permits as applicable.
Other Development determined to be below the type A site and development plan review threshold and > 300 ft²; and structures > 300 ft² accessory to other than single-family, manufactured home, or duplex residential dwellings	Approved Plat or Site Plan, Otherwise as required in the Land Development Code	Yes	ASAP	Public Notice of Approval or Denial	Pre-application (optional)	Site Plan; Project specific environment permits, as applicable.

1 ~~(h)~~ (b) *Exceptions specified under the definition of subdivision in section 10-1.101.*

2 Any and all landowner(s) of a parcel that is divided or developed pursuant to this
3 exception shall file an affidavit, on a form approved by the county attorney, with the
4 clerk of the court in the public records of the county. The affidavit shall specify that
5 the property has been modified or subdivided, the number of new parcels, if any,
6 created, the exemption type used for this action, the legal description of the original
7 location of the parcel(s), and the metes and bounds descriptions of each new parcel.

8 A judicial exception based on a court order shall be excepted from site and
9 development plan application but may be required to comply with the Land
10 Development Code. Review of development proposed pursuant to such orders shall
11 be through a process determined by the County Administrator or designee.

12 (c) Requirements for Administrative Streamlined Application Process (ASAP)

13 (1) Accessory Dwelling Unit. All ASAP applications for Accessory Dwelling Units shall
14 demonstrate compliance with Section 10-6.803 (b). Review and determination of
15 compliance shall be conducted by the County Administrator or their designee. Review
16 may include consultation with other County and affiliated agency technical staff. Pre-
17 application meeting is available at the option of the applicant. Applications shall include
18 a site plan or survey of the subject property along with sufficient information to
19 demonstrate compliance with applicable standards.

1 (2) 1:2 subdivision/lot split, inside the Urban Service Area. All ASAP applications for
2 1:2 subdivision/lot split shall demonstrate compliance with Article IV, Environmental
3 Management, Article VI, Zoning, and Division 5 of Article VII, Substantive Standards
4 and Criteria, Subdivision and site and development plan regulations. Review and
5 determination of compliance shall be conducted by the County Administrator or their
6 designee. Review may include consultation with other County and affiliated agency
7 technical staff. Applications shall include a site plan or survey of the subject property
8 along with sufficient information to demonstrate compliance with applicable standards.
9 The application should furnish sufficient information to clearly demonstrate legal access,
10 utility service connections, compliance with zoning district standards, and adequate
11 protection of environmental resources.

12 (3) Other Administrative Streamlined Applications Process applications: All other ASAP
13 applications shall demonstrate compliance with Article IV, Environmental Management;
14 Article VI, Zoning; and Division 5 of Article VII, Substantive Standards and Criteria,
15 Subdivision and site and development plan regulations. Review and determination of
16 compliance shall be conducted by the County Administrator or their designee. Review
17 may include consultation with other County and affiliated agency technical staff.
18 Applications shall include a site plan or survey of the subject property along with
19 sufficient information to demonstrate compliance with applicable standards. The

1 application should furnish sufficient information to clearly demonstrate legal access,
2 utility service connections, compliance with zoning district standards, and adequate
3 protection of environmental resources. Applications shall be required to furnish a Natural
4 Features Inventory, as set out in Article IV, and provide calculations demonstrating
5 compliance with applicable stormwater management standards; waiver or modification of
6 these requirements may be provided by the County Administrator or designee. The
7 application should furnish sufficient information to clearly demonstrate compliance with
8 zoning district standards and any precedent development order.

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10 **Section 4. Conflicts.** All ordinances or parts of ordinances in conflict with the
11 provisions of this ordinance are hereby repealed to the extent of such conflict, except to
12 the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan
13 as amended, which provisions shall prevail over any part of this ordinance which is
14 inconsistent, either in whole or in part, with the said Comprehensive Plan.

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16 **Section 5. Severability.** If any word, phrase, clause, section or portion of this ordinance
17 shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion
18 or words shall be deemed a separate and independent provision and such holding shall
19 not affect the validity of the remaining portions thereof.

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1 **Section 6. Effective date.** This ordinance shall have effect upon becoming law.

2 DULY PASSED AND ADOPTED BY the Board of County Commissioners of
3 Leon County, Florida, this 14th day of July, 2009.

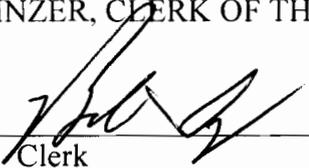


LEON COUNTY, FLORIDA

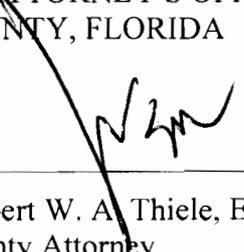
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BY:  _____
Chairman
Board of County Commissioners

10 ATTEST:
11 BOB INZER, CLERK OF THE COURT

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14 By:  _____
15 Clerk

16
17 APPROVED AS TO FORM:
18 COUNTY ATTORNEY'S OFFICE
19 LEON COUNTY, FLORIDA

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