

ORDINANCE NO. 10-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VII, DIVISION 5 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING SUBDIVISION AND SITE AND DEVELOPMENT PLAN REGULATIONS; AMENDING SECTION 10-7.529 ENTITLED "GENERAL REQUIREMENTS FOR SIDEWALKS WITH NEW DEVELOPMENT; FEE IN-LIEU OF SIDEWALK CONSTRUCTION" BY ADDING ADDITIONAL LANGUAGE TO SUBSECTION (3)(A); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance to amend Chapter 10, Article VII, Division 5, Section 10-7.529 of the Code of Laws of Leon County, Florida relating to the general requirements of sidewalk construction as it pertains to new development.

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

Section 1. Section 10-7.529 of Chapter 10, Article VII, Division 5 of the Code of Laws of Leon County, Florida, entitled "General requirements for sidewalks with new development; fee in-lieu of sidewalk construction" is hereby amended by adding additional language to subsection 3(a), which shall read as follows:

(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. However, no sidewalks shall be required if the expansion, reconstruction, or

renovation is less than 1,000 square feet. Said exemption shall only be available once per subject property, and shall be expressly conditioned upon the fee simple title holder's (and any lienholder) execution of a document providing for sidewalk easement if and when the sidewalk is ultimately constructed by a third-party or a governmental entity. The sidewalk shall be located as follows: when sufficient right-of-way 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.

Section 2. **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 3. **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 4. **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 23rd day of March, 2010.



LEON COUNTY, FLORIDA

By: Bob Rackleff
Bob Rackleff, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of Circuit Court

By: [Signature]
Clerk of Court

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

By: [Signature]
Herbert W. A. Thiele, Esq.
County Attorney

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

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

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

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

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

COUNTY: (<u>LEON</u>)	COUNTY ORDINANCE # (<u>10-06</u>) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>BUILDING/DEVELOPMENT REGULATIONS</u>)	
SECONDARY KEYFIELD DESCRIPTOR: (<u>BUILDING/DEVELOPMENT</u>)	
OTHER KEYFIELD DESCRIPTOR: (_____)	
ORDINANCE DESCRIPTION: (<u>SIDEWALKS</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>10-7.529</u>)	AMENDMENT # 2: (_____)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____)	REPEAL # 3: (_____)
REPEAL # 2: (_____)	REPEAL # 4: (_____)
(Others repealed: List all that apply): _____	

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