

NON-FAMILY HEIR POLICY 2.1.9 SUBDIVISION

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I. What is a 2.1.9 Subdivision?

Prior to 1990, many zoning districts in the outlying areas of the county generally allowed property owners to subdivide lots into as small as one-half acre. However, in 1990, Leon County adopted a Comprehensive Plan which reduced the ability to obtain higher densities previously allowed in these more rural, outlying areas of the county. To moderate the impact on these property owners, a provision known as Policy 2.1.9 was created as a way to lessen impacts on owners of property wherein these changes resulted in a significant reduction of allowable densities. Policy 2.1.9 generally provided property owners, who qualify, the ability to create smaller lots regardless of the new zoning district limitations set forth by the Comprehensive Plan. The Policy 2.1.9 provision provided for two types of subdivisions for owners meeting eligibility criteria, the Non-Family Heir 2.1.9 and the Family Heir 2.1.9.

- a. **Non-Family Heir 2.1.9 Subdivision** - The adoption of Policy 2.1.9 in 1990 provided persons who have continuously owned property (fee simple) since February 1, 1990 and determined eligible, the ability to subdivide their property (one time) to create smaller lots (as small as one-half acre for the first six lots), regardless of the new minimum density requirements set forth with the adoption of the Comprehensive Plan. These lots, once approved by the county, can be transferred outside the family regardless of relationship with the property owner. *The ability to create lots utilizing the Non-Family Heir Policy 2.1.9 sunsets effective, February 1, 2010.*
- b. **Family Heir 2.1.9 Subdivision** – The adoption of Policy 2.1.9 in 1990 also provided for a separate provision known as the Family Heir 2.1.9. The Family Heir 2.1.9 was created to allow property owners outside the Urban Services Area, the ability to create smaller parcels of land for family members for use as homesteads. Properties created and approved with the Family Heir 2.1.9 shall be conveyed to an eligible family member and cannot be conveyed to any other person other than another eligible family member for a period of two years.

II. Eligibility Requirements for Policy 2.1.9

Non-Family Heir Eligibility Requirements

The Non-Family Heir Policy 2.1.9 will sunset, effective February 1, 2010. After this date, the Non-Family Heir Policy 2.1.9 subdivisions shall no longer be permitted in Leon County. Property owners who wish to subdivide parcels of transferable land to entities unrelated to the property owner utilizing the Non-Family Heir Policy 2.1.9 shall be determined eligible. The following eligibility criteria shall be verified by the Department of Growth and Environmental Management in the form of a Permitted Use Verification:

- a. The hardship provisions of Policy 2.1.9 shall not have been approved or applied to subdivide this or any parcel in the applicant's ownership or control.
- b. The land to be subdivided must be located in one of the following zoning districts: Rural; Urban Fringe; Lake Talquin Recreation/Urban Fringe; or the Residential Preservation overlay of one of the three districts listed above (outside the Urban Services Area).
- c. The property owner must have owned the property on February 1, 1990, and continuously retained ownership of the parcel in the same configuration since that date;
- d. Parcels within a platted subdivision may not be subdivided utilizing this Policy;

- e. Parcels proposed for subdivision pursuant to Policy 2.1.9 that are within unrecorded subdivisions may be determined eligible provided the resulting parcels are no smaller than the smallest existing lot in the subdivision, established in accordance with applicable regulations and ordinances of the Leon County Land Development Code;
- f. In no case shall any lot proposed under this Policy be less than one-half acre of buildable area;
- g. A maximum of six lots may be created at a maximum density of two units per acre, with a minimum lot size of one-half acre of buildable area, whether the parcel is subdivided or not, including existing dwelling units; additional lots may be created so long as their size and density comply with applicable zoning district and future land use category standards;
- h. The application shall be determined consistent with the Comprehensive Plan; and
- i. The application must comply with applicable provisions of the Land Development Code and other regulations and ordinances determined applicable, including those pertaining to environmental protection, access, zoning district development standards, and concurrency management system requirements.

Family Heir Eligibility Requirements

The Family Heir Policy 2.1.9 Subdivision will remain in effect and is intended for the creation of parcels for use as a homestead by a family member. Property owners who wish to subdivide parcels of land for use as a homestead by a by a family member shall be determined eligible. The following eligibility criteria shall be verified by the Department of Growth and Environmental Management in the form of a Permitted Use Verification:

- a. The parcel shall be created for 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 (Ch. 163.3179, F.S.)
- b. The land to be subdivided must be located outside the Urban Services Area.
- c. The property to be subdivided must have existed in its present configuration 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 and conveyed to an originally intended heir (see letter a. above), or an heir through successive generations of that property owner. Any subdivision or conveyance of the parcel after February 1, 1990, shall thereafter void the eligibility to subdivide the parcel pursuant to Policy 2.1.9.
- d. Parcels within a platted subdivision may not be subdivided utilizing this Policy;
- e. Parcels proposed for subdivision pursuant to Policy 2.1.9 that are within unrecorded subdivisions may be determined eligible provided the resulting parcels are no smaller than the smallest existing lot in the subdivision, established in accordance with applicable regulations and ordinances of the Leon County Land Development Code;
- f. In no case shall any lot proposed under this Policy be less than one-half acre of buildable area;
- g. The application shall be determined consistent with the Comprehensive Plan; and
- h. The application must comply with applicable provisions of the Land Development Code and other regulations and ordinances determined applicable, including those pertaining to environmental protection, access, zoning district development standards, and concurrency management system requirements.

III. Frequently Asked Questions about Non-Family Heir Policy 2.1.9

Q. What is 2.1.9?

A. The Policy 2.1.9 is a hardship provision of the comprehensive plan adopted in 1990 to avoid a disproportionate impact on property owners affected by the change of future land use categories and corresponding density requirements.

Q. Am I eligible for a 2.1.9 subdivision?

A. Please refer to eligibility criteria beginning on Page 3. Prior to submitting an application for Non-Family Heir 2.1.9 subdivision, a determination of eligibility shall be received from the Department of Growth and Environmental Management in the form of a Permitted Use Verification Certificate.

Q. What change will be effective in February 2010?

A. The Leon County Board of County Commissioners amended the Comprehensive Plan and removed the Non-Family Heir provision to allow for the effective implementation of the Tallahassee-Leon County Comprehensive Plan. The provision for Non-Family Heir 2.1.9 will expire on February 1, 2010 at 12:01 a.m.

Q. Why is the density so low in the Urban Fringe, Lake Talquin and Rural Future Land Use categories?

A. The Tallahassee-Leon County Comprehensive Plan was created to allow for the future growth of the region in a responsible manner. In order to do that comprehensive plan created an Urban Service Area, where the future growth of the entire region will be concentrated. The Urban Service Area allows for concentrating density where infrastructure is readily available. The USA also allows for preserving the quality of the rural neighborhoods and reduces the need to expand infrastructure.

Q. What is the Urban Services Area (USA)?

A. The 1990 Tallahassee-Leon County Comprehensive Plan includes a projection for where urban growth will occur in the next twenty years to serve an increasing population. This area, known as the Urban Service Area (USA), includes the portions of the City and the County which are to be developed at urban levels of density and can expect the availability of urban infrastructure and services, such as roads, mass transit, stormwater facilities, sanitary sewer, solid waste, and parks. The intent of the Urban Service Area is to 1) promote efficient and compact urban growth; 2) protect the rural character of those areas outside the USA from incompatible uses and densities; 3) assure that local government can afford to provide needed urban services to areas which we designate to receive such services; and 4) make sure that areas we designate for urban development are not "under-utilized."

Q. What is a platted subdivision?

A. A platted subdivision is scaled drawing which includes the delineation of approved parcels with dimensions; often times including lots, block numbers, dimensions of streets, alleys and other common improvements that are typically associated with the development of a subdivision. Plats filed in Leon County shall meet the subdivision and platting requirements set forth in Chapter 10 of the Leon County Code of Laws in addition to the requirements of Florida Statute Chapter 177.

Q. What is the minimum acreage required to use Policy 2.1.9?

A. The minimum acreage required for metes and bounds property is one (1) acre. The minimum lot size in unrecorded subdivisions may be greater.

Q. I want to use the Policy 2.1.9 to subdivide my property, but I have been informed my property has environmental constraints. How does this affect my ability to subdivide?

A. All applications for Policy 2.1.9 must complete a Natural Features Inventory. The purpose of a Natural Features Inventory is to determine the extent or coverage of the property by environmental constraints (i.e. wetlands, floodplain, or other natural features, as determined by Article IV of the Land Development Code). If 40 percent or more of the site is encumbered by environmental constraints, a more thorough level of review is required (i.e. Type B Site Plan Review).

Q. What is the Tallahassee-Leon County Comprehensive Plan?

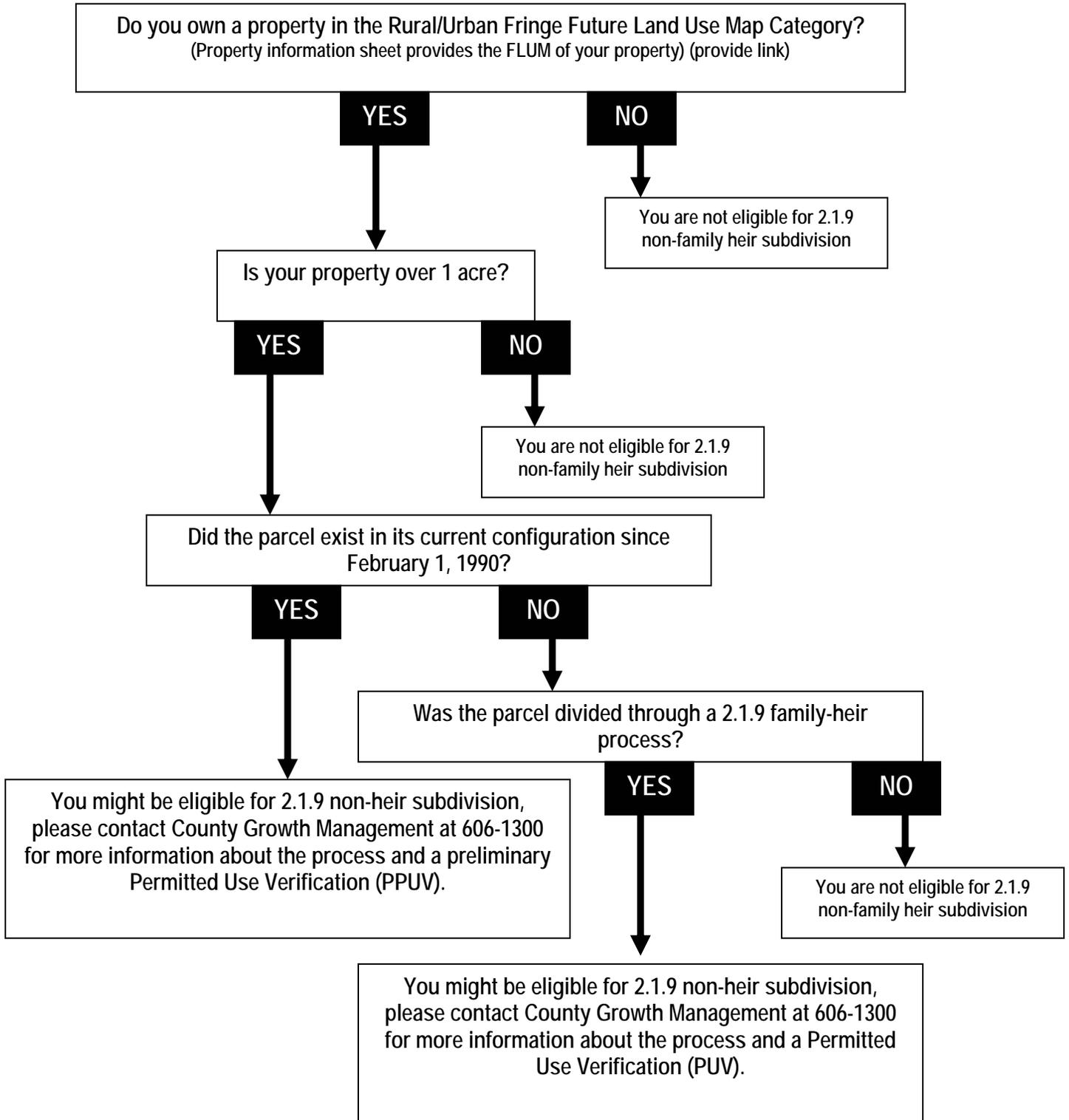
A. The Tallahassee-Leon County Comprehensive Plan was adopted on July 16, 1990. The Comprehensive Plan contains three volumes. Volumes II and III contain the data and analysis on which the Goals, Objectives, and Policies of Volume I are based. Volume I provides guidance in evaluating individual development proposals within a defined growth management strategy.

The Goals, Objectives, and Policies within Volume I also provide the basis for the individual development regulations formulated to implement this plan. The Comprehensive Plan is a dynamic document which is presently amended on a biannual basis. This volume contains all adopted amendments through June 6, 2008. Information concerning the amendment process is available at the Tallahassee-Leon County Planning Department. The Planning Department is located at the Frenchtown Renaissance Center, 435 North Macomb Street, and can be reached by e-mail or by calling (850) 891-6400.

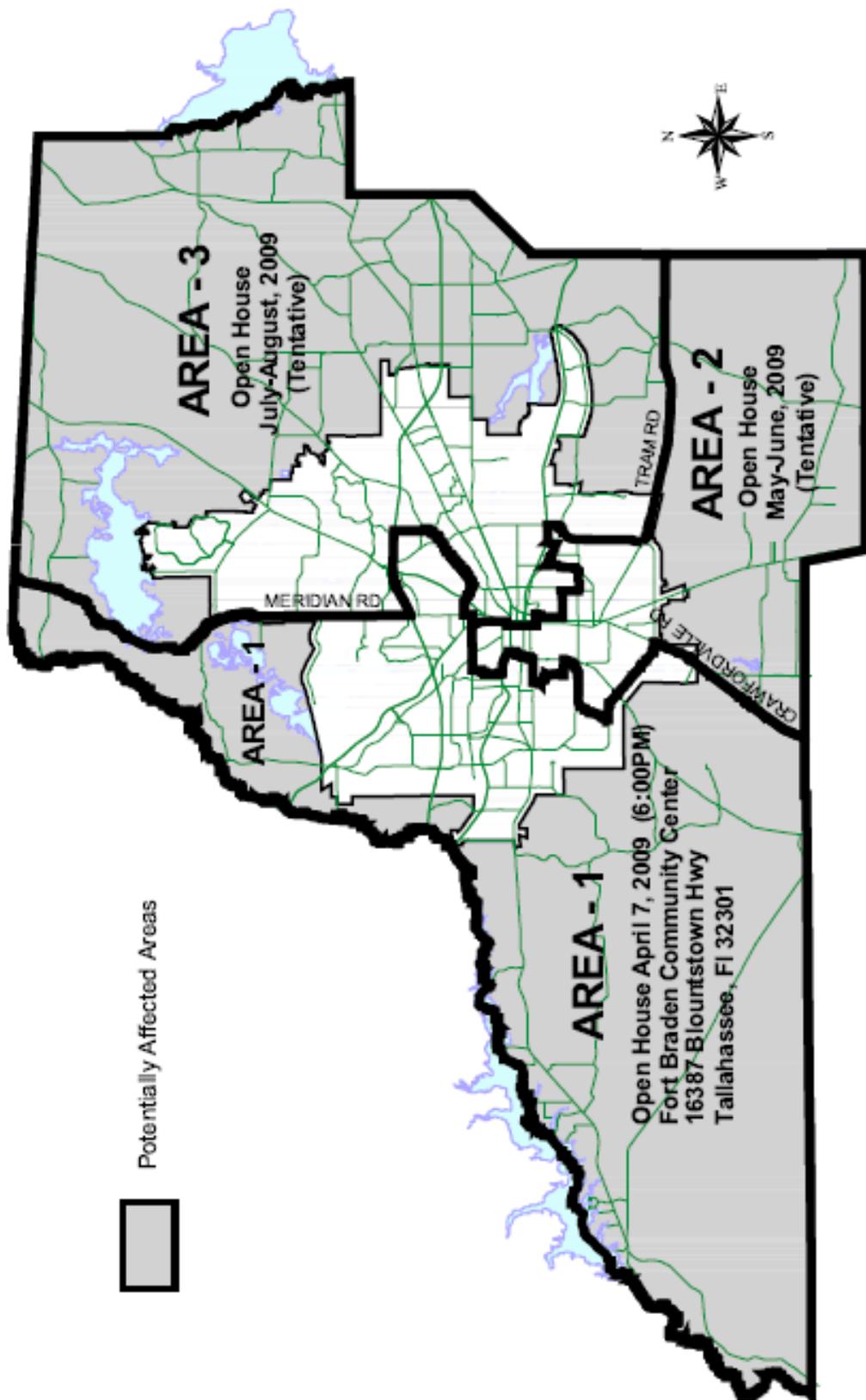
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2.1.9 Non-family heir eligibility flow chart



Map of Future 2.1.9 Open Houses



*This map is for informational purposes only. The Tallahassee/Leon County Planning department and Growth Management department may change the meeting times and dates. Please contact the Planning Department for updated information at 850-891-6400 or Growth management at 850-606-1300

