December 21, 2006

Department of State
Bureau of Administrative Code
RA Gray Building, RM 101
500 South Bronough Street
Tallahassee, Florida 32399-0250
ATT: Brian Nelson

Dear Mr. Nelson,

Pursuant to the provisions of Section 125.66 Florida Statutes, enclosed are true copies of Leon County Ordinance Numbers 06-37, 06-38, and 06-39 as adopted by the Board of County Commissioners of Leon County at a Regular Meeting of December 12, 2006. Also enclosed is a true copy of Leon County Ordinance Number 06-40 which was adopted by the Board at a special meeting on December 13, 2006.

Thank you for your assistance.

Bob Inzer
Clerk of the Circuit Court

By: Sandra C. O'Neal
Deputy Clerk

Attachment - 4
December 21, 2006

This is to certify that the below person received true copies of Leon County Ordinance Numbers 06-37, 06-38, 06-39, and 06-40.

Date Received: 12/21/06

Time Received: 9:56 AM

Person Received: Cat
December 21, 2006

Honorable Bob Inzer
Clerk of the Circuit and County Courts
Leon County
Post Office Box 726
Tallahassee, Florida 32302

Dear Mr. Inzer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter and certified copies of Leon County Ordinance Nos. 06-37 through 06-40, which were filed in this office on December 21, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/cga
ORDINANCE NO. 06-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-1429 OF CHAPTER 10, ARTICLE XI, DIVISION 2 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED CONSERVATION SUBDIVISIONS; BY PROVIDING THAT CONSERVATION SUBDIVISIONS SHALL BE ALLOWED WITHIN THE LAKE TALQUIN RECREATION URBAN FRINGE ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the environmental and natural resource features present in the area located within the Lake Talquin Recreation/Urban Fringe zoning district are vulnerable to the impacts that typically result from suburban style-land platting and development; and,

WHEREAS, the conservation subdivision technique provided in the Land Development Code provides for an alternative method of platting and land development intended to allow residential development to occur in a manner that achieves more effective protection of environmental and natural resource features than conventional development; and,

WHEREAS, the conservation subdivision technique provided in the Land Development Code is presently available for use in the Urban Fringe zoning district, a district allowing the same development intensity and essentially the same land uses and activities as the Lake Talquin Recreation/Urban Fringe zoning district, therefore,

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

Section 1. Chapter 10, Article XI, Division 2, Section 10-1429 of the Code of Laws of Leon County, Florida, entitled “Conservation subdivisions,” is hereby amended to read as follows:
Sec. 10-1429. Conservation subdivision.

(a) Purpose and intent. Conservation subdivision design is encouraged to advance environmental resource protection or restoration by analyzing the development parcel so as to locate and coordinate appropriate areas for development and conservation. Such development shall permanently aside preservation features and canopy road protection zones and, to the greatest extent practicable, other functional open space and sensitive natural resources. In addition, conservation subdivisions shall allow for a diversity of lot sizes, housing choices, and building densities.

(b) Eligibility. Conservation subdivision provisions, no matter the form of ownership, may be applied at the request of a landowner in the Urban Fringe area zoning district or Lake Talquin Recreation/Urban Fringe zoning district, and they shall apply to all clustered development proposed in areas designated Rural Residential in the Bradfordville Sector Plan. The provisions herein shall be applied to all conservation subdivisions, regardless of the form of ownership.

(c) Procedures and review.

(1) Conservation subdivisions shall be reviewed and authorized pursuant to the site and development plan review and approval procedure provisions of division 4, article XI of chapter 10 of the Leon County Code. In addition to submittals required for appropriate review under other provisions of the Leon County Code, the following submittals shall also be required:

a. A land preservation plan, showing all existing vegetation and proposed changes and new planting, if any.
b. A geographic features and land use map of all land within 500 feet of the site that shall indicate floodplains, area hydrography, publicly or privately managed parks or preserves, and adopted or proposed greenways.

The required plans and maps shall be prepared and sealed by a licensed architect, engineer, or landscape architect, as appropriate.

(2) **Pre-application meeting.** Applicants shall be required to participate in a pre-application meeting with all necessary and appropriate local government departments prior to submission of an application for a conservation subdivision. At least five working days prior to the meeting, the applicant shall provide the land preservation plan and the site's geographic features and land use map as described above.

(d) **Minimum lot size.** The minimum lot size shall be one-half-acre in Urban Fringe district and Lake Talquin Recreation/Urban Fringe districts areas. The minimum lot size within the Lake Talquin Recreation/Urban Fringe zoning district shall be .80 acres. In areas designated as Rural Residential in the Bradfordville Sector Plan, the minimum lot size shall be one acre, unless the board finds that provisions have been made to adequately address wastewater treatment and disposal, and that the superior design of the site using smaller lots strengthens the rural character of the developed and open space areas.

(e) **Density.** Conservation subdivisions, no matter the form of ownership, shall be density neutral. In the Lake Talquin Recreation/Urban Fringe and UF Urban Fringe zoning districts, the maximum density in the development area of a conservation
subdivision shall be one dwelling unit per 1.33 gross acres of the total parcel. In areas designated Rural Residential in the Bradfordville Sector Plan, the maximum density shall be one dwelling unit per three gross acres of the total parcel in Urban Fringe zoning district and one unit per ten gross acres in the Rural land-use category-zoning district.

In the Lake Talquin Recreation/Urban Fringe zoning district, the maximum density in the development area of a conservation subdivision shall be one dwelling unit per 1.50 gross acres of the total parcel. Up to a ten percent density bonus may be applied to conservation subdivisions in the Rural Residential areas of the Bradfordville Sector Plan, subject to a type "C" review process.

(f) Design standards. Conservation subdivisions shall be made up of two distinct areas, the reserve area and the development area, which combined comprise the total conservation subdivision parcel. The total parcel shall be contiguous in location and configuration, except that roads, utility easements or other similar linear infrastructure features may traverse it.

(1) Reserve area.

a. The acreage that comprises the reserve area shall comprise no less than 50 percent of the total parcel; shall be designated as permanent open space via easement; shall be continuous and contiguous to the greatest extent practicable with other portions of the site including the reserve area; shall be contiguous with or proximal to existing or planned public or private greenspace to the greatest extent practicable, and shall be of sufficient size and buffered to accommodate authorized uses and ensure the protection of all critical on-site resources that are
to be preserved.

In addition to the standard above, within the Lake Talquin Recreation Urban Fringe zoning district, the reserve area shall constitute a minimum of ten (10) acres of which at least one discrete continuous portion of reserve area shall be a minimum of five (5) acres or 25% of the total property area, whichever is greater, and no discrete continuous portion of reserve area may be less than one (1) acre in size.

b. Preservation areas and viewshed areas within designated protection zones for canopy roads shall be incorporated into the reserve area; conservation areas, archaeological sites, agriculture and silviculture, rural roads as designated in the Bradfordville Sector Plan, and other open space shall be incorporated into the reserve area to the greatest extent practicable.

c. The reserve area shall adjoin any existing or planned adjacent areas of open space, or natural areas that would be potential sites for inclusion as part of a future area of protected open space as depicted in the Greenways Master Plan. Within the Lake Talquin Recreation Urban Fringe zoning district, in those instances where a conservation subdivision will be located adjacent to another existing or planned conservation subdivision, each conservation subdivision shall be designed so that reserve areas of each are adjacent.
d. Within the Urban Fringe zoning district and areas designated Rural Residential in the Bradfordville Sector Plan, reserve area land shall be reserved permanently by easement for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), or environmental purposes, but may contain accessory structures such as barns or utility sheds, provided they are not habitable. Within the Lake Talquin Recreation Urban Fringe zoning district, reserve areas may be used only for the protection of natural open space and shall not contain any structures except existing historical or cultural features.

e. Within the Urban Fringe zoning district and areas designated Rural Residential in the Bradfordville Sector Plan, reserve areas can be used for agriculture provided that the area is not classified as a naturally forested area, conservation or preservation areas. Existing agricultural, grazing, and horticultural uses of the property may continue provided that all such activities be designed to prevent soil erosion; to protect water quality and wetlands; and to maintain the scope of traditional or existing agricultural activities under best management practices thereof. Reclaiming planted forested sites not classified as "naturally forested" to fields, pastures, orchards, groves, and turning open sites to forests is allowed. Usage on open, nonforested sites may be rotated, i.e., cropland may be put into pasture or planted with pine, preferably longleaf pine. Within the
Lake Talquin Recreation Urban Fringe zoning district, agricultural use shall not be allowed.

f. If a reserve area is to be used for agricultural purposes, the applicant shall establish a type "D" buffer between common pastures, animal enclosure areas or croplands and residential lots adjacent to but not part of the conservation subdivision. Such buffers may be considered as part of the reserve area for purposes of meeting the minimum relative size requirement of the reserve area. The applicant may also be required to establish appropriate easements to address common impacts of the normal agricultural operations (e.g., noise, dust or odors).

g. Reserve areas can be used for silviculture provided that the area is not classified as a naturally forested area, a conservation area, or a preservation area. Selective thinning of existing planted pines shall be permitted in conservation and preservation areas on a case-by-case basis if managed to promote a native forest stand. All other existing silviculture operations in proposed reserve areas shall employ all best management practices (BMPs) as may be adopted or updated by the Florida Division of Forestry from time to time.

h. The reserve area shall be placed under a permanent easement that runs with the land. Subject to approval by the county, the easement may be assigned to the local government or to an existing land trust that is a 501(c)(3) organization for which conservation of
resources is a principal goal and which can provide reasonable assurance it has financial and staff resources to monitor and manage the easement. Development easements on agricultural or open space land shall be encouraged in order to protect the reserved land in perpetuity and to afford maximum state and federal tax incentives, deductions and credits to the landowner.

i. Stormwater management facilities which are otherwise permissible are allowed in the reserve area provided that the facilities are located outside of preservation areas, canopy road protection zones, naturally forested areas, and meet one of the following two standards:

1. Wet detention ponds shall have side slopes of 6:1 or flatter with appropriate wetland tree and aquatic plants species that visually integrates the stormwater facility into the overall reserve area.
2. Retention ponds shall have side slopes of 4:1 or flatter with appropriate tree and plant species that visually integrates the stormwater facility into the overall reserve area.

i. All applicants for a conservation subdivision shall submit a management plan describing how the reserve area land will be maintained in perpetuity, including provision of a dedicated source of funds approved by the local government, to finance the timely and consistent execution of the plan.

(2) Development area. The development area shall include that portion of the parcel proposed for development at the density established for the land use category and base zoning applicable to the subject property. The development area shall: (i) be located on the least environmentally or otherwise significant portions of the total conservation subdivision parcel in accordance with subsection (f)(1) above; (ii) comprise no more than 50 percent of the total conservation subdivision parcel; (iii) be contiguous, and configured in such a manner as to not adversely interfere with continued farming or silviculture uses in the reserve area; and (iv) allow maximum open space to be easily maintained in the reserve area. Design of the development area shall follow the procedural steps set forth below.

a. Delineate areas of the site to be reserved due to their significant features and value to the area's continued natural character in accordance with subsection (f)(1) above;
b. Determine the number of allowable lots desired;

c. Locate potential development sites on the area of the tract not delineated as reservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;

d. Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and

e. Delineate boundaries of individual residential lots where lot sizes and shapes, block sizes and shapes, and street networks and alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites that are properly related to topography and the character of surrounding development, encourage a range of housing types and sizes, and provide safe and convenient vehicular access to public streets.

f. Specific development and locational standards shall be subject to the minimum standards of the underlying land use category and base zoning district and shall be established at the time of development plan submittal.
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 12th day of December, 2006.

LEON COUNTY, FLORIDA

By: C. E. DePuy, Jr. 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