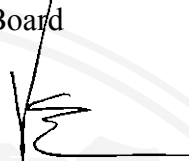


# Leon County Board of County Commissioners

## Cover Sheet for Agenda #14

May 10, 2016

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator 

**Title:** First and Only Public Hearing to Adopt an Ordinance Amending the Review Process for Accessory Dwelling Units.

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<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/ Division Review:</b>	Alan Rosenzweig, Deputy County Administrator David McDevitt, Director, Development Support and Environmental Management
<b>Lead Staff/ Project Team:</b>	Ryan Culpepper, Director, Development Services

**Fiscal Impact:**

This item will have no fiscal impact to the County.

**Staff Recommendation:**

Option #1: Conduct the first and only Public Hearing and adopt an Ordinance revising the review process for accessory dwelling units (Attachment #1).

## **Report and Discussion**

### **Background:**

In 2008, the Board adopted amendments to the Leon County Land Development Code (LDC) to further clarify Accessory Dwelling Units (ADU). The amendments to the LDC were based on input from the GEM Permit Process and Improvement Group and the Council of Neighborhood Associations (CONA). These amendments established specific requirements for ADUs for type (detached or attached), size, setbacks, architectural standards, and in some zoning districts, minimum lot size. The ADU is provided as an affordable option in lieu of subdividing a parcel to create additional lots for single-family residential development.

Since the adoption of these amendments, the County has processed a number of ADUs, both detached and attached. However, over the last several years, staff has oftentimes encountered procedural issues resulting in potential duplication of work and increased review fees for the applicant. In addition, the development community has voiced their concerns regarding the review and approval process time for ADUs. As a result, staff met with a building contractor who has completed two ADUs, and solicited recommendations concerning enhancements to the associated review and approval process. As a result, staff has determined that a proposed Ordinance amending the LDC to facilitate improvements to the ADU permit and review process is necessary (Attachment #1).

### **Analysis:**

Prior to the amendments in 2008, ADUs were referred to as “accessory apartments” and the regulations for them had little consideration for compatibility with the surrounding development pattern. In 2008, the economy was in a severe recession and the amendments to the ADU regulations were intended to provide an affordable housing option while ensuring compatibility with adjacent property owners. Generally, the new regulations ensured that the ADU maintained the appropriate setbacks, and utilized consistent architectural features as the principal residential dwelling. ADUs are also allowed in conjunction with retail establishments, offices and industrial structures.

There are specific standards for both attached and detached ADUs. Both types of ADUs are limited to no more than 45% of the gross floor area of a principal residential dwelling not larger than 800 square feet. For those ADUs in conjunction with non-residential structures, the ADU may not exceed one-third the area of the principal structure, or no larger than 2,500 square feet. Pursuant to the LDC, no more than one ADU per lot is allowed.

The current regulations regarding the review and approval process for ADUs, specifically Section 10-7.402 of the LDC, notes that a Permitted Use Verification (PUV) is required as a prerequisite followed by submittal and completion of the Administrative Streamlined Application Process (ASAP) level site plan review. In addition, prior to submittal of an ASAP application, an approved Natural Features Inventory (NFI) is required in order to identify and delineate any onsite environmental constraints. These approvals must be obtained prior to the issuance of a building permit for the ADU. Due to these required prerequisites, the process to obtain final approval for an ADU can exceed 30 staff review days. In addition to the length of time for approval, the fees associated with these reviews can be a disincentive for those interested in an affordable dwelling option.

Currently, an applicant proposing an ADU can be expected to pay the following minimum application review fees which are outlined in the Development Support and Environmental Management (DSEM) Fee Schedule (Attachment #2):

Application	Review Fee
Permitted Use Verification (PUV)	\$242
Natural Features Inventory (NFI) – No Impact	\$180*
Administrative Streamlined Application Process (ASAP)	\$600
Environmental Management Permit (EMP)	\$720

\*If environmental constraints are noted on the site, then the NFI will be upgraded to a regular NFI application with a review fee of \$1,128.

At minimum, an applicant can expect to pay \$1,742 for the review of an ADU. Should environmental constraints be located on a site, the NFI will be upgraded to a standard NFI application review, incurring an additional \$948 fee. The review fees noted above do not include the building permit, which is a separate application covering the review of the ADU for compliance with applicable provisions of the Florida Building Code, land use and environmental regulations. The building permit review fee varies depending on the cost of improvements.

Staff has drafted a proposed Ordinance amending the LDC to facilitate a more streamlined approach to the review and approval of ADUs. The proposed Ordinance will eliminate the ASAP review process, as well as the requirement for the NFI and separate EMP. In addition, the PUV requirement will be replaced with the Residential Compliance Certificate (RCC), which will result in additional savings for the applicant. Staff anticipates that these revisions to the process for ADUs will save applicants a minimum of \$1,697 in permitting fees.

The proposed changes would revise the procedural steps by allowing a proposed ADU to be a component of the building permit application submittal and review process. A completed and recorded ADU affidavit ensuring the proposed ADU has met the applicable requirements of the LDC will be required prior to issuance of the building permit. In addition to a reduction in associated application review fees, staff anticipates that this will reduce the process time for approval of an ADU by more than 45%.

#### Citizen's User Group Recommendation

As is standard procedure for all proposed LDC changes, prior to requesting Public Hearings, staff presented the draft Ordinance to the DSEM Citizen's User Group on March 30, 2016 for review and comment. The Citizen's User Group had no concerns with the proposed revisions and recommended that the Board approve the proposed Ordinance. However, the Citizen's User Group did note other provisions that needed further clarification or correction, which have already been incorporated into the proposed Ordinance. For example, Section 10-6.803(b)(4)(e) has been revised to include a chart which provides further clarification on the minimum requirements for ADUs within the Lake Protection and Residential Preservation zoning districts.

Tallahassee-Leon County Planning Commission Consistency Determination

Tallahassee-Leon County Planning Department staff conducted a review of the proposed Ordinance and determined that it is consistent with the Tallahassee-Leon County Comprehensive Plan (Attachment #3). The proposed Ordinance is scheduled for consistency review at the May 3, 2016 Public Hearing by the Planning Commission. Due to Board agenda deadlines, the recommendation by the Planning Commission will be provided at the Board's Public Hearing.

Public Notification

The Public Hearing has been publicly noticed consistent with the requirements of Florida Statutes (Attachment #4).

**Options:**

1. Conduct the first and only Public Hearing and adopt an Ordinance revising the review process for accessory dwelling units (Attachment #1).
2. Conduct the first and only Public Hearing and do not adopt an Ordinance revising the review process for accessory dwelling units.
3. Board direction.

**Recommendation:**

Option #1.

**Attachment:**

1. Proposed Ordinance
2. DSEM Fee Schedule
3. Consistency Memorandum
4. Legal Notice

ORDINANCE NO. 16- \_\_\_\_\_

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 10-6.803(B)(4), RELATING TO STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS; ADDING SECTION 10-6.803(B)(5), RELATING TO REVIEW PROCEDURES AND CONDITIONS FOR ACCESSORY DWELLING UNITS; AMENDING SECTION 10-7.402(7), RELATING TO REVIEW PROCESS FOR EXCEPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board desires to provide accessory dwelling units as an alternative housing option; and

WHEREAS, the Board desires to ensure the expedited review of applications for accessory dwelling units;

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

**SECTION 1.** Section 10-6.803(b)(4) of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, relating to standards for detached accessory dwelling units, is hereby amended to read as follows:

*(4) Standards for detached accessory dwelling units:*

- a. Freestanding or detached accessory dwelling units shall be allowed in conjunction with any principal residential use.
- b. A detached dwelling unit accessory to a single-family residential structure shall not exceed 800 square feet nor five percent of the total lot or parcel area.
- c. A detached dwelling unit accessory to a single-family residential structure shall be located and designed not to interfere with the appearance of the principal structure. This provision shall not be construed so as to limit an attached accessory dwelling unit from having its own entryway, porch, or to limit the quantity or location of window space.
- d. A detached dwelling unit accessory to a single-family residential structure shall be setback a minimum distance equal to the applicable minimum rear and side yard setbacks established by the zoning district in which it is located, except that within the residential preservation zoning district, any detached dwelling unit accessory to a single-family residential structure shall be no less than 105 percent of the applicable minimum side yard setback and 110 percent of the applicable minimum rear yard setback for principal residential structures.
- e. Within the lake protection and the residential preservation zoning districts and overlays, detached accessory dwelling units are subject to under the following conditions:
  - i) as a component of a new site and development plan application, on a parcel of no less than three acres within the lake protection zoning district; a parcel of no less than .3 acres within the residential preservation zoning district inside the urban services area; or a parcel of no less than three acres within the residential preservation overlay, outside of the urban services area; and,
  - ii) in conjunction with a previously developed, existing residential dwelling, on a parcel of no less than three acres within the lake protection zoning district, no less than one acre within the residential preservation zoning district inside the urban services area, and no less than three acres within the residential preservation overlay, outside of the urban services area.

~~f. An approved application demonstrating compliance with these regulations shall be required prior to the issuance of any permits for the establishment of accessory dwelling units. Accessory dwelling units may be reviewed as components of a new site and development plan application. Applications for accessory dwelling units in conjunction with a previously developed, existing residential dwelling shall be provided and reviewed by the Leon County Department of Development Support~~

1                   ~~and Environmental Management through the Administrative Streamlined~~  
2                   ~~Application Process.~~

3  
4   **SECTION 2.** Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby  
5 amended by adding a section to be numbered Section 10-6.803(b)(5), relating to review  
6 procedures and conditions for accessory dwelling units, which section reads as follows:  
7

8           (5) Review procedures and conditions for accessory dwelling units. A proposed  
9           accessory dwelling unit shall require submittal of a Residential Compliance Certificate  
10           to determine eligibility. A proposed accessory dwelling unit shall be reviewed  
11           concurrently with the submittal of a building and environmental management permit. A  
12           complete building and environmental management permit shall include documentation  
13           demonstrating compliance with the applicable accessory dwelling unit requirements  
14           noted in this section. A notarized affidavit identifying the proposed structure as an  
15           accessory dwelling unit and outlining any conditions of approval shall be signed by the  
16           owner and recorded with the Leon County Clerk of Courts prior to issuance of the  
17           building and environmental management permit. Affidavits for detached ADUs shall  
18           include, at minimum, a condition that subdivision of the parcel for the benefit of  
19           creating a lot exclusively for the ADU shall be subject to the environmental and  
20           subdivision regulations of the LDC.

21  
22   **SECTION 3.** Section 10-7.402(7) of Article VII of Chapter 10 of the Code of Laws of Leon  
23 County, Florida, relating to review process for exceptions, is hereby amended to read as  
24 follows:  
25

- 26           7. *Review process for exceptions.* The development listed in the table set out as parts (a)  
27           and (b) of this subsection shall be excepted from Type A—D site and development  
28           plan review, as set forth in subsection 4., above.
- 29           (a) The following chart provides a range of development and changes of use excepted  
30           from site and development plan application. The chart specifies appropriate criteria  
31           for approval, applicable review process, notice requirements and other applicable  
32           substantive or procedural requirements. Omission of a particular requirement from  
33           the chart shall not be construed so as to alleviate requirement for compliance.

Proposed Use or Development	Criteria for Approval	PUV or RCC 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, RCC is optional.	PSD	None	No	PSD; scaled sketch plan accessory buildings in this category require affidavit of nonhabitable structure; project-specific environment permits as applicable
Home occupation in an existing residence	Home occupation standards; Life-safety code	No, RCC is optional	None	None	No	RCC (optional); 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 ≤5,000 s.f.	As required in the Land Development Code	No	PSD	None	No	Affidavit of nonhabitable 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 ≥5,000 s.f.	As required in the Land Development Code	Yes	ASAP	Ad for PUV	No	Affidavit of nonhabitable 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 s.f.	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 s.f. and ≤10,000 s.f.	As required in the Land Development Code	Yes	ASAP	Ad for PUV	No	Site plan; project-specific environment permits as applicable
Proposed use or development	Criteria for approval	PUV or RCC required	Review required for approval	Notice requirements	Public meeting requirements	Application content requirements
Change in tenancy without expansion or	N/A	Yes, to verify that	None	Ad for PUV	No	N/A

functional modification		use was originally properly established and allowed in zoning district				
Change of use without expansion or functional modification, to another use allowed within the zoning district, ≤1,000 s.f.	Zoning district; life-safety health codes	Yes	None, unless a special exception or restricted use	Ad for PUV	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 s.f.	Zoning district; life-safety health codes	Yes	ASAP, unless a special exception or restricted use	Public notice of approval or denial	No	Project specific environmental permits, as needed.
Additional dwelling unit without subdivision	Approved plat or site plan, otherwise as required in the Land Development Code	No, RCC optional	PSD	None	None	Affidavit; project specific environment permits as applicable
Accessory dwelling unit without subdivision	Approved plat or site plan, otherwise as required in the Land Development Code	<del>PUV</del> <u>RCC</u> required	<del>ASAP</del> <u>PSD</u>	Ad for <del>PUV</del> <u>RCC</u>	Presubmittal (optional)	<u>Site plan for ASAP; Scaled sketch plan; documentation demonstrating compliance with Sec. 10-6.803; Notarized affidavit for accessory dwelling unit shall be recorded prior to issuance of building permit.</u> <del>project specific environment permits as applicable.</del>
Miscellaneous 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 s.f.; and structures accessory to other than single-family,	Approved plat or site plan, and otherwise as required in the Land Development Code	Yes, except for accessory structures	PSD	Ad for PUV	No	Scaled sketch plan; information demonstration compliance with Land Development Code standards; project specific environment permits as



manufactured home, or duplex residential dwellings and ≤300 s.f.						applicable.
Other development determined to be below the Type A site and development plan review threshold and >300 s.f.; and structures >300 s.f. 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	Ad for PUV	Presubmittal (optional)	Site plan; project specific environmental permits, as applicable.

(b) Exceptions specified under the definition of subdivision in Section 10-1.101. Any and all landowner(s) of a parcel that is divided or developed pursuant to this exception shall file an affidavit, on a form approved by the county attorney, with the clerk of the court in the public records of the county. The affidavit shall specify that the property has been modified or subdivided, the number of new parcels, if any, created, the exemption type used for this action, the legal description of the original location of the parcel(s), and the metes and bounds descriptions of each new parcel. A judicial exception based on a court order shall be excepted from site and development plan application but may be required to comply with the Land Development Code. Review of development proposed pursuant to such orders shall be through a process determined by the county administrator or designee.

(c) Requirements for administrative streamlined application process (ASAP).

~~(1) *Accessory dwelling unit.* All ASAP applications for accessory dwelling units shall demonstrate compliance with subsection 10-6.803(b). Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Presubmittal meeting is available at the option of the applicant. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards.~~

~~(21) *1:2 subdivision/lot split, inside the urban service area.* All ASAP applications for 1:2 subdivision/lot split shall demonstrate compliance with article IV, environmental management, article VI, zoning, and division 5 of article VII, substantive standards and criteria, subdivision and site and development plan regulations. Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards. The application should furnish sufficient information to clearly demonstrate legal access, utility service connections, compliance with zoning district standards, and adequate protection of environmental resources.~~

~~(32) *Other administrative streamlined applications process applications.* All other ASAP applications shall demonstrate compliance with article IV, environmental management; article VI, zoning; and division 5 of article VII, substantive standards and criteria, subdivision and site and development plan regulations. Review and determination of compliance shall be conducted by the county administrator or their designee. Review may include consultation with other county and affiliated agency technical staff. Applications shall include a site plan or survey of the subject property along with sufficient information to demonstrate compliance with applicable standards. The application should furnish sufficient information to clearly demonstrate legal access, utility service connections, compliance with zoning district standards, and adequate protection of environmental resources. Applications shall be required to furnish a natural features inventory, as set out in article IV, and provide calculations demonstrating compliance with applicable stormwater management standards; waiver or modification of these requirements may be provided by the county administrator or designee. The application should furnish sufficient information to clearly demonstrate compliance with zoning district standards and any precedent development order.~~

**SECTION 4.** Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

**SECTION 5.** Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6.** Effective date. This ordinance shall be effective according to law.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,  
2 Florida, this \_\_\_\_ day of \_\_\_\_\_, 2016.  
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4

5 LEON COUNTY, FLORIDA  
6  
7

8 BY: \_\_\_\_\_  
9 BILL PROCTOR, CHAIRMAN  
10 BOARD OF COUNTY COMMISSIONERS  
11  
12

13 ATTEST:  
14 BOB INZER, CLERK OF THE COURT  
15 AND COMPTROLLER  
16 LEON COUNTY, FLORIDA  
17  
18

19 BY: \_\_\_\_\_  
20

21 APPROVED AS TO FORM:  
22 LEON COUNTY ATTORNEY'S OFFICE  
23  
24

25 BY: \_\_\_\_\_  
26 HERBERT W.A. THIELE, ESQ.  
27 COUNTY ATTORNEY  
28  
29

**DEVELOPMENT SUPPORT & ENVIRONMENTAL MANAGEMENT DEPARTMENT  
FEE SCHEDULE  
REVISED OCTOBER 21, 2015**



**EFFECTIVE DATES:  
DEVELOPMENT SERVICES & ENVIRONMENTAL SERVICES - OCTOBER 1, 2008  
BUILDING PLANS REVIEW & INSPECTION - 1/23/07**

**DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT  
THE RENAISSANCE CENTER, 2<sup>ND</sup> FLOOR  
435 NORTH MACOMB STREET  
TALLAHASSEE, FL 32301  
(850) 606-1300**

Fee Category	Fee
<b>Administration</b>	
Copy of Chapter 10, Code of Laws	\$60
Copy of Land Development Regulations Policies and Procedures	\$12
<b>DEVELOPMENT SERVICES FEES</b>	
<b>Zoning</b>	
Letter of Zoning Certification	\$90
Residential Compliance Certificate (RCC)	\$45
Permitted Use Verification (PUV)	\$242
Revision to PUV	\$60
Project Status Determination for Single Family/Manufactured Housing/Other Development Orders	\$120
Board of Adjustment and Appeals Variance Request	\$300
(+ Direct Notice and Legal Advertisement Fee)	\$660
Planned Unit Development (PUD)	Refer to Type D Site Plan for Fees
Major Modification to PUD Concept Plan	\$4,800 (+ direct notice fee of \$2,640)
Minor Modification to PUD Concept Plan	\$1,500
<b>Concurrency Management</b>	
Residential	\$156 first dwelling unit + \$24/additional dwelling unit
Non-residential	\$228 first 1,000 sq. ft. + \$48/additional 1,000 sq. ft.
Extension of Concurrency Certificate (2 Years)	20% of original fee
Revision of Approved Concurrency Certificate	50% of original certificate fee, not to exceed \$600
Other Jurisdiction Concurrency Application Review	\$90
Concurrency Review with Comp. Plan Amendment Proposal	(See concurrency review fees)
<b>Subdivisions, Site and Development Plans</b>	
Sketch Plan (required for pre-application)	Type A, Limited Partition and all others \$600
Subdivision Exemptions	
Boundary Settlement	\$756
Conveyance to Government and Franchise	\$540
Creation of Equal or Larger Parcels	\$756
Corrective Instruments	\$540
Additional Dwelling Unit without Subdivision (per unit)	\$228
Prior Improperly Subdivided Lots (Letter of Exception)	\$228
Unity of Title	\$156
Release of Unity of Title	\$132
Judicial Exception	\$300
Policy 2.1.9 Subdivision	\$900
Limited Partition Subdivision	\$3,828
One into Two Lot Subdivision	\$1,920
Type "A" Site and Development Plan (maximum of \$6,000, + \$950 direct notice fee)	
Non-Residential	\$2,436 + \$0.85/sq. ft. of building + \$950 direct notice fee
Residential	\$4,476 + \$96/dwelling unit + \$950 direct notice fee
Type "B" Site and Development Plan (maximum of \$12,000, + \$1,690 direct notice fee)	
Non-Residential	\$3,828 + \$0.56/building sq. ft. + \$1,690 direct notice fee
Residential	\$6,024 + \$78/dwelling unit + \$1,690 direct notice fee
Type "C" Site and Development Plan (maximum of \$12,000, + \$2,640 direct notice fee)	
Non-Residential	\$3,756 + \$0.55/building sq. ft. + \$2,640 direct notice fee
Residential	\$4,500 + \$48/dwelling unit + \$2,640 direct notice fee
Type "D" Site and Development Plan (maximum of \$6,000 + \$2,640 direct notice fee)	
Residential or Non-residential Final Plan	\$3,000 + \$2/dwelling unit or \$12/acre + \$2,640 direct notice fee
Administrative Staff Approval Process (ASAP)	\$600
Minor Modification to Approved Site and Development Plan	\$756
Major Modification to Approved Site and Development Plan	\$1,500
Substantial Change to Approved Site and Development Plan	See review fees
Request for Deviation from Development Standards	\$600
Request for Parking Standards Committee Review	\$600
Site and Development Plan Approval Extension (3 Year)	\$1,200
Additional (continued DRC meeting)	\$300
Notice of Intent to Appeal DRC Decision	\$90 + \$30 for each additional party

Fee Category	Fee
Plats	
Residential (Public Works)	\$360, + \$6 per dwelling unit
Non-residential Plat (Public Works)	\$360, + \$60 per acre in excess of 1.0 acres
Vacate and Abandonment of Recorded Plats	
Roads, Plats, or Utility/Drainage Easements	\$600
Direct Notice and Legal Advertisement Fee per Request (Public Works)	\$360
Address Assignment and Street Naming	
New Address Assignment	\$156
Address / City of Tallahassee (for utility setup)	\$156
Street Name Change Application	\$240 (+ direct notice fee of \$660)
Street Name Sign Fee (Public Works)	\$284
Land Use and Code Compliance Determinations	
Off-site Sign (Billboard) "Site Plan" Review	\$600
Modification to Approved Off-site Sign	\$480
Temporary Sign Application	\$60
Other Sign Permit Compliance Reviews	\$240
Temporary Use "Site Plan" Review	\$210
Alcoholic Beverage License Review	\$300
Annexation / De-annexation Review	\$600
Compliance Certification Letter	\$90
Developments of Regional Impact (DRI)	
DRI Application for Development Approval (ADA)	\$18,000
DRI Substantial Deviation	\$9,600
DRI Notice of Proposed Change (no substantial deviation)	\$6,000
Development Services Miscellaneous Fees	
Development Agreement	\$10,200
Revision to Approved Development Agreement	\$3,600
Regional Activity Center Designation	\$10,200
Other Jurisdiction Comp Plan Amendment Review (per amendment)	\$120
Notice of Claim of Vested Rights	\$360
Research Fee	\$90/hour
ENVIRONMENTAL SERVICES FEES	
Environmental Management Permit (EMP) Standard Form	
Residential Subdivisions (one dwelling unit per lot)	Base fee of \$2,388 for 1 <sup>st</sup> 5,000 sq. ft. of impervious area + \$0.13/sq. ft. over 5,000 sq. ft., with a max of \$90,000.
Non-residential and Others	Base fee of \$2,388 for 1 <sup>st</sup> 5,000 sq. ft. of impervious area + \$0.13/sq. ft. over 5,000 sq. ft., but less than 100,000 sq. ft., + a fee of \$0.24/sq. ft. for 100,000 sq. ft. and above.
EMP Short Form/Residential and Non-residential	
Short Form A	\$372
Short Form B – Low Intensity	Base fee of \$720 for 1 <sup>st</sup> 5,000 sq. ft. of disturbed area + \$0.02/sq. ft. in excess of 5,000 sq. ft.
Short Form B – High Intensity	Base fee of \$1,344 for 1 <sup>st</sup> 5,000 sq. ft. of disturbed area + \$0.01/sq. ft. over 5,000 sq. ft.
EMP Environmental Analysis	
Part 1 – Natural Features Inventory (NFI), without Flood Plain	\$1,584 base fee + \$28/acre over 5 acres
Part 1 – NFI with Floodplain	\$2,064 base fee + \$29/acre over 5 acres
NFI for Policy 2.1.9, Limited Partition and Judicial Subdivisions	\$1128
NFI – No Impact	\$180
Part 2 – Environmental Impact Analysis (EIA), without Floodplain	\$1,356 base fee, + \$24/acre over 5 acres
Part 2 – EIA with Floodplain	\$1,890 base fee, + \$30/acre over 5 acres
Part 2 – EIA with Floodplain and Off-site Stormwater Discharge	\$1,890 base fee, + \$36/acre over 5 acres
Amendments/Resubmittals/EMP Extension Requests	
Amendment to Approved EIA or EMP	50% of initial fee up to maximum of \$1,200
Request for Additional Information (RAI)*	
Request for EMP Extension	
Landscaping and Related Permits	
Landscape Permit	Base fee of \$780 for 1 <sup>st</sup> 5,000 sq. ft of impervious area + \$0.01/sq. ft. over 5,000 sq. ft., but less than 50,000 sq. ft. + a fee of \$0.02/sq. ft. 50,000 sq. ft. and above

Fee Category	Fee
Tree Removal Permit	Base fee \$114 for first 100 trees + \$1.97/tree over 100
Vegetative Management Plan	\$120
<b>EMP Inspections</b>	
Follow-up Inspection (after unsatisfactory follow-up to violation inspection)	\$240
Repeat Final Inspection (after unsatisfactory environmental final inspection)	\$288
<b>EMP Operating Permits</b>	
Operating Permit (fee is not required for individual single family lots)	\$628
Operating Permit Renewal	\$120 if less than 5,000 sq. ft. impervious and no structures or filters; all others \$300
<b>Communication Towers</b>	
Communication Tower Bond	\$1,022
Communication Tower Bond Renewal	\$540
Communication Tower Bond Cancellation	\$360
<b>Environmental Compliance Miscellaneous Fees</b>	
General Utility Permit	\$14,190
Board of County Commissioners' Environmental Management Act Variance Request	\$1,440
Discovery Inspection Fee for No-permit Violations	\$120 - \$1,200
Research Fee	\$90/hour
<b>BUILDING PLANS REVIEW &amp; INSPECTION FEES</b>	
<b>Building Permits – New Construction and Additions</b>	
City of Tallahassee Fire Plan Review Fee	\$0.02 per sq. ft. under roof
Industrial Permits	\$0.34 per sq. ft. under roof
Commercial Permits	\$0.51 per sq. ft. under roof
Residential Permits	\$0.48/sq. ft. under roof including porches, garages, carports and detached accessory structures
<b>Plans Review Fees, Commercial (based on construction costs)</b>	
\$50,000 - \$100,000	\$74.41
\$100,000.01 - \$500,000	\$104.43
\$500,000.01 - \$1 million	\$139.68
\$1,000,000.01 - \$2 million	\$211.47
\$2,000,000.01 - \$3 million	\$281.97
\$3,000,000.01 - \$5 million	\$348.54
Over \$5 million	\$706.22
<b>Remodeling &amp; Repair Work (based on cost of the building construction)</b>	
\$1.00 - \$2,000	\$91.38
\$1,000.01 - \$15,000	\$212.78
\$15,000.01 - \$50,000	\$386.40 + \$15.60/thousand over \$15,000.01
\$50,000.01 - \$100,000	\$998.63 + \$14.10/thousand over \$50,000.01
\$100,000.01 - \$500,000	\$1644.80 + \$7.77/thousand over \$100,000.01
\$500,000.01 - \$1 million	\$5,305.15 + \$3.97/thousand over \$500,000.01
<b>Electrical Permit Fees</b>	
Electrical Permit Fee	\$62.66
<b>Open Electrical Work</b>	
For the wiring of ea. fixture, drop or receptacle device, or to ea. wall or pendant switch not attached to the fixture including fixtures, drops or receptacle devices and switches when installed at the same time as the wiring for branch circuits	\$0.90
<b>Electric Signs</b>	
For each electrically illuminated sign requiring less than 1,650 watts	\$32.40
For each electrically illuminated sign requiring more than 1,650 watts, but less than 3,350 watts	\$41.77
<b>Fans</b>	
For each ceiling fan, bath exhaust fan, kitchen range hood, or exhaust fan permanently attached to the branch circuit wiring	\$3.42
<b>Light Fixtures</b>	
For each lighting fixture, including drop lights, recessed lights, wall or flush receptacles or other receptive devices not having soldered joints	\$1.20
<b>Motor Generators</b>	
For each electrical motor of ¾ hp or less operating at 600 volts or less	\$6.03
For each electrical motor of over ¾ hp and not over 5 hp operating at 600 volts or less	\$13.07

Fee Category	Fee
<b>Electrical Services</b>	
Temporary Electric Service	\$32.64
Permanent Electric Service of 200 amps or less	\$15.66
Permanent electric service or panel of over 200 amps, but not over 400 amps	\$36.55
Permanent electric service or panel of over 400 amps, but not over 600 amps	\$48.30
Permanent electric service or panel of 600 amps, but not over 800 amps	\$62.66
For a permanent electric service or panel of over 800 amps, add for each 100 amps or fraction thereof over 800 amps	\$6.03
<b>Gas Permit Fees</b>	
Gas Permit Fee	\$73.10
Inspection of gas piping at one location (including both rough and final piping inspection)	\$73.10 for 1-4 outlets, inclusive; \$15.53 for each additional outlet
Inspection of conversion burners, floor furnaces, incinerators, boilers or control heating or air conditioning units	\$73.10 for one unit; \$15.53 for each additional unit
Inspection of vented wall furnaces and water heaters	\$34.70 for one unit; \$15.53 for each additional unit
<b>Mechanical Permit Fees</b>	
New construction with complete HVAC equipment and duct work	\$159.26 for each system
Existing buildings where additional mechanical work is done, or HVAC equipment change-outs are made	\$79.63
<b>Plumbing Permit Fees</b>	
Plumbing Permit Fee	\$91.38
For each plumbing fixture, floor drain or trap (including water and drainage piping)	\$8.51
Each House Sewer	\$8.51
Each Water Heater and/or Vent	\$8.51
Water Treatment Equipment	\$8.51
Repair or Alteration of Drainage or Vent Piping	\$8.51
Vacuum Breakers and Backflow Preventers (1-5)	\$8.51
<b>Manufactured Home Fees</b>	
Manufactured Home Permit (inclusive)	\$385.09
<b>Swimming Pools</b>	
In-Ground Pools	\$382.48
Above-Ground Pools	\$78.32
<b>Solar Installations</b>	
Solar Photovoltaic Systems	\$169.70
Solar Water Heating Systems	\$182.76
<b>Miscellaneous Fees</b>	
Abandoned Property Registration	\$150
Automated Permits	\$112.26
Building Re-Inspection Fee	\$65.27
Demolition Fees	\$197.12 for any building or structure
Driveway Connection Fee (Single Family Residence and Mobile Home)	\$82.24
Moving any Building or Structure	\$436.00
State Notice of Commencement	\$5.00
State Surcharge Fee	3% of permit fee total, but not less than \$4
Temporary Facilities	\$74.41 for tents or temporary facilities for revivals, carnivals, etc., for periods not to exceed 30 days

\* RAI – If a 3<sup>rd</sup> RAI is needed to address the same issue.





# MEMORANDUM

**TO:** Ryan Culpepper, Development Services Director, Leon County Department of Development Support & Environmental Management

**FROM:** Jiwan Haley, Senior Planner, Tallahassee-Leon County Planning Department

**DATE:** April 19, 2016

**SUBJECT:** Consistency Review for Proposed Ordinance Amending Article VI and Article VII of Chapter 10 of the Leon County Land Development Code to Amend the Review Process for Accessory Dwelling Units

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## **Summary of Proposed Ordinance**

The Leon County Board of County Commissioners desires to provide accessory dwelling units as an alternative housing option and ensure the expedited review of applications. The proposed ordinance to the Leon County Land Development Code amends Chapter 10, Section 10-6.803(B), relating to accessory dwelling units. The ordinance also adds section 10-6.803(B)(5), relating to review procedures and conditions for accessory dwelling units. Section 10-7.402(7), relating to the review process for exceptions is also amended with the proposed ordinance. Specifically, the changes are as follows:

- Code of Laws of Leon County, Article VI, Chapter 10, Section 10-6.803(b)(2)(d) is amended to require that all dwelling units accessory to a single-family residential unit shall meet the applicable zoning district setbacks, rather than only the front yard setbacks.
- Code of Laws of Leon County, Article VI, Chapter 10, Section 10-6.803(b)(3)(c) is amended to require that accessory dwelling units be constructed utilizing similar architectural standards as utilized for the design and construction of the principal structure. This provision is not to be construed so as to limit an attached accessory dwelling unit from having its own entryway, porch, or to limit the quantity or location of window space.
- Code of Laws of Leon County, Article VI, Chapter 10, Section 10-6.803(b)(4)(e) is amended to require that within the Lake Protection and the residential preservation zoning districts and overlays, detached accessory dwelling units are subject to the following:

i) as a component of a new site and development plan:

<u>Lake Protection</u>	<u>3.0 acres minimum</u>
<u>Residential Preservation</u>	
• <u>Inside USA</u>	<u>0.3 acres minimum</u>
• <u>Outside USA</u>	<u>3.0 acres minimum</u>

ii) in conjunction with a previously developed, existing residential dwelling:

<u>Lake Protection</u>	<u>3.0 acres minimum</u>
<u>Residential Preservation</u>	
• <u>Inside USA</u>	<u>1.0 acres minimum</u>
• <u>Outside USA</u>	<u>3.0 acres minimum</u>

- Code of Laws of Leon County, Article VI, Chapter 10, Section 10-6.803(b)(4)(f) relating to accessory dwelling units being reviewed as components of new site and development plan application, is deleted.
- Code of Laws of Leon County, Article VI, Chapter 10, Section 10-6.803(b)(5) is added relating to review procedures and conditions for accessory dwelling units. The new section reads as follows:
  - *Review procedures and conditions for accessory dwelling units.* A proposed accessory dwelling unit shall require submittal of a Residential Compliance Certificate to determine eligibility. A proposed accessory dwelling unit shall be reviewed concurrently with the submittal of a building and environmental management permit. A complete building and environmental management permit shall include documentation demonstrating compliance with the applicable accessory dwelling unit requirements noted in this section. A notarized affidavit identifying the proposed structure as an accessory dwelling unit and outlining any conditions of approval shall be signed by the owner and recorded with the Leon County Clerk of Courts prior to issuance of the building and environmental management permit. Affidavits for detached ADUs shall include, at minimum, a condition that subdivision of the parcel for the benefit of creating a lot exclusively for the ADU shall be subject to the environmental and subdivision regulations of the LDC.

- Code of Laws of Leon County, Article VII, Chapter 10, S ection 10-7.402(7)(a) is amended by revising the chart in this section, which specifies appropriate criteria for approval, applicable review process, notice requirements and other applicable substantive or procedural requirements. The chart for accessory dwelling unit development without subdivision is amended as follows:

Proposed Use or Development	Criteria for Approval	PUV or RCC Required	Review Required for Approval	Notice Requirements	Public Meeting Requirements	Application Content Requirements
Accessory dwelling unit without subdivision	Approved plat or site plan, otherwise as required in the Land Development Code	<del>PUV</del> RCC required	<del>ASAPP</del> PSD	Ad for <del>PUV</del> RCC	Pre-submittal (optional)	<del>Site plan for ASAP;</del> Scaled sketch plan; documentation demonstrating compliance with Sec. 10-6.803; Notarized affidavit for accessory dwelling unit shall be recorded prior to issuance of building permit. <del>Project specific environment permits as applicable.</del>

- Code of Laws of Leon County, Article VII, Chapter 10, S ection 10-7.402(7)(c)(1) relating to all ASAP applications for accessory dwelling units demonstrating compliance with subsection 10-6.803(b), is deleted.

### **Consistency Determination**

In 2008, the Leon County Board of County Commissioners adopted amendments to the Leon County Land Development Code (LDC) to further clarify Accessory Dwelling Units (ADU). Since the adoption of these amendments, the County has processed a number of accessory dwelling units, both detached and attached. However, over the last several years, staff has oftentimes encountered procedural issues resulting in potential duplication of work and increased review fees for the applicant. In addition, the development community has voiced their concerns regarding the review and approval process time for ADUs. Staff concluded the proposed Ordinance amending the LDC to facilitate improvements to the ADU permit and review process is necessary to resolve these issues.

Planning Department staff has reviewed the proposed changes in relation to the Comprehensive Plan goals, objectives, and policies and finds the proposed ordinance consistent with the Plan. While the Comprehensive Plan does not extend to this level of detail on accessory uses, the proposed ordinance supports and furthers the goals, objectives and policies of the Land Use

Element. Objective 1.4 of the Land Use Element requires Leon County to “Maintain a set of specific and detailed Land Development Regulations, which implement and are consistent with the goals, objectives and policies of the Tallahassee-Leon County Comprehensive Plan.”

The ordinance is also consistent with Policy 1.4.10: [L] of the *Tallahassee-Leon County Comprehensive Plan* which states the following:

“The land development regulations shall provide for zoning districts which shall indicate which land uses are allowed, prohibited, or conditional-with-specified constraints consistent with the criteria set forth in the narrative intent of the future land use categories, the land use development matrix which is intended to be a pictorial representation of existing policies in the Comprehensive Plan, and the Goals, Objectives, and Policies of the Comprehensive Plan.”

The proposed ordinance provides clarity to the review and permitting processes, provides accessory dwelling units as an alternative housing option, and establishes an expedited review of applications for accessory dwelling units in Leon County zoning districts.

The ordinance is also consistent with Goal 1[JH] and Policy 1.2.1[JH] of the Joint Housing Element of the Tallahassee-Leon County Comprehensive Plan. According to Goal 1, local government is required “To the greatest extent possible, coordinate and leverage available resources to maximize the production and preservation of affordable housing and the quality of life for the residents of Tallahassee-Leon County.” Policy 1.2.1 [JH] states the following:

“The Tallahassee-Leon County Planning Department shall ensure that there is sufficient lands designated on the adopted Future Land use Map for residential uses within the Urban Service Area to accommodate the housing needs for existing and future residents, including very low, low, and moderate income households through the year 2030.”

While the purpose of the proposed ordinance is to provide a more efficient review and permitting process, it may lead to an increase in housing that is more affordable by increasing the amount of density permitted on properties throughout Leon County.

According to Sect.10-2.323(5) of the Leon County Land Development Code, the Planning Commission is responsible for the “Review of proposed development codes and regulations and amendments and make recommendations to the governing bodies as to the consistency of the proposals with the adopted Comprehensive Plan.”

If you have any questions about the review, please contact Planning Department staff at 891-6400.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, May 10, 2016, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

**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 10-6.803(B)(4), RELATING TO STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS; ADDING SECTION 10-6.803(B)(5), RELATING TO REVIEW PROCEDURES AND CONDITIONS FOR ACCESSORY DWELLING UNITS; AMENDING SECTION 10-7.402(7), RELATING TO REVIEW PROCESS FOR EXCEPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of the ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse  
301 S. Monroe St., 5th Floor Reception Desk  
Tallahassee, FL 32301

and

Leon County Clerk's Office  
315 S. Calhoun Street, Room 750  
Tallahassee, Florida 32301

Advertise: April 29, 2016

F00-00016