

ORDINANCE NO. 09- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, LAND DEVELOPMENT CODE; ESTABLISHING SECTION 10-6.710 AND AMENDING SECTIONS 10-6.702 AND 10-6.613 FOR THE PURPOSE OF ESTABLISHING A PRIMARY SPRINGS PROTECTION ZONE AND DEVELOPMENT STANDARDS TO INITIATE IMPLEMENTATION OF COMPREHENSIVE PLAN POLICY 4.2.5: [C]; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Chapter 10, Article VI, Division 7, Section 10-6.702 is amended as shown below:

Sec. 10-6.702. Generally.

(a) The Comprehensive Plan sets forth requirements for special regulatory mechanisms to implement the intent of the plan in locations where unique conditions are present. This article establishes the special regulatory overlay districts and areas to respond to the set of unique conditions.

(b) The canopy road and historic preservation overlay districts are depicted on the official zoning map. The conservation and preservation areas are based on presumptive criteria established in the Comprehensive Plan. The determination that particular lands lie within one of these two areas is dependent upon the presence or absence or environmental constraints on-site, confirmed through the environmental analysis required during development application review. The area included in the primary springs protection zone is displayed in Figure 10-6.710(1).

(c) Development affecting lands within the canopy road or historic preservation overlay districts or preservation and conservation areas overlay districts or the primary springs protection zone may be approved, approved with conditions, or denied by the Board of County Commissioners.

(d) Additional development standards and procedures to protect or enhance the particular resource as specifically set forth in this subdivision shall apply to all applicants for development permits. In this subdivision is a description of the overlay districts or areas which are subject to review by the Board of County Commissioners.

(Ord. No. 07-20, § 2, 7-10-07)

SECTION 2. Chapter 10, Article VI, Division 7, Section 10-6.710 is established as shown below:

Sec. 10-6.710. Primary Springs Protection Zone.

(a) *Purpose and intent.* The purpose of establishing a Primary Springs Protection Zone (PSPZ) is to identify the region of Leon County with elevated aquifer vulnerability so that additional regulations may be applied within this zone to minimize the adverse impacts of development on groundwater recharge quality and quantity. This Section is intended to implement Comprehensive Plan Policy 4.2.5 [C].

The boundary of the PSPZ is provided in the figure 10-6.710(1) below. All parcels of land in unincorporated Leon County that have area located inside the PSPZ are presumed to be wholly within in the area of elevated aquifer vulnerability and shall abide by the development standards provided below.

(b) *Allowable land uses and activities.* The allowable uses permitted in the PSPZ shall be those permitted in the underlying zoning district.

(c) *Development standards.* All development within the PSPZ shall be executed in accordance with special development and design standards identified below.

- (1) Use of performance based On-Site Treatment and Disposal Systems as set forth in Section 18 of the Code of Laws of Leon County.
- (2) The Urban Fringe clustering provision provided in Sec. 10-6.613 shall not be allowed within the PSPZ. Urban Fringe areas in the PSPZ may develop at one dwelling unit per three acres or as a conservation subdivision.

(d) *Process for amending the PSPZ.* Amendments to the boundary of the PSPZ shall be based on site-specific aquifer vulnerability data related to the distance to karst features, soil permeability, and thickness of overburden.

Sec. 10-308—10-315. Reserved.

SECTION 3. Chapter 10, Article VI, Division 7, Figure 10-6.710(1) is established as shown in Exhibit A, which is attached hereto and made a part hereof.

SECTION 4. Chapter 10, Article VI, Division 6, Section 10-6.613 is amended as shown below:

Sec. 10-6.613. Urban fringe zoning district.

(a) *Purpose and intent.* The Urban Fringe zoning district is intended to provide for low-intensity development that can be accommodated without a full complement of urban services and infrastructure. The district is primarily intended to allow low-density

residential development of no greater than one unit on three acres of land, agricultural, and silvicultural activities. Residential development will also be allowed a net density of one unit per acre if clustered on 25 percent or less of the site (allowing a gross density of up to four units per acre on the developable portion of the site). The remaining undeveloped portion of cluster sites shall be preserved as undisturbed open (green) space until such time as these sites are included in the urban service area. Subsequent to these sites inclusion in the urban service area, review by the Board of County Commissioners may be requested to authorize development of these undisturbed open (green) spaces. This clustering option shall not be permitted in the Primary Springs Protection Zone as indicated in Section 10-6.710.

To conveniently serve area residents, smaller scale, low-intensity commercial development is permitted in this district. To maximize efficiency in the development of agricultural and silvicultural resources located within this zoning district and surrounding areas, agriculturally and silviculturally related industrial activities, such as milling, are permitted. Community facilities are also permitted in this district to serve the existing population as well as to accommodate anticipated population growth in areas designated for immediate inclusion (within a period of five years) in the urban service area.

SECTION 5. 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 6. 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 7. Effective date. This ordinance shall become effective on the effective date of Comprehensive Plan amendment PCM080117.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2009.

LEON COUNTY, FLORIDA

BY: _____
BRYAN DESLOGE, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

Figure 10-6.710 (1)
Primary Springs Protection Zone

