

LEON COUNTY ORDINANCE NO. 04-40

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM LP LAKE PROTECTION TO PUD PLANNED UNIT DEVELOPMENT IN LEON COUNTY, FLORIDA; 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.** The Official Zoning Map as adopted in Leon County Ordinance

No.92-11 is hereby amended as it pertains to the following described real property:

RZ-443: From LP Lake Protection Zoning District to PUD Summerfield Planned Unit Development Zoning District:

**Legal Description**

BEGIN at a concrete monument marking the northeast corner of Lakeside, a subdivision as per map or plat thereof recorded in Plat book 11, Page 26 of the Public Records of Leon County, Florida, said point lying on the southerly right of way boundary of State Road 63 (U.S. Highway 27) as per the Florida Department of Transportation Right of Way Map, Section Number 55010-2501, last dated July 12, 1962, and thence run Southeasterly along said southerly right of way as follows: South 42 degrees 56 minutes 18 seconds East 775.01 feet to a point of curve to the right; thence run Southeasterly along said curve having a radius of 11,359.20 feet, through a central angle of 01 degrees 20 minutes 36 seconds, for an arc distance of 266.30 feet; thence run South 48 degrees 28 minutes 52 seconds West 20.00 feet to a point lying on a curve concave southwesterly; thence run Southeasterly along said curve having a radius of 11,339.20 feet, through a central angle of 04 degrees 00 minutes 00 seconds, for an arc distance of 791.62 feet (the chord of said arc bears South 39 degrees 31 minutes 08 seconds East 791.46 feet); thence run North 52 degrees 28 minutes 52 seconds East 20.00 feet to a point lying on a curve concave southwesterly; thence run Southeasterly along said curve having a radius of 11,359.20 feet, through a central angle of 01 degrees 30 minutes 00 seconds, for an arc distance of 297.38 feet (the chord of said arc bears South 36 degrees 46 minutes 08 seconds East 297.37 feet); thence run South 53 degrees 58 minutes 52 seconds West 20.00 feet to a point lying a curve concave southwesterly; thence run Southeasterly along said curve having a radius of 11,339.20 feet, through a central angle of 02 degrees 21 minutes 24 seconds, for an arc distance of 466.42 feet (the chord of said arc bears South 34 degrees 50 minutes 26 seconds East 466.39 feet) to a point of tangency; thence run South

33 degrees 39 minutes 44 seconds East 128.64 feet; thence run North 56 degrees 20 minutes 16 seconds East 20.00 feet; thence run South 33 degrees 39 minutes 44 seconds East 107.40 feet to the northwest corner of View Pointe, a subdivision as per map or plat thereof, recorded in Plat Book 12, Page 17 of said Public Records; thence leaving said southerly right of way, run South 54 degrees 01 minutes 23 seconds West along the northerly boundary of said subdivision, a distance of 1345.28 feet to the northerly right of way boundary of Old Bainbridge Road; thence run Northwesterly along said northerly right of way as follows: Northwesterly along a curve having a radius of 1151.42 feet, through a central angle 23 degrees 25 minutes 05 seconds, for an arc distance of 470.61 feet (the chord of said arc bears North 49 degrees 25 minutes 10 seconds West 467.34 feet; thence North 61 degrees 07 minutes 42 seconds West 465.15 feet to the southeast corner of that parcel of land described in the instrument recorded in Official Records Book 2832, Page 268 of said public records; thence leaving said northerly right of way, run North 28 degrees 54 minutes 01 seconds East along the southerly boundary of said parcel, a distance of 420.00 feet; thence run North 61 degrees 07 minutes 42 seconds West along the easterly boundary of said parcel, and a projection thereof, a distance of 294.83 feet to the northwest corner of that parcel of land described in the instrument recorded in Official Records Book 668, Page 48 of said public records; thence run South 28 degrees 54 minutes 01 seconds West along the northerly boundary of said parcel, a distance of 420.00 feet to an iron pipe marking the southwest corner of said parcel and lying on the northerly right of way boundary of Old Bainbridge Road; thence run Northwesterly along said northerly right of way boundary as follows: North 61 degrees 07 minutes 42 seconds West 483.68 feet to a point of curve to the left; thence run Northwesterly along said curve, through a central angle of 04 degrees 03 minutes 11 seconds, for an arc distance of 403.49 feet (the chord of said arc bears North 63 degrees 09 minutes 18 seconds West 403.41 feet); thence run North 65 degrees 10 minutes 53 seconds West 106.99 feet to the southeast corner of that parcel of land described in the instrument recorded in Official Records Book 1827, Page 187 of said public records; thence leaving said northerly right of way, run North 00 degrees 05 minutes 28 seconds East along the easterly boundary of said parcel, a distance of 701.06 feet to a concrete monument marking the southeast corner of the aforesaid Lakeside subdivision; thence continue North 00 degrees 05 minutes 28 seconds East along the easterly boundary of Lakeside subdivision, a distance of 40.77 feet; thence run North 47 degrees 13 minutes 58 seconds East along the southerly boundary of said Lakeside subdivision, a distance of 1636.63 feet to the POINT OF BEGINNING, containing 106.96 acres, more or less. Lying in a portion of Section 5, Township 1 North, Range 1 West and a portion of Section 32, Township 2 North, Range 1 West, Leon County, Florida.

Bearings are Grid Bearings, referenced to State Plane Coordinates, North American Datum of 1983, 1990 Adjustment (N.A.D. 83/90), Florida North Zone, Lambert Projection, based on National Geodetic Survey (NGS) control points "TLC 1 10 INIW" (NGS PID BE4008) and "TALLPORT" (NGS PID BE3946).

**SECTION 2.** The Summerfield Planned Unit Development Concept Plan is approved subject to the following conditions:

1. ~~Revise~~ the Concept Plan to eliminate all vehicular access to Old Bainbridge Road. Pursuant to the Canopy Road Management Plan Interlocal Agreement and the Canopy Roads Citizens' Committee Bylaws, if the applicant deems it appropriate to provide an emergency vehicle access connection to Old Bainbridge Road, the revised development plan indicating this connection, along with information on impacts to the canopy road resources, should be sent to the CRCC for their review and approval prior to final public hearing on this application by the Board of County Commissioners.
2. To ensure consistency with the Leon County Land Development Code and implementation of the concept plan as intended, the development standards set out in Section 7 of the concept plan (text booklet) shall be added as notes on the concept plan.
3. The concept plan shall be revised to include or cross-reference documents establishing the Architectural Control Committee referred to in the concept plan and including detailed information as to the composition of the committee, its charge, and any other relevant information.
4. Any future applications for final Site and Development Plan approval submitted for any phase or component of the Summerfield PUD shall comply with all applicable requirements and standards set forth in the Land Development Code, including the Environmental Management Act. Some of the density and/or intensity of development shown on the conceptual plans (Exhibit "E") may be reduced as a result of this requirement. Boundaries of natural areas, open space areas, streets, individual land uses, and lot boundaries are subject to change in order to ensure compliance with the LDC and EMA. Necessary changes may result in the reduction of lots, reduction in number of multiple family dwelling units, relocation of streets, relocation of stormwater ponds, re-positioning of multiple family structures, and re-configuration of utilities and private facilities. Such modifications shall be determined at the time of final Site and Development Plan review.
5. The first EIA application submitted for final Site and Development Plan approval must satisfactorily comply with the conditions listed on Sheet 1 of 2, NFI Map/Features Map, contained in the Natural Features Inventory originally approved for the Summerfield property (reference LEA 03-0072 as approved on 4/6/04).
6. Any changes to the originally approved Natural Features Inventory (NFI) proposed by the applicant, other than revisions required by conditions listed in said NFI, shall be submitted as an application to modify the original NFI. The proposed modifications must be approved by Environmental Review staff before the first EIA application submitted for final Site and Development Plan review can be approved.
7. ~~Prior to final approval of this conceptual PUD, the applicant must make the following changes and revisions to the Conceptual Site and Development Plans (Exhibit "E"). The revised plans must be approved by the DRC, Development Services staff, and Environmental Review staff prior to final approval of the conceptual plans.~~

Attachment # 1  
Page 4 of 8

- a. Sheet CPUD-3 --- Indicate the location and function of existing public facilities (schools, parks, fire stations, EMS, etc.) that would serve the residents of this PUD. This could be done through notes vs. illustrations if the facilities are far away. Also, show the following information for all adjacent parcels: parcel ID, ownership, and current use. The applicant must ensure that information provided for adjacent parcels is correct.
  
- b. Sheet CPUD-4 --- The following revisions must be made to this drawing:
  - (A) All buffers, including landscaped perimeter buffers, shall be hatched as open space.
  
  - (B) Under the Natural Area section of the site data, delete all the information presented concerning "required" natural area (acres, square feet, percent, etc.). If this change is not made, one of the conditions of approval of the Summerfield PUD shall be as follows: The required natural area information presented on Sheet CPUD-4 in Exhibit "E" is erroneous. The required natural area shall be determined at the time of final Site and Development Plan review.
  
  - (C) Show the following information for all adjacent parcels: parcel ID, ownership, and current use. The applicant must ensure that information provided for adjacent parcels is correct.
  
  - (D) The applicant must review and verify the area data (acres, square feet, % of site), and density data listed for Zone categories MR, SR(1), SR(2), SR (3), SR(4), GRO, and Open Space. The applicant shall appropriately revise all data found to be in error.
  
8. The applicant must review and verify all acres and percent of site data contained in Section 3.B, 3.E, 3.G, 3.J, and 3.L of the conceptual PUD document. ~~The applicant shall appropriately revise all data found to be in error and shall also ensure that the data are consistent with corresponding information presented in the revised Sheet CPUD-4 of the Conceptual Site and Development Plans (Exhibit "E").~~ The revised PUD document must be approved by the DRC, Development Services staff, and Environmental Review staff prior to final approval of the conceptual plans.
  
9. The applicant must review and verify all density data contained in Section 3.C and 3.F of the conceptual PUD document. The applicant shall appropriately revise all data found to be in error and shall also ensure that the data are consistent with corresponding information presented in the revised Sheet CPUD-4 of the Conceptual Site and Development Plans (Exhibit "E"). The revised PUD document must be approved by the DRC, Development Services staff, and Environmental Review staff prior to final approval of the conceptual plans.

- 10. At the time of final Site and Development Plan review, the applicant shall adjust lot boundaries and other proposed development improvements to protect the maximum number of patriarch trees possible and to preserve, to the greatest extent practicable, the maximum number of other large, native, viable trees.
- 11. At the time of final Site and Development Plan review, the applicant should consider revising the site plan to create a wider cordon along the western property boundary that would function as a wildlife corridor and would be preserved through the corridor's inclusion in a conservation easement inuring to Leon County. Inclusion of such a preserved wildlife corridor represents the County's preferred design alternative.
- 12. The applicant shall be eligible for paying a fee in-lieu of constructing sidewalks along Old Bainbridge Road.
- 13. Any revisions to the concept plan that may impact the canopy road protection zone (along Old Bainbridge Road) shall be sent to the CRCC for their review and shall be subject to their approval.
- 14. The applicant shall be required to submit an environmental impact assessment that is acceptable to the county and approved by the Growth and Environmental Management Department prior to filing for concept plan approval.
- 15. The final Site and Development Plan for the proposed multi-family component of the concept plan shall include compliance with the Type D buffering requirements as set forth in Leon County Code of Laws.
- 16. That the portion of the site located at the northwest corner of the project and identified as SR(1) on the concept plan shall be subject to the Open Basin Standards for the Lake Protection Zoning District.
- 17. That the developer shall submit to the county a W/MBE Plan at the time of submittal of the concept plan.
- 18. That all final Site and Development Plans submitted pursuant to the concept plan shall be subject to the approval of the Leon County Board of County Commissioners as to compliance with the conditions set forth above.

The application of the owners of the property described in Section 1 for PUD zoning is hereby granted and approved, and the Leon County Code of Laws is hereby amended to incorporate the Plan of Development filed with said application, as amended herein, and ~~\_\_\_\_\_~~

each and every part thereof, as if set forth herein at length. The said Plan of Development and all papers, and documents constituting a part thereof being on file in the office of the Tallahassee-Leon County Planning Department, including those revisions thereto appertaining adopted by the Board of County Commissioners, and such property shall be designated on the Official Zoning Map as PUD.

**SECTION 3.** All Ordinance or parts of Ordinance 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 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 said Comprehensive Plan.

**SECTION 4.** 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 5.** This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this 26th day of October, 2004.



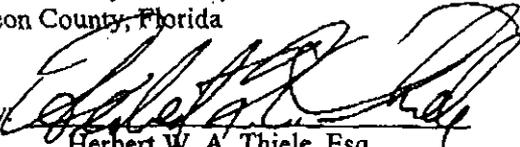
LEON COUNTY, FLORIDA

BY: Jane G. Sauls  
Jane G. Sauls, Chairman  
Board of County Commissioners

ATTEST:  
Bob Inzer, Clerk of the Court  
Leon County, Florida

By: John Stott, Deputy Clerk

APPROVED AS TO FORM:  
Leon County Attorney's Office  
Leon County, Florida

By:   
Herbert W. A. Thiele, Esq.  
County Attorney.



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

November 5, 2004

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 dated November 5, 2004 and certified copies of Leon County Ordinance No. 04-38 through 04-40, which were filed in this office on November 5, 2004.

Sincerely,

*Liz Cloud* ak

Liz Cloud  
Program Administrator

RECEIVED  
ON NOV -5 PM 4:32  
FINANCE DIVISION  
BOB INZER  
CLERK CIRCUIT COURT