ORDINANCE NO. 09- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ZONING, OF THE LEON COUNTY LAND DEVELOPMENT CODE TO MAKE IT CONSISTENT WITH THE TALLAHASSEE-LEON COMPREHENSIVE PLAN BY ADDING A DEFINITION FOR BUSINESS PARK; BY REVISING THE LIST OF DEVELOPMENT PATTERNS AND IMPLEMENTING ZONING DISTRICTS; BY REVISING THE DISTRICT INTENT AND DEVELOPMENT STANDARDS FOR THE NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, AND OFFICE RESIDENTIAL-2 ZONING DISTRICTS; 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 I, Section 10-6.1.101 is hereby amended as follows:

Sec. 10-1.101. Definitions.

Business Park **shall mean a development on a minimum of a 10-acre tract of land that contains a mix of uses including office buildings, walk-to-work residences, convenience retail activities, open space, and amenities for employees designed, planned, constructed and managed on an integrated and coordinated basis.**

SECTION 2. Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.632 is hereby amended as follows:

Section 10-6.632. Development Patterns.

The Comprehensive Plan establishes development patterns within the ~~Mixed Use A, B, and C~~ Suburban future land use categor~~ies~~y. The chart below shows the zoning districts which were intended to implement these development patterns.

DEVELOPMENT PATTERNS

The Low Density Residential Development Pattern shall be implemented through the	The Low Density Residential Office Development Pattern shall be implemented	The Medium Density Residential Development Pattern shall be implemented through the	The Suburban Corridor Residential Development Pattern shall be implemented through the	The Medium Density Office Residential Development Pattern shall be implemented through the

following districts:	through the following districts:	following districts:	following districts:	following districts:
RA	OR-1	MR-1	MR-1	OR-2
R-1	OS	OS	CP	OR-3
R-2	BOR		M-1	OS
R-3			OS	OA-1
R-4			IC	~~OA-2~~
R-5			BC-1	
MH			BC-2	
OS			BCS	

DEVELOPMENT PATTERNS

The Medium Density Residential Office Development Pattern shall be implemented through the following districts:	The Village Center Development Pattern shall be implemented through the following districts:	The Medical Center Development Pattern shall be implemented through the following districts:	The Urban Pedestrian Center Development Pattern shall be implemented through the following districts:	The Light Industrial Development Pattern shall be implemented through the following districts:	The Business Park Development Pattern shall be implemented through the following districts:
OR-3	C-1	CM	UP-1	M-1	OR-2
OA-1	C-2	OS	UP-2	OS	PUD
OS	OS		OS		OS

SECTION 3. Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.646 and 10-6.647 is hereby amended as follows:

Section 10-6.646. C-1 neighborhood commercial district.

1. District Intent	PERMITTED USES		
	2. Principal Uses		3. Accessory Uses
The C-1 district is intended to be located in areas designated Bradfordville Mixed Use, Suburban or Woodville Rural Community on the Future Land Use Map of the Comprehensive Plan and shall apply to suburban areas with direct access to ~~a major~~ collector or arterial roadways located within convenient traveling distance to one or more neighborhoods, wherein small groups of retail commercial, professional, office, community and recreational facilities and other convenience commercial activities are permitted in order to provide goods and services that people frequently use in close proximity to their homes. The C-1 district is intended to provide shopping for residential areas without requiring access to arterial roadways, thereby providing more convenient shopping for area residents and preserving the capacity of the arterial roadway network. The provisions of this district are intended to encourage commercial development that is compatible in scale and design with surrounding residential uses and therefore, the district limits the maximum size of individual buildings. The C-1 district is not intended to accommodate large scale commercial or service activities or automotive or other types of more intensive commercial activity. The maximum gross density allowed for new residential development in the C-1 district is 16 dwelling units per acre with a minimum gross density of 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum density. ~~provided~~ The residential uses are required to be located on the second floor or above a building containing commercial or office uses on the first floor. Mixed use projects in the C-1 district are encouraged, but are not required. In order to maintain compact and non-linear characteristics, C-1 districts shall not be located closer than ¼ mile to other C-1 or C-2 districts or to parcels containing commercial developments including more than 20,000 gross square feet of floor area ~~each C-1 district will have a maximum frontage of 100 feet per acre on a collector roadway~~ and ~~each C-1 district will~~shall not exceed 15 acres in size.	(1) Antique shops. (2) Banks and other financial institutions. (3) Community facilities related to the permitted principal uses, including libraries, religious facilities, and police/fire stations. Other community facilities may be allowed in accordance with Section 10-6.806 of these regulations. (4) Day care centers. (5) Laundromats, laundry and dry cleaning pick-up stations. (6) Mailing services. (7) Medical and dental offices and services, laboratories, and clinics. (8) Motor vehicle fuel sales. (9) Non-medical offices and services, including business and government offices and services. (10) Passive and active recreational facilities. (11) Personal services (barber shops, fitness clubs, etc.) (12) Rental and sales of dvds, videotapes and games. (13) Repair services, non-automotive.	(14) Residential (any type), provided that it is located on the second floor or above of a building containing commercial or office uses on the first floor. (15) Restaurants, with or without drive-in facilities. (16) Retail bakeries. (17) Retail drug store. (18) Retail florists. (19) Retail food and grocery. (20) Retail home/garden supply, hardware and nurseries, without outdoor storage or display. (21) Retail newsstand, books, greeting cards. (22) Retail pet stores. (23) Social, fraternal, and recreational clubs and lodges, including assembly halls. (24) Studios for photography, music, art, drama, and voice. (25) Tailoring. (26) Veterinary services, including veterinary hospitals. (27) Other uses, which in the opinion of the County Administrator or designee, are of a similar and compatible nature to those uses described in this district.	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.

	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
DEVELOPMENT STANDARDS (continued on page 2 of 2)									
Any Permitted Principal Use	none	none	none	25 feet	15 feet on each side	25 feet	10 feet	Except for properties within the Woodville Rural Community, 12,500 ~~10,000~~ square feet of non-residential	3 stories

								gross building floor area per acre and commercial *and/or office* uses not to exceed 200,000 square feet of gross building floor area per parcel. Individual buildings may not exceed 50,000 gross square feet. Within the Woodville Rural Community, 10,000 square feet of non-residential gross building area per acre and commercial uses not to exceed 50,000 square feet of gross building floor area per parcel; (SEE SECTION 8 BELOW)	
7. **Additional Criteria for Non-Residential Uses:** Lighting shall be directed away from the perimeter of the site.									
8. **Incentive Criteria for Non-Residential Buildings:** A maximum of 12,500 square feet of non-residential gross building floor area per acre is allowed if the following criteria are satisfied: a. Non-residential buildings shall have a pitched roof; b. Non-residential buildings shall be in character with surrounding area. c. All exterior walls of non-residential buildings shall be finished with the same material.									
9. **Street Vehicular Access Restrictions:** Properties in the C-1 zoning district shall be located on a collector street, but may have additional vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, ~~MR-1~~, and RP.									

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and inside the Urban Services Area non-residential development is limited to a maximum of 2,500 square feet of building area. Inside the Urban Services Area, community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.

2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.

3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

Section 10-6.647. C-2 neighborhood commercial district.

1. District Intent	PERMITTED USES		
	2. Principal Uses		3. Accessory Uses
The C-2 district is intended to be located in areas designated Bradfordville Mixed Use, Suburban or Woodville Rural Community on the Future Land Use Map of the Comprehensive Plan shall apply to areas with direct access to major collector or arterial roadways located within convenient traveling distance to several neighborhoods, wherein small groups of retail commercial, professional, office, community and recreational facilities and other convenience commercial activities are permitted in order to provide goods and services *that* people frequently use in close proximity to their homes. The C-2 district is not intended to accommodate large scale commercial or service activities or other types of more intensive commercial activity. The maximum gross density allowed for new residential development in the C-2 district is 16 dwelling units per acre, with a minimum gross density of 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum density. ~~provided that~~ The residential uses are required to be located on the second floor or above of a building containing commercial or office uses on the first floor. Mixed use projects in the C-2 district are encouraged, but are not required. In order to maintain compact and non-linear characteristics, C-2 districts shall not be located closer than ¼ mile to other C-2 or C-1 districts or to parcels of land containing commercial developments including more than 20,000 gross square feet of floor area ~~each C-2 district will have a maximum frontage of 100 feet per acre on an arterial roadway~~ and ~~each C-2 district will~~ shall not exceed 30 acres in size.	(1) Antique shops. (2) Automotive service and repair, including car wash. (3) Bait and tackle shops. (4) Banks and other financial institutions. (5) Camera and photographic stores. (6) Cocktail lounges and bars. (7) Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and high schools. Elementary schools are prohibited. Other community facilities may be allowed in accordance with Section 10-6.806 of *these regulations*. (8) Day care centers. (9) Gift, novelty, and souvenir shops. (10) Indoor amusements (bowling, billiards, skating, etc.). (11) Indoor theaters (including amphitheaters). (12) Laundromats, laundry and dry cleaning pick-up stations. (13) Mailing services. (14) Medical and dental offices, services, laboratories, and clinics. (15) Motor vehicle fuel sales. (16) Non-medical offices and services, including business and government offices and services. (17) Non-store retailers. (18) Passive and active recreational facilities. (19) Personal services (barber shops, fitness clubs etc.). (20) Photocopying and duplicating services. (21) Rental and sales of dvds, video tapes and games. (22) Rental of tools, small equipment, or party supplies. (23) Repair services, non-automotive.	(24) Residential (any type), provided that it is located on the second floor or above a building containing commercial or office uses on the first floor. (25) Restaurants, with or without drive-in facilities. (26) Retail bakeries. (27) Retail computer, video, record, and other electronics. (28) Retail department, apparel, and accessory stores. (29) Retail drug store. (30) Retail florist. (31) Retail food and grocery. (32) Retail furniture, home appliances, accessories. (33) Retail *home/garden* supply, hardware and nurseries. (34) Retail jewelry store. (35) Retail needlework shops and instruction. (36) Retail newsstand, books, greeting cards. (37) Retail office supplies. (38) Retail optical and medical supplies. (39) Retail package liquors. (40) Retail pet stores. (41) Retail picture framing. (42) Retail sporting goods, toys. (43) Retail trophy store. (44) Shoes, luggage, and leather goods. (45) Social, fraternal and recreational clubs and lodges, including assembly halls. (46) Studios for photography, music, art, dance, and voice. (47) Tailoring. (48) Veterinary services, including veterinary hospitals. (49) Other uses, which in the opinion of the County Administrator or designee, are of a similar and compatible nature to those uses described in this district.	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.
FOR DEVELOPMENT STANDARDS REFER TO PAGE 2 OF 2			

DEVELOPMENT STANDARDS									
	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	**a. Lot or Site Area**	**b. Lot Width**	**c. Lot Depth**	**a. Front**	**b. Side-Interior Lot**	**c. Side-Corner Lot**	**d. Rear**	**a. Building Size (excluding gross building floor area used for parking)**	**b. Building Height (excluding stories used for parking)**
Any Permitted Principal Use	none	none	none	25 feet	15 feet on each side	25 feet	10 feet	Except for properties within the Woodville Rural Community, 12,500 square feet of non-residential gross building floor area per acre and commercial and/or office uses not to exceed 200,000 square feet of gross building floor area ~~per parcel~~ for each district~~s~~ containing 20 acres or less. 12,500 square feet of non-residential gross building floor area per acre and commercial and/or office uses not to exceed ~~200,000 square feet of gross building floor area per parcel and~~ a maximum of 250,000 square feet of non-residential gross building area per district for districts containing more than 20 acres to 30 acres. Individual buildings may not exceed 50,000 gross square feet. –Within the Woodville Rural Community, 12,500 square feet of non-residential gross building area per acre and commercial uses not to exceed 50,000 square feet of gross building floor area per parcel.	3 stories
7. **Street Vehicular Access Restrictions:** Properties in the C-2 zoning district shall be located on a major collector or arterial street, but may have additional vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, ~~MR-1~~, and RP.									

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and inside the Urban Services Area non-residential development is limited to a maximum of 2,500 square feet of building area. Inside the Urban Services Area, community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.

2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.

3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

SECTION 4. Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.643 is hereby amended as follows:

Section 10-6.643. OR-2 office residential district.

1. District Intent	PERMITTED USES		
	2. Principal Uses		3. Accessory Uses
The OR-2 district is intended to be located within areas designated Bradfordville Mixed Use or Suburban on the Future Land Use Map of the Comprehensive Plan in areas where employment and residential uses are encouraged to locate in close proximity to each other. The provisions of this district are intended to promote urban density and intensity of residential and office uses and the mixing of permitted uses to promote the use of public transit and the efficient use of public infrastructure. Off-street parking facilities in the OR-2 district shall be located and designed to promote convenient access to pedestrian and mass transit facilities. A variety of housing types, compatible non-retail activities of moderate intensity, retail commercial activities (limited to the ground floor), and certain community and recreational facilities related to office or residential uses are permitted in the OR-2 district. The maximum gross density allowed for new residential development in the OR-2 district is 16 dwelling units per acre, while the minimum gross density allowed is 8 dwelling units per acre, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities. In order to implement the business park development pattern, a minimum of 10 acres is required with at least 3 types of uses which shall include office and commercial.	(1) Banks and other financial institutions. (2) Broadcasting studios. (3) Community facilities related to office or residential facilities, including libraries, religious facilities, police/fire stations, and elementary and middle schools and vocational schools. Other community facilities may be allowed in accordance with Section 10-6.806 of these regulations. (4) Day care centers. (5) Golf courses. (6) Hotels and motels, including bed and breakfast inns. (7) Medical and dental offices and services, laboratories, and clinics. (8) Multiple-family dwellings. (9) Non-medical offices and services, including business and government offices and services. (10) Nursing homes and other residential care facilities. (11) Off-street parking facilities.	(12) Passive and active recreational facilities. (13) Personal services. (14) Retail drug store with drive thrus (only allowed in a business park development) (15) Retail food and grocery (only allowed in a business park development) (16) ~~(14)~~ Single-family attached dwellings. (17) ~~(15)~~ Single-family detached dwellings. (18) ~~(16)~~ Social, fraternal, and recreational clubs and lodges, including assembly halls. (19) Stand alone restaurants without drive thrus (only allowed in a business park development) (20) ~~(18)~~ Studios for photography, music, art, dance, drama, and voice. (21) ~~(19)~~ Two-family dwellings. (22) ~~(20)~~ Veterinary services, including veterinary hospitals. (23) ~~(21)~~ Zero-lot line single-family detached dwellings. (24) ~~(22)~~ Any use permitted in the C-1 district (and is not listed in uses 1-20 above), provided that the use is on the first floor of a multi-story building containing office and/or residential uses on any of the floors above the first floor.	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Administrator or designee.

DEVELOPMENT STANDARDS

	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	5,000 square feet	50 feet	100 feet	15 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	not applicable	3 stories
Two-Family Dwellings	8,500 square feet	70 feet	100 feet	15 feet	same as single-family above	15 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	1,600 s.f. min.; avg. of 2,000 square feet	16 feet	none	15 feet	none	15 feet	25 feet	not applicable	3 stories
Multiple-Family Dwellings	10,000 square feet	80 feet	100 feet	15 feet	15 feet on each side	25 feet	10 feet	not applicable	3 stories
Zero-Lot Line Single-Family Detached Dwellings	3,750 square feet	30 feet interior lot; 40 feet	100 feet	20 feet	0 feet one side; 5 feet other side	15 feet	25 feet	not applicable	3 stories

		corner lot							
Any Permitted Principal Non-Residential Use	12,000 square feet	60 feet	100 feet	15 feet	15 feet on each side	25 feet	10 feet	20,000 square feet of gross building floor area per acre	3 stories
Commercial Uses (Only Allowed in Business Park Development)	12,000 square feet	60 feet	100 feet	15 feet	15 feet on each side	25 feet	10 feet	20,000 square feet of gross building floor area per acre; Individual buildings may not exceed 15,000 gross square feet	3 stories
7. Additional Criteria and Restrictions for Business Park Development: Commercial uses shall not exceed 25% of the total square feet of the development.									

GENERAL NOTES:

1. **If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.**
2. **Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.**
3. **Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).**

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.

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