ORDINANCE NO. 10-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, TO MAKE IT CONSISTENT WITH THE TALLAHASSEE-LEON COMPREHENSIVE PLAN BY AMENDING ARTICLE VI, DIVISION VI, SECTION 10-6.617 RELATED TO THE PURPOSE AND INTENT OF RESIDENTIAL PRESERVATION; AMENDING SECTION 10-6.696 PLANNED UNIT DEVELOPMENT ZONING DISTRICT REQUIREMENTS AND PROCDEURES; AND AMENDING ARTICLE VII, DIVISION V, SECTION 10.7.502 RELATED TO THE GENERAL LAYOUT DESIGN STANDARDS FOR SUBDIVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 10, Article VI, Division 6, Section 10-6.617, of the Code of Laws of Leon County, Florida, entitled "Residential Preservation," is hereby amended to read as follows:

a) *Purpose and intent.* The residential preservation district is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office, and industrial activities are prohibited. Certain nonresidential activities may be permitted, such as home occupations consistent with the applicable provisions of section 10-6.803; community services and facilities/institutional uses consistent with the applicable provisions of section 10-6.806; and churches, religious organizations, and houses of worship. Single-family, duplex residences, manufactured homes, and cluster housing may be permitted within a range of zero to six units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.

(1) In residential preservation areas outside the urban service area, the density of the nonvested development in residential preservation areas shall be consistent with the underlying land use category.
(2) In residential preservation areas inside the urban services area, new residential development densities shall be consistent with those within the developed portions of the recorded or unrecorded subdivision in which they are located. Consistency for the purposes of this paragraph shall mean that proposed lots shall not be smaller than the smallest lot that was created by the original subdivision plat or any subsequent replat that may have occurred consistent with county land development regulations in effect at the time.

(3) When new residential development inside the urban services area is proposed for an area not located within a recorded or unrecorded subdivision, densities shall be permitted in the range of zero to six dwelling units per acre consistent with the availability of central water and sewer service to accommodate the proposed development. If central water and sewer service is not available, density shall be limited to a maximum of two dwelling units per acre consistent with all applicable provisions of the Environmental Management Act.

(4) Notwithstanding the provisions of subsection 10-6.617 (a) (2) above, existing lots in a recorded or unrecorded residential subdivision zoned *residential* preservation may be resubdivided up to a maximum density of 6 dwelling units per acre provided that the parent lot directly abuts an existing arterial or major collector roadway that was not constructed as part of the subdivision's roadway network. This provision shall not apply to lots whose current designated primary access is from a street internal to the recorded or unrecorded subdivision zoned residential preservation. Existing lots of record with no current frontage on a major collector or arterial roadway, as specified above, cannot be aggregated to benefit from the provision of this section.

The following factors shall be used to determine the maximum allowed number of lots per acre created pursuant to this subsection: a) the availability of water and sewer to accommodate the proposed development as cited in subsection 10-617(a)(3) above; b) compliance with applicable local and/or Florida Department of Transportation (FDOT) roadway connection standards c) the mitigation of any adverse impacts on the transportation network, **and d) compliance with any other applicable provisions of the Land Development Code, including those pertaining to environmental protection**. Acceptable mitigation for impacts to the transportation network include a common ingress/egress access point for all newly created lots, frontage roadways, or any other solution that mitigates the adverse impacts on the transportation network as determined by the Director.

(4) (5) Allowable development type shall be construed to mean the following:

a. Parcels proposed for residential which are located in a recorded or unrecorded subdivision shall develop consistent with the type of residential development pattern located inside the recorded or unrecorded subdivision.

b. Parcels proposed for residential which are located inside the urban service area and not in a recorded or unrecorded *subdivision shall* develop consistent with the type of residential development pattern located adjacent to the vacant parcel.

c. Parcels proposed for residential development surrounded by a mix of conventional single-family homes and manufactured homes, shall be developed for conventional single-family homes.

d. Parcels proposed for residential development surrounded by a mix of single-family and duplex development shall be developed for single-family use, unless duplex residential development is the predominant type.

e. The placement of standard design manufactured homes and mobile homes shall be allowed in manufactured home parks, in subdivisions platted explicitly for allowing manufactured homes, or as a replacement unit for any lawfully existing manufactured home consistent with the provisions of Article XII of this chapter.

Section 2. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (b), of the Code of Laws of Leon County, Florida, is hereby amended by being renumbered as Subsection 10-6.696 2. (c) as follows:

~~Subsection 10-6.696 2. (b)~~ Subsection 10-6.696 2. (c) Establishment of a new PUD district and adoption of an associated concept plan.

Section 3. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (c), of the Code of Laws of Leon County, Florida, is hereby amended by being renumbered as Subsection 10-6.696 2. (d) as follows:

~~Subsection 10-6.696 2. (c)~~, Subsection 10-6.696 2. (d) Previously approved PUD districts and concept plans.

Section 4. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (d), of the Code of Laws of Leon County, Florida, is hereby amended by being renumbered as Subsection 10-6.696 2. (e) as follows:

~~Subsection 10-6.696 2. (d)~~ Subsection 10-6.696 2. (e) PUD final Plan.

Section 5. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (e), of the Code of Laws of Leon County, Florida, is hereby amended by being renumbered as Subsection 10-6.696 2. (f) as follows:

~~Subsection 10-6.696 2. (e)~~ Subsection 10-6.696 2. (f) Joint Concept Plan and final PUD plan application.

Section 6. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (b), of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(b) Planned Unit Development in Residential Preservation land use category.

In addition to the provisions of this section, planned unit developments proposed for lots in a recorded or unrecorded residential subdivision zoned residential preservation and which directly abut an arterial or a major collector roadway shall be consistent with the provisions cited in subsection 10-6.617(a)(4) of these regulations. Planned unit developments proposed for interior lots in a recorded or unrecorded subdivision zoned residential preservation shall be consistent with the density of the existing residential development in the recorded or unrecorded subdivision as provided for in subsection 10-6.617(a)(2) of these regulations. For the purpose of this section, interior lots mean those lots within a recorded or unrecorded subdivision in the Residential Preservation zoning district having sole legal access via the roadway network internal to the subdivision and said roadway network was specifically constructed as part of the subdivision roadway network.

Section 7. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (b) (3) (a) 2, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

2. A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and access points to the external and internal thoroughfare network. The conceptual vehicular plan for a PUD utilizing the provisions of section 10-6.617(a)(4) of these regulations shall identify the functional classification of the roadway that will provide access to the proposed development.

Section 8. Chapter 10, Article VI, Division 6, Subsection 10-6.696 2. (e), of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(e) ***PUD final plan.*** The PUD final plan is a site and development plan consistent with and intended to implement a PUD concept plan. The final plan may pertain to an entire PUD district or some portion of the land area included within that district. The appropriate level of site and development plan review for the PUD final plan, applicable submittal requirements, and procedural standards, including level of review, are those set forth in the site plan procedures of Division 4 of Article VII of Chapter 10. In addition, the final vehicular plan for a PUD utilizing the provisions of subsection 10-6.617(a)(4) of these regulations shall show consistency with the access provisions of subsections 10-6.617(a)(4) and 10-6.696(b).

Section 8. Chapter 10, Article VII, Division 5, Subsection 10-7.502 (c), of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(c) No direct driveway access shall be permitted to a canopy road or, inside the urban service area, to a major collector or arterial roadway from any newly created residential subdivision lot, unless a variance is granted by the County. New residential lots created pursuant subsection 10-6.617 (a) (4) may have direct driveway access to a major collector or arterial roadway as long as the adverse impacts to the transportation network are mitigated as provided in subsection 10-6.617 (a) (4).

Section 9. Severability. If any phrase or portion of this ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected thereby.

Section 10. Conflict. All ordinances in conflict herewith are repealed to the extent of any conflict.

Section 11. Effective Date. This ordinance shall take effect immediately upon passage.

PASSED by the County Commission on the_____ day of_____, 2010.

Leon County

By: _____
Bob Rackleff, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

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