ORDINANCE NO. 14- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; AMENDING SECTION 10-6.612, RURAL ZONING DISTRICT, RELATING TO RETAIL TRADE; AMENDING SECTION 10-6.619, COMMERCIAL SITE LOCATION STANDARDS, RELATING TO MINOR COMMERCIAL USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the rural zoning district in Leon County features undeveloped and nonintensively developed acreage remotely located away from urbanized areas, and contains the majority of the County's present agricultural and low density residential; and

WHEREAS, the purpose and intent of the rural zoning district is to maintain and promote present and future agricultural and silvicultural uses and to prohibit residential sprawl into remote areas lacking basic urban infrastructure and services; and

WHEREAS, minor commercial activities designed to service basic household needs of area residents are allowed; and

WHEREAS, the Board of County Commissioners of Leon County wishes to provide enhanced safeguards and levels of review for commercial activities proposed in the rural zoning district to ensure consistency with the intent of the category; and

WHEREAS, the Board wishes to provide additional criteria, guidelines and design standards concerning the development of retail uses, including gasoline service stations, with or without convenience stores, in the rural zoning district; and

WHEREAS, the Board wishes to disallow minor commercial uses on or near the intersection of local and arterial roadways in the rural zoning district;

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

SECTION 1. Section 10-6.612 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Rural zoning district," is hereby amended to read as follows:

Sec. 10-6.612. Rural zoning district.

(a) *Purpose and intent.* This section applies to the rural zoning district which includes undeveloped and nonintensively developed acreage remotely located away from urbanized areas containing majority of county's present agricultural, forestry and grazing activities. Land use intensities associated with urban activity are not anticipated during the time frame of the Comprehensive Plan, due to lack of urban infrastructure and services. Very low residential density (one unit per ten acres) and small scale commercial activities designed to service basic household needs of area residents are

allowed as are passive recreational land uses. Industrial and ancillary commercial land uses associated directly with the timbering and/or agribusiness are permitted. This district is intended to maintain and promote present and future agricultural and silvicultural uses and to prohibit residential sprawl into remote areas lacking basic urban infrastructure and services.

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in this zoning district and are controlled by the land use development standards of this article, the Comprehensive Plan and chart of permitted uses.

(1) Agricultural.
(2) Minor commercial.
(3) Low-density residential.
(4) Passive recreation.
(5) Active recreation.
(6) Community services.
(7) Light infrastructure.
(8) Heavy infrastructure.
(9) Post-secondary.

(c) *List of permitted uses.* Some of the uses on these schedules are itemized according to the Standard Industrial Code (SIC). Allowable uses, appropriate permit level and applicable development and locational standards in the rural zoning district are as follows:

P = Permitted use R = Restricted use S = Special exception

Legend					
Ag	=	Agricultural	CS	=	Community services
MC	=	Minor commercial	LI	=	Light industrial
LR	=	Low-density residency	LF	=	Light infrastructure
PR	=	Passive recreation	HLF	=	Heavy infrastructure
AR	=	Active recreation			

		Development and Locational Standards							
SIC Code	Name of Use	Ag	MC	LR	PR	AR	CS	LI	HLF
	RESIDENTIAL								
	Dwelling, one-family	P		P					
	Dwelling, two-family	P		P					
	Dwelling, mobile home	P		P					
	AGRICULTURE, FORESTRY, AND FISHING								
01	Agricultural production—Crops	P							

0181	Ornamental nursery products	P							
02	Agricultural production—Livestock	P							
074	Veterinary services	P	P						
0781	Landscape counseling and planning	R							
092	Fish hatcheries and preserves	P							
	MINING								
144	Sand and gravel	S							
145	Clay, ceramic, and refractory minerals	S							
	MANUFACTURING								
201	Meat products	R							
202	Dairy products	R							
203	Preserved fruits and vegetables	R							
204	Grain mill products	R							
205	Bakery products	R							
206	Sugar and confectionery products	R							
21	Tobacco products	R							
24	Lumber and wood products	R							
	TRANSPORTATION AND PUBLIC UTILITIES								
401	Railroads						S		S
43	Postal service		P						
4513	Air courier services								S
458	Airports, flying fields and services								S
483	Radio and television broadcasting						R		
	WHOLESALE TRADE								
503	Lumber and construction materials	S							
515	Farm-product raw materials	P							
	RETAIL TRADE								
525	Hardware stores		~~P~~R						
526	Retail nurseries and garden stores		~~P~~R						

533	Variety stores		~~P~~R						
539	Misc. general merchandise stores		~~P~~R						
541	Grocery stores		~~P~~R						
542	Meat and fish markets		~~P~~R						
543	Fruit and vegetable markets		~~P~~R						
544	Candy, nut and confectionery stores		~~P~~R						
545	Dairy products stores		~~P~~R						
546	Retail bakeries		~~P~~R						
553	Auto and home supply stores		~~P~~R						
554	Gasoline service stations		~~P~~S						
	Convenience store		~~P~~R						
581	Eating and drinking places		~~P~~R						
591	Drugstores and proprietary stores		~~P~~R						
592	Liquor stores		~~P~~R						
593	Used merchandise stores		~~P~~R						
5961	Catalog and mail-order houses		~~P~~R						
5983	Fuel oil dealers		S						
5984	Liquefied petroleum gas dealers		S						
5992	Florists		~~P~~R						
5994	News dealers and newsstands		~~P~~R						
	FINANCE, INSURANCE, AND REAL ESTATE								
602	Commercial banks		S						
603	Savings institutions		S						
606	Credit unions		S						
6553	Cemeteries		P				P		
	SERVICES								
703	Camps and recreational vehicle parks					R			
7353	Heavy construction equipment rental	R							
7359	Equipment rental and leasing, nec	R							
7992	Public golf courses		P			S			
7997	Membership sports and recreation clubs					S			

821	Elementary and secondary schools						S		
822	Colleges and universities						S		
823	Libraries—Less than 7500 sq. ft.		P						
823	Libraries—7500 sq. ft. or more						S		
824	Vocational schools						S		
841	Museums and art galleries					S			
842	Botanical and zoological gardens					S			
866	Religious organizations						R		
	PUBLIC ADMINISTRATION								
922	Public order and safety						P		
9221	Police protection						P		
9223	Correctional institutions								S
9224	Fire protection						P		
	RECREATION								
	Hiking and nature trails				P				
	Picnicking				P				
	Canoe trails				P				
	Bicycle trails				P				
	Horseback riding trails				P				
	Tot lots					P			
	Court sports					P			
	Field sports					P			
	Boat landings					P			
	Archaeological historical sites				S				

(d) *The maximum allowable gross square footage in the rural district is as follows:*

COMMERCIAL LAND USE TYPE	RURAL
MINOR	
Total location Single site or quadrant Single structure	20,000 10,000 5,000

~~Maximum 10,000 gross square feet, if located on a local street.~~

(e) *Minimum development standards in the rural district are as follows:*

	Low Density Residential	Commercial	Agricultural-Related	Community Services; Active Recreation;	Comp. Plan

			Industrial	Public, Primary and Secondary Schools	Policy 2.1.9. Subdivision
MINIMUM SETBACKS (FEET)					
Front yard					
Building	30	30	50	30	25
Parking	—	40	50	40	—
Corner yard					
Building	30	20	50	30	25
Parking	—	25	50	40	—
Side yard					
Building	20	25	50	40	15
Parking	—	25	50	40	—
Rear yard					
Building	50	50	50	50	50
Parking	—	40	50	50	50
Adjoining lower intensity use					
Building	—	15	100	—	—
Parking	—	15	100	—	—
Maximum percent impervious surface area	30	30	30	30	30
Maximum height at building envelope perimeter	35	35	35	35	35
Maximum height per additional setback	1′/1′	1′/1′	1′/1′	1′/1′	1′/1′
Total maximum height	—	45	45*	45	—
Minimum lot area (acres)	10.0	0.5	10.0	1.0	0.5
Minimum lot frontage	15	40	100	—	15

* This height applies to habitable portion of an industrial structure.

(f) *Development standards.* All proposed development shall meet the commercial site location standards (section 10-6.619); buffer zone standards (section 10-7.522); and the parking and loading requirements (Subdivision 3 of Division 5 of Article VII).

(1) *Mining activities.*

a. All mining activities as defined on the schedule of permitted uses must meet the specific development standards, as follows upon review and approval by the Board of County Commissioners following a duly noticed public hearing. This includes SIC items 144 and 145.

b. A plan must be submitted demonstrating protection of adjacent properties and public interest which shall include, but not be limited to the following:

1. The mining activity, all accessory uses and structures, internal roadways, and driveways onto the adjacent streets shall be set back a minimum of 100 feet from the perimeter property boundaries or 200 feet from the nearest off-site residence, residential zoning district, or subdivision intended primarily for residential land use, whichever distance is greater. This setback standard may be reduced if less of a setback is approved in writing by the adjacent property owner or owners prior to site plan approval or if the adjacent property is also used as a mining activity.

2. A plan of vehicular access to and from the site demonstrating that heavy trucks and equipment will not travel on that portion of a local or minor collector street with frontage containing residential land use, zoned for residential land use, or containing subdivision lots intended primarily for residential land use. For purposes of this requirement, local and minor collector streets shall be those identified in the local government Comprehensive Plan and the Tallahassee-Leon County Long Range Transportation Plan.

3. A land reclamation plan shall be submitted demonstrating that upon termination of the activity the land shall be returned to a condition that will allow an effective reuse comparable to surrounding properties.

4. Fencing requirement: All areas proposed for use in open-pit mining operations and/or construction and demolition debris disposal must be secured by a fence, unless the area is determined by the county administrator or designee to be a reclaimed open-pit mine. The fence must be at least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, "Danger," "Keep Out," "No Trespassing," or similar language indicate that there may be hazardous conditions on the premises.

(g) *Restricted uses and special exception uses.* If uses are restricted or are special exception uses according to the schedule of permitted uses, they will not be allowed unless they follow the general development guidelines for restricted uses as provided in this division or for special exceptions as provided in this subsection. Specific restricted uses are addressed in this division.

(1) *Lumber and wood products.*

a. A plan must be submitted demonstrating protection of adjacent properties and public interest which shall include, but not be limited to the following:

1. All buildings and outside activities associated with the use shall be set back a minimum of 200 feet from the nearest off-site residence or subdivision intended primarily for residential land uses.

(2) *Camps and recreational vehicle parks (SIC 703).*

a. A plan must be submitted demonstrating protection of adjacent properties and public interest which shall include, but not be limited to the following:

1. Sanitary facilities shall be provided.
2. Not more than ten campsites per acre shall be provided.
3. Individual campsites, roadways, and accessory structures shall be located to meet the minimum building setback standards from the exterior property lines of the campground.

(3) *Heavy construction equipment rental and equipment rental and leasing (SIC 7353 and 7359).*

a. A plan must be submitted demonstrating protection of adjacent properties and public interest which shall include, but not be limited to the following:

1. Such equipment rental and leasing must be associated with timbering and/or agribusiness.

2. A plan of vehicular access to and from the site demonstrating that heavy trucks and equipment will not travel on that portion of a local or minor collector street with frontage containing residential land use, zoned for residential land use, or containing subdivision lots intended primarily for residential land use. For purposes of this requirement, local and minor collector streets shall be those identified in the local government Comprehensive Plan and the Tallahassee-Leon County Long Range Transportation Plan.

(4) *Retail Trade*

a. A plan and supporting narrative must be submitted pursuant to the Type B site and development plan process that demonstrates compliance as applicable with the following:

1. Free-standing onsite signs shall be limited to monument-style signs and the sign base shall be consistent with the materials and design context of the primary onsite building. Signs shall be illuminated with externally mounted lighting focused on the sign in a manner that limits off-site illumination. Internally illuminated signs and pole signs are prohibited.

2. Building design including any proposed accessory buildings and structures shall reflect or compliment the local vernacular architectural style. Building facade treatments and materials shall provide architectural interest through, but not limited to: the utilization of fenestration that allows for natural surveillance and gabled or parapet roof treatments. Flat roof treatments are prohibited.

3. Onsite lighting including 24-hour security lighting shall be wall mounted with illumination focused on the building in a manner that limits off-site illumination.

4. Perimeter buffering and/or fencing requirements shall be based on the density of the adjacent residential uses. If the adjacent density is one residential unit per two acres or less, a Type C buffer shall be required. A wooden buffer fence may be utilized on sites where the required vegetative buffer cannot be established based on site limitations or constraints.

5. The trash collection dumpster shall be assessable to waste collection vehicles, and shall be located in the side or rear setback area of the onsite principle building. The dumpster shall be screened with a material and design treatment consistent with the building façade of the principle building.

6. All appurtenant mechanical and electrical equipment, outside collection/drop-off/storage areas, and other accessory or ancillary structures shall be screened from public view. The screening material shall be consistent with the materials and design context of the primary onsite building.

7. The site design shall integrate internal and where appropriate external pedestrian circulation and interconnection including the accommodation of bike circulation were applicable.

8. The hours of operation shall be limited to 6:00 am to 10:00 pm.

9. The site shall be designed were applicable to provide a cross-access easement to adjoining property in the commercial

node. The cross access easement shall be improved to the property boundary.

10. Other site design treatments and considerations as may be applicable to the proposed use and shall be identified during the proposed project's application review meeting.

b. For a proposed gasoline service station with or without a convenience store, in addition to the development guidelines outlined in paragraph a., must also demonstrate compliance with the following criteria, guidelines and standards on a plan and supporting narrative submitted pursuant to the Type C site and development plan review process:

1. The number of fuel pump islands shall be limited to three with each pump island limited to two fueling positions or six total fueling stations.

2. The fuel pump island awning design standards shall include, but shall not be limited to, materials and contextual design integrated with the onsite building facade treatment. The fuel pump island awning height shall be limited to 18 feet as measured from grade. The fuel pump island awning lighting shall be designed in a manner that reduces off-site illumination.

3. The hours of operation shall be limited to 6:00 am to 12:00 am.

4. Accessory structures and ancillary uses such as, but not limited to, vehicle washes (attached or stand-alone) and multi-unit vacuuming stations are prohibited.

5. Free-standing lighting in the parking areas, drive isles, or other onside areas shall be limited in height to 15 feet as measured from grade, and shall be designed in a manner that reduces off-site illumination.

5. A convenience store proposed with a gasoline service station shall be limited to a maximum of 3,000 square feet excluding the area covered by the fuel pump island awning.

SECTION 2. Section 10-6.619 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Commercial site location standards," is hereby amended to read as follows:

Sec. 10-6.619. Commercial site location standards.

(a) The provisions of this section apply to the following zoning districts: Rural, Urban Fringe, Activity Center, Rural Community, Lake Protection, Residential Preservation, Lake Talquin/Urban Fringe, and Industrial. Commercial sites are determined through the

use of site location standards. The intensity of the commercial use is dependent upon the land use category of the potential site and the classification of the immediate adjacent roads. Individual road classifications are depicted on map 14 of the Comprehensive Plan. The site location standard is intended to group commercial land use toward intersections to provide access and prevent strip commercialization.

(b) *Commercial classifications.*

(1) *Minor commercial.*

a. *Major function:* Provide for sale of convenience goods and services to immediate residential area.

b. *Location:*

1. On or near the intersection (within 330 feet of the centerline of the intersection) of ~~local and collector~~, local and arterial, collector and arterial, and collector and collector. Minor commercial uses are not allowed on or near the intersection of local and arterial roadways in the rural zoning district.

2. May be located within planned unit development provided it is located and designed to meet commercial needs of the majority of the residents of the development.

3. If on a local street, only one quadrant of the intersection shall be used for commercial purposes.

c. *Trade area:* Generally within one mile and not considered as an attractor.

d. *Design standards:*

1. Compatible with adjacent uses.
2. Adequate buffering, screening, landscaping and architectural treatment if integrated into neighborhood.
3. Sufficient parking; properly designed and safe internal traffic circulation.

(2) *Neighborhood commercial.*

a. *Major function:* Provide for the sale of convenience goods and personal services such as food, drugs, sundries and hardware items to one or more neighborhoods.

b. *Leading tenants:* Supermarket, drugstore and postal substation.

c. *Location:* At the intersection of major collector and arterial or arterial and arterial. Only one neighborhood commercial development will be

allowed within one-quarter mile of the centerline of the intersection of a major collector and arterial road.

(3) *Community commercial.*

a. *Major function:* Same functions of neighborhood commercial but on a large scale, provide for sale of retail goods such as clothing, variety items, appliances and furniture, hardware and home improvement items.

b. *Leading tenants:* Supermarket, drug store, minor department store, home improvement center, variety or discount center.

c. *Location:* Within one-quarter mile of the centerline of the intersection of arterials. Prohibited on designated canopy roads.

d. *Radius of trade area:* Five miles or 15 to 20 minutes driving time. Service distinct geographical quadrants of three or more combinations of neighborhoods within community.

(4) *Regional commercial.*

a. *Major function:* Same functions of community center, provide full range and variety of shopping goods for comparative shopping such as general merchandise apparel, furniture and home furnishings.

b. *Leading tenants:* One or more full time department stores.

c. *Location:* Integrated into local transportation system and accessible by combination of arterials, major collectors, expressways and interstate highways. Potential on-site and off-site transportation improvements needed to provide adequate ingress and egress. Prohibited on designated canopy roads.

d. *Radius of trade area:* Regional.

e. *Site area:* Minimum 35 acres.

f. *Range of gross floor area:* Over 200,000 up to 1,000,000 square feet.

(5) *Highway commercial.*

a. *Major function:* Provide for consumer oriented retail services designed for drive-in convenience.

b. *Leading tenants:* Fast food franchise, liquor store, automotive service (i.e. oil change), and convenience stores.

c. *Location:* Access via a combination of arterials or major collectors or integrated into transportation network by comprehensive ingress and egress system. Parking within rear is encouraged.

d. *Radius of trade area:* May serve immediate area but relies heavily on passerby traffic.

e. *Range of gross floor area:* Up to 10,000 square feet.

f. *Design standards:*
   1. Adequate setback.
   2. Aesthetic landscaping.
   3. Rear parking.

SECTION 3. 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 4. 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 5. 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 _____, 2014.

LEON COUNTY, FLORIDA

BY: _____
KRISTIN DOZIER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

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

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

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

F91-00306