

ORDINANCE NO. 14- 18

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 10-6.616 RELATING TO THE LAKE PROTECTION ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

SECTION 1. Section 10-6.616 of Chapter 10, Article VI, Division 6 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-6.616. Lake protection.

(a) *Purpose and intent.* The purpose and intent of the lake protection district is for activities in the area immediately adjacent to and affecting Lake Jackson while protecting that water body and ecosystem. This district's location is based on the lake basin boundary so adjusted to include contributing watersheds but to exclude existing, more intensely developed areas south of Interstate 10. This district allows residential uses to a maximum density of one unit per two acres. An option to cluster residential uses is allowed on 40% of the site at a net density of two (2) units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space or two units per acre if clustered on 40 percent of the property, yielding a gross density of 0.8 units per acre for the entire property, and leaving the remaining 60 percent of the property as undisturbed open space in perpetuity. This cluster option is intended to leave large areas of land undisturbed within the critically impacted area and be designed to minimize non-point pollution from the site. Minor office and minor commercial uses may be approved through review by the PUD process. Approval of the PUD by the Board of County Commissioners shall be based upon findings that the proposed use is consistent with the purpose and intent stated herein and the proposed development will comply with the provisions of section 10-4.323(b)(3). All other commercial, office, and industrial uses are prohibited. Urban services are intended for this category inside the urban service area. Existing nonresidential uses within this district that meet all water quality standards set forth in the Comprehensive Plan and the environmental regulations of the county will be considered permitted, lawfully established conforming uses.

(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 schedules of permitted uses.

- (1) Minor commercial, planned unit development approval required and runoff retained on-site required.

- 1 (2) Minor office, planned unit development approval required and runoff retained on-site
- 2 required.
- 3
- 4 (3) Low-density residential, runoff retained on-site required.
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- 6 (4) Passive recreation, runoff retained on-site required.
- 7
- 8 (5) Active recreation, runoff retained on-site required.
- 9
- 10 (6) Community services.
- 11

12 (c) *List of permitted uses.* Some of the uses on these schedules are itemized according to the
 13 Standard Industrial Code (SIC). Allowable uses, appropriate permit level and applicable
 14 development and locational standards in the lake protection district are as follows:
 15

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

Legend					
Ag	=	Agricultural	LR	=	Low-density residential
MO	=	Minor office	AR	=	Active recreation
MC	=	Minor commercial	CS	=	Community services

		Development and Locational Standards					
SIC Code	Name of Use	Ag	MO*	MC*	LR	AR	CS
	RESIDENTIAL						
	Dwelling, one-family				P		
	Dwelling, two-family				P		
	Dwelling, townhouse				R		
	Dwelling, mobile home				P		
	Mobile home park				S		
	AGRICULTURE, FORESTRY, AND FISHING						

01	Agricultural production—Crops	R					
02	Agricultural production—Livestock	R					
092	Fish hatcheries and preserves	S					
	TRANSPORTATION AND PUBLIC UTILITIES						
43	Postal service						S
	RETAIL TRADE						
581	Eating and drinking places			S			
591	Drugstores and proprietary stores			S			
592	Liquor stores			S			
5992	Florists			S			
5993	Tobacco stores and stands			S			
5994	News dealers and newsstands			S			
	FINANCE, INSURANCE, AND REAL ESTATE						
602	Commercial banks		S				
603	Savings institutions		S				
606	Credit unions		S				
611	Federal and federal sponsored credit		S				
614	Personal credit institutions		S				
616	Mortgage bankers and brokers		S				
62	Security and commodity brokers		S				
64	Insurance agents, brokers, and service		S				

65	Real estate		S				
654	Title abstract offices		S				
	SERVICES						
703	Camps and recreational vehicle parks					R	
721	Laundry, cleaning, and garment services			S			
7215	Coin-operated laundries and cleaning			S			
723	Beauty shops		S				
724	Barber shops		S				
725	Shoe repair and shoeshine parlors		S				
7311	Advertising agencies		S				
732	Credit reporting and collection		S				
7361	Employment agencies		S				
737	Computer and data processing services		S				
784	Video tape rental			S			
7997	Membership sports and recreation clubs		S			S	
801	Offices and clinics of medical doctors		S				
802	Offices and clinics of dentists		S				
804	Offices of other health practitioners		S				
807	Medical and dental laboratories		S				
808	Home health care services		S				
81	Legal services		S				
821	Elementary and secondary schools						S
823	Libraries—Less than 7500 sq. ft.		S	S			

823	Libraries—7500 sq. ft. or more						S
835	Day care services		S				
836	Residential care		S				
841	Museums and art galleries					S	
842	Botanical and zoological gardens					S	
864	Civic and social associations						S
866	Religious organizations						S
871	Engineering and architectural services		S				
872	Accounting, auditing, and bookkeeping		S				
873	Research and testing services		S				
874	Management and public relations		S				
	PUBLIC ADMINISTRATION						
91	Executive, legislative and general						S
922	Public order and safety						S
9221	Police protection						
9224	Fire protection						S
	RECREATION						
	Hiking and nature trails					P	
	Picnicking					P	
	Canoe trails					P	
	Bicycle trails					P	
	Horseback riding trails					P	
	Tot lots					P	

	Court sports					R	
	Field sports					R	
	Boat landings					P	
	Archaeological historical sites					S	

* Minimum criteria for approval shall require a finding that the proposed uses would be consistent with the district intent; would not be likely to create significant detrimental environmental impacts; nor be likely to interfere with any lawfully established uses.

(d) The maximum allowable floor area in the lake protection district is as follows:

COMMERCIAL LAND USE TYPE		LAKE PROTECTION
MINOR		
	Total location	40,000
	Single site or quadrant	20,000
	Single structure	20,000

(e) The minimum development standards in the lake protection district are as follows:

		Low-Density Residential		Commercial Office		Community Services; Active Recreation; Public, Primary and Secondary Schools
		Noncluster	Cluster*	Noncluster	Cluster*	
MINIMUM SETBACKS (FEET)						
Front yard						
	Building	25	25*	30	25*	30
	Parking	—	—	40	40*	40
Corner yard						
	Building	25	25*	30	25*	30

	Parking	—	—	40	40*	40
Side yard						
	Building	15	15*	40	20*	40
	Parking	—	—	40	20*	40
Rear yard						
	Building	25	25*	50	30*	50
	Parking	—	—	40	10*	40
Adjoining lower intensity zoning district						
	Building	—	—	50	50*	—
	Parking	—	—	50	50*	—
Maximum % impervious surface area		30	25**	40	25**	40
Maximum height at building envelope perimeter		—	35	35	35	35
Maximum additional height/additional zoning setback		1'/1'	—	1'/1'	1'/1'	1'/1'
Maximum total height		35	35	45	45	45***
Minimum lot frontage		15	15	40	40	—
Minimum lot area		2.0	1.0 = ****	2.0	1.0	—

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- * This number applies to the perimeter setback only.
- ** Maximum percent impervious area of developable portion of site.
- *** This height applies to habitable portion of a structure.

1 **** If central sanitary sewer is not available, lot sizes shall be at a minimum one-half (0.5)
2 acre of contiguous buildable area.
3

4 (f) *Development standards.* All proposed development shall meet the commercial site
5 location standards (section 10-6.619); buffer zone standards (section 10-7.522); and the parking
6 and loading requirements (Subdivision 3 of Division 5 of Article VII).
7

8 (g) *Specific restrictions.* If uses are restricted according to the schedule of permitted uses,
9 they are not allowed unless they follow the general development guidelines for restricted uses as
10 provided in this division. Specific restricted uses are addressed below.
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- 12 (1) Nonresidential uses allowed only upon approval of a site and development plan
13 by the Board of County Commissioners.
14

15 (h) *Vested developments.* Any development meeting the requirements of Footnote 1 of
16 the Lake Protection Future Land Use Category in the 2010 Tallahassee-Leon County
17 Comprehensive Plan shall be vested as provided therein.
18

19 **SECTION 2.** Conflicts. All ordinances or parts of ordinances in conflict with the provisions of
20 this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this
21 Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County
22 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this
23 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.
24

25 **SECTION 3.** Severability. If any section, subsection, sentence, clause, phrase, or portion of
26 this article is for any reason held invalid or unconstitutional by any court of competent
27 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and
28 such holding shall not affect the validity of the remaining portions of this Ordinance.
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30 **SECTION 4.** Effective date. This ordinance shall be effective according to law.

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DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
County, Florida, this 9th day of December, 2014.

LEON COUNTY, FLORIDA



BY: Mary Ann Lindley
MARY ANN LINDLEY, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
AND COMPTROLLER

BY: [Signature]

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE
BY: [Signature]
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY