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ORDINANCE NO. 18-17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-6.617 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "RESIDENTIAL PRESERVATION"; RENAMING SECTION 10-6.617 TO "RESIDENTIAL PRESERVATION (RP) ZONING DISTRICT"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to clarify the intent of the Residential Preservation zoning district specifically with regard to the allowable densities of new development while protecting existing and established residential development;

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

SECTION 1. Section 10-6.617 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Residential Preservation," is hereby renamed as "Residential Preservation (RP) Zoning District" and is amended to read as follows:

Sec. 10-6.617 - Residential Preservation (RP) Zoning District.

~~Sec. 10-6.617. Residential preservation.~~

~~(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.~~

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

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

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

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

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

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

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

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

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

1 ~~(b) Allowable uses. For the purpose of this article, the following land use types are allowable~~
2 ~~in the RP zoning district and are controlled by the land use development standards of this~~
3 ~~article, the Comprehensive Plan and schedules of permitted uses.~~

4 ~~(1) Low density residential.~~

5 ~~(2) Passive recreation.~~

6 ~~(3) Active recreation.~~

7 ~~(4) Community services.~~

8 ~~(5) Light infrastructure.~~

9 ~~(c) List of permitted uses. Some of the uses on these schedules are itemized according to the~~
10 ~~Standard Industrial Code (SIC). These uses or activities permitted through special exception~~
11 ~~shall require review and approval by the Board of County Commissioners consistent with the~~
12 ~~provisions of section 10-6.611. Allowable uses, appropriate permit level and applicable~~
13 ~~development and locational standards in the residential preservation district are as follows:~~

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

1

Legend					
LR	=	Low-density residential	CS	=	Community services
PR	=	Passive recreation	LI	=	Light infrastructure
AR	=	Active recreation			

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SIG Code	Name of Use	Development and Locational Standards				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, one-family	P				
	Dwelling, two-family	R				
	Dwelling, mobile home	P				
	Mobile home park	S				
	SERVICES					

	Elementary and secondary schools legally established and in existence as of July 1, 2016, including expansions to existing facilities				S	
	Religious organizations				S	
	PUBLIC ADMINISTRATION					
922	Public order and safety				S	
9221	Police protection				S	
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			P		
	Field sports			P		

1 ~~Placement of new mobile homes are limited to the following areas: existing mobile home parks; and platted mobile home~~
2 ~~subdivisions. New mobile homes shall also be allowed as replacements of lawfully existing mobile homes in other locations. New~~
3 ~~mobile home parks may be established as per the provisions set forth in section 10-6.807.~~

4 ~~(d) — Development standards. All proposed development shall meet the applicable buffer zone standards as outlined in section 10-~~
5 ~~7.522. For residential development in recorded or unrecorded subdivisions, the development standards including front, rear,~~
6 ~~side, and side corner yard setbacks for new residential development shall be consistent with the developed portions of the~~
7 ~~recorded or unrecorded subdivision in which it is located. For new residential development in residential preservation areas not~~
8 ~~located in recorded or unrecorded subdivisions, the applicable development standards including, but not limited to front, rear,~~
9 ~~side, and side corner yard setbacks shall be established at the time of subdivision and site and development plan review.~~

10 ~~(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 16-07, § 4, 5-10-16; Ord. No. 17-01, § 5, 1-24-17)~~

<u>1. District Intent</u>	<u>2. Principal Uses</u>	<u>3. Special Exceptions</u>	<u>4. Prohibited Uses</u>
<p><u>The purpose and intent of the RP zoning district is to allow for neighborhood-scale development in a manner that is sensitive to the character of existing residential areas.</u></p> <p><u>Principal uses within the district shall include residential development and neighborhood supportive facilities such as community services, recreational amenities, and light infrastructure.</u></p>	<p><u>(1) Single-family detached dwellings, including Residential Design Manufactured Homes and Standard Design Manufactured Homes</u></p> <p><u>(2) Single-family attached dwellings</u></p> <p><u>(3) Two-family dwellings</u></p> <p><u>(4) Passive recreation</u></p> <p><u>(5) Light infrastructure</u></p>	<p><u>(1) Community services</u></p> <p><u>(2) Expansions to elementary and secondary schools legally established and in existence as of July 1, 2015</u></p> <p><u>(3) Mobile home/manufactured home parks</u></p> <p><u>(4) Active recreation</u></p>	<p><u>(1) Commercial uses (including retail)</u></p> <p><u>(2) Office uses</u></p> <p><u>(3) Industrial uses</u></p>

DEVELOPMENT STANDARDS

5. Parcels Outside the Urban Service Area (USA):

(1)	<u>Density:</u> Shall be consistent with the underlying future land use category.
(2)	<u>Building Type:</u> Shall develop as single-family detached, which includes Residential Design Manufactured Homes (RDMH) and Standard Design Manufactured Homes (SDMH) as outlined in Article XII, Manufactured Housing.
(3)	<u>Building Setbacks:</u> Shall be consistent with the setbacks for the recorded or unrecorded subdivision, as determined by the Department of Development Support and Environmental Management. If on a metes and bounds parcel, the setbacks shall be determined at the time of site and development plan review.

6. Parcels Inside the Urban Service Area (USA) Within a Recorded or Unrecorded Subdivision:

Consistency with surrounding residential building type and density shall be a consideration in granting development approval, subject to the exceptions noted below.

(1) **Density:** No newly created lot shall be smaller than the smallest lot of record approved as part of the original recorded (platted) or unrecorded subdivision, or any approved reconfiguration or re-plat that may have occurred consistent with the land development regulations in effect at that time.

Exception: If the parcel proposed for subdivision abuts an existing arterial or major collector roadway that was not constructed as part of the subdivision's roadway network, then the lot shall be considered akin to a metes and bounds parcel and may be re-subdivided per the densities outlined herein:

(a) When central water/sewer is available, a maximum gross density of six (6) dwelling units per acre is allowed; or

(b) When no central water/sewer is available, a maximum gross density of two (2) dwelling units per acre is allowed, consistent with all the applicable provisions of the Environmental Management Act.

(2) **Building Type:** Shall develop consistent with the predominant (>50%) residential building type (single-family detached, single-family attached, two-family, manufactured home, etc.) located inside the recorded or unrecorded subdivision.

Exception: If the parcel proposed for subdivision has been determined to be akin to a metes and bounds parcel, as outlined in the density section above, then it shall be allowed to develop with single-family attached, detached or two-family dwellings, or any combination thereof, notwithstanding the predominant type of development within the original recorded or unrecorded subdivision. If single-family detached units are located directly adjacent to the proposed development, then the development shall provide single-family detached units along these perimeter property boundaries, with the more intensive development type (attached, two-family) located internal to the development.

(3) **Building Setbacks:** Shall be consistent with the setbacks for the recorded or unrecorded subdivision as determined by the Department of Development Support and Environmental Management.

Exception: If the parcel proposed for subdivision has been determined to be akin to a metes and bounds parcel, as outlined in the density section above, then it shall be allowed to develop applicable building setbacks at the time of site and development plan review that shall be reviewed and approved by the County Administrator or designee.

7. Parcels Inside the Urban Service Area (USA) Not Within a Recorded or Unrecorded Subdivision (Metes and Bounds Parcels):

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| (1) | <p>Density:</p> <p>(a) <u>When central water/sewer is available, a maximum gross density of six (6) dwelling units per acre is allowed. There is no minimum lot size requirement and a transfer of development density [Policy 1.3.3, Conservation Element of the Comprehensive Plan] shall be allowed in order to meet provisions of the Environmental Management Act and Comprehensive Plan goals, objectives and policies.</u></p> <p>(b) <u>When no central water/sewer is available, a maximum of two (2) dwelling units per acre is allowed, consistent with all the applicable provisions of the Environmental Management Act.</u></p> |
| (2) | <p>Building Type: <u>Shall be allowed to develop with single-family detached, attached or two-family dwellings, or any combination thereof. If single-family detached units are located directly adjacent to the proposed development, then the development shall provide single-family detached units along these perimeter property boundaries, with the more intensive development type (attached, two-family) located internal to the development.</u></p> |
| (3) | <p>Building Setbacks: <u>To be developed at the time of site and development plan review and shall be reviewed and approved by the County Administrator or designee.</u></p> |

8. Community Services and Facilities/Institutional Uses: All community service and facilities/institutional uses shall meet the applicable provisions of Section 10-6.611 (special exception and restricted uses) and Section 10-6.806 (community services and facilities/institutional services). Special exception uses require review and approval of by the Board of County Commissioners.

- | | |
|-----|---|
| (1) | <p>Intensity: <u>Community service facilities are limited to a maximum of 5,000 square feet of building area, or a sewage flow estimated not to exceed 900 gallons per day, when central sanitary sewer is not available. Refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.</u></p> |
| (2) | <p>Building Setbacks: <u>Building and parking setbacks are to be developed at the time of site and development plan review and shall take into consideration potential impacts to adjacent development.</u></p> |

(3)	<p>Lighting: On-site lighting shall be consistent with the "Dark Sky Friendly" guidelines. All exterior lighting shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spot lights shall be used as general grounds lighting.</p> <p>Lighting for parking areas shall not exceed 15 feet in height as measured from average grade to the light fixture. Lighting at the property line (six feet above ground) shall not exceed 0.1 foot candles when adjacent to residential uses.</p>
(4)	<p>Buffers: Perimeter buffering shall be a minimum of a Type B landscape standard and shall include an eight-foot (height) opaque wooden fence. The buffer fence may include the use of berms for visual screening, and shall be located internal to the required landscape buffer with at least half of the plantings being located on the least intensive side of development.</p>
<p>9. Mobile Home Parks: New mobile home parks may be established as per the provisions set forth in Section 10-6.807. The placement of new mobile/manufactured home is limited to existing mobile home parks, platted mobile home subdivisions or as a replacement for an existing lawfully established mobile/manufactured home in other areas.</p>	
<p>10. Buffer Zone Standards: Unless expressly noted above, all proposed development shall meet the minimum landscape buffer standards in Section 10-7.522.</p>	

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- GENERAL NOTES:**
1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots.
 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.).

1 **SECTION 2.** Conflicts. All ordinances or parts of ordinances in conflict with the provisions of
2 this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this
3 Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County
4 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this
5 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.
6

7 **SECTION 3.** Severability. If any section, subsection, sentence, clause, phrase or portion of this
8 article is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
9 such portion shall be deemed a separate, distinct, and independent provision and such holding
10 shall not affect the validity of the remaining portions of this Ordinance.
11

12 **SECTION 4.** Effective date. This ordinance shall be effective according to law.

13
14 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
15 Florida, this 4th day of September, 2018.
16

17 LEON COUNTY, FLORIDA




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19 BY: 
20 NICK MADDOX, CHAIRMAN
21 BOARD OF COUNTY COMMISSIONERS
22

23
24 ATTEST:
25 GWENDOLYN MARSHALL, CLERK OF THE COURT
26 AND COMPTROLLER
27 LEON COUNTY, FLORIDA
28

29
30 BY: 
31
32

33 APPROVED AS TO FORM:
34 LEON COUNTY ATTORNEY'S OFFICE
35

36
37 BY: 
38 HERBERT W.A. THIELE, ESQ.
39 COUNTY ATTORNEY