



CITY OF
TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



June 11, 2012

Mr. Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399

Dear Mr. Eubanks:

The City of Tallahassee and Leon County, at a joint public hearing on May 28, 2013, adopted their cycle 2013-1 comprehensive plan amendments (Amendment No. 13-1ESR). All adopted large scale amendments were adopted as they were originally transmitted to the State Land Planning Agency. However, the public hearing for one transmitted amendment (PCM130105) was continued to October 8, 2013. If the amendment is adopted, we will send you a separate adoption packet. If the amendment is denied, we will send you a letter indicating such.

This packet also includes five small scale amendments submitted in accordance with 163.3187(1), Florida Statutes. The amendments are not within an area of critical state concern. The cumulative total number of acres for small-scale amendments approved in Tallahassee-Leon County in 2013 is 13.45 acres (PCM130101-1 acre; PCM130102-1.15 acres; PCM130104-9.9 acres; PCM130107-0.4 acres; PCM130108-1 acre)

In accordance with Section 163.3184(3), Florida Statutes, I am forwarding the materials below to you:

- One paper copy and two electronic copies in Portable Document Format (PDF) on a CD ROM of the adopted comprehensive plan amendments in strike through and underline format (Exhibit A). Data and analyses for large scale amendments were previously submitted at the time of original transmittal.
- Copies of the City of Tallahassee and Leon County adoption ordinances for the Cycle 2013-1 amendments on May 28, 2013 (Exhibit B). There are two City ordinances (13-O-17AA and 13-O-18) and two County ordinances (13-11 and 13-12).
- Data and analysis for the small scale amendments (Exhibit C).

The Department received no comments from external review agencies; as such the adopted amendments are not being resubmitted to these agencies.

If you have any questions regarding this amendment package, please contact me at 850.891.6400. The Planning Department fax number is 891-6404 and my e-mail address is Brian.Wiebler@talgov.com.

Sincerely,

Brian Wiebler, Principal Planner

cc:

Herb Thiele (w/o attachments)

Lewis Shelley (w/o attachments)

Laura Youmans (w/o attachments)

Linda Hudson (w/o attachments)

Map Amendment PCM130101 Monday Road near Capital Circle Southeast

1 Acre

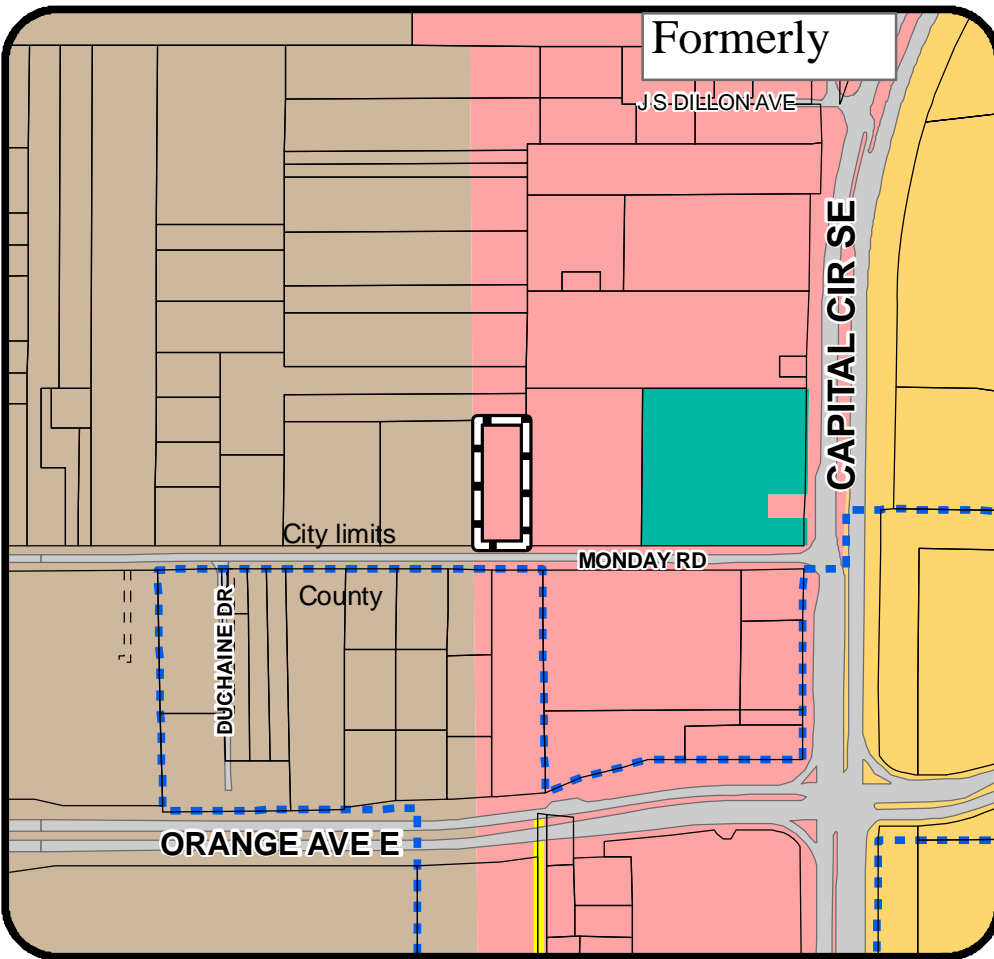
From: High Intensity Urban Activity Center

To: Urban Residential -2

Applicant: *City of Tallahassee* **Owner:** *Melvin and Marcus Payne*








Request: “High Intensity Urban Activity Center” to “Urban Residential -2” for a one acre parcel located north of Monday Road near Capital Circle Southeast. City staff initiated the amendment following issuance of a Land Use Compliance Certificate to construct two single-family residences on the parcel. The amendment allows the owner to move forward with the subdivision and construction of the homes as represented in the Land Use Compliance Certificate.

ADOPTED



Future Land Use

Legend

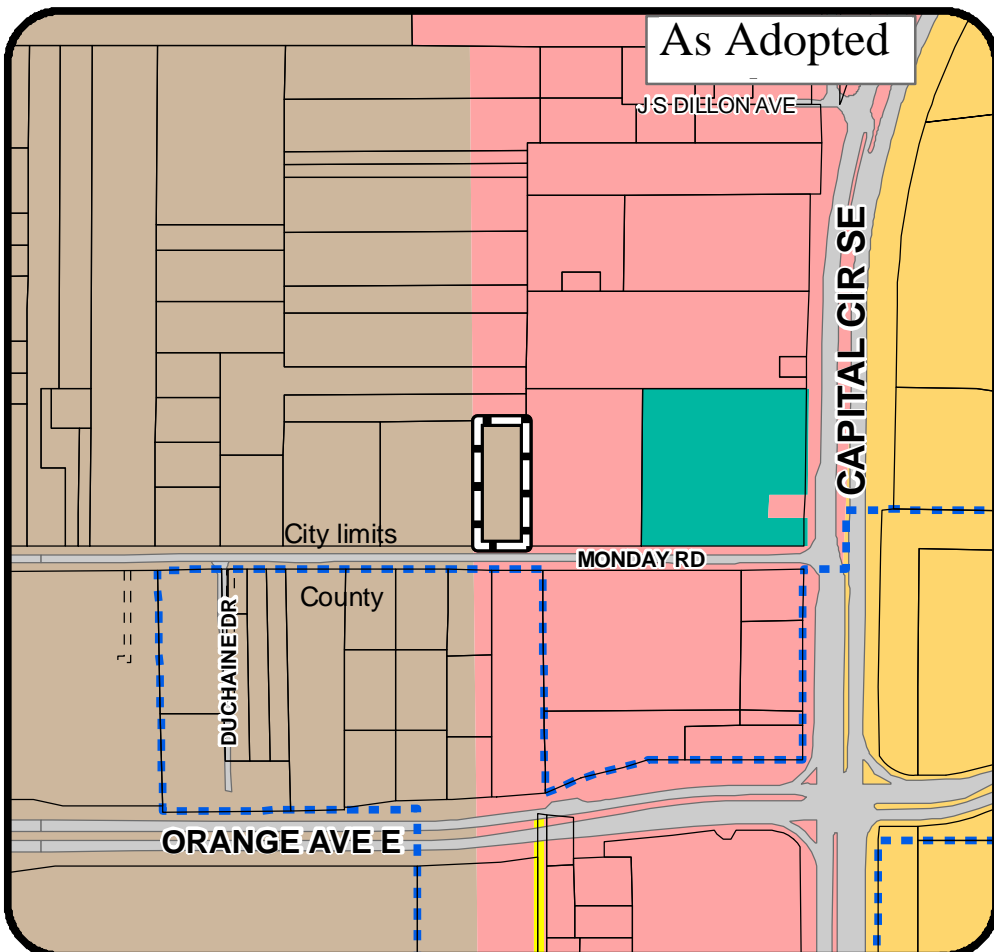
-  Activity Center
-  Governmental Operation
-  Open Space
-  Planned Development
-  Urban Residential 2
-  Subject Parcel
-  City Limits

**Monday Road near
Capital Circle Southeast
PCM130101**

City Of Tallahassee

**Formerly
Activity Center**

**As Adopted
Urban Residential-2**



**SITE TAX ID:
31-09-20-261-0000**

ACRES: 1 ±



Map Amendment PCM130102 West Brevard Street

1.15 Acres

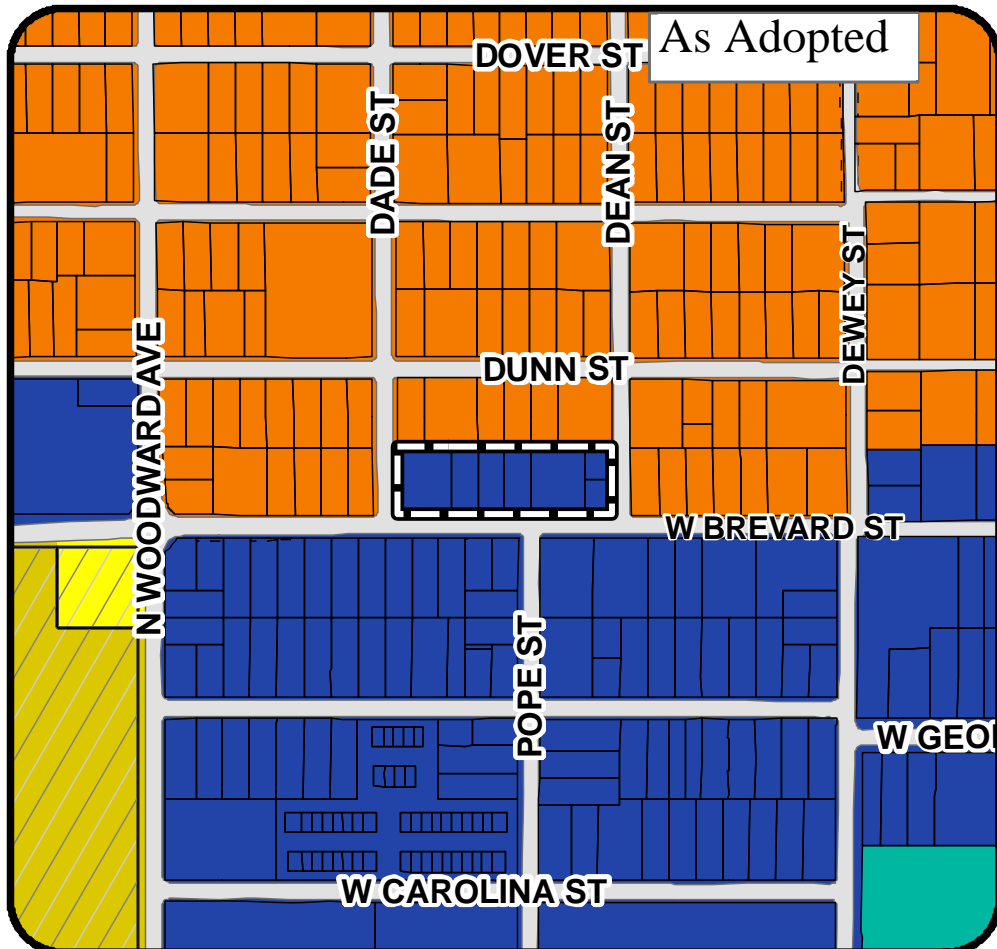
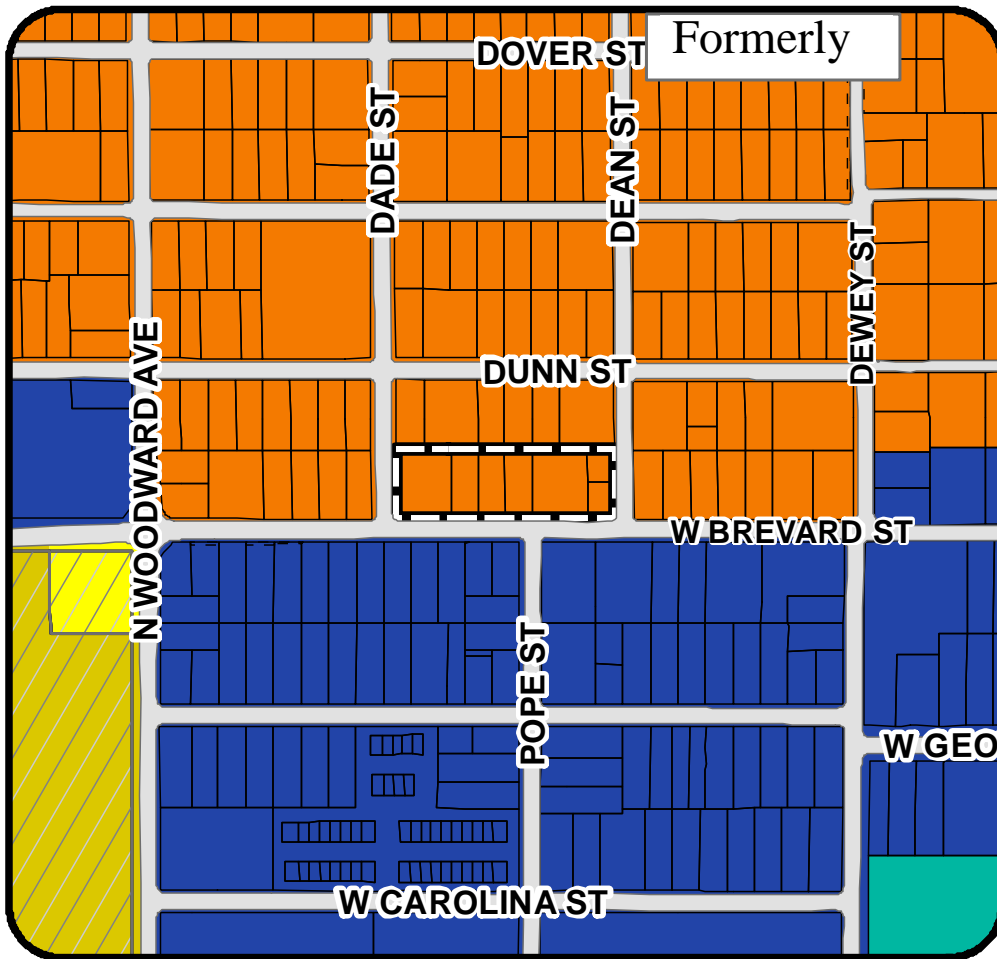
From: Residential Preservation

To: Central Urban

Applicant and Owner: *Lewis Chambers*







Request: “Residential Preservation” to “Central Urban” on lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The site includes the existing Blue Collar Restaurant, a use which is non-conforming under the current Residential Preservation category. The requested change would provide relief from the current status as non-conforming and allow the applicant to expand the use.

ADOPTED



Future Land Use

Legend

-  Central Urban
-  Educational Facilities
-  Governmental Operation
-  Open Space
-  Residential Preservation
-  Subject Parcel

West Brevard Street
PCM130102
Louis Chambers

Formerly
Residential Preservation

As Adopted
Central Urban

SITE TAX ID:
21-26-53-002-0010
21-26-53-002-0011
21-26-53-002-0020
21-26-53-002-0040
21-26-53-002-0050
21-26-53-002-0060
21-26-53-002-0070



ACRES: 1.16 ±

Map Amendment PCM130103

WITHDRAWN BY APPLICANT

Map Amendment PCT130104 Timberlane Road near Market District

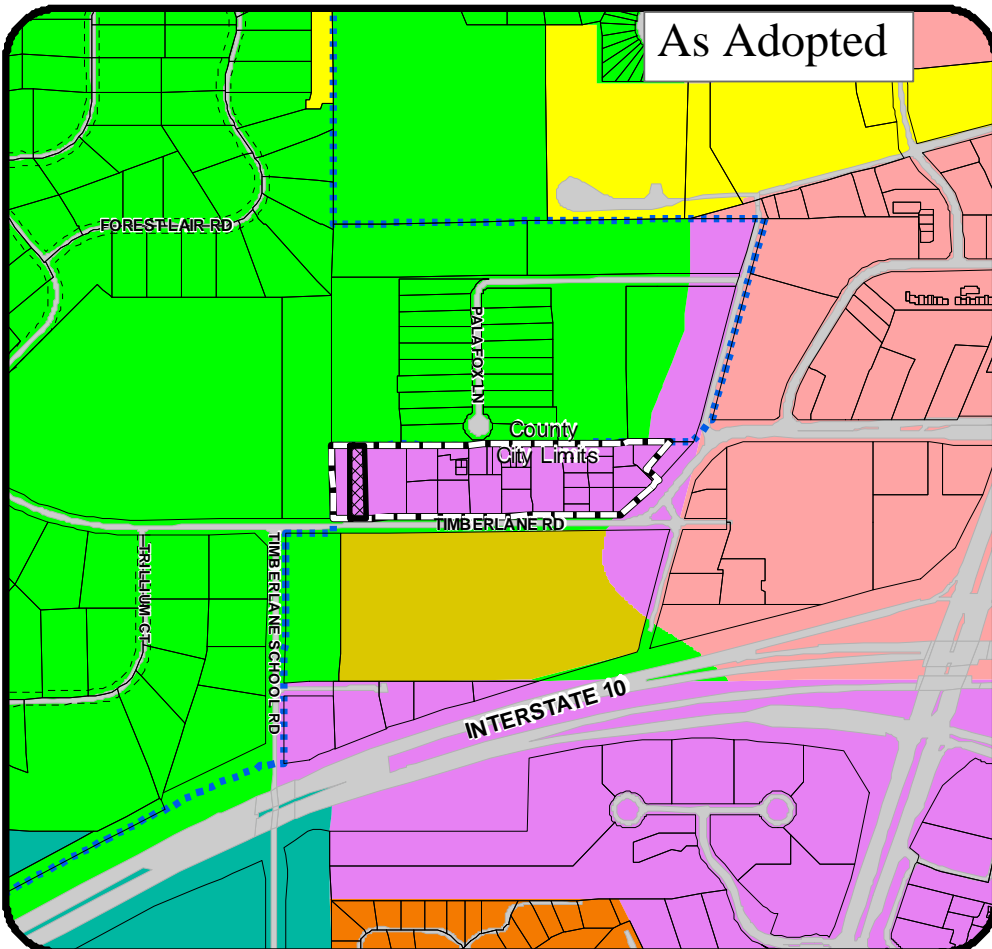
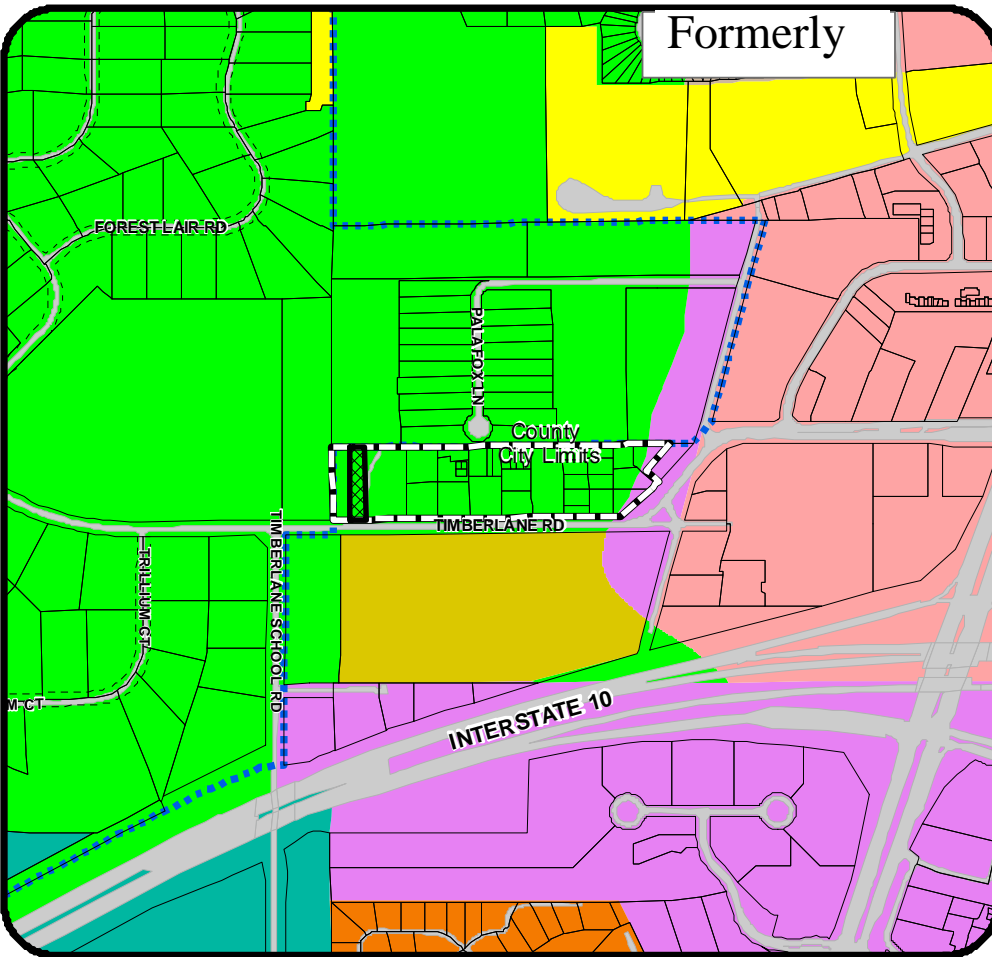
9.9 Acres

From: Lake Protection
To: Suburban

Applicant and Owner: *Dr. Darrh Bryant*

Request: “Lake Protection” to “Suburban” on one parcel (approximately 0.5 acre) located at 1234 Timberlane Road. This parcel is presently developed for office use. The existing Lake Protection category does not permit non-residential uses inside the City Limits. The requested Suburban category would provide relief from the current status as non-conforming and allow the applicant to utilize the property as a dental office. Staff is also recommending the surrounding office buildings be included in the amendment (34 properties on 9.9 acres).

ADOPTED



Future Land Use Legend

-  Activity Center
-  Educational Facilities
-  Government Operation
-  Lake Protection
-  Recreation/Open Space
-  Residential Preservation
-  Suburban
-  Urban Residential 2
-  Applicant Request
-  Staff Expansion

**Timberlane Road
near
Market District
PCM130104
Darrh Bryant**

Formerly
Lake Protection

As Adopted
Suburban



**MULTIPLE SITE TAX ID's
(See Text)**

ACRES: 9.8 ±

Map Amendment PCT130105 Woodville Rural Community Expansion

98 Acres

From: Rural
To: Woodville Rural Community

Applicant and Owner: *Disc Village*

Request: “Rural” to “Woodville Rural Community” on three adjoining parcels (totaling approximately 98 acres) located on the south side of Natural Bridge Road, approximately one mile east of Woodville Highway. These parcels are presently developed as a non-profit community-based therapeutic community. The requested Woodville Rural Community category would allow an expansion of facilities and programs oriented towards senior citizens.

Continued to the October 8, 2013 regularly scheduled meeting of the Board of County Commissioners to allow the applicant additional time to seek approval of a Planned Unit Development that addresses the items below (as included in the staff recommendation for this amendment).

- Limits the maximum allowed dwelling units to 416 for the combined site,
- Requires Advanced Wastewater Treatment within a specified period of time,
- Requires use of Low Impact Development design approach for all new development and redevelopment,
- Addresses transportation concurrency.

Map Amendment PCT130106 Jackson Bluff Road and Ausley Street

16.42 Acres

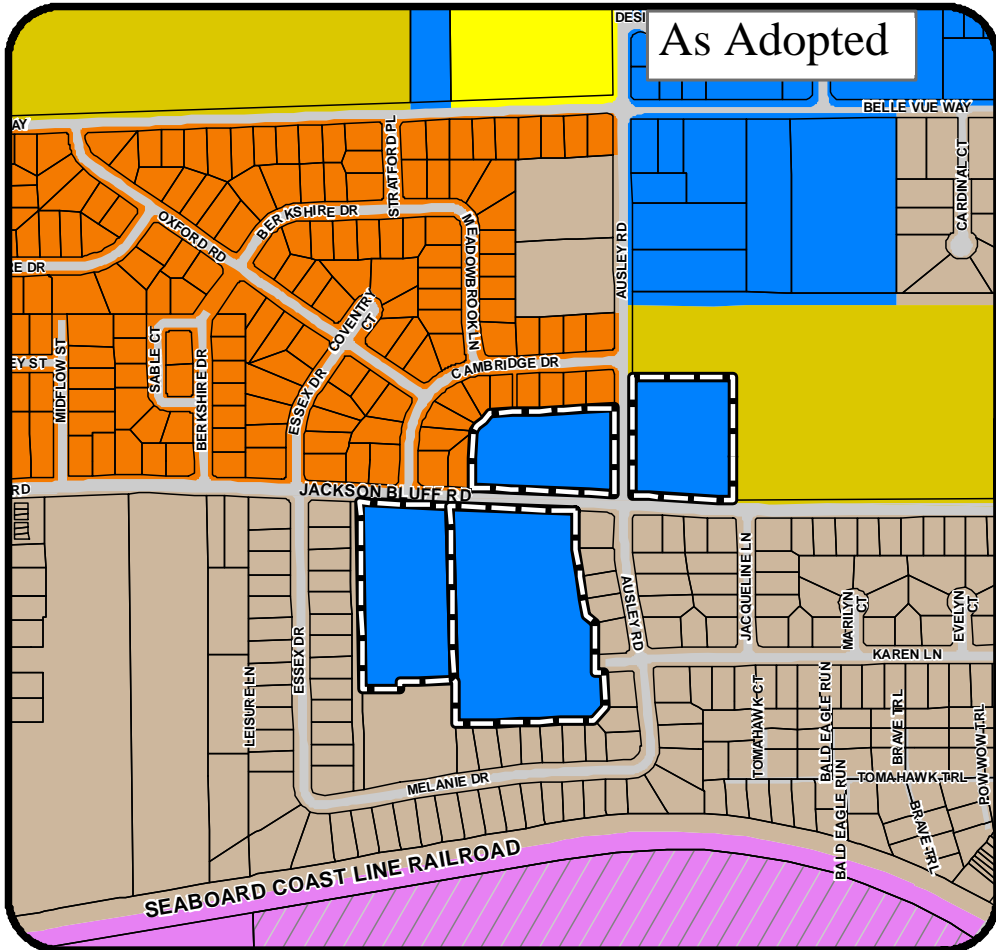
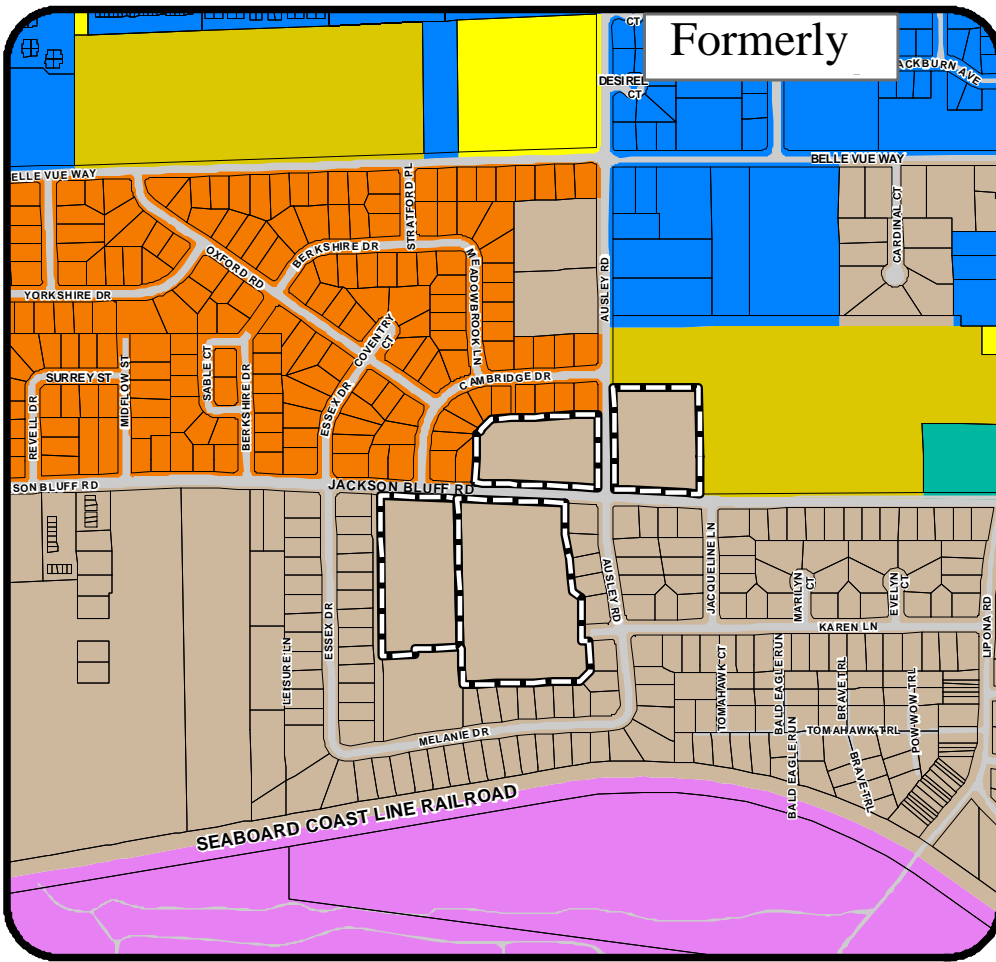
From: Urban Residential-2
To: University Transition

Applicant: *Carolyn Bibler*

Owners: *Jackson Bluff Properties LLC, Landmark Apartments LLC, Stadium Place of Tallahassee LLC, Greenbriar Partners LLC*






Request: “Urban Residential-2” to “University Transition” for four parcels totaling 16.42 acres located near Jackson Bluff and Ausley Road. The applicant would like to redevelop this node at Jackson Bluff and Ausley Road with small scale commercial intermixed with higher density housing to support it. The neighborhood scale commercial development would also serve the existing residential neighborhoods in the area.

ADOPTED



Future Land Use

Legend

-  Educational Facilities
-  Residential Preservation
-  University Transition
-  Suburban
-  Urban Residential 2



Subject Parcel

Jackson Bluff and Ausley Street PCM130106

Carolyn Bibler

Formerly
Urban Residential-2

As Adopted
University Transition



SITE TAX IDs:
 21-34-20-402-0000
 21-34-20-627-0000
 41-03-20-201-0000
 41-03-20-240-0000

ACRES: 16.42 ±



PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Map Amendment PCT130107 9th Avenue and Thomasville Road

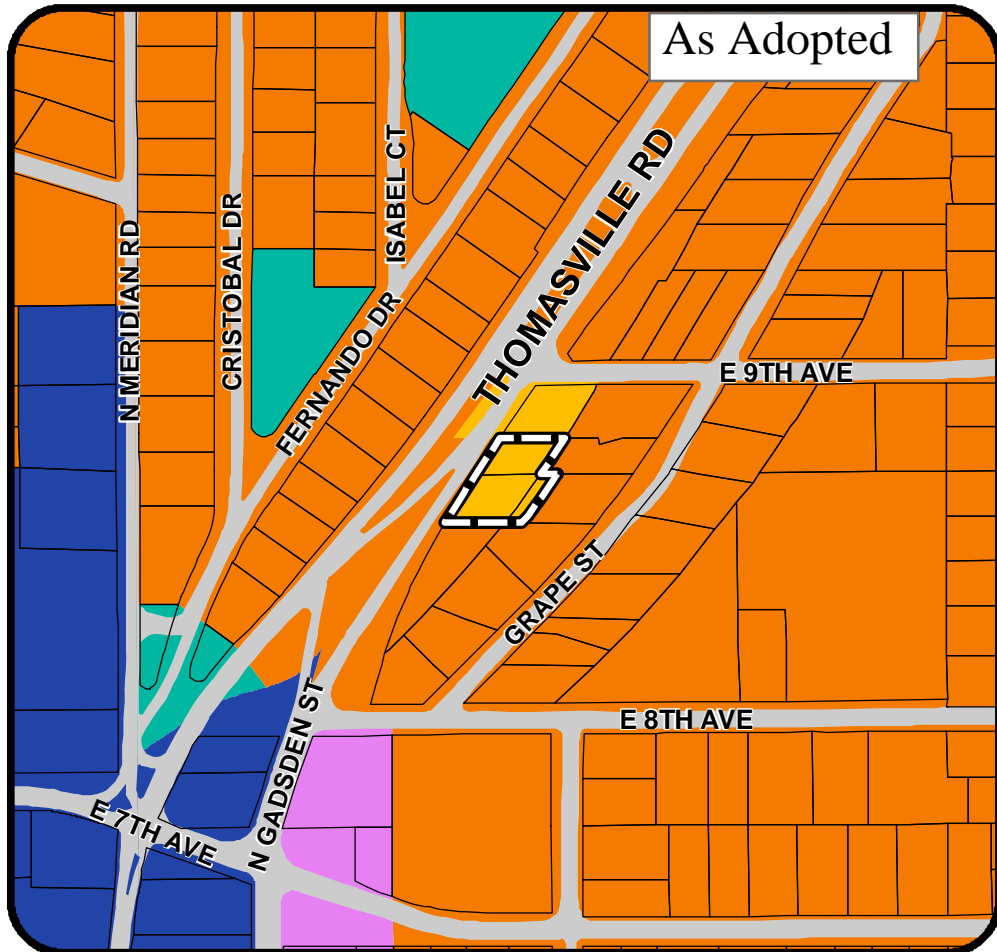
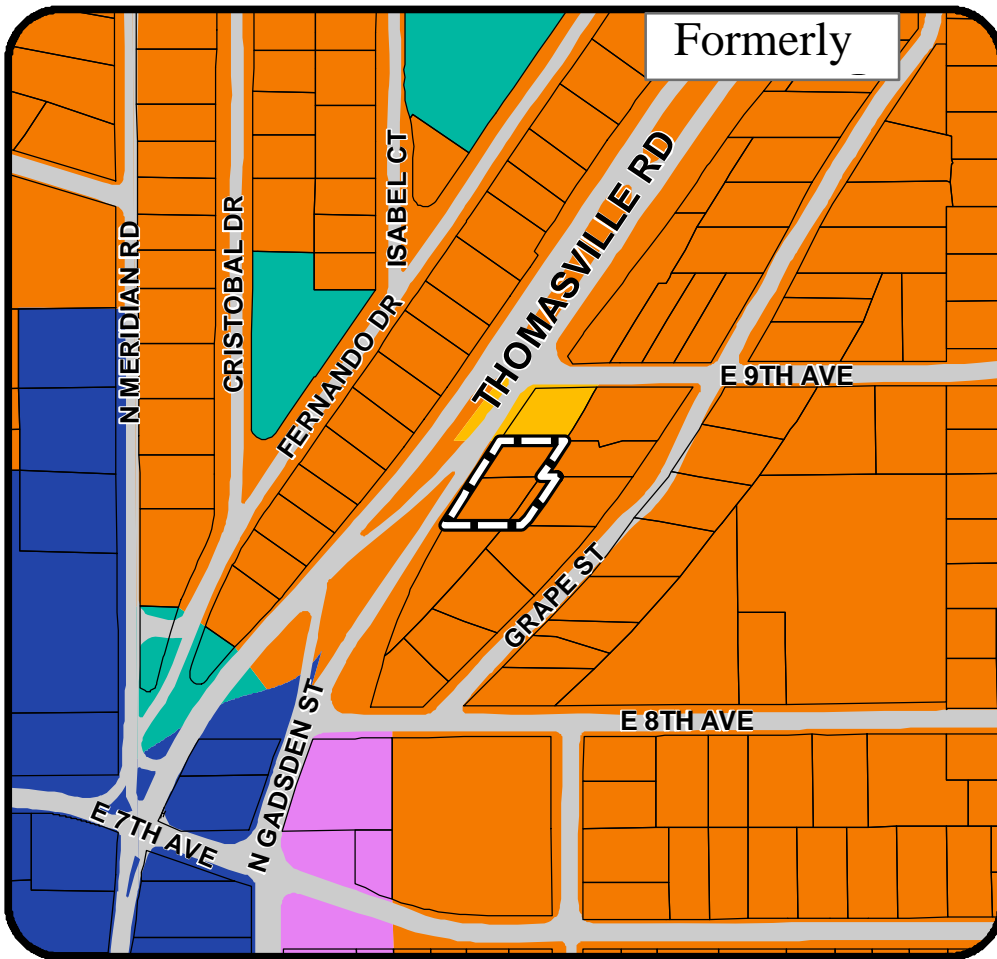
0.4 Acres

From: Residential Preservation
To: Neighborhood Boundary

Applicant: *City of Tallahassee* **Owner:** *Marshall Cassedy Jr.*



Request: “Residential Preservation” to “Neighborhood Boundary” on two adjoining parcels and a portion of a third adjoining parcel (totaling approximately 0.4 acre) located on the east side of Thomasville Road between 8th and 9th Avenues. The area is presently developed and used for a hair salon and related parking. This amendment implements recommendations in a settlement agreement reached on September 7, 2012 between Marshall Cassedy, the City, and participating neighbors.

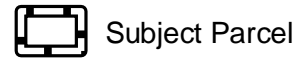
ADOPTED



Future Land Use

Legend

-  Central Urban
-  Open Space
-  Residential Preservation
-  Suburban
-  Neighborhood Boundary



Subject Parcel

**9th Avenue and
Thomasville Road
PCM130107
City of Tallahassee**

Formerly

**Residential
Preservation**

As Adopted

**Neighborhood
Boundary**



SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

Map Amendment PCT130108 Fred George and Old Bainbridge Road

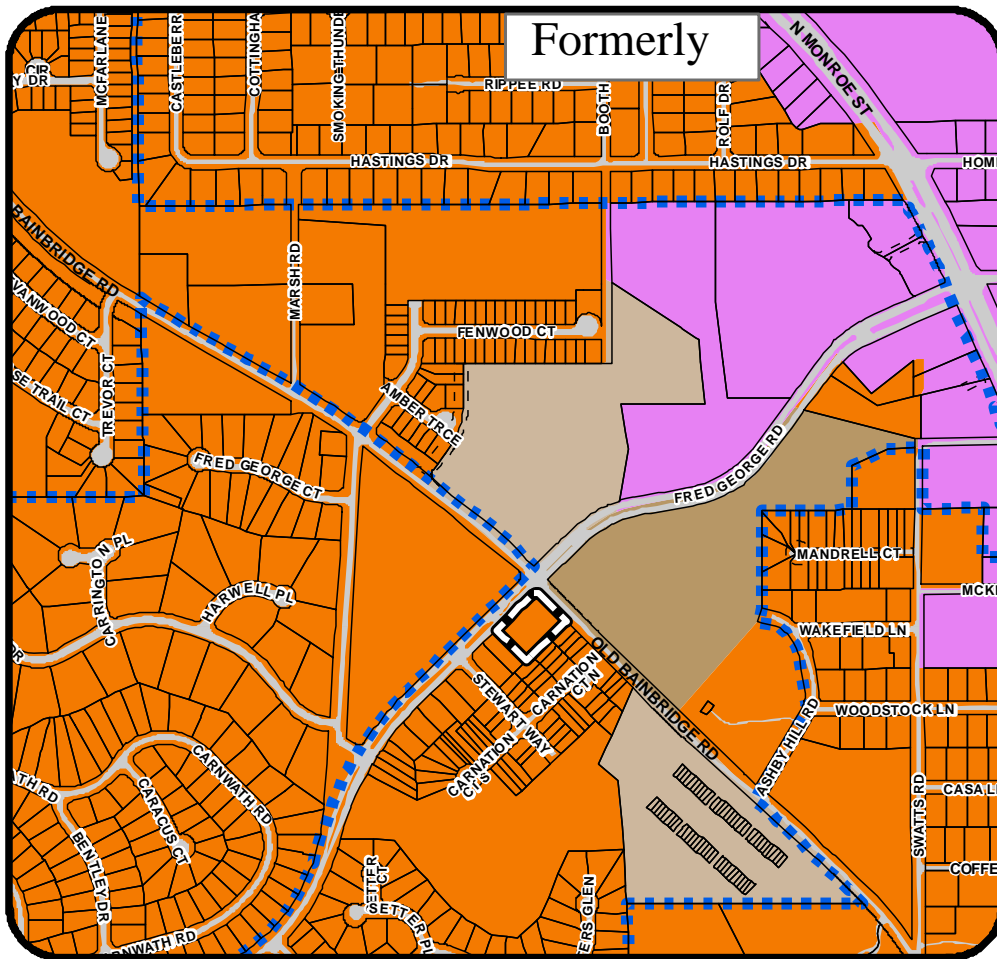
1 Acre

From: Residential Preservation
To: Suburban

Applicant: *City of Tallahassee* **Owner:** *Andrews Enterprises Inc. (Jack Buford, Agent)*





Request: “Residential Preservation” to “Suburban” for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road. This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order and the existing convenience store use of the property became a non-conforming use.

ADOPTED



Future Land Use

Legend

-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2

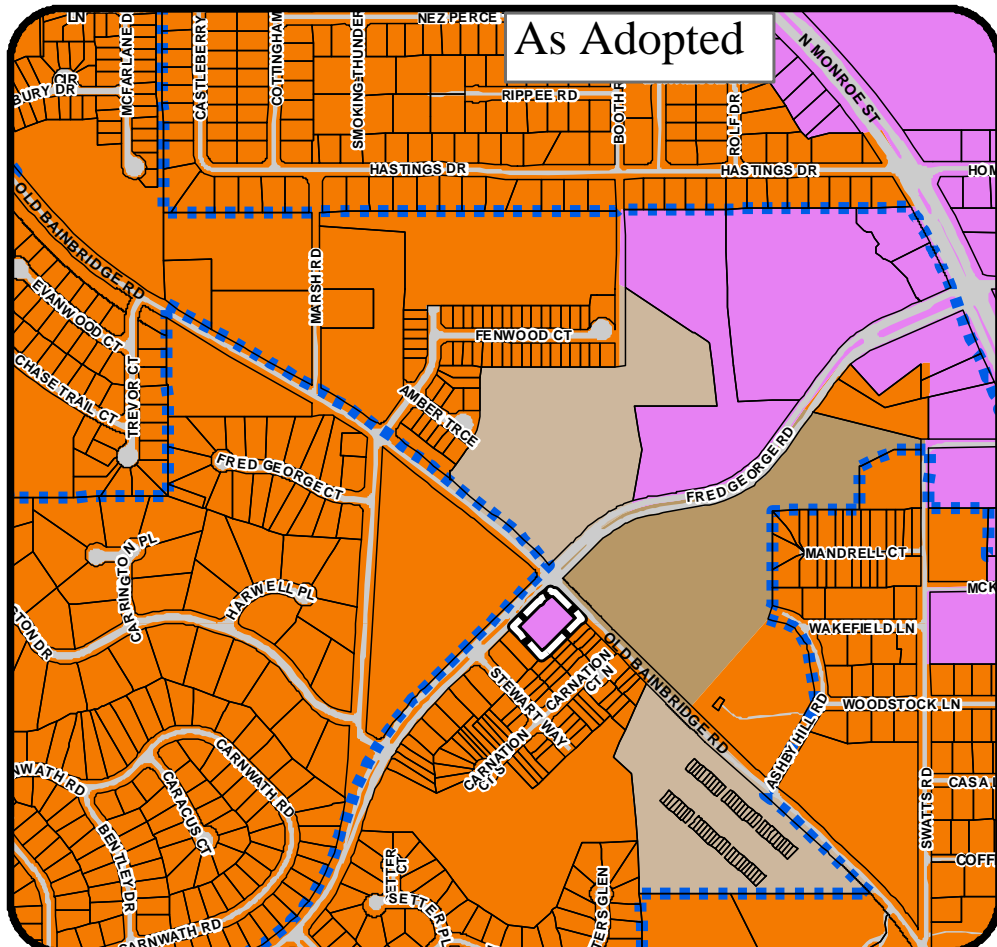
 Subject Parcel

**Fred George
and
Old Bainbridge Road
PCM130108**

City of Tallahassee

Formerly
Residential
Preservation

As Adopted
Suburban



**SITE TAX ID#
21-09-47-000-0010**

ACRES: 1.0 ±



Text Amendment PCT130109

Steep Grade Policy in Urban Service Area

Applicant: *Board of County Commissioners*

Request: The requested amendment removes the Comprehensive Plan requirement for significant and severe grade regulations inside the Urban Service Area. Requirements outside the Urban Service Area are unchanged. The amendment also provides authorization for, but does not require, some level of grade regulation in the Land Development Code that is appropriate for fostering compact urban development inside the Urban Service Area. The goals of the amendment are to provide flexibility in the protection of steep grades, help direct development and growth to inside the Urban Service Area, and further the protection of lands outside of the Urban Service Area.

ADOPTED

PCT130109 As Adopted

CONSERVATION AREAS

Policy 1.3.1: [C] ~~(City of Tallahassee)~~ *(Revision Effective 6/07/01)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as conservation areas:

- a) Altered floodplains and floodways,
- b) Altered watercourses and improved elements of the primary drainage system;
- c) Altered wetlands;
- d) Closed basins;
- e) Significant grade areas ~~(10% - 20%)~~ (only required outside of the Urban Service Area);
- f) High quality successional forests;
- g) Areas exhibiting active karst features;
- h) Designated canopy road corridors.

~~**Policy 1.3.1:** [C] (Leon County) *(Revision Effective 6/07/01)*~~

~~The following natural features shall be mapped and be included in the conservation overlay:~~

- ~~a) Altered floodplains and floodways;~~
- ~~b) Altered watercourses and improved elements of the primary drainage system;~~
- ~~c) Altered wetlands;~~
- ~~d) Closed basins;~~
- ~~e) Significant grade areas (10%—20%);~~
- ~~f) High quality successional forests;~~
- ~~g) Areas exhibiting active karst features;~~
- ~~h) Designated canopy road corridors.~~

Policy 1.3.2: [C] *(Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10)* **City of Tallahassee Only**

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Conservation area development criteria are as follows:

- a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

- b) **Altered watercourses and improved elements of the primary drainage system**—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.
- c) **Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
- d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.
- e) **Significant grade areas (10-20%)**- The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man-made slopes.~~

Areas outside the Urban Service Area shall be regulated by this policy and ~~D~~development will be allowed at a density reflective of the density permitted by the existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done:

- (1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
- (2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
- (3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
- (4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate;
 - ~~(a) Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~
- (5) ~~In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
 - ~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
 - ~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
 - ~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~

- ~~-(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~
- ~~-(e) The significant grades on site are not necessary for buffering other preservation areas or conservation areas on site or on adjoining parcels; and~~
- ~~-(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. (Effective 7/1/04)~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 (Effective 6/07/01)~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

- f) High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.
- g) Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:
 - (1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;
 - (2) Discharge rate and volume shall not exceed predevelopment rate and volume;
 - (3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;
 - (4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.
- h) Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:
 - (1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
 - (a) Clearing in the canopy road zone will be kept to a minimum.
 - (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
 - (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.
 - (2) Any part of the canopy road zone that is cleared or has trees removed from it must be

- widened by the same amount that was removed;
- (3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;
 - (4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

Conservation Areas Summary Chart (City of Tallahassee) (Revision Adopted 1/7/10)

	<u>Transfer</u>	<u>Develop</u>
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use unless (6)*	Density per land use if (3)* or 1 unit per acre unless (6)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

*footnotes (1) Provided it does not increase flow or displace volume.

(2) There must be sufficient stormwater capacity within the closed basin.

(3) Provided:

- a) Topographical changes are minimized.
- b) 50% of grade left undisturbed (or under approved vegetation management plan)
- c) Small areas of severe grades within significant grades may be treated as significant grades.

(4) Provided development is clustered and there is no more than 20% disturbance of the site.

(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.

(6) ~~Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)~~ The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

Policy 1.3.2: [C] (Revision Effective 6/07/01; Revision Effective 7/26/06) Leon County Only

~~Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting.~~

~~Conservation area development criteria are as follows:~~

- ~~a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~
- ~~b) **Altered watercourses and improved elements of the primary drainage system**—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~
- ~~c) **Altered Wetlands (City of Tallahassee Only)**—May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.~~
- ~~d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.~~
- ~~e) **Significant grade areas (10-20%)**—The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man-made slopes.~~

~~Development will be allowed at a density reflective of the density permitted by the existing land use category. Development will be permitted provided the following are done:~~

- ~~(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.~~
- ~~(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~
- ~~(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.~~
- ~~(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate; and will contain specific conditions~~

~~under which additional development with greater than 50% impact can be granted in significant grade areas within the urban service area to:~~

- ~~a. Encourage urban infill in the urban core (see urban core map);~~
~~or~~
- ~~b. Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 [C]. (Effective 6/07/01)~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

~~**f) High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.~~

~~**g) Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:~~

- ~~(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;~~
- ~~(2) Discharge rate and volume shall not exceed predevelopment rate and volume;~~
- ~~(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;~~
- ~~(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.~~

~~**h) Designated canopy roads** (Revision Effective 6/28/02) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~

- ~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
 - ~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
 - ~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~~~

- ~~(c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.~~
- ~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~
- ~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~
- ~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

Conservation Areas Summary (Leon County)

	<u>Transfer</u>	<u>Develop</u>
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm water treatment facility if wetlands are degraded**
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (10-20%)	Density per land use	Density per land use if (3)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

*footnotes—(1) Provided it does not increase flow or displace volume.
 (2) There must be sufficient stormwater capacity within the closed basin.
 (3) Provided:
 a) Topographical changes are minimized.
 b) 50% of grade left undisturbed (or under approved vegetation management plan)
 c) Additional flexibility available through the LDRs for urban core and high wage employment.
 d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)
 (4) Provided development is clustered and there is no more than 20% disturbance of the site.
 (5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.

~~** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
Policy 1.3.3: [C] (City of Tallahassee Only) (Effective 7/26/06; Revision Effective 1/7/10)~~

~~When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on site is preferable. Land development regulations shall be developed that permit off-site mitigation for significant grades on properties within or adjoining Capital Circle, south of Interstate 10 that meet the criteria set forth in the Conservation Element. Density transfer shall be within the parcel; no off-site transfer of density is permitted except as provided for in Policy 1.3.13 [C] of this element. Transfer of development density to non-environmentally sensitive areas on site will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer and off-site mitigation is not available or used, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located. In order to allow development to reach their maximum density, development within the Downtown Overlay shall be exempt from the significant and severe slope requirements established within the conservation overlay.~~

~~**Policy 1.3.3: [C]** (Leon County Only) (Effective 7/26/06)~~

In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.

PRESERVATION AREAS

~~**Policy 1.3.4: [C]** (City of Tallahassee only) * (Revision Effective 12/10/91; Renumbered Eff. 7/26/06)~~

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as preservation areas:

- a) Wetlands and waterbodies and water courses;
- b) Severe grades over 20% ([only required outside of the Urban Service Area](#));
- c) Native forests;
- d) Undisturbed/undeveloped 100 year floodplain; and
- e) Areas of environmental significance
- f) Habitats of endangered, threatened and species of special concern.

~~**Policy 1.3.5:** [C] (Leon County only) * (Revision Effective 12/10/91; Renumbered Effective 7/26/06)~~

~~The following natural features shall be mapped and be included in the preservation overlay~~

- ~~a) Wetlands and waterbodies and water courses;~~
- ~~b) Severe grades over 20%;~~
- ~~c) Native forests;~~
- ~~d) Undisturbed/undeveloped 100 year floodplain; and~~
- ~~e) Areas of environmental significance~~
- ~~f) Habitats of endangered, threatened and species of special concern.~~

~~* See Explanation of Environmental Overlays in Land Use Element~~

Policy 1.3.6: [C] (Revision Effective 12/7/99; Revision Effective 7/26/06)

Development approval within the preservation ~~overlay districts~~ areas shall be restricted to extremely low density and intensity type projects due to the environmental constraints present. Alteration due to development would result in destruction or severe degradation of the natural resource function. As a result, these areas are unsuitable for all but extremely low-density development for one or more of the following reasons:

- (1) To prevent degradation of water quality.
- (2) To prevent degradation of freshwater storage capabilities.
- (3) To prevent the degradation of biological productivity.
- (4) To prevent damage to property and loss of life due to flooding.
- (5) To prevent degradation of the viability and diversity of native plants and animals and their habitats.
- (6) To assure the conservation of irretrievable or irreversible resources.

Preservation areas development criteria are as follows

Preservation Areas

	<u>Transfer</u>	<u>Develop</u>
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
Severe grades <u>(only required outside of the Urban Service Area)</u>	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres
Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

* Footnote: Any portion of a site within a water body, which is also a preservation area, shall be excluded when calculating a transfer.

***Footnote: When an area of significant grades contains within its boundaries small fragments of severe grades, the criteria for development within significant grades may be authorized. (Effective 6/07/01)*

Policy 1.3.7: [C] (*Revision Effective 9/19/99; Renumbered Effective 7/26/06*) **Leon County Only**

Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation areas shall be the preferred option and shall be implemented through the use of density incentives to be applied on-site.

Policy 1.3.8: [C] (*Revision Effective 7/1/04; Renumbered Effective 7/26/06*) **City of Tallahassee Only**

~~Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation features shall be the preferred option except where the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected, and shall be implemented through the use of density incentives to be applied on-site.~~

...

Policy 1.3.12: [C] (*Effective 9/19/91; Renumbered Effective 7/26/06*) **Leon County Only**

When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted.

Policy 1.3.13: [C] (*Revision Effective 7/1/04; Renumbered Effective 7/26/06*) **City of Tallahassee Only**

~~When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected.~~

Policy 1.3.14: [C] (*Effective 7/1/04; Renumbered Effective 7/26/06*) **City of Tallahassee Only**

~~Environmental and ecological services shall be taken to include habitat, nutrient uptake, carbon sequestration, flood detention, water storage, and related function. Without measures to ensure their continued delivery, off-site mitigation may result in a net loss of such services and their economic contribution to the community. Consequently, the hierarchy of preferred development strategies shall be as follows:~~

- ~~(1) Design development to be compatible with conservation and preservation features on site (No mitigation required).~~
- ~~(2) Design development to avoid, or minimize or ameliorate impacts to conservation and preservation features on site (On-site mitigation).~~
- ~~(3) Local government may adopt land development regulations that provide an off-site mitigation option for properties in certain locations that contain significant grades greater than a certain size or percentage of the parent tract. Such off-site mitigation may be employed in cases where an applicant demonstrates that neither (1) nor (2) can be realistically achieved by design subject to existing zoning and environmental permitting requirements (Off-site mitigation).~~

PCT130109

- ~~a) In no instance shall the off-site mitigation option be employed where the subject area adjoins other conservation or preservation features and the environmental services collectively provided would be measurably diminished.~~
- ~~b) In all instances, employment of the off-site mitigation option shall preclude the use of site design alternatives that reduce the percentage of the site dedicated to landscaping or natural area preservation.~~
- ~~c) Pursuant to policies or programs to improve the quality of receiving waters, including Surface Water Improvement and Management (SWIM) Plans, Total Maximum Daily Loads (TMDLs), Stormwater Pollutant Reduction Programs, and Lake Management or Action Plans, local government may establish stricter standards for stormwater treatment for sites employing off-site mitigation.~~

Policy 1.3.15: [C] (Effective 7/1/04; Renumbered Effective 74/26/06) **City of Tallahassee Only**

~~Local government recognizes that the design of a site is in part an economic decision, and that offsite mitigation may be accomplished by several means. Consequently, the preferred hierarchy of off-site mitigation strategies for significant grades shall be as follows:~~

- ~~(1) Participation in a mitigation bank established within the same major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
- ~~(2) Participation in a mitigation bank established in another major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
- ~~(3) Via conservation easement or similar instrument, bona fide preservation and management on other property owned or to be acquired by the applicant equal to twice (two times) the acreage of significant grades on-site to be mitigated.~~
- ~~(4) Fees in Lieu provided to Local Government to acquire and manage property to compensate for the loss of environmental services provided by significant grades, plus a stormwater management surcharge to compensate for within drainage basin impacts attributable to the loss of significant grades.~~

Text Amendment PCT130110 Updating Environmental Definitions

Applicant: *Planning Department*

Request: This is a request to amend the Glossary of the Comprehensive Plan to update environmental definitions that were recently amended in the City and County Code as part of the Countywide Minimum Environmental Standards project. These changes will avoid confusion between the definitions included in the City and County Code and the definitions in the Comprehensive Plan.

ADOPTED

PCT130110 As Adopted

GLOSSARY

HIGH QUALITY SUCCESSIONAL FOREST: *(Rev. Effective 12/10/91) (City of Tallahassee only)*

High quality successional forest ~~is an early stage in natural community development characterized by an ability to provide wildlife habitat and within which natural community type species are present in such numbers, size, and diversity that succession is toward a recognizable mature natural community.~~ shall mean a medium quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. A medium quality natural community generally possesses the following characteristics:

- 1) The floristic composition contains many of the more common species typical of the natural community type, although most rare species are absent;
- 2) The community may contain invasive exotic plants that could be controlled through management;
- 3) The community has likely had some past disturbance, but not to the extent that the potential for recovery or restoration to a high quality natural community is significantly impaired (unauthorized activities in high quality successional forest areas resulting in a violation of the ordinances will not be excluded from protection as such).

~~**HIGH QUALITY SUCCESSIONAL FOREST:** *(Effective 7/16/90) (Leon County only)* High quality successional forest is a community of mixed or single species of trees and understory vegetation with both mature and immature trees, comprised of a mix of age classes that does or would support an abundance of wildlife.~~

~~**NATIVE FOREST:** *(Rev. Effective 12/10/91) (City of Tallahassee only)* A vegetative community (1) dominated by native species, including trees, understory vegetation and wildlife, and (2) structured as a forest type described in the Florida Natural Areas Inventory publication, "Guide to Natural Communities of Florida." Historical disturbance may have occurred but has not destroyed or prevented re-establishment of the community. Standard professional measures will be used to evaluate the quality of the subject area along with other biological and physical factors that may be evident.~~

~~**NATIVE FOREST:** *(Effective 7/16/90) (Leon County only)* A community of vegetation, including trees, understory vegetation and associated wildlife that were present in Leon County prior to European settlement.~~

Native forest shall mean a high quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." A high quality natural community generally possesses the following characteristics:

- 1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
- 2) The community may contain invasive exotic plants that could be controlled through management;
- 3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

WETLAND *(Revision Effective 6/28/02):* Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does ~~or would support, at least periodically,~~ a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as

PCT130110

hydric or alluvial, or possess characteristics that are associated with reduced soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soils conditions described in this definition above. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

Text Amendment PCT130111

Cleanup of Policies 1.1.10 [M] and 2.1.8 [LU]

Applicant: *Planning Department*

Request: This is a request to amend the Mobility Element and the Land Use Element. The amendment updates and removes outdated language in Policy 1.1.10 [M] and Policy 2.1.8 [L] and correctly identifies the policy guidance to receive a density bonus in the Mobility District (Multi-Modal Transportation District).

ADOPTED

PCT130111 As Adopted

Policy 1.1.10 [M]

MMTD Residential Density Bonus. In order to increase redevelopment and infill development, residential densities within the MMTD may be increased up to 35% above the maximum allowed in the Residential Densities Range Table. This bonus shall not apply to lands designated Residential Preservation. Further bonuses may be applied to the Downtown. Eligibility criteria for these bonuses will be established within the land development regulations and shall include design standards facilitating pedestrian oriented site and building design with enhanced pedestrian access and amenities, urban scale development, innovative parking strategies, integrated mix of land uses, and other urban design features. ~~In areas designated Central Core on the Future Land Use Map, any development with density of more than 10 dwelling units per acre shall be consistent with these design standards subject to further clarification in the Land Development Code.~~

Policy 2.1.8: [L] (Revision Effective 7/26/06; Revision Effective 1/7/10)

Maintain a viable mix of available residential densities to accommodate a variety of housing types. Current residential densities are summarized below:

RESIDENTIAL DENSITIES RANGE (Revision Effective 12/15/11)

Future Land Use Category	Maximum Gross Density - Dwelling Units (DU)/Acre (Ac)¹	Minimum Gross Density Dwelling Units (DU)/Acre (Ac)
Rural	1 DU/10 Ac	No minimum
Urban Fringe	1 DU/3 Ac (standard) or 1DU/3 Ac (Conservation subdivision)	No minimum
Urban Residential	10 DU/AC	4 DU/Ac
Urban Residential 2	20 DU/Ac²	No minimum
Village Mixed Use	20 DU/Ac²	No minimum
Suburban	20 DU/Ac²	No minimum
Planned Development	20 DU/Ac²	No minimum
Bradfordville Mixed Use²	20 DU/Ac	No minimum
Central Urban^{2,3,4}	45 DU/Ac	No minimum
Activity Center^{2,3}	45 DU/Ac	No minimum
University Transition^{2,3,4}	50 DU/Ac	No minimum
Central Core^{2,3,4} (Eff. 1/7/10)	150 DU/Ac (Eff. 1/19/02)	No minimum
Rural Community	4 DU/Ac	No minimum
Residential Preservation²	6 DU/Ac	No minimum
Lake Talquin Recreation/Urban Fringe^{5,4}	1 DU/3 Ac (standard)	No minimum
Lake Protection^{5,4}	1 DU/2 Ac (standard)	No minimum

Notes:

¹ Maximum gross density is based on the gross acreage of the site and may not be achievable after addressing applicable land development regulations (e.g., parking, stormwater, and other regulations that may limit maximum development potential).

² Density ranges can be increased up to 25% above the maximum limits listed above for the purpose of providing affordable housing units, consistent with Policy 2.1.14 [LU].

³ Density ranges can be increased up to 35% above the maximum limits listed above for the purpose of encouraging infill development and redevelopment, consistent with ~~Policy 12.2.2 [L]. (Effective 1/19/02)~~
[Mobility Element Policy 1.1.10 \[ME\]. \(Effective 12/15/11\)](#)

~~⁴ In areas designated Central Core, University Transition and Central Urban on the Future Land Use Map, any development with density of more than 50 dwelling units per acre must be subject to the design standards identified in Policy 12.2.2 [LU]. (Effective 1/19/02; Rev. Effective 1/7/10)~~

⁵⁻⁴ Clustering Option Available

Policy 2.2.10 [L]

CENTRAL CORE (Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)

The current Central Core of Tallahassee has a strong government presence. However, the character of this area has changed since 2002 to a more mixed use center with new office, commercial, retail and residential uses. The Central Core of Tallahassee is intended to expand into a vibrant 18-hour urban activity center with quality development. The emphasis in this area is intended to shift from cars to pedestrian, bike and transit modes of transportation. The development regulations within the Central Core area have to be amended to allow for a more urban kind of development where the primary emphasis is on pedestrian, bike and transit modes of transportation. The Central Core area is within the Downtown Overlay. The City of Tallahassee intends to promote mix of uses and higher densities and intensities within its Central core, while promoting multiple modes of transportation. The City shall establish Design Guidelines for this area in order to allow for more mixed use, pedestrian, bike and transit oriented development. Residential development may be permitted up to 150 units per acre. Any development with density of more than 10 dwelling units per acre shall be consistent with the design standards identified in Policy ~~2.1.5 [T]~~ [1.1.10 \[M\]](#) subject to further clarification in the Land Development Code.

The future expansion of the Central Core FLUM will be limited to only those parcels within the Downtown Overlay District when:

- The proposed parcels are contiguous to existing central core FLUM area;
- The proposed parcel has all the infrastructure available;
- The proposed parcel has to exhibit a need for the expansion (eg: parcel of sufficient size not available in the Central Core FLUM for the proposed development).

Text Amendment PCT130112 Addition of Paul Russell Road Extension to Future Right of Way Needs Map

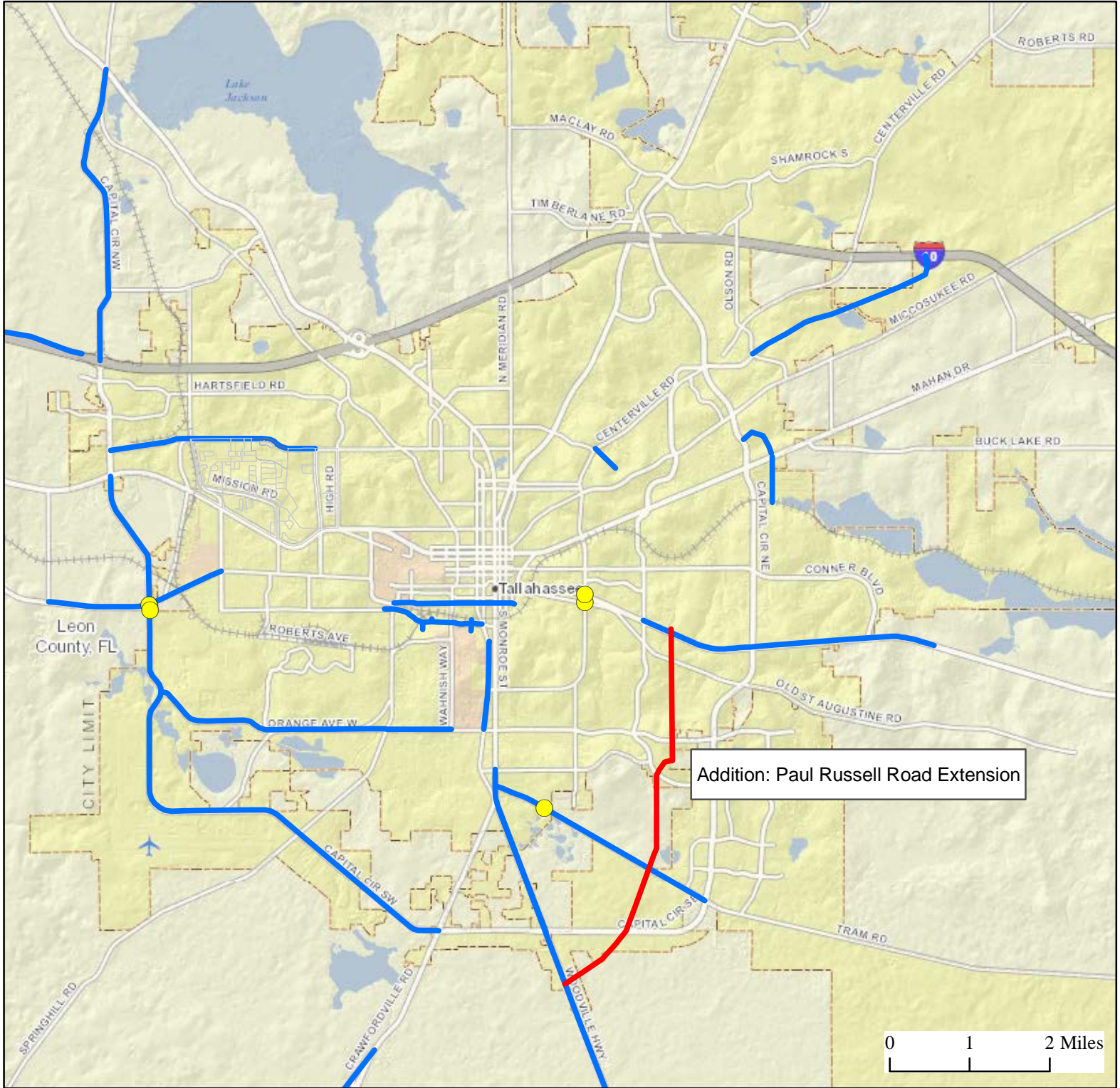
Applicant: *Planning Department*

Request: This is a request to amend the Mobility Element. The amendment places the Paul Russell Road extension back on the Future Right-of-Way Needs Map. The roadway extension was previously included on the map, however during the 2011-1 amendment cycle it was removed until such time as the English property was ready for development. The proposed Paul Russell Road extension bisects the English property. In the interim, owners of the English property have moved forward with development proposals for the property, as such, the Planning Department is requesting that the roadway extension be added back to the Future Right-of-Way Needs Map.

ADOPTED

PCT130112 As Adopted

FUTURE RIGHT-OF WAY NEEDS MAP



Project Type

- Paul Russell Road Extension
- Roadway Projects
- Transportation Systems Management



Tallahassee-Leon County
Planning Department
19 December 2012

Text Amendment PCT130113 Welaunee Plantation Access from Thornton Road

Applicant: *City of Tallahassee Commission*

Request: This is a request to amend the Welaunee Critical Area Plan in the Land Use Element. The amendment would modify Policy 13.1.4 to change the allowed roadway access to the Welaunee Toe via Miccosukee Road from a crossing of the Miccosukee Canopy Road Greenway at Arendell Way to a crossing at Thornton Road. The amendment will be subject to state approval of a proposed land exchange to allow for the alternative crossing of the Greenway at Thornton Road.

ADOPTED

(See City Ordinance 13-O-18 and County Ordinance 13-12)

PCT130113 As Adopted

WELAUNEE CRITICAL AREA PLAN

Land Use Goal 13 (Effective 12/10/02)

Guide planned development within the Welaunee Critical Planning Area through implementation of a critical area plan which includes a mixture of integrated land uses that are predominantly self-supporting rather than dependent upon public funding, places a greater emphasis on pedestrian mobility and transportation alternatives, provides new employment opportunities near major transportation arteries and protects natural systems in an urbanized setting.

...

Policy 13.1.4: Transportation (Effective 12/10/02; Revision Effective 7/20/05)

...

- (2) The following transportation guidelines shall apply in the Toe as established in PUD Concept Plans and shown in Figure 13-3:

...

- (B) Road access to the Toe from Miccosukee Road shall occur only within ~~the existing~~approved road access ~~easements~~corridors across the Miccosukee Canopy Road Greenway at ~~Arendell Way~~Thornton Road, ~~and~~ Edenfield Road. ~~In addition, road access to the Toe from Miccosukee Road at~~ and Dempsey Mayo. ~~within the existing road access easement may be approved in a PUD Concept Plan if it is determined by the local government with jurisdiction, based on analysis, that such a connection would have a desirable impact on the Miccosukee Canopy Road.~~ All impacts to the canopy road protection zone from such access roads shall be minimized.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 5, 2013

Mr. Bob Inzer
Clerk of the Circuit and County Courts
Leon County
Post Office Box 726
Tallahassee, Florida 32303

Attention: Rebecca L. Vause, Deputy Clerk

Dear Mr. Inzer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 5, 2013 and certified copies of Leon County Ordinance Nos. 13-11 through 13-14, which were filed in this office on June 5, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

RECEIVED
13 JUN -5 PM 1:04
FINANCE DIVISION
BOB INZER
CLERK CIRCUIT COURT

ORDINANCE NO. 13- 11

1
2
3 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
4 **LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-**
5 **LEON COUNTY COMPREHENSIVE PLAN; ADOPTING**
6 **AMENDMENTS TO THE FUTURE LAND USE MAP, CONSERVATION**
7 **ELEMENT, GLOSSARY, MOBILITY ELEMENT AND LAND USE**
8 **ELEMENT, AND LAND USE ELEMENT; PROVIDING FOR**
9 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A**
10 **COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY**
11 **PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE**
12 **DATE.**

13
14 WHEREAS, Chapters 125 and 163, Florida Statutes, empowers the Board of County
15 Commissioners of the County of Leon to prepare and enforce comprehensive plans for the
16 development of the County; and

17 WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local
18 Government Comprehensive Planning and Land Development Regulation Act, empowers and
19 requires the Board of County Commissioners of the County of Leon to (a) plan for the county's
20 future development and growth; (b) adopt and amend comprehensive plans, or elements or
21 portions thereof, to guide the future growth and development of the county; (c) implement
22 adopted or amended comprehensive plans by the adoption of appropriate land development
23 regulations; and (d) establish, support, and maintain administrative instruments and procedures
24 to carry out the provisions and purposes of the Act; and

25 WHEREAS, Ordinance 90-30 was enacted on July 16, 1990, to adopt the Tallahassee-
26 Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City
27 of Tallahassee also adopted a plan for its municipal area by separate ordinance; and

28 WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is
29 now 2030 and the Comprehensive Plan is now known as the Tallahassee-Leon County 2030
30 Comprehensive Plan pursuant to the latest Evaluation and Appraisal Report; and

31 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
32 Commissioners of the County of Leon has held several public work sessions, public meetings,

1 and public hearings on proposed amendments to the comprehensive plan, with due public notice
2 having been provided, to obtain public comment, and has considered all written and oral
3 comments received during said work sessions, public meetings and public hearings; and

4 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
5 Commissioners of the County of Leon transmitted copies of the proposed amendments of the
6 comprehensive plan to the Department of Community Affairs as the State Land Planning Agency
7 and other state and regional agencies for written comment, and transmitted one copy to each of
8 the local government or governmental agencies in the State of Florida having filed with the
9 County of Leon a request for a copy of the amended version of the comprehensive plan; and

10 WHEREAS, the Department of Community Affairs transmitted its Objections,
11 Recommendations, and Comments Report on the amended version of the comprehensive plan;
12 and

13 WHEREAS, the amendments to the comprehensive plan were reviewed in view of the
14 Objections, Recommendations, and Comments Report by the Department of Community Affairs;
15 and

16 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
17 Commissioners of the County of Leon held a public hearing with due public notice having been
18 provided on these amendments to the comprehensive plan; and

19 WHEREAS, the Board of County Commissioners of the County of Leon further
20 considered all oral and written comments received during such public hearing, including the data
21 collection and analyses packages, the recommendations of the Tallahassee-Leon County Local
22 Planning Agency, and the Objections, Recommendations, and Comments Report of the
23 Department of Community Affairs; and

24 WHEREAS, in exercise of its authority, the Board of County Commissioners of the
25 County of Leon has determined it necessary and desirable to adopt these amendments to the
26 comprehensive plan to preserve and enhance present advantages; encourage the most appropriate

F13-00017

1 use of land, water and resources, consistent with the public interest; overcome present handicaps;
2 and deal effectively with future problems that may result from the use and development of land
3 within Leon County, and to meet all requirements of law;

4 BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,
5 that:

6 **Section 1. Purpose and Intent.**

7 This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the
8 authority set out in, the Local Government Comprehensive Planning and Land Development
9 Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, as amended.

10 **Section 2. Map Amendment.**

11
12 The Ordinance does hereby adopt the following portion of the text attached hereto as
13 Exhibit “A,” and made a part hereof, as an amendment to the Tallahassee-Leon County 2030
14 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
15 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
16 following Plan element:

17 Map Amendment PCM130101, which relates to the Future Land Use Map.

18
19 **Section 3. Map Amendment.**

20 The Ordinance does hereby adopt the following portion of the text attached hereto as
21 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
22 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
23 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
24 following Plan element:

25 Map Amendment PCM130102, which relates to the Future Land Use Map.

1 **Section 4. Map Amendment.**

2 The Ordinance does hereby adopt the following portion of the text attached hereto as
3 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
4 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
5 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
6 following Plan element:

7 Map Amendment PCM130104, which relates to the Future Land Use Map.

8 **Section 5. Map Amendment.**

9 The Ordinance does hereby adopt the following portion of the text attached hereto as
10 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
11 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
12 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
13 following Plan element:

14 Map Amendment PCM130106, which relates to the Future Land Use Map.

15 **Section 6. Map Amendment.**

16 The Ordinance does hereby adopt the following portion of the text attached hereto as
17 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
18 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
19 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
20 following Plan element:

21 Map Amendment PCM130107, which relates to the Future Land Use Map.

22 **Section 7. Map Amendment.**

1 The Ordinance does hereby adopt the following portion of the text attached hereto as
2 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
3 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
4 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
5 following Plan element:

6 Map Amendment PCM130108, which relates to the Future Land Use Map.

7 **Section 8. Text Amendment.**

8 The Ordinance does hereby adopt the following portion of the text attached hereto as
9 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
10 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
11 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
12 following Plan element:

13 Text Amendment PCT130109, which relates to the Conservation Element.

14 **Section 9. Text Amendment.**

15 The Ordinance does hereby adopt the following portion of the text attached hereto as
16 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
17 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
18 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
19 following Plan element:

20 Text Amendment PCT130110, which relates to the Glossary.

21 **Section 10. Text Amendment.**

22 The Ordinance does hereby adopt the following portion of the text attached hereto as
23 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030

1 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
2 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
3 following Plan element:

4 Text Amendment PCT130111, which relates to the Mobility Element and Land Use
5 Element.

6 **Section 11. Text Amendment.**

7 The Ordinance does hereby adopt the following portion of the text attached hereto as
8 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
9 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
10 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
11 following Plan element:

12 Text Amendment PCT130112, which relates to the Land Use Element.

13 **Section 12. Applicability and Effect.**

14 The applicability and effect of this update to the 2030 Comprehensive Plan shall be as
15 provided by the Local Government Comprehensive Planning and Land Development Regulation
16 Act, Sections 163.3161 through 163.3215, Florida Statutes, this Ordinance, and shall apply to all
17 properties under the jurisdiction of Leon County.

18 **Section 13. Conflict with Other Ordinances and Codes.**

19 All ordinances or parts of ordinances of the Code of Laws of Leon County, Florida, in
20 conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

21 **Section 14. Severability.**

22 If any provision or portion of this Ordinance is declared by any court of competent
23 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
24 portions of this Ordinance shall remain in full force and effect.

1 **Section 15. Copy on File.**

2 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public,
3 a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon
4 County 2030 Comprehensive Plan and these updates thereto, shall also be located in the
5 Tallahassee-Leon County Planning Department. The Planning Director shall also make copies
6 available to the public for a reasonable publication charge.

7 **Section 16. Effective Date.**

8 The effective date of this Plan update shall be according to law and the applicable statutes
9 and regulations pertaining thereto.

10 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
11 County, Florida, this 28th day of May, 2013.

12
13 LEON COUNTY, FLORIDA



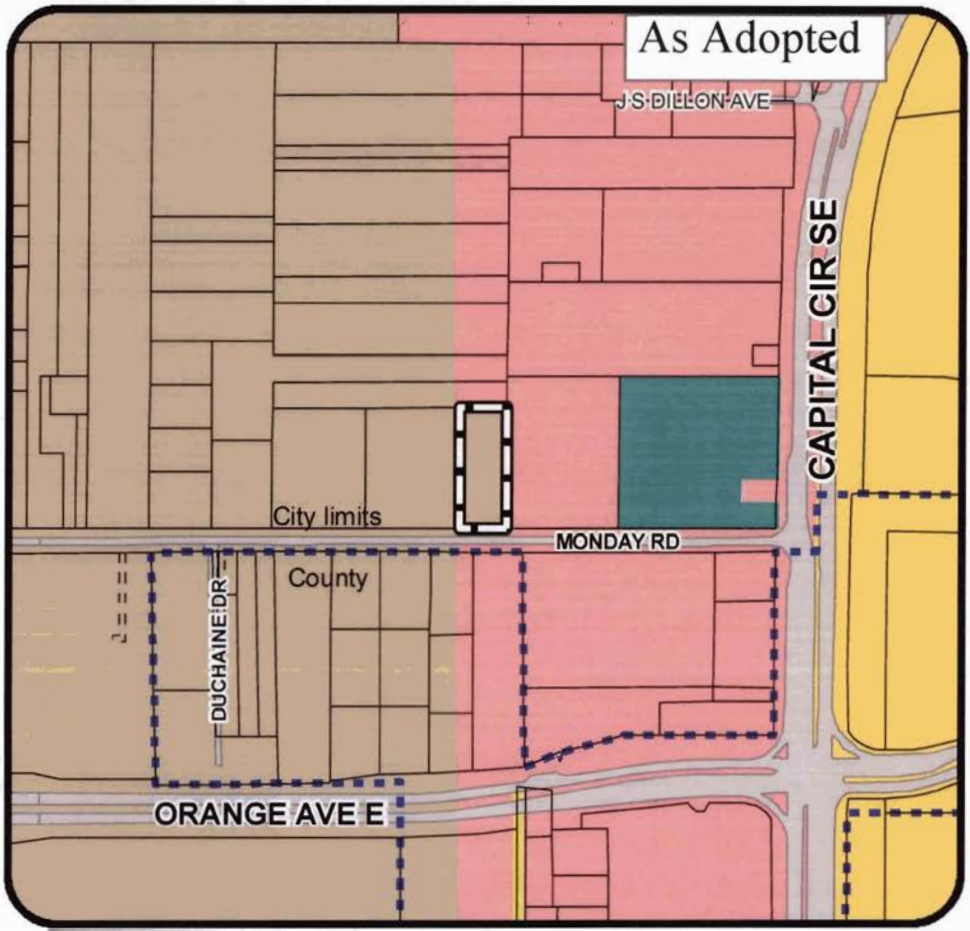
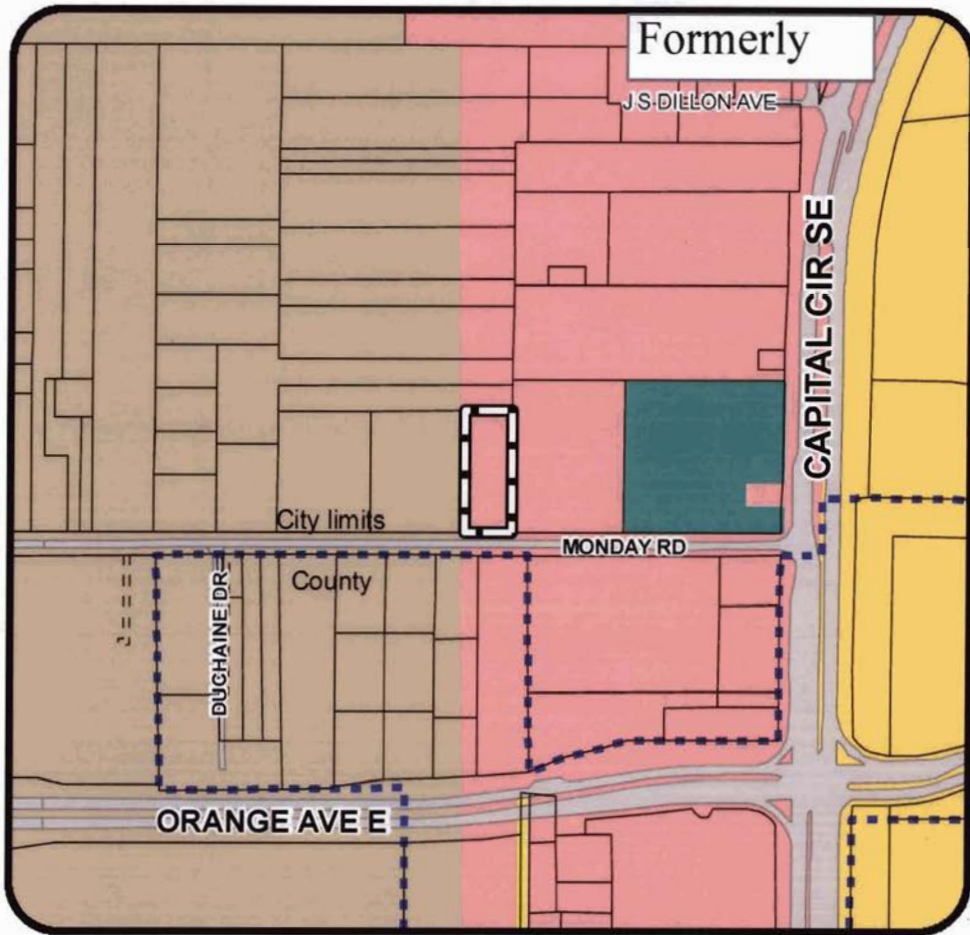
14
15
16 BY: *mil*
17 NICHOLAS MADDOX, CHAIRMAN
18 BOARD OF COUNTY COMMISSIONERS
19
20

21 ATTESTED BY:
22 BOB INZER, CLERK OF THE COURT
23

24
25 BY: *Bob Inzer*
26 CLERK
27

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

31
32
33 BY: *Herbert W.A. Thiele*
34 HERBERT W.A. THIELE, ESQ.
35 COUNTY ATTORNEY



Future Land Use

Legend

-  Activity Center
-  Governmental Operation
-  Open Space
-  Planned Development
-  Urban Residential 2
-  Subject Parcel
-  City Limits

**Monday Road near
 Capital Circle Southeast
 PCM130101**

City Of Tallahassee

**Formerly
 Activity Center**

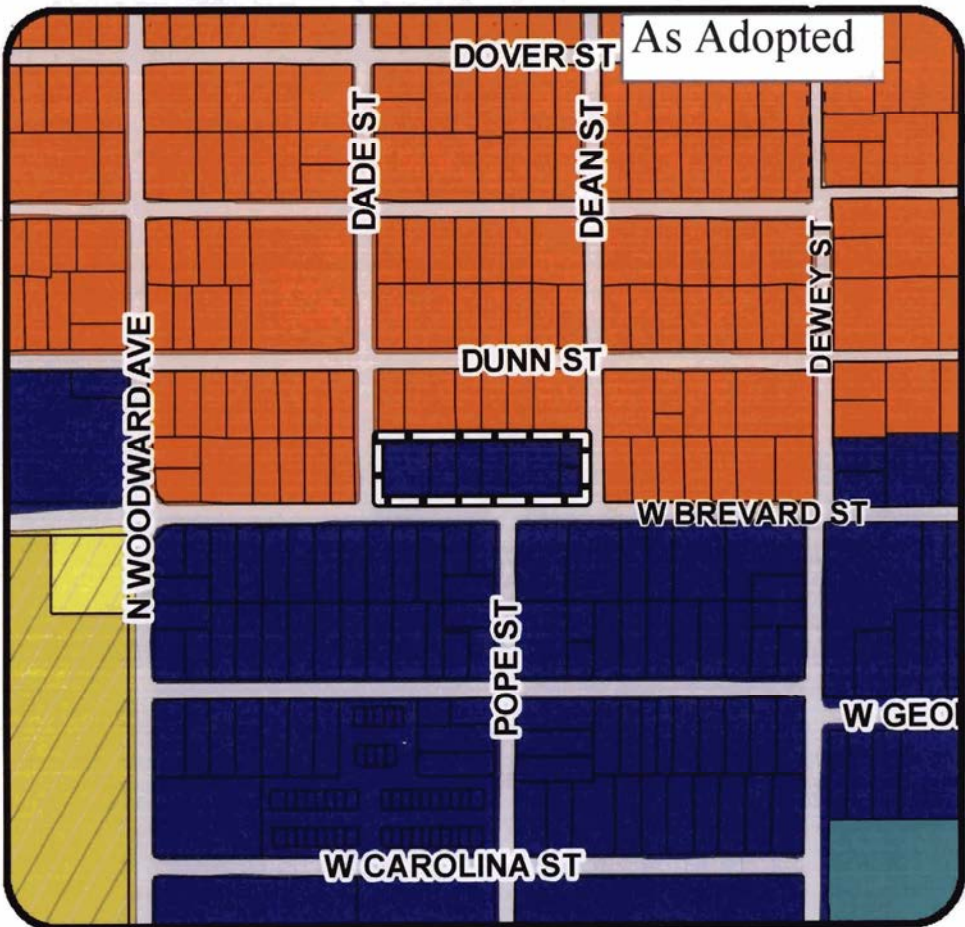
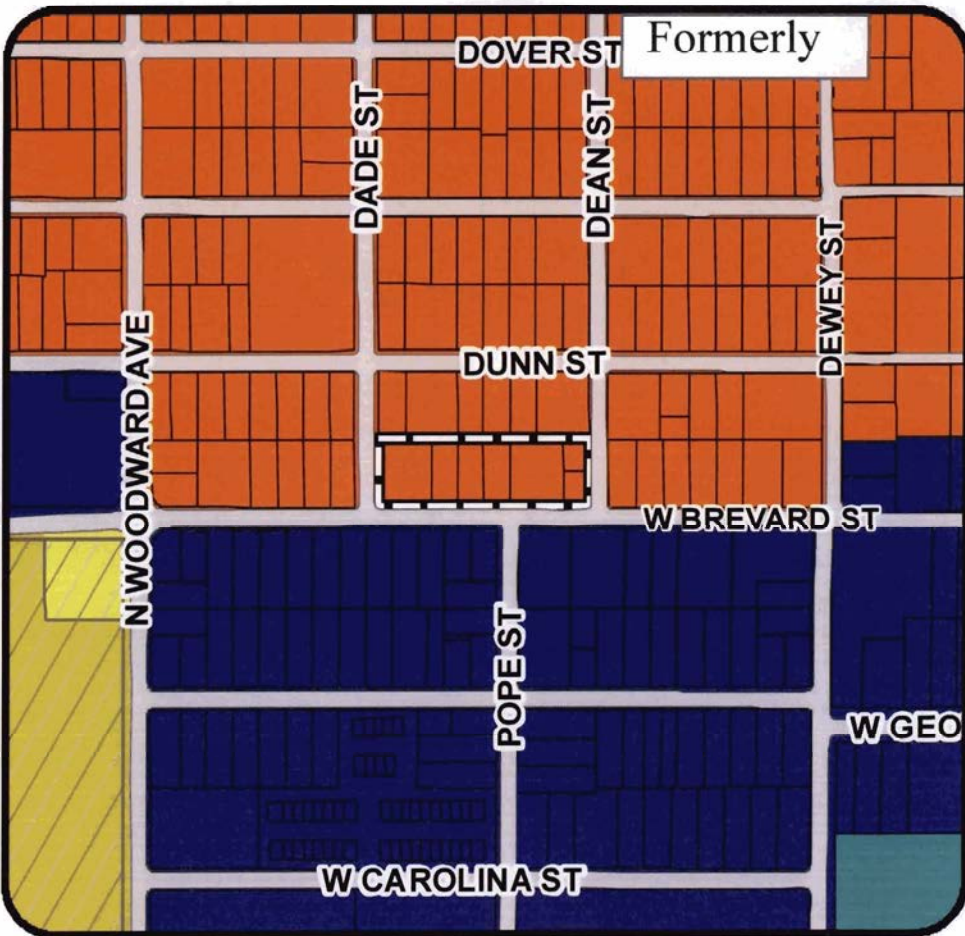
**As Adopted
 Urban Residential-2**



**SITE TAX ID:
 31-09-20-261-0000**

ACRES: 1 ±





Future Land Use

Legend

- Central Urban
- Educational Facilities
- Governmental Operation
- Open Space
- Residential Preservation
- Subject Parcel

West Brevard Street
PCM130102
Louis Chambers

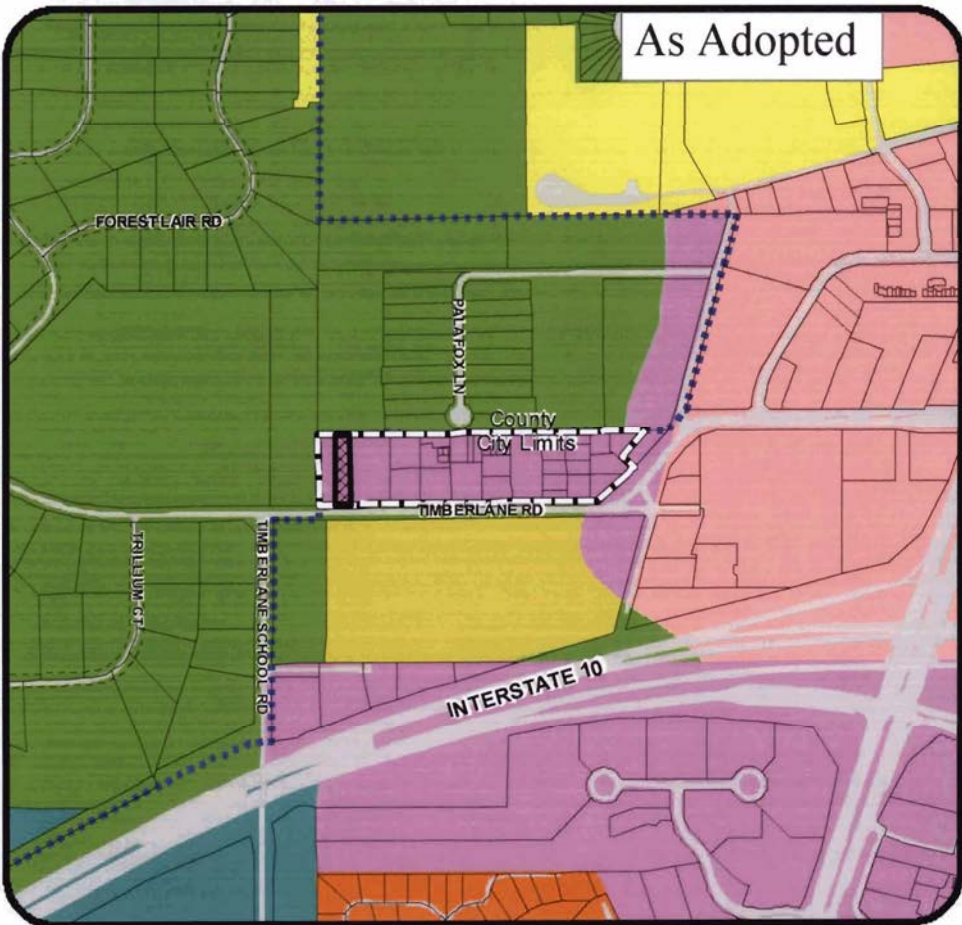
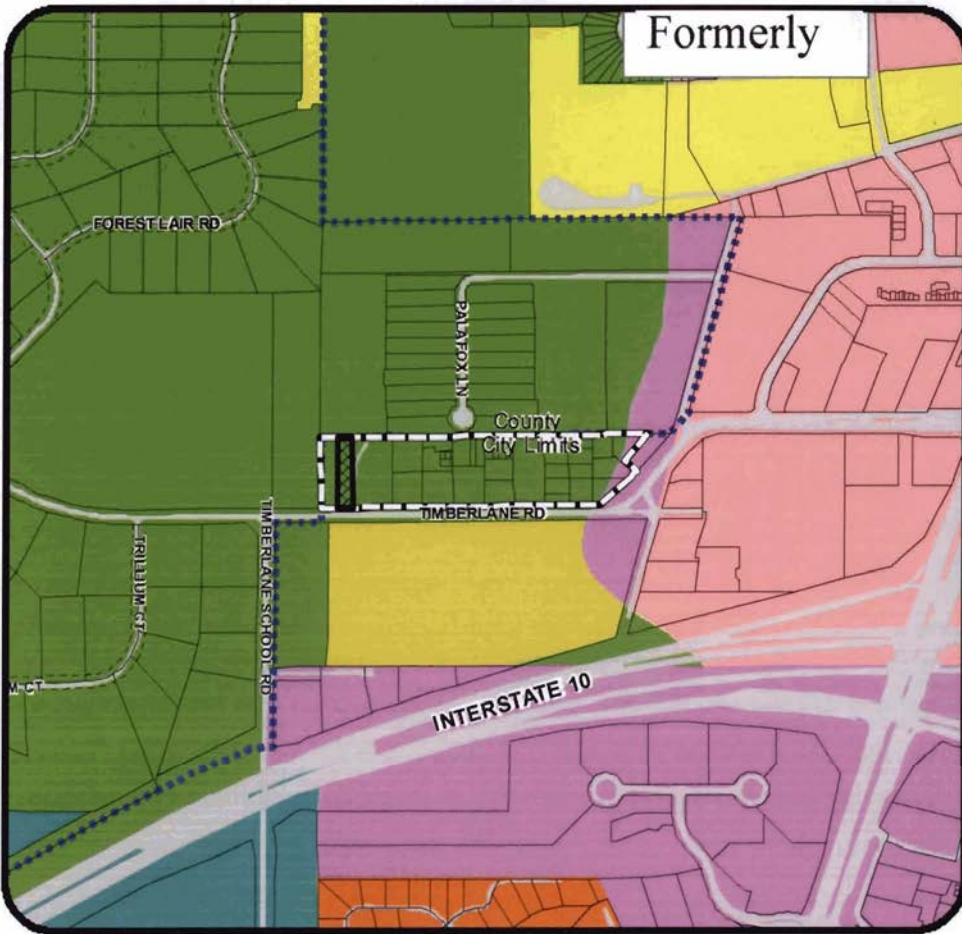
Formerly
Residential Preservation
 As Adopted
Central Urban



SITE TAX ID:
 21-26-53-002-0010
 21-26-53-002-0011
 21-26-53-002-0020
 21-26-53-002-0040
 21-26-53-002-0050
 21-26-53-002-0060
 21-26-53-002-0070

ACRES: 1.16 ±





Future Land Use Legend

- Activity Center
- Educational Facilities
- Government Operation
- Lake Protection
- Recreation/Open Space
- Residential Preservation
- Suburban
- Urban Residential 2
- Applicant Request
- Staff Expansion

**Timberlane Road
 near
 Market District
 PCM130104
 Darrh Bryant**

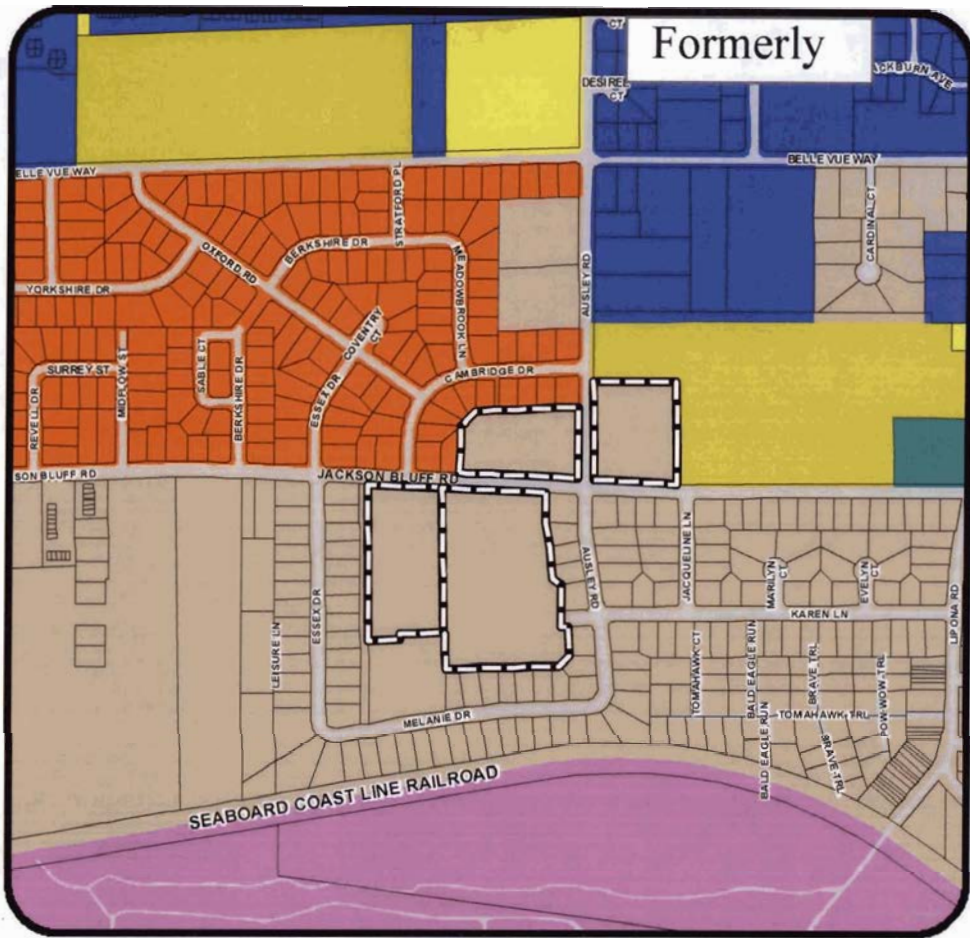
**Formerly
 Lake Protection
 As Adopted
 Suburban**



**MULTIPLE SITE TAX ID's
 (See Text)**


ACRES: 9.8 ±





Future Land Use

Legend

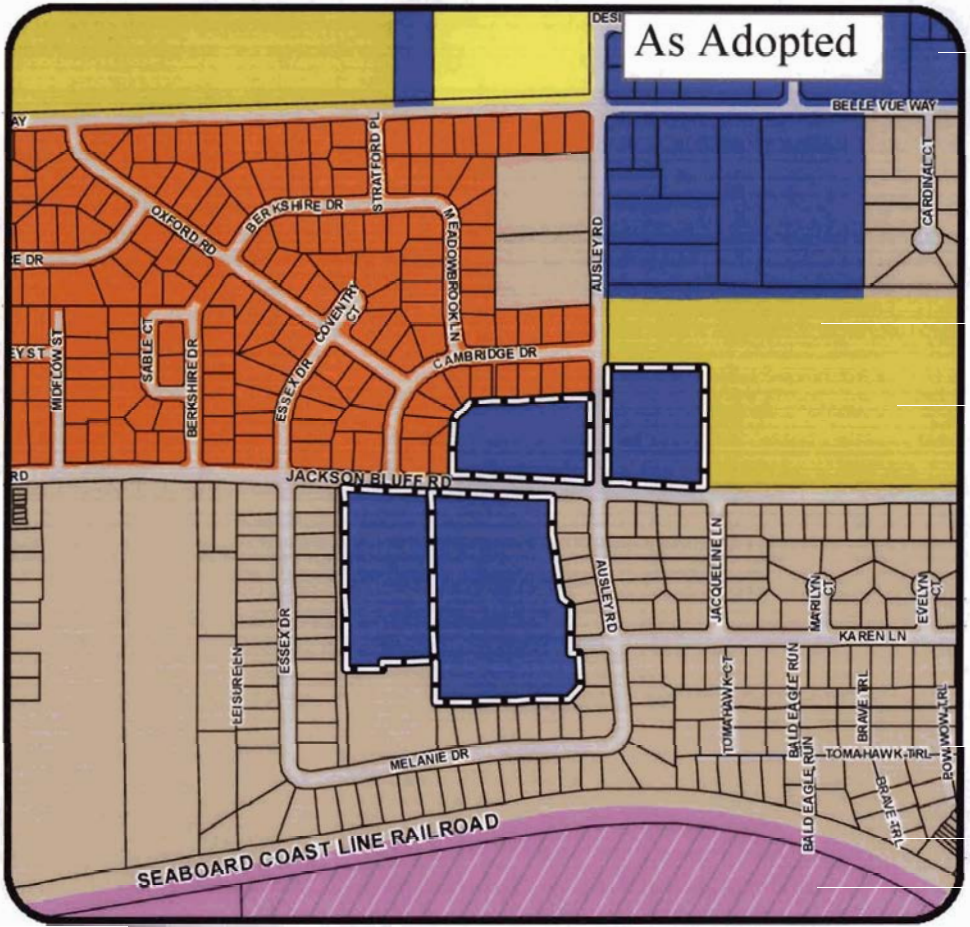
-  Educational Facilities
-  Residential Preservation
-  University Transition
-  Suburban
-  Urban Residential 2

 Subject Parcel

**Jackson Bluff
 and Ausley Street
 PCM130106
 Carolyn Bibler**

Formerly
 Urban Residential-2

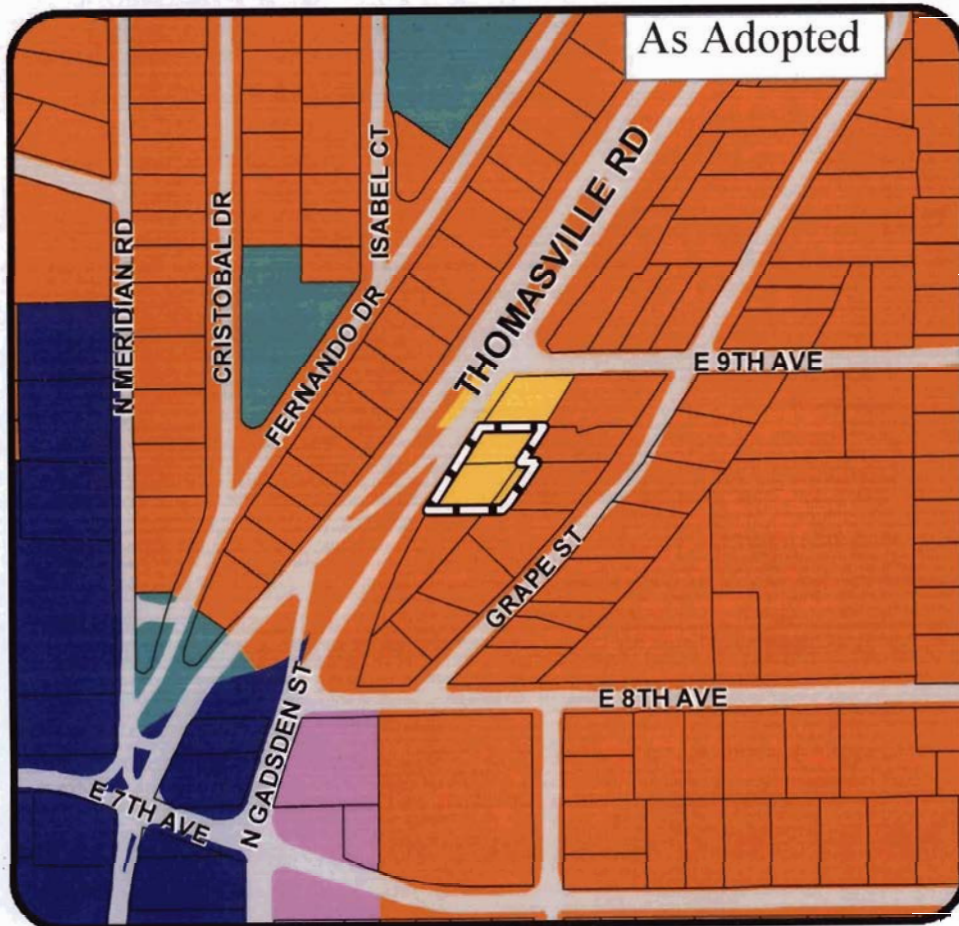
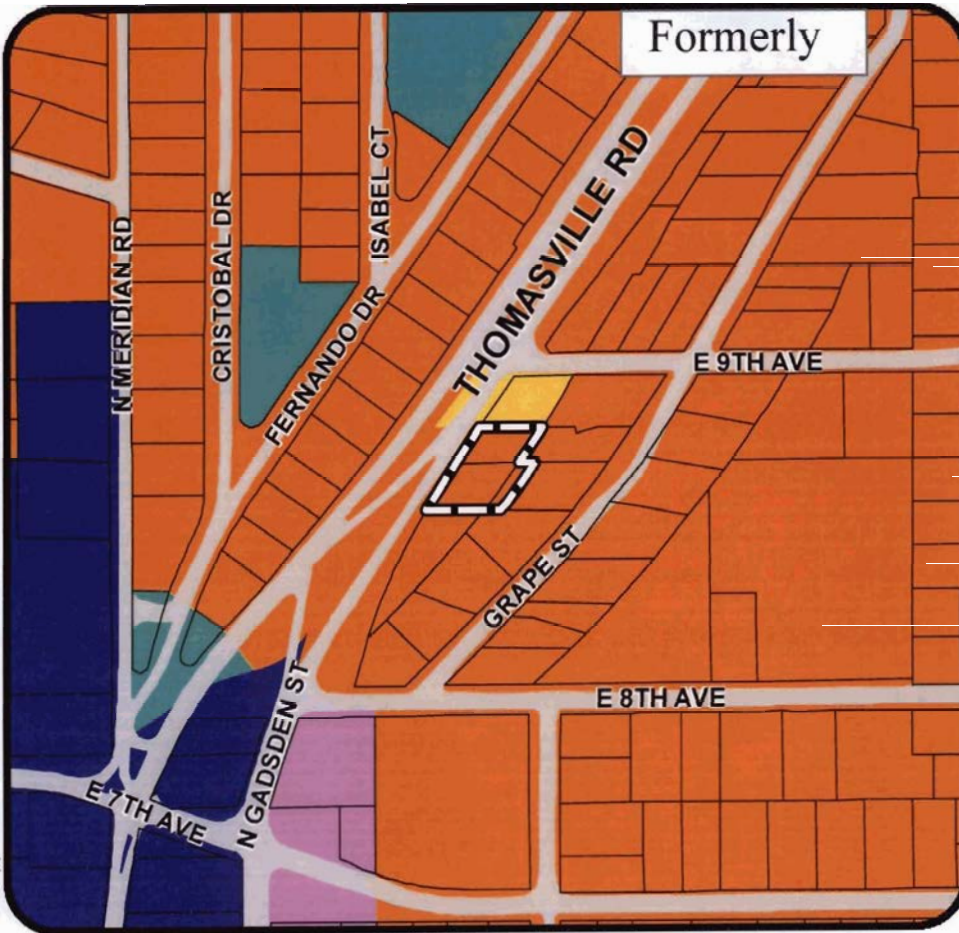
As Adopted
 University Transition



SITE TAX IDs:
 21-34-20-402-0000
 21-34-20-627-0000
 41-03-20-201-0000
 41-03-20-240-0000






ACRES: 16.42 ±





Future Land Use

Legend

-  Central Urban
-  Open Space
-  Residential Preservation
-  Suburban
-  Neighborhood Boundary

 Subject Parcel

**9th Avenue and
Thomasville Road
PCM130107
City of Tallahassee**

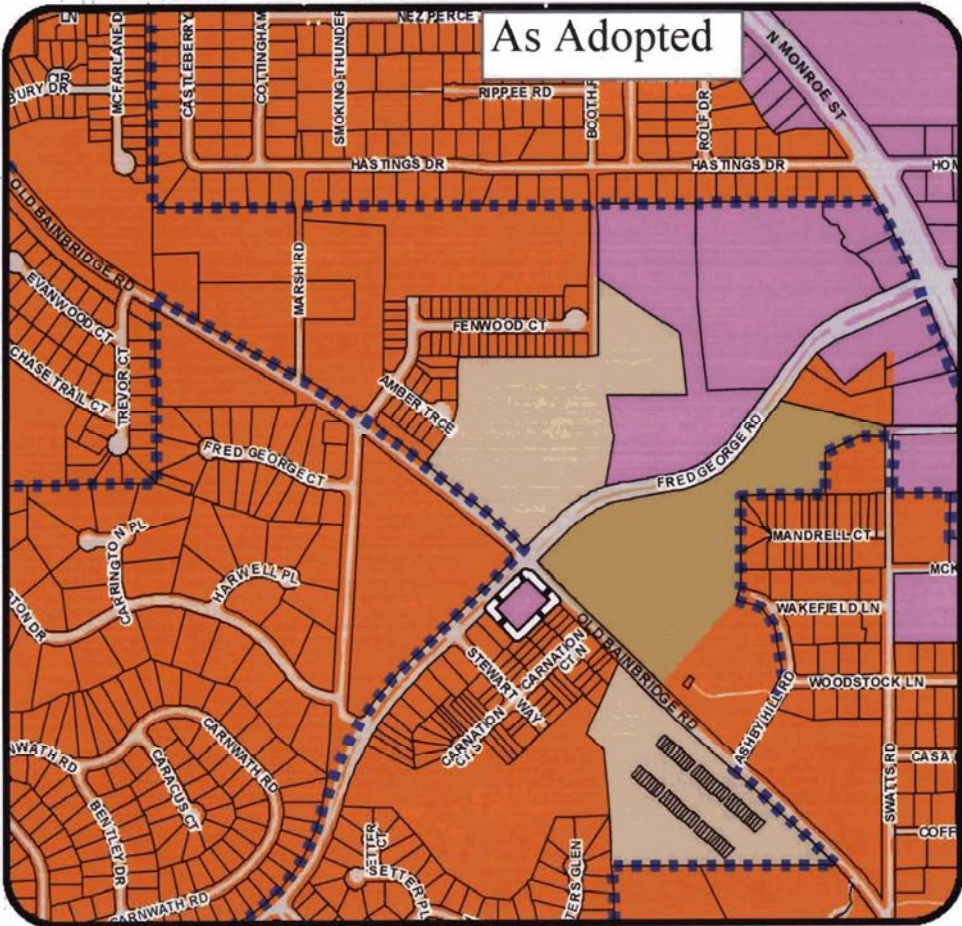
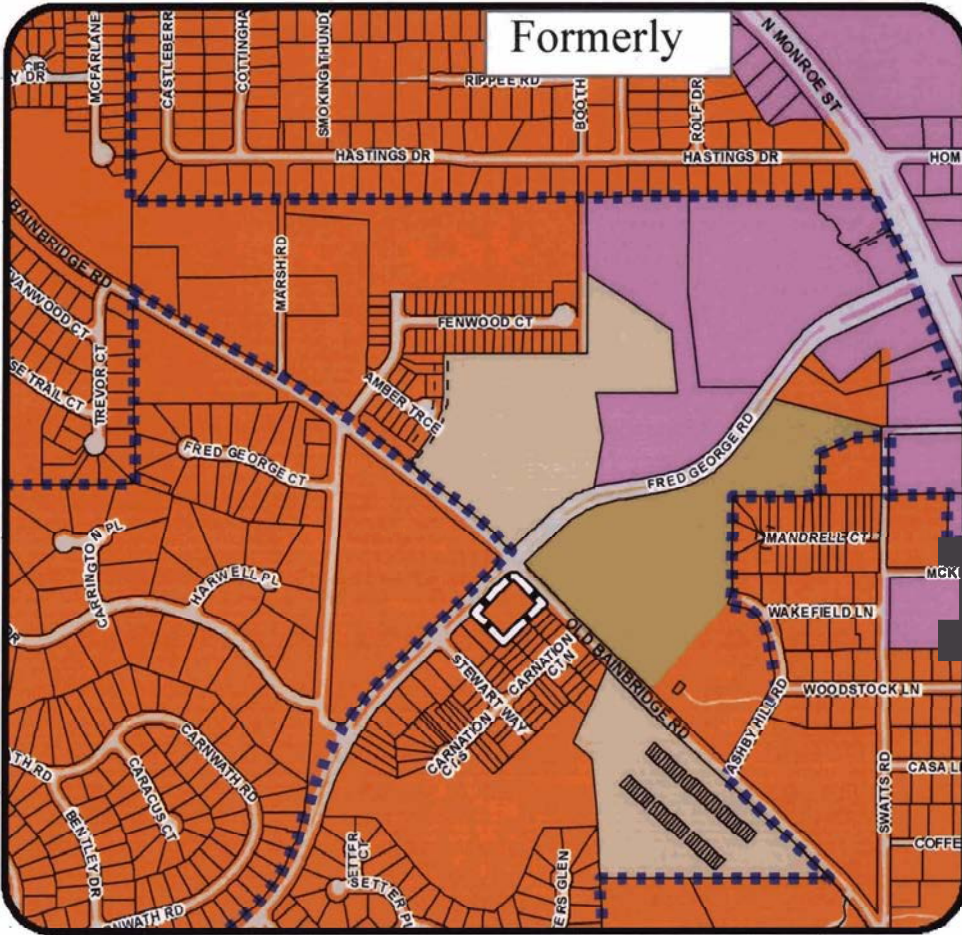
**Formerly
Residential
Preservation
As Adopted
Neighborhood
Boundary**



SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±

TALLAHASSEE-LEON COUNTY
**PLANNING
DEPARTMENT**
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY DEVELOPMENT



Future Land Use

Legend

-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2
-  Subject Parcel

**Fred George
 and
 Old Bainbridge Road
 PCM130108**

City of Tallahassee
 Formerly
 Residential
 Preservation
 As Adopted
 Suburban



**SITE TAX ID#
 21-09-47-000-0010**

ACRES: 1.0 ±



PCT130109 As Adopted

CONSERVATION AREAS

Policy 1.3.1: [C] (City of Tallahassee) (Revision Effective 6/07/01)

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as conservation areas:

- a) Altered floodplains and floodways,
- b) Altered watercourses and improved elements of the primary drainage system;
- c) Altered wetlands;
- d) Closed basins;
- e) Significant grade areas (10% - 20%) (only required outside of the Urban Service Area);
- f) High quality successional forests;
- g) Areas exhibiting active karst features;
- h) Designated canopy road corridors.

~~Policy 1.3.1: [C] (Leon County) (Revision Effective 6/07/01)~~

~~The following natural features shall be mapped and be included in the conservation overlay:~~

- ~~a) Altered floodplains and floodways,~~
- ~~b) Altered watercourses and improved elements of the primary drainage system;~~
- ~~c) Altered wetlands;~~
- ~~d) Closed basins;~~
- ~~e) Significant grade areas (10% - 20%);~~
- ~~f) High quality successional forests;~~
- ~~g) Areas exhibiting active karst features;~~
- ~~h) Designated canopy road corridors.~~

Policy 1.3.2: [C] (Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10) City of Tallahassee Only

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Conservation area development criteria are as follows:

- a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

- b) **Altered watercourses and improved elements of the primary drainage system**—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.
- c) **Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
- d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.
- e) **Significant grade areas (10-20%)**- The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

Areas outside the Urban Service Area shall be regulated by this policy and development will be allowed at a density reflective of the density permitted by the existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done:

- (1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
- (2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
- (3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
- (4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate;
 - (a) ~~Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~
- (5) ~~In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
 - ~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
 - ~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
 - ~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~

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- ~~-(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~
- ~~-(e) The significant grades on site are not necessary for buffering other preservation areas or conservation areas on site or on adjoining parcels; and~~
- ~~-(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. (Effective 7/1/04)~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 (Effective 6/07/01)~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

- f) **High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.
- g) **Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:
 - (1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;
 - (2) Discharge rate and volume shall not exceed predevelopment rate and volume;
 - (3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;
 - (4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.
- h) **Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:
 - (1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
 - (a) Clearing in the canopy road zone will be kept to a minimum.
 - (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
 - (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.
 - (2) Any part of the canopy road zone that is cleared or has trees removed from it must be

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- widened by the same amount that was removed;
- (3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;
- (4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

Conservation Areas Summary Chart (City of Tallahassee) (Revision Adopted 1/7/10)

	<u>Transfer</u>	<u>Develop</u>
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use unless (6)*	Density per land use if (3)* or 1 unit per acre unless (6)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

*footnotes (1) Provided it does not increase flow or displace volume.
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Small areas of severe grades within significant grades may be treated as significant grades.
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
(6) ~~Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)~~ The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

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Policy 1.3.2: [C] *(Revision Effective 6/07/01; Revision Effective 7/26/06)* **Leon County Only**

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting.

Conservation area development criteria are as follows:

- a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.
- b) **Altered watercourses and improved elements of the primary drainage system**—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.
- c) **Altered Wetlands (City of Tallahassee Only)**—May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
- d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.
- e) **Significant grade areas (10-20%)**—The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.

Development will be allowed at a density reflective of the density permitted by the existing land use category. Development will be permitted provided the following are done:

- (1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
- (2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
- (3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
- (4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate; and will contain specific conditions

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~~under which additional development with greater than 50% impact can be granted in significant grade areas within the urban service area to:~~

- ~~a. Encourage urban infill in the urban core (see urban core map);~~
~~or~~
- ~~b. Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 [C]. (Effective 6/07/01)~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

~~f) **High quality successional forest** — If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.~~

~~g) **Areas exhibiting active karst features (sink holes)** — No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:~~

- ~~(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;~~
- ~~(2) Discharge rate and volume shall not exceed predevelopment rate and volume;~~
- ~~(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;~~
- ~~(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.~~

~~h) **Designated canopy roads** (Revision Effective 6/28/02) — Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~

- ~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
 - ~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
 - ~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~~~

PCT130109

- ~~(e) Sidewalks may not always be required in the epz given the impact to the epz or encroachment on other conservation or preservation features.~~
- ~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~
- ~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~
- ~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

Conservation Areas Summary (Leon County)

	<u>Transfer</u>	<u>Develop</u>
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (10-20%)	Density per land use	Density per land use if (3)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

~~*footnotes (1) Provided it does not increase flow or displace volume.
(2) There must be sufficient stormwater capacity within the closed basin.
(3) Provided:
a) Topographical changes are minimized.
b) 50% of grade left undisturbed (or under approved vegetation management plan)
c) Additional flexibility available through the LDRs for urban core and high wage employment.
d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)
(4) Provided development is clustered and there is no more than 20% disturbance of the site.
(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.~~

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~~* Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
Policy 1.3.3: [C] (City of Tallahassee Only) (Effective 7/26/06; Revision Effective 1/7/10)~~

~~When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on-site is preferable. Land development regulations shall be developed that permit off-site mitigation for significant grades on properties within or adjoining Capital Circle, south of Interstate 10 that meet the criteria set forth in the Conservation Element. Density transfer shall be within the parcel; no off-site transfer of density is permitted except as provided for in Policy 1.3.13 [C] of this element. Transfer of development density to non-environmentally sensitive areas on-site will be allowed up to the density permitted by the future land-use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer and off-site mitigation is not available or used, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located. In order to allow development to reach their maximum density, development within the Downtown Overlay shall be exempt from the significant and severe slope requirements established within the conservation overlay.~~

~~**Policy 1.3.3: [C]** (Leon County Only) (Effective 7/26/06)~~

~~In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.~~

PRESERVATION AREAS

~~**Policy 1.3.4: [C]** (City of Tallahassee only) * (Revision Effective 12/10/91; Renumbered Eff. 7/26/06)~~

~~The following natural features shall be identified and mapped prior to rezoning or development and be regulated as preservation areas:~~

- ~~a) Wetlands and waterbodies and water courses;~~
- ~~b) Severe grades over 20% (only required outside of the Urban Service Area);~~
- ~~c) Native forests;~~
- ~~d) Undisturbed/undeveloped 100 year floodplain; and~~
- ~~e) Areas of environmental significance~~
- ~~f) Habitats of endangered, threatened and species of special concern.~~

Policy 1.3.5: [C] (Leon County only) * (Revision Effective 12/10/91; Renumbered Effective 7/26/06)

The following natural features shall be mapped and be included in the preservation overlay

- a) Wetlands and waterbodies and water courses;
- b) Severe grades over 20%;
- c) Native forests;
- d) Undisturbed/undeveloped 100 year floodplain; and
- e) Areas of environmental significance
- f) Habitats of endangered, threatened and species of special concern.

* See Explanation of Environmental Overlays in Land Use Element

Policy 1.3.6: [C] (Revision Effective 12/7/99; Revision Effective 7/26/06)

Development approval within the preservation ~~overlay districts areas~~ shall be restricted to extremely low density and intensity type projects due to the environmental constraints present. Alteration due to development would result in destruction or severe degradation of the natural resource function. As a result, these areas are unsuitable for all but extremely low-density development for one or more of the following reasons:

- (1) To prevent degradation of water quality.
- (2) To prevent degradation of freshwater storage capabilities.
- (3) To prevent the degradation of biological productivity.
- (4) To prevent damage to property and loss of life due to flooding.
- (5) To prevent degradation of the viability and diversity of native plants and animals and their habitats.
- (6) To assure the conservation of irretrievable or irreversible resources.

Preservation areas development criteria are as follows

Preservation Areas

	<u>Transfer</u>	<u>Develop</u>
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
<u>Severe grades (only required outside of the Urban Service Area)</u>	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres
Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

* Footnote: Any portion of a site within a water body, which is also a preservation area, shall be excluded when calculating a transfer.

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****Footnote:** *When an area of significant grades contains within its boundaries small fragments of severe grades, the criteria for development within significant grades may be authorized. (Effective 6/07/01)*

Policy 1.3.7: [C] *(Revision Effective 9/19/9; Renumbered Effective 7/26/06)* **Leon County Only**

Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation areas shall be the preferred option and shall be implemented through the use of density incentives to be applied on-site.

Policy 1.3.8: [C] *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* **City of Tallahassee Only**

~~Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation features shall be the preferred option except where the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected, and shall be implemented through the use of density incentives to be applied on-site.~~

Policy 1.3.12: [C] *(Effective 9/19/91; Renumbered Effective 7/26/06)* **Leon County Only**

When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted.

Policy 1.3.13: [C] *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* **City of Tallahassee Only**

~~When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected.~~

Policy 1.3.14: [C] *(Effective 7/1/04; Renumbered Effective 7/26/06)* **City of Tallahassee Only**

~~Environmental and ecological services shall be taken to include habitat, nutrient uptake, carbon sequestration, flood detention, water storage, and related function. Without measures to ensure their continued delivery, off-site mitigation may result in a net loss of such services and their economic contribution to the community. Consequently, the hierarchy of preferred development strategies shall be as follows:~~

- ~~(1) Design development to be compatible with conservation and preservation features on site (No mitigation required).~~
- ~~(2) Design development to avoid, or minimize or ameliorate impacts to conservation and preservation features on site (On-site mitigation).~~
- ~~(3) Local government may adopt land development regulations that provide an off-site mitigation option for properties in certain locations that contain significant grades greater than a certain size or percentage of the parent tract. Such off-site mitigation may be employed in cases where an applicant demonstrates that neither (1) nor (2) can be realistically achieved by design subject to existing zoning and environmental permitting requirements (Off-site mitigation).~~

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- a) ~~In no instance shall the off site mitigation option be employed where the subject area adjoins other conservation or preservation features and the environmental services collectively provided would be measurably diminished.~~
- b) ~~In all instances, employment of the off site mitigation option shall preclude the use of site design alternatives that reduce the percentage of the site dedicated to landscaping or natural area preservation.~~
- c) ~~Pursuant to policies or programs to improve the quality of receiving waters, including Surface Water Improvement and Management (SWIM) Plans, Total Maximum Daily Loads (TMDLs), Stormwater Pollutant Reduction Programs, and Lake Management or Action Plans, local government may establish stricter standards for stormwater treatment for sites employing off site mitigation.~~

Policy 1.3.15: [C] *(Effective 7/1/04; Renumbered Effective 74/26/06)* **City of Tallahassee Only**

~~Local government recognizes that the design of a site is in part an economic decision, and that offsite mitigation may be accomplished by several means. Consequently, the preferred hierarchy of off site mitigation strategies for significant grades shall be as follows:~~

- ~~(1) Participation in a mitigation bank established within the same major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
- ~~(2) Participation in a mitigation bank established in another major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
- ~~(3) Via conservation easement or similar instrument, bona fide preservation and management on other property owned or to be acquired by the applicant equal to twice (two times) the acreage of significant grades on site to be mitigated.~~
- ~~(4) Fees in Lieu provided to Local Government to acquire and manage property to compensate for the loss of environmental services provided by significant grades, plus a stormwater management surcharge to compensate for within drainage basin impacts attributable to the loss of significant grades.~~

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PCT130110 As Adopted

GLOSSARY

HIGH QUALITY SUCCESSIONAL FOREST: *(Rev. Effective 12/10/91) (City of Tallahassee only)* High quality successional forest ~~is an early stage in natural community development characterized by an ability to provide wildlife habitat and within which natural community type species are present in such numbers, size, and diversity that succession is toward a recognizable mature natural community.~~ shall mean a medium quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. A medium quality natural community generally possesses the following characteristics:

- 1) The floristic composition contains many of the more common species typical of the natural community type, although most rare species are absent;
- 2) The community may contain invasive exotic plants that could be controlled through management;
- 3) The community has likely had some past disturbance, but not to the extent that the potential for recovery or restoration to a high quality natural community is significantly impaired (unauthorized activities in high quality successional forest areas resulting in a violation of the ordinances will not be excluded from protection as such).

HIGH QUALITY SUCCESSIONAL FOREST: *(Effective 7/16/90) (Leon County only)* High quality successional forest is a community of mixed or single species of trees and understory vegetation with both mature and immature trees, comprised of a mix of age classes that does or would support an abundance of wildlife.

NATIVE FOREST: *(Rev. Effective 12/10/91) (City of Tallahassee only)* A vegetative community (1) dominated by native species, including trees, understory vegetation and wildlife, and (2) structured as a forest type described in the Florida Natural Areas Inventory publication, "Guide to Natural Communities of Florida." Historical disturbance may have occurred but has not destroyed or prevented re-establishment of the community. Standard professional measures will be used to evaluate the quality of the subject area along with other biological and physical factors that may be evident.

NATIVE FOREST: *(Effective 7/16/90) (Leon County only)* A community of vegetation, including trees, understory vegetation and associated wildlife that were present in Leon County prior to European settlement.

Native forest shall mean a high quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." A high quality natural community generally possesses the following characteristics:

- 1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
- 2) The community may contain invasive exotic plants that could be controlled through management;
- 3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

WETLAND *(Revision Effective 6/28/02):* Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is ~~that are~~ inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and ~~which~~ under normal circumstances does ~~or would support, at least periodically,~~ a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as

PCT130110

hydric or alluvial, or possess characteristics that are associated with reduced soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligated hydrophytic macrophytes that are typically adapted to areas having soils conditions described in this definition above. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

PCT130111

PCT130111 As Adopted

Policy 1.1.10 [M]

MMTD Residential Density Bonus. In order to increase redevelopment and infill development, residential densities within the MMTD may be increased up to 35% above the maximum allowed in the Residential Densities Range Table. This bonus shall not apply to lands designated Residential Preservation. Further bonuses may be applied to the Downtown. Eligibility criteria for these bonuses will be established within the land development regulations and shall include design standards facilitating pedestrian oriented site and building design with enhanced pedestrian access and amenities, urban scale development, innovative parking strategies, integrated mix of land uses, and other urban design features. ~~In areas designated Central Core on the Future Land Use Map, any development with density of more than 10dwelling units per acre shall be consistent with these design standards subject to further clarification in the Land Development Code.~~

Policy 2.1.8: [L] (Revision Effective 7/26/06; Revision Effective 1/7/10)

Maintain a viable mix of available residential densities to accommodate a variety of housing types. Current residential densities are summarized below:

RESIDENTIAL DENSITIES RANGE (Revision Effective 12/15/11)

Future Land Use Category	Maximum Gross Density - Dwelling Units (DU)/Acre (Ac) ¹	Minimum Gross Density Dwelling Units (DU)/Acre (Ac)
Rural	1 DU/10 Ac	No minimum
Urban Fringe	1 DU/3 Ac (standard) or 1DU/3 Ac (Conservation subdivision)	No minimum
Urban Residential	10 DU/AC	4 DU/Ac
Urban Residential 2	20 DU/Ac ²	No minimum
Village Mixed Use	20 DU/Ac ²	No minimum
Suburban	20 DU/Ac ²	No minimum
Planned Development	20 DU/Ac ²	No minimum
Bradfordville Mixed Use ²	20 DU/Ac	No minimum
Central Urban ^{2,3,4}	45 DU/Ac	No minimum
Activity Center ^{2,3}	45 DU/Ac	No minimum
University Transition ^{2,3,4}	50 DU/Ac	No minimum
Central Core ^{2,3,4} (Eff. 1/7/10)	150 DU/Ac (Eff. 1/19/02)	No minimum
Rural Community	4 DU/Ac	No minimum
Residential Preservation ²	6 DU/Ac	No minimum
Lake Talquin Recreation/Urban Fringe ⁶⁴	1 DU/3 Ac (standard)	No minimum
Lake Protection ⁶⁴	1 DU/2 Ac (standard)	No minimum

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Notes:

¹ Maximum gross density is based on the gross acreage of the site and may not be achievable after addressing applicable land development regulations (e.g., parking, stormwater, and other regulations that may limit maximum development potential).

² Density ranges can be increased up to 25% above the maximum limits listed above for the purpose of providing affordable housing units, consistent with Policy 2.1.14 [LU].

³ Density ranges can be increased up to 35% above the maximum limits listed above for the purpose of encouraging infill development and redevelopment, consistent with ~~Policy 12.2.2 [L]. (Effective 1/19/02)~~ Mobility Element Policy 1.1.10 [ME]. (Effective 12/15/11)

~~⁴ In areas designated Central Core, University Transition and Central Urban on the Future Land Use Map, any development with density of more than 50 dwelling units per acre must be subject to the design standards identified in Policy 12.2.2 [LU]. (Effective 1/19/02; Rev. Effective 1/7/10)~~

~~§-4~~ Clustering Option Available

Policy 2.2.10 [L]

CENTRAL CORE (Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)

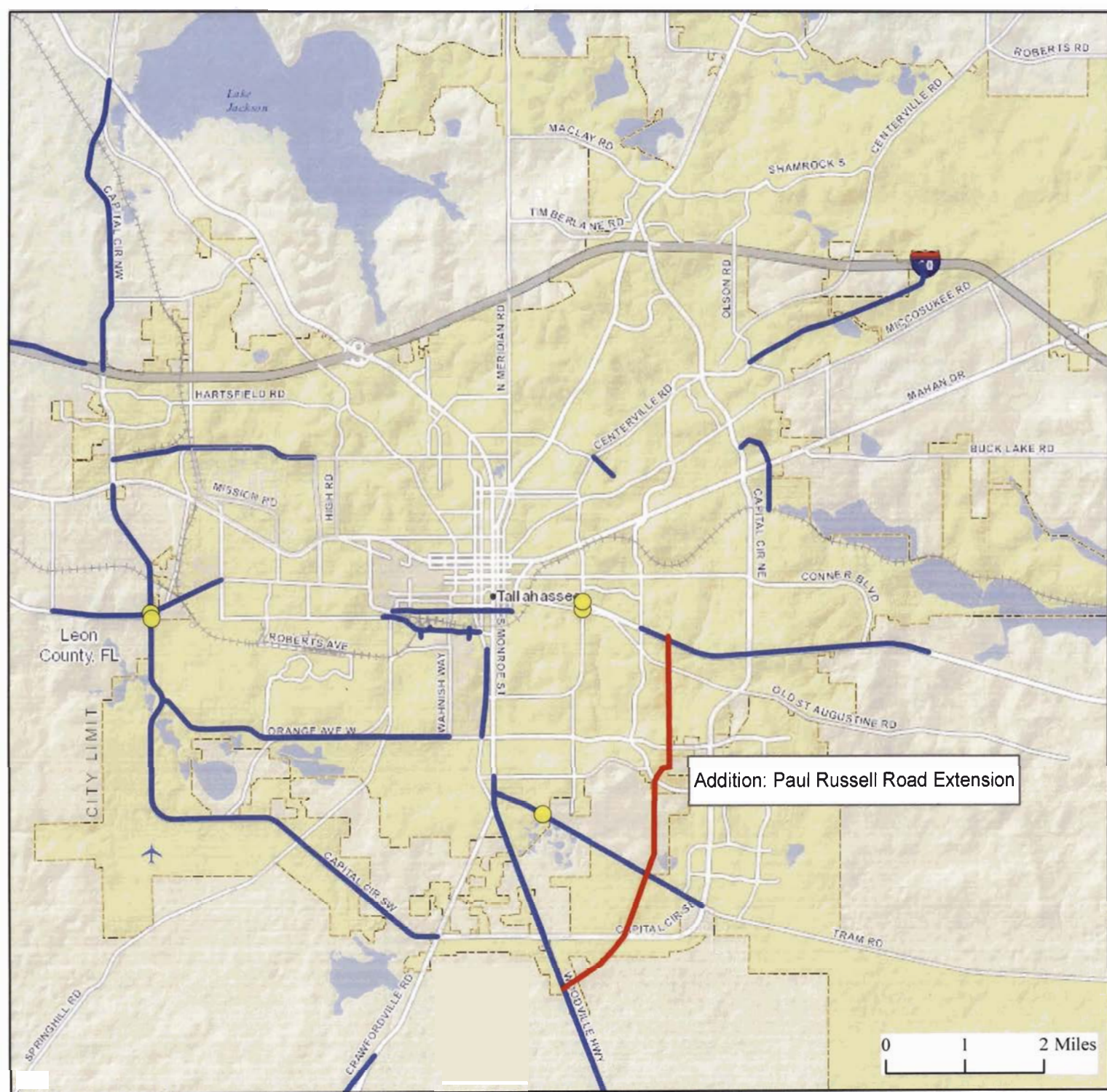
The current Central Core of Tallahassee has a strong government presence. However, the character of this area has changed since 2002 to a more mixed use center with new office, commercial, retail and residential uses. The Central Core of Tallahassee is intended to expand into a vibrant 18-hour urban activity center with quality development. The emphasis in this area is intended to shift from cars to pedestrian, bike and transit modes of transportation. The development regulations within the Central Core area have to be amended to allow for a more urban kind of development where the primary emphasis is on pedestrian, bike and transit modes of transportation. The Central Core area is within the Downtown Overlay. The City of Tallahassee intends to promote mix of uses and higher densities and intensities within its Central core, while promoting multiple modes of transportation. The City shall establish Design Guidelines for this area in order to allow for more mixed use, pedestrian, bike and transit oriented development. Residential development may be permitted up to 150 units per acre. Any development with density of more than 10 dwelling units per acre shall be consistent with the design standards identified in Policy ~~2.1.5 [F]~~ 1.1.10 [M] subject to further clarification in the Land Development Code.

The future expansion of the Central Core FLUM will be limited to only those parcels within the Downtown Overlay District when:

- The proposed parcels are contiguous to existing central core FLUM area;
- The proposed parcel has all the infrastructure available;
- The proposed parcel has to exhibit a need for the expansion (eg: parcel of sufficient size not available in the Central Core FLUM for the proposed development).




PCT130112 As Adopted

FUTURE RIGHT-OF WAY NEEDS MAP



Addition: Paul Russell Road Extension

Project Type

-  Paul Russell Road Extension
-  Roadway Projects
-  Transportation Systems Management

Tallahassee-Leon County
Planning Department
19 December 2012



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 5, 2013

Mr. Bob Inzer
Clerk of the Circuit and County Courts
Leon County
Post Office Box 726
Tallahassee, Florida 32303

Attention: Rebecca L. Vause, Deputy Clerk

Dear Mr. Inzer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 5, 2013 and certified copies of Leon County Ordinance Nos. 13-11 through 13-14, which were filed in this office on June 5, 2013.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

RECEIVED
13 JUN -5 PM 1:04
FINANCE DIVISION
BOB INZER
CLERK CIRCUIT COURT

ORDINANCE NO. 13- 12

1
2
3 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
4 **LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-**
5 **LEON COUNTY COMPREHENSIVE PLAN; ADOPTING**
6 **AMENDMENTS TO THE LAND USE ELEMENT; PROVIDING FOR**
7 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A**
8 **COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY**
9 **PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE**
10 **DATE.**

11
12 WHEREAS, Chapters 125 and 163, Florida Statutes, empowers the Board of County
13 Commissioners of the County of Leon to prepare and enforce comprehensive plans for the
14 development of the County; and

15 WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local
16 Government Comprehensive Planning and Land Development Regulation Act, empowers and
17 requires the Board of County Commissioners of the County of Leon to (a) plan for the county's
18 future development and growth; (b) adopt and amend comprehensive plans, or elements or
19 portions thereof, to guide the future growth and development of the county; (c) implement
20 adopted or amended comprehensive plans by the adoption of appropriate land development
21 regulations; and (d) establish, support, and maintain administrative instruments and procedures
22 to carry out the provisions and purposes of the Act; and

23 WHEREAS, Ordinance 90-30 was enacted on July 16, 1990, to adopt the Tallahassee-
24 Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City
25 of Tallahassee also adopted a plan for its municipal area by separate ordinance; and

26 WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is
27 now 2030 and the Comprehensive Plan is now known as the Tallahassee-Leon County 2030
28 Comprehensive Plan pursuant to the latest Evaluation and Appraisal Report; and

29 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
30 Commissioners of the County of Leon has held several public work sessions, public meetings,
31 and public hearings on proposed amendments to the comprehensive plan, with due public notice

1 having been provided, to obtain public comment, and has considered all written and oral
2 comments received during said work sessions, public meetings and public hearings; and

3 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
4 Commissioners of the County of Leon transmitted copies of the proposed amendments of the
5 comprehensive plan to the Department of Community Affairs as the State Land Planning Agency
6 and other state and regional agencies for written comment, and transmitted one copy to each of
7 the local government or governmental agencies in the State of Florida having filed with the
8 County of Leon a request for a copy of the amended version of the comprehensive plan; and

9 WHEREAS, the Department of Community Affairs transmitted its Objections,
10 Recommendations, and Comments Report on the amended version of the comprehensive plan;
11 and

12 WHEREAS, the amendments to the comprehensive plan were reviewed in view of the
13 Objections, Recommendations, and Comments Report by the Department of Community Affairs;
14 and

15 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County
16 Commissioners of the County of Leon held a public hearing with due public notice having been
17 provided on these amendments to the comprehensive plan; and

18 WHEREAS, the Board of County Commissioners of the County of Leon further
19 considered all oral and written comments received during such public hearing, including the data
20 collection and analyses packages, the recommendations of the Tallahassee-Leon County Local
21 Planning Agency, and the Objections, Recommendations, and Comments Report of the
22 Department of Community Affairs; and

23 WHEREAS, in exercise of its authority, the Board of County Commissioners of the
24 County of Leon has determined it necessary and desirable to adopt these amendments to the
25 comprehensive plan to preserve and enhance present advantages; encourage the most appropriate
26 use of land, water and resources, consistent with the public interest; overcome present handicaps;

1 and deal effectively with future problems that may result from the use and development of land
2 within Leon County, and to meet all requirements of law;

3 BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,
4 that:

5 **Section 1. Purpose and Intent.**

6 This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the
7 authority set out in, the Local Government Comprehensive Planning and Land Development
8 Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, as amended.

9 **Section 2. Text Amendment.**

10 The Ordinance does hereby adopt the following portion of the text attached hereto as
11 Exhibit “A,” and made a part hereof, an amendment to the Tallahassee-Leon County 2030
12 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
13 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
14 following Plan element:

15 Text Amendment PCT130113, which relates to the Land Use Element.

16 **Section 3. Applicability and Effect.**

17 The applicability and effect of this update to the 2030 Comprehensive Plan shall be as
18 provided by the Local Government Comprehensive Planning and Land Development Regulation
19 Act, Sections 163.3161 through 163.3215, Florida Statutes, this Ordinance, and shall apply to all
20 properties under the jurisdiction of Leon County.

21 **Section 4. Conflict with Other Ordinances and Codes.**

22 All ordinances or parts of ordinances of the Code of Laws of Leon County, Florida, in
23 conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

1 **Section 5. Severability.**

2 If any provision or portion of this Ordinance is declared by any court of competent
3 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
4 portions of this Ordinance shall remain in full force and effect.

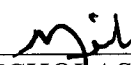
5 **Section 6. Copy on File.**

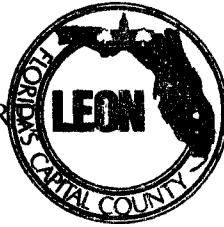
6 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public,
7 a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon
8 County 2030 Comprehensive Plan and these updates thereto, shall also be located in the
9 Tallahassee-Leon County Planning Department. The Planning Director shall also make copies
10 available to the public for a reasonable publication charge.

11 **Section 7. Effective Date.**

12 The effective date of this Plan amendment shall be according to law and the applicable
13 statutes and regulations pertaining thereto, but in no event shall be effective prior to approval by
14 the State of Florida, acting through the Governor and Cabinet, of the Thornton Road Land
15 Exchange application.

16 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
17 County, Florida, this 28th day of May, 2013.

18
19 LEON COUNTY, FLORIDA
20
21 BY:  _____
22 NICHOLAS MADDOX, CHAIRMAN
23 BOARD OF COUNTY COMMISSIONERS
24
25
26
27



1 ATTESTED BY:
2 BOB INZER, CLERK OF THE COURT

3
4 BY: *[Signature]*
5 CLERK *for Bob Inzer*

6
7
8 APPROVED AS TO FORM:
9 COUNTY ATTORNEY'S OFFICE
10 LEON COUNTY, FLORIDA

11
12 BY: *[Signature]*
13 HERBERT W.A. THIELE, ESQ.
14 COUNTY ATTORNEY
15

PCT130113 As Adopted

WELAUNEE CRITICAL AREA PLAN

Land Use Goal 13 *(Effective 12/10/02)*

Guide planned development within the Welaunee Critical Planning Area through implementation of a critical area plan which includes a mixture of integrated land uses that are predominantly self-supporting rather than dependent upon public funding, places a greater emphasis on pedestrian mobility and transportation alternatives, provides new employment opportunities near major transportation arteries and protects natural systems in an urbanized setting.

...

Policy 13.1.4: Transportation *(Effective 12/10/02; Revision Effective 7/20/05)*

...

- (2) The following transportation guidelines shall apply in the Toe as established in PUD Concept Plans and shown in Figure 13-3:

...

- (B) Road access to the Toe from Miccosukee Road shall occur only within ~~the existing approved road access easements corridors~~ across the Miccosukee Canopy Road Greenway at ~~Arendell Way Thornton Road, and Edenfield Road.~~ ~~In addition, road access to the Toe from Miccosukee Road at and Dempsey Mayo, within the existing road access easement may be approved in a PUD Concept Plan if it is determined by the local government with jurisdiction, based on analysis, that such a connection would have a desirable impact on the Miccosukee Canopy Road.~~ All impacts to the canopy road protection zone from such access roads shall be minimized.

ORDINANCE NO. 13-O-17AA

**AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING
AMENDMENTS TO THE 2030 TALLAHASSEE/LEON COUNTY
COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapters 163 and 166, Florida Statutes, empower the City Commission of the City of Tallahassee to prepare and enforce comprehensive plans for the development of the City; and,

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empower and require the City Commission of the City of Tallahassee to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, Ordinance No. 90-O-0076 was enacted on July 16, 1990, to adopt the Tallahassee-Leon County 2010 Comprehensive Plan for the incorporated area of Tallahassee. Leon County also adopted a plan for the unincorporated area of Leon County by separate ordinance; and,

WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is now 2030 and the Comprehensive Plan is now known as the Tallahassee-Leon County 2030 Comprehensive Plan pursuant to the latest Evaluation and Appraisal Report; and

1 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City
2 Commission of the City of Tallahassee has held several public work sessions, public
3 meetings and several public hearings with due public notice having been provided, on
4 these amendments to the Comprehensive Plan; and,

5 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City
6 Commission of the City of Tallahassee transmitted copies of the proposed amendments
7 of the comprehensive plan to the Department of Community Affairs as the State Land
8 Planning Agency and other state and regional agencies for written comment, and
9 transmitted one (1) copy to each of the local government or governmental agencies in
10 the State of Florida having filed with the City of Tallahassee a request for a copy of the
11 amended version of the comprehensive plan; and,

12 WHEREAS, the Department of Community Affairs transmitted its Objections,
13 Recommendations, and Comments Report on the amended version of the
14 comprehensive plan; and,

15 WHEREAS, the amendments to the comprehensive plan were reviewed in view
16 of the Objections, Recommendations, and Comments Report by the Department of
17 Community Affairs; and,

18 WHEREAS, pursuant to Section 163.3184, Florida Statutes, on May 28, 2013,
19 the City Commission of the City of Tallahassee held a public hearing with due public
20 notice having been provided on these amendments to the comprehensive plan; and,

21 WHEREAS, the City Commission of the City of Tallahassee further considered
22 all oral and written comments received during such public hearing, including the data
23 collection and analyses packages, the recommendations of the Planning Commission,
24 and the Objections, Recommendations, and Comments Report of the Department of
25 Community Affairs; and,

1 WHEREAS, in exercise of its authority, the City Commission of the City of
2 Tallahassee has determined it necessary and desirable to adopt these amendments to
3 the comprehensive plan to preserve and enhance present advantages; encourage the
4 most appropriate use of land, water and resources, consistent with the public interest;
5 overcome present handicaps; and deal effectively with future problems that may result
6 from the use and development of land within the City of Tallahassee, and to meet all
7 requirements of law.

8 NOW THEREFORE, BE IT ENACTED by the People of the City of Tallahassee,
9 Florida, as follows, that:

10 **Section 1. Purpose and Intent.**

11 This ordinance is hereby enacted to carry out the purpose and intent of, and
12 exercise the authority set out in, the Local Government Comprehensive Planning and
13 Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida
14 Statutes, as amended.

15 **Section 2. Map Amendment.**

16 The ordinance does hereby adopt the following portion of the text attached
17 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
18 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
19 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
20 therewith, being an amendment to the following Plan element:

21 Map Amendment PCM130101, which relates to the Future Land Use Map.

22 **Section 3. Map Amendment.**

23 The ordinance does hereby adopt the following portion of the text attached
24 hereto as Exhibit "A," and made a part hereof, an amendment to the Tallahassee-Leon
25

1 County 2030 Comprehensive Plan, as amended, and does hereby amend "The
2 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
3 therewith, being an amendment to the following Plan element:

4 Map Amendment PCM130102, which relates to the Future Land Use Map.

5 **Section 4. Map Amendment.**

6 The ordinance does hereby adopt the following portion of the text attached
7 hereto as Exhibit "A," and made a part hereof, an amendment to the Tallahassee-Leon
8 County 2030 Comprehensive Plan, as amended, and does hereby amend "The
9 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
10 therewith, being an amendment to the following Plan element:

11 Map Amendment PCM130104, which relates to the Future Land Use Map.

12 **Section 5. Map Amendment.**

13 The ordinance does hereby adopt the following portion of the text attached
14 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
15 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
16 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
17 therewith, being an amendment to the following Plan element:

18 Text Amendment PCM130106, which relates to the Future Land Use Map.

19 **Section 6. Map Amendment.**

20 The ordinance does hereby adopt the following portion of the text attached
21 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
22 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
23 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
24 therewith, being an amendment to the following Plan element:

25 Text Amendment PCM130107, which relates to the Future Land Use Map.

1 **Section 7. Map Amendment.**

2 The ordinance does hereby adopt the following portion of the text attached
3 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
4 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
5 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
6 therewith, being an amendment to the following Plan element:

7 Text Amendment PCM130108, which relates to the Future Land Use Map.

8 **Section 8. Text Amendment.**

9 The ordinance does hereby adopt the following portion of the text attached
10 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
11 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
12 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
13 therewith, being an amendment to the following Plan element:

14 Text Amendment PCT130109, which relates to the Conservation Element.

15 **Section 9. Text Amendment.**

16 The ordinance does hereby adopt the following portion of the text attached
17 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
18 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
19 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
20 therewith, being an amendment to the following Plan element:

21 Text Amendment PCT130110, which relates to the Glossary.

22 **Section 10. Text Amendment.**

23 The ordinance does hereby adopt the following portion of the text attached
24 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
25

1 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
2 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
3 therewith, being an amendment to the following Plan element:

4 Text Amendment PCT130111, which relates to the Mobility Element and Land
5 Use Element.

6 **Section 11. Text Amendment.**

7 The ordinance does hereby adopt the following portion of the text attached
8 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
9 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
10 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
11 therewith, being an amendment to the following Plan element:

12 Text Amendment PCT130112, which relates to the Mobility Element.

13 **Section 12. Conflict With Other Ordinances and Codes.**

14 All ordinances or parts of ordinances of the Code of Ordinances of the City of
15 Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby
16 repealed to the extent of such conflict.

17 **Section 13 Severability.**

18 If any provision or portion of this ordinance is declared by any court of
19 competent jurisdiction to be void, unconstitutional, or unenforceable, then all
20 remaining provisions and portions of this Ordinance shall remain in full force and
21 effect.

22 **Section 14. Copy on File.**

23 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to
24 the public, a certified copy of the enacting ordinance, as well as certified copies of the
25 Tallahassee-Leon 2030 Comprehensive Plan and these amendments thereto, shall also

1 be located in the Tallahassee-Leon County Planning Department. The Planning
2 Director shall also make copies available to the public for a reasonable publication
3 charge.


4 **Section 15. Effective Date.**

5 The effective date of these Plan amendments shall be according to law and the
6 applicable statutes and regulations pertaining thereto.

7 Ordinance No. 13-O-17 introduced in the City Commission on the 24th day of
8 April, 2013. Ordinance No. 13-O-17AA re-introduced in the City Commission on the
9 22nd day of May, 2013.

10 PASSED by the City Commission on the 28th day of May, 2013.

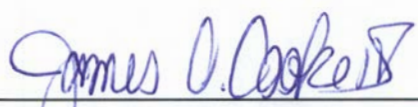
CITY OF TALLAHASSEE




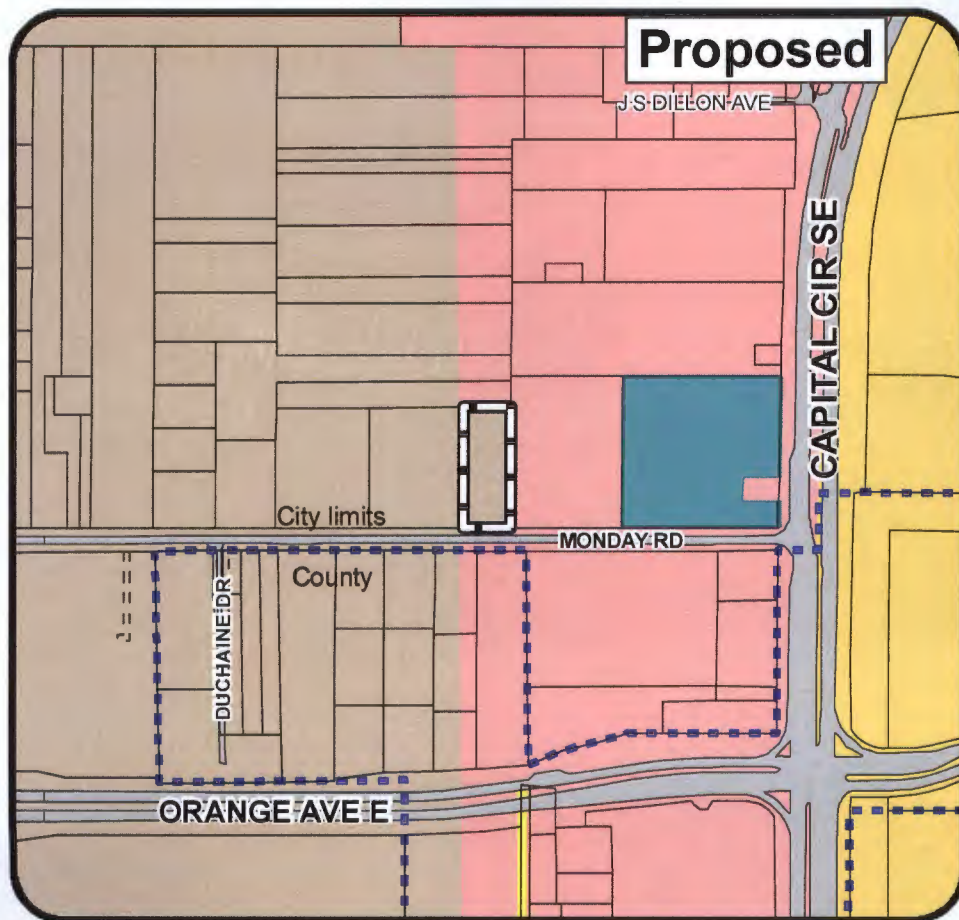
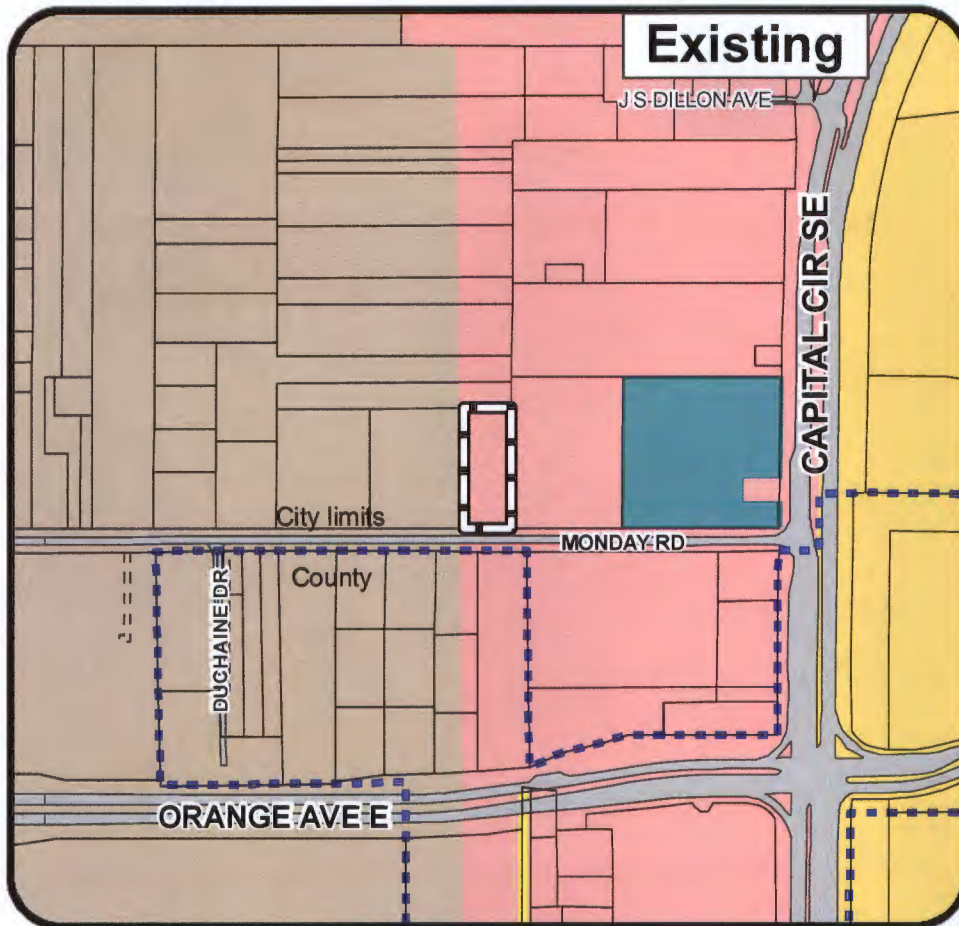
By: _____
John R. Marks, III
Mayor

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21 ATTEST:

APPROVED AS TO FORM

22
23
24
25 By:  _____
26 James O. Cooke, IV
27 City Treasurer-Clerk



By:  _____
Lewis E. Shelley
City Attorney



Future Land Use

Legend

-  Activity Center
-  Governmental Operation
-  Open Space
-  Planned Development
-  Urban Residential 2

-  Subject Parcel
-  City Limits

**Monday Road near
 Capital Circle Southeast
 PCM130101**

City Of Tallahassee

**Existing
 Activity Center**

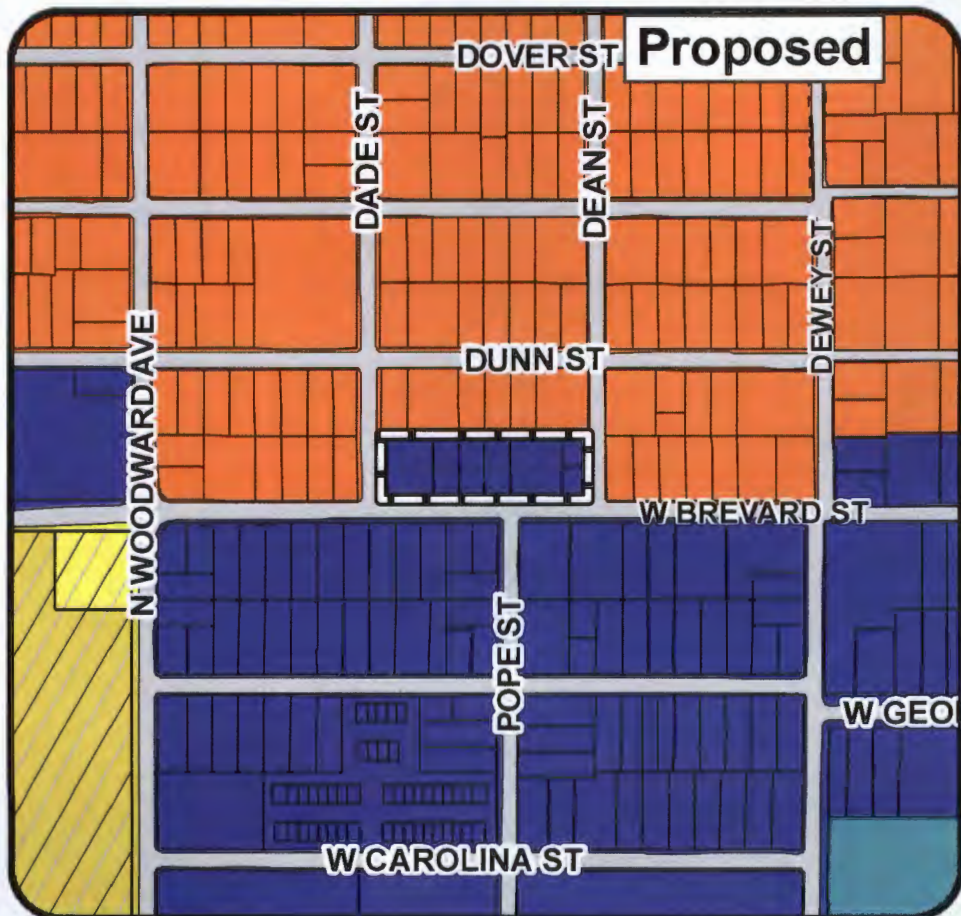
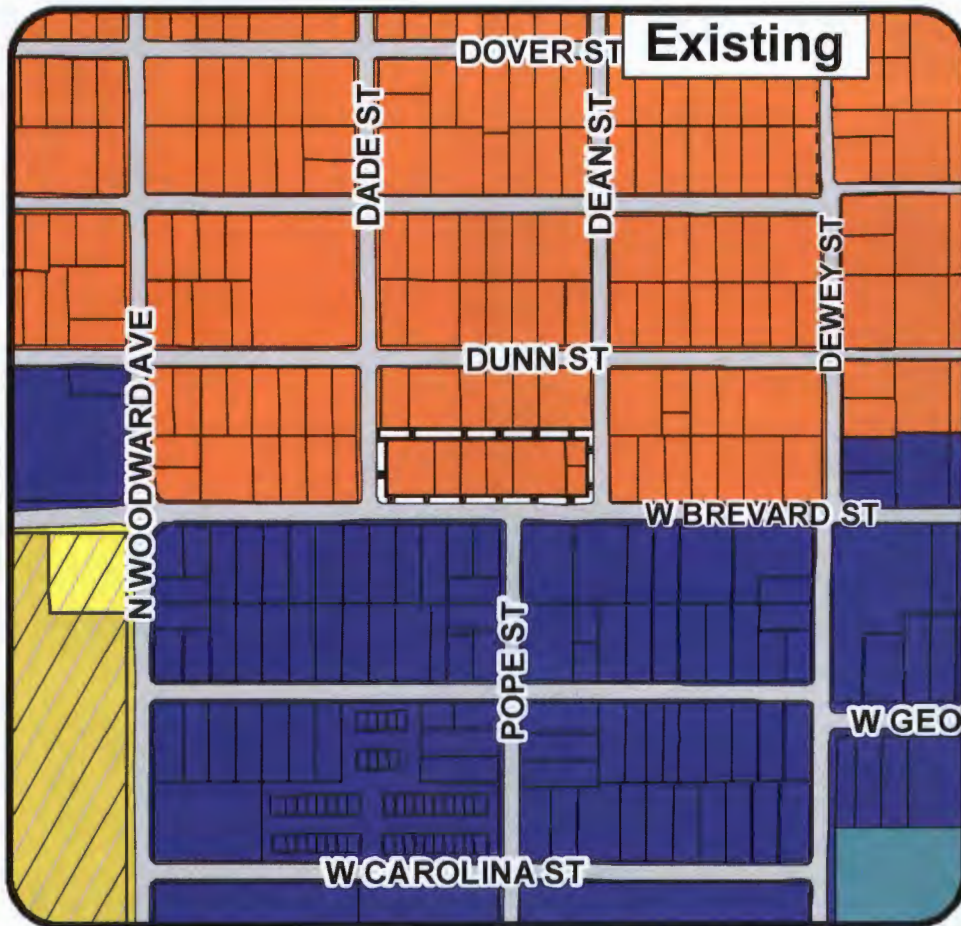
**Proposed
 Urban Residential-2**



**SITE TAX ID:
 31-09-20-261-0000**

ACRES: 1 ±





Future Land Use

Legend

- Central Urban
- Educational Facilities
- Governmental Operation
- Open Space
- Residential Preservation
- Subject Parcel

West Brevard Street
PCM130102
Louis Chambers

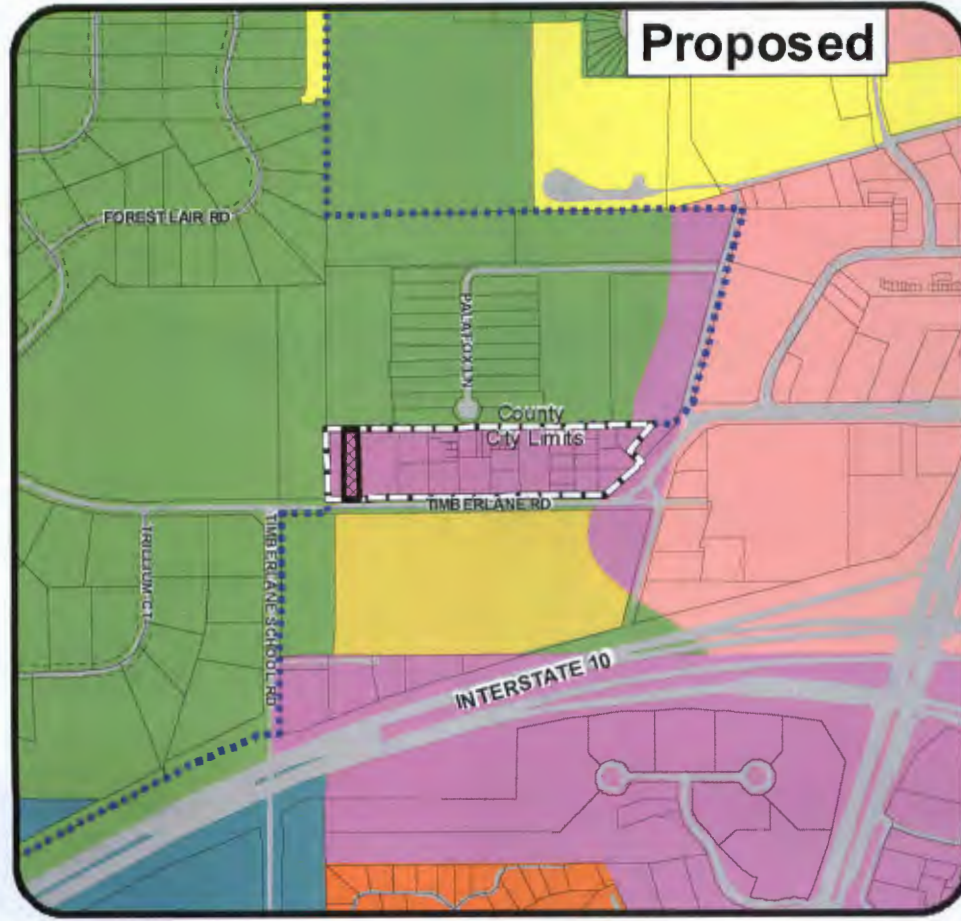
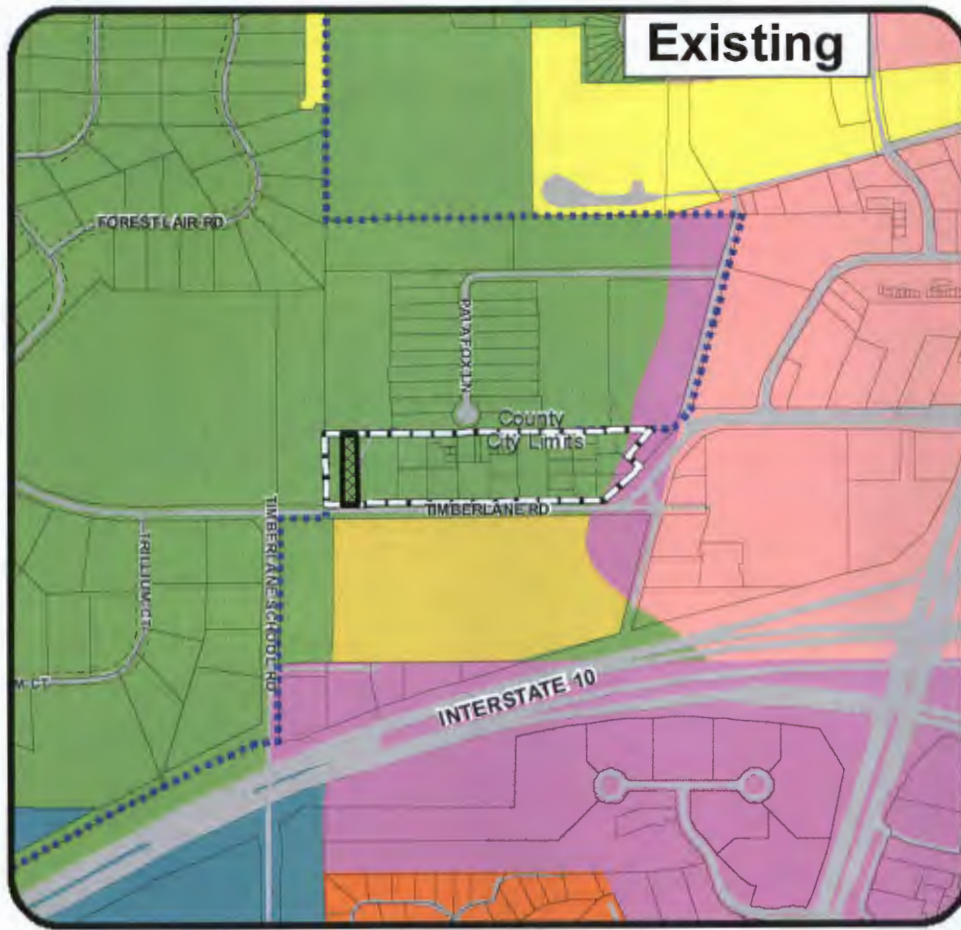
Existing
 Residential Preservation

Proposed
 Central Urban

SITE TAX ID:
 21-26-53-002-0010
 21-26-53-002-0011
 21-26-53-002-0020
 21-26-53-002-0040
 21-26-53-002-0050
 21-26-53-002-0060
 21-26-53-002-0070

ACRES: 1.16 ±





Future Land Use Legend

- Activity Center
- Educational Facilities
- Government Operation
- Lake Protection
- Recreation/Open Space
- Residential Preservation
- Suburban
- Urban Residential 2
- Applicant Request
- Staff Expansion

**Timberlane Road
 near
 Market District
 PCM130104
 Darrh Bryant**

**Existing
 Lake Protection**

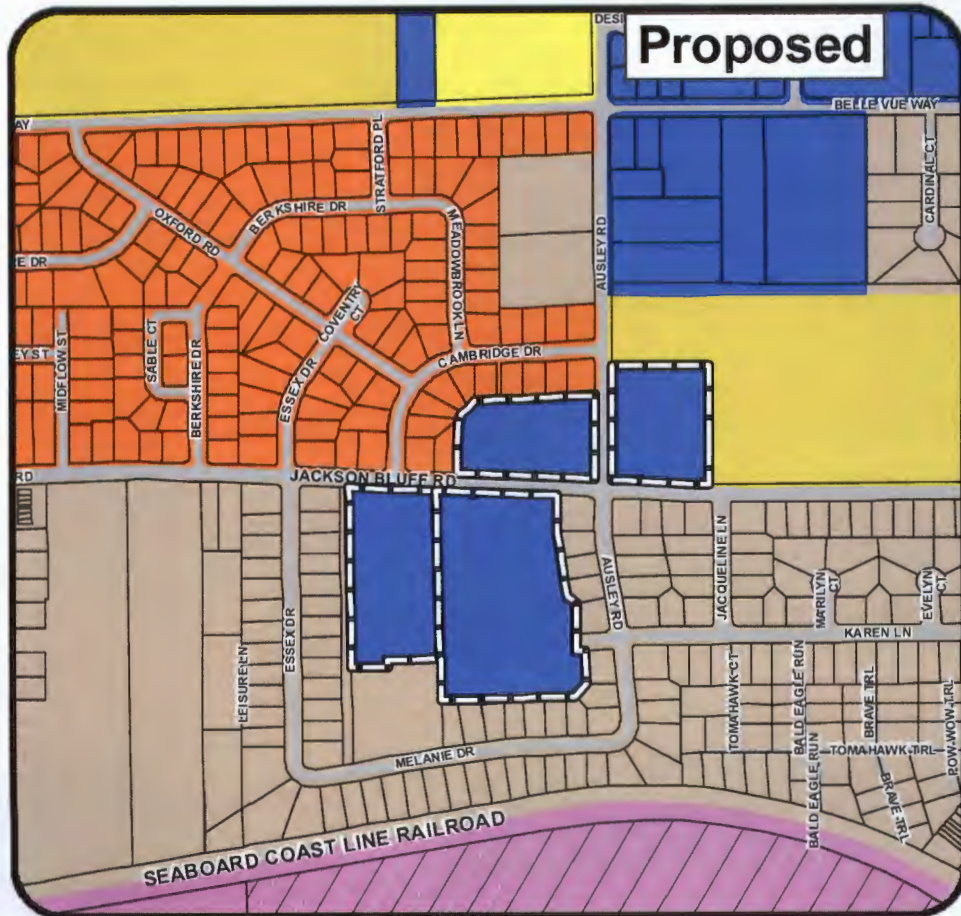
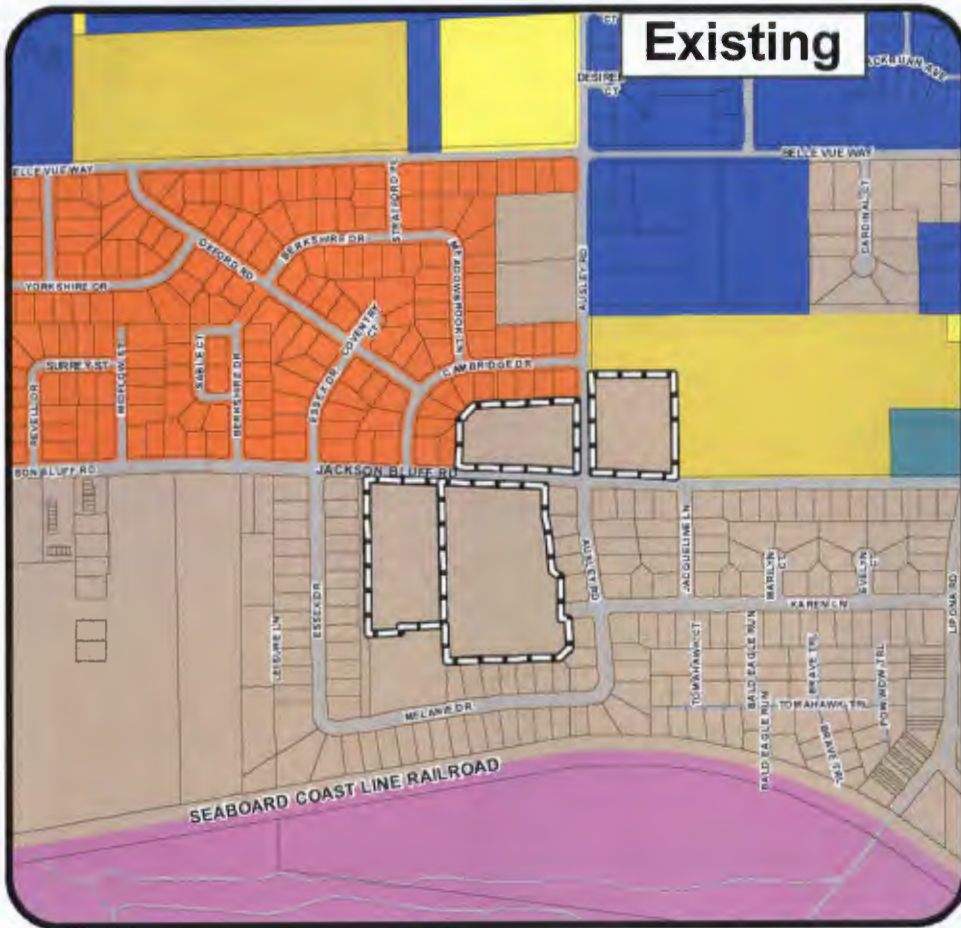
**Proposed
 Suburban**



**MULTIPLE SITE TAX ID's
 (See Text)**

ACRES: 9.8 ±





Future Land Use

Legend

- Educational Facilities
- Residential Preservation
- University Transition
- Suburban
- Urban Residential 2



**Jackson Bluff
 and Ausley Street
 PCM130106
 Carolyn Bibler**

**Existing
 Urban Residential-2**

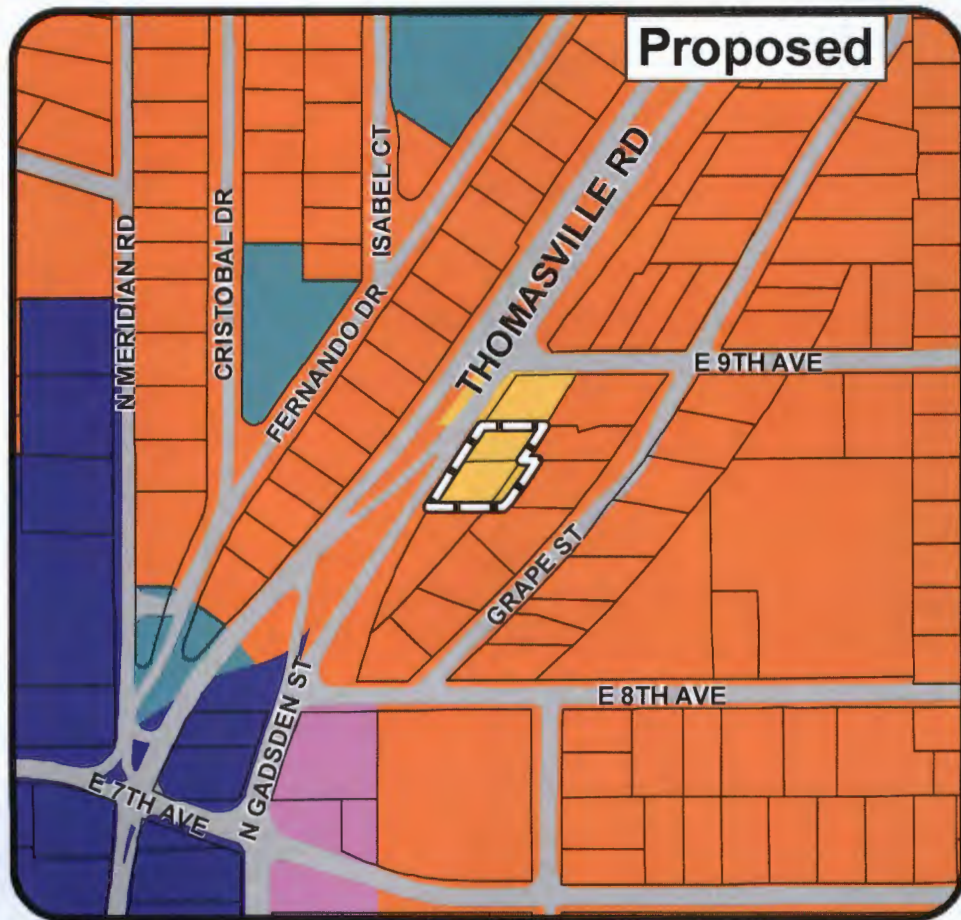
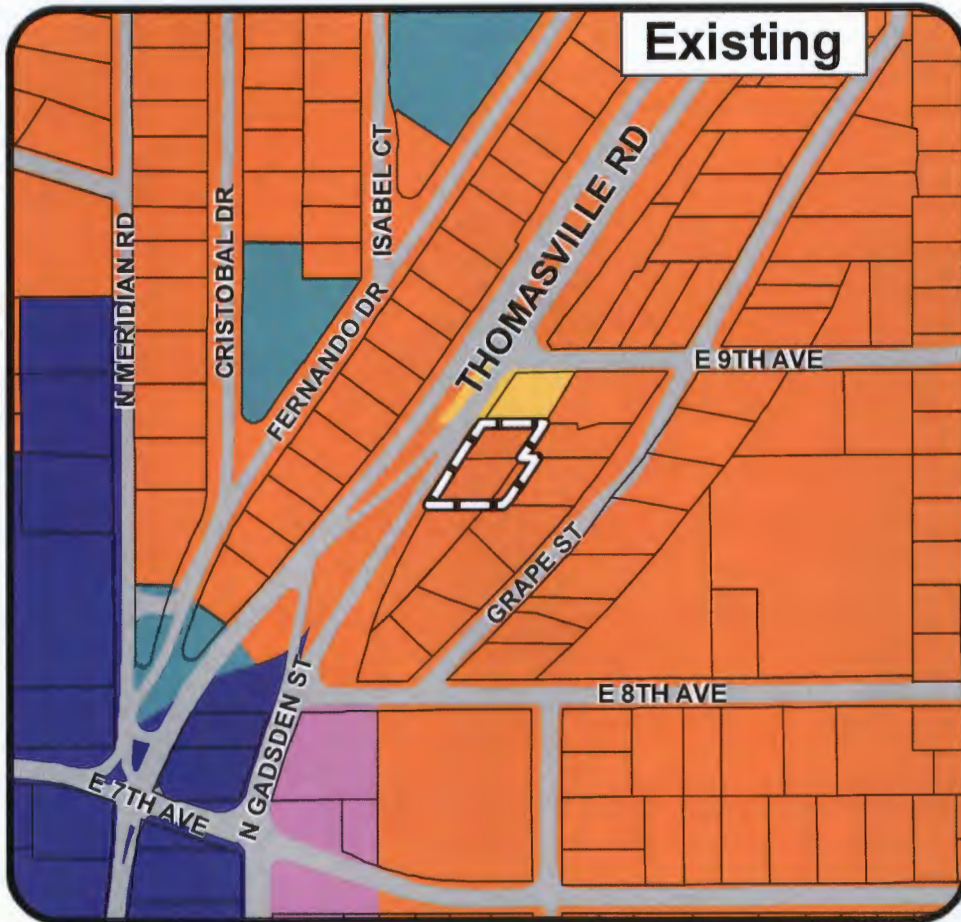
**Proposed
 University Transition**



SITE TAX IDs:
 21-34-20-402-0000
 21-34-20-627-0000
 41-03-20-201-0000
 41-03-20-240-0000

ACRES: 16.42 ±





Future Land Use

Legend

-  Central Urban
-  Open Space
-  Residential Preservation
-  Suburban
-  Neighborhood Boundary

 Subject Parcel

**9th Avenue and
 Thomasville Road
 PCM130107
 City of Tallahassee**

**Existing
 Residential
 Preservation**

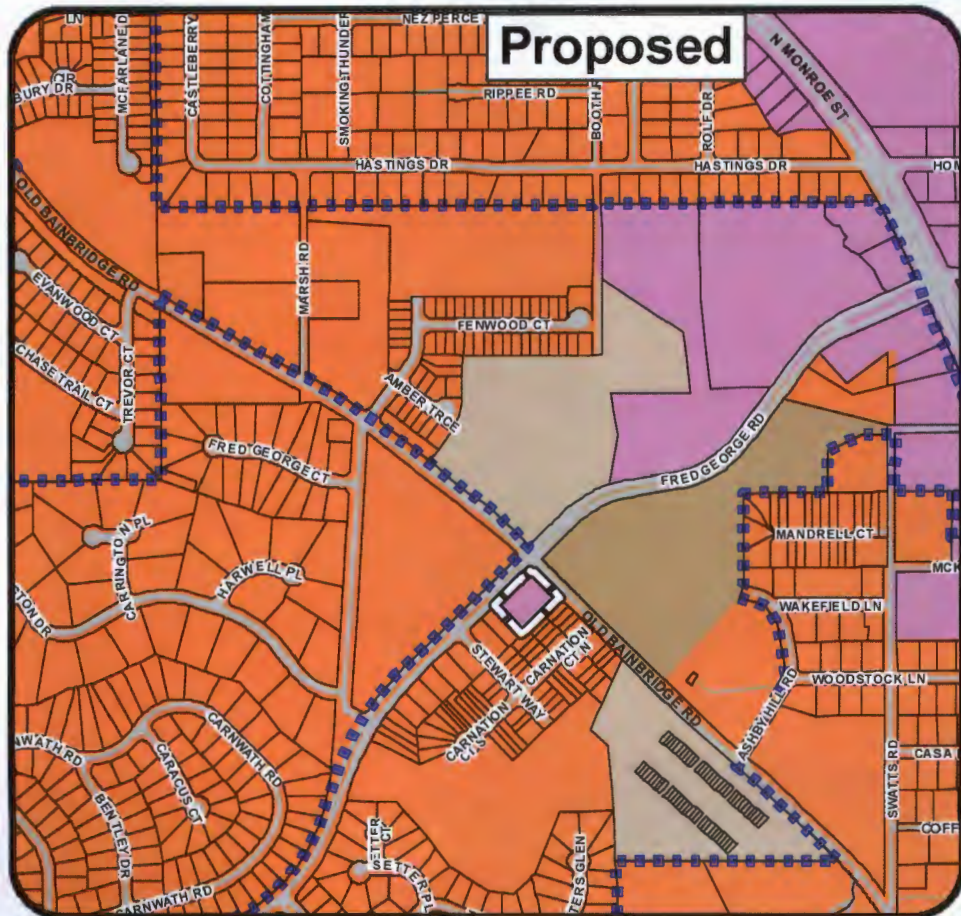
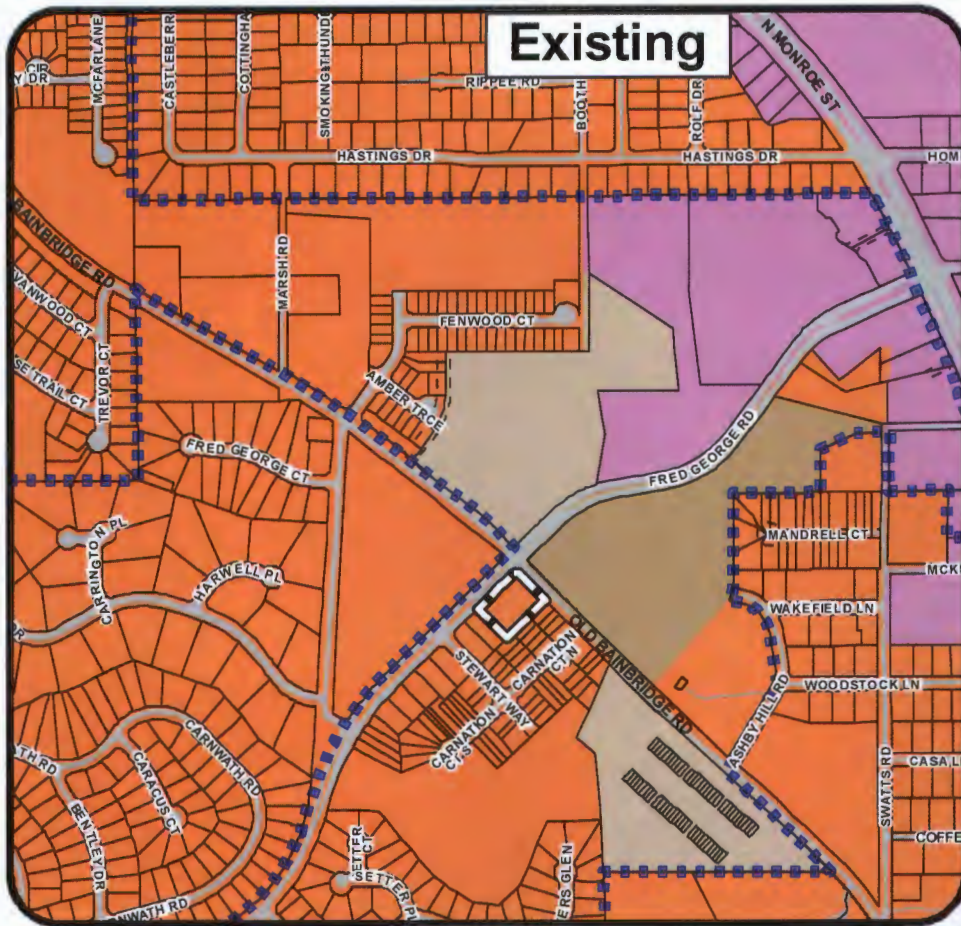
**Proposed
 Neighborhood
 Boundary**



SITE TAX ID:
 11-30-57-000-0120
 11-30-57-000-0130
 and
 11-30-57-000-0220
 (Northwest 22 ft)





ACRES: 0.38 ±





Future Land Use

Legend

-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2

 Subject Parcel

**Fred George
 and
 Old Bainbridge Road
 PCM130108**

City of Tallahassee

**Existing
 Residential
 Preservation**

**Proposed
 Suburban**



**SITE TAX ID#
 21-09-47-000-0010**

ACRES: 1.0 ±



PCT130109

PCT130109 As Proposed

CONSERVATION AREAS

Policy 1.3.1: [C] (~~City of Tallahassee~~) *(Revision Effective 6/07/01)*

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as conservation areas:

- a) Altered floodplains and floodways,
- b) Altered watercourses and improved elements of the primary drainage system;
- c) Altered wetlands;
- d) Closed basins;
- e) Significant grade areas (~~10% - 20%~~) (only required outside of the Urban Service Area);
- f) High quality successional forests;
- g) Areas exhibiting active karst features;
- h) Designated canopy road corridors.

Policy 1.3.1: [C] (~~Leon County~~) *(Revision Effective 6/07/01)*

~~The following natural features shall be mapped and be included in the conservation overlay:~~

- ~~a) Altered floodplains and floodways,~~
- ~~b) Altered watercourses and improved elements of the primary drainage system;~~
- ~~c) Altered wetlands;~~
- ~~d) Closed basins;~~
- ~~e) Significant grade areas (10%—20%);~~
- ~~f) High quality successional forests;~~
- ~~g) Areas exhibiting active karst features;~~
- ~~h) Designated canopy road corridors.~~

Policy 1.3.2: [C] (*Revision Effective 7/1/04; Revision Effective 7/26/06; Revision Effective 1/7/10*) **City of Tallahassee Only**

Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting. ~~For significant grades only, off-site mitigation may be approved under criteria to be included in land development regulations that allow development of a site with significant grades, and where net environmental benefit can be demonstrated via both enhanced mitigation measures on-site and protective measures at an external site.~~

Conservation area development criteria are as follows:

- a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.

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- b) **Altered watercourses and improved elements of the primary drainage system**—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.
- c) **Altered Wetlands (City of Tallahassee Only)** - May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
- d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.
- e) **Significant grade areas (10-20%)**- The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. However, in order to help direct development and growth to inside the Urban Service Area and further the protection of lands outside of the Urban Service Area, significant grade regulations are not required by the Comprehensive Plan within the Urban Service Area. Land development regulations may provide protection appropriate for more compact urban development inside the Urban Service Area for significant grades near wetlands, water bodies, watercourses, floodways, floodplain, and karst. ~~The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man made slopes.~~

Areas outside the Urban Service Area shall be regulated by this policy and development will be allowed at a density reflective of the density permitted by the existing land use category. Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category. It is not the intent of this policy to regulate man made slopes. Development outside the Urban Service Area will be permitted provided the following are done:

- (1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right-of-way, handicapped access, or associated utilities, including stormwater management system.
- (2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.
- (3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.
- (4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate;
 - ~~(a) Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~
- ~~(5) In lieu of the above, land development regulations may provide for off-site mitigation for development sites that meet the following criteria:~~
 - ~~(a) The site is within or adjoining Capital Circle, south of Interstate 10;~~
 - ~~(b) The site is not within a Target Planning Area (TPA), Critical Planning Area (CPA), or Planned Unit Development;~~
 - ~~(c) The site is served by a roadway in place, constructed to City or County standards, whichever is applicable and for which there is adequate capacity; and all water, sewer, and electric infrastructure necessary to serve the site are available;~~

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- ~~-(d) The significant grades on the site are not part of, do not include, and are not adjacent to previously protected significant grades or other preservation areas or conservation areas (other than significant grades) for which there are no off-site mitigation options;~~
- ~~-(e) The significant grades on site are not necessary for buffering other preservation areas or conservation areas on site or on adjoining parcels; and~~
- ~~-(f) An off-site mitigation plan for the development of the significant grades site has been approved that demonstrates net environmental benefit. (Effective 7/1/04)~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 (Effective 6/07/01)~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

- f) High quality successional forest** -- If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.
- g) Areas exhibiting active karst features (sink holes)** -- No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:
 - (1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;
 - (2) Discharge rate and volume shall not exceed predevelopment rate and volume;
 - (3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;
 - (4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.
- h) Designated canopy roads** (*Revision Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:
 - (1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
 - (a) Clearing in the canopy road zone will be kept to a minimum.
 - (b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
 - (c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.
 - (2) Any part of the canopy road zone that is cleared or has trees removed from it must be

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- widened by the same amount that was removed;
- (3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;
- (4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development

Conservation Areas Summary Chart (City of Tallahassee) (Revision Adopted 1/7/10)

	<u>Transfer</u>	<u>Develop</u>
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm-water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (6) (10-20%)	Density per land use unless (6)*	Density per land use if (3)* or 1 unit per acre unless (6)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm-water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

*footnotes (1) Provided it does not increase flow or displace volume.
 (2) There must be sufficient stormwater capacity within the closed basin.
 (3) Provided:
 a) Topographical changes are minimized.
 b) 50% of grade left undisturbed (or under approved vegetation management plan)
 c) Small areas of severe grades within significant grades may be treated as significant grades.
 (4) Provided development is clustered and there is no more than 20% disturbance of the site.
 (5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.
 (6) ~~Off-site mitigation plan is approved per land development regulations consistent with the Comprehensive Plan. (Effective 7/1/04)~~ The Comprehensive Plan only regulates significant grades outside of the Urban Service Area.

** Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.

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~~Policy 1.3.2: [C] (Revision Effective 6/07/01; Revision Effective 7/26/06) Leon County Only~~

~~Potential development within areas of the conservation overlay district shall exhibit best environmental management practices with the emphasis on designing with nature. Assessed impact upon natural resource determines density and/or intensity within a prescribed range within which the parcel is located. Planned development is required for approval. Strict performance requirements will be applied. The major criterion for approval shall be the continued functioning, with minimum disturbances, of the ecosystem, which the development is impacting.~~

~~Conservation area development criteria are as follows:~~

- ~~a) **Altered floodplains and floodways**—Development will be allowed in these areas as long as it does not impede water flow or displace volume (development will be allowed at the density consistent with the land use category). Density can be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~
- ~~b) **Altered watercourses and improved elements of the primary drainage system**—No development allowed in these areas, development density will be transferred out of these areas at a density reflective of the density permitted by the existing land use category.~~
- ~~c) **Altered Wetlands (City of Tallahassee Only)**—May only be used for a stormwater treatment facility if wetlands are degraded. Design of any stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.~~
- ~~d) **Closed basins**—These areas will be permitted to develop only to the extent that there is sufficient stormwater capacity within the basin. Development will be permitted reflective of the density allowed by the existing land use category.~~
- ~~e) **Significant grade areas (10-20%)**—The intent of protecting sloped areas of ten percent and above is to maintain local topography, prevent erosion, protect water quality, and maintain existing vegetation. The density and intensity of the proposed land use and its resulting impervious or disturbed area should be suitable for the site. It is not the intent of this policy to regulate man-made slopes.~~

~~Development will be allowed at a density reflective of the density permitted by the existing land use category. Development will be permitted provided the following are done:~~

- ~~(1) Minimize any topographical changes. Minimal grade changes typically associated with site development include those necessary for the safety of a building, parking area, road right of way, handicapped access, or associated utilities, including stormwater management system.~~
- ~~(2) A minimum of 50% of the grade must be left undisturbed or have an approved vegetation management plan and shall be placed so as to provide downhill buffers, protect forested areas, and buffer other conservation or preservation areas.~~
- ~~(3) Small areas (1/4 acre or less) of severe grade areas located within significant grades may be regulated using the criteria for significant grades.~~
- ~~(4) The implementing LDRs shall address erosion, local topography, water quality and existing vegetation as appropriate; and will contain specific conditions~~

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~~under which additional development with greater than 50% impact can be granted in significant grade areas within the urban service area to:~~

- ~~a. Encourage urban infill in the urban core (see urban core map);~~
~~or~~
- ~~b. Create new, high wage employment (may be based on a minimum annual wage, number of jobs created, and limited to exclusive office and industrial~~

~~The additional flexibility that may be granted under this section is not limited by Conservation Policy 1.3.7 [C]. (Effective 6/07/01)~~

~~Development density can be transferred to areas that are not environmentally sensitive at the density allowed by the existing land use category.~~

~~**f) High quality successional forest**—If the entire site is high quality successional forest, the site may be developed at the allowed density with no more than 20% disturbance of the site. Those areas designated to remain natural shall be selected in a manner that protects or enhances adjacent or other on-site natural features. Development density can be transferred to non-environmentally sensitive areas at the density allowed by the existing land use category. If the transfer option is not used, development may be permitted at a density of one (1) unit per two (2) acres.~~

~~**g) Areas exhibiting active karst features (sink holes)**—No untreated stormwater will be allowed to enter active karst features. Stormwater discharged to active karst features must meet the following criteria:~~

- ~~(1) Runoff must be treated to comply with Sec. 17-25.700(2) F.A.C.;~~
- ~~(2) Discharge rate and volume shall not exceed predevelopment rate and volume;~~
- ~~(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;~~
- ~~(4) There will be no discharge of water to an active karst feature from any land use, which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.~~

~~**h) Designated canopy roads** (*Revision Effective 6/28/02*)—Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:~~

- ~~(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:
 - ~~(a) Clearing in the canopy road zone will be kept to a minimum.~~
 - ~~(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.~~~~

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~~(e) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.~~

~~(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;~~

~~(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;~~

~~(4) Joint access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.~~

Conservation Areas Summary (Leon County)

	<u>Transfer</u>	<u>Develop</u>
Altered Floodplains and floodways	Density per land use category	Density per land use if (1)*
Altered Wetlands (City only)	Density per land use category	May only be used for storm water treatment facility if wetlands are degraded **
Altered watercourses, improved elements of primary drainage system	Density per land use	None
Closed basin	Density per land use	Density per land use if (2)*
Significant grades (10-20%)	Density per land use	Density per land use if (3)*
High quality successional forest	Density per land use	Density per land use if (4)* or 1 unit per acre
Active karst features	Density per land use. No untreated storm water, *meet all additional criteria.	Density per land use. No untreated stormwater, *meet all additional criteria.
Designated Canopy Roads	Density per land use	Density per land use if (5)* or 1 unit per acre. 100 ft. zone applies.

~~*footnotes (1) Provided it does not increase flow or displace volume.~~

~~(2) There must be sufficient stormwater capacity within the closed basin.~~

~~(3) Provided:~~

~~a) Topographical changes are minimized.~~

~~b) 50% of grade left undisturbed (or under approved vegetation management plan)~~

~~c) Additional flexibility available through the LDRs for urban core and high wage employment.~~

~~d) Small areas of severe grades within significant grades may be treated as significant grades. (Effective 6/07/01)~~

~~(4) Provided development is clustered and there is no more than 20% disturbance of the site.~~

~~(5) Provided all requirements are met, i.e., 100 foot zone, authorized access with no alternative or health safety and welfare of public, analysis of impact, joint access.~~

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~~*# Design of the stormwater facility shall result in the re-establishment of the undisturbed portion of the wetland.
Policy 1.3.3: [C] (City of Tallahassee Only) (Effective 7/26/06; Revision Effective 1/7/10)~~

~~When conservation features are present, mitigation via the transfer of development to non-environmentally sensitive areas on-site is preferable. Land development regulations shall be developed that permit off-site mitigation for significant grades on properties within or adjoining Capital Circle, south of Interstate 10 that meet the criteria set forth in the Conservation Element. Density transfer shall be within the parcel; no off-site transfer of density is permitted except as provided for in Policy 1.3.13 [C] of this element. Transfer of development density to non-environmentally sensitive areas on-site will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer and off-site mitigation is not available or used, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located. In order to allow development to reach their maximum density, development within the Downtown Overlay shall be exempt from the significant and severe slope requirements established within the conservation overlay.~~

~~**Policy 1.3.3: [C]** (Leon County Only) (Effective 7/26/06)~~

In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located. The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.

PRESERVATION AREAS

~~**Policy 1.3.4: [C]** (City of Tallahassee only) * (Revision Effective 12/10/91; Renumbered Eff. 7/26/06)~~

The following natural features shall be identified and mapped prior to rezoning or development and be regulated as preservation areas:

- a) Wetlands and waterbodies and water courses;
- b) Severe grades over 20% (only required outside of the Urban Service Area);
- c) Native forests;
- d) Undisturbed/undeveloped 100 year floodplain; and
- e) Areas of environmental significance
- f) Habitats of endangered, threatened and species of special concern.

Policy 1.3.5: [C] (Leon County only) * (Revision Effective 12/10/91; Renumbered Effective 7/26/06)

The following natural features shall be mapped and be included in the preservation overlay

- a) ~~Wetlands and waterbodies and water courses;~~
- b) ~~Severe grades over 20%;~~
- c) ~~Native forests;~~
- d) ~~Undisturbed/undeveloped 100-year floodplain; and~~
- e) ~~Areas of environmental significance~~
- f) ~~Habitats of endangered, threatened and species of special concern.~~

** See Explanation of Environmental Overlays in Land Use Element*

Policy 1.3.6: [C] (Revision Effective 12/7/99; Revision Effective 7/26/06)

Development approval within the preservation ~~overlay districts areas~~ shall be restricted to extremely low density and intensity type projects due to the environmental constraints present. Alteration due to development would result in destruction or severe degradation of the natural resource function. As a result, these areas are unsuitable for all but extremely low-density development for one or more of the following reasons:

- (1) To prevent degradation of water quality.
- (2) To prevent degradation of freshwater storage capabilities.
- (3) To prevent the degradation of biological productivity.
- (4) To prevent damage to property and loss of life due to flooding.
- (5) To prevent degradation of the viability and diversity of native plants and animals and their habitats.
- (6) To assure the conservation of ir retrievable or irreversible resources.

Preservation areas development criteria are as follows

Preservation Areas

	<u>Transfer</u>	<u>Develop</u>
Wetlands, water bodies, water courses*	Density per land use	1 unit per 40 acres
<u>Severe grades (only required outside of the Urban Service Area)</u>	Density per land use	1 unit per 40 acres**
Native forest	Density per land use	1 unit per 40 acres
Areas of environmental Significance	Density per land use	1 unit per 40 acres
Undisturbed/undeveloped 100 year floodplains	Density per land use	1 unit per 40 acres
Habitat of endangered, threatened, or species of special concern	Density per land use	1 unit per 40 acres, management plan

* Footnote: Any portion of a site within a water body, which is also a preservation area, shall be excluded when calculating a transfer.

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****Footnote:** *When an area of significant grades contains within its boundaries small fragments of severe grades, the criteria for development within significant grades may be authorized. (Effective 6/07/01)*

Policy 1.3.7: [C] *(Revision Effective 9/19/9; Renumbered Effective 7/26/06)* ~~Leon County Only~~

Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation areas shall be the preferred option and shall be implemented through the use of density incentives to be applied on-site.

Policy 1.3.8: [C] *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~City of Tallahassee Only~~

~~Development must be clustered away from preservation areas on to non-environmentally sensitive portions of the site. Clustering development outside conservation features shall be the preferred option except where the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected, and shall be implemented through the use of density incentives to be applied on-site.~~

...

Policy 1.3.12: [C] *(Effective 9/19/91; Renumbered Effective 7/26/06)* ~~Leon County Only~~

When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted.

Policy 1.3.13: [C] *(Revision Effective 7/1/04; Renumbered Effective 7/26/06)* ~~City of Tallahassee Only~~

~~When there are no non-environmentally sensitive areas on which to cluster on a parcel, the allowable density must be clustered in the portion of the site that will have the least impact on the natural resource being impacted unless the conservation features consist solely of significant grades, an off-site mitigation plan has been approved and no other conservation or preservation features will be affected.~~

Policy 1.3.14: [C] *(Effective 7/1/04; Renumbered Effective 7/26/06)* ~~City of Tallahassee Only~~

~~Environmental and ecological services shall be taken to include habitat, nutrient uptake, carbon sequestration, flood detention, water storage, and related function. Without measures to ensure their continued delivery, off-site mitigation may result in a net loss of such services and their economic contribution to the community. Consequently, the hierarchy of preferred development strategies shall be as follows:~~

- ~~(1) Design development to be compatible with conservation and preservation features on site (No mitigation required).~~
- ~~(2) Design development to avoid, or minimize or ameliorate impacts to conservation and preservation features on site (On-site mitigation).~~
- ~~(3) Local government may adopt land development regulations that provide an off-site mitigation option for properties in certain locations that contain significant grades greater than a certain size or percentage of the parent tract. Such off-site mitigation may be employed in cases where an applicant demonstrates that neither (1) nor (2) can be realistically achieved by design subject to existing zoning and environmental permitting requirements (Off-site mitigation).~~

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- a) ~~In no instance shall the off site mitigation option be employed where the subject area adjoins other conservation or preservation features and the environmental services collectively provided would be measurably diminished.~~
- b) ~~In all instances, employment of the off site mitigation option shall preclude the use of site design alternatives that reduce the percentage of the site dedicated to landscaping or natural area preservation.~~
- e) ~~Pursuant to policies or programs to improve the quality of receiving waters, including Surface Water Improvement and Management (SWIM) Plans, Total Maximum Daily Loads (TMDLs), Stormwater Pollutant Reduction Programs, and Lake Management or Action Plans, local government may establish stricter standards for stormwater treatment for sites employing off site mitigation.~~

Policy 1.3.15: [C] (Effective 7/1/04; Renumbered Effective 7/4/26/06) City of Tallahassee Only

Local government recognizes that the design of a site is in part an economic decision, and that offsite mitigation may be accomplished by several means. Consequently, the preferred hierarchy of off-site mitigation strategies for significant grades shall be as follows:

- (1) ~~Participation in a mitigation bank established within the same major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
- (2) ~~Participation in a mitigation bank established in another major drainage basin that is managed to generate all of the environmental services provided by significant grades.~~
- (3) ~~Via conservation easement or similar instrument, bona fide preservation and management on other property owned or to be acquired by the applicant equal to twice (two times) the acreage of significant grades on site to be mitigated.~~
- (4) ~~Fees in Lieu provided to Local Government to acquire and manage property to compensate for the loss of environmental services provided by significant grades, plus a stormwater management surcharge to compensate for within drainage basin impacts attributable to the loss of significant grades.~~

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PCT130110 As Proposed

GLOSSARY

HIGH QUALITY SUCCESSIONAL FOREST: *(Rev. Effective 12/10/91) (City of Tallahassee only)*

~~High quality successional forest is an early stage in natural community development characterized by an ability to provide wildlife habitat and within which natural community type species are present in such numbers, size, and diversity that succession is toward a recognizable mature natural community.~~ shall mean a medium quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." These forests typically show signs of past disturbances, but still retain a good distribution of high quality indicator species. A medium quality natural community generally possesses the following characteristics:

- 1) The floristic composition contains many of the more common species typical of the natural community type, although most rare species are absent;
- 2) The community may contain invasive exotic plants that could be controlled through management;
- 3) The community has likely had some past disturbance, but not to the extent that the potential for recovery or restoration to a high quality natural community is significantly impaired (unauthorized activities in high quality successional forest areas resulting in a violation of the ordinances will not be excluded from protection as such).

HIGH QUALITY SUCCESSIONAL FOREST: *(Effective 7/16/90) (Leon County only)* ~~High quality successional forest is a community of mixed or single species of trees and understory vegetation with both mature and immature trees, comprised of a mix of age classes that does or would support an abundance of wildlife.~~

NATIVE FOREST: *(Rev. Effective 12/10/91) (City of Tallahassee only)* ~~A vegetative community (1) dominated by native species, including trees, understory vegetation and wildlife, and (2) structured as a forest type described in the Florida Natural Areas Inventory publication, "Guide to Natural Communities of Florida." Historical disturbance may have occurred but has not destroyed or prevented re-establishment of the community. Standard professional measures will be used to evaluate the quality of the subject area along with other biological and physical factors that may be evident.~~

NATIVE FOREST: *(Effective 7/16/90) (Leon County only)* ~~A community of vegetation, including trees, understory vegetation and associated wildlife that were present in Leon County prior to European settlement.~~

Native forest shall mean a high quality natural plant community that is a forest type described in the Florida Natural Areas Inventory publication "Guide to the Natural Communities of Florida." A high quality natural community generally possesses the following characteristics:

- 1) The plant species composition is dominated by high quality indicator species which are typical of their natural community type;
- 2) The community may contain invasive exotic plants that could be controlled through management;
- 3) Evidence of historical disturbance may be present, but the disturbance has not destroyed or prevented the re-establishment of a high quality natural community type.

WETLAND *(Revision Effective 6/28/02):* Wetlands mean those areas included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances does ~~or would support, at least periodically,~~ a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as

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hydric or alluvial, or possess characteristics that are associated with reduced soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligated hydrophytic macrophytes that are typically adapted to areas having soils conditions described in this definition above. These species, due to morphological, physiological, or reproductive adaptations have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps and marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The City of Tallahassee and Leon County intend to continue to protect isolated wetlands and wetlands on properties held by a single owner. Isolated wetlands and wetlands in one ownership must meet the State of Florida's definition for wetlands with regard to percent composition of wetland plant species, hydrologic indicators, and soils (Chapter 62-340, F.A.C.)

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PCT130111 As Proposed

Policy 1.1.10 [M]

MMTD Residential Density Bonus. In order to increase redevelopment and infill development, residential densities within the MMTD may be increased up to 35% above the maximum allowed in the Residential Densities Range Table. This bonus shall not apply to lands designated Residential Preservation. Further bonuses may be applied to the Downtown. Eligibility criteria for these bonuses will be established within the land development regulations and shall include design standards facilitating pedestrian oriented site and building design with enhanced pedestrian access and amenities, urban scale development, innovative parking strategies, integrated mix of land uses, and other urban design features. ~~In areas designated Central Core on the Future Land Use Map, any development with density of more than 10 dwelling units per acre shall be consistent with these design standards subject to further clarification in the Land Development Code.~~

Policy 2.1.8: [L] (Revision Effective 7/26/06; Revision Effective 1/7/10)

Maintain a viable mix of available residential densities to accommodate a variety of housing types. Current residential densities are summarized below:

RESIDENTIAL DENSITIES RANGE (Revision Effective 12/15/11)

Future Land Use Category	Maximum Gross Density - Dwelling Units (DU)/Acre (Ac) ¹	Minimum Gross Density Dwelling Units (DU)/Acre (Ac)
Rural	1 DU/10 Ac	No minimum
Urban Fringe	1 DU/3 Ac (standard) or 1DU/3 Ac (Conservation subdivision)	No minimum
Urban Residential	10 DU/AC	4 DU/Ac
Urban Residential 2	20 DU/Ac ²	No minimum
Village Mixed Use	20 DU/Ac ²	No minimum
Suburban	20 DU/Ac ²	No minimum
Planned Development	20 DU/Ac ²	No minimum
Bradfordville Mixed Use ²	20 DU/Ac	No minimum
Central Urban ^{2,3,4}	45 DU/Ac	No minimum
Activity Center ^{2,3}	45 DU/Ac	No minimum
University Transition ^{2,3,4}	50 DU/Ac	No minimum
Central Core ^{2,3,4} (Eff. 1/7/10)	150 DU/Ac (Eff. 1/19/02)	No minimum
Rural Community	4 DU/Ac	No minimum
Residential Preservation ²	6 DU/Ac	No minimum
Lake Talquin Recreation/Urban Fringe ^{5,4}	1 DU/3 Ac (standard)	No minimum
Lake Protection ^{5,4}	1 DU/2 Ac (standard)	No minimum

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Notes:

¹ Maximum gross density is based on the gross acreage of the site and may not be achievable after addressing applicable land development regulations (e.g., parking, stormwater, and other regulations that may limit maximum development potential).

² Density ranges can be increased up to 25% above the maximum limits listed above for the purpose of providing affordable housing units, consistent with Policy 2.1.14 [LU].

³ Density ranges can be increased up to 35% above the maximum limits listed above for the purpose of encouraging infill development and redevelopment, consistent with ~~Policy 12.2.2 [L]. (Effective 1/19/02)~~
Mobility Element Policy 1.1.10 [ME]. (Effective 12/15/11)

⁴ ~~In areas designated Central Core, University Transition and Central Urban on the Future Land Use Map, any development with density of more than 50 dwelling units per acre must be subject to the design standards identified in Policy 12.2.2 [LU]. (Effective 1/19/02; Rev. Effective 1/7/10)~~

⁵⁻⁴ Clustering Option Available

Policy 2.2.10 [L]

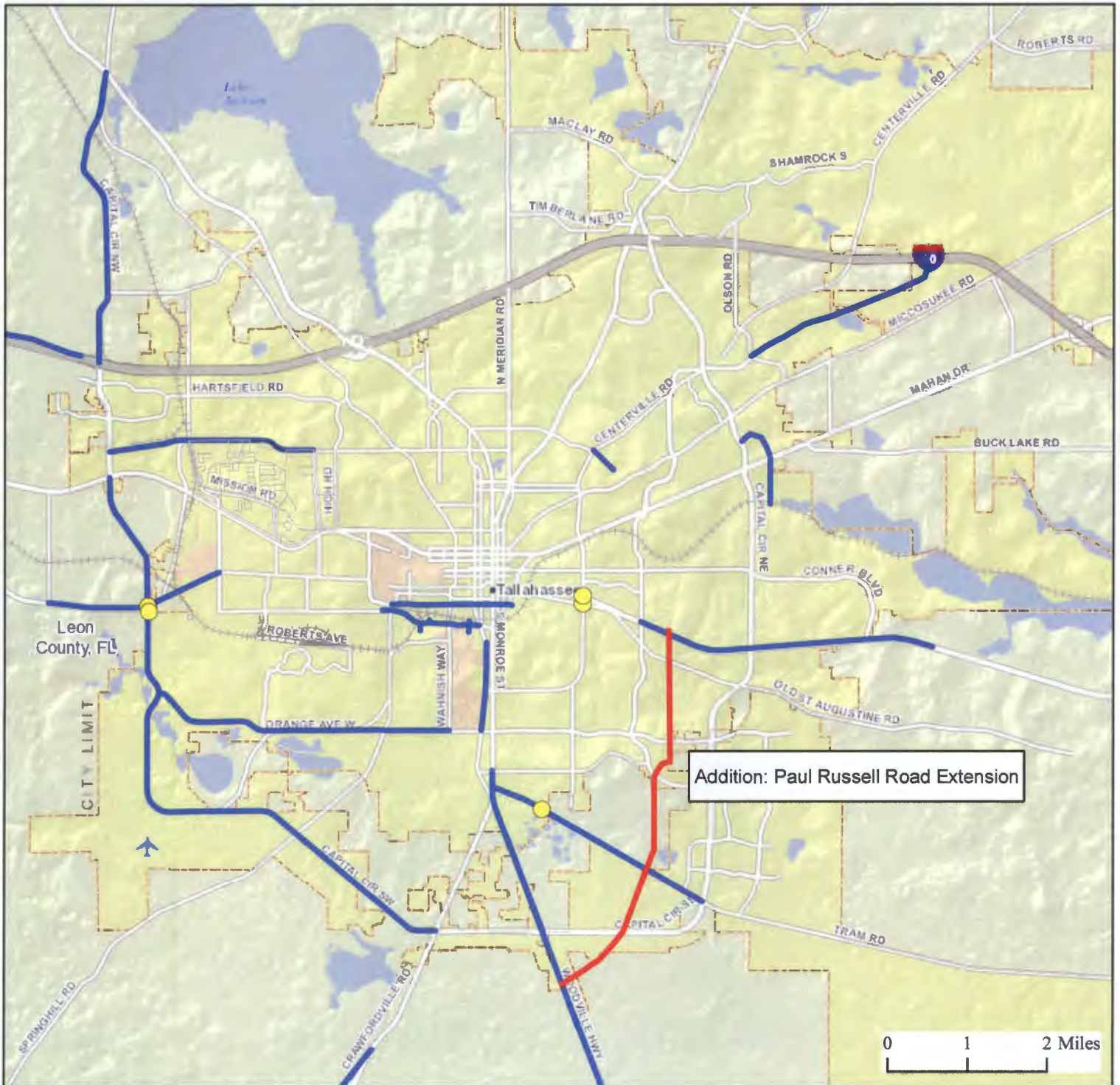
CENTRAL CORE (Effective 1/19/02; Revision Effective 7/26/06; Renumbered 3/14/0; Revision Effective 1/7/10)

The current Central Core of Tallahassee has a strong government presence. However, the character of this area has changed since 2002 to a more mixed use center with new office, commercial, retail and residential uses. The Central Core of Tallahassee is intended to expand into a vibrant 18-hour urban activity center with quality development. The emphasis in this area is intended to shift from cars to pedestrian, bike and transit modes of transportation. The development regulations within the Central Core area have to be amended to allow for a more urban kind of development where the primary emphasis is on pedestrian, bike and transit modes of transportation. The Central Core area is within the Downtown Overlay. The City of Tallahassee intends to promote mix of uses and higher densities and intensities within its Central core, while promoting multiple modes of transportation. The City shall establish Design Guidelines for this area in order to allow for more mixed use, pedestrian, bike and transit oriented development. Residential development may be permitted up to 150 units per acre. Any development with density of more than 10 dwelling units per acre shall be consistent with the design standards identified in Policy ~~2.1.5 [F]~~ 1.1.10 [M] subject to further clarification in the Land Development Code.

The future expansion of the Central Core FLUM will be limited to only those parcels within the Downtown Overlay District when:




- The proposed parcels are contiguous to existing central core FLUM area;
- The proposed parcel has all the infrastructure available;
- The proposed parcel has to exhibit a need for the expansion (eg: parcel of sufficient size not available in the Central Core FLUM for the proposed development).

Effective with the 13-01 Comprehensive Plan Cycle **FUTURE RIGHT-OF WAY NEEDS MAP**



Addition: Paul Russell Road Extension

Project Type

-  Paul Russell Road Extension
-  Roadway Projects
-  Transportation Systems Management

N
Tallahassee-Leon County
Planning Department
19 December 2012

ORDINANCE NO. 13-O-18

**AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING AN
AMENDMENT TO THE 2030 TALLAHASSEE/LEON COUNTY
COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.
[THORNTON ROAD]**

WHEREAS, Chapters 163 and 166, Florida Statutes, empower the City Commission of the City of Tallahassee to prepare and enforce comprehensive plans for the development of the City; and,

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empower and require the City Commission of the City of Tallahassee to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, Ordinance No. 90-O-0076 was enacted on July 16, 1990, to adopt the Tallahassee-Leon County 2010 Comprehensive Plan for the incorporated area of Tallahassee. Leon County also adopted a plan for the unincorporated area of Leon County by separate ordinance; and,

WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is now 2030 and the Comprehensive Plan is now known as the Tallahassee-Leon County 2030 Comprehensive Plan pursuant to the latest Evaluation and Appraisal Report; and

1 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City
2 Commission of the City of Tallahassee has held several public work sessions, public
3 meetings and several public hearings with due public notice having been provided, on
4 this amendment to the Comprehensive Plan; and,

5 WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City
6 Commission of the City of Tallahassee transmitted copies of the proposed amendment
7 of the comprehensive plan to the Department of Community Affairs as the State Land
8 Planning Agency and other state and regional agencies for written comment, and
9 transmitted one (1) copy to each of the local government or governmental agencies in
10 the State of Florida having filed with the City of Tallahassee a request for a copy of the
11 amended version of the comprehensive plan; and,

12 WHEREAS, the Department of Community Affairs transmitted its Objections,
13 Recommendations, and Comments Report on the amended version of the
14 comprehensive plan; and,

15 WHEREAS, this amendment to the comprehensive plan was reviewed in view of
16 the Objections, Recommendations, and Comments Report by the Department of
17 Community Affairs; and,

18 WHEREAS, pursuant to Section 163.3184, Florida Statutes, on May 28, 2013,
19 the City Commission of the City of Tallahassee held a public hearing with due public
20 notice having been provided on this amendment to the comprehensive plan; and,

21 WHEREAS, the City Commission of the City of Tallahassee further considered
22 all oral and written comments received during such public hearing, including the data
23 collection and analyses packages, the recommendations of the Planning Commission,
24 and the Objections, Recommendations, and Comments Report of the Department of
25 Community Affairs; and,

1 WHEREAS, in exercise of its authority, the City Commission of the City of
2 Tallahassee has determined it necessary and desirable to adopt this amendment to the
3 comprehensive plan to preserve and enhance present advantages; encourage the most
4 appropriate use of land, water and resources, consistent with the public interest;
5 overcome present handicaps; and deal effectively with future problems that may result
6 from the use and development of land within the City of Tallahassee, and to meet all
7 requirements of law.

8 NOW THEREFORE, BE IT ENACTED by the People of the City of Tallahassee,
9 Florida, as follows, that:

10 **Section 1. Purpose and Intent.**

11 This ordinance is hereby enacted to carry out the purpose and intent of, and
12 exercise the authority set out in, the Local Government Comprehensive Planning and
13 Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida
14 Statutes, as amended.

15 **Section 2. Text Amendment.**

16 The ordinance does hereby adopt the following portion of the text attached
17 hereto as Exhibit "A," and made a part hereof, as an amendment to the Tallahassee-
18 Leon County 2030 Comprehensive Plan, as amended, and does hereby amend "The
19 Tallahassee-Leon County 2030 Comprehensive Plan," as amended, in accordance
20 therewith, being an amendment to the following Plan element:

21 Text Amendment PCT130113, which relates to the Land Use Element.

22 **Section 3. Conflict With Other Ordinances and Codes.**

23 All ordinances or parts of ordinances of the Code of Ordinances of the City of
24 Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby
25 repealed to the extent of such conflict.

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Section 4 Severability.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Copy on File.

To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon 2030 Comprehensive Plan and this amendment thereto, shall also be located in the Tallahassee-Leon County Planning Department. The Planning Director shall also make copies available to the public for a reasonable publication charge.

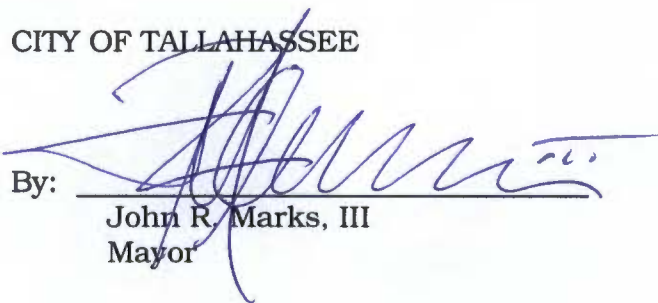
Section 6. Effective Date.

The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto.

INTRODUCED in the City Commission on the 22nd day of May, 2013.

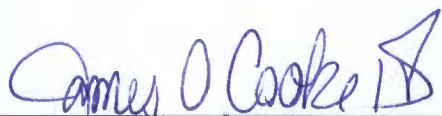
PASSED by the City Commission on the 28th day of May, 2013.

CITY OF TALLAHASSEE

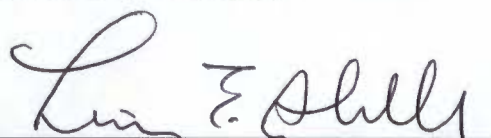

By: _____
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM

By: 

James O. Cooke, IV
City Treasurer-Clerk

By: 

Lewis E. Shelley
City Attorney

PCT130113

PCT130113 As Proposed

WELAUNEE CRITICAL AREA PLAN

Land Use Goal 13 *(Effective 12/10/02)*

Guide planned development within the Welaunee Critical Planning Area through implementation of a critical area plan which includes a mixture of integrated land uses that are predominantly self-supporting rather than dependent upon public funding, places a greater emphasis on pedestrian mobility and transportation alternatives, provides new employment opportunities near major transportation arteries and protects natural systems in an urbanized setting.

...

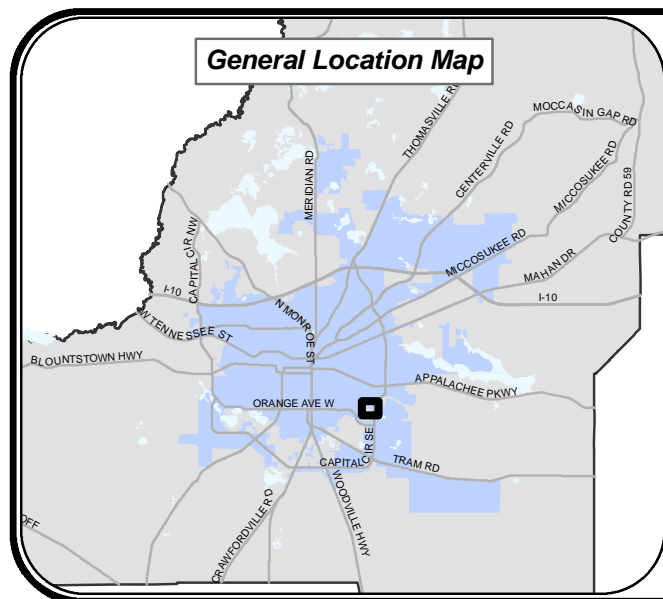
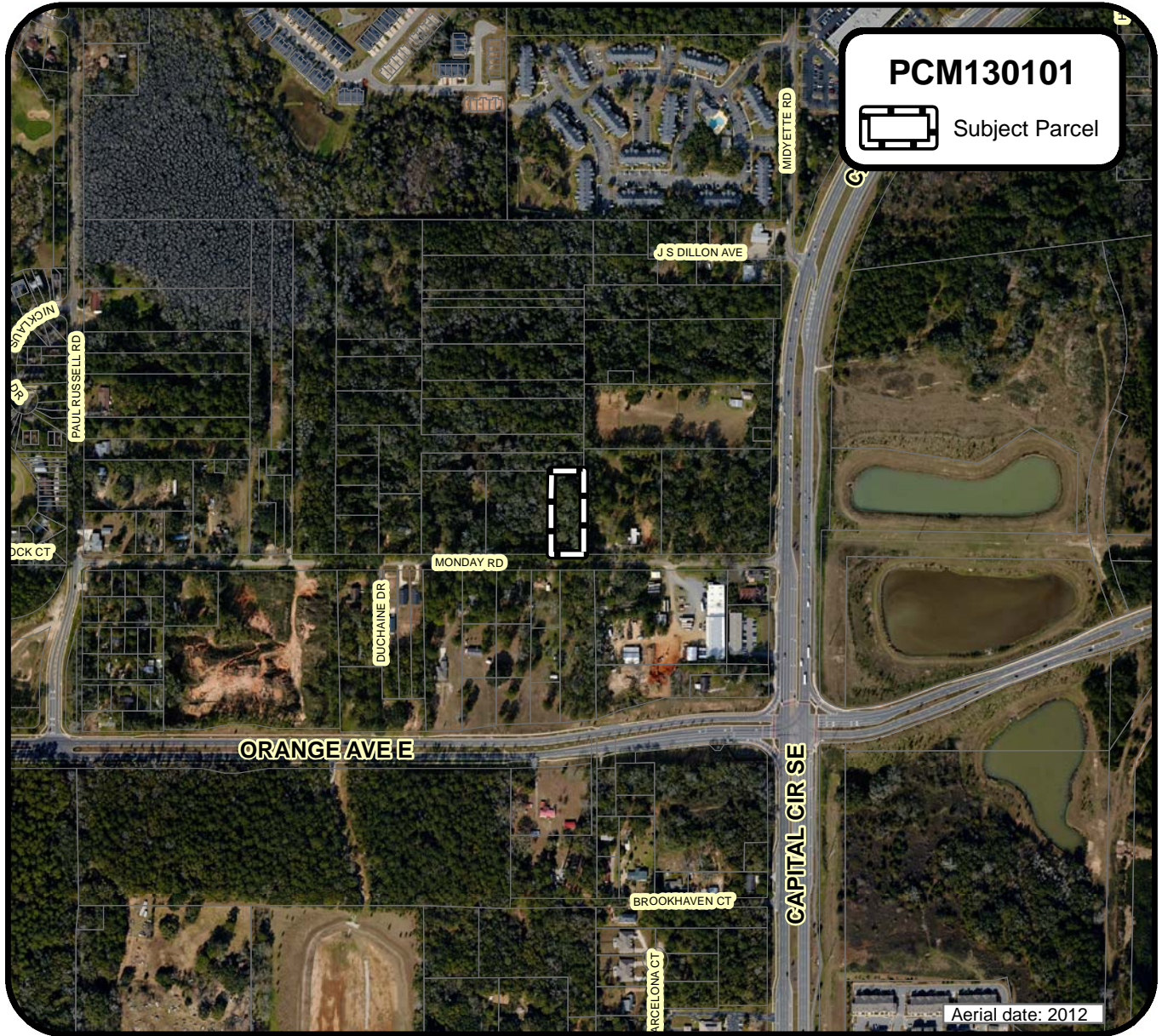
Policy 13.1.4: Transportation *(Effective 12/10/02; Revision Effective 7/20/05)*

...

- (2) The following transportation guidelines shall apply in the Toe as established in PUD Concept Plans and shown in Figure 13-3:

...

- (B) Road access to the Toe from Miccosukee Road shall occur only within ~~the existing~~ approved road access ~~easements-corridors~~ across the Miccosukee Canopy Road Greenway at ~~Arendell Way, Thornton Road, and Edenfield Road.~~ In addition, road access to the Toe from Miccosukee Road at and Dempsey Mayo, ~~within the existing road access easement may be approved in a PUD Concept Plan if it is determined by the local government with jurisdiction, based on analysis, that such a connection would have a desirable impact on the Miccosukee Canopy Road.~~ All impacts to the canopy road protection zone from such access roads shall be minimized.



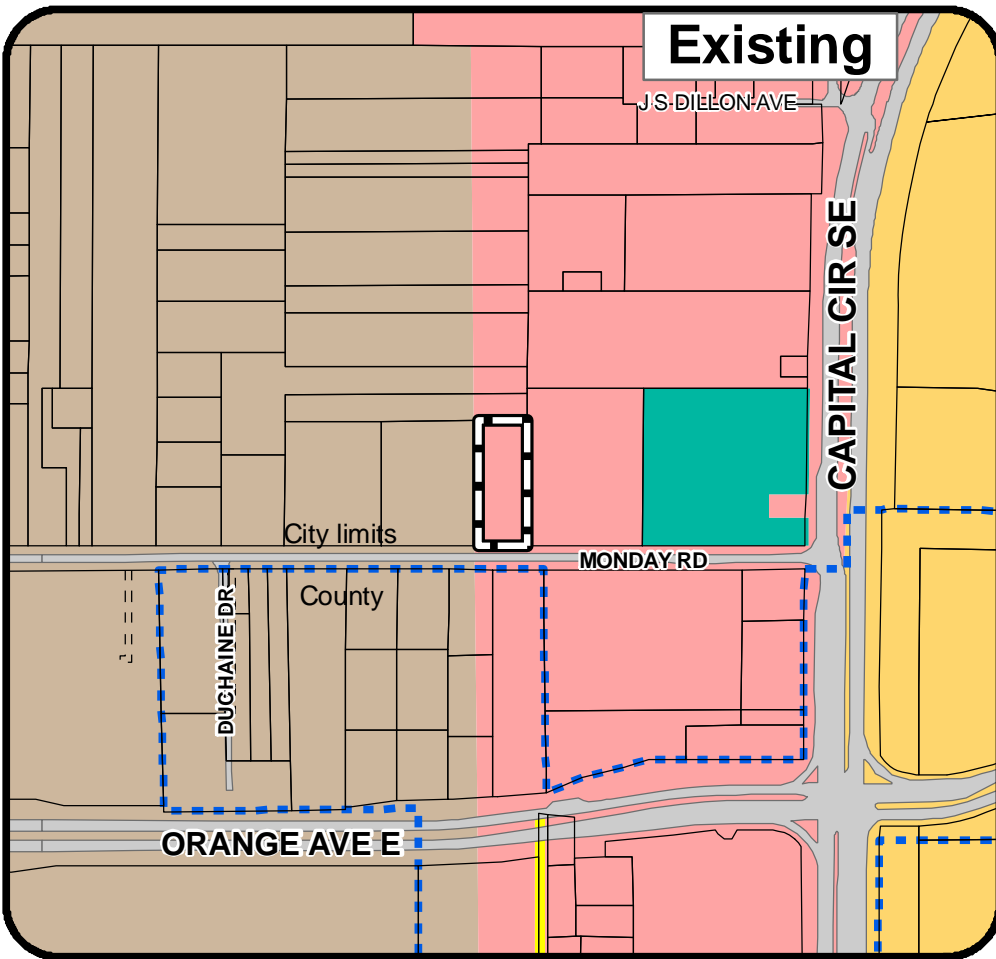
**Monday Road near
Capital Circle Southeast
PCM130101
City Of Tallahassee**

**SITE TAX ID:
31-09-20-261-0000**

ACRES: 1 ±










Existing



Future Land Use

Legend

-  Activity Center
-  Governmental Operation
-  Open Space
-  Planned Development
-  Urban Residential 2
-  Subject Parcel
-  City Limits

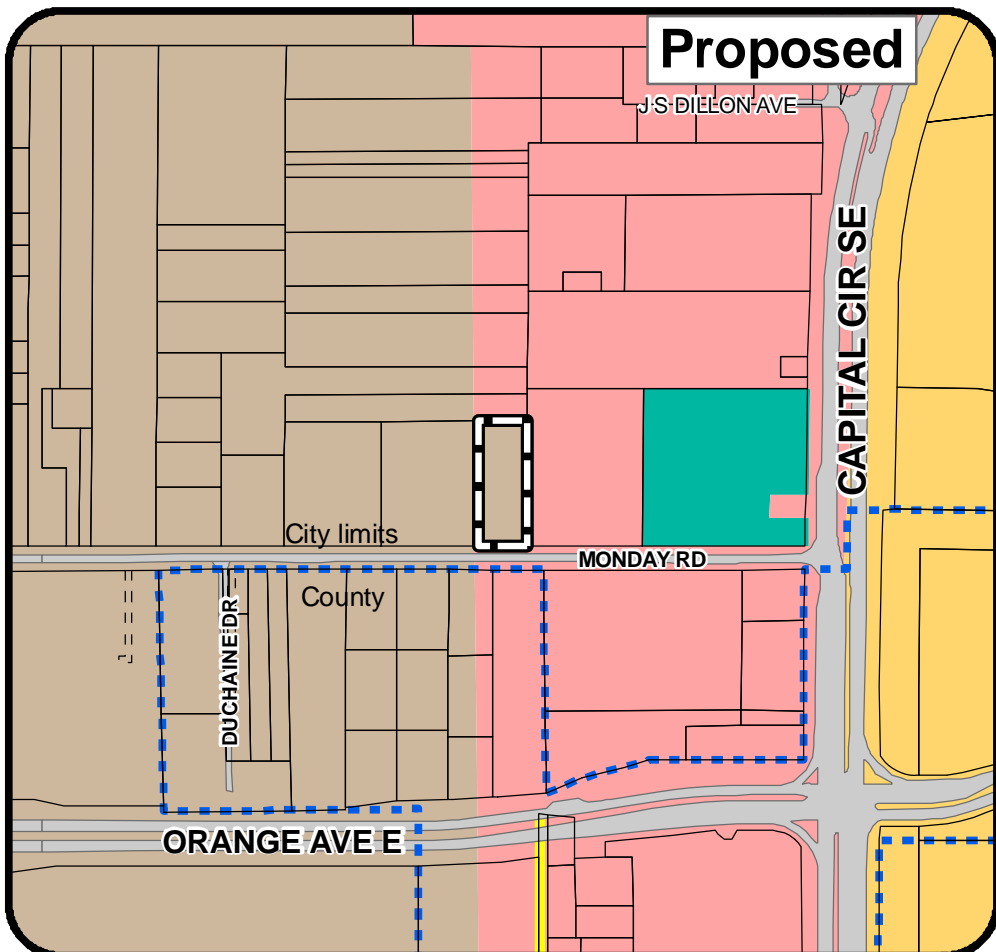
**Monday Road near
Capital Circle Southeast
PCM130101**

City Of Tallahassee

**Existing
Activity Center**

**Proposed
Urban Residential-2**

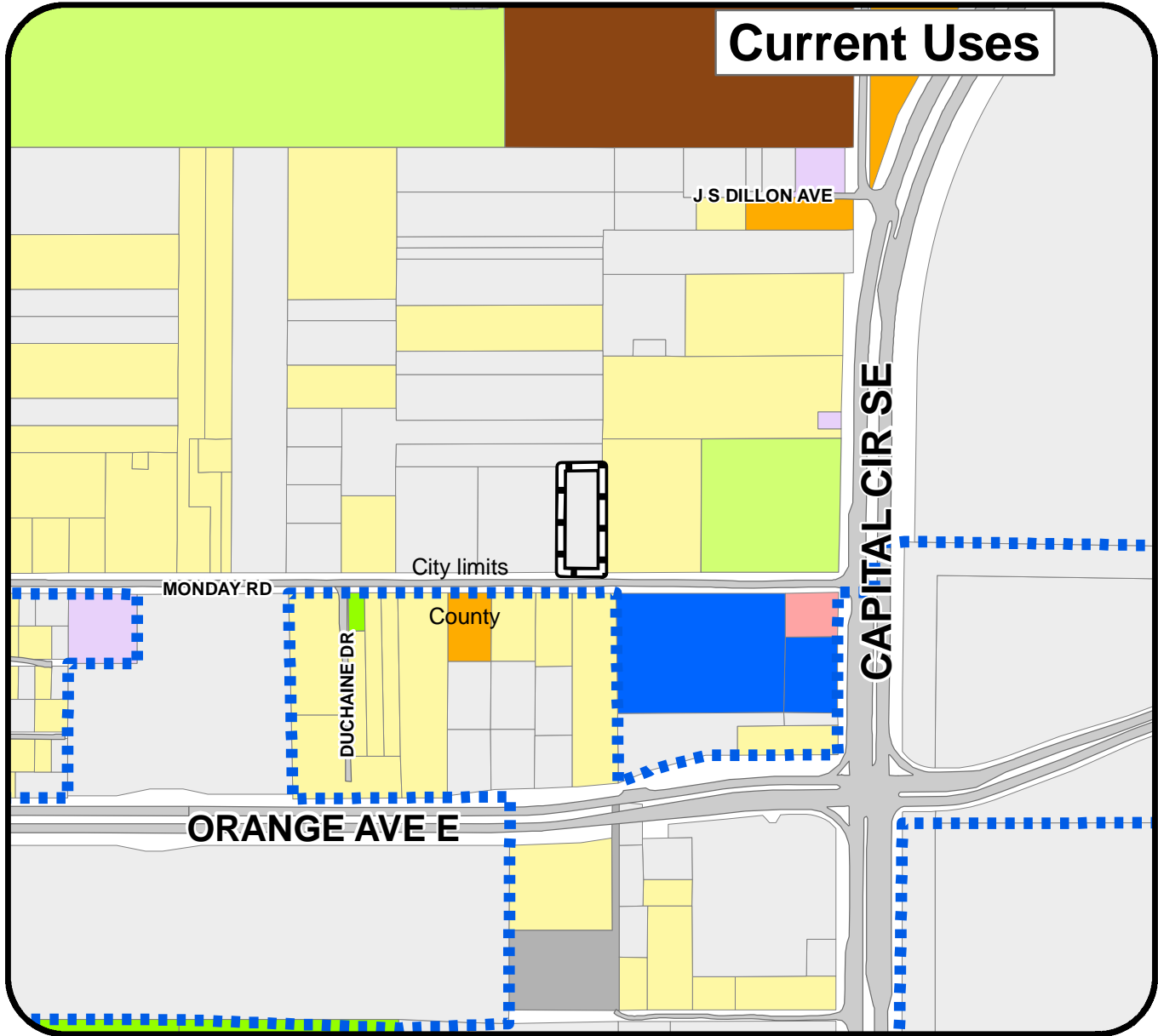
Proposed





**SITE TAX ID:
31-09-20-261-0000**

ACRES: 1 ±















Legend

-  City Limits
-  Subject Parcel

Current Uses (Oct. 2012)

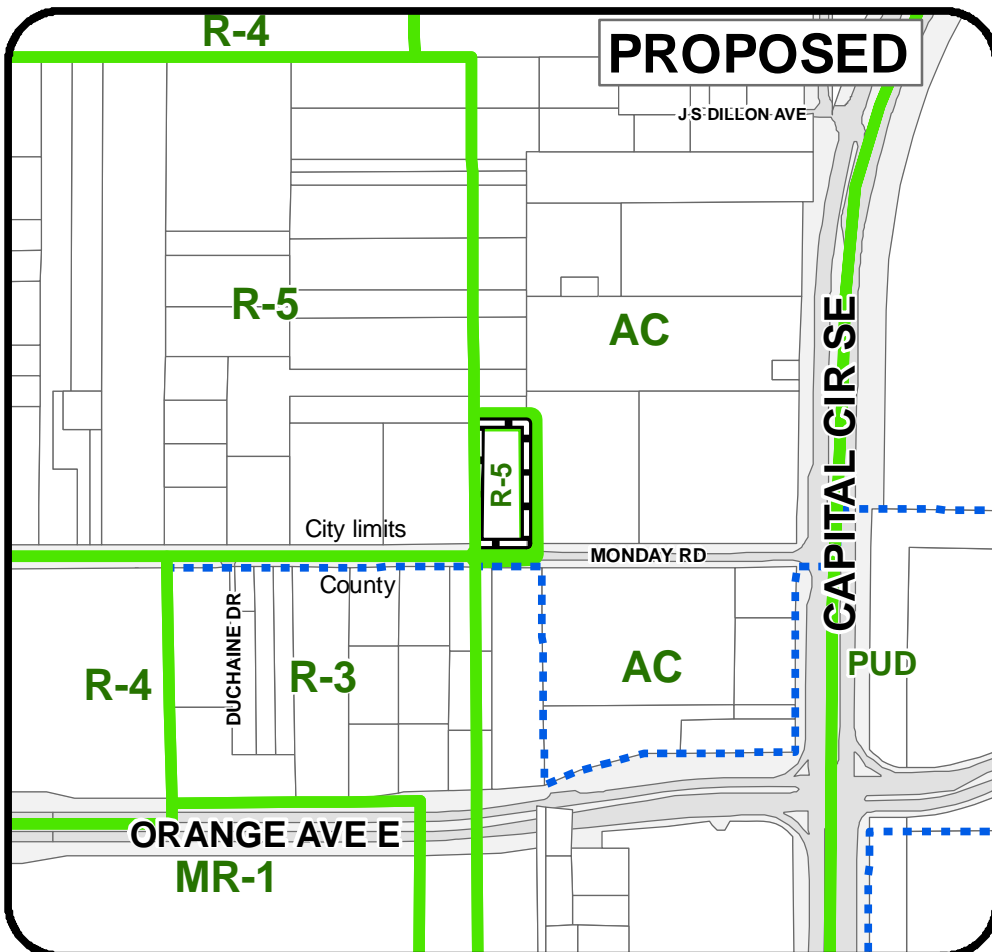
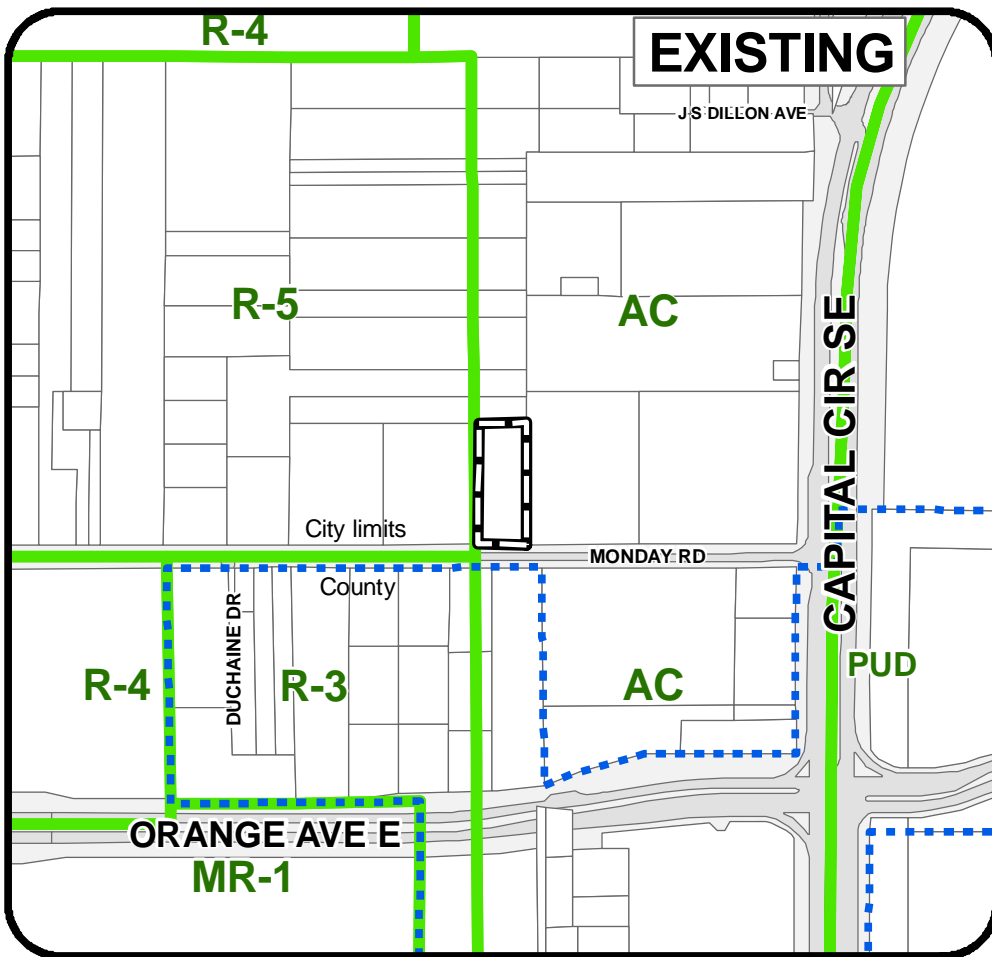
- | | |
|--|---|
|  Single Family Detached/Mobile Home |  Open Space Common Areas |
|  Multi-Family |  Open Space Resource Protection |
|  Motel/Hospital/Clinic |  Religious/Non-profit |
|  Office |  Transportation/Communications/Utilities |
|  Warehouse |  Vacant |

**Monday Road near
Capital Circle Southeast
PCM130101
City Of Tallahassee**

**SITE TAX ID:
31-09-20-261-0000**

ACRES: 1 ±





ZONING

Legend



Subject Parcel



zoning



City Limits

Monday Road near
Capital Circle Southeast
PCM130101

City Of Tallahassee

Existing

Activity Center

Proposed

R-5 (Manufactured Home
and
Single Family Detached
Residential)



SITE TAX ID:
31-09-20-261-0000

ACRES: 1 ±



PLACE - PLANNING - LAND MANAGEMENT - AND COMMUNITY DEVELOPMENT

PCM130101

Monday Rd. near Capital Circle, SE

MAP AMENDMENT #: PCM130101

APPLICANT: City of Tallahassee Growth Management Department

TAX I.D. # s: 31-09-20-261-0000 (±1 acre)

CITY X COUNTY

CURRENT DESIGNATION: High Intensity Urban Activity Center (AC)

REQUESTED DESIGNATION: Urban Residential-2 (UR-2)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130101

A. SUMMARY:

This is a request to change the Future Land Use Map from High Intensity Urban Activity Center to Urban Residential -2 for a one acre parcel located north of Monday Road near Capital Circle Southeast. The existing High Intensity Urban Activity Center allows for large scale commercial activities and residential development up to 45 units per acre. The proposed Urban Residential -2 category allows residential uses up to 20 units per acre. City staff initiated this amendment following issuance of a Land Use Compliance Certificate to construct two single-family residences on the parcel. The amendment allows the owner of the parcel to move forward with the subdivision and construction of the homes as represented in the Land Use Compliance Certificate. An application for rezoning to R-5, which allows single-family housing, has been filed concurrent with this map amendment request.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Urban Residential -2 land use category is consistent with the predominant development pattern in the vicinity of the subject site. The subject site and the surrounding area are developed with low density residential development.
2. The proposed change would correct an error made during the Land Use Compliance Certificate Process, and would allow the subject parcel to be subdivided into two residential lots with two single-family homes which is compatible with the surrounding land uses.
3. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

The property owner wishes to subdivide the property into lots for development with two single family detached dwellings units. The AC zoning district does not allow single family residential development as permitted use. The AC zoning district would allow multi-family development at a maximum allowable density of 45 units per acre. The R-5 zoning district allows a maximum of 8 units per acre. The City of Tallahassee is representing the applicant in these requests because it is a downzoning. The property immediately adjacent to this site is zoned R-5 with a Future Land use designation of UR-2. This change is desired by the City in order to continue compatibility with surrounding land uses which are residential in nature. Given the trend in the area, it is doubtful that AC uses would be compatible in this area.

D. STAFF ANALYSIS:

In February and March of 2012, Land Use Compliance Certificates (LUC) were issued for the subject parcel. The Certificates noted that the subject parcel was eligible for subdivision into two residential lots and authorized a limited partition to split the one lot into two lots. After the issuance of the certificates staff realized that an error had occurred and that the parcel was ineligible for the limited partition because of its zoning as Activity Center (AC).

The proposed amendment has been initiated by Growth Management staff so the owner of the subject parcel can legally subdivide the property into two lots and construct two single family residences. The subject parcel is located immediately north of Monday Road and is currently designated High Intensity Urban Activity Center (AC) on the Future Land Use Map (FLUM). The existing High Intensity Urban Activity Center category allows for large scale commercial activities and medium-high density residential development up to 45 units per acre. However, under the implementing AC zoning district, single-family residential housing is not a permitted use. In order to correct the error made through the Land Use Compliance Certificate Process, staff is requesting that the parcels FLUM designation be changed to Urban Residential -2 (UR-2), with implementing zoning of Residential -5 (R-5). The proposed Urban Residential -2 category allows residential uses up to 20 units per acre and the implementing R-5 zoning includes single-family housing. The primary intent of the Urban Residential 2 category is to encourage a range of housing density (4-20 dwelling units per acre) to promote urban infill, and maximize the efficient use of infrastructure. Urban Residential- 2 may also serve as a transition category between lower density residential categories and more intensive development.

The requested change would allow the parcel to be subdivided into two residential lots with two single-family homes. The property owner has already built one home on the site and is awaiting the approval of this amendment before proceeding with the second home. In addition, the proposed change would be consistent with the future land use designation and zoning occurring in the vicinity of the request. The property immediately adjacent to the site

to the west is zoned R-5 with a Future Land Use designation of UR-2. The proposed change is consistent and compatible with the predominant use in the area which is residential.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The subject site is located in the eastern edge of Lake Munson Drainage basin. County environmentally sensitive area maps indicate no other known environmentally sensitive features in the subject area.
2. Water/Sewer: City water and sewer are available to the area.
3. Transportation:

Transportation Analysis and Conclusion: The subject site is located north of Monday Road and west of Capital Circle, SE. Trip generation analysis by the City Concurrency Division, concluded that the proposed change in future land use would result in a net decrease of 20 PM peak hour trips.

Transit Availability: The subject site is located on the north side of Monday Road, approximately 1,100 feet west of Capital Circle, southeast. There is a StarMetro bus stop located at the intersection of Capital Circle SE and Old St. Augustine Road, which is approximately 4,450 feet north of the property and other bus stop located at the intersection of Capital Circle SE and S. Blair Stone Road, which is approximately 4,800 feet south of the property.

Bicycle/Pedestrian Facilities Availability: The bike lanes and sidewalks are planned for roads in the immediate area, including Monday Road, Paul Russell and Midyette Roads. Capital Circle, SE has sidewalks and bike lanes.

4. Schools: The subject site is in the Conley, Fairview and Rickards school attendance zones.

School Name	Conley Elementary	Fairview Middle	Rickards High
Potential Students Generated	2	1	1
Present Capacity	-486	-222	241
Post Development Capacity	-488	-223	240

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future

land use category. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

5. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was not completed by the applicant.

F. VESTED / EXEMPT STATUS:

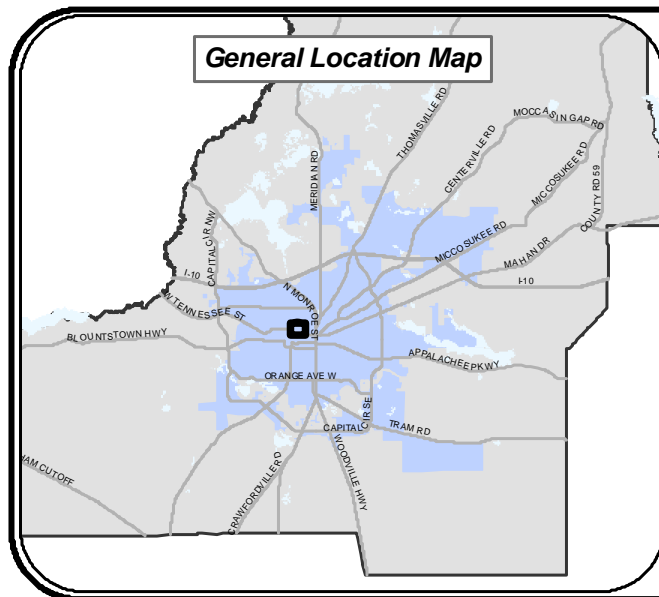
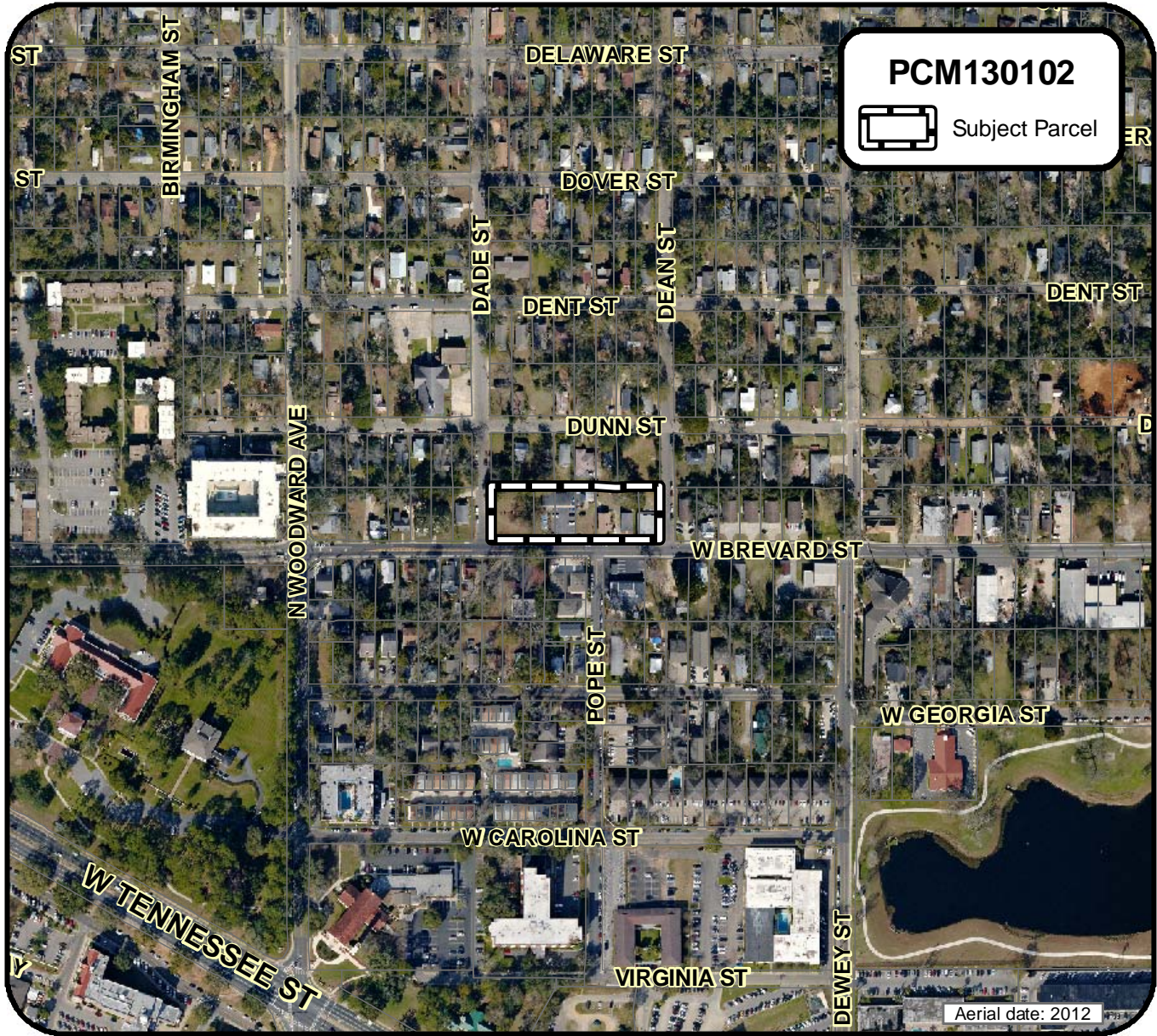
The subject site is not vested or exempt.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The proposed Urban Residential -2 land use category is consistent with the predominant development pattern in the vicinity of the subject site. The subject site and the surrounding area are developed with low density residential development.
2. The proposed change would correct an error made during the Land Use Compliance Certificate Process, and would allow the subject parcel to be subdivided into two residential lots with two single-family homes which is compatible with the surrounding land uses.
3. The proposed amendment is not anticipated to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

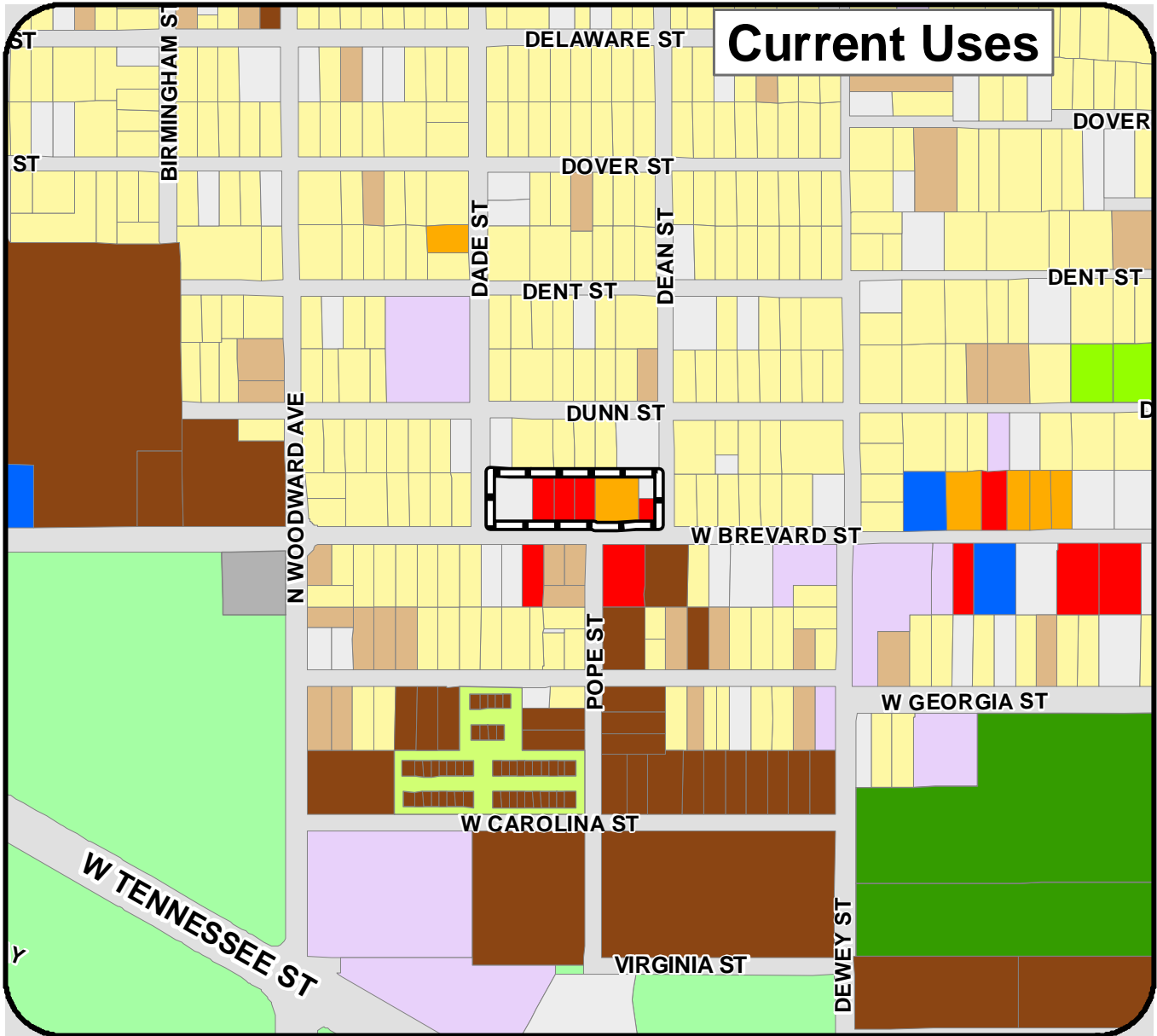


West Brevard Street
PCM130102
Louis Chambers

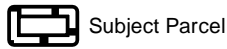
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 - 21-26-53-002-0011
 - 21-26-53-002-0020
 - 21-26-53-002-0040
 - 21-26-53-002-0050
 - 21-26-53-002-0060
 - 21-26-53-002-0070

ACRES: 1.16 ±





Legend



Current Uses (Oct. 2012)

- | | |
|------------------------------------|---|
| Single Family Detached/Mobile Home | Open Space Common Areas |
| Two-Family Dwelling | Open Space Resource Protection |
| Multi-Family | Open Space Recreation/Parks |
| Retail | Religious/Non-profit |
| Office | Transportation/Communications/Utilities |
| Warehouse | Vacant |
| School | |

West Brevard Street

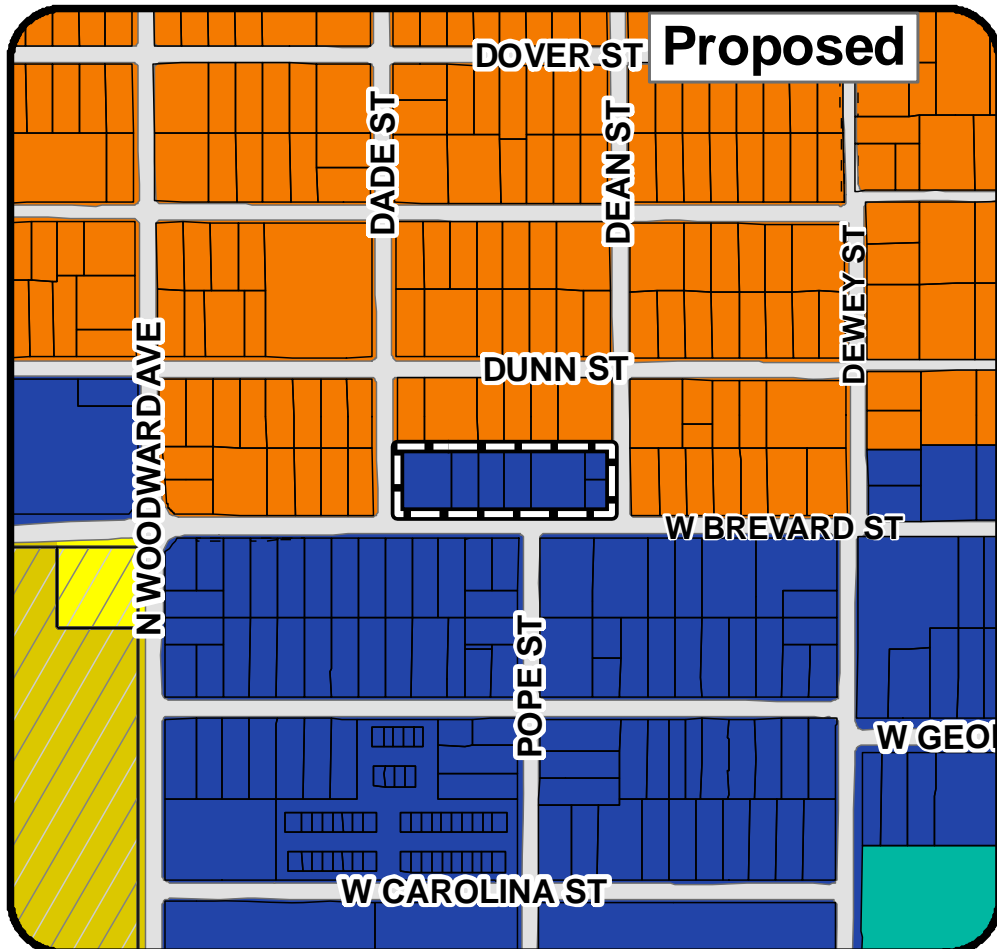
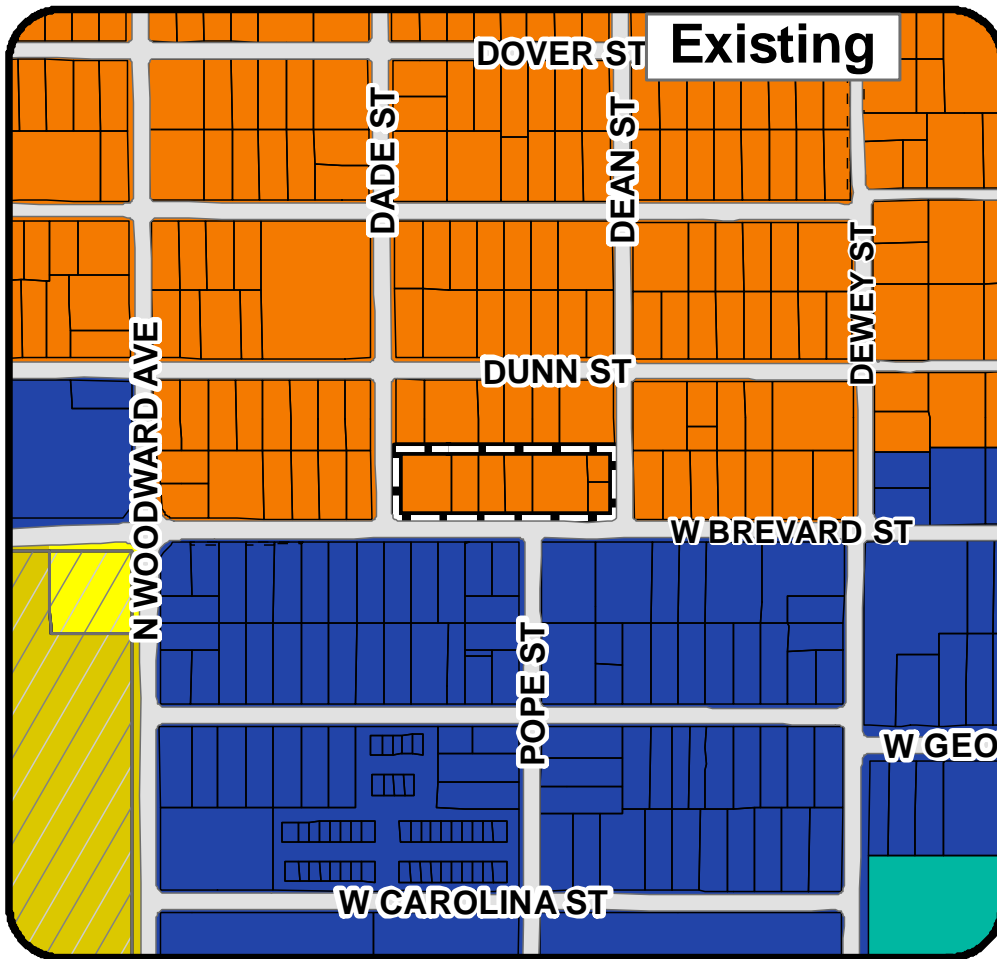
PCM130102

Louis Chambers

SITE TAX IDs:
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 21-26-53-002-0020
 21-26-53-002-0040
 21-26-53-002-0050
 21-26-53-002-0060
 21-26-53-002-0070







ACRES: 1.16 ±





Future Land Use

Legend

-  Central Urban
-  Educational Facilities
-  Governmental Operation
-  Open Space
-  Residential Preservation
-  Subject Parcel

West Brevard Street
PCM130102
Louis Chambers

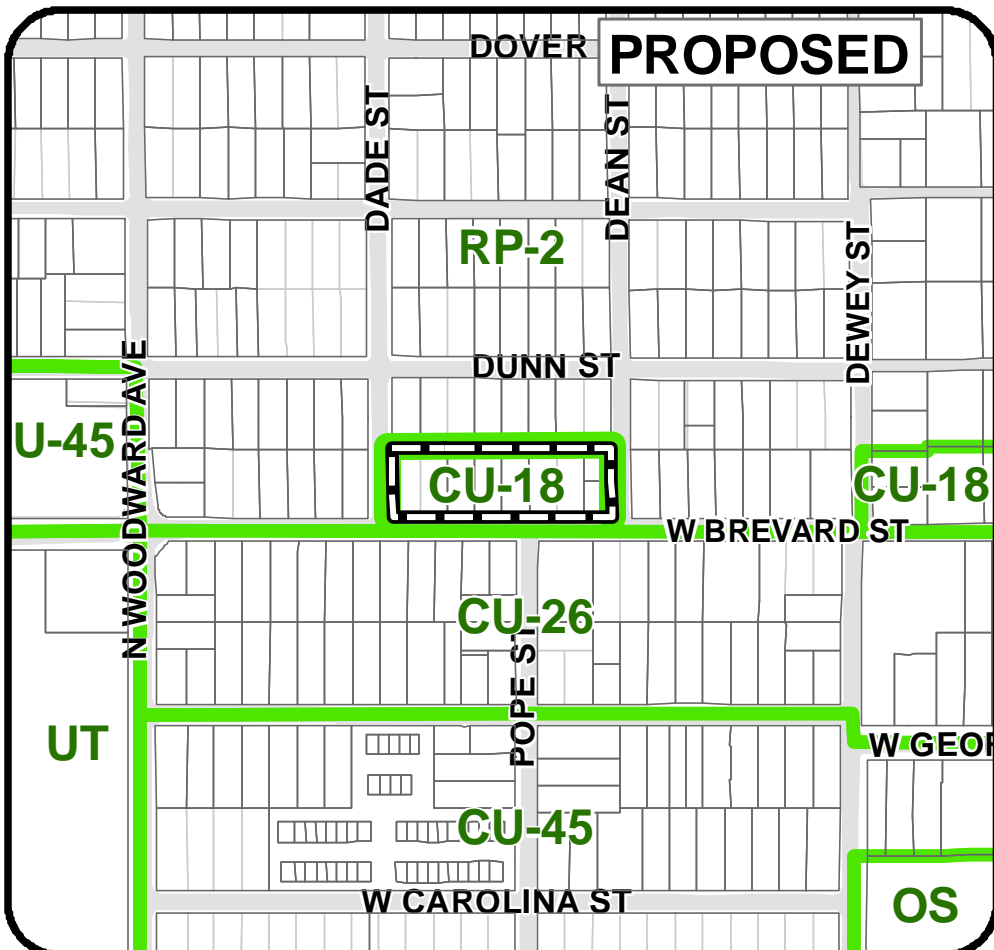
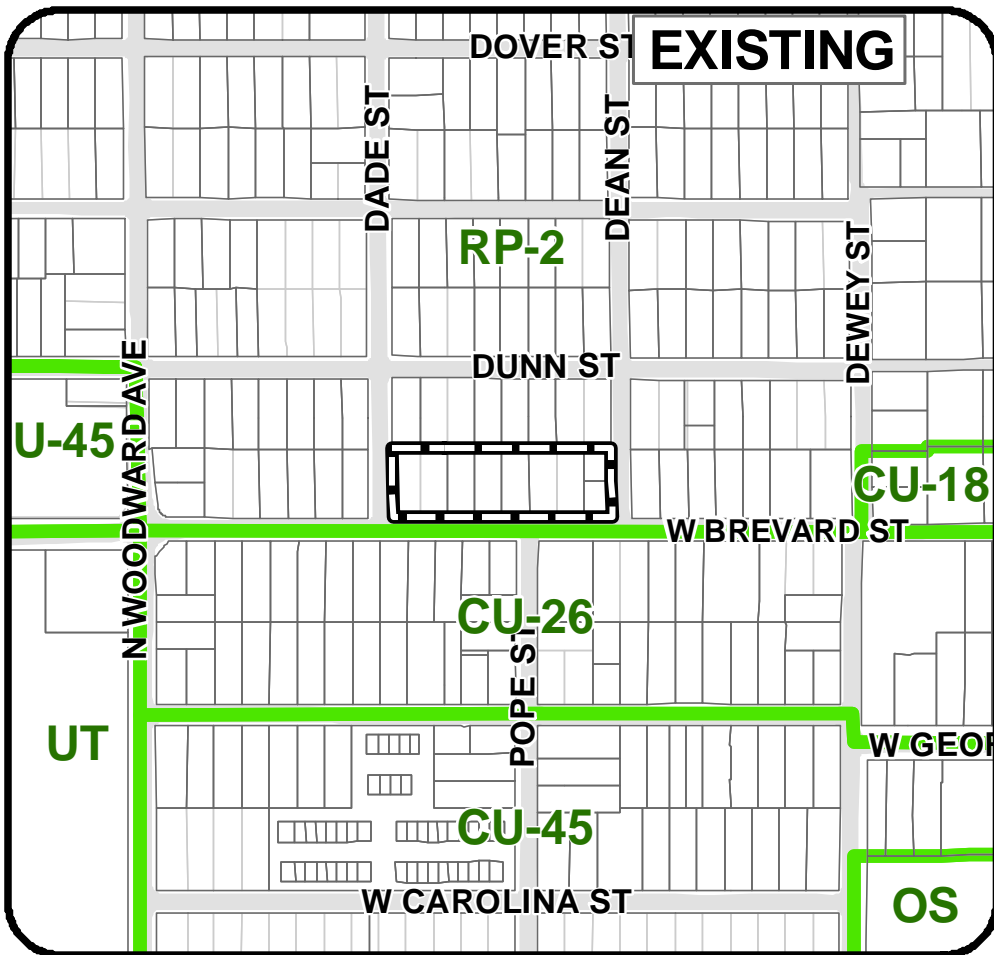
Existing
Residential Preservation

Proposed
Central Urban

SITE TAX ID:
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21-26-53-002-0011
21-26-53-002-0020
21-26-53-002-0040
21-26-53-002-0050
21-26-53-002-0060
21-26-53-002-0070



ACRES: 1.16 ±



ZONING

Legend



Subject Parcel



zoning

West Brevard Street
PCM130102
Louis Chambers

Existing
RP-2
(Residential Preservation)

Proposed
CU-18
(Central Urban)

SITE TAX ID:

- 21-26-53-002-0010
- 21-26-53-002-0011
- 21-26-53-002-0020
- 21-26-53-002-0040
- 21-26-53-002-0050
- 21-26-53-002-0060
- 21-26-53-002-0070

ACRES: 1.16±



MAP AMENDMENT #: PCM130102

APPLICANT: Louis Chambers

TAX I.D. # s: 21-26-53-002-0010, 0011, 0020, 0040, 0050, 0060, 0070 (±1.15 acre)

CITY X COUNTY

CURRENT DESIGNATION: Residential Preservation (RP)

REQUESTED DESIGNATION: Central Urban (CU)

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM 130102

A. SUMMARY:

This is a request to change the Future Land Use Map (FLUM) from Residential Preservation (RP) to Central Urban (CU) on seven lots totaling 1.15 acres located immediately north of West Brevard Street, between Dade Street and Dean Street. The existing Residential Preservation category allows single-family housing up to six units per acre. The proposed Central Urban allows a variety of office and commercial uses and housing up to 45 units per acre. The subject site includes the existing Blue Collar Restaurant, a use which is non-conforming under the Residential Preservation category. This request would provide relief from the current status as non-conforming and allow the applicant to expand the use.

In conjunction with this map amendment, the applicant is requesting a zoning change from Residential Preservation -2 (RP-2) to Central Urban -18 (CU-18). A rezoning application has been filed concurrent with this map amendment.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The requested change to the Central Urban land use category would be consistent with the predominant development pattern occurring along this segment of West Brevard Street. The proposed CU land use category allows office, commercial and retail activities, along with a variety of housing types, all of which are located in the vicinity of the subject site.
2. The proposed amendment site does not generally meet the criteria for Residential Preservation as established by Land Use Policy 2.2.3.
3. The proposed amendment eliminates a nonconforming land use which further and supports the intent of Land Use Objective 1.5.

PCM130102

West Brevard Street

4. Approval of the amendment would support and further recommendations from the Frenchtown Revitalization Plan which direct commercial areas along Brevard Street to provide walkability to goods and services for the Frenchtown/ Springfield community.
5. The subject site is located in the Mobility District. Approval of the amendment would further the goals of the Mobility District, by allowing mixed use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.
6. Approval of this amendment is not expected to have adverse effects on public facilities.

C. APPLICANT’S REASON FOR THE AMENDMENT:

The application gives the following basis for the proposed change:

The change is needed in order to protect a 20 year investment. I own Blue Collar Restaurant located at 818 west Brevard Street. I was told by the Planning Department that my property is zoned Residential preservation-2 which does not allow a restaurant. I have been told that if the building is destroyed I would not be able to replace it at this location. I would like to get the correct zoning on my business. I also have several other properties adjacent to the restaurant that I feel are not zoned correctly. Brevard Street is not a residential street and the area consists mostly of businesses and commercial uses. The residential zoning put my restaurant in jeopardy, if something was to happen to the building. Also in the future I would like to sell beer and wine and possibly expand the restaurant. The zoning I have now will not allow me to do this.

D. STAFF ANALYSIS:

Location and Land Use

The subject site is under single ownership and is located immediately north of West Brevard Street, between Dade and Dean Streets. The site is part of the Saxon Northwest Addition, a residential subdivision, and backs up to single-family homes. The subject site, comprised of seven lots, is developed with the Blue Collar Restaurant, two single family rental homes, an office and parking lots. The parcels range in size from .07 acre to .29 acre.

In determining whether the subject site should remain in the Residential Preservation land use category or be changed to Central Urban, several issues need to be considered: 1) the intent of each of the categories as they relate to the site and surrounding area; 2) the effects the proposed change could have on the residential character of the area; and 3) an evaluation of the applicant’s reasons for the proposed amendment in context of the Comprehensive Plan.

1. Review of the Site Relative to the Intent of the Future Land Use Categories

Land Use Policy 2.2.3 establishes the Residential Preservation Future Land Use category. The Residential Preservation category is intended to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Under it multi-family, commercial, and office uses are prohibited. Permitted uses include low density residential (up to 6 du/ac), recreation (passive and active), community services and light infrastructure. Under the category, consistency with surrounding residential type and density shall be a major determinant in granting development approval. While the subject site was platted as part of a residential subdivision, it does not meet the general criteria for Residential Preservation as established by Land Use Policy 2.2.3. The subject site fronts a major collector street and consists mostly of nonresidential development, along with some vacant residential homes.

Land Use Policy 2.2.8 establishes the Central Urban category. Central Urban areas are characterized by older developed portions of the community that are primarily located adjacent to or in close proximity to the urban core and the major universities. Land use intensities in this category are intended to be higher due to the presence of requisite capital infrastructure, and the nearby location of employment and activity centers. Under the category, infill and potential redevelopment and/or rehabilitation activity are encouraged. Allowable uses include residential (up to 45 du/ac), employment (including light manufacturing), office and commercial development. The siting of land uses within the category is dependent on implementing zoning districts. If the subject site is changed to the Central Urban land use category, the applicant is requesting that it be rezoned to Central Urban – 18. This zoning would provide a variety of housing types with densities ranging from a minimum of four dwelling units per acre to a maximum of 18 dwelling units per acre, and office uses up to 22,000 square feet per acre.

2. Effects of the proposed change on character of the area

The subject site is located in the Frenchtown/Springfield community along West Brevard Street, a major collector street. While there are some single family homes along this corridor (most of which are rental), this segment of the corridor has development mostly with nonresidential uses in the form of offices, stores, and restaurants; uses not permitted under the Residential Preservation category.

The proposed land use designation of Central Urban would be consistent with the dominant uses occurring along this segment of West Brevard Street. In addition, the applicant is requesting CU-18 zoning to implement the change which would also be consistent with the existing development pattern in the area. This zoning district is intended to provide for a variety of uses while promoting compatibility between adjacent residential and nonresidential uses through development and design standards.

3. Evaluation of the Applicant's Reasons for the Request in the Context of the Plan and Surrounding Area

The applicant is requesting this map change to make Blue Collar Restaurant a conforming use under the zoning code and the future land use map. The applicant was informed by staff when he made inquiry about expanding the building and applying for a beer and wine license that he could not do either because his property was nonconforming under the current Residential Preservation -2 (RP-2) zoning. This came as a surprise to the applicant since he thought his property was zoned commercial. The applicant purchased the Blue Collar site in October 1991. The business started at the site in November of 1991. At the time the site was zoned C-2, a commercial zoning. The Comprehensive Plan was adopted in July 1990 and designated the property as Residential Preservation; however the zoning to implement this designation was not effective until February 1992. Staff research revealed that the C-2 zoning had been on the subject site since the 1980's.

Because Blue Collar Restaurant did not exist prior to the adoption of the Comprehensive Plan in 1990, it is not eligible for the PELUC (Previously Existing Land Use Conformity) process which would deem the use of the property to be conforming and therefore, allow the property to expand its use. While the use of the property commenced after the adoption of the Plan, it still is a long standing use in the community. Land Use Objective 1.5 promotes the elimination of nonconforming land uses created by the adoption of the Plan. The proposed amendment would further and support the intent of the objective.

Major Planning Issues Analysis

The subject site is located on the fringe of a residential neighborhood. However, while the site was platted as part of the residential neighborhood, over time this area along West Brevard Street has evolved into a commercial/retail area, with the exception of a few single family homes, most of which are rental or vacant. These uses existed prior to the adoption of the Comprehensive Plan and were placed in Residential Preservation even though they did not generally meet the intent of the category.

It should be noted that the subject site is located in an area that is commonly referred to as "Frenchtown". In the mid 1990's a revitalization plan was approved for the area titled the "Frenchtown Revitalization Plan". In the Plan there were specific recommendations provided by businesses and residents for land use along Brevard Street. These recommendations included making the street a "Residential Neighborhood Commercial" corridor with walk to retail/commercial activities. This was to facilitate local walk to services so that residents would not have to rely on automobiles. This concept was furthered when the Mobility District was adopted for our urban core area in 2009. The subject site is located in that district. The proposed amendment would further the recommendations provided in the Frenchtown Revitalization Plan and those of the Mobility District.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: The subject site has been developed and is located in the Lake Munson Drainage Basin of southwest Tallahassee.
2. Water/Sewer: City water and sewer are available to the area.
3. Transportation:

Transit Availability: The subject properties and surrounding area are serviced by Star Metro.

Bicycle/Pedestrian Facilities Availability: The request area does have sidewalks.

Transportation Analysis and Conclusion: The subject site is located within the Mobility District. Automobile Level of Service standards do not apply to parcels contained within the adopted Mobility District, as created by Comprehensive Plan Amendment PCT080119, because this geographic area is now governed by area wide multimodal Level of Service standards to be evaluated every other year pursuant to state requirements.

Schools: The subject site is in the Riley, Griffin and Leon school attendance zones.

School Name	Riley Elementary	Griffin Middle	Leon High
Potential Students Generated	6	2	2
Present Capacity	-142	419	11
Post Development Capacity	-148	417	9

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

4. Optional Sustainable Development Survey

The amendment application forms include an optional sustainable development survey that allowed the applicant to provide information about the proximity of services to the site under review. The form was not completed by the applicant.

F. VESTED / EXEMPT STATUS:

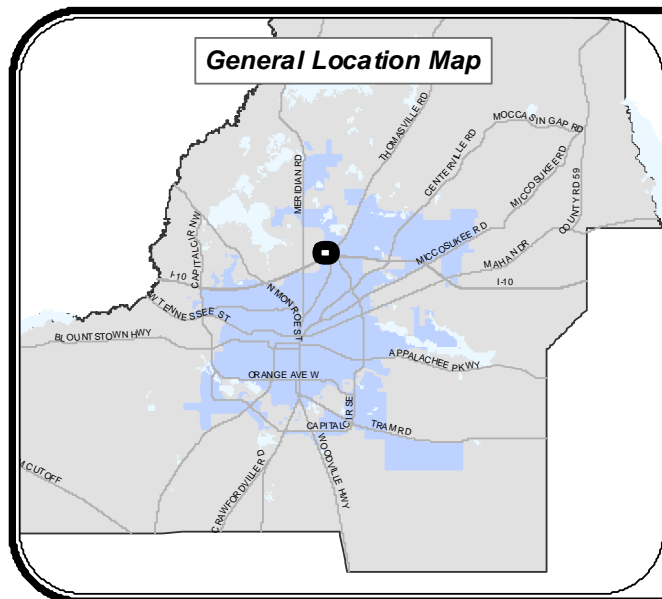
The subject properties are not vested or exempt.

G. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The requested change to the Central Urban land use category would be consistent with the predominant development pattern occurring along this segment of West Brevard Street. The proposed CU land use category allows office, commercial and retail activities, along with a variety of housing types, all of which are located in the vicinity of the subject site.
2. The proposed amendment site does not generally meet the criteria for Residential Preservation as established by Land Use Policy 2.2.3.
3. The proposed amendment eliminates a legal nonconforming land use created at the adoption of the Comprehensive Plan which further and supports the intent of Land Use Objective 1.5.
4. Approval of the amendment would support and further recommendations from the Frenchtown Revitalization Plan which direct commercial areas along West Brevard Street to provide walkability to goods and services for the Frenchtown/Springfield community.
5. The subject site is located in the Mobility District. Approval of this amendment would further the goal of the Mobility District, by allowing mixed use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.
6. Approval of this amendment is not expected to have adverse effects on public facilities.

Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.



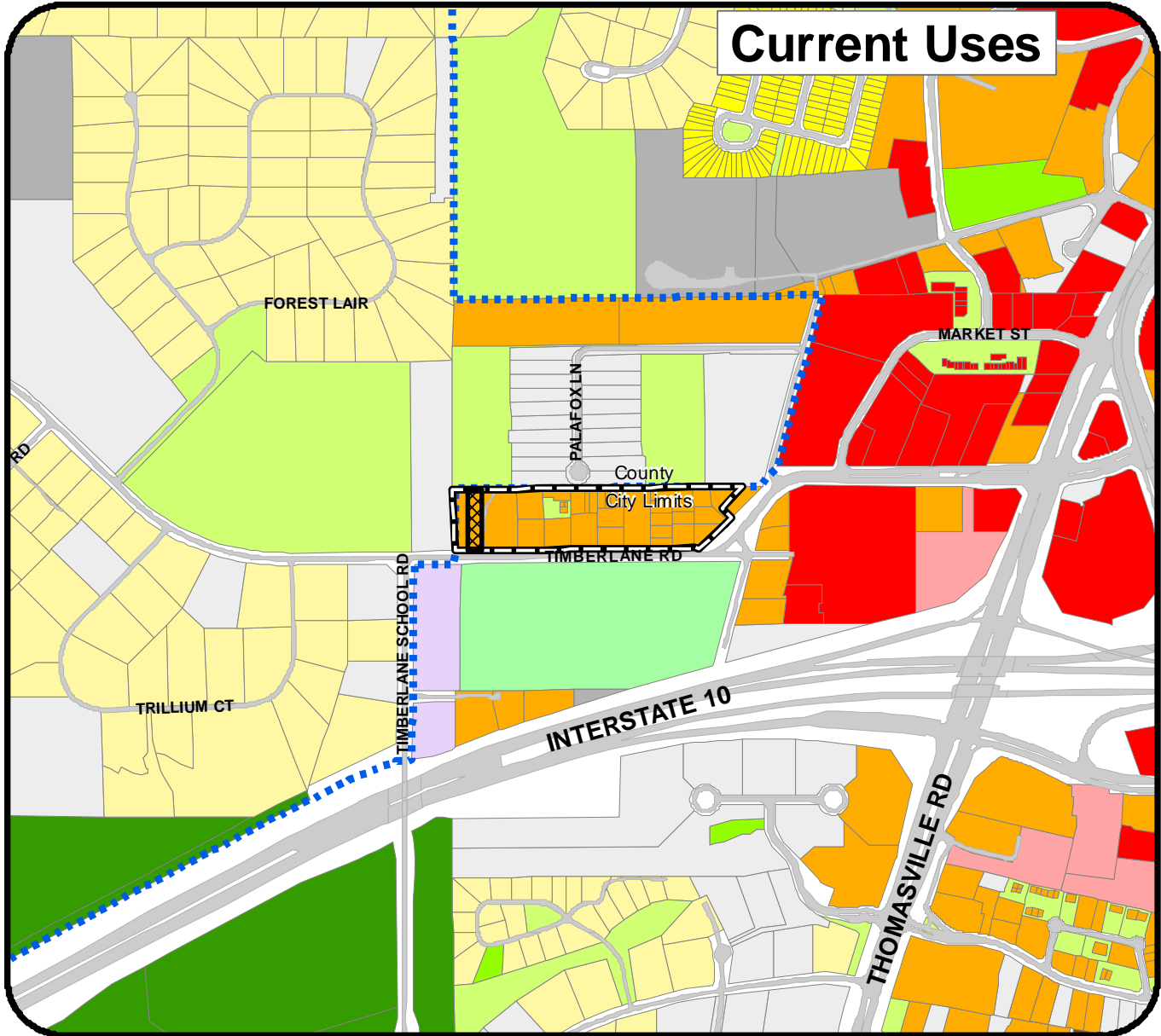
**Timberlane Road
near
Market District
PCM130104**

Darrh Bryant




**MULTIPLE SITE TAX ID's
(See Text)**

ACRES: 9.8 ±









Legend

-  Applicant Request
-  Staff Expansion
-  City Limits

Current Uses (Oct. 2012)

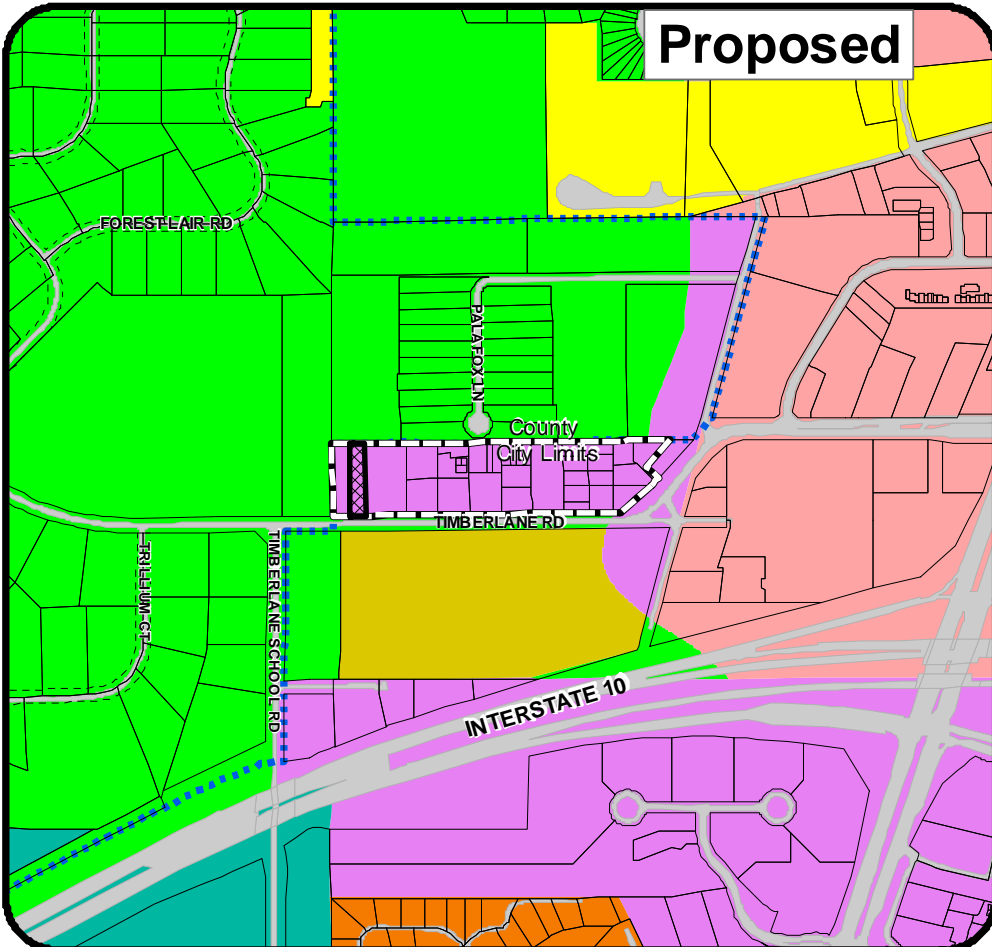
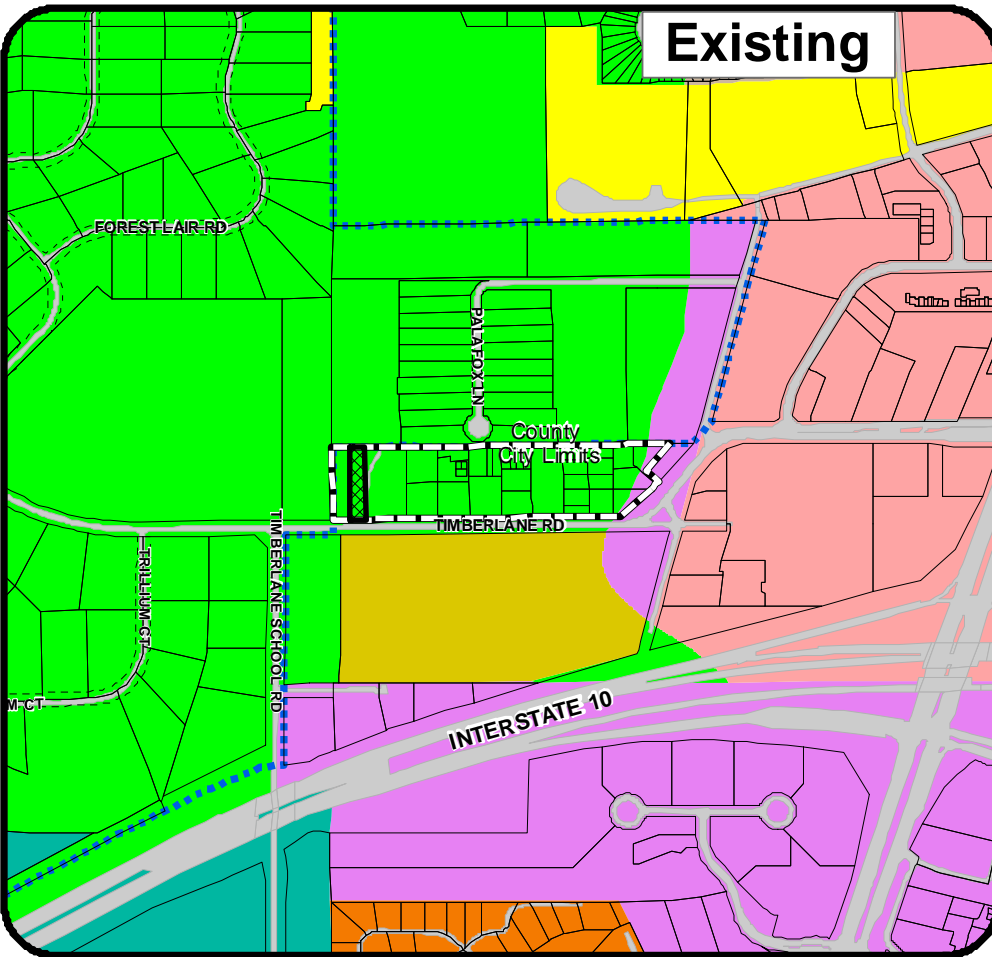
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|--|---|
|  Single Family Detached/Mobile Home |  Open Space Resource Protection |
|  Retail |  Motel/Hospital/Clinic |
|  Office |  Religious/Non-profit |
|  Open Space Common Areas |  Transportation/Communications/Utilities |
|  Open Space Recreation Parks |  Vacant |

**Timberlane Road
near
Market District
PCM130104
Darrh Bryant**

**MULTIPLE SITE TAX ID'S
(See Text)**

ACRES: 9.8 ±





Future Land Use Legend

- Activity Center
- Educational Facilities
- Government Operation
- Lake Protection
- Recreation/Open Space
- Residential Preservation
- Suburban
- Urban Residential 2
- Applicant Request
- Staff Expansion

**Timberlane Road
near
Market District
PCM130104
Darrh Bryant**

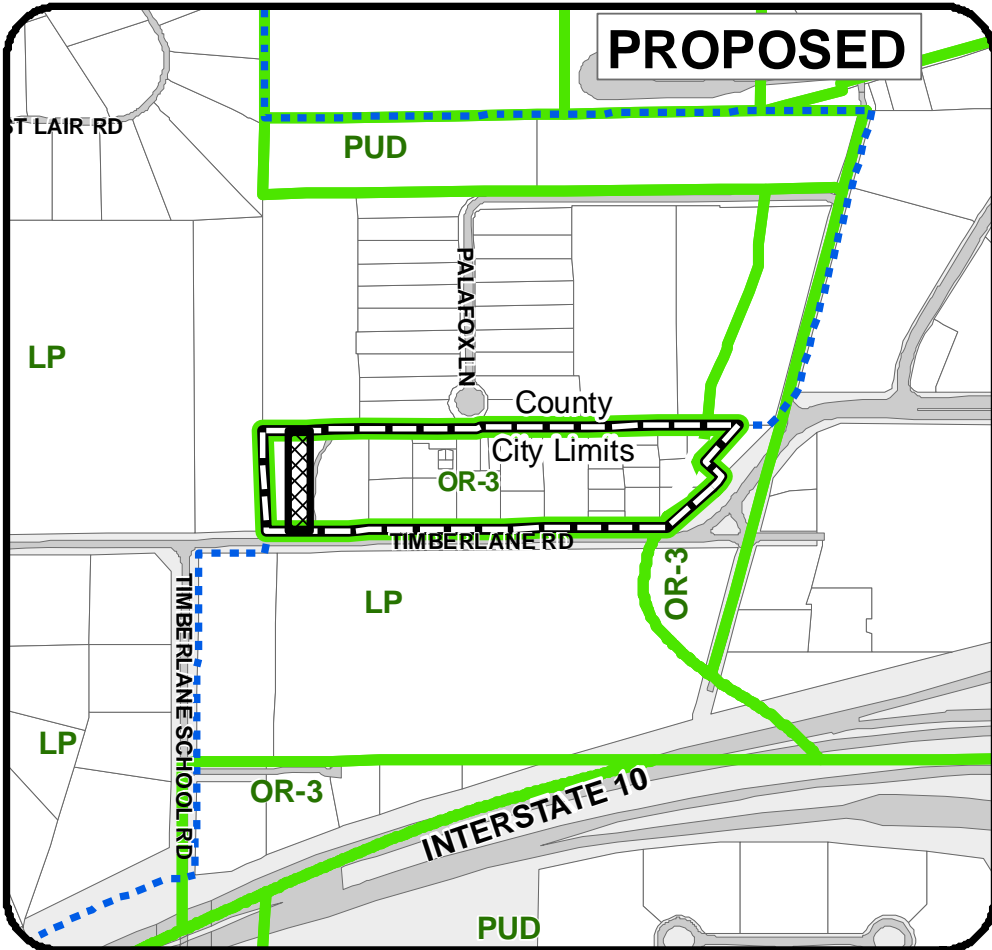
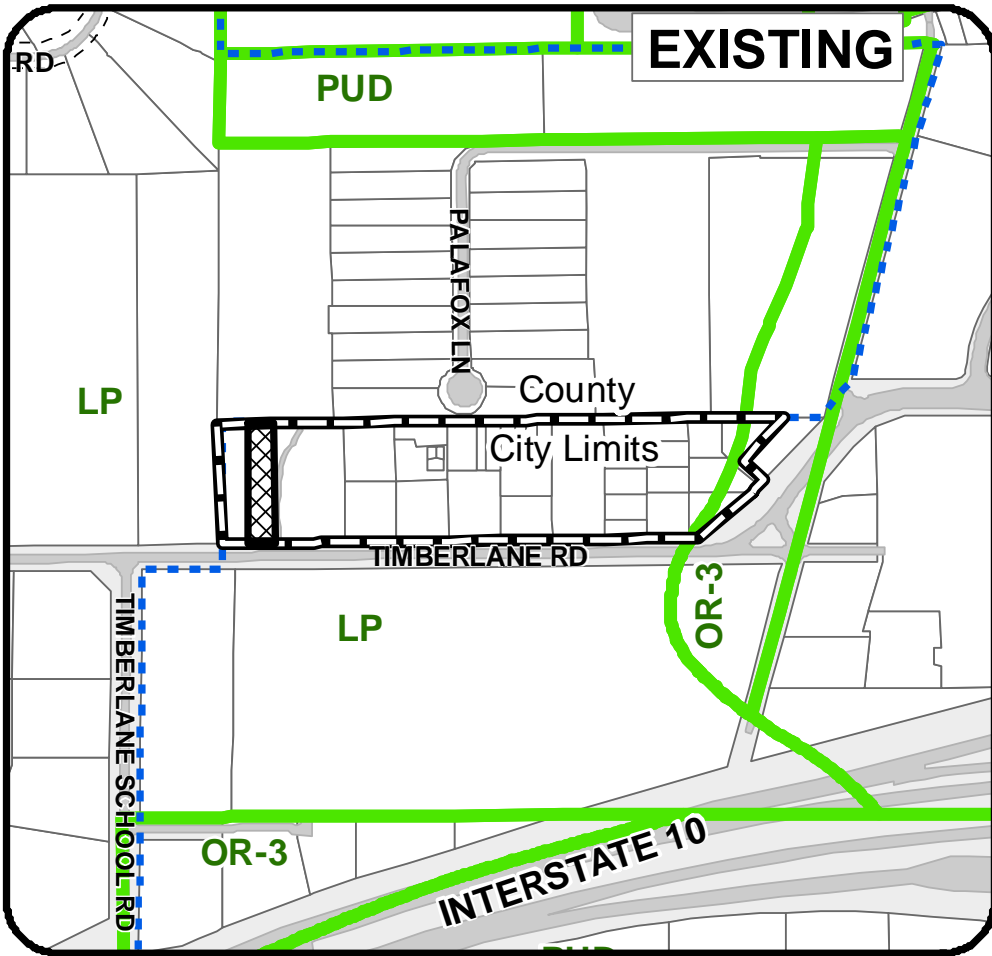
**Existing
Lake Protection**

**Proposed
Suburban**







**MULTIPLE SITE TAX ID's
(See Text)**

ACRES: 9.8 ±



ZONING

Legend

-  Applicant Request
-  Staff Expansion
-  zoning
-  City Limits

**Timberlane Road
near
Market District
PCM130104
Darrh Bryant**

Existing

**LP
(Lake Protection)**

Proposed

**OR-3
(Office Residential
Medium Density)**



**MULTIPLE SITE TAX ID's
(See Text)**

ACRES: 9.8 ±

MAP AMENDMENT: PCM130104

APPLICANT: Dr. Darrh Bryant, DMD

TAX I.D. #:

Original Request: 11-08-51-012-290 (0.5 acres)

Staff Recommended Expansion¹: 9.9 acres

CITY X COUNTY

CURRENT DESIGNATION: Lake Protection

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve the amendment as expanded to include 34 properties and 9.9 acres.

A. SUMMARY:

The applicant's original request was to change the Future Land Use Map designation from "Lake Protection" to "Suburban" for a single developed parcel approximately 0.5 acre in size on the north side of Timberlane Road approximately 300' east of its intersection with Timberlane School Road. Staff also recommends expanding the boundary of the proposed change to incorporate this parcel and 33 additional developed parcels that are currently designated as Lake Protection. All except one of these parcels were developed as office or commercial uses in the early 1970s through the early-1980s. However, the adoption of the Comprehensive Plan and designation of these parcels as Lake Protection in 1990 made these uses nonconforming because Lake Protection in the City Limits does not allow non-residential uses.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed land use change for the 34 subject properties will eliminate the legal nonconforming land uses created at the time of adoption of the Comprehensive Plan, which supports and furthers the intent of Land Use Objective 1.5.
2. The developed parcels do not meet the criteria for Lake Protection as established in Land Use Policy 2.2.18.
3. The existence and likely future redevelopment of these parcels provide employment, service, and shopping opportunities within walking distance of nearby residential areas.
4. Given the frontage along Timberlane Road and the existing and surrounding land uses, these parcels would likely be found undesirable for redevelopment as single-family residences over the planning horizon.

¹ Tax ID Numbers provided in Attachment #1.

5. The parcels are mostly impervious due to existing development, and therefore redevelopment could not significantly increase impervious area and runoff into the Lake Jackson basin.
6. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The existing Lake Preservation (LP) land use designation for the original subject property is inconsistent with the use of the property. This property, as well as 33 additional, similar parcels immediately on the north side of Timberlane Road, is part of a set of commercial offices and small businesses along the north side of Timberlane Road and east of the Market Square commercial area that was developed in 1983 prior to the adoption of the Comprehensive Plan in 1990. Despite its use, during the process of creating the Comprehensive Plan, this property was designated Lake Protection with a Lake Protection zoning designation. This land use designation therefore makes the current use legally non-conforming, which prohibits both new commercial and office uses and the expansion of existing, legally non-conforming land uses. This is also true for the remainder of the developed LP properties in this immediate area.

While this status may continue without the requested change, the non-conforming status limits the property owner's ability to expand and/or obtain financing for repairs and improvements. It also limits the owner's ability to sell or lease the property for other redevelopment for other uses. The lack of the ability to redevelop these properties and/or change their uses limits the incentive or requirement to address drainage issues that may impact Lake Jackson.

D. STAFF ANALYSIS

The original subject property, located at 1234 Timberlane Road, was previously utilized as a toxicology laboratory. It was purchased in early 2012 by the applicant to be renovated as a dental office so that he could relocate and expand his existing practice at 1280 Timberlane Road, four properties east of the subject property. Although the use of the subject property as a medical facility (dental office) is technically not allowable, the City's Growth Management Department allowed the requested use to move forward if all concurrency and other land development requirements were met. While not normal practice, this flexibility was granted based on two factors. One, the proposed use is functionally very similar to the prior use, and two, there are several similar historically non-conforming properties in this area north of Timberlane Road.

Following a determination by the Growth Management Department that the property owner was willing to and could fulfill the City's compliance requirements, including stormwater, parking, number of trips, and other stipulations, an agreement was prepared by the City Growth Management Department, Planning Department, and City Attorney's Office. The agreement would allow the property owner to use the subject property for a dental office under specific conditions intended to ensure no additional impacts to the local transportation network or to Lake Jackson would occur (Agreement included as Attachment #2.) These conditions include limiting the square footage of the property as a dental office, limiting the available parking, and submitting an application to change the future land use category and zoning of the subject

property. The application was submitted as part of the 2013-1 Cycle with a requested implementing zoning of OR-3 Office Residential District.

An additional 33 parcels on the north side of Timberlane Road have a land use designation of LP. Because they were previously developed as a mix of offices and commercial uses prior to the adoption of the Comprehensive plan, they are also legally non-conforming. Therefore, they were also incorporated into this analysis.

Existing Land Use & Zoning

The subject parcels are within the City and have a current Future Land Use Map (FLUM) and zoning designation of Lake Protection. This area is characterized by a mix of existing land uses, but the largest uses include open space, water, vacant lands, and single family detached/mobile homes. These existing land uses are indicated in Table 1.

Table 1: Existing Land Uses in the Lake Protection FLUM Category as of 2010.

<u>LANDUSE</u>	<u>Parcels</u>	<u>Acres</u>	<u>Percent of Total</u>
Open Space Undesignated	4	3.7	0.06
Warehouse	10	6.1	0.09
Motel/Hospital/Clinic	4	6.5	0.10
Government Operation	1	10.3	0.16
Transportation/Communications/Utilities	10	15.7	0.24
Two-Family Dwelling	47	20.7	0.32
Single Family Attached	204	28.7	0.44
Religious/Non-profit	12	30.2	0.47
Retail	23	50.2	0.78
Office	71	52.4	0.81
Multi-Family	15	52.6	0.81
Open Space Resource Protection	55	56.2	0.87
Open Space Common Areas	26	258.0	3.99
Water	7	267.4	4.14
Open Space Recreation/Parks	10	556.7	8.61
Vacant	447	1737.4	26.87
Single Family Detached/Mobile Home	3727	3312.9	51.24
Total	4673	6466	100.00

Notably, office and retail uses together comprise less than two percent of the total area in acres within the 4,673 acres designated as Lake Protection. The total area of the combined 34 subject properties is 9.9 acres.

Lake Protection Land Use Category

The Lake Protection category allows residential uses of one unit per two acres with clustering options that vary by jurisdiction.

Industrial, office and commercial uses are prohibited in the Lake Protection category within the City of Tallahassee. In the unincorporated areas of the Lake Protection category, minor office and minor commercial uses may be approved through the PUD process only if development retains its resultant stormwater on site. Industrial, commercial and office uses other than minor are prohibited in the unincorporated areas of the Lake Protection category.

Urban services are intended for this category inside the Urban Service Area. Additional requirements based on scientific studies and deemed necessary to protect the lake from further degradation, as well as improve existing water quality, are intended to be included in the land development code. Existing non-residential uses within the Lake Protection land use category that meet all water quality standards and associated time frames required in the Comprehensive Plan will be considered as permitted uses.

Within the Lake Protection Category, stormwater for non-single family and non-vested uses shall be retained on-site.

Lake Protection Zoning District

The purpose and intent of the Lake Protection district is to regulate activities in the area immediately adjacent to and affecting Lake Jackson, while protecting that water body and ecosystem. The area of the Lake Protection district is based on the lake basin boundary, adjusted to include undeveloped areas and existing, less intensely developed areas.

The lake protection district allows residential uses of one unit per two acres, or one unit per gross acre if clustered on 25 percent of the property. This cluster option is intended to leave large areas of land undisturbed within critically impacted areas, preserve green space, and minimize non-point pollution.

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 environmental regulations will be considered permitted, lawfully established conforming uses.

Stormwater generated by any development must be either retained on-site or filtered through an approved regional stormwater management facility within the closed basin.

Allowable land uses include low density residential, passive recreation, active recreation, and community services. Industrial, office and commercial uses are prohibited in this category in the city limits.

A cluster option is available within the City that allows residential development at a density of one unit per gross acre as long as the resultant development clusters the units on 25% of the property and maintains the remaining 75% in natural open space. In the unincorporated portions of the Lake Protection category, clustering 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. Minimum lot sizes under the cluster option are 1/2 acre.

Cluster of residential development in areas designated for Lake Protection land use shall be permitted only on those portions of parcels not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD, and for higher elevations not determined to be severely limited by environmental constraints.

Proposed Land Use and Zoning

Suburban Land Use Category

The intent of the Suburban land use category, as stated in the Comprehensive Plan, is to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, and if possible, within walking distance.

This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940's. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged but not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use patterns.

To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, and commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas.

Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods. Development shall comply with the Suburban Intensity Guidelines.

Office/Residential - 3 Zoning District

The OR-3 district is intended to be located within areas designated 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.

Offstreet parking facilities in the OR-3 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-3 district. The allowed uses include medical and dental offices and services, laboratories, and clinics.

The maximum gross density allowed for new residential development in the OR-3 district is 20 dwelling units per acre, which is the maximum allowed under the Suburban land use category, while the minimum gross density allowed is eight (8) dwelling units per acre, unless constraints

of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities. The OR-3 zoning district chart is included as Attachment 3.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features

The subject parcels are located within the Lake Jackson drainage basin. All of the subject parcels are outside the Special Development Zone for Lake Jackson.

The original subject parcel is developed with an office building and associated parking lot. Approximately 60 percent of the parcel is impervious. Approximately 5.9 acres (60 percent) of the 9.9 acres that comprise the total area of the subject properties are impervious.

County environmentally sensitive area maps indicate no other significant environmentally sensitive features in the subject area.

2. Water/Sewer

The subject property is inside the established Urban Services Area. According to the City of Tallahassee, adequate water and sewer services are available for the subject properties.

3. Other

Roads

Timberlane Road is a County road that is classified functionally as a major collector with segments in the County and segments in the City. A concurrency analysis, conducted by City staff and shared with County staff, indicated no impacts to the available traffic capacity from the proposed use of the original subject property as a dental office under the terms of the agreement with the City.

At present, there are no identified capacity issues along that segment of Timberlane Road between Market Street and Timberlane School Road. Since traffic impacts are calculated on a site by site basis and by proposed use, it cannot be determined what the potential impacts may be if the land use amendment is adopted. An estimation of potential impacts based on residential uses is not useful since it is unlikely that any conversions of existing offices to residential will occur in this location.

Transit Availability

StarMetro has two existing bus routes that offer service within walking distance of the subject property. The Red Hills route passes approximately 0.5 miles from the property, and the Dogwood route passes approximately 0.6 miles from the property.

Bicycle/Pedestrian Facilities Availability

An existing sidewalk is located on the south side of Timberlane Road from Timberlane School Road to Thomasville Road. No bicycle facilities exist along Timberlane Road.

The subject area is considered to be part of the Market District, which is being addressed through the Market District Placemaking Plan. The Plan includes objectives that include creating an interconnected district that links businesses and neighborhoods, and improving

traffic safety for all users. As part of this plan, streetscape improvements along Timberlane Road and greenway connections are being considered to enhance additional mobility modes, and to increase pedestrian connectivity and comfort. Specific improvements being considered include wider sidewalks, street trees, and street lighting;

4. Schools

The site is zoned for Gilchrist Elementary School, Raa Middle School, and Leon High School. The potential impact on available public school capacity, if the original subject property was redeveloped residentially, is indicated in the following table:

School Name	Gilchrist Elementary	Raa Middle	Leon High
Potential Students Generated	1	0	0
Present Capacity	104	87	11
Post Development Capacity	103	87	11

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Since the proposed use is office for the original subject property, there will be no anticipated school impacts. If all the 34 developed properties remain as offices, there will be no anticipated school impacts.

5. 5-Year Capital Improvements Projects

None.

F. VESTED / EXEMPT STATUS:

Not applicable.

G. PLANNING ISSUES

Protection of Lake Jackson

Lake Jackson is one of the principal recreational lakes in Leon County, and is considered a world-renowned bass fishing spot and recreational resources for the entire Tallahassee area. These uses of the lake have historically provided a net positive economic benefit to Leon County. In response to environmental concerns and the economic and recreational value of this waterbody, Lake Jackson was designated by the State of Florida as an "Outstanding Florida Water." It is also the only freshwater lake that is a state-designated Aquatic Preserve in Florida.

Lake Jackson is a closed drainage basin. Surface water flows into the lake, but leaves only through evaporation or by seeping into the ground. The lake’s bottom has a number of sinkholes that are connected to the Floridan Aquifer through a network of spaces in the underground rock. During periods of drought, reduced inflows from rainfall and runoff lower the lake level, and can allow sinkholes to drain the water remaining in the lake. On September 16, 1999, Porter Hole Sink drained, taking with it fish, turtles, and the

majority of the southern portion of Lake Jackson. Early in 2000, the northern portion of the lake drained through Lime Sink.

Following these events, Leon County, the Northwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection (FDEP) funded an \$8.4 million restoration project. This project entailed scraping an existing layer of nutrient-rich sediment (organic muck) up to three feet thick from the bottom of the lake to restore its natural sand and clay bottom. These sediments washed into the lake from the construction of Interstate – 10 and from pre-stormwater regulation development upstream. After considerable efforts and expense by local and state government, the water quality has recovered considerably.

The original intent of the Lake Protection land use category was the protection of the water quality of Lake Jackson from the effects of unmanaged urban development. This land use category was developed in response to the well-documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. This category is based on the lake basin boundary, adjusted to include contributing watersheds but to exclude existing, more intensely already-developed areas south of Interstate 10 along U.S. Highway 27.

Given its value to the community, and the funds invested in its environmental management and restoration, the continuing protection of Lake Jackson, including the waters that flow into the lake from its surrounding watershed, is a continuing community priority. A non-profit group called the Friends of Lake Jackson was created to preserve, enhance, and maintain the waters of Lake Jackson and its surrounding and supporting watershed. The Friends have been active since 1998, and remain active today.

The Friends of Lake Jackson group has expressed concern about the possible impacts on water quality from stormwater runoff if the subject property is rezoned. However, this area has been developed since the early 1980s, and this development occurred before many of the current stormwater and other land development and concurrency requirements were put into place. If the land use and zoning designations for this parcel and others similar to it along the north side of Timberlane Road continue to make these properties non-conforming, there is little incentive for any redevelopment of these properties to occur.

Additionally, if any of these properties are more than 50 percent destroyed by fire or another catastrophic event, they cannot be rebuilt if they are non-conforming. It is also unlikely, given the financial returns for property owners on office uses versus residential uses, their frontage along Timberlane Road, and the existing and surrounding land uses, that these properties will be redeveloped as low-density housing at one unit per two acres.

Therefore, if these properties are rezoned and their current uses are made conforming, property owners can more easily obtain financing for maintenance and upgrades or expansions, or to change uses as allowed by the new land use and zoning categories. Furthermore, any significant expansions of existing uses or changes in use will be required to meet current growth management policies and land development regulations, including stormwater management requirements. There are presently 25 properties within the subject area that either contain no documented stormwater management facilities, or contain stormwater management facilities that are sub-standard as compared with today's requirements. Redevelopment of these parcels will provide a much-needed opportunity to upgrade or completely retrofit these existing sub-standard

stormwater management systems. Redevelopment of these parcels will also offer the opportunity to incorporate landscape areas into the site, which would both shade the vehicular use area and lower the temperature of the runoff into Lake Jackson. It is anticipated that these changes will improve the water quality of stormwater runoff entering Lake Jackson.

Regional Stormwater Treatment

As a result of the concerns over the impacts to Lake Jackson from untreated stormwater runoff from developed areas, a number of studies and plans have been developed by local and state government over the last several decades. The *Lake Jackson Regional Stormwater Retrofit Plan* was developed by the Northwest Florida Water Management District (NFWFMD), FDEP, Leon County, and the City of Tallahassee in 1992. A more comprehensive Lake Jackson Management Plan (also known as the *Lake Jackson Surface Water Improvement and Management (SWIM) Plan*) was developed in the 1994 by NFWFMD to preserve the undisturbed portions of the Lake Jackson watershed, and restore those areas that are already polluted or under stress. An update and addendum to this plan was published in 1997. Priorities of the Lake Jackson SWIM plan include:

- Improve and maintain water quality in Lake Jackson to preserve environment, fisheries and recreation.
- Preserve the undisturbed portions of the Lake Jackson watershed by developing a comprehensive management plan for the entire watershed.
- Restore the polluted portions of the lake through constructing and operating regional stormwater treatment facilities throughout the watershed.
- Work with federal, state and local governmental agencies to acquire and manage environmentally sensitive land in the Lake Jackson watershed.
- Increase public awareness and participation in the management of the lake and its uplands.
- Develop a plan to remove nutrient-laden sediments during a natural drawdown of the lake.

Leon County worked with the Northwest Florida Water Management District (NFWFMD) to design and construct the following regional retrofit facilities identified in the Lake Jackson SWIM plan: Megginis Creek, I-10, Okeehoopkee Area, and Yorktown Pond. The Okeehoopkee Area facility constructed north of Fuller Road was enhanced by the additional treatment facility built by Leon County south of Fuller Road. The frequent flooding in the Jackson Heights neighborhood created federal funding eligibility to acquire several homesites. These parcels were combined to construct flood attenuation and water quality facilities, replacing the stormwater retrofit originally proposed at Lake Charles and Cynthia Pond.

The Lake Jackson drawdown of 1999 presented the opportunity for lake sediment removal. Construction funds budgeted for the Rhoden Cove and Lexington facilities were added to state grant funds so that Leon County staff and private contractors could remove over 2 million cubic yards of sediment.

Leon County pursued funding through the U.S. Army Corps of Engineers for the Rhoden Cove and Lexington facilities, and then was able to successfully obtain funding from the Water Quality Program Funds from the Blueprint 2000 Sales Tax Extension. Comprehensive Plan

amendments for impacts to floodplain and sensitive features were required for the projects to continue, as well as amendment to the County environmental ordinance.

However, the Rhoden Cove (Lexington Road) facility location, intended to capture and treatment a significant amount of the stormwater flowing along Timberlane Creek to Lake Jackson via Fords Arm, was determined by County environmental staff to contain protected high quality wetlands. Alternative locations could not be located in the watershed to provide cost-effective, accessible retrofit. The stormwater treatment facility was not constructed. However, state and local funds were used to perform exotic and invasive plant management within 215 acres of wetlands west of Meridian Road.

The Lexington facility location identified by the NFWFMD was reevaluated as well. Extended review of alternatives and design goals have resulted in a 30% design presented at a public workshop October 4, 2012.

Environmentally sensitive lands that border Lake Jackson were also acquired to further protect the lake. In 1992 the District purchased 508 acres that now make up part of the Klapp-Phipps Park. Another 26-acre parcel was purchased in 1999 by Leon County for the Okeeheepkee Prairie Regional Stormwater Management Facility, and another 72 acres were purchased by the City of Tallahassee for a passive park (Timberlane Ravine Greenway) in the late 2000s.

Comprehensive Plan Policies

Policy 2.3.5 of the Conservation Element of the Comprehensive Plan addresses both the City of Tallahassee and Leon County's role in implementing the Lake Jackson SWIM Plan. This policy requires local government to adopt a plan and implementation schedule by 2004 to retrofit developed areas in the Lake Jackson basin that do not meet the stormwater standards required by the comprehensive land use plan and provided in the implementing ordinances. This policy requires this plan to include priorities for implementation and provide for funding. In the City's version of this policy, the implementation and funding priorities are to be created with due consideration of other stormwater management needs in the community.

Towards implementing this policy and several closely related policies elsewhere in the Comprehensive Plan, the City of Tallahassee completed in 2005 a substantial water quality analysis and planning project that was based on concerns over the feasibility of many of these broad-based water quality goals in the Plan. This project led to the adoption and funding of the City's Stormwater Pollution Reduction Program (SPRP). Following establishment of the SPRP, the City Commission directed staff to revise the broad-based water quality goals in the Conservation Element, as well as the Stormwater Element, including policies 1.4.2 [SM] and 2.1.7 [C]. These changes were made in the 2006-1 Cycle. Policy 1.4.2 [SM] was deleted and a substitute new Policy 1.5.4[SM] was established with the same revised language.

The language in Policy 2.3.5[C] is very similar to the type of language the Commission directed be modified in light of its adoption of the SPRP approach to water quality. Staff from the City Underground Utilities Department has recommended that Policy 2.3.5 [C] be modified or removed to be consistent with the approved SPRP approach. Planning Staff is evaluating this suggestion for possible future amendment.

Transportation

There is a sidewalk along the south side of Timberlane Road, but none at present along the north side. A sidewalk has been proposed in the list of Proposed Area Infrastructure Projects for the

Market Square Placemaking project (Attachment #4). This proposed sidewalk would provide a means for residents and visitors to access the subject property and the other similar properties east and west of the subject property by foot. Bicycle lanes have also been proposed by local government along Timberlane Road. However, funding for this project, and the sidewalk, has not yet been identified.

Local Government Priorities

The Market Square Placemaking project is an effort to bring existing shopping centers, offices, neighborhoods, and apartments that comprise this urban node into a more coherent district with improved road, sidewalk, and trail connections, and other local activities and events intended to build a stronger identity and sense of place. As part of this effort, local property owners, residents, businesses, and Planning Department staff have met to create an action plan and a list of infrastructure projects intended to foster more physical connections and travel mode choices for increased accessibility. This proposed land use amendment is consistent with this planning project in that it is within easy walking and bicycling distance of the Market Square area, and is a part of this district.

The Leon County Board of County Commissioners' FY 2012 & FY 2013 Strategic Plan directs the County to implement economic initiatives and implementing strategies that encourage the highest quality sustainable development, business expansion, and redevelopment opportunities. These initiatives include the identification of revisions to future land uses which expand opportunities to promote and support economic activity. This proposed land use amendment is consistent with this Plan in that it promotes and supports economic activity.

The 2012-2013 update to the Tallahassee – Leon County Greenways Master Plan includes a proposed greenway composed of three shared use paths or trails that connect the Timberlane Greenway north to Alfred B. Maclay Gardens State Park, and to the Meridian Greenway, the Market Square commercial district, the Village Commons Shopping Center, and the Maclay Hammock neighborhood. These trails will use a combination of utility easements on private land and publicly owned property, including road rights of way and greenway land acquisitions acquired for multiple purposes, including trail connections.

H. CONCLUSION:

Based upon the above data and analysis, Planning Department staff concludes the following:

1. The proposed land use change for the 34 subject properties will eliminate the legal nonconforming land uses created at the time of adoption of the Comprehensive Plan, which supports and furthers the intent of Land Use Objective 1.5.
2. The developed parcels do not meet the criteria for Lake Protection as established in Land Use Policy 2.2.18.
3. The existence and likely future redevelopment of these parcels provide employment, service, and shopping opportunities within walking distance of nearby residential areas.
4. Given the frontage along Timberlane Road and the existing and surrounding land uses, these parcels would likely be found undesirable for redevelopment as single-family residences over the planning horizon.

5. The parcels are mostly impervious due to existing development, and therefore redevelopment could not significantly increase impervious area and runoff into the Lake Jackson basin.
6. The proposed amendment is not anticipated to have adverse effects on public facilities.

Based on this analysis and its conclusions, Planning Department staff recommends changing the area covered by the subject properties that is currently designated as Lake Protection to Suburban.

I. ATTACHMENTS:

1. List of Tax Identification Numbers
2. Memorandum of Agreement
3. OR-3 Zoning Code
4. Market District Map

PCM130104 Subject Property Tax Identification Numbers

110854000 0010
110815000 0020
110851012 1272
110851012 1297
110815000 0040
110851012 1267
110854000 0020
110815000 0050
110851012 1271
110851012 1210
110815000 0080
110851012 1220
110851012 1290
110851012 1266
110851012 1270
110851012 1250
110851012 1260
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110854000 0030
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110851012 1269

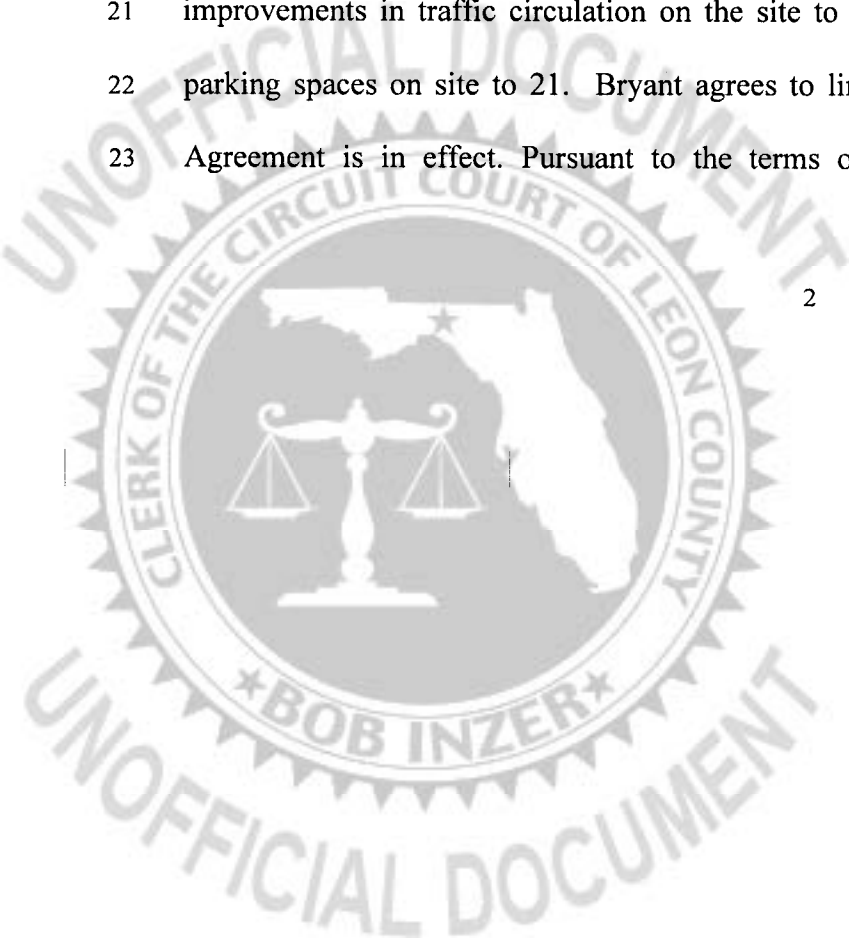
1 WHEREAS, to encourage the economic vitality of the Property and the surrounding area,
2 and continue protection of Lake Jackson, City Planning Department and Growth Management
3 Department staff agree to support Bryant's use of the property for his dental practice as long as
4 the terms of this Agreement are met.

5 NOW THEREFORE, in consideration of ten dollars and other good and valuable
6 consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

7 1. The above recitals are acknowledged as true and correct, and are hereby adopted
8 and incorporated into the body of this Agreement by reference. All exhibits attached to this
9 Agreement are incorporated by reference herein.

10 2. On May 15, 2012, Bryant submitted an application for concurrency for use of the
11 Property as a medical office pursuant to the City's concurrency regulations. In its review of the
12 concurrency application, City staff determined that the proposed medical office use will not
13 create an increase in traffic intensity because there will be no increase in total PM peak hour
14 traffic for the site, and the use will not result in any transportation concurrency deficiencies.

15 3. Bryant hereby agrees to maintain the status quo, as stated above, as long as the
16 Property remains in the Lake Protection Future Land Use Category and Lake Protection Zoning
17 District. To accomplish this, Bryant shall limit the impacts of his dental office use by limiting
18 the total gross floor area of the dental office use to 4200 square feet; and the remainder of the
19 existing building on the Property will be used as a properly permitted warehouse/storage area.
20 There are currently 22 parking spaces on the Property. One parking space will be lost due to
21 improvements in traffic circulation on the site to be done by Bryant, reducing the number of
22 parking spaces on site to 21. Bryant agrees to limit the parking spaces to 21 as long as this
23 Agreement is in effect. Pursuant to the terms of this Agreement, Bryant's application for



1 concurrency with use of the Property for a medical office as set forth herein, is hereby approved
2 and granted.

3 4. On or before October 1, 2012 or the 2013-1 Amendment Cycle application filing
4 deadline, whichever is later, Bryant, or his duly authorized agent, shall submit an application for
5 a Comprehensive Plan Map Amendment and a rezoning to change the Future Land Use Category
6 on the Property to Suburban or another category that permits medical uses and the zoning district
7 to Office Residential 2 (OR2) or another district that permits medical uses. Bryant agrees to
8 submit and pursue the application in good faith.

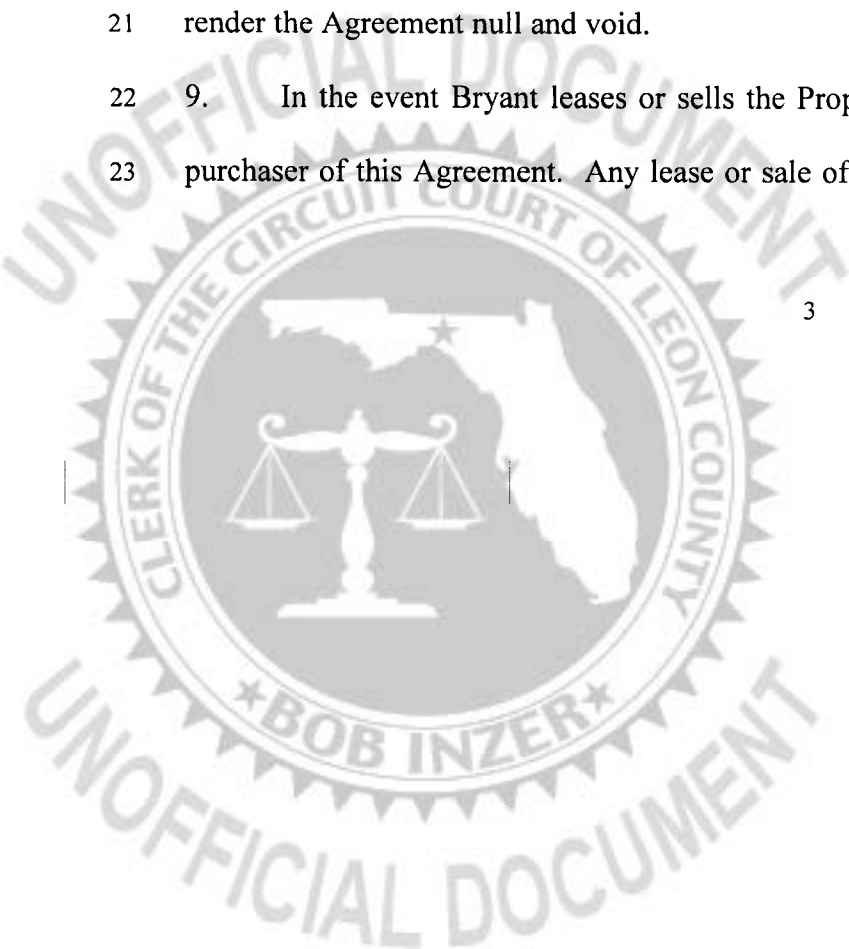
9 5. If Bryant fails to submit the application as stated above, this Agreement shall be
10 null and void.

11 6. If Bryant's applications for a Comprehensive Plan Map Amendment and rezoning
12 are not approved, the use by Bryant of the Property for a medical office as stated herein may
13 continue. If the application is approved, this Agreement will terminate and Bryant may use the
14 Property as allowed under the new Comprehensive Plan Future Land Use Category and Zoning
15 District.

16 7. This Agreement shall run with the land described in Exhibit A, unless terminated
17 as provided herein.

18 8. Upon execution by all parties and contemporaneous with Bryant's closing on the
19 Property, Bryant shall record this Agreement in the public records of Leon County and provide
20 in writing the recording information to the City's Land Use Administrator. Failure to do so shall
21 render the Agreement null and void.

22 9. In the event Bryant leases or sells the Property, he shall notify in writing the lessee or
23 purchaser of this Agreement. Any lease or sale of the property for other than dental or general



1 office use shall require the City's approval. In addition, Bryant shall notify the City's Land Use
2 Administrator of such change within thirty (30) days.

3 Signed and agreed to this 9th day of July 2012.

4 **M. DARRH BRYANT, DMD, P.L.**
5 *M. Darrh Bryant*
6 M. Darrh Bryant, DMD, P.L.

7
8 STATE OF FLORIDA
9 COUNTY OF LEON

10
11 On this 9th day of July, 2012, personally appeared before me M. Darrh Bryant, DMD, P.L.,
12 who () is personally known to me or () produced DA86354-75001-0 as identification to be the signer of
13 the above instrument, and he/she acknowledges that he/she executed it.

14
15 *April Thornton*
16 Notary Public
17 (Stamp)



20 **CITY OF TALLAHASSEE**

21
22 GROWTH MANAGEMENT DEPT PLACE (Planning, Land Management and
23 Community Enhancement)

24 *Karen Jumonville* *Wayne Tedder*
25 By: Karen Jumonville, Director ~~Wayne Tedder, Director~~
26
27 *for:*

28
29 STATE OF FLORIDA
30 COUNTY OF LEON

31
32 On this 5th day of July, 2012, personally appeared before me Karen Jumonville, Director of the
33 Growth Management Department for the City of Tallahassee, who () is personally known to me or ()
34 produced _____ as identification to be the signer of the above instrument, and he/she
35 acknowledge that he/she executed it.

36 *April Thornton*
37 Notary Public
38 (Stamp)



1 STATE OF FLORIDA
2 COUNTY OF LEON

3
4 On this 5th day of July, 2012, personally appeared before me Wayne Tedder, Director of PLACE
5 (Planning, Land management and Community Enhancement) who is personally known to me or ()
6 produced _____ as identification to be the signer of the above instrument, and he/she
7 acknowledges that he/she executed it.

Roxanne Manning, for

April Thornton

Notary Public
(Stamp)



8
9
10
11



EXHIBIT "A"

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF LOT 12, JOHNSON'S SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, AND RUN THENCE NORTH 89 DEGREES 46 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT NO. 12, A DISTANCE OF 70.00 FEET TO AN IRON PIN MARKING THE **POINT OF BEGINNING**. FROM SAID **POINT OF BEGINNING** CONTINUE NORTH 89 DEGREES 46 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT NO. 12, A DISTANCE OF 65.00 FEET TO AN IRON PIN, THENCE SOUTH 00 DEGREES 43 MINUTES WEST 316.70 FEET TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 46 MINUTES WEST ALONG THE NORTH BOUNDARY LINE OF TIMBERLANE ROAD 65.00 FEET TO AN IRON PIN, THENCE NORTH 00 DEGREES 43 MINUTES EAST 112.90 FEET TO AN IRON PIN, THENCE NORTH 41 DEGREES 58 MINUTES EAST 4.55 FEET TO AN IRON PIN, THENCE NORTH 00 DEGREES 53 MINUTES WEST 71.83 FEET TO AN IRON PIN, THENCE NORTH 25 DEGREES 37 MINUTES WEST 2.25 FEET TO AN IRON PIN, THENCE NORTH 00 DEGREES 43 MINUTES EAST 126.53 FEET TO THE **POINT OF BEGINNING**.



Section 10-253 OR-3 Office Residential District

The following applies to the OR-3 Office Residential District:

PERMITTED USES		
<p>1. District Intent The OR-3 district is intended to be located within areas designated 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-3 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-3 district. The maximum gross density allowed for new residential development in the OR-3 district is 20 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.</p> <p>Development standards for properties located within the MMTD are established within Division 4 of this Code.</p>	<p>2. Principal Uses (1) Banks and other financial institutions. (2) Broadcasting studios. (3) Community facilities related to office or residential facilities, including libraries, religious facilities, vocational, police/fire stations, middle, and high schools. Other community facilities may be allowed in accordance with Section 10-413 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, including other residential care facilities. (11) Off-street parking facilities.</p>	<p>3. Accessory Uses (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 Land Use Administrator. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p>
<p>(12) Passive and active recreational facilities. (13) Personal services. (14) Rooming Houses. (15) Single-family attached dwellings. (16) Single-family detached dwellings. (17) Social, fraternal, recreational clubs and lodges, and assembly halls. (18) Studios for photography, music, art, dance, drama, and voice. (19) Two-family dwellings. (20) Veterinary services, including veterinary hospitals. (21) Zero-lot line single-family detached dwellings. (22) Any use permitted in the C-1 & C-2 districts with the exception of Billboards (and is not listed in uses 1-21 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.</p>		

DEVELOPMENT STANDARDS									
Use Category	4. Minimum Lot or Site Size			5. Minimum Building Setbacks			6. Maximum Building Restrictions		
	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
Rooming Houses	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
Multiple-Family Dwellings	10,000 square feet	80 feet	100 feet	15 feet	15 feet on each side	15 feet	10 feet	not applicable	3 stories
Zero-Lot Line Single-Family Detached Dwellings	3,750 square feet	30 feet interior lot; 40 feet corner lot	100 feet	20 feet	0 feet one side; 5 feet other side	15 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-Residential Use	12,000 square feet	60 feet	100 feet	15 feet	15 feet on each side	15 feet	10 feet	20,000 square feet of gross building floor area per acre (SEE NOTE 4)	3 stories (SEE NOTE 4)

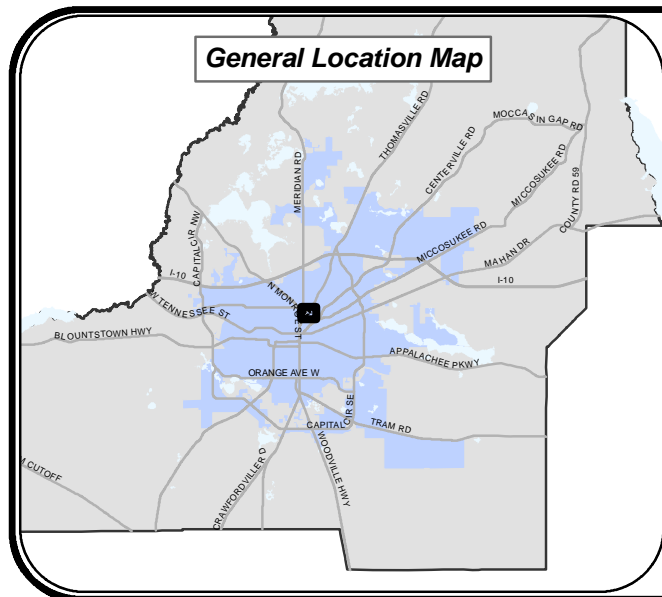
GENERAL NOTES:

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 chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. In properties formerly designated as Mixed Use C in the Future Land Use Map, the maximum non-residential gross building floor area is 40,000 square feet per acre and the maximum building height is six stories, if parking structures are provided for at least 50% of the parking spaces.

7. Street Vehicular Access Restrictions: Properties in the OR-3 zoning district may have 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 for C-2 uses, not specifically listed as one of the principal uses above, 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, RP-1, RP-2, RP-MH, RP-UF, and RP-R.



The Market District: Placemaking
Proposed Area Infrastructure Projects

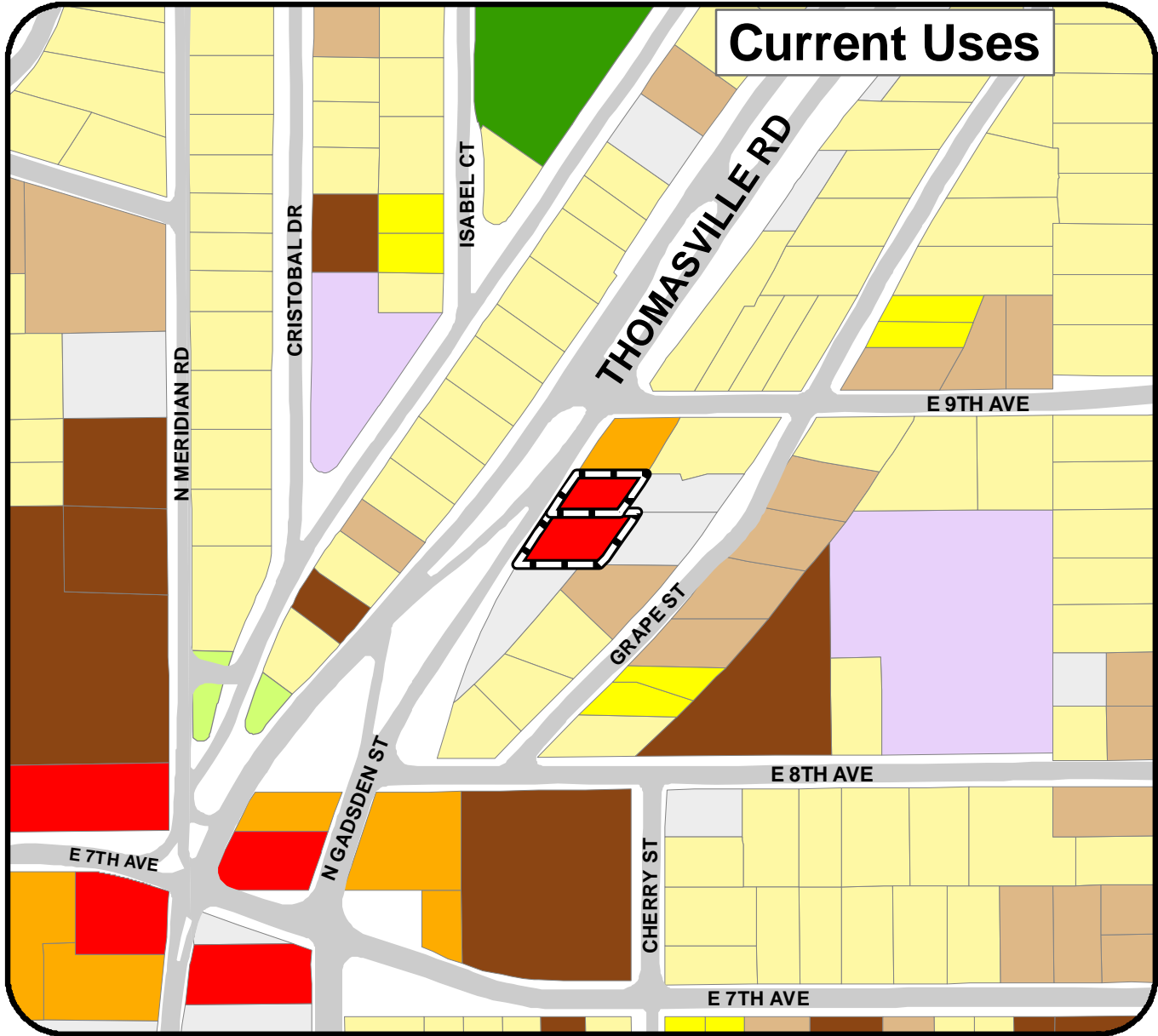


**9th Avenue and
Thomasville Road
PCM130107
City of Tallahassee**

SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
 and
11-30-57-000-0220
 (Northwest 22 ft)

ACRES: 0.38 ±





Legend



Current Uses (Oct. 2012)

- | | |
|------------------------------------|-----------------------------|
| Single Family Detached/Mobile Home | Government Operation |
| Single Family Attached | Open Space Common Areas |
| Two-Family Dwelling | Open Space Recreation/Parks |
| Multi-Family | Religious/Non-profit |
| Retail | Vacant |
| Office | |

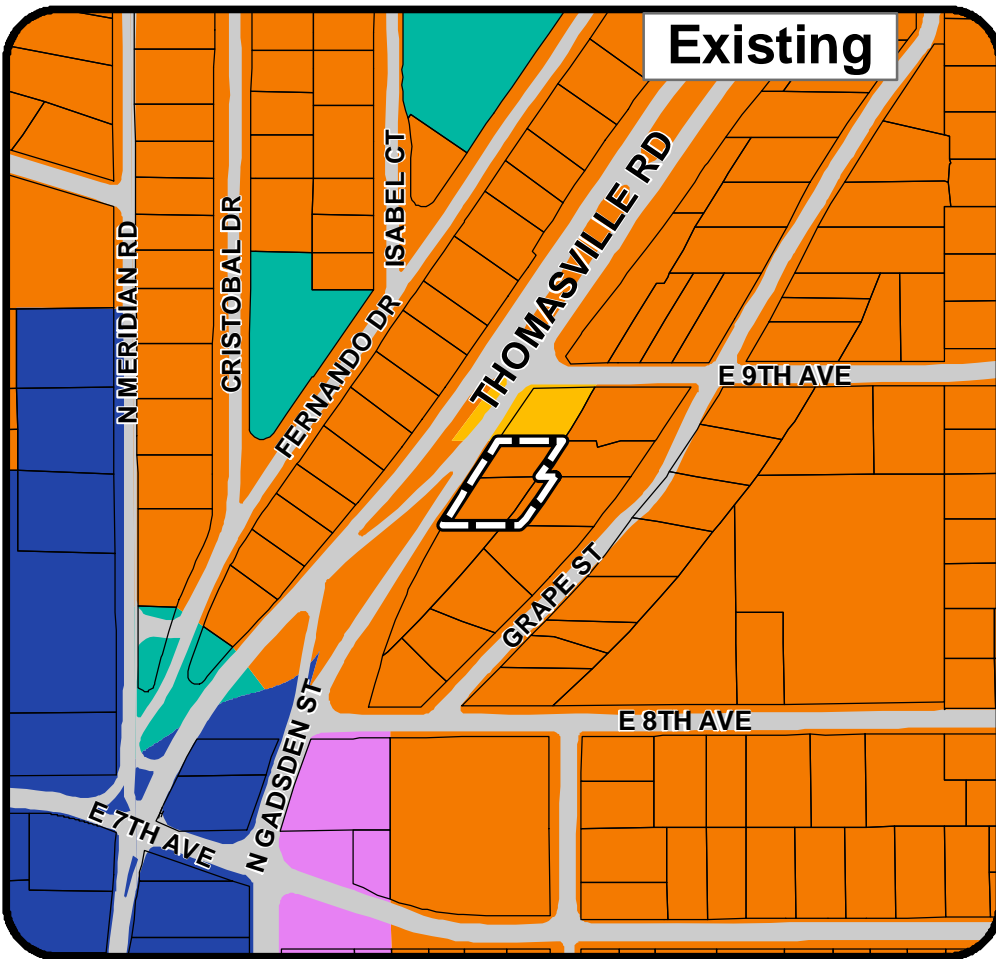
**9th Avenue and
Thomasville Road
PCM130107
City of Tallahassee**

**SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)**

ACRES: 0.38 ±







Existing



Future Land Use

Legend

-  Central Urban
-  Open Space
-  Residential Preservation
-  Suburban
-  Neighborhood Boundary



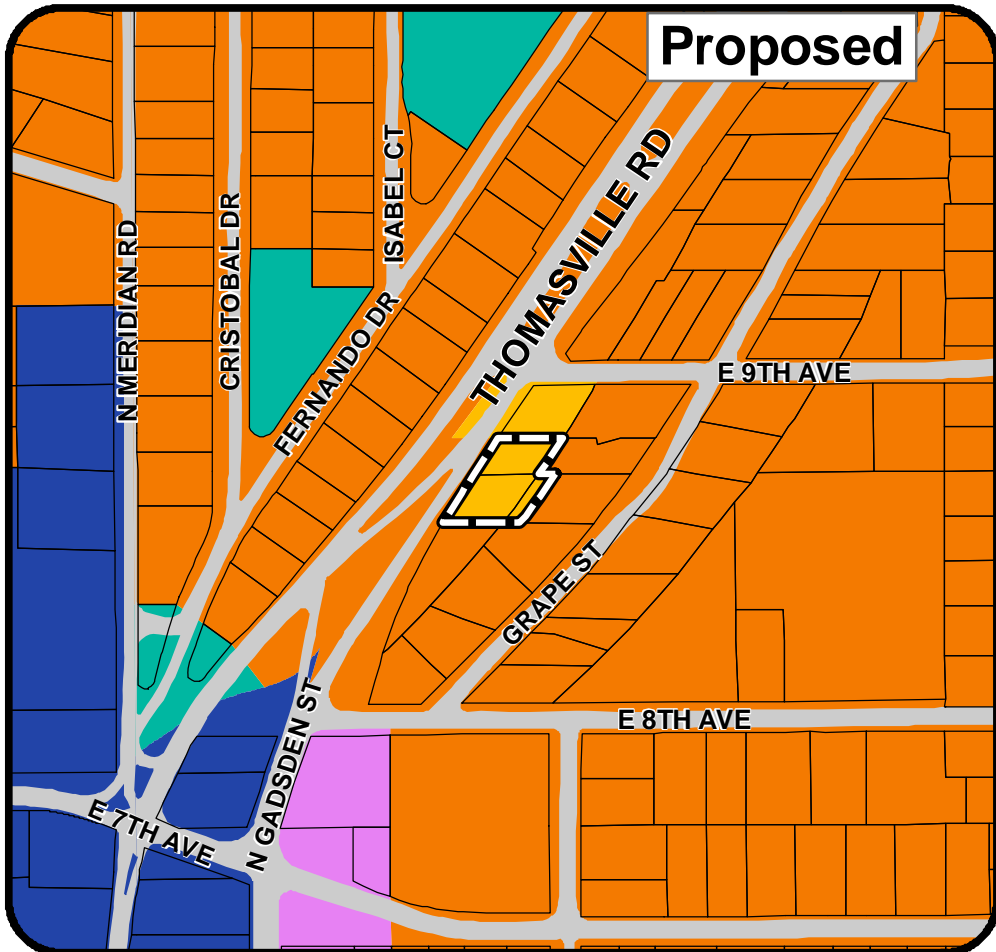
Subject Parcel

**9th Avenue and
Thomasville Road
PCM130107
City of Tallahassee**

**Existing
Residential
Preservation**

**Proposed
Neighborhood
Boundary**

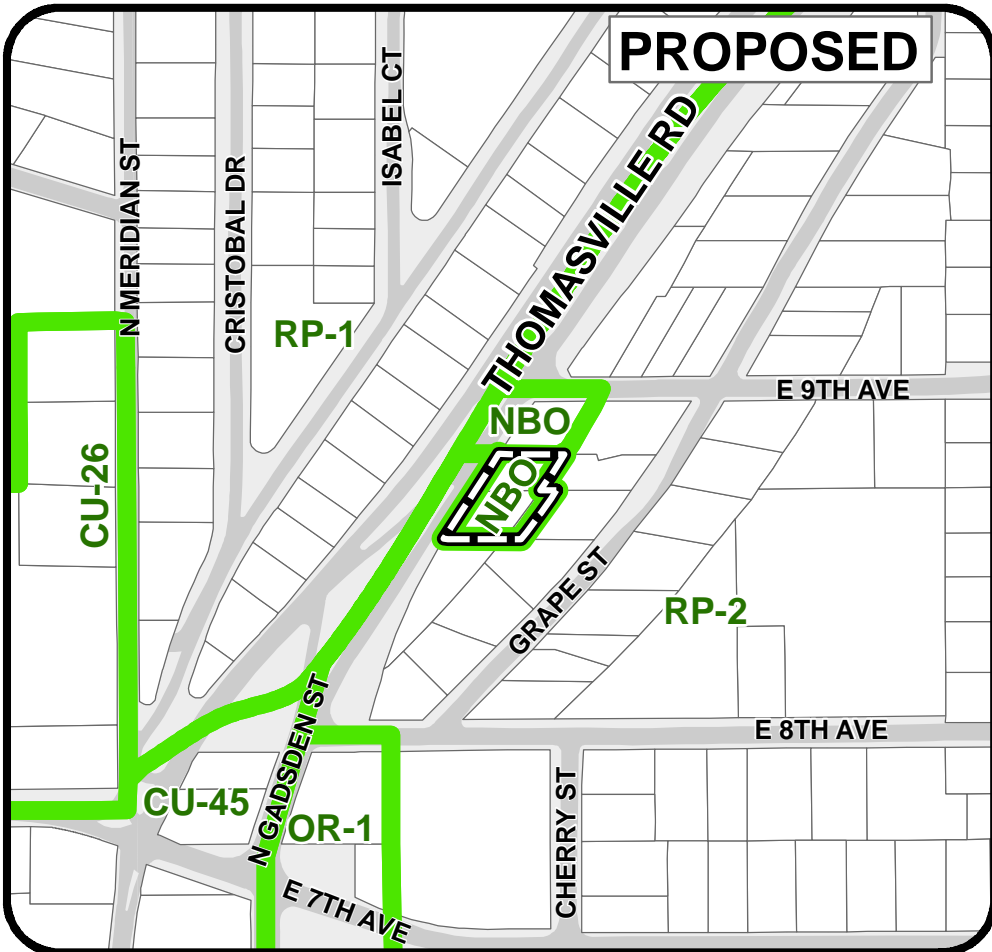
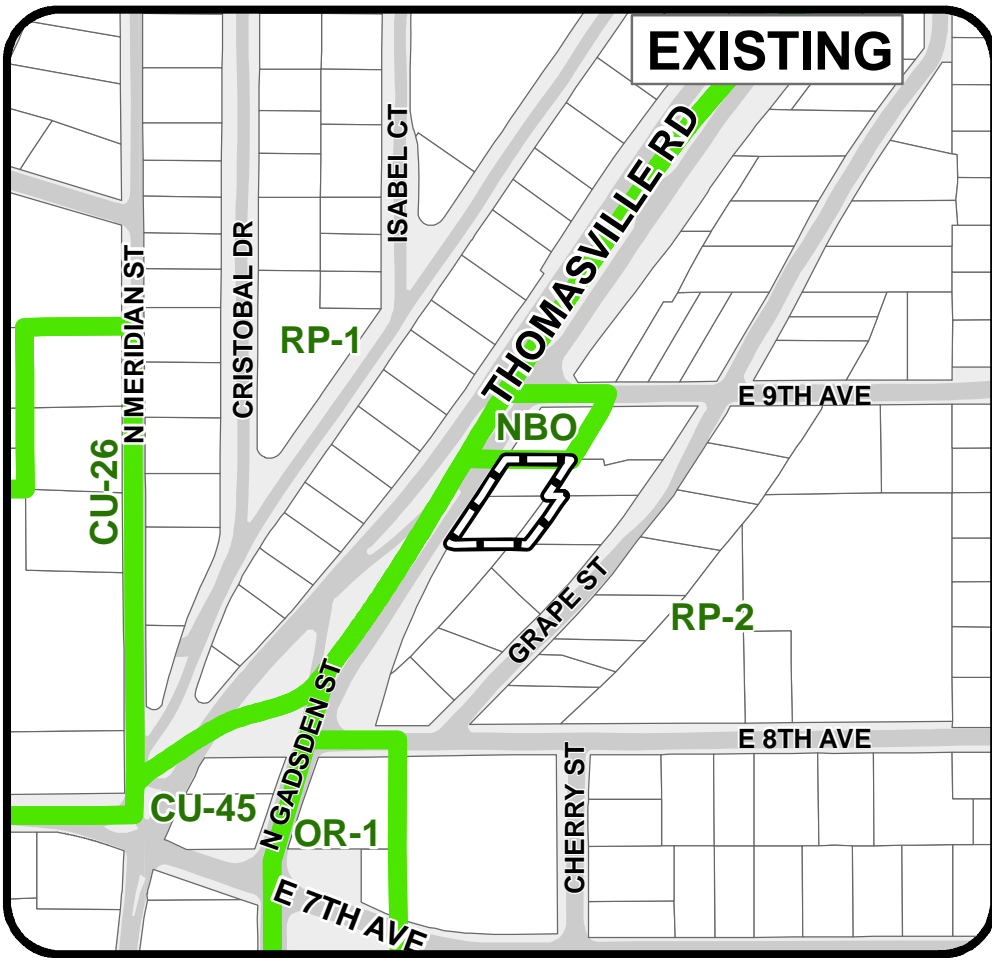
Proposed



SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)

ACRES: 0.38 ±





ZONING

Legend



Subject Parcel



zoning

**9th Avenue and
Thomasville Road
PCM130107
City of Tallahassee**

Existing

**RP-2
(Residential
Preservation-2)**

Proposed

**NBO
(Neighborhood
Boundary)**



**SITE TAX ID:
11-30-57-000-0120
11-30-57-000-0130
and
11-30-57-000-0220
(Northwest 22 ft)**

ACRES: 0.38 ±

MAP AMENDMENT #: PCM130107

APPLICANT: City of Tallahassee

TAX ID NO: 11-30-57-000-0120, 11-30-57-000-0130, portion of 11-30-57-000-0220

CITY X COUNTY __

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Neighborhood Boundary

DATE: ~~January 9, 2013~~, ~~Updated January 29, 2013~~ Updated March 27, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130107.

A. SUMMARY:

This is a request to change the Future Land Use Map designation from Residential Preservation to Neighborhood Boundary on two adjoining parcels and a portion of a third adjoining parcel (approximately 0.38 acres) all owned by Marshal Cassedy Jr. and located approximately 100' south of the intersection of 9th Avenue and Thomasville Road.

On September 19, 2012, The City Commission approved a settlement agreement reached by Marshal Cassedy, the Special Master, City staff, and five neighborhood participants. The City Commission also revised the Board of Adjustment and Appeals Previously Existing Land Use Conformity (PELUC) Order to reflect the approved settlement agreement and directed the initiation of this Comprehensive Plan amendment as provided in the settlement agreement.

This is the third time some version of the subject property has been included in a Comprehensive Plan amendment request. The first was initiated by staff in 2006 based on an adjacent request from the former veterinary clinic site, the second was initiated in 2011 by the owner, and this third time was initiated by the City Commission based on the settlement agreement.

The staff recommendation for the Neighborhood Boundary category seeks to balance the historic commercial use of the parcels with protection of the significant residential investment that has occurred in the surrounding area over the past 20 years. **The owner has fully complied with the PELUC Order that reflects the items included in the settlement agreement.**

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.
- ~~2. Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~
- ~~3.~~2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

C. APPLICANT’S REASON FOR THE AMENDMENT:

The applicant is the City of Tallahassee. The intent of the proposed land use change is to make the land use and zoning designations more consistent with the long-term use of the property as a business, and to implement the terms of the settlement agreement as part of the Special Master’s recommendation approved by the City Commission on September 19, 2012.

D. STAFF ANALYSIS:

Location

These two contiguous parcels and a portion of a third contiguous parcel are located approximately 100’ south of the intersection of 9th Avenue and Thomasville Road on the east side of Thomasville Road.

History

The historical zoning atlas indicates the site was in the Automotive Commercial (C-4) zoning district prior to adoption of the Comprehensive Plan in 1990 and the City-wide rezoning in 1992 (Attachment #1). The Planning Department has previously indicated that inclusion of these parcels in the Residential Preservation district appears to have been in error.

This is the third time this property has been subject to a proposed land use and zoning change. The most recent proposed land use and zoning change was considered during the 2012-1 Cycle. A history of the proposed amendments from 1992 through 2012 is presented in Attachment #2. The applicant, who is also the property owner, proposed a land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, and 11-30-57-000-0140 to go from Residential Preservation to Neighborhood Boundary. This proposal was denied at the Joint City-County Commission Adoption Public Hearing on June 26, 2012, based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked on the day of the Public Hearing.

At the same time this proposed comprehensive plan amendment was being considered, the applicant applied for a Certificate of Previously Existing Land Use Conformity (PELUC) for the properties being considered in the 2012-1 Cycle. A PELUC allows land uses legally established prior to adoption of the Comprehensive Plan on July 16, 1990, but made non-

conforming by the adoption of the Plan, to be certified as legally conforming. A PELUC allows a property owner to continue the present use of the property although the land use and zoning codes would not allow this use, and to also rebuild any structures to their existing form and use if they are more than 50 percent destroyed.

Based on direction given to staff by the Long Range Target Issue Committee on November 30, 2011, the City Commission voted on March 14, 2012 to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located. The PELUC application was submitted to the City by the owner of the subject parcels. The Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012, and then voted unanimously to approve the PELUC with the following conditions:

1. That an 8 foot high opaque fence be erected along the rear property line of the site to buffer the adjacent residential lots from the hair salon; prevent use of the adjacent residential lot for parking; and prevent vehicular access across the residential lot;
2. That a fence or barrier be constructed along the southern property line to ensure containment of the use to the site.
3. That a unity of title uniting the lots be recorded and recognized by the Leon County Property Appraiser's office.
4. That changes to the parking lot and spaces resulting from the buffer fence installation be consistent with current code requirements.
5. That the existing dumpster be relocated consistent with current code requirements.
6. That the sign on Grape Street be removed.
7. That all conditions be completed within 30 days of the recording of the certificate.

On May 24, 2012, the applicant submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC. On September 7, 2012, Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master's recommendation.

On September 19, 2012, this settlement agreement was reviewed by the City Commission with a staff recommendation to approve the agreement through a City Commission order and revising the PELUC Order consistent with the agreement. The settlement agreement and City Commission order was approved at that meeting, and the BOAA PELUC Order was revised and recorded in the public records of Leon County (Attachment #3).

The September 19, 2012 agenda item also included a request on behalf of Marshall Cassedy, the property owner, that the City Commission initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon. This request was approved by the Commission at that meeting.

Subsequently, the Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on October 1, 2012 to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.

On December 3, 2012, the City's Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassidy based on the lack of progress on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order. As of January 17, 2013, Mr. Cassidy was determined by the City Attorney's Office to have adequately met the requirements of the PELUC order. The NOV has subsequently been administratively dismissed.

Existing Land Use, Future Land Use Designation, and Zoning

Land Use

A hair salon is located on the northernmost parcel. A parking area for the salon is located on the adjacent parcel. That portion of the third parcel under consideration is used as part of the parking area.

Thomasville Road runs along the west side of the parcel. The property immediately north of the subject properties is an empty office building that used to be a veterinarian hospital, and the properties to the north (across 9th Ave.) and east of the site are single-family residential. A vacant lot immediately east of the hair salon previously provided vehicular access to Grape Street, but it has been blocked by a fence that sits approximately 22' east of the easternmost property line. That portion of this property that is west of the newly-installed fence is part of the subject properties under consideration for a proposed land use and zoning change.

Land Use Designation

The subject properties are currently designated Residential Preservation (RP) on the Future Land Use Map. The RP land use category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

Zoning

The subject properties are currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of

six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 1 dwelling unit on each of the three subject properties.

Proposed Future Land Use Designation and Zoning

Proposed Land Use Designation

This amendment proposes to change the Comprehensive Plan Future Land Use Map designation on the subject property from Residential Preservation to Neighborhood Boundary. The intent of this land use category is to create a transition area between residential development and more intensive development such as multi-family and non-residential development, while still preserving roadway capacity through access management practices. This category is limited to properties adjacent to existing and future residential neighborhoods and on roads with high traffic volumes. For properties located at an arterial/local, arterial/major collector, or arterial/minor collector intersection, non-residential development must front the arterial road. The land development regulations also specify specific vehicular access.

Allowable uses in areas designated NB include:

- Low-density residential, including duplexes, townhomes, triplexes, and quadraplexes; and
- Non-residential development scaled to serve the surrounding neighborhood such as limited retail, offices, bed and breakfast inns and community services. Auto-oriented uses, such as gas stations or any other use having drive-through facilities, are not allowed in order to protect neighborhoods from any negative impacts associated with increased vehicular traffic.

The maximum density limit is eight (8) dwelling units per acre. Mandatory design standards for new development, which are embedded in the NBO zoning regulations, are intended to promote compatibility with adjacent residential development. These design standards address roof styles, building scale, color, exterior building materials, front setbacks, architectural style, buffering, landscaping, solid waste disposal, parking, lighting, and signs.

Proposed Zoning

The applicant has requested Neighborhood Boundary Office (NBO) zoning for the subject properties. The Neighborhood Boundary Office (NBO) district is intended to be located in areas designated as Neighborhood Boundary on the Future Land Use Map of the Comprehensive Plan and shall apply to areas located on the edges of existing or planned single-family attached and detached residential neighborhoods fronting arterial and collector roadways.

The NBO district is intended to provide minor office opportunities serving the immediate area and higher intensity residential land uses while providing a transition between the residential development and more intensive development, and to preserve roadway capacity through appropriate access management. The intent of these access management requirements is to reduce access points along the roadway system, provide interconnectivity

between non-residential developments (within this land use category), and encourage convenient walk-to work opportunities in close proximity to the residential areas it will serve.

The NBO district cannot be applied to the interior of an existing neighborhood, nor in areas designated as Lake Protection on the Future Land Use Map of the Comprehensive Plan. It is not intended to accommodate large scale office development. Personal services (including hair salons), medical clinics, bail bonds, and payday loan offices are prohibited.

In addition, the NBO district shall not exceed 350 feet in depth parallel to the arterial or collector roadway in which it fronts or one (originally) platted lot whichever is less. The maximum gross density allowed for new residential development in the NBO district is eight (8) dwelling units per acre.

Multimodal Transportation District and Neighborhood Boundary Office Zoning

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #4) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

As stated in Section 10-266 of the City's Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the former NBO code and those under that part of the MMTD code that addresses all properties within the MMTD area. Commonalities and differences between the two development standards are briefly summarized in the following points:

1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower option is available in the MMTD, but buffers are only required for non-residential uses only.
3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures, which is why the MMTD code allows 3.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.

- 8. Fencing and/or screening are mostly similar.
- 9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
- 10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
- 11. ~~Several~~ noise, business hours, and solid waste limitations ~~and other requirements~~ exist in ~~the~~ NBO zoning district that are not present under [that portion of the MMTD which addresses areas zoned as NBO. However, these provisions remain enforceable where there are no conflicts with any other regulations.](#)

A comparison of development standards in Section 10-266 and Division 4 is attached to this report (Attachment #5).

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

Environmental Features

The subject properties are located within the Lake Lafayette drainage basin. County environmentally sensitive area maps indicate the presence of significant grades on small portions of the subject properties. No other known environmentally sensitive features are identified onsite.

Water/Sewer

City centralized water and sewer services presently are connected to the subject properties.

Roadways

Roadway:	Thomasville Road
Adopted Level-of-Service:	E
Functional Classification:	Principal Arterial
Available Capacity:	Functioning over capacity.

The subject properties are already in use commercially, and a change in use will not adversely impact the roadway capacity. The subject properties are located within the Multimodal Transportation District.

The MMTD is established in the Mobility Element by Policy 1.1.9., and extends out to Bradford and Betton roads north of Mid-town. The purpose of the MMTD is to promote walking, bicycling, and transit use in order to reduce dependence on the automobile. (Roadways and associated rights-of-way shown as boundaries for the MMTD are considered part of the MMTD.)

Policies in the MMTD call for land uses that provide appropriate densities, intensities and mixture of land uses to support 18-hour activity and multimodal transportation based on land use mix targets and to facilitate walking and bicycling as an alternative to driving. Transit is

a component of the MMTD where redevelopment in the urban center is encouraged to have 10 minute headways for buses.

Urban design standards to encourage energy efficiency and livability include pedestrian oriented blocks, easy access transit stops, compatibility measures between land uses, transparency of uses, use of sidewalks, and parking standards to discourage single-occupancy vehicles. Transit commitments and requirements for “complete streets” are part of the MMTD.

Transit Availability:

The subject properties are located on the “Dogwood” StarMetro route and approximately 200’ from the “Gulf” route.

Bicycle/Pedestrian Facilities Availability:

Thomasville Road has a sidewalk on the east side of the road next to the subject properties.

School Information:

The site is zoned for Sullivan Elementary, Cobb Middle School, and Leon High School. The potential impact on available public school capacity is illustrated in the following table:

School Name	Sullivan Elementary	Cobb Middle	Leon High
Potential Students Generated	2	1	1
Present Capacity	83	159	24
Post Development Capacity	81	158	23

The table above depicts preliminary calculations provided by School Board staff based on the maximum residential development allowed under the requested future land use category. Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

F. VESTED / EXEMPT STATUS: None.

G. MAJOR PLANNING ISSUES:

Applicability of the Existing Residential Preservation Category

The primary function of the Residential Preservation category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Criteria measuring the stability and viability of residential areas include:

- Degree of existing land uses that are residential.
- Locality of automotive traffic.
- Predominance of residential uses fronting on local streets.

- Relatively safe internal mobility.
- Densities generally of six units per acre or less.
- Presence of sidewalks.
- Existing residential type and density exhibiting relatively homogeneous patterns.
- Degree of home ownership.
- Existence of neighborhood organizations.
- Degree of owner-occupied residential units.
- Little or no history of rezoning.

A previous study of this area by Planning staff to evaluate the viability and stability of residential uses found that the residential area meets a majority of the evaluative criteria, whereas the subject properties meet approximately half of the criteria for inclusion in Residential Preservation.

Traffic Issues in the Surrounding Area

Several transportation issues are associated with the subject site. A significant volume of traffic passes by the subject parcels on Thomasville Road, and there have been several speeding and cut-through issues in the residential area east of the subject parcels. City Public Works staff have begun discussions of potential options for addressing traffic engineering issues in this part of Mid-town, including the area where traffic on Gadsden Street going north merges onto Thomasville Road just north of 9th Avenue. However, at this time, there are no firm plans that have been established, and no funding is currently designated for any related capital improvements in this area.

Staff recommends that local government move forward first with a decision regarding the appropriate Future Land Use designation in order to appropriately address existing transportation design issues.

Local Planning Agency Review

The Local Planning Agency (LPA) reviewed this proposed amendment at its workshop on January 17, 2013. LPA members asked about the safety issues associated with access to the subject properties from Thomasville Road, including both southbound and northbound. Staff’s response was that Thomasville Road is under the responsibility of the Florida Department of Transportation (FDOT), and that the City’s Public Works Department is continuing to coordinate with FDOT to address these and other safety and access issues along this roadway.

H. CONCLUSION:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

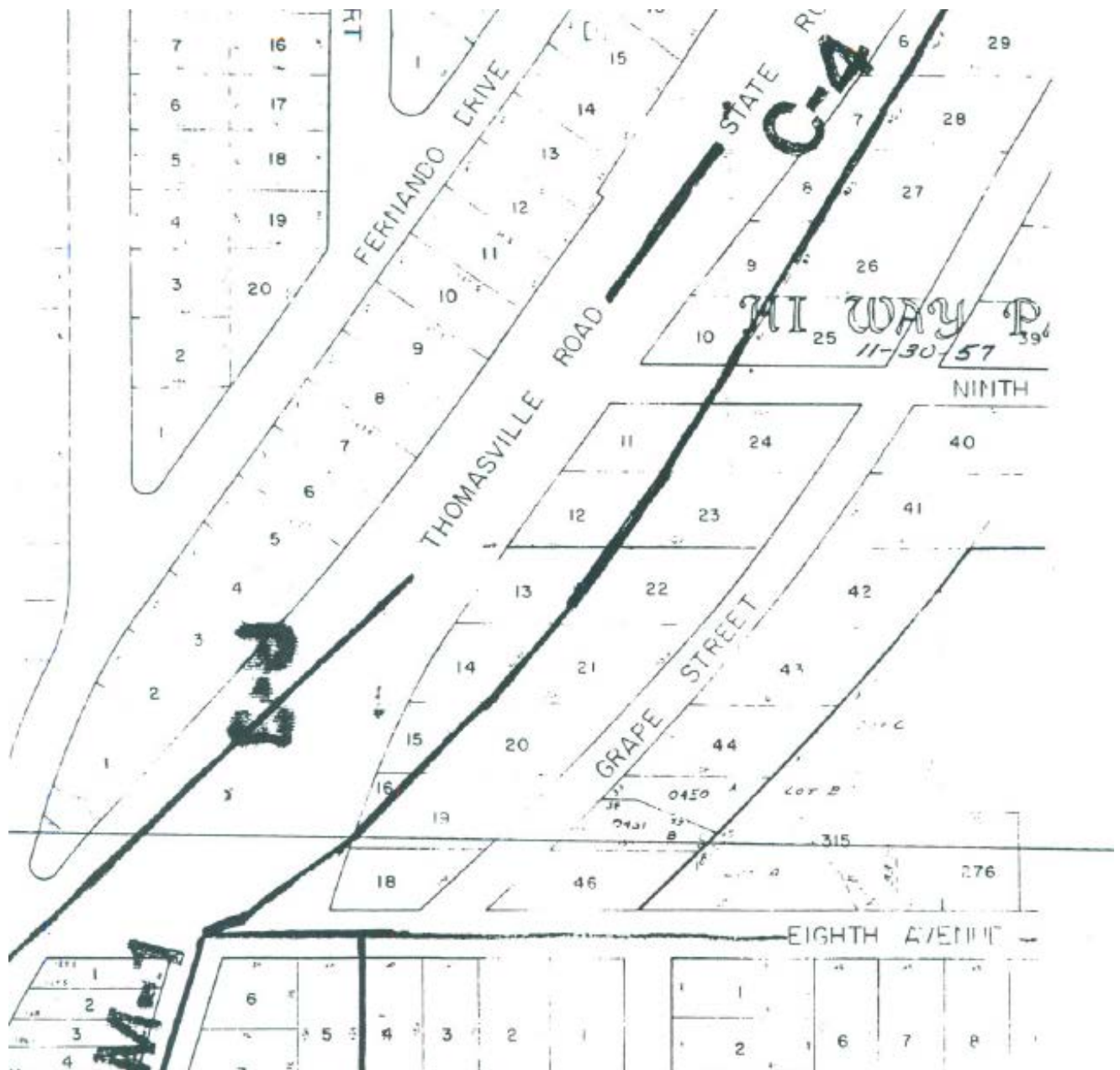
1. Meets the intent of Neighborhood Boundary as a transition land use intended to protect existing commercial and office uses and adjacent stable and viable residential areas.
2. ~~Reinstates, but limits, commercial use designations that were in place prior to the City-wide rezoning in 1992.~~

3.2. Promotes walkable opportunities for small-scale employment, service opportunities, and housing, in close proximity to residential areas, and subject to mandatory design standards required to promote compatibility with adjacent residential development.

I. ATTACHMENTS

- Attachment #1: Historic Zoning Map
- Attachment #2: History
- Attachment #3: PELUC Order
- Attachment #4: MMTD Map
- Attachment #5: Comparison of Development Standards in Section 10-266 and Division 4 of the City's Land Development Code

Historic Zoning (Pre-1990)



History

Zoning History

- Pre 1990: C-4 Zoning (Automotive Commercial) consistent with Comprehensive Plan.
- July 1990: New Comprehensive Plan adopted and FLUM became Residential Preservation with C-4 Zoning.
- March 1992: City wide rezoning to implement the Comprehensive Plan, zoning on site changed to RP-2 (Residential Preservation-2). The zoning has remained unchanged since 1992.

Ownership History

- March 1997: Mr. Cassidy purchased parcel 1130570000120 (existing hair salon building).
- April 1997: Mr. Cassidy purchased parcels 1130570000130 and 1130570000220 (parking lot and Grape Street access).
- July 2004: Mr. Cassidy purchased parcel 1130570000140 (southern forested triangle).

2007-1 Proposed Comprehensive Plan Amendment History

- July 2006: Allied Veterinarian Services applied for a Comprehensive Plan amendment to parcel 1130570000110 (corner of 9th and Thomasville).
- August 2006: Staff recommended changing the Future Land Use Map designation of the Allied Veterinarian Services parcel and three parcels owned by Mr. Cassidy from Residential Preservation to Suburban with Office Residential 1 (OR-1) zoning.
- October 2006: Local Planning Agency (LPA) voted 2-2 to deny this amendment. LPA members stated the amendment was denied due to the overall need for residential vs. commercial in the area and to promote the success of the area as a stable and affordable neighborhood that requires protection by the Comprehensive Plan provisions for neighborhood protection.
- February 1, 2007: City Commission transmitted a compromise plan between Allied Veterinarian Services and the Mid-Town Neighborhood Association to change the parcel just north of the parcels owned by Mr. Cassidy to Neighborhood Boundary. The Neighborhood Association and Mr. Cassidy did not agree to a mutually acceptable Future Land Use designation and zoning category for his three parcels. The motion passed at this meeting is included below

“On behalf of the City, City Commissioner Lightsey moved to act only on the applicant’s property and try to work with the compromise and prohibit the interconnection, recognizing the obligation to move forward to study

what would happen on the other three parcels because something viable must be allowed on that property. City Commissioner Katz seconded the motion.”

- April 4, 2007: Based on the direction provided at the February 1, 2007 Transmittal Hearing, Planning staff provided an implementation plan to the Long Range Target Issues Committee (LRTIC) that addressed the 1) FLUM designation on the Allied Veterinarian Services site, 2) prohibition of interconnection, and 3) moving forward with a traffic study for the parcels owned by Mr. Cassidy. Planning staff was directed to continue moving forward with the ordinances needed to address items 1 and 2. Commissioners also provided the following directions:
- Provide a traffic accident rate study at the merging intersection of Thomasville Road and Gadsden Street.
 - Provide a speed study and traffic count.
 - Need to determine the safety issue first and then address the land use issue.
- May 8, 2007: City Commission approved the Comprehensive Plan amendment to Neighborhood Boundary on the Allied Veterinarian Services site (4-0).
- May 10, 2007: The LRTIC engaged in a brief discussion with Public Works staff regarding traffic safety near 9th Avenue and Thomasville and directed staff to provide further information regarding safety, compatibility and development within this intersection. The item was scheduled to return in June 2007
- May 23, 2007: City Commission approved an ordinance to amend the Neighborhood Boundary Office zoning district to address compatibility with adjacent residential uses. This included the prohibition of interconnection issue identified at the February 1, 2007 Transmittal Hearing.
- June 6, 2007: LTRTIC meeting canceled and items continued to July.
- July 2, 2007: LRTIC did not accept Public Works recommendations for structural changes to modify traffic patterns near the property owned by Mr. Cassidy. Additionally, the LRTIC did not direct staff to file a Comprehensive Plan amendment on behalf of Mr. Cassidy. The Planning Department had no pending action items after this meeting.
- Nov. 30, 2011: The LRTI Committee met on Wednesday, November 30, 2011. The Committee directed staff to:

- 1) Prepare an agenda item for the City Commission requesting a waiver of the fees associated with a Certification of Previously Established Land Use Conformity (PELUC) for the two parcels upon which the hair salon and its adjacent parking area are located.
- 2) Do not request a waiver of the comprehensive plan amend fees.
- 3) Do not have the City Commission initiate the Comprehensive Plan amendment.
- 4) Try to address the issue of parking and access via the parcel fronting on Grape Street.
- 5) Try to address what could be done with the parcels if joined by a unity of title.

- March 14, 2012: City Commission voted on to waive the fees for a PELUC application addressing the two parcels upon which the hair salon and its adjacent parking area are located.
- April 12, 2012: Tallahassee – Leon County Board of Adjustments and Appeals (BOAA) reviewed this application at their regular meeting on April 12, 2012. The BOAA voted unanimously to approve the PELUC with conditions.
- May 24, 2012: Marshall Cassedy submitted a Request for Relief from the PELUC mitigation measures that halted the implementation time period for the PELUC.
- June 26, 2012 Second proposed land use and zoning change for parcels 11-30-57-000-0120, 11-30-57-000-0130, 11-30-57-000-01402012-1 was denied at the Cycle 2012-1 Joint City-County Commission Adoption Public Hearing based in part on complaints brought by neighborhood residents who objected to the continuing use of an adjoining residential lot that provided access to Grape Street, which was temporarily blocked only on the day of the Public Hearing.
- September 7, 2012: Mr. Cassedy, his attorney, and his planner met with the Special Master, City staff, and five neighborhood participants to discuss the challenge. At the end of the meeting, the parties reached a settlement agreement as part of the Special Master’s recommendation.
- September 19, 2012: The settlement agreement was reviewed and approved by the City Commission, who issued an order accepting the settlement agreement and revising the PELUC Order consistent with the settlement agreement.

The City Commission also initiate a Comprehensive Plan amendment to change the Future Land Use Map designation to Neighborhood Boundary and the zoning to Neighborhood Boundary Office on a portion of the Grape Street residential lot shown in the settlement agreement, and on the two parcels used by the hair salon.

- October 1, 2012: The Planning Department completed an application for the 2013-1 Comprehensive Plan amendment cycle on to change the Future Land Use Map category and zoning on Lots 12 and 13 and the portion of Lot 22, Hiway Park Subdivision, as provided in the settlement agreement.
- December 3, 2012: City Growth Management Department issued a Notice of Violation (NOV) to Mr. Cassidy based on the lack of progress of on meeting the conditions of the Settlement Agreement as outlined in the PELUC Order.

TALLAHASSEE-LEON COUNTY
BOARD OF ADJUSTMENT AND APPEALS
AS REVISED BY THE CITY COMMISSION
SEPTEMBER 19, 2012
PURSUANT TO A SPECIAL MASTER PROCEEDING

Marshall R. Cassedy, Jr.,
Applicant

CASE NO. TVA120005

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
GRANTING A PREVIOUSLY ESTABLISHED LAND USE
CONFORMITY CERTIFICATE**

This case came for public hearing before the Tallahassee-Leon County Board of Adjustment and Appeals on April 12, 2012 on the request of the Petitioner for a Previously Established Land Use Conformity (PELUC) Certificate pursuant to Section 10-105 of the City of Tallahassee Land Development Code. The Board having heard testimony and received evidence, and being otherwise fully advised in the premises, issues its findings of fact, conclusions of law, and order in this case as follows:

FINDINGS OF FACT

1. That Marshall R. Cassedy, Jr, is the owner of the subject property and was served notice of these proceedings.
2. That notice was given at least five (5) calendar days in advance of the hearing to the general public by publication in a newspaper of regular and general circulation in Tallahassee and Leon County on April 2, 2012 and to 26 owners of property within two hundred feet of the subject property by written notification, and that the property was posted in accordance with Section 2-164(2) (Posting of property required), *TLDC*.
3. That the subject property of these proceedings is identified by Leon County tax parcels # 11-30-57-000-0120 & 11-30-57-000-0130 and is located at 1447 Thomasville Road, Tallahassee, Florida.
4. That the zoning of the property on which the current hair salon use is located is RP-2, a residential zoning district. The RP-2 zoning was instituted in 1992 and hair salons are not permitted in this zoning district.
5. That the hair salon use was established as a legal use and was in existence on July 16, 1990.
6. The waiver provisions requested by this application to the Board of Adjustment and Appeals are for an existing nonconforming land use, and is not for the waiver of any other development standards or criteria contained within the City of Tallahassee land development ordinances and regulations.

TVA120005

Page 2

7. The subject hair salon use is classified as neither Heavy Infrastructure nor Heavy Industrial use.

CONCLUSIONS OF LAW

The Board of Adjustment and Appeals determined that the subject property is consistent with Land Use Policy 1.5.1 of the 2010 Comprehensive Plan and Section 10-105 of the City of Tallahassee Land Development Code based on the following:

1. The impact of the subject property's nonconformity is minimal upon surrounding land use and is not detrimental to the health, safety and welfare.
2. The subject property meets the requisite criteria in the City of Tallahassee Land Development Code for issuance of a PELUC Certificate.
3. The subject property's nonconforming status was occasioned by the change in zoning classification exclusively, and not through the actions of the Petitioner.

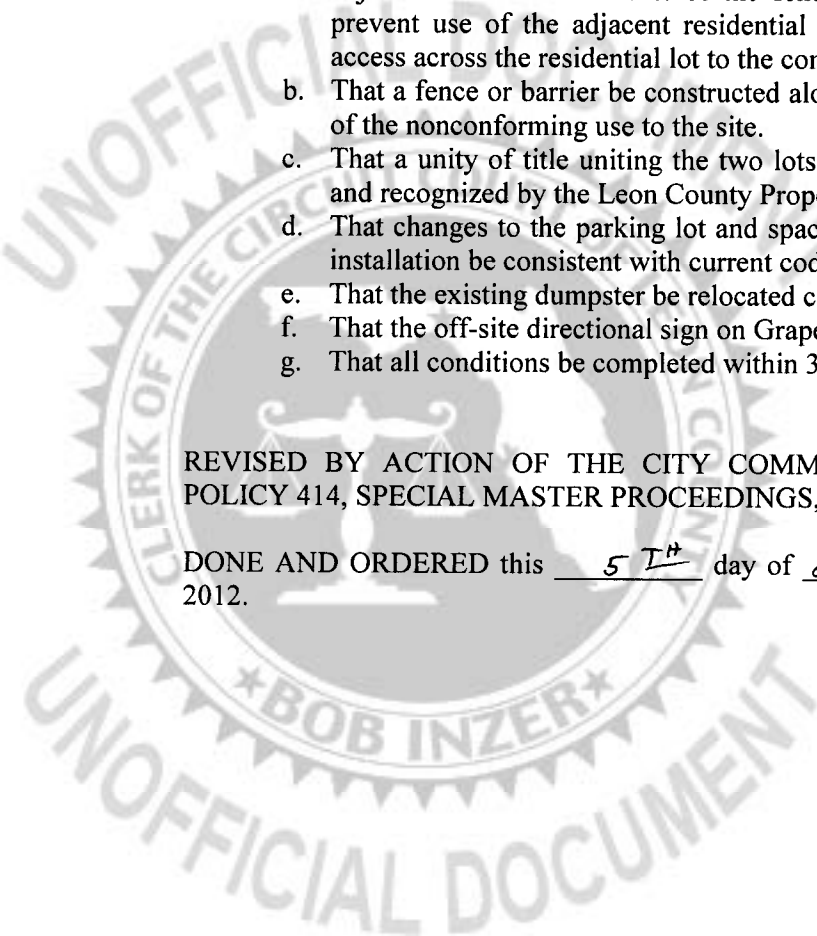
ORDER

Based upon the findings of fact, conclusions of law, and pursuant to Ordinance 94-O-0024, by Motion and duly seconded, which carried by a vote of 6 in favor to 0 opposed, it is hereby ORDERED:

1. That a Previously Established Land Use Conformity (PELUC) Certificate be issued to the Petitioner with the following conditions:
 - a. That an 8 foot high opaque fence be erected east of the rear property line of Lot 13, as shown on Exhibit A attached hereto and made a part hereof, to: buffer the remainder of the adjacent residential lot east of the fence ("adjacent residential lot") from the hair salon; prevent use of the adjacent residential lot for commercial parking; and prevent vehicular access across the residential lot to the commercial site.
 - b. That a fence or barrier be constructed along the southern property line to ensure containment of the nonconforming use to the site.
 - c. That a unity of title uniting the two lots identified above in Finding of Fact #3 be recorded and recognized by the Leon County Property Appraiser's office.
 - d. That changes to the parking lot and spaces for the hair salon resulting from the buffer fence installation be consistent with current code requirements.
 - e. That the existing dumpster be relocated consistent with current code requirements.
 - f. That the off-site directional sign on Grape Street for the hair salon be removed.
 - g. That all conditions be completed within 30 days of the recording of the certificate.

REVISED BY ACTION OF THE CITY COMMISSION PURSUANT TO CITY COMMISSION POLICY 414, SPECIAL MASTER PROCEEDINGS, ON WEDNESDAY, SEPTEMBER 19, 2012.

DONE AND ORDERED this 5TH day of OCTOBER, 2012, nunc pro tunc, September 19, 2012.



TVA120005
Page 3

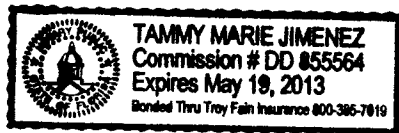


Tallahassee-Leon County
Board of Adjustment and Appeals

By: Jay Bostwick
Jay Bostwick, Chair

**STATE OF FLORIDA
COUNTY OF LEON**

The foregoing instrument was acknowledged before me this 5th day of October, 2012 by Jay Bostwick, Chair of the Tallahassee-Leon County Board of Adjustment and Appeals, who is personally known to me and who did take an oath.



NOTARY PUBLIC STATE OF FLORIDA

Sign: Tammy Marie Jimenez
My Commission Expires: 5-19-2013

Approved as to form and legal sufficiency:

Roosevelt Randolph
Roosevelt Randolph, Board legal counsel.

Filed in the City of Tallahassee official records on: 10-5-2012

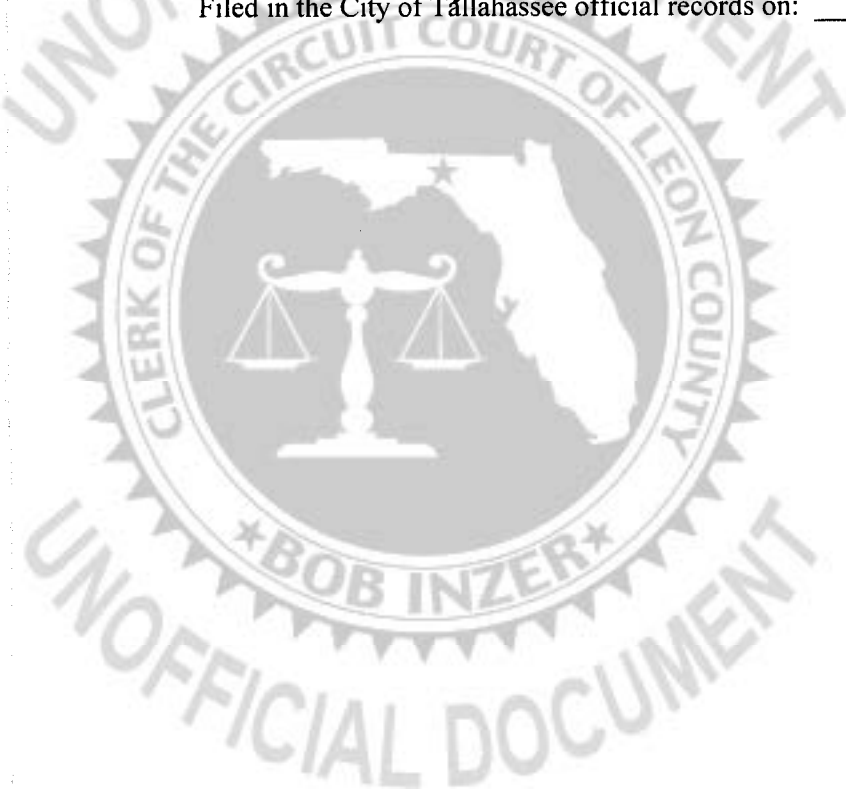
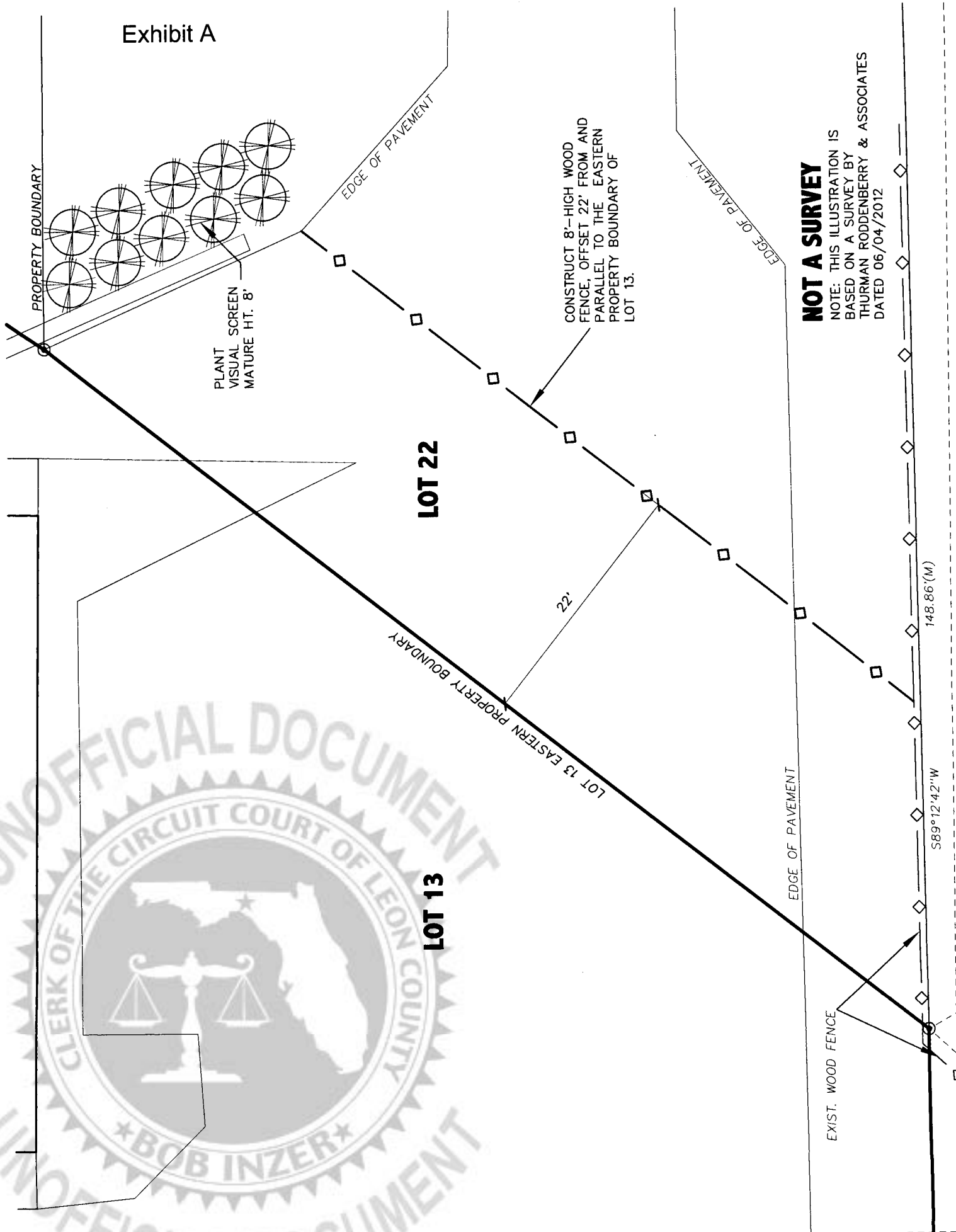


Exhibit A



NOT A SURVEY

NOTE: THIS ILLUSTRATION IS
BASED ON A SURVEY BY
THURMAN RODDENBERRY & ASSOCIATES
DATED 06/04/2012

LOT 22

LOT 13

CONSTRUCT 8'-HIGH WOOD
FENCE, OFFSET 22' FROM AND
PARALLEL TO THE EASTERN
PROPERTY BOUNDARY OF
LOT 13.

PLANT
VISUAL SCREEN
MATURE HT. 8'

EXIST. WOOD FENCE

148.86 (M)

S89°12'42"W

EDGE OF PAVEMENT

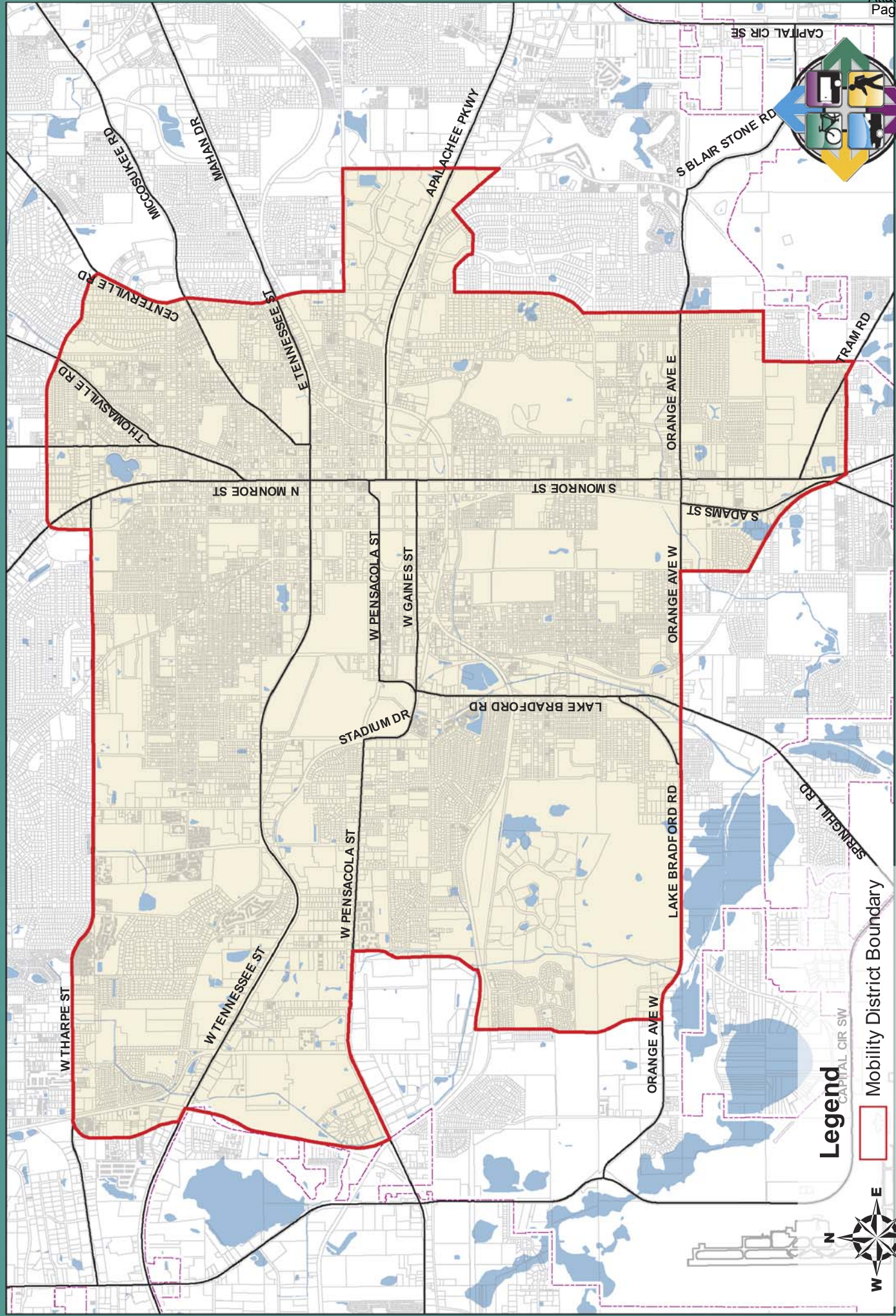
EDGE OF PAVEMENT

EDGE OF PAVEMENT

LOT 13 EASTERN PROPERTY BOUNDARY

PROPERTY BOUNDARY

MOBILITY DISTRICT



Legend

-  Mobility District Boundary
-  City Limits



Multimodal Transportation District

In 2007, the Planning Department began the process of developing the Multimodal Transportation District (MMTD). The MMTD is an 18-square mile area (Attachment #3) that encompasses the downtown and surrounding areas of Tallahassee. It is intended to help create a more compact, pedestrian-oriented mixture of neighborhoods and commercial center, allowing independence to those who do not drive; an interconnected network of roadways designed to disperse traffic and reduce the length of automobile trips; and neighborhoods with a range of housing types to accommodate diverse ages and incomes.

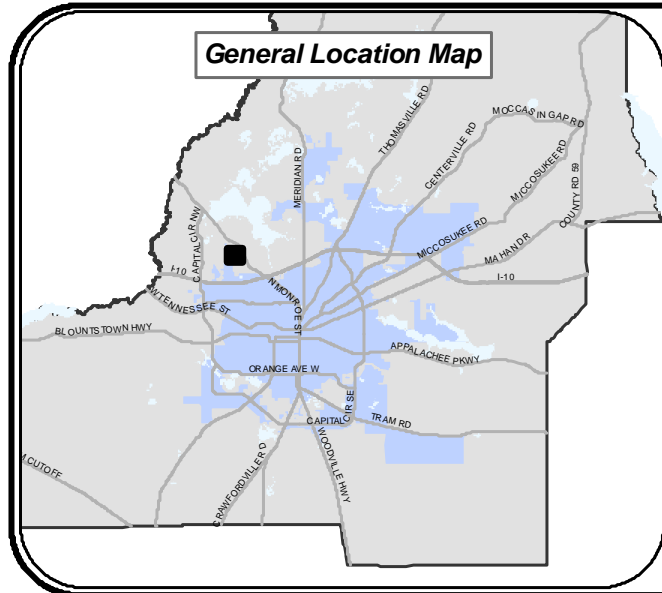
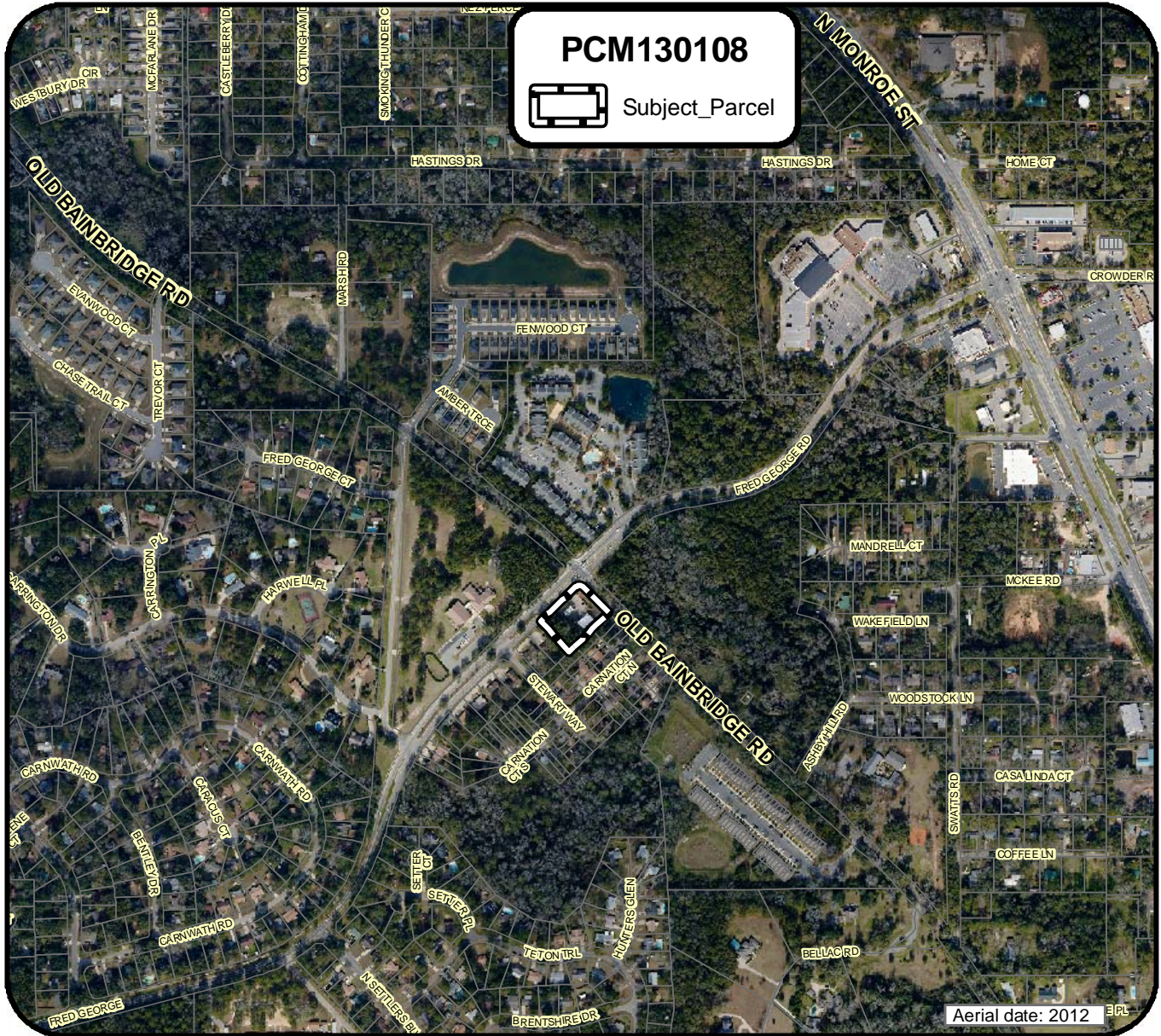
The MMTD, also known as the Mobility District, was adopted in 2009, and its implementing development code was adopted in 2011. Compatibility is one of the main goals in creating a successful mix of land uses, and it incorporates many features found in the development standards that are part of NBO.

As stated in Section 10-266 of the City's Land Development Code addressing the NBO zoning district, the development standards for properties located within the MMTD are established within Division 4 (MMTD Development Standards) of this Code. The subject properties are located within the MMTD.

The NBO zoning district intent and permitted uses established under Section 10-266 are not affected by the MMTD Code. However, there are several differences between development standards under the former NBO code and those under that part of the MMTD code that now addresses properties zoned NBO. Commonalities and differences between the two development standards are briefly summarized in the following points:

1. Building setbacks are mostly similar.
2. Buffers are required in NBO for townhomes (single-family attached) and minor office uses developed adjacent to existing single-family (detached). An additional, narrower option is available in the MMTD, but buffers are only required for non-residential uses only.
3. The maximum height under MMTD for principal buildings is three stories, whereas under NBO it was two stories. However, RP also allow 35 feet high (3-story) structures, which is why the MMTD code allows 3.
4. The maximum building size for non-residential structures is mostly similar.
5. Building orientation requirements are mostly similar.
6. Lighting standards are similar, but there are additional requirements under MMTD.
7. Street access and interconnections are mostly similar.
8. Fencing and/or screening are mostly similar.
9. Compatibility requirements under NBO were intended to provide a unified sense of place, a pedestrian scale, and design that reflects the general character and scale of typical residential structures in adjacent neighborhoods. MMTD compatibility requirements for structures adjacent to low-density neighborhoods address building height, including requiring setbacks.
10. Signage requirements are mostly similar. However, there are several additional restrictions under NBO.
11. There are several noise, business hours, and solid waste limitation and other requirements in NBO that are not present under MMTD.

A comparison of development standards in Section 10-266 and Division 4 is attached to this report.



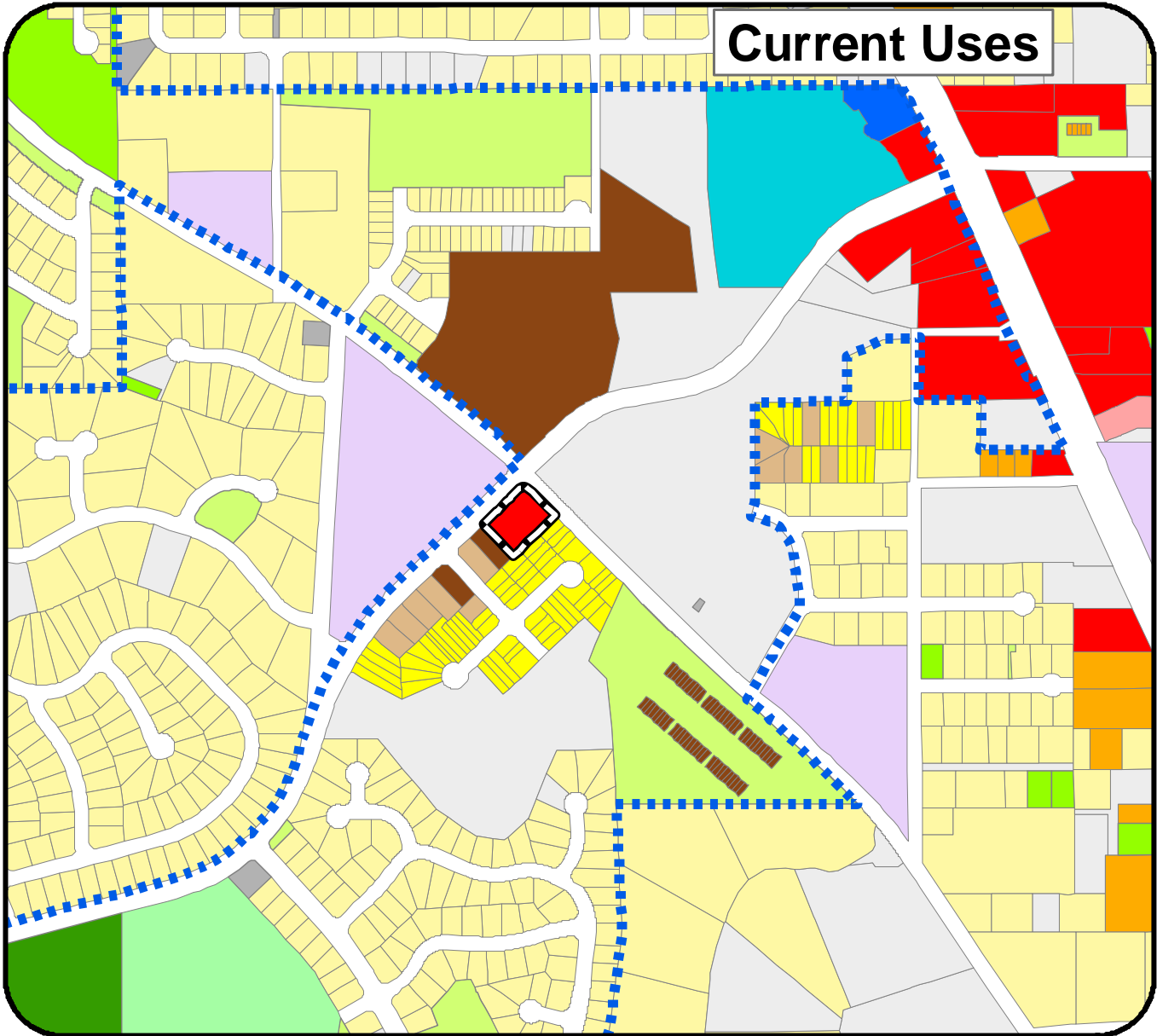
**Fred George
and
Old Bainbridge Road
PCM130108
City of Tallahassee**

**SITE TAX ID#
21-09-47-000-0010**



ACRES: 1.0 ±


















Legend

-  Subject_Parcel
-  City Limits

Current Uses (Oct. 2012)

- | | |
|--|---|
|  Single Family Detached/Mobile Home |  Open Space Resource Protection |
|  Single Family Attached |  Multi-Family |
|  Two-Family Dwelling |  Motel/Hospital/Clinic |
|  Retail |  Religious/Non-profit |
|  Office |  Transportation/Communications/Utilities |
|  Open Space Common Areas |  Vacant |
|  Open Space Recreation Parks | |

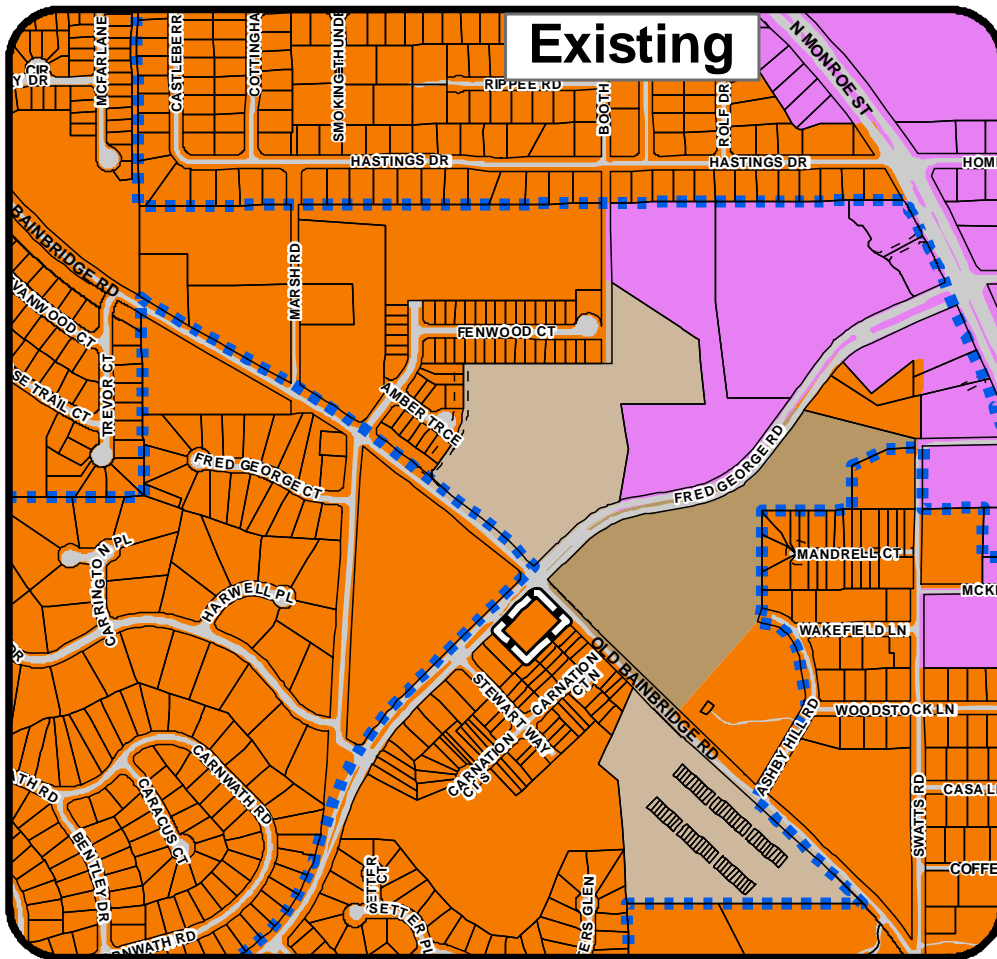
**Fred George
and
Old Bainbridge Road
PCM130108**

City of Tallahassee

**SITE TAX ID#
21-09-47-000-0010**





ACRES: 1.0 ±





Future Land Use

Legend

-  Residential Preservation
-  Suburban
-  Urban Residential
-  Urban Residential 2

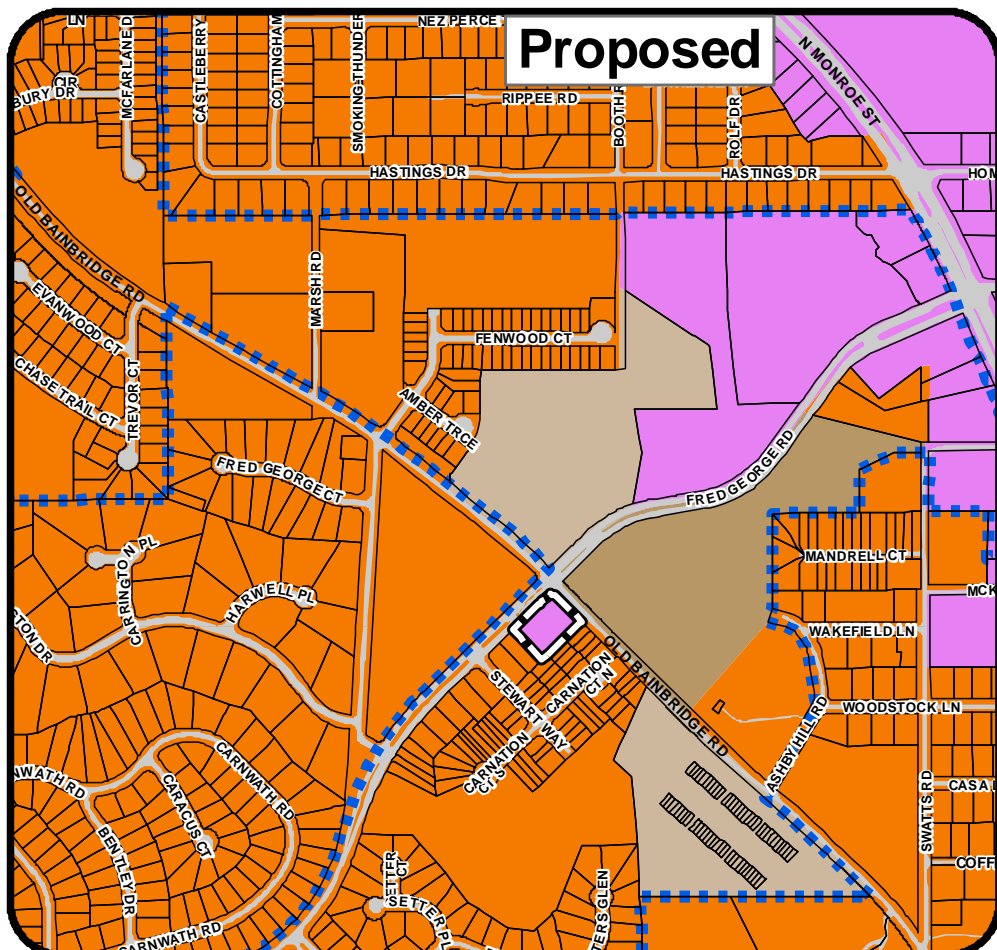
 Subject Parcel

**Fred George
and
Old Bainbridge Road
PCM130108**

City of Tallahassee

**Existing
Residential
Preservation**

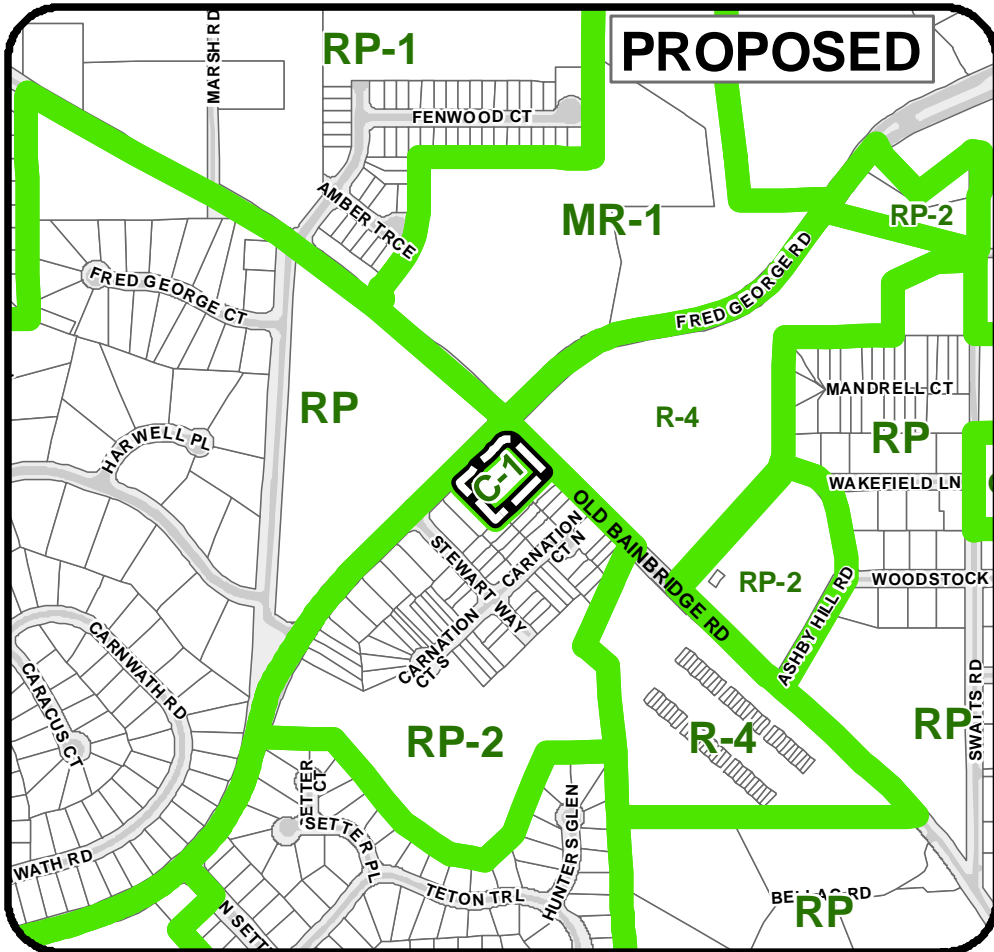
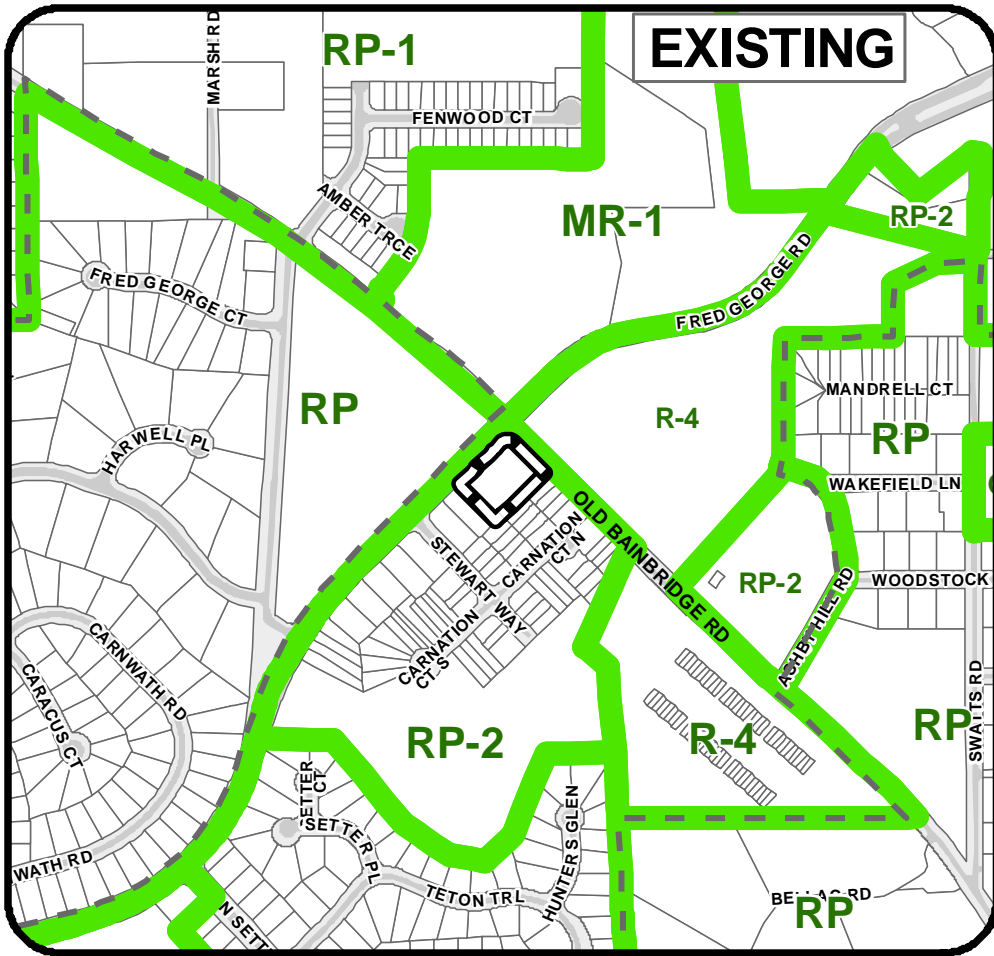
**Proposed
Suburban**



**SITE TAX ID#
21-09-47-000-0010**

ACRES: 1.0 ±





ZONING

Legend



Subject Parcel



zoning

**Fred George
and
Old Bainbridge Road
PCM130108**

City of Tallahassee

Existing

RP-2
(Residential
Preservation-2)

Proposed

C-1
(Neighborhood
Commercial)



SITE TAX ID#
21-09-47-000-0010

ACRES: 1.0 ±



MAP AMENDMENT: PCM130108

APPLICANT: City of Tallahassee

TAX I.D. #: 21-09-47-000-0010

CITY X COUNTY _

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Suburban

DATE: January 9, 2013

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCM130108.

A. SUMMARY:

This is a request from the City of Tallahassee, on behalf of the owner, Andrews Enterprises Inc. (Jack Buford, Agent), to change the Future Land Use Map designation from “Residential Preservation” to “Suburban” for an approximately one-acre parcel located on the southwest corner of Fred George Road and Old Bainbridge Road (Attachment #1). This property presently contains a 1,973 square-foot convenience store built in 1987 in accordance with the former Huntington Woods Development of Regional Impact (DRI) development order.

The Huntington Woods DRI was a 944-acre mixed-use development originally approved in 1974, and essentially built-out by 2010. On June 23, 2010, the City Commission rescinded the Huntington Woods DRI development order because it no longer served any useful purpose (See Attachment #2 for complete history). After the development order was rescinded, the Future Land Use Map (FLUM) categories and implementing zoning districts provided the land use regulation for the property within the former DRI.

However, the Residential Preservation FLUM category, and associated Residential Preservation-2 (RP-2) zoning district for the subject property does not accurately reflect the existing (and intended) use of the property as a neighborhood convenience store. The Residential Preservation FLUM and the RP-2 zoning district only permit low density residential land uses and community services. Therefore, the existing convenience store use of the property is a non-conforming use. The non-conforming status of the property allows the convenience store to continue to operate under the existing ownership, but a pending sale of the property would require a new liquor license in order to continue beer sales. A new liquor license cannot be issued in a Residential Preservation zoning district. In addition, the non-conforming status puts other limitations on the property, which may adversely affect the value of the property.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.
2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.
3. The proposed amendment is not anticipated to have adverse effects on public facilities.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The City is requesting this land use change to allow continued use of the property as a neighborhood convenience store. The FLUM change to Suburban and zoning change to C-1 will also make this existing use conforming, which will eliminate encumbrances to the sale of the property.

D. STAFF ANALYSIS

Existing FLUM & Zoning

The 1-acre property has a current Future Land Use Map (FLUM) designation of Residential Preservation and a zoning designation of Residential Preservation-2 (RP-2). The area is within the City and the Urban Service Area. The subject property is not in the Multi-Modal Transportation District

Residential Preservation and RP-2 Zoning

The existing Residential Preservation FLUM designation category is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function of this category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.

Future development primarily will consist of infill due to the built out nature of the areas. Commercial, office, and industrial land uses are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval intended for community services, infrastructure, and state and federal government facilities.

The subject property is currently zoned Residential Preservation 2 (RP-2). The RP-2 Zoning District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving the low density

residential character of single-family, two-unit townhouse, and duplex residential development, protecting from incompatible land uses, and prohibiting densities in excess of six (6.0) dwelling units per acre. RP-2 zoning also allows passive and active recreation, community services, and light infrastructure. The RP-2 zoning would allow 6 dwelling units on the subject property.

Proposed Land Use and Zoning

Suburban Land Use

The Suburban land use category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. It is intended to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities are intended ideally to be located near residential areas, if possible within walking distance.

This category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern. To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development is required to comply with the Suburban Intensity Guidelines, which would limit development based on the development pattern. The development pattern for the subject property would be Suburban Corridor, which limits commercial development to 25,000 square feet per acre.

The Suburban category allows higher density housing up to 20 dwelling units per acre and a wide variety of office and commercial uses. The maximum number of units on 1 acre is 20 residential units and 25,000 square feet of non-residential uses [calculated at 25,000 square feet per acre].

Neighborhood Commercial Zoning

The C-1 district is intended to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to suburban areas with direct access to 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. 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 nonlinear 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 and shall not exceed 15 acres in size.

Major Planning Issues

1. *Suburban FLUM and C-1 rezoning will implement the efficient land use pattern approved in the Huntington Woods DRI.*

The subject parcel is centrally located within the former Huntington Woods DRI and traffic to the site is concentrated on major roadways (Fred George Road and Old St. Augustine Road). Because of the central location and the accessibility of the site, it was designated in the Huntington Woods DRI for a small commercial development, predominately for the use of residents in the Huntington Woods DRI.

The intended land in the development order for the subject parcel of a small-scale commercial use was implemented through the 1981 Leon County rezoning of the subject property from a medium density residential category to a commercial zoning district with, what was termed at the time, “a limited use site plan”. In this context, a “limited use site plan” meant that some uses from the neighborhood commercial zoning district were permitted and others were not.

Specifically, large traffic generating uses such as restaurants, cocktail lounges and movie theatres were not permitted uses.

After the property was annexed by the City of Tallahassee in 1985, the city adopted an ordinance that allowed the same uses that were previously allowed by the county. In 1986, in accordance with the Huntington Woods development order and the associated rezonings, a 1,973 square foot convenience store with fueling facilities was constructed on the site.

Four years after the site was developed, the subject site was included in the Residential Preservation FLUM in the Comprehensive Plan, and it was subsequently rezoned to RP-2 zoning district. However, it was still under the purview of the Huntington Woods DRI development Order, which established a small-scale commercial use for the subject property.

However, in 2010 when the Huntington Woods development order was rescinded, and the land use regulations, including the Comprehensive Plan FLUM category of the subject parcel, did not reflect the intent of the original Huntington Woods development order. The proposed amendment and associated rezoning return the land use designation to reflect the original intent of the Huntington Woods DRI for the subject parcel.

2. The continued operation of the convenience store on the subject parcel as a non-conforming use would be a hardship on the owner of the subject parcel.

The convenience store that exists on the subject parcel is a non-conforming use. A non-conforming use is a use that conformed to the zoning regulations at the time it was built, but no longer conforms to the existing zoning regulations because of changes to the zoning regulation or the zoning district. The use on the subject property is non-conforming because it was rezoned to RP-2 consistent with the Residential Preservation FLUM adopted in the Comprehensive Plan (see Attachment 2).

In accordance with provisions of Sections 10-78 and 10-79 of the City of Tallahassee Land Development Code, a non-conforming use can continue to exist indefinitely, unless it loses its non-conforming status by going out of business for a year or more (with some exceptions), or it illegally expands or changes use, or when remodeling or reconstruction of the structure exceeds 50% of the value of the structure. These limitations on non-conforming properties adversely affect the value of the property, and may affect its property insurance rates.

In addition, the sale of alcoholic beverages is not addressed by Sections 10-78 and 10-79 of the City of Tallahassee Code of Ordinances. Therefore, the City of Tallahassee will not certify to the State of Florida liquor license application that the zoning requirements have been met for the sale of alcoholic beverages for a business that is a non-conforming use in a Residential Protection zoning district. Without the City certification of zoning compliance, the State will not issue a liquor license.

The existing convenience store on the subject property can sell beer under the license it was issued prior to the 1992 zoning change to RP-2 zoning district. However, when the property is sold, the new owners will be required to obtain a new liquor license, which will not be issued

until the non-conforming status of the property is resolved. According to the agent for the property owner of the subject property, a pending sale for the subject site will not go forward if the new owners cannot obtain a new liquor license for the continued sale of beer and associated malt beverages. Without the sale of beer at this location, the continued operation of convenience store is not viable.

There are two methods to eliminate the non-conforming status of the subject property. The most expeditious method is through the granting of a waiver by the Board of Adjustment and Appeals that deems a non-conforming use, developed prior to the adoption of the Comprehensive Plan, to be a conforming use. The non-conformity waiver is called a “previously existing land use certificate”, or PELUC. The requirements for a PELUC are contained in Section 10-104 of the Land Development Code.

However, a PELUC is not the best solution for the subject property for two reasons. First, the PELUC would prohibit the redevelopment of the property to any use other than the existing convenience store. In the future, as the Huntington Oaks area becomes more vibrant and walkable through the Huntington Oaks Placemaking initiative, the subject site could be more viable if it were redeveloped with a use less oriented to the automobile, such as a small restaurant or personal service business. A PELUC would not allow the flexibility for the owners to change the use of the subject property as the Huntington Woods area evolves.

The other limitation of a PELUC would be that any re-development or expansion would be subject to the development standards (setback, height imperious coverage etc.) of the RP-2 zoning district. The RP-2 development standards were formulated to apply to low density residential and community service land uses, and as such, are not applicable to commercial development. Since there are no commercial development standards in the RP-2 zoning district, it is unclear if residential or community service development standards would apply to commercial redevelopment of the subject site. In either case, the extensive setbacks and strict restrictions on impervious area would make the commercial redevelopment of the site very challenging.

The second method for eliminating the non-conforming status of the subject property is to adopt the proposed Comprehensive Plan amendment. A Comprehensive Plan amendment cannot be accomplished as quickly as a PELUC, but it does not have any of its disadvantages related to non-conforming structures. The proposed Comprehensive Plan amendment, once adopted, will allow the use of the structure to change or expand in accordance with the regulations and development standards of the Suburban FLUM and the C-1 zoning district.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features:

The one-acre subject site is an existing convenience store with fueling facilities. The building parking and solid waste collection portion encompasses approximately one-third of the site. The remainder of the site consists of light landscaping along Fred George Road, and significant landscaping along Old Bainbridge Road, a designated Canopy Road. In addition, there is a substantial wooded buffer between the developed portion of the property and existing townhome development to the south and west.

The Canopy Road protection zone is the only known environmentally sensitive feature in the subject area.

2. Water/Sewer:

According to the City of Tallahassee, adequate sanitary sewer and water exist at the site; and adequate capacity is available to serve the existing building and future development.

3. Transportation:

Roadways: The site is presently developed and it is not anticipated that the proposed FLUM change and rezoning will result in additional impacts to the roadway network. If the site were to attempt redevelop in the future to a more intense use, it would be subject to transportation concurrency regulations. The major segments of roadways that could be affected by future redevelopment are Fred George Road, a major collector, and Old Bainbridge Road, a minor arterial and a Canopy Road.

Through the existing Significant Benefit program and the potential development of a Mobility Fee System, the requisite planning will continue to occur to address transportation needs into the future including identification of roadway and other multi-modal projects. Nothing in the proposed amendment would exempt it from being assessed by the local government under either approach.

Transit Availability: StarMetro's Forest bus route runs along this portion of Fred George Road every 20 minutes during weekdays and Saturdays.

Bicycle/Pedestrian Facilities Availability: No sidewalks exist along Fred George Road, except on the north side of the roadway, between Old Bainbridge Road and Stewart Way. There are no sidewalks presently along Old Bainbridge Road, but sidewalks are programmed for inclusion south of Fred George Road in the Leon County Sales Tax program priorities.

There are presently no bicycle lanes along Fred George Road or Old Bainbridge Road.

4. Schools:

The site is zoned for Springwood Elementary, Griffin Middle School, and Godby High School. Since the site is already developed commercially, it is not anticipated that the site would have an impact on school capacity. In the unlikely event that the site redevelops as a residential project in the future, as a one acre site with a maximum density of 20 units an acre; the redevelopment would have a minimal impact on school capacity. Finally, school concurrency calculations will be conducted in the future if a residential subdivision or site plan for subject site is submitted.

5-Year Capital Improvements Projects:

None.

F. VESTED / EXEMPT STATUS:

The previous Huntington Woods DRI development order was exempt from consistency and concurrency requirements by ordinance. However, when the development order for the Huntington Woods DRI was rescinded in 2010, the consistency and concurrency exemption was eliminated for the Huntington woods DRI, including the subject site.

G. CONCLUSION:

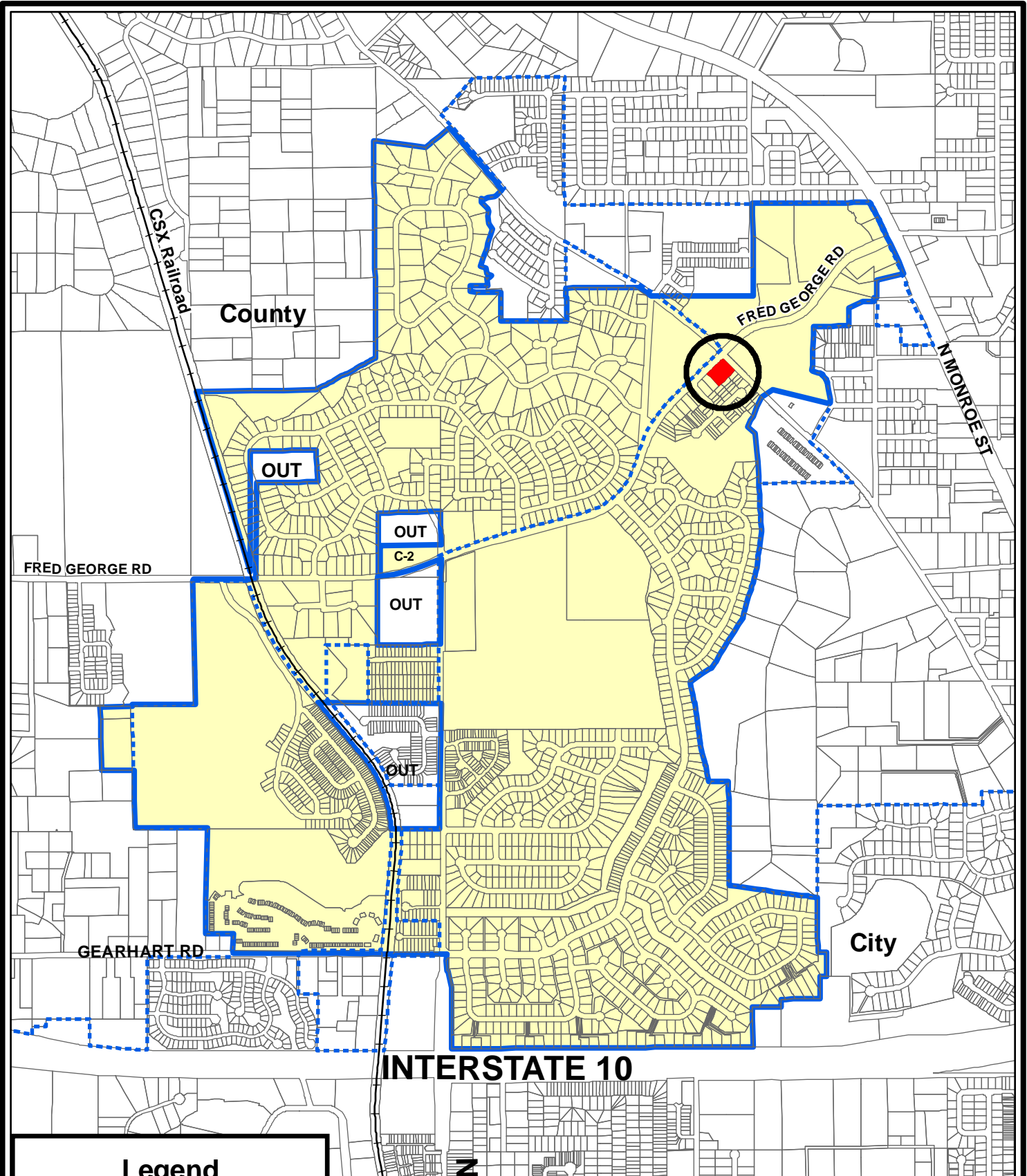
Based on the above data and analysis, staff concludes the following:

1. The proposed Suburban land use category and C-1 zoning district reflects the existing development of the property. It is also consistent with the intent of the former Huntington Woods DRI development order to provide a small commercial node at a major intersection to provide nearby residents with the opportunity to purchase convenience goods without leaving the area.
2. The proposed FLUM and zoning change would correct the existing non-conforming status of the convenience store on the site, and therefore, allow the transfer of ownership of the property without adversely impacting the ability of the convenience store to sell beer or be encumbered by other restrictions associated with the legal non-conforming status of the property.
3. The proposed amendment is not anticipated to have adverse effects on public facilities.



Thus, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

H. ATTACHMENTS:

- Attachment #1: Map of Huntington Woods DRI.
- Attachment #2: Regulatory history of subject site



Legend

-  Subject Parcel
-  Huntington Woods DRI

Huntington Woods DRI



History

The following is the regulatory history of the subject property that is useful in understanding the planning issues associated with the proposed FLUM change, and associated rezoning.

Pre-1970: The subject property was in the A-1 (agricultural) zoning district in Leon County

December 18, 1973: The subject property was rezoned to the RM-1 (medium density residential) zoning district.

May 14, 1974: The development order for the Huntington Woods development-of-regional-impact was adopted by Leon County.

November 24, 1981: Leon County rezoned the property from RM-1 to C-1 (light commercial) with a limited use site plan. The C-1 with a limited use site plan allowed retail food and grocery use and other retail and office uses. It removed as permitted uses more intense traffic generating uses from the C-1 zoning district such as movie theatres or cocktail lounges. Motor fuels sales were permitted restricted use, in the C-1 zoning district with a limited use site plan proved the motor fuel facilities were ancillary to the retail grocery sales.

1985: Much of the Huntington Woods DRI (including the subject property) was annexed into the City of Tallahassee.

December 10, 1986: The subject property was rezoned by the City of Tallahassee to C-1 with a limited use site plan. The principal and restricted permitted uses were exactly the same as in the county zoning district.

1987: A convenience store with fueling facilities was constructed on to the site.

July 19, 1990: The Tallahassee-Leon County Comprehensive Plan was adopted by the City of Tallahassee and Leon County. In the Comprehensive Plan, the subject property and the surrounding area was placed in the Residential Preservation Future Land Use Preservation category.

February 23, 1992: The zoning ordinance implementing the Comprehensive Plan was adopted by the City of Tallahassee. The subject property was re-zoned from C-1 with a limited use site plan to the Residential Preservation-2 (RP-2), a low density residential zoning district.

September 25, 2002: A development order for the City's portion of the Huntington Woods DRI was adopted by the City of Tallahassee.

August 4, 2010: The City of Tallahassee rescinded the Huntington Woods DRI development order.