

ORDINANCE NO. 16-O-17

**AN ORDINANCE OF THE CITY OF TALLAHASSEE,
FLORIDA, AMENDING CHAPTER 10, ZONING, OF THE
TALLAHASSEE LAND DEVELOPMENT CODE;
AMENDING THE LAKE PROTECTION DISTRICT AND
CLUSTER DEVELOPMENT STANDARDS; PROVIDING
FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, this ordinance is intended to provide consistency with the Lake Protection
Future Land Use policy of the Tallahassee-Leon County Comprehensive Plan.

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF
TALLAHASSEE FLORIDA:**

SECTION 1. Section 10-169, Lake Protection District, of Chapter 10, of the Tallahassee
Land Development Code, Zoning, is hereby amended as follows:

Sec. 10-169. ~~Lake protection district.~~Reserved.

~~(a) Purpose and intent. 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 lake protection district's location is
based on the lake basin boundary so adjusted to include contributing watersheds but to
exclude existing, more intensely developed areas south of Interstate 10. 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 designed to leave
large areas of land undisturbed within critically impacted area. Industrial, office and
commercial uses are prohibited in this category in the city limits. Urban services are
intended for this category inside the urban service area. Existing nonresidential uses~~

1 ~~within this district that meet all water quality standards set forth in the comprehensive~~
2 ~~plan and the environmental regulations of applicable jurisdiction will be considered~~
3 ~~permitted, lawfully established conforming uses. Stormwater generated by any~~
4 ~~development must be either retained on-site or filtered through an approved regional~~
5 ~~stormwater management facility.~~

6 ~~(b) Allowable uses. For the purpose of this chapter, the following land use~~
7 ~~types are allowable in the lake protection district and are controlled by the land use~~
8 ~~development standards of this chapter, the comprehensive plan and schedules of~~
9 ~~permitted uses.~~

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

11 ~~(2) Passive recreation.~~

12 ~~(3) Active recreation.~~

13 ~~(4) Community services.~~

14 ~~(c) List of permitted uses. See schedules of permitted uses, subsection 10-~~
15 ~~240(a). Commercial, office and industrial uses are not permitted in the lake protection~~
16 ~~district. Other nonresidential uses on these schedules are itemized according to the~~
17 ~~Standard Industrial Code (SIC). Proposed activities and uses are indicated in the~~
18 ~~schedules. The activity or use may be classified as permitted, restricted or permitted~~
19 ~~through special exception, or not allowed. Restricted and special exception uses must~~
20 ~~meet the criteria in article VII of this chapter. Chapter 9, article III of this Code sets forth~~
21 ~~the development approval process required for allowable uses.~~

22 ~~(d) Development standards. All proposed development shall meet the land use~~
23 ~~development criteria specified in subsection 10-240(b); commercial site location~~

~~standards (section 10-174); buffer zone standards (section 10-177); criteria of the land development standards schedule (article IV, division 4 of this chapter); and parking and loading requirements (article VI of this chapter).~~

~~(e) — Specific restrictions. If uses are restricted according to the schedule of permitted uses, they must follow the general development guidelines for restricted uses as provided in article VII of this chapter. Specific restricted uses are addressed in article VII of this chapter.~~

SECTION 2. Section 10-240 Lake Protection District, of Chapter 10, Zoning, of the Tallahassee Land Development Code, is hereby amended as shown in Exhibit A, attached hereto and made a part hereof as though fully incorporated herein.

SECTION 3. Section 10-426, Cluster Development, of Chapter 10, Zoning, of the Tallahassee Land Development Code, is hereby amended as follows:

(a) Purpose and intent. The purpose and intent of the cluster development is to encourage creative and efficient design through a concentration of residential, commercial, and office uses. Specifically, the purpose and intent of residential clustering is to encourage creative, efficient neighborhood design, reducing infrastructure construction and maintenance costs; minimizing the disturbance of environmental resources; reducing automotive energy use through opportunities for safe pedestrian and bicycle circulation; enhancing housing affordability through reduction of residential lot street frontages and residential lot sizes; providing neighborhood open spaces and/or recreation spaces convenient to residents; and preserving future transportation corridors. Individual lots are not restricted to minimum size, provided the cluster development does not exceed the maximum allowed gross density of the underlying zoning district and all other applicable cluster development standards are met. Building setbacks, other than perimeter setbacks, shall be established by the cluster plan.

(b) Allowable land uses and density. The uses permitted in a cluster development are limited to the uses in the underlying zoning district. The overall density of development permitted in a cluster development is that permitted by the underlying zoning district.

(c) Development standards.

(1) Cluster development shall be subject to type B review as indicated in section 9-155.

- (2) Minimum lot size, lot width, and setbacks do not apply to cluster development, unless a zoning district specifically sets forth development standards for cluster development. The cluster development plan shall establish lot widths, lot sizes, and setbacks internal to the development.
- (3) Areas designated conservation or preservation areas shall not be included as portions of residential lots. Open space shall be preserved through the placement within a conservation or agricultural easement, with provisions for ownership, maintenance, and control of open space areas, approved as to form and sufficiency by the city attorney's office. Lands included with agricultural easements in cluster site plans located outside the urban service area may be developed and subdivided only at such time as when the subject site is included within the urban service area.
- (4) Active recreation areas shall be level and may include paved or irrigated turf surfaces. Active recreation areas shall be set back a minimum of 200 feet from residential preservation zoning districts not a part of the cluster development site plan.
- (5) Streets shall be designed primarily to accommodate local traffic and to encourage convenient and safe access for motorists and pedestrians.
- (6) Vehicular interconnections to adjoining properties shall be included when possible. However, interconnections should be designed to serve primarily local traffic unless otherwise approved as part of a master plan. Pedestrian and bicycle interconnections to adjoining properties shall be provided whenever possible.
- (7) In order to slow the flow of traffic and aid in developing a protected pedestrian environment, visitor parking requirements may be met exclusively through the provision of on-street parking, in accordance with the provisions set forth in section 10-358.
- (8) Perimeter setbacks for cluster development shall comply with the following unless specific perimeter setbacks are included in the schedule of minimum development standards for the zoning district:

	Medium and High Density Residential;
Low-Density Residential:	Office and Commercial:
Front: 25 feet	Front: 20 feet
Corner: 15 feet	Corner: 25 feet
Side: 15 feet	Side: 20 feet

Rear: 25 feet	Rear: 30 feet
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(9) Cluster development standards shall apply only to approved cluster site plans.

(d) Lake Protection Cluster Development

1. Density and layout.

The maximum gross density allowed for new residential development in the LP district is one dwelling unit per two gross acres. As an alternative to large-lot developments, a clustered subdivision shall be permitted within the lake protection zoning district. Clustered subdivisions shall:

(a) Contain a minimum of 60% open space as a reserve area, comprised of such things as special development zones, preservation and conservation features, undeveloped uplands, passive recreation areas, and stormwater facilities designed as a community amenity;

(b) Be developed at a maximum density of two dwelling units per gross acre;

(c) Be served by central water and sewer systems.

2. Reserve area.

The acreage of the reserve area shall comprise no less than 60 percent of the total parcel; shall be permanently preserved through the creation of a perpetual easement; shall be continuous and contiguous with other portions of the site; shall be contiguous with or proximal to existing or planned public or private greenspace to the greatest extent practicable, and shall be of sufficient size and buffered to ensure the protection of all critical on-site resources that are to be preserved and to accommodate authorized uses.

1 (a) All preservation areas, special development zones, conservation areas,
2 archaeological sites and view-shed areas within designated protection zones for canopy roads
3 shall be incorporated into the reserve area even if total acreage exceeds the minimum
4 requirement of 60 percent of the total parcel; other open space areas shall be incorporated into
5 the reserve area to the greatest extent practicable.

6 (b) The reserve area shall adjoin any existing or planned adjacent areas of open space,
7 or natural areas that would be potential sites for inclusion as part of a future area of protected
8 open space as depicted in the Greenways Master Plan. In those instances where a clustered
9 subdivision will be located adjacent to another existing or planned clustered subdivision, each
10 clustered subdivision shall be designed so that reserve areas of each are adjacent to the greatest
11 extent practicable.

12 (c) Reserve area land shall be reserved permanently by easement for natural open
13 space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), stormwater
14 facilities, or other environmental conservation purposes.

15 (d) Stormwater management facilities which are otherwise permissible are allowed in the
16 reserve area provided that the facilities are located outside of preservation areas, canopy road
17 protection zones, naturally forested areas, special development zones, and meet either of the
18 applicable following two standards:

19 Retention ponds shall have side slopes of flatter than 4:1 or with appropriate tree and
20 plant species that visually integrates the stormwater facility into the overall reserve area. All such
21 facilities shall be designed as community amenities, with trails, observation decks, or platforms
22 where appropriate.

1 (e) All applicants for a clustered subdivision shall submit a management plan
2 describing how the reserve area land will be maintained in perpetuity, including provision of a
3 dedicated source of funds approved by the local government, to finance the timely and consistent
4 execution of the plan.

5 3. Development area.

6 The development area shall be the area not set aside as reserve area and shall comprise no
7 more than 40% of the total parcel. The development area shall be located on the least
8 environmentally sensitive or otherwise significant portions of the total clustered subdivision
9 parcel; be contiguous to the greatest extent practicable; and allow maximum open space to be
10 easily maintained in the reserve area. Design of the development area shall follow the procedural
11 steps set forth below.

12 (a) Delineate areas of the site to be reserved due to their significant features and value
13 to the area's continued natural character in accordance with subsection 2. above;

14 (b) Determine the number of allowable lots desired;

15 (c) Locate potential development sites on the area of the tract not delineated as
16 reserve area, with due consideration for topography, soil suitability for construction, and efficient
17 service by public or central water and sewerage systems;

18 (d) Align streets to serve residential sites, with due consideration for topography and
19 connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails
20 if planned; and

21 (e) Delineate boundaries of individual residential lots where lot sizes and shapes,
22 block sizes and shapes, and street networks and alignments shall be designed in accordance with
23 accepted planning practices to produce a rational and economical system without undue clearing

1 or grading. The lot arrangement, design and orientation shall be such that all lots will provide
2 satisfactory building sites that are properly related to topography and the character of
3 surrounding development.

4 (f) Specific development and locational standards shall be subject to the minimum
5 standards of the underlying land use category and base zoning district and shall be established at
6 the time of development plan submittal.

7
8 **SECTION 4. Conflict with Other Ordinances and Codes.** All ordinances or parts of
9 ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of
10 such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with
11 the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail
12 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said
13 Comprehensive Plan.

14
15 **SECTION 5. Severability.** If any word, phrase, clause, section or portion of this
16 ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such
17 portion or words shall be deemed as a separate, distinct and independent provision and such
18 holding shall not affect the validity of the remaining portion of the ordinance.

19
20 **SECTION 6 . Effective Date.** This ordinance shall become effective immediately upon
21 adoption.

22 INTRODUCED to the City Commission on the ____ of _____ 2016.

23 PASSED by the City Commission on the ____ of _____ 2016.

CITY OF TALLAHASSEE

By: _____
Andrew D. Gillum
Mayor

ATTEST:

APPROVED AS TO FORM

By: _____
James O. Cooke IV
City Treasurer-Clerk

By: _____
Lewis E. Shelley
City Attorney