

ORDINANCE NO. 09- 04

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, FOR THE PURPOSE OF REVISING REGULATIONS PERTAINING TO INCENTIVES FOR REDUCED LEVEL OF DEVELOPMENT REVIEW AS SET OUT IN 10-7.402.4, DEVELOPMENT REVIEW AND APPROVAL SYSTEM, DEVELOPMENT REVIEW TYPES, TO IMPLEMENT AN IMPROVED INCENTIVE FOR BUILDING FAÇADE DESIGN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** Section 10-7.402.4 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-7.402.4 *Development review types.* There are four different review types of development review, Type A, B, C, and D review. The applicable level of review for proposed subdivision or site and development plan application depends upon the type and intensity of development, the extent of environmental constraint, and zoning district in which the development site is located. Table 10-7.1, below, specifies the applicable review level for development qualifying for Administrative Streamlined Application Process, and Type A through Type C site and development plan review applications. Table 10-7.1 specifies the review level by zoning district, for residential, non-residential, and institutional land uses. Type D site and development plan review is required for any new Planned Unit Development concept plan application, and for any application determined, by the State of Florida, to require an Application for Development Approval, Substantial Deviation to a Development of Regional Impact (DRI) or Florida Quality Development (FQD). Type C applications consist of any

application where the scale of development proposed exceeds the upper limit of the thresholds listed in the table for Type B site and development plan review, but not required to undergo Type D review.

The thresholds set out in Table 10-7.1 may be modified as follows:

(a) *Incentive for mixed use development.* The review threshold for any Type A -Type C site and development plan application proposing a mixture of residential and office or retail/service commercial use shall be equivalent to 100% of the residential unit threshold plus 100% of the office or retail/service commercial use; however, the thresholds for Type A and Type B site and development plan applications proposing a mixture of residential and office or retail/service commercial use may be increased to 125% of the residential unit threshold plus 125% of the office or retail/service use, so long as the following criteria are met: 1) the application must include a minimum of 4 residential dwelling units per gross acre of site area; and, 2) the application must include a minimum of 10,000 gross square feet of non-residential use.

(b) *Incentive for quality design – non-residential use.* The review threshold for any Type A -Type C site and development plan application proposing any non-residential or institutional use, and proposing the following design elements may be increased by the corresponding percentage: 1) threshold increased ~~by 10%, when all proposed for building façades are of less than 100 ft in length or otherwise designed in accordance with subsection (f) below;~~ 2) by 10%, for a building footprint of no greater than 50,000 square feet of enclosed floor area; 2 by 15%, for utilization of a planted “green

roof” over no less than 40% of roof surface area, or a rain garden, which reduces stormwater runoff by no less than 60%; 3 by 15%, for developments with access to an arterial road and having  $\geq 100,000$  gross square feet of office or commercial retail floor area (also referred to as equivalent to 100% commercial base ~~std.~~ standard) and  $\geq 100$  dwelling units (equivalent to 100% of the residential base-~~std.~~ standard) or, any combination of these uses wherein the square footage of office or commercial floor space exceeds 20,000 and the number of residential units exceeds 25 and the cumulative total of the base ~~stds.~~ standards exceeds 200%; 4) by 15%, for developments having  $\geq 100,000$  of office or commercial retail gross square footage floor area that provide a transit stop consisting of surface area for bus access, a shelter to provide weather protection, bench or seating for the shelter, and pedestrian access to the stop; 5) by 25%, for developments locating no less than 90% of provided parking spaces behind the front building façade line; 6) by 10%, for structures having ground floor window glazing along building frontages adjacent to streets or publicly-accessible parking areas  $\geq 20\%$  of façade area on the ground floor principal frontage and  $\geq 15\%$  of the area of each other applicable ground floor façade; 7) by 15%, for developments where the number of spaces provided  $\leq 80\%$  of the standard number of parking spaces set out in Schedule 6-2 ; and, 8) by 15%, for developments having a density of connectivity of  $\geq .4/\text{acre}$ .

(c) *Incentive quality design – residential use.*

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(d) *Incentive for development in the Southern Strategy Area.*

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(e) *Incentive for development in the Gum Road Target Planning Area.*

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(f) Incentive for providing access to multiple businesses within a safe and convenient pedestrian pathway through façade design. The threshold is increased by 25%, when all proposed non-residential building façades are less than 100 ft in length; and, each facade abutting a street frontage, public open space, parking area, or pedestrian corridor, has no less than 40% surface area coverage by windows, display areas, or doorways , or, in those instances where the façade exceeds 100 feet in length, the following criteria are met:

1. Structure with a single façade longer than 100 feet shall be divided into individual tenant spaces and shall not be used solely by a single business. Individual tenant spaces shall have no more than 60 feet of horizontal frontage along that facade. Tenant spaces shall be separated by vertical elements on the façade at intervals no greater than 60 feet, coinciding with the dimensions of tenant spaces. Vertical elements shall include columns, posts, or pilasters; reveals, recesses and other shadow-casting devices; variations in material, texture or color; recessed entrances; or, other methods of architectural articulation.

2. Every individual business establishment located along the façade of greater than 100 feet shall have it's own public entrance located on the façade or on a diagonal at each building corner having two street frontages, with one of them being the façade.
3. The façade shall have windows, display areas or doorways spanning no less than seventy-five percent (75%) of the length of the façade and covering no less than forty percent (40%) of the surface area of the façade. No blank walls shall face street frontages, public open spaces or pedestrian corridors along any building side.
4. The area directly adjacent to the façade length shall include a pedestrian walkway of at least 8 feet in width.
5. The applicant may utilize alternative design approaches to qualify for this incentive by demonstrating to the County Administrator or designee that the alternative fulfills the design objective of providing access to multiple businesses within a safe and convenient pedestrian pathway.

~~(f)~~ (g) *Incentive for conservation subdivisions.*

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~~(g)~~ (h) *More rigorous review to protect environmental features.*

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~~(h)~~ (i) *Combination of threshold modifications.* A combination of threshold modifications (a) – ~~(e)~~ (f) may be cumulatively applied to Type A - Type C site and development plan applications, as applicable.

(i) (j) *Limitation on degree of site and development plan review level reduction.* The incentives provided above may be used to reduce what would otherwise be a Type C site and development plan application to a Type B or Type A site and development plan application, to reduce what would otherwise be a Type B site and development plan application to a Type A site and development plan application, and a Type A site and development plan application to an Administrative Streamlined Application. Modifications (a) – (f) (g) shall not be applicable to any Type D application, including those establishing a Planned Unit Development Concept Plan, or for Development of Regional Impact, or Florida Quality Development.

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

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

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

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 15th day of January, 2009.

LEON COUNTY, FLORIDA

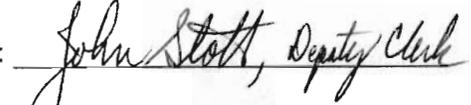


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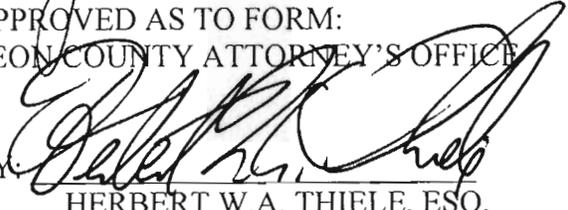
  
BRYAN DESLOGE, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

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

BY: \_\_\_\_\_

  
APPROVED AS TO FORM:  
LEON COUNTY ATTORNEY'S OFFICE

BY: \_\_\_\_\_

  
HERBERT W.A. THIELE, ESQ.  
COUNTY ATTORNEY