ORDINANCE NO. ___

AN ORDINANCE OF LEON COUNTY, FLORIDA, AMENDING CHAPTER X, ARTICLE X, OF THE CODE OF LAWS OF LEON COUNTY, SECTION 10-1228, CP COMMERCIAL PARKWAY DISTRICT; PROVIDING FOR MULTIFAMILY RESIDENTIAL AS A PERMITTED USE IN THE CP COMMERCIAL PARKWAY DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Section 10-228 CP Commercial Parkway District of Division 9 of Article X of Chapter 10, Land Development Code of the Code of Laws of Leon County, Florida, is amended as follows:

Section 10-1228. CP commercial parkway district.

As revised and adopted 10/12/04

1. District Intent	PERMITTED USES (Continued on page 2 of 3)		
	2. Principal Uses		3. Accessory Uses
The CP district is intended to be located in areas designated Mixed Use-A, B, or C in the Future Land Use Map of the Comprehensive Plan and shall apply to areas exhibiting an existing development pattern of office, general commercial, community facilities, and intensive automotive commercial development abutting urban area arterial roadways with high traffic volumes. The CP district is characterized by a linear pattern of development. The access management standards set forth in for the CP district addressing limitations placed on access are intended to minimize and control ingress and egress to arterial roadways and to promote smooth and safe traffic flow of the general traveling public. To encourage the benefits from mixed use development where residences are located in close proximity to the office and commercial uses allowed within this district, including convenience and opportunity for residents and improved market access for business establishments, medium density multi-family residential development up to a maximum of 16 dwelling units per acre is allowed. Increases in land zoned CP to accommodate a single use development are inconsistent with the Comprehensive Plan, except for increases in areas zoned for CP which permit an allowed use within an existing structure to expand. An applicant requesting to expand an existing CP zoning district for purposes of allowing a use within an existing structure to expand may file an application to rezone to CP. However, other requests to expand the CP district must be accomplished through a Planned Unit Development (PUD) to ensure that the requests accommodate at least two (2) uses (i.e., residential, commercial, office, light industrial, community facilities, open space/recreation). Reuse of existing single use sites for multiple use developments, adding new uses to single use sites and/or multiple use developments in the CP district that share parking facilities, have parking structures and/or have high floor area ratios are encouraged in the CP district. New CP districts in Target Planning Areas and Critical Planning Areas shall be designed to minimize access impacts upon arterial roadways and shall be designed to be compact rather than linear.	(1) Antique shops. (2) Armored truck services. (3) Automotive sales and rental (includes any type of motor vehicle including boats and motorcycles). (4) Automotive service and repair, including car wash. (5) Automotive-retail, parts, accessories, tires, etc. (6) Bait and tackle shops. (7) Banks and other financial institutions. (8) Broadcasting studios. (9) Building contractors and related services, without outdoor storage. (10) Camera and photographic stores. (11) Cemeteries. (12) Cocktail lounges and bars. (13) Commercial kennels. (14) Community facilities, including libraries, religious facilities, vocational schools, and police/fire stations. Elementary, middle, and high schools are prohibited. Other community facilities may be allowed in accordance with Section 10-1104 of these regulations. (15) Day care centers. (16) Gift, novelty, and souvenir stores. (17) Golf courses. (18) Hotels and motels, including bed and breakfast inns. (19) Indoor amusements (bowling, billiards, skating, etc.). (20) Indoor theaters (including amphitheaters). (21) Laundromats, laundry and dry-cleaning pick up stations. (22) Lawn and tree removal services. (23) Mailing services. (24) Medical and dental offices, services, laboratories, and clinics. (25) Manufactured home sales lots. (26) Mortuaries.	(27) Motor vehicle fuel sales. (28) Motor vehicle racing tracks, go-carts, etc. (29) Non-medical offices and services, including business and government offices and services. (30) Non-store retailers. (31) Nursing homes and residential care facilities. (32) Off-street parking facilities. (33) Outdoor amusements (golf courses, batting cages, driving ranges, etc.) (34) Passive and active recreational facilities. (35) Pawnshops. (36) Personal services (barber shops, fitness clubs, etc.). (37) Pest control services. (38) Photocopying and duplicating services. (39) Printing and publishing. (40) Recreational vehicle park. (41) Rental and sales of video tapes and games. (42) Rental of tools, small equipment, or party supplies. (43) Repair services, non-automotive. (44) Residential, multifamily, up to a maximum of 16 dwelling units per acre. (45) Residential, any type, located on or above the second floor of any structure containing non-residential use on the first floor, up to a maximum of 16 dwelling units per acre. ~~(44)~~ (46)Restaurants, with or without drive-in facilities. ~~(45)~~ (47)Retail bakeries. ~~(46)~~ (48)Retail caskets and tombstones. ~~(47)~~ (49)Retail computer, video, record, and other electronics. ~~(48)~~ (50)Retail department, apparel, and accessory stores. ~~(49)~~ (51)Retail drug store. ~~(50)~~ (52)Retail florist. ~~(51)~~ (53)Retail food and grocery. ~~(52)~~ (54)Retail furniture, home appliances and accessories. ~~(53)~~ (55)Retail home/garden supply, hardware and nurseries. ~~(54)~~ (56)Retail jewelry stores. (57)Retail needlework and instruction.	(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 County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.

FOR ADDITIONAL PERMITTED USES, REFER TO PAGE 2 OF 3

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 Policies 3.1.6. and 3.1.7. of the Comprehensive Plan for additional requirements.**
2. **Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.**
3. **Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).**

Section 10-1228. CP commercial parkway district.

As revised and adopted 10/12/04

	PERMITTED USES (continued from page 1 of 3)		
	~~(45)~~ (58)Retail newsstand, books, greeting cards. ~~(46)~~ (59)Retail office supplies. ~~(47)~~ (60)Retail optical and medical supplies. ~~(48)~~ (61)Retail package liquors. ~~(49)~~ (62)Retail pet stores. ~~(50)~~ (63)Retail picture framing. ~~(51)~~ (64)Retail sporting goods, toy stores. ~~(52)~~ (65)Retail trophy stores. ~~(53)~~ (66)Self-moving operation. ~~(54)~~ (67)Retail shoes, luggage, and leather products. ~~(55)~~ (68)Sign shops. ~~(56)~~ (69)Social, fraternal and recreational clubs and lodges, including assembly halls.	~~(58)~~ (70) Studios for photography, music, art, drama, voice. ~~(59)~~ (71)Tailoring. ~~(60)~~ (72)Towing, wrecking, and recovery services. ~~(61)~~ (73)Trailer sales and service. ~~(62)~~ (74)Veterinary services, including veterinary hospitals. ~~(63)~~ (75)Warehouses, mini-warehouses, or self-storage facilities. ~~(64)~~ (76)Other uses, which in the opinion of the County Administrator or designee, are of a similar and compatible nature to those uses described in this district.	

	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	**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)**
Any Permitted Principal Use	none	none	none	25 feet	none	25 feet	10 feet	25,000 s.f. of building floor area per acre and commercial uses not to exceed 200,000 s.f. of gross building floor area per parcel. 50,000 s.f. of building area per acre for storage areas within buildings.	4 stories

7. Access Management Criteria (In case of a conflict with the provisions of other ordinances or regulations, the most strict provisions shall apply) :

Capital Circle from Centerville clockwise to I-10

Driveway access to Capital Circle from Centerville Road in the northeast to I-10 in the northwest is prohibited except for:

a) Existing driveway access as of December 31, 1995;

b) A single driveway access for properties in existence before December 31, 1995 which have sole access to Capital Circle and do not have other street access; and

c) Temporary driveway access which may be permitted for properties which establish permanent access to another public street and grant the City or County the right to close the temporary access without compensation upon conversion of Capital Circle to a limited access or controlled access roadway.

All Arterials and Major Collectors

Full movement access to an arterial or major collector shall not be permitted closer than 330 feet to another full movement access point, nor within 660 feet of a signalized intersection.

Right-in/right-out access to an arterial or major collector shall not be permitted closer than 330 feet to another access point, nor within 100 feet of a signalized intersection, except properties with sole access to an arterial or major collector are permitted at least one right-in/right-out access point. Properties with 660 feet or more of arterial and major collector frontage may be permitted multiple accesses to a single street based upon a traffic safety and capacity evaluation.

All development fronting on an arterial or major collector shall record a joint access and cross easement benefiting adjoining properties fronting on the same arterial or major collector.

FOR ADDITIONAL DEVELOPMENT STANDARDS, REFER TO PAGE 3 OF 3

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 Policies 3.1.6. and 3.1.7. of the Comprehensive Plan for additional requirements.**
2. **Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.**
3. **Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).**

DEVELOPMENT STANDARDS (continued from page 2 of 3)

7. Access Management Criteria (Continued)

Minor Collectors

Full movement access to a minor collector shall not be permitted closer than 200 feet to another full movement access point, nor within 400 feet of a signalized intersection. Right-in/right-out access to a minor collector shall not be permitted closer than 100 feet to another access point, nor within 200 feet of a signalized intersection, except properties with sole access to a minor collector are permitted at least one right-in/right-out access.

Local Streets

Full movement access to a local street shall not be permitted within 200 feet of a signalized intersection. Right-in/right-out access to a local street shall not be permitted closer than 100 feet to another access point or intersecting public street, nor within 200 feet of a signalized intersection, except properties with sole access to a local street are permitted at least one access point, which may be limited to right-in/right-out based upon a traffic safety evaluation.

8. Street Vehicular Access Restrictions: Properties in the CP 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 if one of the following zoning districts is located on the other side of the local street: RHA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, and RP.

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 Policies 3.1.6. and 3.1.7. of the Comprehensive Plan for additional requirements.

2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.

3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

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, in whole or in part, with the said Comprehensive Plan. Any provisions that are otherwise repealed by this ordinance shall nonetheless continue to apply to those applications on file and being reviewed by the County as of the effective date of this ordinance, pursuant to Section 3.

Section 3. Severability. If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such hold shall not affect the validity of the remaining portion of the ordinance.

Section 4. Effective Date. This ordinance shall become effective as provided by law.

Duly passed and adopted by the Board of County Commissioners of Leon County, Florida, this _____ day of October, 2004.

LEON COUNTY, FLORIDA

BY:_____
Jane G. Sauls, 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