



City Council Meeting
City of DeBary
AGENDA ITEM

Subject: TOD Regulating Plan Revision per Ordinance #02-15

From: Matt Boerger, Planning Administrator
Meeting/Hearing Date: April 1, 2015

Attachments:

- Ordinance**
- Resolution**
- Other**
- Supporting Documents/Contracts**

Summary/Highlights

This is an administrative request by the Planning and Zoning Department to adopt Ordinance #02-15 (attached) amending the Land Development Code, Chapter 5, Article VI Southeast Mixed-Use Area/Transit Oriented Development (SEMUA/TOD) Overlay District Standards. The proposed amendments would make the TOD Overlay regulation plan mandatory and end the current opt-in status. If the TOD Overlay development criteria were to become mandatory, properties would not be required to rezone prior to development. Properties would be administratively rezoned by the City to TOD zoning concurrently with the submittal of a development plan by the applicant. Additionally, Light Industrial uses have been added as permitted special exceptions outside the TOD Core area and building heights have been simplified from feet to number of stories. Building heights have also been increased from three to four stories for Commercial/Office uses in the TOD Core and US 17-92 area.

Background Discussion

In 2010 the City of DeBary was in the process of evaluating its existing Comprehensive Plans and Land Development Code criteria as it pertains to transit oriented development near the future \$1.6 billion SunRail commuter rail system. After the evaluation, it was determined that the existing future land use and zoning categories as well as the development criteria for properties adjacent to the proposed DeBary train station were incompatible. Many of these existing future land use and zoning designations limited density and intensity of development, required large setbacks from property lines, had large parking requirements, and generally promoted developments geared more towards the automobile and trucking modes of transportation rather than the proposed train station. Therefore, proposed changes to the plans were made to promote transit compatible land uses and development criteria. This was done by integrating land use and transit through the combination of residential and nonresidential uses that would be within a comfortable walking distance and would maximize access to public transportation.

On October 6, 2010, the City Council adopted the City's Evaluation and Appraisal Report (EAR), which includes a Transit Oriented Development (TOD) Overlay District shown on the City's Future Land Use Map. The Florida Department of Community Affairs found the City's EAR-Based Amendments in compliance and issued the Notice of Intent (NOI) on December 8, 2010. The City then adopted a TOD Regulating Plan on December 29, 2010 under Ordinance 13-10 which is now codified in the Land Development Code as Article VI of Chapter 5 and implements the TOD Overlay District.

The adopted TOD regulating plan is intended to create the desired built form. This regulating plan promotes compact land use patterns that support energy efficiency and multi-modal transportation options as well as require street design that creates public space which is safe and welcoming for pedestrians. The general purposes of the regulating plan are to:

- Encourage transit use

- Increase housing opportunities
- Provide standards to ensure a high quality appearance
- Promote a functional mix of land uses
- Promote walking and bicycling
- Promote energy efficient land use patterns

The currently adopted regulating plan puts forth the development and architectural standards for properties that choose to develop under the TOD overlay development. However, properties may also develop according to their existing underlying zoning designation which may be incompatible with the nearby commuter rail infrastructure.

In May of 2014 the East Central Florida Regional Planning Council (RPC) partnered with the City of DeBary to complete the "DeBary SunRail Station Area Economic Development Strategic Plan" which was funded by a grant secured from the Florida Department of Economic Opportunity (DEO). As part of the Strategic Plan, recommendations were made by the Regional Planning Council, with the most significant suggestion being that the City make the TOD Overlay criteria mandatory, as opposed to the current opt-in status. Therefore, the proposed ordinance, if adopted, would make the TOD criteria mandatory as well as some other minor revisions identified in the Summary/Highlights section above.

The full ECFRPC plan recommendations as well as the proposed amendments to the Land Development Code, Chapter 5, Article VI Southeast Mixed-Use Area/Transit Oriented Development (SEMUA/TOD) Overlay District Standards is attached.

Findings of Fact:

The Planning and Zoning Commission reviewed the Ordinance on March 25, 2015 and voted to recommend approval. Staff finds that the proposed Land Development Code amendments are in compliance with the proposed City of DeBary Comprehensive Plan amendment under Ordinance 01-15. Additionally, Staff recommends that Parcels 09-19-30-00-00-0060 and 09-19-30-00-00-0070 be removed from the SEMUA/TOD Zoning Overlay in order to be consistent with the proposed Future Land Use Amendment, Ordinance 01-15.

Recommended Motion Adopt Ordinance #02-15 amending the Land Development Code, Chapter 5, Article VI Southeast Mixed-Use Area/Transit Oriented Development (SEMUA/TOD) Overlay District while removing Parcels 09-19-30-00-00-0060 and 09-19-30-00-00-0070 from the SEMUA/TOD Zoning Overlay.