

ORDINANCE NO. 02-18

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING SECTION 1-3 OF THE CITY'S LAND DEVELOPMENT CODE WITH RESPECT TO THE DEFINITION OF "DENSITY"; PROVIDING FOR THE CONSIDERATION OF RIGHTS OF WAY, WETLANDS, LAKES, FLOOD-PRONE AND PRESERVATION AREAS FOR DENSITY CREDITS TOWARD A DEVELOPMENT SITES WITHIN CERTAIN DESIGNATED FUTURE LAND USE CLASSIFICATIONS NEAR THE SUNRAIL COMMUTER RAIL STATION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Land Development Code to amend the definition of density as set forth herein; and

WHEREAS, the City Council recognizes the need to encourage adequate development densities around the transit station in order to establish the critical mass to support increased ridership, desired retail and commercial services, and a sustainable development pattern;

WHEREAS, the City Council recognizes that providing increased density credits in exchange for high-quality development and infrastructure is beneficial to achieving the City's vision for the transit oriented development area;

WHEREAS, the City finds that the amendment to the City's Land Development Code affected by this Ordinance is in the interests of the public health, safety, and welfare.

WHEREAS, this Ordinance has been adopted in accordance with general law and the Charter and Land Development Code of the City of DeBary.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Amendment of Sec. 1-3. The definition of "Density" contained in Subsection 1-3(c), Chapter 1 of the City of DeBary Land Development Code is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not amended):

Density shall mean the measure of the quantity of development activity in relation to the size of the site area within which the development occurs. Residential density is measured by the number of dwelling units per gross site area (in acres), ~~not including less:~~ (i) land used for publicly dedicated or privately owned rights-of-way, (ii) transmission and power line easements, (iii) lakes and areas defined as wetlands, and (iv) floodprone and preservation areas; ~~and~~ Density is also regulated by establishing a minimum lot size and other development standards. In the determination of the number of residential

dwelling units to be permitted on a specific parcel, a fractional unit shall not entitle the applicant to an additional unit. Nonresidential density (also referred to as intensity) is measured by "floor area ratio," which is the ratio of the total gross floor area of buildings on a site to the gross area of the site itself.

For purposes of calculating residential density for development within the Southeast Mixed Use Area (SEMUA) and the Southwest Mixed Use Area (SWMUA) Future Land Use designations, land used for publicly dedicated or privately owned rights-of-way is not lessened out of the gross site area. Up to 75 % of a Southeast Mixed Use Area (SEMUA) and the Southwest Mixed Use Area (SWMUA) Future Land Use development site's wetlands, lakes, flood-prone and preservation areas may be counted toward developable land (thus, not lessened out of the gross site area for density calculation) when the Development Review Committee determines that such areas are to be preserved, and adequately amenitized by making these natural features accessible for passive recreational use and commitments concerning such are identified in either a Planned Unit Development, Overall Development Plan, or a Preliminary Plat and Construction Plan.

SECTION 3. Codification. This Ordinance shall be incorporated into the DeBary Land Development Code. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the Land Development Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, 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 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of DeBary, Florida.

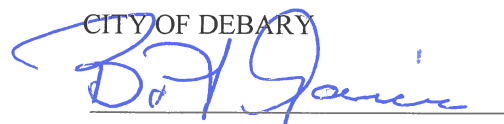
FIRST READING: 2-7, 2018

SECOND READING: 3-7, 2018


ADOPTED this 7th day of March, 2018, by the City Council of the City of DeBary, Florida.

CITY COUNCIL

CITY OF DEBARY


Bob Garcia, Mayor

ATTEST:



Warren Graham, City Clerk

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