

## ORDINANCE 14-04

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA TO AMEND CHAPTER 103 OF THE LAND DEVELOPMENT CODE OF THE CITY OF DUNEDIN TO CREATE SECTION 103-23.24.9 TO PROVIDE PARKLAND DEDICATION DISCOUNTS, INCENTIVES AND CREDITS; TO AMEND CHAPTER 104 OF THE LAND DEVELOPMENT CODE BY REVISING SECTION 104-26.2 TO PROVIDE THAT A FEE IN LIEU OF PARKLAND DEDICATION WILL BE REQUIRED AS A CONDITION OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; TO AMEND SECTION 104-26.9 REGARDING CREDIT FOR PRIVATE RECREATION AREAS; AND AMEND CERTAIN PORTIONS OF SECTION 104-26.10 TO PROVIDE THAT A FEE IN LIEU OF PARKLAND DEDICATION WILL BE REQUIRED AS A CONDITION OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission of the City of Dunedin adopted a Parkland Dedication Ordinance in 1977, some 37 years ago, which required as a condition of the approval of a final plat of a subdivision or a final site plan of a planned residential development, or in cases where five (5) or more residential dwelling units are to be constructed on one tract of property, that subdividers and developers dedicate land for neighborhood and community parks to serve the immediate and future needs of the residents of the development, or provide a cash contribution in lieu of actual land dedication, or a combination of both at the option of the City, in accordance with the standards and formulas set forth in Section 104-26 of the City's Land Development Code; and

**WHEREAS**, the City Commission of the City of Dunedin has determined that each and every development of a new residential unit has an impact on the parklands owned by the City; and

**WHEREAS**, the basic premise of maintaining sufficient parkland for the residents of the City of Dunedin has not changed since the initial adoption of the Land Dedication Ordinance (LDO); and

**WHEREAS**, the LDO formula set forth in the Land Development Code relies upon a determination of the fair market value of the amount of acreage that would otherwise have been dedicated as park and recreation land; and

**WHEREAS**, the fair market value of land in downtown Dunedin has increased dramatically since 1977; and

**WHEREAS**, many of the buildings in downtown Dunedin are older and prime candidates for adaptive re-use; and

**WHEREAS**, soft costs such as fees in lieu of land dedication can no longer be bank financed; and

**WHEREAS**, the term “parks” in a downtown setting has evolved to be more than just a green space; and

**WHEREAS**, downtown Dunedin needs to encourage residential uses; and

**WHEREAS**, City staff and the City Commission have listened to the concerns of stakeholders, landowners, residents and developers as they relate to the LDO; and

**WHEREAS**, City staff has recommended a single unified vision of a formula which it believes is beneficial in providing for downtown redevelopment, the development community, and additional park and recreation spaces; and

**WHEREAS**, City staff has recommended that a fifty percent (50%) credit be applied toward the requirement of parkland or fees in lieu thereof, for development containing residential units in the “Downtown Core” (DC) zoning district; and

**WHEREAS**, City staff has also recommended vertical mixed-use incentives, high quality architected incentives, and great public space incentives; and

**WHEREAS**, it is necessary to revise the Land Development Code to provide for the credit and incentives; and

**WHEREAS**, City Commission has considered the recommended revisions to the Land Development Code and has determined that the revisions are appropriate; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Subsection 103-23.24.9 to Chapter 103 of the Land Development Code of the City of Dunedin is hereby created to read as follows:

**103-23.24.9 Parkland Dedication Discounts, Incentives and Credits**

Where parkland dedication is required pursuant to Section 104-26 of the Land Development Code and the City Commission has determined that the payment of a fee in lieu of parkland dedication is acceptable, the following discounts, incentives and/or credits may be applied towards the required fee. City staff shall determine the appropriate incentive and/or credit, up to thirty-

five percent (35%), in addition to the fifty percent (50%) discount, and submit their recommendation for final determination by the City Commission.

- (A) Fifty percent (50%) discount of the fee in lieu of parkland dedication for residential projects in the “DC” zoning district (CRA).
- (B) Up to ten percent (10%) credit / incentive of the fee in lieu of parkland dedication for mixed-use projects with buildings that vertically integrate residential uses over retail uses.
- (C) Up to ten percent (10%) credit / incentive of the fee in lieu of parkland dedication for High Quality Architecture meeting the design guidelines below:

### **1. Human Scale**

Buildings and public spaces should have strong pedestrian orientation and human scale. The physical environment should be comfortable, friendly, accessible and approachable. Parking areas should be designed to minimize the impact of automobiles on pedestrian circulation. Opportunities to convey a sense of human scale should be maximized through the following:

- Provision of outdoor amenities such as street furniture and landscaping.
- Design features that create visual interest through the visibility of merchandise and store-related activities by pedestrians.
- The location of outdoor activity areas such as plazas and dining areas visible to passing pedestrians.

### **2. Eclectic Building Styles**

Dunedin embraces a diversity of building styles. Regardless of style, buildings must relate to surrounding development patterns in scale, orientation, height and bulk. Eclectic styles can co-exist if building context is properly considered. The building design standards of this code intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, designers should commit to and exhibit an architectural style.

### **3. Rhythm - Facade Framework & Components**

Building element repetition establishes a rhythm, creates patterns and alignments that visually link buildings, provides for individual building storefront identity, and contributes in the establishment of a pedestrian-scale environment. Unarticulated and solid wall

surfaces degrade the quality of the pedestrian experience. Care should be given in designing a project to establish or maintain “rhythm”, while avoiding monotony. This can be accomplished by arranging repeated major building elements into manageable groups. Repetition of existing facade modules and components (e.g. bulkheads, arches, arcades and balconies) is strongly encouraged for infill project design.

#### **4. First Floor Block Frontage**

The design of first floor commercial buildings should be artistically composed with a high ratio of void (windows) to solid (wall) areas. The lower building level (storefront) should be predominantly comprised of transparent surfaces to foster pedestrian activity and accommodate retail-merchandising needs. Incorporating landscaping and architectural detailing at the lower level of buildings is encouraged. The height of new infill development should complement that of existing surrounding buildings.

#### **5. Authenticity**

Buildings should convey a sense of timelessness, elegance and quality regardless of style or genre. Buildings should look durable and permanent, not temporary or makeshift. The particular style chosen should be well-executed and consistently carried out from overall building form to fine detail.

#### **6. Dialog with Surroundings**

Buildings should be oriented, designed and sited to interact with their surroundings. Siting and design of buildings should take account of the overall physical setting in order to help frame and accent building form. Buildings should convey a distinct relationship to their larger, more distant context while simultaneously relating to their immediate surroundings in scale, mass and bulk. Site planning should maximize linkages and connections to surrounding public uses, activities and pedestrian networks.

#### **7. Richness of Details and Materials**

Building materials, surfaces, finishes, lighting and landscaping should be durable and able to withstand the Florida climate. They should be designed and executed with a high degree of craftsmanship. High quality building materials should apply to all private as well as public projects, including elements of street design, landscaping, street lighting, etc.

- (D) Up to fifteen percent (15%) credit / incentive of the fee in lieu of parkland dedication for the creation of a Great Public Space meeting the guidelines below. This space shall be privately owned and maintained, but open to the public:

**1. Features and Elements**

Landscape and hardscape should contribute to the unique or special nature of the space. The space should accommodate pedestrians or others whose access to the space is by transit, bicycles or other means, and should be welcoming to those with physical disabilities or others with special needs. The space should accommodate multiple activities, and help to serve the surrounding community. The space should utilize existing topography, vistas or geography, and provide interesting visual experiences, vistas or other qualities. Murals or other public art may potentially be incorporated into the space.

**2. Activities and Sociability**

The space should be attractive to people and encourage social interaction (commerce, entertainment or performances, recreational or sporting, cultural, markets or vending, exhibits, fairs, festivals, special events, etc.) The space should provide a sense of comfort and safety to people gathering there, and should provide a friendly and welcoming atmosphere that encourages people to interact with one another. It should encourage use by a diverse cross section of the public.

**3. Unique Qualities, Traits, and Characteristics**

There should be qualities about this public space that stand out, that make it extraordinary or memorable. There should be a commitment to maintain the space and to keep it a usable space over time. The public should have a sense of ownership about the space. If the space has a special history, it should be remembered or passed on from one generation to the next. The space should possibly serve as a place of inspiration. The space should contribute to a sense of community.

**Section 2.** That Subsection 104-26.2 to Chapter 104 of the Land Development Code of the City of Dunedin is hereby revised to read as follows:

**104-26.2 Payment of Fee in Lieu Thereof**

In the situations stated in this section, dedication of parklands or payment of a fee in lieu thereof shall be required:

- (A) As a condition of approval of a final plat of a subdivision or of a final site plan of a planned residential development, each subdivider or developer will be required to dedicate land for neighborhood and community park and recreational purposes to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both, at the option of the city, in accordance with the standards and formula set forth in this section.
- (B) As a condition of the approval of any replat of any subdivision or the amendment of any site plan of a planned residential development in cases where the density of the land involved will be increased, the developer or subdivider will be required to dedicate land for park and recreational purposes or to pay the cash contribution in lieu of such dedication in accordance with the standards and formula set forth in this section in an amount appropriate for the increased density.
- (C) As a condition for the issuance of a Certificate of Occupancy, in cases where five or more residential dwelling units are to be constructed on one lot, parcel or tract of property under a common ownership or common beneficial interest, whether one or multiple building permits are applied for, the developer will be required to dedicate land for park and recreational purposes or to pay the cash contribution in lieu of such dedication in accordance with the standards and formula set forth in this article. In situations in which there is an overall development configuration and pattern or a development activity in phases in which there is a common ownership or common beneficial interest which will result in five residential units or more being built as a result of the full scope of the development activity or phase development, the obligation for the above dedication of park and recreational lands or the payment of the fee in lieu thereof shall occur upon the issuance of a Certificate of Occupancy for any part of the proposed construction activity. In cases of dispute as to the liability of the developer under this section or as to the extent of the development pattern, or at the option of the City, the developer shall be required to file a declaration under oath in affidavit form as to the ultimate development plan and the ownership or beneficial interest in the property in question. In lieu of a formal decision on the plat to be recorded, the subdivider may, at the City's option, convey the required lands to the City by general warranty deed. The developer of a planned residential development shall deed the lands required to be dedicated by general warranty deed. The developer or builder of a project containing five or more residential dwelling units shall deed the lands required to be dedicated by general warranty deed.

**Section 3.** That Subsection 104-26.9 to Chapter 104 of the Land Development Code of the City of Dunedin is hereby revised to read as follows:

**104-26.9 Credit for Private Recreation Areas**

A finding that the standards listed below have been met shall be necessary to allow the credit for 75 percent of the neighborhood park requirement. Where private open space for park and recreational purposes is provided in a proposed development and such space is to be privately owned and maintained by the future residents of the subdivision, planned residential development or multiunit development, partial credit not to exceed 75 percent may be given against the requirement of land dedication for neighborhood park facilities (total of 2.25 acres/1,000 residents), or payment of fees in lieu thereof, if the City Commission finds that it is in the public interest to do so and if all the following standards are met:

- (A) Easements, setbacks, and buffers required to be maintained by the zoning and building code regulations shall not be included in the computation of such recreational lands. However, green space or hardscape, such as court yards and common areas, designed for human interaction and gathering, are encouraged and shall be counted toward the private credit.
- (B) The private ownership and maintenance of the recreational lands shall be set forth in a recorded covenant and shall be restricted for park, recreational, or gathering purposes, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successor.
- (C) The proposed private recreational area is reasonably adaptable for use for park, recreational, or gathering purposes, taking into consideration such factors as size, shape, topography, geology, access and location.

In general, a substitution of private recreational areas will imply a substantially higher degree of improvement in the installation of recreational facilities, including equipment by the developer as part of his/her/their obligation. Detailed plans of such areas, including specifications and facilities to be installed, must be approved by the City before any credit is given for private recreational areas, and the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. When an adjustment for private recreational areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision, planned residential development or multiunit development, and then subtract the credit to be given.

**Section 4.** That Subsection 104-26.10 to Chapter 104 of the Land Development Code of the City of Dunedin is hereby revised to read as follows:

**104-26.10 Time of Dedication or Payment of Fees; Procedure**

At the time of a final plat or replat of a subdivision, or a final site plan or amendment of any site plan of a planned residential development, or the development of five (5) or more residential dwelling units, the City Commission shall determine, pursuant to the standards set forth in this article, the land to be dedicated and/or fees to be paid by the subdivider or developer. Upon the issuance of a Certificate of Occupancy, the subdivider or developer shall dedicate the land and/or pay the fees as deemed appropriate by the City Commission. Open space written covenants for private park or recreational facilities shall be submitted to the City and recorded in the Public Records of Pinellas County, Florida, prior to the issuance of a Certificate of Occupancy. At the time of the parkland dedication required by this section, the City Commission shall specify when development of any private recreational facilities may be developed in phases. Failure to develop private recreational facilities in accordance with the schedule approved by the City Commission shall constitute grounds for the withholding of the Certificate of Occupancy until such completion is accomplished or until such guarantee of accomplishment is provided to the City.

**Section 5.** That this Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 6th day of March, 2014.**



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Dave Eggers  
Mayor

ATTEST:



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Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: February 20, 2014

READ SECOND TIME AND ADOPTED: March 6, 2014