

ORDINANCE 22-07

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CITY OF DUNEDIN, DIVISION 3: - OVERLAY ZONING DISTRICTS TO INCORPORATE SECTION 103-31.3 ESTABLISHING THE "C" (CHARACTER OVERLAY) AS A GENERAL TYPE OF OVERLAY DISTRICT; PROVIDING FOR CODIFICATION, PUBLICATION, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City has long required development and redevelopment within the City to be compatible with surrounding development as currently codified in Objective 2.9 of the Future Land Use Element of the Dunedin Comprehensive Plan (Formerly Objective O), which defines compatibility to include physical dimensions, compatibility with surrounding properties, economic use compatibility, architectural compatibility with commercial areas and residential areas, and other matters that are relevant to the integration of the proposed development or redevelopment into the portion of the City which it is located; and

WHEREAS, the City's land use regulations implement Objective 2.9 of the City's Comprehensive Plan, including but not limited to section 134-231 of the Dunedin Code of Ordinances, which requires that a proposed development be compatible with surrounding developments; and

WHEREAS, as a result of public and citizen feedback during the Dunedin 2017 Vision Update exercises and the Citizen Survey of February 2019 concerning the potential loss of the historic character from redevelopment, the City Commission tasked staff with developing potential strategies to preserve neighborhood character; and

WHEREAS, codifying a method to establish future character overlay districts is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City, and is consistent with, furthers and implements the purposes, goals, policies, and objectives of the City's enacted Comprehensive Plan.

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

Section 1. The above recitals are true, correct, and incorporated by reference as the findings of the City Commission.

Section 2. Chapter 103, Division 3 of the Land Development Code is hereby amended to enact Section 103-31.3 and establish "Character Overlay" as a type of overly district as follows:

103-31.3 - "C" (CHARACTER OVERLAY)

103-31.3.1 - Purpose

The character overlay districts are established to assist in implementing the goals, objectives, and policies within the Dunedin Comprehensive Plan pertaining to the protection of the character of existing neighborhoods and ensuring development and redevelopment is compatible with the surrounding land and land uses. It is the intent of the character overlay districts to protect, preserve, and maintain existing characteristics that contribute to distinct identity and sense of place, including physical dimensions, economic uses, architectural features, building height, and residential densities while respecting property rights and preserving existing, underlying zoning districts

103-31.3.2 - Intent.

The Commission recognizes the need for a community-driven planning process that allows residents to request that the City impose additional regulations that require and encourage compatibility with the original structures. The intent of this section is to create processes by which character overlay districts can be established.

103-31.3.3 - Objectives.

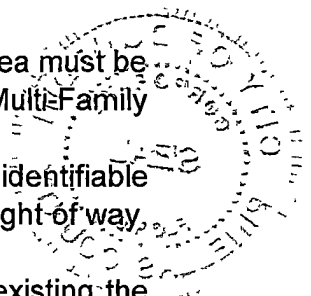
The objectives of the character overlay districts are to ensure that compatibility, as defined by the Dunedin Comprehensive Plan, is maintained in areas of critical concern by

1. Encouraging residents to participate in the planning process within their general geographic areas;
2. Encouraging development and redevelopment that will lead to the continuation, conservation and improvement that complements the scale and physical character of the original buildings,
- 3 Encouraging rehabilitation and reuse as opposed to demolition; and
4. Protecting neighborhoods or districts that have significant architectural and historic merit and a distinct character but do not qualify for, or have not yet received, historic designation.

103-31.3.4 - Criteria.

An area must meet all of the following criteria to be eligible for designation as a character overlay district:

1. It shall consist of at least 25 compact and contiguous parcels and shall not cause the creations of an enclave or pocket within the area, as those terms have been defined by Florida Statutes and case law relating to annexations;

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2. Majority (51% or greater) of the land (acreage) within the area must be zoned Single-Family Residential, Multi-Family 7.5, and/or Multi-Family 15;
 3. Each boundary of the area should be one of the following identifiable landmarks: a roadway, alley, railroad track, publicly owned right of way, platted subdivision boundary, or a body of water; and
 4. Area boundaries cannot overlap with the boundary of the existing the historic preservation overlay or an existing character overlay district.

Additional Criteria. In addition to each of the criteria stated above, an area must further satisfy at least one (1) out of the following four (5) criteria:

- 1 A distinct architectural character present in the defined area;
- 2 Natural or unique landscape features such as water features, public art, natural forest communities, public or private landscape themes prevalent in the area;
- 3 A unique plan which is specifically noteworthy for its design and because it serves the community in some quantitative way.,
4. Other cultural features such as gathering places, parks, cemeteries, notable infrastructure improvements that directly contribute to the aesthetic character of a community, or special public amenities; or
5. A distinct arrangement of structures that are consistent in massing and/or height.

103-31.3.5 - Procedures.

The procedure for the adoption of a character overlay district will be the same as the procedure for Legislative Public Hearings as outlined in Chapter 104, Division 3, Section 104-30, Development Approvals Requiring Legislative Public Hearings.

Section 4. This Ordinance shall be codified and made part of the Land Development Code, City of Dunedin and all section references and cross-references may be revised or renumbered to accomplish such codification.

Section 5 This Ordinance shall be published in accordance with the requirements of law.

Section 6. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 7. This Ordinance shall become effective immediately upon its passage and enactment.

PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA THIS 21st DAY OF April , 2022.



Julie Ward Bujalski
Julie Ward Bujalski
Mayor

Rebecca C Schlichter
Rebecca Schlichter, City Clerk

APPROVED AS TO FORM

Nikki C. Day
Nikki C. Day, B.C.S., City Attorney

READ FIRST TIME AND PASSED: April 7, 2022

READ SECOND TIME AND ENACTED: April 21, 2022