

ORDINANCE 22-07

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING DIVISION 3: - OVERLAY ZONING DISTRICTS TO INCORPORATE SECTION 103-31.3 ESTABLISHING THE “C” (CHARACTER OVERLAY) AND ESTABLISHING THE SOUTH DUNEDIN CHARACTER OVERLAY; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE

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 criteria for physical compatibility includes height, architectural features of existing structures, historic aspects of existing structures, existing natural features, existing land uses, existing residential densities, and economically-related uses, (Policy 2.9.1); and

WHEREAS, height compatibility must take into account the impacts on abutting property as to light, air, and view, and other possible negative impacts on abutting property, and height compatibility analysis is an integral part of the development and redevelopment review process within the City (Policy 2.9.1.1); and

WHEREAS, compatibility includes whether or not an architectural style is substantially compatible with existing styles within the neighborhood or general area of the proposed project to the degree that such would be aesthetically displeasing, potentially damage property values, or discourage development and redevelopment within the area, (Policy 2.9.1.2); and

WHEREAS, compatibility includes the impact of the proposed project on historic structures in the neighborhood or general area, including aesthetic and economic impacts, (Policy 2.9.1.3); 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 the neighborhood character for the area located south of the downtown; and

WHEREAS, the City retained an independent consultant, Kimley-Horn and Associates (“Consultant”), who are professional experts in the fields of land use, planning, and architecture, to advise the City on developing potential strategies to preserve the neighborhood character for the area located south of the downtown; and

WHEREAS, the Consultant has provided recommendations to the City based on expertise and industry standards, which are encapsulated in this Ordinance; and

WHEREAS, the Consultant, the City’s planning and professional staff analyzed the existing conditions of the neighborhood, and gathered feedback from citizens through multiple community engagement meetings and City Commission work sessions; and

WHEREAS, on May 6, 2021, to preserve the status quo within the subject area, the City Commission approved Resolution 21-08, while the character overlay district regulations were being developed; and

WHEREAS, the concept of the public welfare is broad and inclusive, and the values it represents are spiritual as well as physical, aesthetic as well as monetary, and it is within the power of the legislative body to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled (*Corn v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 (11th Cir. 1993) (citing *Berman v. Parker*, 348 U.S. 26, 33, 75 S.Ct. 98, 102–03, 99)); and

WHEREAS, the word compatible has a plain and ordinary meaning which can be readily understood when used in land use regulations (*Life Concepts, Inc. v. Harden*, 562 So.2d 726 (Fla. 5th DCA 1990); *Nostimo, Inc. v. City of Clearwater*, 594 So. 2d 779 (Fla. 2d DCA 1992)); and

WHEREAS, evaluation of compatibility may include the height of the proposed project relative to the surrounding properties, in the interest of neighborhood preservation (*Las Olas Tower Co. v. City of Ft. Lauderdale*, 742 So.2d 308 (Fla. 4th DCA 1999)); and

WHEREAS, local governments may conduct an evaluation to determine whether proposed development is not excessively dissimilar to other structures, including criteria for height of building, architectural compatibility, arrangement of the components and structure, and design that is complimentary with size and massing of adjacent projects (*Burns v. Town of Palm Beach*, 999 F.3d 1317 (11th Cir, 2021)); 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; and

WHEREAS, establishing the South Dunedin Character Overlay District 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.

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;
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 3. Chapter 103, Division 3 of the Land Development Code is hereby amended to enact Section 103-32 and establish the “South Dunedin Character Overlay District” as follows:

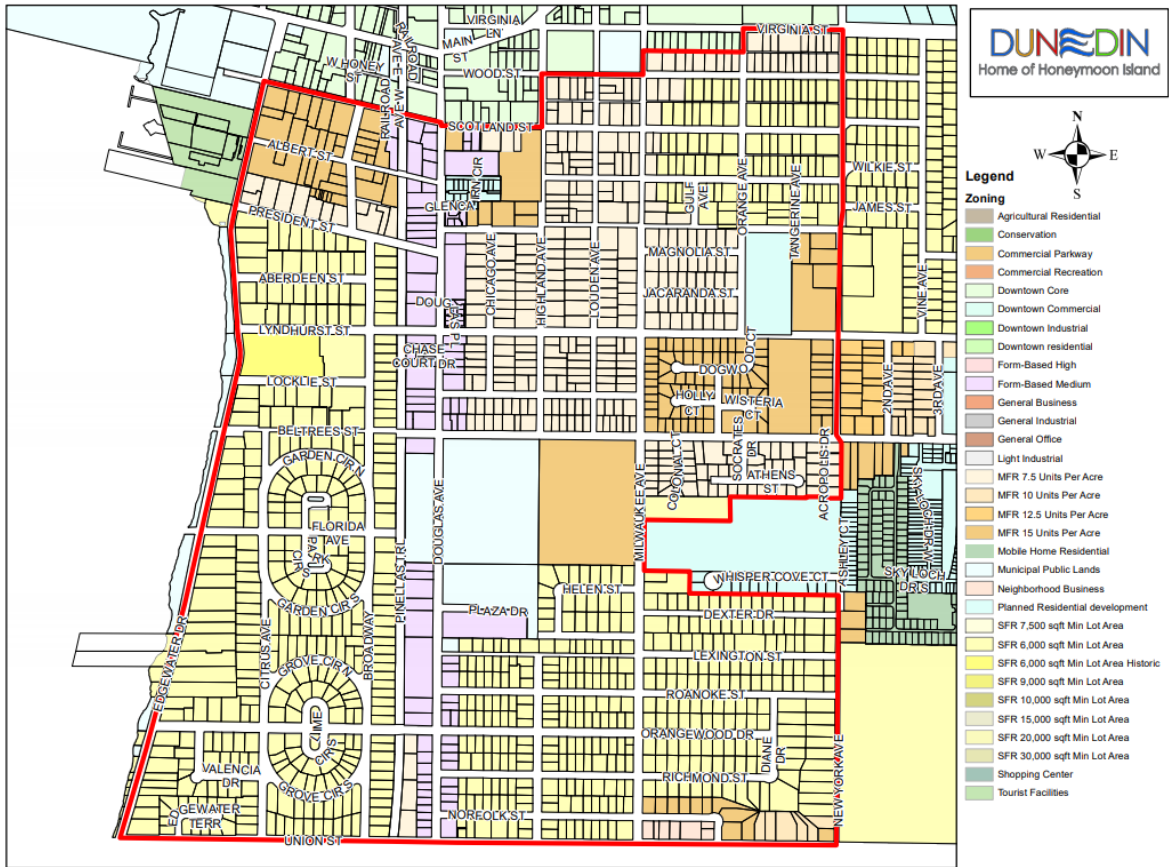
103-32.1 - Purpose.

The purpose and intent of the South Dunedin Character Overlay District (Overlay) is to further the goals, objectives, and policies of the Comprehensive Plan relating to compatibility and preserving neighborhood character. The South Dunedin neighborhood was mostly developed in the 1940s and 1950s and primarily consists of single-family homes of Craftsman, Coastal Vernacular, and Mid-Century Ranch architectural styles. Though Mediterranean Revival, French Creole, or Anglo-Caribbean are not especially prevalent within the overlay, they provide a compatible and complementary diversity to the existing building stock and are recognized as contributing architecture, reinforcing the character of the neighborhood. The standards herein are designed to protect the character of South Dunedin's neighborhoods by ensuring that new construction is compatible in scale, bulk, design, and architecture of existing neighborhoods, while respecting property rights and observing underlying zoning districts.

103-32.1 - Establishment of boundaries and applicability.

The application of the Overlay shall be restricted to the geographical area designated on the official zone district map of the City of Dunedin, as shown in the Map 1 below, and that have the zoning designation of R-60, MF-7.5, and/or MF-15.

MAP 1:



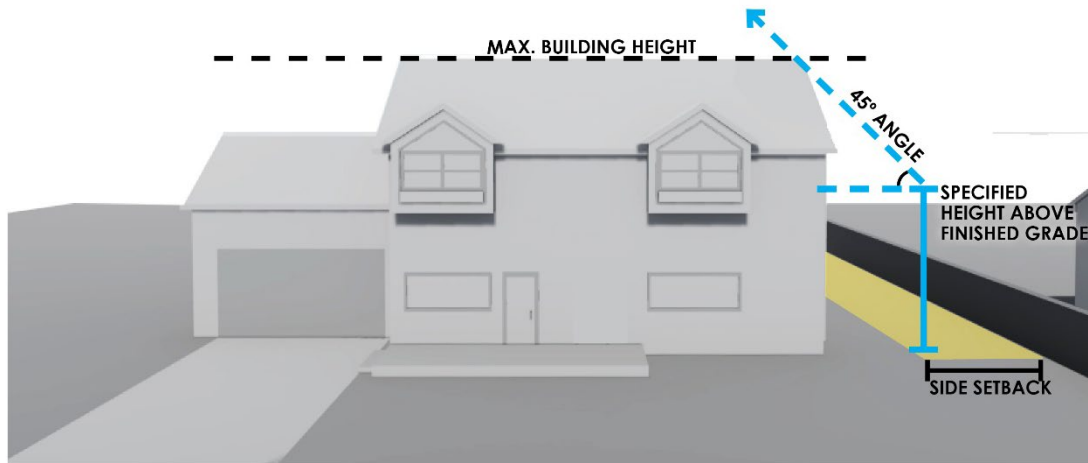
103-32.2 – Development Standards and Regulations.

The following development standards shall apply within the Overlay:

- (A) Height and Daylight Plane.

- i. Definitions: “*Daylight Plane*” is an inclined plane, beginning at a stated height above grade and extending into the site at a stated upward angle to establish the building envelope within which all new structures or additions will be contained. See image depiction below:

DAYLIGHT PLANE:



- ii. Daylight Plane shall be applied to determine the maximum building height and setback from the property line, in concert with the underlying zone district. The purpose of the Daylight Plane requirement is to enhance compatibility, as defined by the Dunedin Comprehensive Plan, between the existing development pattern and the redevelopment of property (this includes compatibility between multi-family structures and single-family structures as well as single-family structures and single-family structures). The use of Daylight Plane objectively implements compatibility, as defined and required by the Dunedin Comprehensive Plan, through a gradual transition in height between developments; promote a predictable scale of redevelopment; and promote privacy among neighboring properties.
- iii. All single-family and multi-family structures shall not be of such height or size that they penetrate the Daylight Plane. The Daylight Plane shall begin at the heights listed in 3.a.iv below, measured at the side yard setback line and extending into the site at a 45-degree angle to the horizontal, up to the maximum height limit of the zoning district.
- iv. The specified heights, above finished lot grade unless otherwise specified within Section 103-40.3, from which the Daylight Plane is to be measured are as follows:
1. 15’ within the R-60 zone district,
 2. 15’ within the MF-7.5 zone district, and

3. 25' within the MF-15 zone district.
- v. The Daylight Plane requirements of South Dunedin Character Overlay shall not apply to:
 1. Chimneys up to four feet in height;
 2. Roof overhangs up to two feet;
 3. Dormer(s) which do not exceed a combined 12 feet in length per side of the residence or 25 percent of the length of the side of the dwelling upon which the dormers are located, excluding roof overhang, whichever is less;
 4. One television antenna or dish antenna measuring less than three feet in diameter, and lightning protection devices;
 5. Side property lines on residential property which borders property which is zoned nonresidential;
 6. If the Daylight Plane would render the property entirely unusable for residential purposes.

(B) Building Design.

- i. Building orientation. The front of buildings must face the primary street and include a front door as a primary entrance. Corner lots may have the primary entrance face the corner or the secondary street rather than the primary street. In addition, buildings on corner lots and through lots are encouraged to incorporate unique architectural elements and shall not contain blank walls without architectural or other variation along public streets.
- ii. Garage/carport placement. Garages and carports, both attached and detached, must be set back at least 5 feet from the front facade of the primary building and must be set back at least 25 feet from the front property line. If there is more than one front property line, this standard applies to the front yard that contains the front entry. The width of any attached garage or carport area may not exceed 50 percent of the primary building's front facade.
- iii. Building elevation. Where it is necessary to elevate a building above grade, fill may not be used to elevate the lot above the grade of any adjacent lot. In such cases where the building is elevated, a stem wall foundation shall be used and openings beneath the structure shall be screened with materials consistent with the design of the building.
- iv. Maximum building width. Buildings or structures erected or altered to a width greater than sixty (60) feet at the front setback line will be subject to City Commission Design Review as detailed in Section 104-24.

(C) Architectural Style.

- i. Definitions: “*Identify*,” is defined as the implementation of at least: one (1) typical exterior building material(s), one (1) typical roofline, shapes and/or material(s), and one (1) characteristic feature from the respective typical building standards and architecture characteristics listed in (iii) below.
- ii. All residential structures, single family and multi-family, including new development or redevelopment are required to Identify with an architectural style of Craftsman, Mid-Century Ranch, Coastal Vernacular, Mediterranean Revival, French Creole, or Anglo-Caribbean within the overlay as set forth herein and as may be further defined in the 2008, *Architectural Guidelines: City of Dunedin, Florida by Cooper Johnson Smith Architects & Town Planners*. This document was developed to help educate and guide future development and objectively preserve and enhance the unique architectural heritage of Dunedin.
- iii. Typical building standards and architectural features relating to each style:
 1. Craftsman. Building standards and architecture.
 - a. Typical exterior building materials;
 - i. Wood siding or similar
 - ii. Shingle siding
 - iii. Stone base with columns and stone chimney
 - b. Typical rooflines, shapes and materials;
 - i. Dormer aligned with front entry
 - ii. Shingles or metallic roof
 - iii. Exposed rafter tabs
 - iv. Awnings under gable ends
 - v. Eaves
 - c. Characteristic features;
 - i. Covered front porch and/or balconies;
 - ii. Stained wood door with either wood plank design or a panel door with a variety of different glaze patterns in top half
 - iii. Typically double-leaf out-swinging garage doors with transom window at the top

EXAMPLES OF CRAFTSMAN





2. Mid-Century Ranch Building standards and architecture.
 - a. Typical exterior building materials;
 - i. Standard or patterned brick masonry
 - ii. Cedar or redwood siding Horizontal lap or board and batten patterns
 - iii. Mix of two materials is common
 - b. Typical rooflines, shapes and materials;
 - i. Gabled roof, hipped, shed, or flat roof
 - ii. Low pitch (may be asymmetrical)
 - iii. Wide eaves composition shingles
 - c. Characteristic features;
 - i. Use of breezeblocks
 - ii. Large windows including sliders

EXAMPLES OF MIDCENTURY RANCH





3. Coastal Vernacular Building standards and architecture.
 - a. Typical exterior building materials;
 - i. Building Wall Materials
 1. Wood-siding including ship-lap siding, shingles, and vertical board and batten
 2. Cedar or redwood siding Horizontal lap or board and batten patterns
 3. Mix of two materials is common
 - b. Typical rooflines, shapes and materials;
 - i. Shallow and medium-pitched roof with deep overhangs
 - ii. Primarily 5-V crimp or corrugated metal roofing with exposed structural elements such as rafter tails and brackets
 - iii. Broad eaves with open rafters, with simple tails and brackets supporting the eave
 - c. Characteristic features;
 - i. Broad, deep porch with thin wood columns and minimal ornament, typically runs the entire length of the façade
 - ii. Simple and blocky vertical rails

- iii. Variety of columns; either heavy and massive or a grouping of multiple thin columns atop a heavy base.
- iv. Single-leaf wood French front doors with side-lites
- v. Double-leaf out swinging garage doors with transom windows at the top
- vi. Shuttered windows

EXAMPLES OF COASTAL VERNACULAR



- 4. Mediterranean Revival Building standards and architecture.
 - a. Typical exterior building materials;
 - i. Rough stuccoed masonry
 - ii. Rough block accent
 - b. Typical rooflines, shapes and materials;

- i. Flat roofs with parapets and/or gabled and hipped roofs with 3:12 to 6:12 pitch
- ii. Clay tile roof
- iii. Shallow eaves with rafter tails, occasionally molded continuous fascia with no to shallow overhang
- c. Characteristic features;
 - i. Wood French front doors with divided lites in vertical proportions.
 - ii. Carports or porte cocheres extending from façade walls
 - iii. Wood garage doors with arched tops or concrete lintels that protrude from building face
 - iv. Arched top Windows.
 - v. Loggias, arcades, collonaded porches
 - vi. Balconies and balconettes

EXAMPLES OF MEDITERRANEAN REVIVAL





5. French Creole. Building standards and architecture.
 - a. Typical exterior building materials;
 - i. Building Wall Material
 1. Heavy Brick
 2. Stuccoed Walls
 - b. Typical rooflines, shapes and materials;
 - i. Steeplly pitched roofs with eased slopes at the eave
 - ii. Use of gable-end parapet walls and dormers
 - iii. High ceiling with vertically proportioned column bays and wall openings

- c. Characteristic features;
 - i. French doors and full length windows on the ground floor with tall shutters
 - ii. Large casement windows, tall and vertical in proportion
 - iii. Deep porches with thin vertical elements

EXAMPLES OF FRENCH CREOLE





6. Anglo-Caribbean. Building standards and architecture.
 - a. Typical exterior building materials;
 - i. Masonry Stucco ground floor walls
 - ii. Wood frame stucco or siding on upper floors
 - b. Typical rooflines, shapes and materials;
 - i. Hip roofs with pitches ranging from 6:12 to 10:12
 - ii. Broad roof overhangs with exposed rafter tails and eaves, often with a pitch break at the overhang
 - c. Characteristic features;
 - i. Windows and doors are vertical in proportion and borrow lite configurations from Craftsman languages
 - ii. Street balconies supported by brackets, loggias, and courtyards
 - iii. Louvered shutters often enclose portions of balconies and porches for privacy and climate control
 - iv. Sideways facing garage with motorcourt.

EXAMPLES OF ANGLO-CARRIBEAN





- iv. If, due to the nature of the property or other technical limitations, the development or redevelopment is unable to meet the minimum number of features within the architectural styles listed above in (iii), the property owner may request the zoning administrator seek an executive recommendation from the Architectural Review Committee. The zoning administrator's final determination may be appealed by the property owner to the board of adjustment and appeal in accordance with § 109-20.3.1 *Administrative Review*.

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 _____ DAY OF _____, 2022.**

Julie Ward Bujalski
Mayor

ATTEST:

Rebecca Schlichter, City Clerk

APPROVED AS TO FORM:

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

READ FIRST TIME AND PASSED: _____

READ SECOND TIME AND ENACTED: _____