

ORDINANCE 2013-04

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90-10 AS PREVIOUSLY AMENDED, BY AMENDING CHAPTER 1. FUTURE LAND USE ELEMENT, SECTION F. LOCAL PLANS, BY ADDING SUBSECTION 15. SUNRAIL DELAND AREA ACTIVITY CENTER (SR); BY AMENDING SECTION B. FUTURE LAND USE OVERLAYS AND DESIGNATIONS; BY AMENDING SECTION C. INTERPRETATION OF FUTURE LAND USE DESIGNATIONS, SUBSECTION 8. FUTURE LAND USE/ZONING MATRIX; BY AMENDING THE FUTURE LAND USE MAP, BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 323 ACRES LOCATED SOUTH OF S.R. 44, EAST OF THE SUNRAIL STATION, NORTH OF W. BERESFORD AVE., AND SOUTHWEST OF THE INTERSECTION OF HAZEN RD. AND S.R. 44, DELAND, FROM INDUSTRIAL AND URBAN LOW INTENSITY TO ACTIVITY CENTER; BY AMENDING APPENDIX 1 MAPS AND FIGURES, BY ADDING FIGURE 1-120 SUNRAIL DELAND AREA ACTIVITY CENTER; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3161, et seq., Florida Statutes, creates the Community Planning Act, hereinafter referred to as the "Act;" and

**WHEREAS**, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

**WHEREAS**, the Volusia County Council has adopted the Volusia County Comprehensive Plan Ordinance No. 90-10, pursuant to the Act; and

**WHEREAS**, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

1       **WHEREAS**, the County Council of Volusia County, Florida desires to take  
2 advantage of this statute and amend the Volusia County Comprehensive Plan; and

3       **WHEREAS**, the County Council of Volusia County, Florida has provided for  
4 broad dissemination of these proposed amendments to this Plan in compliance with  
5 Florida Statutes Sections 163.3181 and 163.3184(3), (11); and

6       **WHEREAS**, pursuant to Section 163.3174, Florida Statutes, Volusia County  
7 Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated  
8 the Volusia County Planning and Land Development Regulation Commission as a local  
9 planning agency for the unincorporated area of the County of Volusia, Florida.

10       **NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF**  
11 **VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

12       The Volusia County Comprehensive Plan, Ordinance No. 90-10, as previously  
13 amended, is further amended as follows:

14       **SECTION I:** Chapter 1, Future Land Use Element, is hereby amended as  
15 presented in Exhibit "A," attached hereto, and by reference made a part hereof.

16       **SECTION II:** Appendix 1, Maps and Figures, is hereby amended by adding  
17 Figure 1-120 Sunrail DeLand Area Activity Center as depicted in Exhibit "B."

18       **SECTION III:** The Future Land Use Map of the Comprehensive Plan is hereby  
19 amended as depicted in Exhibit "C."

20       **SECTION IV: SEVERABILITY.** Should any section or provision of this Ordinance,  
21 or application of any provision of this Ordinance, be declared to be unconstitutional,  
22 invalid, or inconsistent with the Volusia County Comprehensive Plan, such declaration  
23 shall not affect the validity of the remainder of this Ordinance.

**SECTION V: EFFECTIVE DATE.** Within ten (10) days after enactment, a certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County Council and transmitted to the state land planning agency and any other agency or local government that provided timely comments. This ordinance shall take effect upon the later of the following dates: a) 31 days after the state land planning agency notifies the County that the plan amendment package is complete and the issuance of a certificate of consistency or conditional certificate of consistency by the Volusia Growth Management Commission, or b) issuance of a final order by state land planning agency or the State of Florida Administration Commission determining this Ordinance to be in compliance.

**ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN  
OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT  
THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA  
AVENUE, DELAND, FLORIDA, THIS 22<sup>nd</sup> DAY OF AUGUST A.D. 2013.**

TEST: \*

James T. Dinneen, Co

**COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA**

**James T. Dinneen, County Manager**

**Jason P. Davis, County Chair**

## **Exhibit “A”**

### **Chapter 1 - Future Land Use Element**

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#### **Section F. Local Plans**

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#### **15. SUNRAIL DELAND AREA ACTIVITY CENTER (SR)**

##### **A. BACKGROUND**

The SunRail DeLand Area Activity Center envisions compact development that contains a mix of housing, employment, and retail uses in a high-quality, walking environment. This activity center will take advantage of Transit Oriented Design (TOD) concepts to reduce automobile dependency by focusing moderate to higher density growth within an approximate one-half mile radius to the east of the DeLand SunRail station.

Development should incorporate good design principles and include a mix of uses in proximity to this commuter rail station to create opportunities for a compact, pedestrian friendly and vibrant neighborhood center within walking distance of transit. Development of TOD can leverage major investments in public transit infrastructure, contribute to environmentally sound means to accommodate new growth, and enhance transportation choice within the area.

##### **B. DESCRIPTION OF ACTIVITY CENTER DISTRICTS**

The districts – TOD Core and TOD Transition– are entirely unique to the SunRail DeLand Area Activity Center plan and are applicable only to the area indicated in Figure 1-12O. These districts are considered urban.

##### **1. TOD Core District**

The Transit Oriented Development (TOD) Core district facilitates moderate to higher density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the automobile.

Minimum density: 9 dwelling units per acre.

Maximum density: 30 dwelling units per acre.

Minimum FAR: 0.5.

Maximum FAR: 2.0.

Property within this district may develop under the existing Transitional Agriculture (A-3) and Residential Planned Unit Development (Pelham Square RPUD) zoning classification regulations and Urban Low Intensity (ULI) future land use designation as they existed as of August 22, 2013, without regard to the policies herein.

If however, the property owner wishes to utilize the increases in density or floor area ratio criteria of this activity center (above the ULI standards of a maximum



## **Exhibit "A"**

density of 4 dwelling units per acre and a maximum FAR of 0.50), then any new development shall also be subject to the activity center policies herein. Developing pursuant to this activity center constitutes a waiver of the ability to develop under the ULI designation or the existing zoning classifications as of August 22, 2013.

### **2. TOD Transition District**

The TOD Transition district provides for a transition from the TOD Core to the SR 44 and low density development pattern to the east. This district allows residential, commercial, and office uses.

Minimum density: 2 dwelling units per acre.

Maximum density: 15 dwelling units/acre.

Maximum FAR: 0.5.

Property within this district may develop under the existing Transitional Agriculture (A-3), Urban Single Family Residential (R-3), and Light Industrial (I-1) zoning classification regulations and the Urban Low Intensity (ULI) and Industrial future land use designations as they existed as of August 22, 2013, without regard to the policies herein.

If however, the property owner wishes to utilize the increases in density or floor area ratio criteria of this activity center (above the ULI standards of a maximum 4 dwelling units per acre, and a maximum FAR of 0.5), then any new development shall also be subject to the activity center policies herein. Developing pursuant to this activity center constitutes a waiver of the ability to develop under the ULI or Industrial designations or the existing zoning classifications as of August 22, 2013.

## **C. GOAL, OBJECTIVES, AND POLICIES**

### **GOAL:**

SR 1 Provide an alternative to low-density suburban sprawl and automobile dependent land use patterns through utilization of Transit Oriented Development (TOD) design features.

### **OBJECTIVE:**

SR 1.1 The TOD Core district serves as a defined center, offering multiple destinations and reasons for pedestrians to frequent the area in support of the SunRail commuter rail station, shall comply with the following policies:

### **POLICIES:**

## Exhibit "A"

- SR 1.1.1 The overall development pattern within the TOD Core should include a mix of uses to ensure the efficient use of transit, promote increased ridership, and encourage a pedestrian-oriented environment.
- SR 1.1.2 First floors should create an environment that is inviting to the walking public.
- SR 1.1.3 Automobile service stations, gas stations, and any business with a drive-thru facility are not allowed in the TOD Core district.
- SR 1.1.4 Project design, including site planning and building design should facilitate a pedestrian sense of place and feature, as appropriate, well-landscaped public spaces such as squares and plazas, urban parks, courtyards, an integrated pedestrian system, and street-oriented building forms with a pedestrian focus.
- SR 1.1.5 High volume traffic lanes and parking lot areas should utilize traffic-calming techniques when adjacent to pedestrian routes to increase pedestrian safety.
- SR 1.1.6 Parking lots should not dominate the view from streets and civic spaces, and should be located to the rear or center of building clusters.
- SR 1.1.7 Strict parking standards are not applied within the activity center. Rather, shared parking or other alternate parking reduction methods are preferred.
- SR 1.1.8 The floor area of parking structures shall not be included in the calculation of the minimum or maximum FAR.
- SR 1.1.9 Building orientation should be aligned towards a boulevard, which gives the station visual prominence from the pedestrian perspective.
- SR 1.1.10 New development should include amenities, such as storefront windows, awnings, architectural features, lighting, and sheltering trees, to provide a comfortable pedestrian environment along and between buildings.
- SR 1.1.11 New development should provide secure and convenient bicycle parking.
- SR 1.1.12 Residential and nonresidential uses may be mixed vertically or horizontally, which means that residential and commercial uses may occupy ground floor space in separate buildings or commercial uses may occupy the first floor and residential uses may occupy the upper floors in the same building.
- SR 1.1.13 Each project must provide a minimum of 40 percent civic space (active or passive). Civic space may include pedestrian-oriented streets, stormwater systems, parks, buffers, water, access easements, alleys, and other public infrastructure.
- SR 1.1.14 Construction of new detached single-family dwellings is not permitted. Accessory dwelling units are permitted uses and count towards the minimum/maximum density requirements of the district.
- SR 1.1.15 The SunRail station shall be designed in accordance with the approved agreement between Volusia County and the Florida Department of Transportation.

### OBJECTIVE:

## **Exhibit “A”**

**SR 1.2      TOD Transition district shall provide a transition from the TOD Core and surrounding community, and shall comply with the following policies:**

### **POLICIES:**

**SR 1.2.1      Accessory dwelling units are permitted uses and count towards the minimum/maximum density requirements of the district.**

**SR 1.2.2      New office and job center developments are encouraged to provide an employee transportation management plan and facility options, which may include the following:**

- **Transit pass program, bus and train schedules;**
- **Bike lockers and racks, shower and changing rooms;**
- **Car pool parking and pick-up/drop off lanes; and**
- **Weather-protected pedestrian routes, where practicable**

**SR 1.2.3      New office and job center building entrances should include a direct connection to the roadway sidewalk by a paved and landscaped path.**

**SR 1.2.4      Residential development should provide a prominent green space and several small gathering places for resident use and enjoyment.**

**SR 1.2.5      Walled or gated residential communities are not allowed. This does not preclude the fencing of residential yards.**

**SR 1.2.6      Garage doors that face directly onto streets are discouraged within residential projects with on-street parking and garage access is encouraged from alleyways within blocks.**

**SR 1.2.7      Residential development shall include compact design that includes a system of land subdivision and development, which provides street and pedestrian linkages from one project to another.**

### **OBJECTIVE:**

**SR 1.3      Planning and implementation of the DeLand area SunRail TOD program is intended to complement the downtown DeLand market area.**

### **POLICIES:**

**SR 1.3.1      The county, in conjunction with the City of DeLand, will coordinate with federal, regional, state, and local agencies to plan for a multi-modal transportation network in support of commuter rail.**

**SR 1.3.2      The county will continue to coordinate with the City of DeLand in planning any necessary infrastructure improvements and the review of proposed development within the SunRail DeLand Area Activity Center.**

**SR 1.3.3      The county will plan to provide convenient access to downtown DeLand via the VOTRAN system.**

### **OBJECTIVE:**

## **Exhibit “A”**

SR 1.4      An integrated bicycle, pedestrian and street network shall provide safe and convenient travel for all transportation modes within the SunRail DeLand Area Activity Center.

### POLICIES:

SR 1.4.1      The SunRail DeLand Area Activity Center shall consist of safe, attractive streets that provide connectivity throughout the activity center area.

SR 1.4.2      The interconnected system shall include blocks that typically utilize alleys to provide additional site access for parking and service areas.

SR 1.4.3      Street design shall incorporate elements such as lighting, appropriate street and sidewalk widths, and intersection dimensions to allow for pedestrian, bicycle, and multi-modal vehicular use.

SR 1.4.4      Street design should encourage lower traffic speeds and pedestrian use by providing features such as on-street parking and street trees.

SR 1.4.5      Regulations allowing the use of low speed electric vehicles on local streets and on multi-purpose trails (minimum of 12 feet wide) are compatible with this activity center area.

SR 1.4.6      Electric vehicle charging stations are encouraged.

SR 1.4.7      Development within the SunRail DeLand Area Activity Center should accommodate a bicycle/pedestrian connection between the SunRail station and the proposed Spring-to-Spring Trail.

### OBJECTIVE:

SR 1.5      Development within the SunRail DeLand Area Activity Center shall promote high standards for water and energy efficiency.

### POLICIES:

SR 1.5.1      Landscape plans should incorporate biodiversity using native vegetation with a goal of reducing water usage.

SR 1.5.2      Building design, construction, and operation should incorporate green building practices to promote energy conservation.

SR 1.5.3      Residential and nonresidential development shall connect to central utilities for both potable and non-potable water uses, including irrigation.

SR 1.5.4      Residential development should meet ENERGY STAR and Florida Water Star standards.

SR 1.5.5      Solar panels are allowed and encouraged on all buildings, in adherence to design guidelines that may adapt to changing technologies.

## **Exhibit "A"**

### **OBJECTIVE:**

**SR 1.6      Development within the SunRail DeLand Area Activity Center area shall ensure that adequate school capacity can be timely planned and constructed to serve the anticipated population.**

### **POLICIES:**

**SR 1.6.1      In order to plan for school capacity, no more than 581 residential dwelling units may be constructed unless there is a finding of school adequacy issued by the school district.**

**SR 1.6.2      In the event that the School District reports that there is not adequate school capacity to serve the proposed increase in residential density above 581 units, but not to exceed 3,000 residential dwelling units, then the county shall not approve any rezoning, which increases the number of allowed residential uses, unless and until such time as the School District can issue a finding that adequate school capacity will exist.**

**SR 1.6.3      In order to issue a finding that adequate school capacity will exist the School District reserves the right to condition a finding of adequate school capacity on the Developer's ability to ensure that adequate school capacity can be timely planned and constructed to serve the anticipated students. The School District will require terms and conditions for such an agreement. The Developer's commitment to fund adequate school capacity will be set forth in a development agreement between the developer and the School District.**

**SR 1.6.4      Applications for rezoning for proposed additional residential housing within the activity center area shall be coordinated with the Volusia County School District to determine if adequate school capacity can be timely planned and constructed to meet the requirements of the new development pursuant to the standards and procedures as more fully set forth in the Interlocal Agreement for Public School Facility Planning (ILA).**

## Exhibit "A"

### Chapter 1 - Future Land Use Element

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#### Section B. FUTURE LAND USE OVERLAYS AND DESIGNATIONS.

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##### n. Multiple Use Areas (MUA)

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(2) Activity Center (AC) - An area planned to accommodate a range of activities ~~from including~~ employment-based office, mixed use, and industrial activities ~~to support~~ and ancillary uses such as commercial services, recreational facilities, and housing. Design, aesthetics and environmental protection and enhancement are emphasized as part of the development proposed within these areas. These Activity Centers are intended to be high-intensity design unified areas which that will contain a concentration of different urban functions.

The concentration of these economic uses provides the chance for the efficient provision of public facilities and by concentrating these uses, the need to provide buffers for incompatible uses is minimized.

Activity Centers do not necessarily develop on their own, but require a cooperative effort between both the public and private sector to ensure that local services and infrastructure meet the anticipated demand. The location of Activity Centers ~~has been~~ is targeted near major transportation nodes, such as airports, railroads, or interstate interchanges. Public transportation also should be a key ingredient in a successful Activity Center.

~~Activity Centers at interchanges generally should contain limited amounts of retail type commercial development within the extent of one-half (1/2) mile to the interchange. The area closest to the interstate is a high visibility area that should be designed in a manner that utilizes the interchange to its best advantage. More extensive retail commercial uses may be permitted if these uses are consistent with the economic development strategies stated in the County's Overall Economic Development Plan. Certain interchanges or quadrants of an interchange will be oriented to the traveling public such as service stations, hotels and restaurants while others will be developed as high profile employment centers.~~

Activity Centers ~~may be~~ are designated to serve many different property owners, but should function in a manner to share facilities and services. Coordination among the various projects provides better efficiency of governmental services. One of the more important aspects of the Activity Center is the manner in which traffic patterns are designed. Service or frontage roads, shared or limited access, street patterns, safe pedestrian routes, transit design, shared parking and interconnecting parking areas should all be used in the general planning of these Centers and then followed through during the actual site plan stage. These Centers can provide a high development quality which emphasizes pleasant, convenient, and satisfying work conditions along with amenities, such as recreational areas, conference facilities, business oriented lodging facilities, restaurants, retail services, day care, health care and convenient location relative to residential areas, if designed properly. Activity Centers may also

## Exhibit "A"

provide the County with opportunities to provide for unique land uses, such as the fairgrounds.

~~The Future Land Use Map indicates both existing and proposed Activity Centers in the unincorporated areas. The new~~ Activity Centers are encouraged in areas having the following qualities: excellent county-wide accessibility; compatibility with future surrounding development; and programmed provision of public services. This designation indicates that Volusia County should encourage and support such development. The County should give emphasis to providing public mass transit service to all Activity Centers.

Three ~~Four~~ areas have been identified in the unincorporated portions of Volusia County as ~~initial~~ Activity Centers.

- (a) Howland Boulevard/I-4 interchange (Southwest)
- (b) US 92/I-95/I-4/airport (Halifax)
- (c) SR 44/I-95 interchange (Southeast)
- (d) SunRail DeLand Area (SunRail)

The above Activity Centers have their own individual Plans that describe how the Centers will be developed. The Plans are located in the Local Plans section of this Element. ~~Some of these Plans contain phases that do not have designated land uses. Until these Plans are complete, the following procedures may be used for individual projects.~~

~~All projects shall be developed as Planned Unit Developments consistent with the Comprehensive Plan in order to coordinate proposed developments with the Activity Center Plans. A developer may apply to the County for a conceptual PUD in the area covered by the Activity Center. With the exception of PUD's located within the Southwest Activity Center, applications shall be submitted for consistency review with this Plan and the plans of adjoining local governments by the Volusia Growth Management Commission prior to submittal of application for rezoning to PUD.~~

~~The three identified locations on the Future Land Use Map do not preclude the proposal of Activity Centers in other locations. If proposals for the development of Activity Centers in locations other than those shown on the Future Land Use Map meet the appropriate concepts and policies of the Comprehensive Plan, amendments could be initiated.~~

## Exhibit "A"

### Chapter 1 - Future Land Use Element

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### Section C. INTERPRETATION OF FUTURE LAND USE DESIGNATIONS

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#### 8. Future Land Use/Zoning Matrix.

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FUTURE LAND USE DESIGNATION	<b>A</b>  Assumed Compatible	<b>B</b>  Conditionally Compatible
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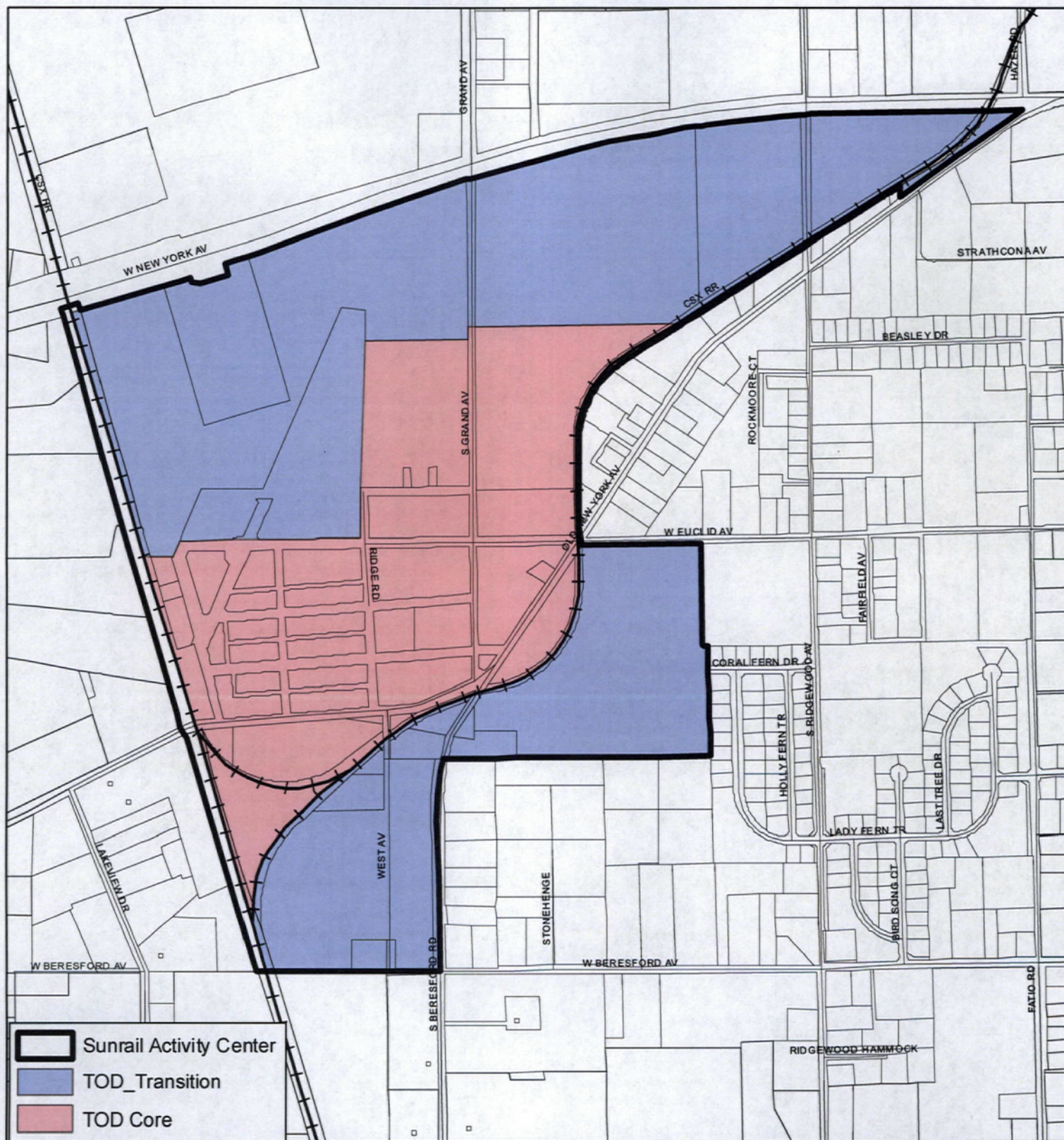
...

Multiple Use Areas (MUA)	MUA is considered a primary future land use designation. A secondary land use designation will also be associated with MUA. The compatible zoning classifications shall correspond to secondary land use.	
a. Mixed Use Zone (MXZ)	All PUDs	P, C, Existing zoning, provided however, that any new development is consistent with applicable provisions of the Comprehensive Plan.
<u>b. Activity Center (AC)</u>		
<u>Southwest AC</u> <u>Halifax AC</u> <u>Southeast AC</u>	All PUDs	<u>P, C, Existing zoning, provided however, that any new development is consistent with applicable provisions of the Comprehensive Plan.</u>
<u>SunRail AC</u>	<u>TOD Core District:</u> <u>P, C, and all PUDs;</u> <u>A-3 and RPUD zoning existing as of XXX, 2013.</u> <u>TOD Trans District:</u> <u>P, C, and all PUDs;</u> <u>A-3, R-3, and I-1 zoning existing as of XXX, 2013.</u>	<u>TOD Core District:</u> <u>R-6, R-7, R-8, B-1, B-2, B-3, B-4</u> <u>TOD Trans District:</u> <u>R-3, R-4, R-5, R-6, R-7, R-8, B-1, B-2, B-3, B-4, B-5, B-6, B-8</u>
<del>b. Activity Center (AC)</del>	All PUD's	<del>P, C, Existing zoning, with the exception of the Southwest Activity Center, provided however, that any development is consistent with applicable provisions of the Comprehensive Plan.</del>



## **Exhibit “B”**

### **Figure 1-12O Sunrail DeLand Area Activity Center**



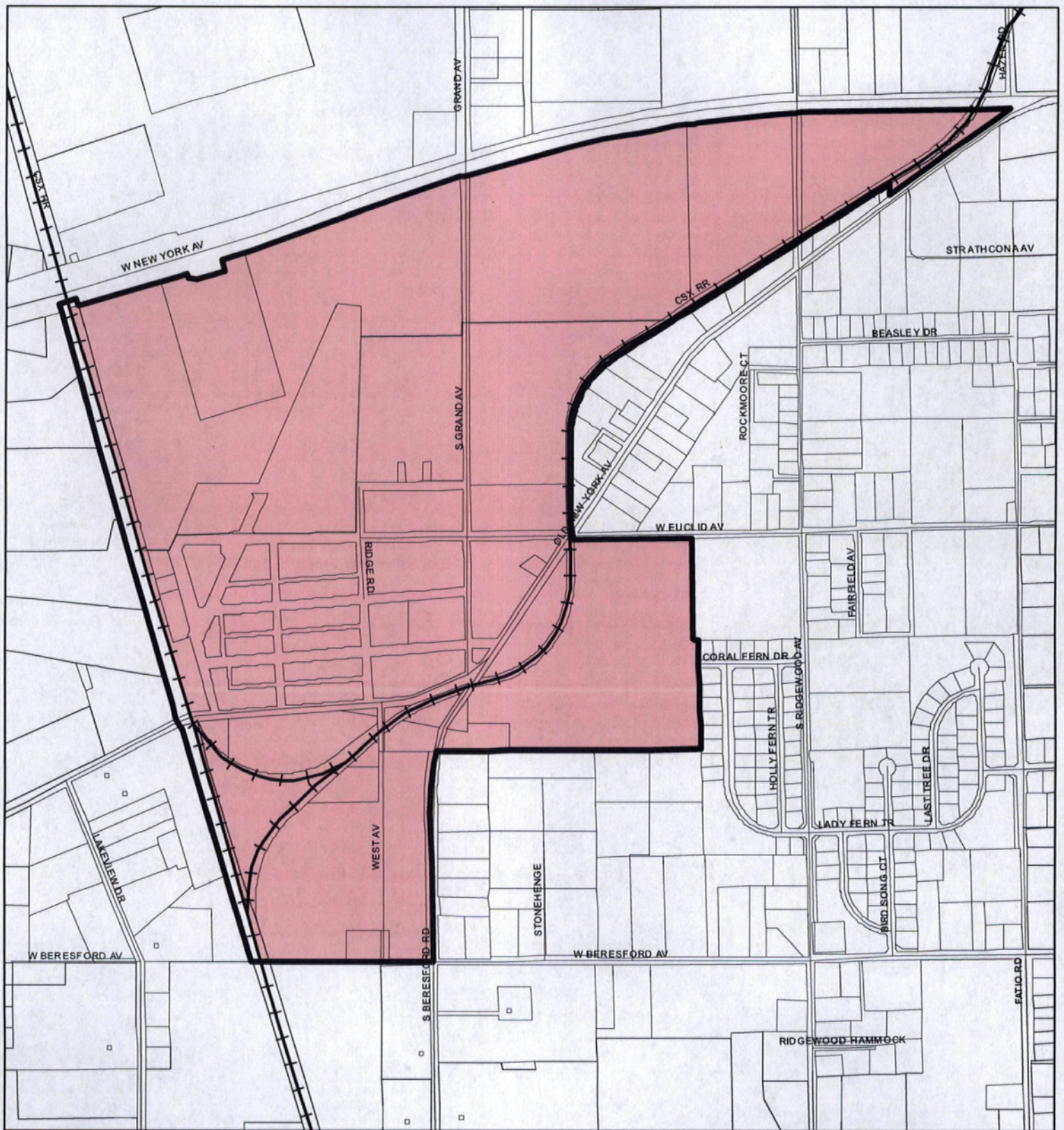
**FIGURE 1-120**  
**SUNRAIL DELAND AREA ACTIVITY CENTER**



## **Exhibit “C”**

### **Future Land Use Map Amendment**





# ACTIVITY CENTER



PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT