

Sec. 5-131. - Land use and building density.

(a) *Purpose and intent.*

- (1) The TOD Overlay District is to improve quality of life by creating walkable and livable areas where people are able to reduce vehicle usage without sacrificing access to neighborhood and community amenities. This is accomplished by the following:
 - a. Encourage transit-supportive land uses, which generally have higher densities and intensity within the TOD Core, then stepping down in density, intensity and height to promote neighborhood compatibility.
 - b. Create opportunities for shorter, multi-purpose trips by encouraging a mix of uses within the TOD Overlay District.
 - c. Locate the highest level of activity and mix of uses within the TOD Core and along major streets.
 - d. Provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial services, and employment within close proximity to each other and to the DeBary Commuter Rail Station.
 - e. These areas are approximate distances to allow flexibility for desired development to be approved by the DRC.
- (2) The provisions of this section shall apply within the area identified on the Future Land Use Map as the "Southeast Mixed-Use Area/Transit Oriented Development Overlay District."

(b) *Compatible Land Uses.* Each of the properties within the TOD Overlay District maintains their current zoning designations until such time as they are developed or redeveloped. Then an administrative rezoning to PUD will be processed by the city. To further the intent and purpose of the TOD Overlay District, certain specific and incompatible uses shall be prohibited.

(1) *Purpose and intent.*

- a. The purpose of the TOD Overlay District is to provide additional development restrictions and opportunities within the TOD area consistent with the adopted Comprehensive Plan. The plan provides for a compact, pedestrian and transit oriented multi-use and mixed-use development area of retail and service, to support the overall growth and development of the city. It is the intent of this section that adequate flexibility be provided to accommodate the purposes and style of development described in the Plan.
- b. The provisions of this section shall apply within the area identified on the zoning map as the "TOD Overlay District."
- c. Proposed developments are encouraged, to the greatest extent practicable, to be presented as an assemblage of smaller properties or parcels to achieve the greatest development potential and provide for more cohesive integration into the overall development framework

within the TOD Overlay District.

- d. Parcels that are located at transition lines between sub-areas of the TOD District Overlay may be allowed to reasonably continue the development densities and intensities from the more intense sub-area into the less intense sub-area, if it is necessary to complete a development project and if approved by City Council.
- e. Mixed-use development proposals shall be calculated toward the total allocation of land uses within the TOD Overlay District, based on the proposed mix of uses. Allocation of the proposed uses shall determine allocation (i.e., a commercial/office/residential mixed-use development on one acre, with 50 percent retail commercial, 25 percent office and 25 percent residential uses constructed uses would attribute one-half acre to retail commercial allocation, one-fourth acre of office and one-fourth acre of residential allocation to the overall allowance for the TOD Overlay District).

(2) *Mixed-use requirements.* The city's intent is to preserve its commercial development viability along U.S. 17-92 frontages, and to ensure that the TOD is developed with a mixture of uses rather than just residential. Single-use, multifamily residential development projects are generally prohibited on properties five (5) acres or larger.

- a. Multifamily residential development projects on properties from five to 15 acres in size are required to provide a minimum of 5,000 square feet of commercial or office space.
- b. Multifamily residential development projects on properties from 16 to 25 acres in size are required to provide a minimum of 7,500 square feet of commercial or office space.
- c. Multifamily residential development projects on properties larger than twenty-six (26) acres shall provide a minimum of 10,000 square feet of commercial or office space.
- d. All multifamily residential development projects fronting U.S. 17-92 shall maintain ground floor commercial and office space frontage with the exception of entrances into the multifamily residential development.
- e. No developments within the TOD Main Street Area shall be permitted to construct ground-floor residential developments. Commercial or office space shall be required on the ground floor with residential above,
- f. All commercial and office space shall be provided to unrelated legal entities, including corporate offices, of the multifamily residential development legal entities of owners. (example: apartment leasing offices, gyms, clubhouses, or other recreation space shall not qualify to meet the mixed-use requirements of this Code section.
- g. Properties along U.S. 17-92 or Shell Road, subdivided into parcels smaller than five (5) acres, after the adoption of this Code, shall not be permitted to develop single-use multifamily projects.

(3) Additional regulations are applicable to permitted and prohibited uses within the TOD Overlay

District as specified in the following Comprehensive Land Use Table. Please note that residential uses are prohibited on the ground floor within the entire TOD Main Street Area. See Mixed-use requirements in [section 5-131\(b\)\(2\)](#) above.

P (Permitted) — (Prohibited)				
	U.S. Hwy 17-92	TOD Core	Outside TOD Core	Additional Requirements
Residential Uses				
Assisted/Congregate Living	—	—	—	
Condominium Residential	P	P	P	Prohibited at ground-floor within TOD Main Street Area
Duplex Residential	—	—	P	Prohibited within TOD Main Street Area
Group Residential	—	P	P	Prohibited at ground-floor within TOD Main Street Area
Class A Home Occupation	P	P	P	In accordance with Chapter 3 , Article III, Division 4, Section 3-127 of the City of DeBary Land Development Code Prohibited at ground-floor within TOD Main Street Area
Mobile Home Residential	—	—	—	—
Multifamily Residential	P	P	P	Apartments allowed above retail/office uses See Mixed-Use requirements in section 5-131(b)(2) above

Single-Family Residential	—	—	P	Prohibited within TOD Main Street Area
Townhouse Residential	P	P	P	Prohibited within TOD Main Street Area
Commercial Uses				
Art Gallery	P	P	P	
Arts Centers (Galleries, Schools & Workshops)	P	P	P	Includes art, dance, music, culinary, martial arts

Auction House	—	—	—	
Automobile Body Shops	—	—	—	No outside storage of vehicles All work areas are to be within enclosed building
Automobile Driving Schools	—	—	—	
Automobile Service Station	—	—	—	
Automotive Detail/Washing	—	—	—	Not allowed within 100 feet of corner The use must meet all applicable design requirements in this document
Automotive or Vehicular Sales	—	—	—	Includes auto, motorcycle, boat and personal watercraft
Automotive Rentals	—	—	—	No outside storage of vehicles
Automotive Repair Services	—	—	—	No outside storage of vehicles All work areas are to be within enclosed

				building
Bakery/Confectioners/Deli	P	P	P	May include on site preparation of goods Outside service is permitted
Back Office Operation Center	—	—	P	
Retail-oriented Bars, Pubs, Micro-breweries, and Lounges	P	P	P	Bars and Pubs limited to 5,000 gross square feet unless accessory to a restaurant of space as primary use Micro-breweries limited to 10,000 gross square feet and must have retail provision Outside service is permitted
Bed & Breakfast	P	P	P	
Bicycle Sales and Rentals	P	P	P	
Book and Stationery Stores	P	P	P	
Bowling Alleys	—	—	—	
Building Material Sales And Storage	—	—	—	
Call Center	—	—	P	
Campus Employment	—	—	P	
Customer Service Centers	—	—	P	
Catering Services		P	P	Limited to 5,000 gross square feet May include on site preparation
Civic Clubs	P	P	P	i.e., American Legion, Moose Lodge,

				Masonic Lodge, etc.
Coin-Operated Amusements	—	P**	P	Non-gambling related uses not greater than 2,500 gross square feet ** Permitted as accessory to restaurant or bar
Commercial Parking Garage	P	P	P	With City approved Architectural facades that match the "Architecture and Elements of Style" described in this document
Communication Towers	—	—	—	
Consumer Repair Services	—	—	P	
Contractor's Shop, Storage And Equipment Yard	—	—	—	
Convenience Store Without Fuel Dispensers	P	P	P	
Convenience Stores With Fuel Dispensers	—	—	—	
Dental Laboratories	—	—	P	
Employment Agencies	—	P	P	Excluding Day Labor Agencies
Exercise Gym and Health Spas	P	P	P	
Financial Services	P	P	P	Drive-through windows only permitted outside of Main Street area
Funeral Homes With Crematory As An Accessory Use	—	—	—	

Funeral Services	—	—	P	
General Retail Sales	P	P	P	
General Retail Sales (Convenience)	P	P	P	Maximum size of 2,000 gross square feet No fueling stations No fueling stations except in Transitional Areas
Hardware Stores	—	P	P**	No outside storage or display ** Limited to 5,000 gross square feet
Hotel-Motel	P	P	P	
Indoor Amusements/Arcade	—	P	P	Only as accessory to restaurants or bars, pubs or lounges
Kennels	—	—	—	A kennel use must be conducted entirely within an enclosed structure
Liquor/Wine Sales	P	P	P	Limited to 2,500 gross square feet Outside service is permitted
Off-Site Accessory Parking	—	P	P	Accessory to primary use off-site businesses
Office (General)	P	P	P	P
Office (Professional)	P	P	P	
Pawn Shop Services	—	—	—	
Personal Care Services (Hair/Beauty Salons/Spas)	P	P	P	
Personal Dry Cleaning Services	P	P	P	Drop-off/pick-up only

Personal Laundry Services	P	P	P	No bulk laundry or cleaning plant, no diaper services or linen supply services allowed in TOD Overlay District ** Drop-off/pick-up only
Pest Exterminators	—	—	—	
Pet Grooming Services	—	—	P	Maximum size of 2,000 gross square feet All services within enclosed structure
Pharmacies	P	P	P	Drive-through windows only permitted along U.S. Hwy 17-92
Plant Nursery (Retail)	—	—	—	
Plant Nursery (Wholesale/Retail)	—	—	—	
Printing And Publishing	—	P	P	Limited to 2,000 gross square feet within TOD Core, otherwise not greater than 5,000 gross square feet
Radio And Television Broadcasting Stations	—	P	P	Limited to 5,000 gross square feet
Restaurant (Bakery/Deli)	P	P	P	Maximum size of 5,000 gross square feet Outside service is permitted
Restaurant (Catering)	P	P	P	Maximum size of 5,000 gross square feet Outside service is permitted
Restaurant (Fast Food)	P	P	P	Drive-through windows not permitted within 2,000 linear feet from any other similar drive-through window use Drive-through window prohibited within

				Main Street area Outside service is permitted
Restaurant (General)	P	P	P	Drive-through windows not permitted within 2,000 feet from any other similar drive-through window use Drive-through window prohibited within Main Street area Outside service is permitted
Retail Repair Services	P	P	P	Repair services for personal clothing, jewelry or electronics
Rug Cleaning Establishments	—	—	—	
Scrap And Salvage	—	—	—	
Self-storage facilities and miniwarehouses	—	—	—	No self-storage facilities
Special Event Entertainment	P	P	P	Special events permit required
Theaters (Movie And Live)	P	P	P	Theatres less than 5 screens
Veterinary Services	—	—	P	A veterinary services use must be conducted entirely within an enclosed structure No outdoor kennels or runs
Civic Uses				
College and University Facilities	P	—	P	
College and University Satellite	P	P	—	

Facilities				
Community Center/Recreation	P	P	P	
Common Open Space	P	P	P	
Convention Center	P	P	P	
Day Care Services	—	P	P	Limited to 5,000 gross square feet
Government Postal Facilities	P	P	P	
Hospital Services (General)	—	—	—	
Museums	P	P	P	
Parks and Plazas	P	P	P	
Private Primary Educational Facilities	—	—	P	
Private Secondary Educational Facilities	—	—	P	
Public Primary Educational Facilities	—	—	—	
Public Secondary Educational Facilities	—	—	—	
Public Safety Services	P	P	P	Police, Fire, Ambulance, EMS
Religious Assembly (Churches)	P	P	P	
Technical/Trade Schools	—	—	P	

Telecommunication Tower	—	—	—	
Transportation Terminal	P	P	P	
Urgent Care Services	P	P	P	Limited to 5,000 gross square feet
Light Industrial Uses				
Bakeries	—	P	P	With a minimum 50% food retail provision excluding manufacturing and distribution
Bottling and distribution plants	—	—	S	
Convenience stores without gasoline pumps	—	—	—	
Sale (retail or wholesale) of products or parts manufactured or assembled on the premises	—	—	S	
Employment agencies offering day labor services and where workers congregate at the business location to receive daily assignments	—	—	S	
Essential utility services	—	—	S	
Flex-space	—	—	S	
Industrial vocational training school	—	—	S	
Laundries and linen services	—	—	S	

Machinery and machine shops	—	—	S	
Manufacturing	—	—	S	
Micro-breweries	P	P	P	Limited to 10,000 gross square feet and must have retail provision
Printing, publishing and engraving	—	—	S	
Publicly owned parks and recreational areas	P	P	P	
Restaurants, Types A and B, when contained within the principal industrial structure	—	—	S	
Sign and paint shop	—	—	S	
Testing of materials, equipment and products	—	—	S	

- (4) *Continuation of development pattern.* The intent of the TOD regulating plan is to ensure that development patterns are consistent throughout. New developments and development plans shall be consistent with developments and approved development plans within close proximity, that meet the intent of the TOD regulating plan. Newly proposed developments are required to hold a pre-application meeting with city staff. During this meeting, the applicant should work with city staff to determine whether the adjacent development patterns (existing or approved) should be implemented within the newly proposed development project. New development shall follow the TOD Design Principles (Exhibit B) to ensure consistency and compatibility. Additionally, new developments shall adopt the following existing components of approved development plans within close proximity.
- a. Existing block structure—Replicate the dimensions of the block size and layout.
 - b. Existing road design—Replicate the road cross-section including right-of-way widths for similar

classified roadways, paving textures, landscape, hardscape, and utility infrastructure

- c. Existing building articulation—Replicate the building articulation on street frontage design elements, both horizontal and vertical, that help create a streetscape of consistent interest. Building materials, special ground-floor design treatments, façade modulation, corner treatments, building setbacks for upper stories, and façade elements such as transparency, building entries, and other architectural details help define the public and shall be consistent across different developments projects.
- d. Existing way-finding signage—Including street signs oriented for pedestrians, bicycles, and automobiles.
- e. Existing street lights—Design shall follow the closes available street lamps and poles.
- f. Existing architectural patterns—While architectural design for each project may be somewhat specific to that project, it should not conflict or disrupt the existing approved developments in close proximity. New development shall follow the TOD Development Principles for architectural design.
- g. Existing building scale—New developments shall take into consideration the existing scale of adjacent buildings, either approved, or already built.
- h. Stormwater infrastructure—New developments shall evaluate the existing stormwater infrastructure of adjacent approved or developed projects and determine with city staff, how to best complement and or safely expand the system.
- i. Public space/open space—New developments shall evaluate the existing stormwater public spaces and open space and replicate this format or improve upon it. This may be done by expanding upon existing spaces adjacent to the project, or repeating logical patterns into the new project that already exist in close proximity.
- j. Transportation—Transit infrastructure, such as bus or autonomous vehicle stop shelters, bike racks, and micro mobility zones, shall be replicated in similar design.

(c) *Density/Intensity.*

- (1) TOD Core—Minimum 10 du/acre; Maximum 32 du/acre;
- (2) Outside TOD Core—Minimum 8 du/acre; Maximum 20 du/acre;
- (3) Intensity—Minimum 0.4, Maximum 2.0 FAR;
- (4) Parcel assemblage of at least 1 acre is required for residential mixed-use developments, 2 acres is recommended for residential mixed-use developments in order to meet minimum residential densities;
- (5) Residential densities below these minimums may be permitted for sites with physical constraints. This shall be determined on a case-by-case basis through DRC during the development review process.

(Ord. No. 13-10, § 2(Exh. A), 12-29-2010; Ord. No. 02-15, § 2, (Exh. A), 8-26-2015; Ord. No. 06-2020, § 2(Exh. A), 9-23-2020; Ord. No. 04-2023, § 5, 5-17-2023)