

Sec. 10-165. Planned Unit Development (PUD) Zoning District Requirements and Procedures.

(a) *Purpose and Intent of District.* The Planned Unit Development (PUD) zoning district is intended to provide a method by which proposals for a unique zoning district which are not provided for or allowed in the zoning districts otherwise established by this chapter may be evaluated. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining in the City Commission the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare. In so doing, the PUD district is intended to:

- (1) Promote more efficient and economic uses of land.
- (2) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
- (3) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
- (4) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.
- (5) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.
- (6) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
- (7) Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

(b) *Eligibility.* The PUD district is designed to allow an applicant to submit a proposal for consideration, for any uses or any mixture of uses that are consistent with the Comprehensive Plan, and to allow the City Commission to approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, along with any conditions or requirements or limitations thereon which the City Commission deems advisable. The approval of PUD rezoning requests rests with the City Commission. However, no rezoning to a PUD zoning district shall be eligible for approval unless the following minimum conditions are met:

- (1) *Minimum Area for a PUD Zoning District.* The minimum area required for an application to a planned unit development district is three acres with the following exception: properties subject to development which are required by schedule 10.3 development standards and/or comprehensive plan to be filed as a planned unit development or site plan review required. In such cases, there is no minimum size requirement.
- (2) *Configuration of the PUD Zoning District.* The tract or tracts of land for which the PUD zoning district is made shall be adjoining with sufficient width and depth to accommodate the proposed use. A tract of land within the planned development future land use category that is divided by the dedication of right-of-way from a landowner to, or created through the amicable resolution of a condemnation proceeding by a

governmental entity, shall be considered adjoining for purposes of creating a planned unit development zoning district.

(3) *Unified Control/Ownership.* All land included for the purpose of development within a PUD district shall be owned by or be under the complete control of the applicant for such zoning designation, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide the City all of the necessary documents and information that may be required by the City Attorney to assure the City that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.

(c) *Review Process.* An application for a PUD zoning district shall consist of a PUD Concept Plan and a PUD Final Development Plan. A PUD zoning district is established when a PUD Concept Plan is approved by the City Commission.

(1) *Planned Unit Development Concept Plan.* A PUD Concept Plan is a generalized plan which shows the proposed use and maximum density or intensity of all lands within a PUD zoning district in accordance with the information set forth in subsection (d) of this section. Once a PUD Concept Plan is approved by the City, the subject properties will be designated PUD on the Official Zoning Map of the City.

a. *Pre-Application Conference.* An application for a pre-application conference shall be submitted to the City in accordance with established policies and procedures.

b. *PUD Concept Plan Application.* A PUD Concept Plan application shall be submitted in accordance with the submittal requirements set forth in subsection (d) of this section.

c. *Public Notification.* Public notice of the Development Review Committee shall be given at least five (5) calendar days in advance of the Development Review Committee meeting by publication in a newspaper of regular and general circulation in the city and the county. In addition, written notice shall be mailed at least five (5) calendar days in advance of the Development Review Committee meeting to the current address (based on records of the county property appraiser's office) of each property owner within 500 feet of the project and to registered neighborhood associations. Due notice shall be given of the Planning Commission and City Commission public hearings at least fifteen (15) calendar days in advance of the hearing by publication in a newspaper of regular and general circulation in the city and the county. In cases in which formal proceedings are conducted under chapter 2, article III, division 2, subdivision II, of this Code, the notice for the public hearing held by the Planning Commission shall apply only to the public hearing on the recommended order from the administrative law judge.

d. *DRC Review.* The Development Review Committee shall review a PUD Concept Plan application at a regularly scheduled meeting to determine if the application complies with the Comprehensive Plan and other applicable land development regulations adopted by the City. The Development Review Committee shall prepare an itemized list of written findings of fact which supports a recommendation of approval, approval with conditions,

or denial of a PUD Concept Plan. The written findings of the Development Review Committee shall be forwarded to the Planning Commission. Meetings of the Development Review Committee shall be conducted in accordance with established policies and procedures.

- e. *Planning Commission Review.* The Planning Commission shall review the PUD Concept Plan, the written findings of fact of the Development Review Committee, and conduct a public hearing in order to formulate a recommendation to the City Commission on approving, approving with conditions, or denying a PUD Concept Plan. The recommendation of the Planning Commission shall be supported by written findings of fact. Meetings of the Planning Commission shall be conducted in accordance with established policies and procedures. Formal proceedings before the planning commission may be requested in accordance with chapter 2, article III, division 2, subdivision II, of this Code.
- f. *City Commission Review.* The City Commission shall review the PUD Concept Plan, the recommendation and written findings of the Development Review Committee and the Planning Commission, and conduct a public hearing. The City Commission will then approve, approve with conditions, or deny the PUD Concept Plan. The decisions of the City Commission shall be final and shall be supported by written findings. Meetings of the City Commission shall be conducted in accordance with established policies and procedures.
- g. *Revisions to PUD Concept Plan.* The applicant shall have 90 days from the date of the city commission meeting when final action is taken to submit a revised PUD concept plan to include any conditions of approval for the planned unit development concept plan imposed by the city commission. Any such changes shall be reviewed for acceptance by the PUD members or their designees within ten days of receipt and shall bear the signature of the development review committee members or their designees before the PUD concept plan can be accepted as the approved PUD concept plan. Upon written request from the applicant, one 90-day extension may be granted to the applicant by the planning department director for submittal of the revised planned unit development concept plan. Failure by the applicant to submit a revised site plan within the time frames specified in this section shall deem the site plan null and void.
- h. *Amendments to PUD Concept Plan.* Any amendments to the PUD concept plan shall be reviewed as a new PUD concept plan. Notwithstanding this provision, the Growth Management Department may approve amendments to the PUD Concept Plan during the review of a PUD Final Development Plan if the Growth Management Department determines that said amendments are substantially minor in nature and do not effect the overall character of the PUD Concept Plan. The criteria that the Growth Management Department shall use to determine if the proposed changes effect the overall character of the PUD include, but are not limited to an increase in the overall number of residential dwelling units or non-residential building square feet; a substantial decrease in the amount of acres devoted to common open space and/or natural area; and a substantial

change in the general location of the proposed land uses, including the common open space and/or natural areas.

- (2) *PUD Final Development Plan.* A PUD Final Development Plan is a detailed development plan which is prepared to scale showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, land uses, and principal site development features proposed. The submittal requirements, review process, and minimum standards that apply to a PUD Final Development Plan are set forth in the site plan review procedures of chapter 9, article III of this Code. At the option of the applicant, a PUD Concept Plan may be reviewed simultaneously with a PUD Final Development Plan. The submittal requirements of such a review shall be determined at the pre-application conference.
- (3) *Consolidated PUD Concept/Final Plan.* A unified PUD concept/final plan consists of an application which includes all submittal requirements for a PUD concept plan and PUD final development plan outlined in subsection (d) of this section and chapter 9, article II, of this Code, submitted for review as a single entity. The unified PUD concept/final development plan is subject to the review process outlined in this subsection (c).

(d) *Submittal Requirements.*

(1) *PUD Concept Plan.* A PUD Concept Plan shall consist of the graphic or textual information itemized in subsections (d)(1)a. through c. of this section. Adjustments to this information can be made at the pre-application conference.

- a. A general plan for the use of all lands within the proposed PUD. Such plans shall indicate the general location of residential areas (including density and unit types), open space, parks, passive or scenic areas, and commercial areas (including building square footage and height).
- b. A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and access points to the external and internal thoroughfare network.
- c. Quantitative summary of land uses (maximum acres, maximum non-residential building square feet, maximum number of residential dwelling units). A report shall be submitted to the City that includes a statement indicating how the proposed development complies with the Comprehensive Plan and a general description of the proposed development including:
 1. The total acreage of the project.
 2. The number of acres proposed to be developed in the various categories of land shown on the Concept Plan; the percentage of total acreage represented by each category of use and each component of development; and an itemized

list of uses proposed for each of the components which shall be the range of uses permitted for that section of the PUD.

3. The number and type of dwelling units proposed for the overall site and for its components, including dwelling unit per acre calculations and population projections for each or for nonresidential projects, gross square footage devoted for each land use.
4. The establishment of minimum development standards which shall govern the site and development such as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking, buffers and landscape areas.
5. A binding commitment to develop the property in accordance with the approved Concept Plan and conditions of approval. The commitment shall bind all subsequent owners.
6. A site conditions map which includes:
 - i. Legal description and boundary survey signed and sealed by a registered Florida land surveyor.
 - ii. Name of the PUD; owner; subdivider/lessee/optionee (if applicable), and address and phone number of each; surveyor and engineer of record; and date of drawing.
 - iii. Scale, date, north arrow, and general location map showing relationship of the site to external uses, structures, and features.
 - iv. Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features.
 - v. Existing topography (latest U.S. Department of the Interior Geological Survey).
 - vi. The location and size of all existing drainage facilities and a utility concept plan.
 - vii. Information about the existing vegetative cover and general soil types, and their appropriateness for the proposed project.
 - viii. The location and function of all other existing public facilities which would serve the residents of the site including but not limited to schools, parks, and fire stations. The requirements to provide this information may be waived for small projects. If required, notation of this information on a scaled map is acceptable.
7. An environmental analysis approved by the City Growth Management Department, in accordance with the applicable provisions chapter 5 of this Code.
8. A Preliminary Certificate of Concurrency issued by the City of Growth Management Department.

(2) *PUD Final Development Plan.* For information on the submittal requirements for PUD Final Development Plans, refer to chapter 9, article III of this Code.

(e) *Review Criteria.* In evaluating a proposed PUD district, the City shall consider the criteria established in this subsection. The consideration of each criteria by the City shall be documented by written findings.

(1) *Consistency with the Comprehensive Plan.* The proposed PUD district shall be consistent with the Comprehensive Plan.

(2) *Consistency with Other Ordinances.* The proposed PUD district shall be consistent with all other ordinances adopted by the City, including but not limited to the applicable environmental and concurrency management ordinances.

(3) *Consistency with Purpose and Intent of PUD District.* An application for a PUD district shall indicate how the proposed PUD district meets the purpose and intent of the PUD district, as set forth in subsection (a) of this section. The narrative shall address the statements itemized in subsection (a)(1) through (7) of this section.

(f) *Status of Previously Approved PUD's.* Any PUD project approved prior to November 1, 1997 shall continue to be governed by the approved PUD plan and any agreements, terms, and conditions to which the approval may be subject and shall be designated PUD on the Official Zoning Map if it is located in its entirety or in part within a Mixed Use A, B, or C Future Land Use category. Whenever any application is made to substantially modify an approved PUD, or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PUD district set forth in this chapter. Notwithstanding this provision, the Growth Management Department may approve amendments to the PUD Concept Plan in accordance with subsection (c)(1)g. of this section.

(g) Creating standards in a planned unit development that vary from certain standards in chapter 7, 9, and 10 of the Land Development Code.

(1) *Sign Code.* The city commission may approve different standards from the requirements of Chapter 7, Sign Code, Article III, Requirements and Prohibitions provided that the proposed sign standards adopted in the PUD are not less restrictive than would be required pursuant to the existing code.

(2) *Street Design.* The city commission may approve different standards from the requirements of Subsection 9- 9-112(b) street design standards, provided that the applicant can demonstrate to the satisfaction of the City Commission that the proposed standards will not adversely impact vehicular circulation within the planned unit development or to adjacent properties and that roadways remain safe and efficient.

(3) *Development Standards.* If the applicant demonstrates to the satisfaction of the City Commission that the imposition of the proposed development standards will not adversely affect the compatibility of the PUD with surrounding land uses and nearby

neighborhoods, the city commission may approve different standards from the normal requirements of the following sections in Chapter 10, Zoning.

- a. Article IV, Zoning Districts and Development Standards, for setback standards, height standards, lot coverage standards, building size standards, accessory use standards;
- b. Article VI, Off-Street Parking, Loading and Vehicular Interconnection Requirements;
- c. Section 10-177, buffer standards;
- d. Section 10-411, accessory uses;
- e. Section 10-412, accessory structures; and
- f. Section 10-427, lighting standards.

(4) *Site Circulation.* The City Commission may approve different standards from the normal requirements of Chapter 10, Zoning, for the purpose of improving site circulation, including but not limited to, the widths of drive aisles, turn-around requirements, and onsite sidewalk requirements, provided the applicant can demonstrate to the satisfaction of the city commission that the proposed standards will not adversely impact pedestrian and vehicular circulation within the planned unit development or to adjacent properties and that roadways remain safe and efficient.