

## Staff Report

**To:** Okeechobee Planning Board  
**From:** Ben Smith, AICP  
**Meeting Date:** September 16, 2021  
**Subject:** Workshop- Planned Developments

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At the August Planning Board workshop, we discussed the general purpose of planned development regulations in land development and the shortfalls of the City of Okeechobee's current planned development regulations. The Board directed staff to prepare a workshop on potential revisions to the City's planned development regulations and suggested that staff to look to the codes of Naples, Hillsborough County, Sarasota County and Bradenton for inspiration, as those jurisdictions have good examples of planned developments. Please see attached codes from those jurisdictions mentioned above, as well as Collier County, Fort Myers and Homestead. The pertinent Okeechobee Comprehensive Plan Future Land Use Policies and Land Development Codes are also attached.

To recap, planned developments in general:

- Are also known as planned unit developments (PUDs) or planned development projects (PDPs) or some other similar term.
- Are development projects that a county or municipality considers comprehensively at one time, usually through a planned development zoning process.
- Should contain a site plan for the entire development and any specification/regulations under which the project will be built.
- Typically allow for deviations from the standard code requirements.
- Often allow for a mix of uses.
- In the case residentially oriented planned developments, clustering of density is often allowed such that lot sizes may be smaller than typically allowed as long as the total density of the subject tract does not exceed the maximum allowable density. The remainder of the development can then be dedicated toward open space, preservation area, recreational amenities, and/or ancillary commercial uses.

Regarding the City's current planned development regulations:

- It is important to keep in mind that the City's Comprehensive Plan is the ruling document and that any flexibility for planned developments that is desired in Land Development Codes must be provided for in the Comprehensive Plan.
- The City currently has two different planned development districts (PUD-R and PUD-M) which are treated as zoning districts.

- The attached section of the Future Land Use Element of the City’s Comprehensive Plan lists Future Land Use Categories and provides basic standards for each category such as the maximum density for residential dwelling units, the maximum floor area ratio (FAR) for non-residential development, allowable uses, allowable zoning districts, and describes the general intent of each Future Land Use Category. The PUD-R District is allowed in both the Single Family Residential Future Land Use Category and the Multifamily Residential Future Land Use Category. The PUD-M District is allowed only in the Mixed-Use Residential Future Land Use Category.
- The standards for the Residential Planned Unit Development (PUD-R) District and the Mixed-Use Planned Unit Development (PUD-M) District are provided in attached Divisions 12 and 13 of Article III of Chapter 90 of the City’s Land Development Code. Division 14 provides the planned development submittal requirements and review procedures.
- Clustering of residential density is encouraged in both PUD-R and PUD-M districts by requiring a minimum of 40% open space.
- The Mixed Use Residential Category and the PUD-M District have a minimum area requirement of 30 acres. The PUD-R District has a minimum area requirement of 5 acres.
- Maximum and minimum ratios for residential vs commercial development are required in the Mixed-Use Residential Future Land Use Category and reiterated in the PUD-M district standards.

Land Use Mix	Minimum % of total acreage	Maximum % of total acreage	Maximum Density/Intensity
Residential	45%	50%	7.5 gross du/ac
Commercial/ Non-residential	10%	15%	0.35 FAR <sup>(1)</sup>
Open Space	40%	53%	0.25 FAR <sup>(1)</sup>

Currently, there is one 40-acre parcel in the City with a Future Land Use designation of Mixed-Use Residential and a zoning designation of Holding; and there is one 50-acre parcel in the City with a Future Land Use designation of Single Family Residential and a zoning designation of PUD-R. Both tracts are currently undeveloped and there have been no planned development projects completed in the City. As was discussed by at least one Planning Board member at the August workshop, one of the biggest hurdles to utilizing planned development regulations may be a required mix of uses. Staff is aware of at least one instance where a potential developer’s representative expressed this as the main reasoning for not utilizing the City’s planned development process/standards. With that knowledge in mind, and after reviewing the codes of other jurisdictions, staff has provided a version of the City’s Future Land Use Policies and the City’s planned development codes which are notated with suggested changes and considerations for the purposes of the workshop discussion. See attached.

### Example Code: Public Gathering Space Contribution

For developments which provide a designated public gathering space, the percentage of required open space may be reduced. The intent of this section is to augment the publicly owned public spaces by incentivizing private property owners to provide a variety of spaces throughout the City, available for public enjoyment. The entire designated public space shall be dedicated as a public access easement for unrestricted access and use by the public in perpetuity. The following parameters shall be utilized in awarding public gathering space contributions:

- 1) The designated public gathering space shall be located on the subject property and may be provided as outdoor space, indoor space, or a combination of both.
- 2) The designated public gathering space shall be a minimum of two-thousand (2,000) square feet.
- 3) At least one (1) shade tree shall be provided for every 2,000 square feet of outdoor spaces.
- 4) One (1) linear foot of seating per fifty (50) square feet of public gathering space shall be provided. Outdoor seating shall provide cover from sun exposure with shade trees or other overhead canopy.
- 5) Identifying signage indicating the designation of the public gathering space shall be prominently displayed. Signage design shall be approved as part of the PUD review/rezoning process.
- 6) Areas designated as public gathering space shall be prohibited from being utilized for any other use without approval by the City Administrator. Patrons of on-site restaurants and bars may utilize the space, though it shall not be reserved solely for the use of the patrons of those establishments.
- 7) Outdoor public gathering space shall be open to the public at all times, unless, due to safety concerns, permission is granted by the City Administrator to allow closures during specified nighttime hours. Indoor public gathering spaces shall, at a minimum, be open during business hours or anytime the public has access to the facility.
- 8) The following formula shall be used to reduce open space requirements in exchange for the provision of dedicated public gathering space:
- 9) For every two hundred (200) square feet of dedicated public gathering space provided, the open space requirements may be reduced by one percent (1%). For example, provision of 2,000 square feet of public gathering space would reduce the required open space from 40% of the total PUD area to 30%. For that portion of public gathering space provided in excess of ten thousand (10,000) square feet, the open space requirements shall be reduced by one-half percent (0.5%) for every two hundred (200) square feet of dedicated public gathering space provided. Open space requirements shall not be reduced to less than 20% of the total PUD area.
- 10) Areas designated as public gathering spaces shall not count toward the maximum allowable non-residential intensity/FAR.

**City of Okeechobee**

**Planned Development Regulations**

**Noted and Revised for**

**Workshop Discussion Purposes**

# Future Land Use Element

## Goals, Objectives and Policies

**Goal:** Through a well-planned mix of compatible land uses, the City of Okeechobee shall continue to maintain a high quality living environment, preserve its distinctive natural and historic resources, and provide public services to its residents at a minimum cost.

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**Objective 2:** The City of Okeechobee shall continue to ensure that all new development is consistent with the Future Land Use Element.

**Policy 2.1:** The following land use designations are established for the purpose of managing future growth:

- a) **Single-Family Residential.** Permitted uses include single-family dwellings, mobile home parks, houses of worship, public and private schools, public facilities, limited agriculture and accessory uses customary to permissible uses. Other uses related to and consistent with low density residential development such as boarding houses, bed and breakfasts, adult family care homes, assisted living facilities, community centers, indoor and outdoor recreation and public utilities may be permissible under certain circumstances.
  - 1. Maximum density is four units per acre for residential units on individual lots, and six units per acre for mobile home parks. Where affordable housing is provided in accordance with Housing Policy 1.6, the maximum density for single family development shall be five units per acre.
  - 2. Zoning districts considered appropriate within this future land use category include Rural Heritage (RH), Residential Single-Family One (RSF 1), Residential Mobile Home (RMH), and Residential Planned Unit Development (PUD-R).
  
- b) **Multi-family Residential.** Permitted uses include all uses listed as permissible in the Single-Family Residential future land use category plus apartments, duplexes, condominiums, and public facilities, limited agriculture and accessory uses customary to permissible uses.
  - 1. Maximum density shall not exceed 10 units per acre. Where affordable housing is provided in accordance with Housing Policy 1.6, the maximum density for multi-family development shall be 11 units per acre.

2. Zoning districts considered appropriate within this future land use category include RH, Residential Single-Family Two (RSF 2), Residential Multiple Family (RMF), and PUD-R.

c) **Mixed Use Residential.** Intended to accommodate and provide flexibility for development of multiple uses within a residential setting. In order for land to be considered for this designation, land requested to be placed in this category shall be a minimum of 30 acres. Development within this category would be allowed to be no more than seven and one-half (7.5) dwelling units per gross acre and no more than 0.35 floor area ratio FAR for non-residential.

1. All new development within the Residential Mixed Use Category shall be required to be zoned Mixed Use Planned Unit Development PUD-M.

2. Development within this Residential Mixed Use Category will be required to cluster in order to maximize open space and natural areas. Development within the Residential Mixed Use Category is permitted to be clustered at higher than gross density as long as the gross density is not exceeded for the total acreage within the Residential Mixed Use Category.

3. Development within the Residential Mixed Use Category is encouraged to provide a mix of uses, including a mix of residential types, recreational amenities, civic spaces and convenience and commercial uses intended to serve residents and their guests in order to minimize trips outside the Residential Mixed Use Category.

4. Development is encouraged to provide creative site designs, and clustering is required to provide for greater common open space and mixed-use development. The planning flexibility provided through the planned development process shall encourage and facilitate creative design techniques.

- a. Residential Development. These areas shall include single and/or multiple family home site acreage, and shall include, but not be limited to, single-family attached and detached; duplexes and two-family units; and town homes, mobile home parks, mobile home subdivisions and other multi-family dwelling types.

- b. Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses.

- c. Residential and Non-residential Development acreage may account for no more than 60 percent of the gross area within the Residential Mixed Use Category. Intensity and density standards for all uses within this

**Commented [BS1]:** Most other jurisdictions do not require minimum area. Consider lowering or removing this 30 acre minimum requirement.

**Commented [BS2]:** This could be raised to 10 du/acre consistent with the Multifamily Residential FLU Category. Another option would be to allow different maximum densities for different dwelling unit types (e.g. 4 du/acre for single family, 6 du/acre for mobile homes/ 10 du/acre for multifamily)

**Commented [BS3]:** If the required mix of uses is being removed below, there should be a limitation added elsewhere for maximum non-residential FAR.

**Commented [BS4]:** The use of the word 'shall' in this case is a requirement to provide all the listed housing types. This is likely not the intention, though it would be best to substitute for the word 'may'.

**Commented [BS5]:** Adding mobile home parks and mobile home subdivisions as allowable uses is a policy decision that the City may want to consider.

category are set forth in the Intensity/Density Table below:

**Percent Aggregate Land Use Mix Within the Mixed Use Future Land Use Map Category**

Land Uses in Mixed Use	Minimum % Land Use Mix	Maximum % Land Use Mix	Maximum Density/Intensity
Residential	45%	50%	7.5 gross du/ae
Commercial/Non-residential	10%	15%	.35 FAR <sup>(+)</sup>
Open Space	40%	53%	.25 FAR <sup>(+)</sup>

<sup>(+)</sup>Floor-Area-Ratio

**Commented [BS6]:** The maximum density and intensities may be stated (as above) without requiring a certain ratio of land use mixes. These standards should be removed to increase flexibility and encourage creative development.

- d. Limited Agriculture. The foregoing use limitations notwithstanding, limited agriculture shall be permissible as an interim use until such time as urban development is undertaken in accordance with an approved planned development.
- e. Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40 percent of the property within the Residential Mixed Use Category. Golf course fairways will account for no more than fifty percent 50 percent of the open space of the subject Residential Mixed Use Category. No development (residential/commercial) structures are intended, but only recreation oriented buildings and/or structures.
- f. The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The management practices will include:
  - i. The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;
  - ii. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of

**Commented [BS7]:** 40% open space is not a bad requirement for larger projects, though it could be difficult for smaller projects to meet this. However, instead of just outright lowering the percentage, the City may consider allowing other options such as provision of a high quality, publicly available gathering space through dedication of a public access easement. See attached example public gathering space standards.

**Commented [BS8]:** These requirements for golf course management are generally sound practices though it is not necessary to include such specificity in a comprehensive plan. These types of requirements are more typically found in codes of ordinances, which are simpler to adjust as needed than comp plans. This subsection f should be removed and, if desired by the City, placed in the City's codes. Chapter 82 would be a good place for these types of requirements.

broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the United States Department of Agriculture Soil Conservation Services Soil Pesticide Interaction Guide to select pesticides that have a minimum potential for leaching or loss to due runoff depending on the site-specific soil conditions;

- iii. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any pesticides and nutrients;
  - iv. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
  - v. The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
- g. The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.

**Commented [BS9]:** These design standards for stormwater features are also better suited to land development codes. Since these are somewhat higher standards than the City's existing landscaping and stormwater management standards, these could be added to the revised PUD codes.

5. As individual zonings to PUD are submitted to the City, they shall include as a minimum the following information:
- a. A showing of the amount of units as a part of the maximum approved for the parent parcel.
  - b. A Traffic Analysis submitted verifying that adequate capacity currently exists or will exist prior to the issuance of any Certificates of Occupancy.

6. Any lands included or amended into the Residential Mixed Use Category must demonstrate the non-existence of urban sprawl by:
  - a. Submitting a fiscal impact study demonstrating a net fiscal benefit to the City.
  - b. Directing new growth to areas where public facilities exist, are planned within the City or County Five Year Capital Improvements Plan, or are committed to through a Developer Agreement, or otherwise assured to be funded by the appropriate agency.
  - c. Requiring all development to be connected to central water and sewer.
  
- d) **Commercial.** Permitted uses include the full range of offices, retail, personal and business services, automotive, wholesale, warehousing, related commercial activities, and accessory uses customary to permissible uses. Other uses related to and consistent with commercial development such as houses of worship, public facilities, public utilities, communications facilities, hospitals, group homes, adult family care homes, assisted living facilities, and limited residential use associated with a commercial building, may be permissible under certain circumstances.
  1. Commercial development shall not exceed a floor area ratio of 3.00 and the maximum impervious surface for development within this category shall not exceed 85 percent of the site.
  2. Zoning districts considered appropriate within this future land use category include Commercial Professional Office (CPO), Light Commercial (CLT), Heavy Commercial (CHV), and Central Business District (CBD).
  
- e) **Industrial.** Permitted uses include large-scale manufacturing or processing activities, business offices and schools, wholesaling and warehousing, public facilities, public utilities, limited retail and service uses, and off-site signs, limited agriculture, and accessory uses customary to permissible uses. Other uses related to and consistent with industrial development such as adult entertainment, salvage yards, fortunetellers, bulk storage of hazardous materials and manufacturing of chemical or leather products may be permissible under certain circumstances.
  1. Industrial Development shall not exceed a floor area ratio of 3.00 and the maximum impervious surface for development within this category shall not exceed 85 percent of the site.
  2. Zoning districts considered appropriate within this future land use category include only RH and Industrial (IND).

- f) **Public Facility.** Permitted uses include public facilities and uses such as parks, schools, government buildings, fire stations, other recreational and non-recreational public properties, and accessory uses customary to permissible uses.
1. The maximum impervious surface for development within this category shall not exceed 85 percent of the site.
  2. Only the Public Use (PUB) Zoning district is considered appropriate within this future land use category.

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DIVISION 12. - MIXED-USE PLANNED UNIT DEVELOPMENT (PUD-M) DISTRICT<sup>[2]</sup>

Footnotes:

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**Editor's note**— Ord. No. 989, § 1, adopted July 3, 2007, amended Art. III, Div. 12, in its entirety to read as herein set out. Former Div. 12, §§ 90-401—90-406, pertained to planned unit development (PUD) district, and derived from LDR 1998 §§ 430—435.

Sec. 90-401. - Generally.

- (a) *Defined.* Provision is made for mixed-use planned unit development (PUD-M) zoning districts in which diverse residential, commercial, institutional or recreation uses may be brought together within a residential setting under a unified plan of development which is in the interest and general welfare of the public.
- (b) *Purpose and intent.* The PUD-M district is established to:
  - (1) Encourage innovative creative designs;
  - (2) Ensure enhanced open space and/or amenities and an improved living environment;
  - (3) Encourage the use of land in accordance with its character and adaptability and to protect environmentally sensitive areas;
  - (4) Promote and ensure high standards in layout, design and construction and greater compatibility in design and use between neighboring properties;
  - (5) Ensure development of the site in a manner harmonious with surrounding areas and community facilities;
  - (6) Provide for well located, clean, safe and pleasant developments of multiple uses within a residential setting include clustering of uses to maximize opens space and minimize strain upon transportation facilities; and
  - (7) Provide for safe and efficient internal and external vehicular and non-vehicular traffic circulation.
- (c) *Location.* PUD-M zoning districts shall be permitted only on land designated as mixed-use residential in the comprehensive plan.
- (d) Petition submittal requirements and other requirements and conditions for rezoning to the PUD-M zoning district, and amendments to an approved PUD-M, shall be governed by the provisions of sections 90-428 through 90-433.
- (e) In addition to the requirements and limitations of sections 90-401 through 90-405, a PUD-M shall comply with all limitations and standards set forth in Policy 2.1 of the future land use element of the comprehensive plan.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-402. - Permitted uses.

The following principal uses and structures are permitted in the PUD-M district:

- (1) Attached and detached single-family dwellings.
- (2) Zero lot line single-family dwellings.

- (3) Two-family dwellings.
- (4) Town homes.
- (5) Multiple-family dwellings.
- (6) Adult family care homes or assisted living facilities.
- (7) Day care center, nursing home.
- (8) Professional office, business office, medical office.
- (9) Retail store, retail service.
- (10) Restaurant, take-out restaurant, cafe.
- (11) Personal service, dry cleaner.
- (12) Mechanical and repair services.
- (13) Auto service station.
- (14) Private club, nightclub, bar.
- (15) Hotel, motel.
- (16) Craft studio.
- (17) Business school.
- (18) Commercial indoor recreation.
- (19) Outdoor recreation, commercial outdoor recreation, golf course.
- (20) Marina.
- (21) Community center.
- (22) School.
- (23) House of worship.
- (24) Public facility or use.
- (25) Open space.
- (26) Public utility.
- (27) Pawnshop.
- (28) Mobile home parks
- (29) Mobile home subdivisions
- (30) Additional uses may be requested and approved through the PUD review/rezoning process upon recommendations of approval by the Planning Board and Technical Review Committee and upon ultimate approval by the City Council

(Ord. No. 989, § 1, 7-3-2007; [Ord. No. 1185](#), § 7, 8-6-2019)

Sec. 90-403. - Customary accessory uses.

Each permitted principal use in the PUD-M district is also permitted to have accessory uses and structures that are customary and incidental to that use. Accessory uses and structures that are customary and incidental to residential development areas include, but are not limited to clubhouses, common meeting areas, recreation areas or recreation structures that may be provided as an amenity by the developer or owners.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-404. - Dimensional requirements.

The dimensional standards for the PUD-M zoning district shall be as follows:

- (1) *Minimum area.* Minimum size of PUD-M zoning district shall be 30 contiguous acres under single ownership with a minimum frontage of 100 feet on a public street. Properties will be considered contiguous if they are separated only by public rights-of-way and no individual parcel is less than five acres in area.
- (2) *Maximum overall density.* Maximum overall density in a PUD-M district shall not exceed 7.5 dwelling units per gross acre.
- (3) ~~*Maximum overall FAR. Aggregate land use mix and density/intensity standards. Maximum overall floor area ratio (FAR) in a PUD-M district shall not exceed 0.35 per gross acre. All development within a PUD-M district shall comply with the mix of land uses; and density and intensity standards set forth in the following table:*~~

**Commented [BS1]:** The maximum density and intensities may be stated without requiring a certain ratio of land use mixes. These standards should be removed to increase flexibility and encourage creative development.

Land Use Mix	Minimum % of total acreage	Maximum % of total acreage	Maximum Density/Intensity
Residential	45%	50%	7.5 gross du/ac
Commercial/ Non-residential	10%	15%	0.35 FAR <sup>(+)†</sup>
Open Space	40%	53%	0.25 FAR <sup>(+)†</sup>

<sup>(+)†</sup>Floor Area Ratio

- (4) *Maximum building dimension.* The maximum dimension of any structure or group of attached structures shall not exceed 160 feet for any one building face.
- (5) *Minimum perimeter setback.* No building or structure shall be located closer than 20 feet to any perimeter boundary of the PUD-M district.
- (6) *Minimum separation between structures and/or buildings.*
  - a. Residential buildings shall be separated from each other by a distance equal to not less than 12 feet.
  - b. Nonresidential structures shall be separated from residential buildings by not less than 20 feet or the height of the nonresidential structure, whichever is greater.
- (7) *Maximum lot coverage and impervious surface coverage.* Maximum allowable lot coverage is 40 percent and the ~~aggregate of lot coverage and maximum~~ impervious surface area is 60 percent of the gross land area of the PUD-M district.
- (8) *Maximum height of structures.* Allowable height in a mixed-use PUD-M district shall be determined after review of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed. No building, structure, or part thereof shall exceed a total height of 45 feet, except as approved by special exception.

**Commented [BS2]:** Lot coverage is the amount of area covered by buildings. Impervious area is the area covered by buildings as well as other impervious surfaces such as hardscapes. There is no need to aggregate these two together as impervious area already includes lot coverage.

(9) *Open space requirement.* A minimum of 40 percent of the PUD-M district area shall be reserved for landscaping and open space. The following uses may contribute to the open space requirements provided the minimum dimensions are met:

- a. Buffers and landscaped areas in off-street parking areas;
- b. Dry detention areas and existing or proposed bodies of water, including wet stormwater management areas, may count up to a maximum of 50 percent of the open space requirement;
- c. Golf course fairways may account for no more than 50 percent of the required open space.
- d. Active and passive recreation areas and public use areas such as playgrounds, golf courses, lake-beach frontage, nature trails, bike paths, pedestrian ways, tennis courts, swimming pools, plazas, atriums, courtyards and other similar areas count as open space as long as not more than 20 percent of the recreational or public area counted as open space consists of impervious surface;
- e. Areas must have a minimum dimension of at least ten feet (length and width) and comprise an area of not less than 200 square feet to count towards meeting the minimum open space requirement.

(10) *Improved recreation areas required.*

- a. Except as set forth in subsection b, multi-family areas of five acres or more or multi-family developments containing 50 or more dwelling units; or, single-family, zero lot line single-family, or two-family developments containing 50 or more dwelling units and built on lots smaller than 6,250 square feet (12,500 square feet for duplexes) or developed at a density greater than five units per gross acre, shall provide an improved recreation/play area or areas that meet(s) the following standards:
  1. Said recreation area shall have at least 15 square feet of land area for each dwelling unit with two or more bedrooms;
  2. The minimum size for said recreation area shall be 750 square feet and the improved recreation area shall be located away from streets, lakes or canals or shall be fenced; and
  3. The improved recreation area shall be constructed in accordance with the U.S. Consumer Products Safety Commission guidelines.
- b. This requirement shall not apply to developments, or portions thereof, that are restricted by deed, notation on the face of the plat, or other recorded instrument which, in the opinion of the city attorney, limits occupancy within the development, or portion thereof, to adults.

**Commented [BS3]:** 40% open space is not a bad requirement for larger projects, though it could be difficult for smaller projects to meet this. However, instead of just outright lowering the percentage, the City may consider allowing other options such as provision of a high quality, publicly available gathering space through dedication of a public access easement. See attached example public gathering space standards.

**Commented [BS4]:** The City may consider adjusting this to encourage or accommodate projects with basketball, tennis, pickleball or other hardscape recreational facilities.

**Commented [BS5]:** Limiting this requirement to only apply to dwelling units with 2 or more bedrooms could incentivize development of one bedroom units.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-405. - Additional regulations.

Additional regulations which shall apply to all uses in the PUD-M district include, but are not limited to:

- (1) Conditions, requirements, and standards contained in sections 90-428 through 90-433.
- (2) Utilities shall be placed underground in accordance with section 78-72.
- (3) All development shall be connected to central water and sewer.
- (4) Concurrency regulations.
- (5) Parking and loading regulations.
- (6) Landscaping regulations.

- (7) Sign regulations.
- (8) Accessory use regulations.
- (9) Supplementary use regulations.
- (10) Environmental and stormwater regulations.
- (11) Utilities regulations.
- (12) Subdivision/platting regulations.

(Ord. No. 989, § 1, 7-3-2007)

Secs. 90-406—90-415. - Reserved.

DIVISION 13. - RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD-R) DISTRICT

Sec. 90-416. - Generally.

- (a) *Defined.* A parcel to be planned and developed as a single entity containing one or more types of residential dwelling units. Appropriate recreational, public and semipublic uses may be included if such uses are primarily for the benefit of the residential development.
- (b) *Purpose and intent.* The PUD-R district is established to:
  - (1) Encourage innovative creative designs;
  - (2) Ensure enhanced open space and/or amenities and an improved living environment;
  - (3) Encourage the use of land in accordance with its character and adaptability and to protect environmentally sensitive areas;
  - (4) Promote and ensure high standards in layout, design and construction and greater compatibility in design and use between neighboring properties;
  - (5) Ensure development of the site in a manner harmonious with surrounding areas and community facilities;
  - (6) Provide for well located, clean, safe and pleasant residential developments that minimize strain upon transportation facilities; and
  - (7) Provide for safe and efficient internal and external vehicular and non-vehicular traffic circulation.
- (c) *Location.* A PUD-R district is permissible only on tracts within areas designated on the future land use map in the comprehensive plan as residential single family or residential multi-family.
- (d) Petition submittal requirements and other requirements and conditions for rezoning to the PUD-R zoning district, and amendments to an approved residential PUD, shall be governed by the provisions of sections 90-428 through 90-433.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-417. - Permitted uses.

- (a) Allowable uses in a PUD-R district located on lands designated residential single family on the future land use map include:
  - (1) Detached single-family dwellings, zero lot line single-family dwellings.
  - (2) Public facilities.
  - (3) Accessory uses and structures that are customary and incidental to the primary residential use, including but not limited to clubhouses, common meeting areas, recreation areas or recreation structures that may be provided as an amenity by the developer or owners.
  - (4) Limited agriculture shall be permissible as an interim use until such time as urban development is undertaken in accordance with an approved planned development.
  - ~~(5) Mobile home parks~~
  - ~~(6) Mobile home subdivisions~~
- (b) Allowable uses in a PUD-R district located on lands designated residential multi-family on the future land use map include:
  - (1) Detached single-family dwellings, zero lot line single-family dwellings.
  - (2) Two-family dwellings.

**Commented [BS1]:** Adding mobile home parks and mobile home subdivisions as allowable uses is a policy decision that the City may want to consider. This is consistent with the Comprehensive Plan, as mobile homes are permitted in the Single Family Residential Future Land Use Category.

- (3) Multiple-family dwellings.
- (4) Adult family care or assisted living facilities.
- (5) Public facilities.
- (6) Accessory uses and structures that are customary and incidental to the primary residential use, including but not limited to clubhouses, common meeting areas, recreation areas or recreation structures that may be provided as an amenity by the developer or owners.
- (7) Limited agriculture shall be permissible as an interim use until such time as urban development is undertaken in accordance with an approved planned development.

(Ord. No. 989, § 1, 7-3-2007; [Ord. No. 1108](#), § 6, 3-18-2014)

Sec. 90-418. - Dimensional standards.

The dimensional standards for the PUD-R zoning district shall be as follows:

- (1) *Minimum parcel size:* Five contiguous acres under single ownership with a minimum frontage of 100 feet on a public street. Properties will be considered contiguous if they are separated only by public rights-of-way and no individual parcel is less than two acres in area.
- (2) *Maximum density:* Maximum density allowable in the PUD-R zoning district shall be as follows:

**Commented [BS2]:** The City may consider adjusting this to accommodate smaller projects.

Land Use Designation	Housing Component	Maximum Gross Density *1	
		Conventional Housing	Affordable Housing
Single family	Single family	4 d.u. per acre	5 d.u. per acre
Multi-family	All housing types	10 d.u. per acre	11 d.u. per acre

\*1 Gross acreage in PUD (excluding public streets and rights-of-way existing prior to rezoning to the PUD-R district) divided by the total number of dwelling units.

- (3) *Maximum height.* Allowable height in developments in a PUD-R district shall be determined after review of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed. No building, structure, or part thereof shall exceed a total height of 45 feet, except as approved by special exception.
- (4) *Maximum building dimension.* The maximum dimension of any structure or group of attached structures shall not exceed 160 feet for any one building face.
- (5) *Minimum perimeter setback.* No building or structure shall be located closer than 20 feet to any perimeter boundary of the PUD-R district.
- (6) *Minimum separation between buildings.* Buildings shall be separated from each other by a distance equal to not less than 12 feet.

(7) *Maximum lot coverage and impervious surface coverage.* Maximum allowable lot coverage is 40 percent and the ~~aggregate of lot coverage and~~ **maximum** impervious surface area is 60 percent of the gross land area of the PUD-R district.

**Commented [BS3]:** Lot coverage is the amount of area covered by buildings. Impervious area is the area covered by buildings as well as other impervious surfaces such as hardscapes. There is no need to aggregate these two together as impervious area already includes lot coverage.

(8) *Open space requirement.* A minimum of 40 percent of the PUD-R district area shall be reserved for landscaping and open space. The following uses may contribute to the open space requirements provided the minimum dimensions are met:

- a. Buffers and landscaped areas in off-street parking areas;
- b. Dry detention areas and existing or proposed bodies of water, including wet stormwater management areas, may count up to a maximum of 50 percent of the open space requirement;
- c. Active and passive recreation areas and public use areas such as playgrounds, golf courses, lake-beach frontage, nature trails, bike paths, pedestrian ways, tennis courts, swimming pools, plazas, atriums, courtyards and other similar areas count as open space as long as a not more than **20 percent** of the recreational or public area counted as open space consists of impervious surface;
- d. Areas must have a minimum dimension of at least ten feet (length and width) and comprise an area of not less than 200 square feet to count towards meeting the minimum open space requirement.

**Commented [BS4]:** The City may consider adjusting this to encourage or accommodate projects with basketball, tennis, pickleball or other hardscape recreational facilities.

(9) *Improved recreation areas required.*

- a. Except as set forth in subsection (b), multi-family areas of five acres or more or multi-family developments containing 50 or more dwelling units; or, single-family, zero lot line single-family, or two-family developments containing 50 or more dwelling units and built on lots smaller than 6,250 square feet (12,500 square feet for duplexes) or developed at a density greater than five units per gross acre, shall provide an improved recreation/play area or areas that meet(s) the following standards:
  1. Said recreation area shall have at least 15 square feet of land area for each dwelling unit ~~with two or more bedrooms;~~
  2. The minimum size for said recreation area shall be 750 square feet and the improved recreation area shall be located away from streets, lakes or canals or shall be fenced; and
  3. The improved recreation area shall be constructed in accordance with the U.S. Consumer Products Safety Commission guidelines.
- b. This requirement shall not apply to developments, or portions thereof, that are restricted by deed, notation on the face of the plat, or other recorded instrument which, in the opinion of the city attorney, limits occupancy within the development, or portion thereof, to adults.

**Commented [BS5]:** Limiting this requirement to only apply to dwelling units with 2 or more bedrooms could incentivize development of one bedroom units.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-419. - Additional regulations.

Additional regulations which shall apply to all uses in the PUD-R district include, but are not limited to:

- (1) Conditions, requirements, and standards contained in sections 90-428 through 90-433.
- (2) Utilities shall be placed underground in accordance with section 78-72.
- (3) All development shall be connected to central water and sewer.
- (4) Concurrency regulations.
- (5) Parking and loading regulations.

- (6) Landscaping regulations.
- (7) Sign regulations.
- (8) Accessory use regulations.
- (9) Supplementary use regulations.
- (10) Environmental and stormwater regulations.
- (11) Utilities regulations.
- (12) Subdivision/platting regulations.

(Ord. No. 989, § 1, 7-3-2007)

Secs. 90-420—90-427. - Reserved.

DIVISION 14. - REGULATIONS APPLICABLE TO ALL PUD-M AND PUD-R DISTRICTS

Sec. 90-428. - General development review standards.

The following general standards shall be utilized in evaluating and establishing conditions for PUD-M and PUD-R zoning districts and in reviewing conceptual and final site plans:

- (1) *Physical characteristics of the site.* The property shall be suitable for development in the manner proposed without hazard to persons or property, on or off the site. Conditions of soil, groundwater level, drainage, and topography shall be appropriate to both type and pattern of use intended.
- (2) *Compatibility and relationship to adjacent property.* The approval process of development in PUD-M and PUD-R districts shall take into consideration the existing uses and development adjacent to the district. The development shall be designed and located so as to avoid incompatibility with adjacent development or land uses to the extent reasonably possible. This shall be determined by requiring the applicant/developer to provide documentation that the location, design, and final site plan, as reflected in the eventual PUD-M or PUD-R ordinance, will result in a development that is consistent with sound planning principles and complies with all applicable ordinances and land development regulations. The PUD-M and PUD-R zoning categories contemplate, contrary to traditional zoning categories, innovative design and land use, including a mix of uses, with amenities, recreation areas and common areas, and use of zero lot lines. Regardless, the approval process will address compatibility with neighboring zoning categories, including that the overall density, height and location of buildings and improvements, traffic flow, drainage and retention, and overall impact of a PUD-M or PUD-R project, should not materially affect the nature of land uses enjoyed on adjacent properties.

Developments in PUD-M or PUD-R districts shall include additional screening, buffering, transitional uses or other design features, as necessary, to adequately protect existing or probable uses of surrounding property.

Opaque durable fencing, masonry walls, or a vegetative screen that is continuous within one year after time of planting, shall be provided at the periphery of PUD-M and PUD-R districts to protect occupants from undesirable views, lighting, noise or other off-site influences, and to protect occupants of adjoining properties from similar adverse influences.

This provision gives consideration to the site's advantages and limitations, as well as the compatibility of the development to adjacent sites. The design of the site should consider all existing features, both natural and man-made, to determine those inherent qualities that give the site and surrounding area its character.

- (3) *Access and internal circulation.* Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled access and turning movements and minimize hazards to vehicular and pedestrian safety. The interior circulation system shall be designed to provide for safe and efficient motorized and non-motorized (e.g., bicycles) vehicular and pedestrian movement, as appropriate to the character of the proposed development.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes friction and excessive interruptions, and promotes vehicular and pedestrian safety.

- (4) *Streets, drives, parking and service areas.* Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities.
- (5) *Natural and historic features.* Developments in a PUD-M or PUD-R district shall be designed to preserve natural features of the land and historic resources, such as existing trees, natural topography, and historic and archeological sites, as much as possible. Natural resources and natural features may not be impaired or destroyed unless it is in the public interest to do so. In

determining whether such action is in the public interest, the benefit which would reasonably be expected shall be balanced against the reasonably foreseeable detriments of the activity.

- (6) *Density*. Density shall not exceed maximums established in the comprehensive plan and shall be established after consideration of criteria in the comprehensive plan, neighborhood compatibility, and site design.
- (7) *Screening of trash and refuse containers*. All central refuse, trash and garbage collection containers, or those serving multiple dwelling units, shall be screened from sight or located in a such a manner so as not to be visible from any public area within or adjacent to the PUD-M or PUD-R district.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-429. - Petition requirements for rezoning to a PUD-M or PUD-R district.

A petition form provided by the city shall be filled out and submitted along with a written statement describing the nature and intent of the proposed development. The petition package shall include the following:

- (1) A professionally prepared conceptual site plan that conveys the general extent and character of the proposed development and that contains the following information:
  - a. The title of the project and name of the developer, owner, and authorized agents;
  - b. Areas of residential and nonresidential development;
  - c. Location and extent of proposed open space;
  - d. Location of proposed community or public uses (e.g., recreation areas, clubhouses, schools, houses of worship, etc.);
  - e. Basic vehicular, pedestrian and other circulation systems;
  - f. Proposed points and methods of access; and
  - g. Anticipated phasing plans.
- (2) A summary table with the following information.
  - a. Maximum number and type of residential units;
  - b. Total land area, overall gross residential density and land area and density of each individual residential area;
  - c. Total maximum square footage of each nonresidential use by type, land area and maximum square footage by type of nonresidential use for each distinct development area; and
  - d. Approximate land area devoted to conservation, retention, recreation, parks, and other open space areas.
- (3) Surveys, drawings or other information sufficient to indicate the general proposed plan for drainage including out-falls and a written summary of the proposed drainage plan.
- (4) A list and description of any areas or facilities proposed to be dedicated for public use.
- (5) A phasing plan if applicable, including a time frame for the completion of each phase and for the entire development.
- (6) An "as built" map of the site indicating the boundaries of the subject property and indicating all streets, buildings, water courses and other important features.
- (7) A description, and a map identifying the location, of all environmentally sensitive lands, wetlands, significant areas of native vegetation, and wildlife habitat.

- (8) A preliminary traffic impact analysis and discussion of the availability or proposed construction of necessary transportation facilities by proposed phase to verify that adequate capacity currently exists or will exist prior to issuance of any certificates of occupancy.
- (9) A preliminary analysis on the impact on schools.
- (10) A discussion of the proposed or anticipated sources of potable water, sanitary sewer, solid waste disposal and other utilities and the availability of such utilities based on projected residential and nonresidential demand.
- (11) A list of required regional, state or federal permits or approvals.
- (12) Documentation demonstrating that new growth associated with the project will occur in an area where public facilities exist, are planned within the city or county five-year capital improvements plan, or are committed to through a developer agreement, or otherwise assured to be funded by the appropriate agency.
- (13) A fiscal impact study of the proposed project demonstrating net fiscal benefit to the city (PUD-M only).
- (14) Other written or graphic materials, such as architectural elevations, may be submitted to convey or clarify the nature, character, intent or other attributes of the proposed development.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-430. - Other requirements and conditions.

- (a) All plans, maps, surveys, documents and the like required as part of the petition may be submitted in large format or in binders where appropriate for review and presentation purposes, but shall also be submitted in a reproducible format for distribution to review bodies unless a sufficient number of copies is provided.
- (b) When provisions for phasing are included in the development plan, each phase of the development must be so planned and related to previous development phases, surrounding properties, and the availability of public facilities and services that failure to proceed with subsequent phases of the development will have no adverse impact on any completed phase or surrounding properties.
- (c) The city council may establish, in addition to concurrency requirements, reasonable periods of time for completing the project or phases thereof, including any dedicated public facilities that are part of the development.
- (d) If the review of construction plans, the review of a final traffic impact analysis or the process of obtaining required regional, state or federal permits results in a finding by the city that amendments to the planned development are necessary beyond those that may be approved administratively, including a failure to meet an established level of service, the development plan shall be resubmitted to the city for review and consideration of such amendments in the same manner in which the planned development was initially approved.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-431. - Status of an approved PUD-M or PUD-R development.

When approved pursuant to the provisions of the land development regulations, the conceptual development plan and other materials and documents as are adopted by ordinance shall constitute an amendment to these regulations and the official zoning map. Development within a PUD-M or PUD-R district may occur only in conformity with the approved conceptual development plan unless amended as provided under section 90-433.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-432. - Review and approval process for rezoning PUD-M and PUD-R zoning districts.

- (a) The petition including the conceptual site plan, is reviewed by the building official/zoning administrator for completeness in accordance with section 70-334. When the petition is deemed complete, the formal substantive review process begins.
- (b) The technical review committee (TRC) reviews the conceptual plan and forwards its report and recommendations to the planning board in accordance with section 70-102.
- (c) The planning board reviews the petition for rezoning, including the conceptual site plan in accordance with section 70-152(3). This review is conducted at a public hearing [per section 70-335(3)] and the planning board's recommendation is forwarded to the city council for consideration.
- (d) The city council considers the petition for rezoning. If the rezoning is approved, the site plan review process is initiated.
- (e) The applicant submits the final site plan, accompanied by the more detailed information and drawings required for this review. TRC reviews the final site plan and approves, approves with changes or conditions, or denies the petition for site plan approval. If there are additional aspects of the site plan requiring approval by another body, such as variances or requests for exception to the parking regulations, the site plan is forwarded to the board of adjustment and/or city council, as appropriate, for final disposition.

**Commented [BS1]:** The City may consider revising this process to allow the Planning Board to review the submittal first. This would allow the applicant to gain feedback regarding uses and general planning that could then be applied to site planning, which would then be reviewed by the TRC.

(Ord. No. 989, § 1, 7-3-2007)

Sec. 90-433. - Amending an approved planned development.

A planned development approved as part of a rezoning to the PUD-M or PUD-R zoning districts, may be amended in the same manner in which it was initially approved; provided, however, that a minor amendment may be approved administratively by the city administrator after review and approval by the TRC. The city administrator, at his discretion, may direct that a minor amendment be considered in the same manner as the development plan was initially approved. A minor amendment is defined as follows:

- (1) Any decrease in the total square footage, density or intensity in the approved development plan;
- (2) Internal realignment of rights-of-way, other than a relocation of access points to the planned development itself, where there is no net reduction in the size of conservation, preservation or required open space areas or easements;
- (3) Relocation of building envelopes where there is no encroachment upon required conservation, preservation or required open space areas or easements and no reduction in the setbacks between buildings or from perimeter boundary lines;
- (4) Relocation of swimming pools, clubhouses, or other recreation or other common facilities when such relocation will have no net impact on adjacent properties or land uses, and do not encroach upon required conservation or preservation areas or required easements; and,
- (5) Relocation, reduction, or reconfiguration of lakes, ponds, or other water facilities subject to the submittal and approval of revised water management plans.

(Ord. No. 989, § 1, 7-3-2007)

**Planned Development Codes**  
**from**  
**Other Jurisdictions**

**Sec. 124-101. Special Zoning District Development Standards Planned & Overlay Districts.**

(a) **Planned Districts.** The following districts are considered Special Zoning Districts Planned Development Districts. See Section 124-303 for a list of all "planned" districts.

DISTRICT	
PUD	Planned Unit Development
OPI/PD	Office, Professional, and Institutional/Planned District
PCD	Planned Commerce Development
CM/PD	Commercial Marine/Planned Development
BRR/PD	Boutique Resort Redevelopment/Planned Development

(b) **Planned Development District Development Standards.**

(1) **All Planned Development District Development Standards.**

a. **Open Space Requirements.**

1. There shall be minimum open space requirements based on the total gross acreage for each planned development as set forth below:

Planned Development District	Minimum Required Open Space
Planned Unit Development (PUD) - Urban	30%
Planned Unit Development (PUD) - Semi-Rural	50%
Planned Unit Development (PUD) - Rural	50%
Office, Professional, Institutional (OPI/PD)	30%
Planned Commerce Development (PCD)	40%
Commercial Marine/Planned Development (CM/PD)	None
Boutique Resort Redevelopment/Planned Development (BRR/PD)	None

2. Lands designated as open space shall be restricted by appropriate legal instrument satisfactory to an attorney designated by the Board as open space in perpetuity, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, its successors, and assigns, and shall constitute a covenant running with the land, and shall be recorded.

3. Planned Developments within the Urban Service Area may incorporate up to one-half of any required open space into hardscape areas such as plazas.

b. **Internal Planned Development Standards.**

1. **Access.** Every use permitted in a planned development shall have access to a public street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public or private use, or via common element guaranteeing access. Permitted uses are not required to front on a dedicated public road.

2. **Underground Utilities.** Within a planned development, all utilities including telephone, television, cable, and electrical systems shall be installed underground, except for major transmission or distribution lines, which are exempt from this requirement. Appurtenances to these systems which require aboveground installation shall be permitted where natural features or safety or technical considerations necessitate aboveground construction and

routing. Aboveground installations shall be constructed and routed to minimize detrimental effects to the visual character of the district, and must be effectively screened by plantings, existing topography or by the placement of buildings or structures. Where plantings are used, such plantings shall achieve a minimum mature height equal to that of the structure, up to eight feet. Fire hydrants, public and emergency telephones, accessways to such utilities and primary facilities providing service to the site of the planned development may be excepted.

3. **Dedications.** For projects in excess of 50 acres, dedication for public utilization of a maximum of eight percent of the gross project area may be required where such dedication is in conformity with the Comprehensive Plan for the area involved and a finding is made by the appropriate body (Board of County Commissioners, School Board of Sarasota County, State of Florida, and so forth) that a demonstrated need exists (for schools, parks, fire stations, conservation areas, etc.).
  4. **Physical Character of the Site.** The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of soil, groundwater level, drainage, and topography shall be appropriate to both the kind and pattern of use intended.
  5. **Structures.** In cases where the provisions of Section 124-128, Architectural and Design Standards, do not apply, the exterior walls of any building or structure constructed in a OPI/PD or PCD District that directly faces a street, shall be constructed of one or a combination of the following materials: concrete aggregate, stucco, brick, stone, glass or wood. Other exterior walls may be constructed of other prefabricated materials such as metal. No exterior walls of exposed cinderblock are permitted.
  6. **Signage.** A master sign plan shall be required in all planned development districts in accordance with Section 124-49. All signs within a planned development district shall be consistent in terms of design, height, color and general materials. Prior to the issuance of the first sign permit in a planned development district, the developer or owner shall submit an overall signage plan for the district which provides information on how the size, type and materials of signs erected will be controlled.
- c. *Mixed-Use Development.* In addition to the commercial and industrial districts described in Section 124-76(c) and (d), commercial uses may be approved as provided in certain mixed-use zoning districts such as the following:
1. Planned Development Districts, see Section 124-101(b)(2);
  2. Planned Economic Development (PED) District, see Section 124-270;
  3. Hamlet Planned Development (HPD) District, see Section 124-271;
  4. Village Planned Development (VPD) District, see Section 124-271; and
  5. Settlement Area Planned Development (SAPD) District, see Section 124-271.
- (2) **Planned Unit Development (PUD) Overlay District.**
- a. *Purpose and Intent.*
    1. The PUD Overlay District allows more flexibility in use and site design than is permitted in the base zoning district. This flexibility is intended to encourage creativity and allow innovative projects that do not fit the pattern of the other zoning districts. The PUD Overlay District allows for the effective utilization of land, addresses impacts on nearby

uses, and protects the environment. Since this is an overlay district, the boundaries of all land approved for development as a PUD overlay shall be indicated as such on the Official Zoning Map along with the underlying zoning district designation (e.g., RSF-3/PUD).

2. The PUD Overlay District will provide flexibility in placement and clustering of residential units, while providing amenities for residents and preservation of open space. The overlay will also encourage the preservation and best use of natural or historical site features; and provide for efficient use of public services and improved levels of amenities. The district may also include internal civic and commercial uses as well as other nonresidential uses that support and enhance the livability of the neighborhoods and promote mixed use opportunities.
3. The PUD Overlay District is encouraged where tracts are suitable in size, location, and character of uses and structures proposed are to be planned and developed as unified and coordinated units. When rezoning to the PUD Overlay District, Development Concept Plans are binding. The PUD Overlay District is generally used to implement the Comprehensive Plan in the Urban Service Area Boundary, as well as areas designated as Rural and Semi-Rural on the Future Land Use Map.

b. *PUD Overlay District Dimensional Table.*

District	Minimum Site Area With Commercial	Commercial (maximum acres of %)	Density (maximum units/acre)	Height (maximum feet)
OUE	5,000	5 acres	0.2	35
RE-1	300	1.0%	0.5	35
RE-2	200	1.5%	1.0	35
RE-3	150	2.0%	2.0	35
RSF-1	120	2.5%	2.5	35
RSF-2	90	3.0%	3.5	45
RSF-3	75	4.0%	4.5	55
RSF-4	60	5.0%	5.5	65
RMF-1	60	5.0%	6.0	65 <sup>1</sup>
RMF-2	45	7.0%	9.0	75 <sup>1</sup>
RMF-3	30	10.0%	13.0 <sup>2</sup>	85 <sup>1</sup>

<sup>1</sup> Additional building height greater than the zoning district maximum building height shall not be permitted within 80 feet of the Intracoastal Waterway or the bay.

<sup>2</sup> An adopted Critical Area Plan may establish a maximum density above that indicated in this table, for mixed-use developments as defined in that plan, up to 25 units per acre, consistent with Future Land Use Policy 1.2.15 of the Comprehensive Plan.

c. *Master Plan Development Order.*

1. Notwithstanding the provisions of the table above, where a tract of land under unified control has been approved for development pursuant to a "master plan development order" (as such term is described in F.S. § 380.06(21)(b)), which is to contain two or more increments required to be filed as PUD's and which is to contain major public thoroughfares as described in the Master Development Order and depicted on the Future Land Use Plan Map of the Comprehensive Plan, the maximum acreage/percentage commercial for all PUD's within such lands covered under the Master Development Order

tract may be aggregated based upon the total gross acreage of the combined PUD's within the land covered under the Master Development Order tract.

- d. *Uses Permitted.* All uses proposed within the PUD shall be specified in the petition for rezoning to the PUD Overlay District and shown on the binding development concept plan. The PUD may contain any use allowed in the underlying zoning district and the following:
1. Any housing type, subject to the standards in Section 124-130, and upper story attached residential unless expressly modified at the time of approval of the PUD;
  2. Private clubs, community centers, civic and social organization facilities;
  3. Parks, playgrounds, putting greens, golf courses, tennis clubs;
  4. Public utility buildings, structures, and facilities necessary to service the surrounding neighborhood;
  5. Houses of worship, schools, child care centers, hospitals;
  6. Transient accommodations provided the minimum land area for a PUD with transient accommodations shall be equal to the required area for a PUD which contains a commercial component.
  7. Other uses of a nature similar to those listed above, after determination and recommendation by the Planning Commission, and determination by the Board at the time of approval that such use or uses is appropriate to the PUD development.
- e. *PUD Commercial Standards.*
1. Commercial uses located in a PUD are intended to serve the needs of the PUD and not the needs of a surrounding area. The maximum area within a PUD which may be devoted to commercial use, including any required off-street parking, shall be governed by the table above. Golf courses and country clubs shall not be considered commercial for the purposes of this calculation.
  2. Areas designated for commercial activities shall be oriented towards the interior of the project and shall not be located on exterior or perimeter streets or property boundaries, but shall be centrally located within the project to serve the residents of the PUD.
  3. Pursuant to subsection c.1, above, commercial uses proposed to be aggregated pursuant to an approved Master Plan Development Order (as such term is described in F.S. § 380.06(21)(b)) may be located along, or at the intersection of, public thoroughfares which are internal to the overall Master Development Order tract and depicted by the Future Land Use Plan Map of the Comprehensive Plan.
  4. Additional standards include the following:
    - i. For the purpose of designating commercial development within the PUD, a commercial classification must be requested and shown on the binding development concept plan. Only the CN, OPI or CG District may be designated. Where a previously-adopted PUD has a commercial area shown without a commercial designation, the applicant may select either the OPI or the CN District as the commercial designation.
    - ii. No individual internal commercial area may exceed five acres in size, except as where such sites meet the requirements of subsection e.3., above.

- iii. The commercial development area designated in the PUD shall comply with all of the use and development standards in the corresponding CN, OPI or CG District.
  - f. *PUD Internal Lots and Frontage.*
    - 1. Within the boundaries of the PUD, no minimum lot size, lot coverage or minimum yards shall be required. However, lots abutting land zoned other than PUD shall maintain a minimum yard for the underlying zoning district.
    - 2. Buildings over 35 feet in height shall be located two times the height of the building from the boundary of the PUD.
    - 3. For any PUD no minimum side yards shall be required, except that:
      - i. Adjacent structures shall be separated by at least 12 feet unless an alternative is approved pursuant to Section 124-133 (such as a sprinkler system or fire-resistant construction);
      - ii. The separation for screen enclosures and pool cages may be reduced to five feet provided that;
      - iii. There is no encroachment into any easements;
      - iv. Perpetual maintenance of drainage and landscape care for all lots are provided by the homeowners association and provisions are made for the perpetual maintenance in the binding covenants and restrictions; and
      - v. Construction materials used must be noncombustible.
    - 4. The maximum heights in the foregoing chart are inclusive of all in-structure parking unless a modification to height is requested in accordance with the modification provisions below.
  - g. *PUD Modification Provisions.* The PUD process can be used as a way to propose innovative, creative, compatible site-sensitive designs. To achieve such design any of the standards and requirements set out in this UDC, with the exception of sign regulations may be modified by the Board upon explanation of the purpose of the modification by the applicant and upon demonstration by the applicant that measures for mitigating potential adverse impacts have been taken. Additional standards include the following:
    - 1. All modifications requested must be indicated at the time of filing the rezoning petition for the PUD Overlay District or filing of a rezoning to amend an adopted PUD Overlay District.
    - 2. All modifications must be labeled and identified on the development concept plan.
    - 3. All proposed modifications shall be accompanied by documentation demonstrating that the modification is necessary, meets the intent of this District, is compatible with surrounding development, and any potential adverse impacts will be mitigated.
- (3) ***Office, Professional and Institutional/Planned District (OPI/PD).***
- a. *Purpose and Intent.*
    - 1. The OPI/PD District provides for offices, institutional, cultural, and allied uses. Upper-story residential uses are also allowed as an ancillary use to a professional or business office. The district is not retail commercial in character. OPI/PD development must be designed to minimize the impacts of the development on the adjacent residential area. When rezoning to the OPI/PD, Development Concept Plans are binding.

2. The OPI/PD District is generally used to implement the Comprehensive Plan within those areas of the County shown as Light Office on the Future Land Use Map. The OPI/PD District may also be used to implement any other designated land use that includes OPI as an implementing district.
3. Light Office developments are typically characterized by buildings of one or two stories that do not exceed 15,000 square feet per building. Site design is sensitive to adjacent residential areas with regard to such things as building location, building orientation, dumpster location, buffering, landscaping, and lighting.

(4) ***Planned Commerce Development District (PCD).***

a. *Purpose and Intent.*

1. The PCD District provides an area for coordinated mixed use developments which include industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. This district provides a mechanism to attract major employers to the County, in locations where the service needs of employees and customers are accommodated. This district allows for significant contribution to the economic base of the County and provides for housing opportunities near employment centers. The variety of land uses available in this district will allow flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.
2. Generally, land uses include manufacturing, wholesaling and warehousing, construction services, transportation services, limited retail trade and service, office, educational, civic, institutional, and residential uses in support of employment activities in the district. This district allows residential use, including upper story residential dwelling units, in order to promote live-work and mixed-use opportunities. When rezoning to the PCD District, Development Concept Plans are binding.
3. Developments at this scale are often also subject to a Development of Regional Impact or Critical Area Plan. The PCD District is generally used to implement the Comprehensive Plan within those areas of the County designated as Major Employment Center (MEC) or Major Employment Center/Interstate Regional Office Park (MEC/IROP) on the Future Land Use Map.

b. *Existing Planned Commercial Development.*

1. PCD Districts that existed prior to October 27, 2003, may be continued under existing development concept plans and approvals.
2. If the developer of a PCD District chooses to add residential development in accordance with this section, then the standards and provisions of this section pertaining only to residential development shall apply and the provisions of subsection f.2., below, shall not be imposed.
3. If the developer chooses to apply any other standards or use provisions of this section other than residential, the project shall be subject to all of the provisions of this section for all remaining, undeveloped land.

c. *Permitted Principal and Limited Uses and Structures:* Uses allowed by right in the district, or subject to certain use limitations. Such uses are subject to all other applicable requirements of this UDC. Additional dimensional standards may allow a more intense use through the Special Exception process as provided in Section 124-43.

1. Townhouse (semi-attached, roof-deck, stacked).

2. Multifamily (multiplex, apartment).
3. Live-work unit, subject to the standards of Section 124-139.
4. Upper story residential, subject to the following additional development standards:
  - i. All ground level square footage shall contain only nonresidential uses. For each level of upper story residential use, the total square footage of each residential level shall not exceed the ground level square footage of nonresidential development nor shall it exceed allowable density and height. For the purposes of this section, the calculation of the ground level square footage shall not include any ground level in-structure parking areas.
5. All group living (Defined in Section 124-305), including boarding house; rooming house; fraternity; sorority; orphanage (NAICS 623999); community residential homes (subject to the standards of Section 124-145); group home for the physically disabled, mentally disabled, or emotionally disturbed with 14 or more residents; hospice, nursing, or convalescent home (NAICS 623111); monastery; convent; residential facility without individual self-contained dwelling units. These uses shall be subject to the standards of Section 124-144.
6. All community service, except Rural Retreat Center.
7. Family day care home (Defined in Section 124-305).
8. Large family child care home (Defined in Section 124-305).
9. Day care facility (Defined in Section 124-305), including intermediate childcare, afterschool, and latch-key programs. A day care facility with 11 or more children shall be subject to the standards of Section 124-146.
10. Adult day care home (up to 6) (Defined in Section 124-305).
11. Adult day care facility (7 or more) (Defined in Section 124-305).
12. College, seminary, or university (NAICS 6112 and 6113, not including vocational, trade, or business schools).
13. Day facility (Defined in Section 124-305).
14. Elementary, middle or high school (NAICS 611110).
15. Vocational, trade or business school (NAICS 6112—6115).
16. All medical, dental, and chiropractic offices, laboratories and facilities (NAICS 6211, 6213, 6214, 6215, 6216, 6219, 6221), except pain management clinics (Defined in Section 124-305).
17. Patient family accommodations (Defined in Section 124-305), subject to Section 124-154.
18. All parks and open areas, except cemetery, columbaria, mausoleum, memorial park, and wild animal sanctuary.
19. All passenger terminals, including bus passenger terminal, taxi dispatch center, train passenger terminal (NAICS 485), scenic and sight-seeing tour.
20. Airports and heliports (NAICS 481), subject to the following standards:

Adequate land area is available for take-off and landing to ensure public safety in accordance with Federal Aviation Administration standards. In addition, the helicopter landing facility and the aircraft runway shall be a minimum of 500 feet from all property

lines. Exceptions to the 500-foot setback shall be allowed only where abutting properties allow the use and the use is not prohibited on abutting properties by private covenant or restriction.

21. All places of worship (NAICS 813110).
22. Neighborhood resource center (Defined in Section 124-305).
23. Major utilities (Defined in Section 124-305), including aeration facility, artesian well, wastewater treatment facility, subject to the standards of Section 124-137, except those requiring Special Exception approval as specified in subsection e. below.
24. Minor utilities (Defined in Section 124-305), including neighborhood-serving telephone exchange, gas, or electrical installation; water and wastewater pump station or lift station.
25. Stormwater facility in a different zoning district than principal use.
26. Indoor recreation including convention center, movie theater, and other theater (NAICS 512131, 7111); but excluding those requiring Special Exception approval as specified in subsection e. below.
27. Bar (Defined in Section 124-305), subject to criteria outlined under "Restaurants". See additional criteria regarding "Indoor/Outdoor Entertainment" in this Section.
28. Clubs and lodges (Defined in Section 124-305).
29. Entertainment, indoor (Defined in Section 124-305), within a completely enclosed building shall be permitted between 8:00 a.m. and 10:00 p.m. After 10 p.m., such indoor entertainment shall require a Special Exception approval as specified in subsection e. below. All entertainment shall be governed by Air and Sound Pollution and Noise, Chapter 54, Article V and VI of the County Code.
30. Indoor facility for extreme sports such as paintball, BMX, or skateboarding.
31. Firing range or archery range, indoor (Defined in Section 124-305).
32. Gymnastics facility, martial arts facility, fitness gym, dance and fine arts studio, indoor sports academy (NAICS 611620 and 611610).
33. All offices, including government and non-government offices, urgent care facilities, emergency medical offices, counseling in an office setting, and TV and radio studios
34. Community recreation center (Defined in Section 124-305).
35. Entertainment, outdoor (Defined in Section 124-305). Outdoor entertainment is permitted between 8:00 a.m. and 10:00 p.m. After 10:00 p.m., such outdoor entertainment shall require a Special Exception approval as specified in subsection e. below. All entertainment shall be governed by Air and Sound Pollution and Noise, Chapter 54, Article V and VI of the County Code.
36. All commercial parking (NAICS 812930) including park-and-ride facility.
37. All restaurants (NAICS 722511, 722513, 722514) and small scale catering establishments (NAICS 722310 and 722320), except drive-thru (drive in) (Defined in Section 124-305). Restaurants shall be subject to the standards of Section 124-140.
38. Drive-thru (drive in) (Defined in Section 124-305).
39. All retail sales (NAICS 442—453); Personal services (NAICS 811490); Professional services (NAICS 54); and Household goods maintenance and repair services (NAICS 8112—8114).

40. The following retail sales and services are excluded: Those uses requiring Special Exception approval as specified in subsection e. below; motor vehicle and mobile home dealers (NAICS 441 and 453930), Pawn shops (NAICS 522298), and retail sales (NAICS 442 453, except 453930), and Medical Marijuana Dispensary (Defined in Section 124-305) Animal hospital, veterinary clinic, with or without animal boarding; pet resort (use in conjunction with an animal hospital or veterinary clinic) (NACIS 812910). Animal Hospital or veterinary clinic with outdoor boarding and any animal boarding facility with outdoor dog runs shall also comply with the requirements of Section 124-147.
41. Convenience store (Defined in Section 124-305), with gas pumps, gas station minimart, subject to the standards in Section 124-148.
42. Convenience store (Defined in Section 124-305), without gas pumps.
43. Drive-thru retail sales or service.
44. Package store (Defined in Section 124-305).
45. Vehicle parts and accessories (NAICS 441310).
46. Retail of lumber and building supplies (NAICS 444110 and 444190) up to 60,000 square feet gross floor area.
47. All self-service storage (NAICS 531130).
48. All transient accommodations including hotels, motels, inns, and extended stay facilities (NAICS 721110), not including bed and breakfast (Defined in Section 124-305), subject to the following standards:
  - i. Establishments having more than 100 rooms may have a restaurant, and bar and, in addition, shops for the retail sale of flowers, sundries, books, jewelry, gifts, art and similar items, and barber or beauty shops. Such uses must be located inside the main building.
49. Car wash, full or self-service (Defined in Section 124-305). Automatic car wash buildings shall be subject to the standards of Section 124-152.
50. Vehicle service (NAICS 8111), general, including quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bed liner installation, provided such repair is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting. If the establishment has more than two service bays it shall be subject to the following criteria:
  - i. The service bay doors shall not be oriented toward the public right-of-way or residentially-zoned property, or
  - ii. Shall be screened from view from the public right-of-way or residentially zoned property.
51. All light industrial service.

The following light industrial services are excluded: crematorium; and medical marijuana research or processing (Defined in Section 124-305)
52. Warehouse and freight movement (NAICS 481112, 481212, 482111, 482212, 483111, 483113, 483211, 484, 488310, 488320, 4931), excluding stockpiling of sand and gravel.
53. All places of worship.
54. Brewpub subject to the standards of Section 124-155.

d. *Permitted Accessory Uses and Structures:*

Uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures. These uses are subject to the standards of Section 124-73, Accessory Uses and Structures.

e. *Special Exceptions:* Uses allowed only where approved as a Special Exception by the Board in accordance with the procedures of Section 124-43. Special Exception uses are subject to all other applicable requirements of this UDC, including any additional standards listed below, except where expressly modified by the Board as part of the Special Exception approval.

1. All social service institutions (NAICS 622210, 623210, 623220, 623990, 6242), except Neighborhood resource center (Defined in Section 124-305), subject to the following standards:
  - i. The facility shall be located on a parcel not less than two acres in size.
  - ii. No structure shall be closer than 50 feet to any residentially-zoned property.
2. Major utilities (Defined in Section 124-305), including electric substation, electric or gas generation plant, filter bed, railroad right-of-way (new), water pumping facility, water tower, or water tank; but excluding aeration facility, artesian well, wastewater treatment facility, subject to the standards in Section 124-137.
3. Bar (Defined in Section 124-305), with outdoor entertainment after 10:00 p.m. or outdoor dining after 10:00 p.m. Sunday through Thursday, or after 11:00 p.m. Friday and Saturday.
4. Entertainment, indoor (Defined in Section 124-305), with entertainment after 10:00 pm All entertainment shall be governed by Air and Sound Pollution and Noise, Chapter 54, Article V and VI of the County Code.
5. All outdoor recreation, including circus ground (NAICS 711190), drive-in theater (NAICS 512312), batting cage, golf driving range, mini-amusement park, miniature golf facility, swimming pool, tennis court, water park, stadium or arena, motor vehicle racing track or facility, commercial amphitheater, ballfield, commercial tourist attraction, and winter quarters or training quarters.

The following outdoor recreation uses are excluded: community recreation facility (Defined in Section 124-305); outdoor Facility for extreme sports such as paintball, BMX, or skateboarding; firing range or archery range, outdoor (Defined in Section 124-305); flea market, outdoor; golf course, executive and par-three golf courses, clubhouse, yacht club, tennis club, country club; hunting/fishing camp or dude ranch (Defined in Section 124-305); recreational vehicle park/campground (Defined in Section 124-305); riding academy or public stable (Defined in Section 124-305); sports academy (Outdoors) (NAICS 611620); wilderness camping (Defined in Section 124-305); and commercial hunting and trapping (Defined in Section 124-305).
6. Dog or horse track, jai-alai fronton.
7. Entertainment, outdoor (Defined in Section 124-305), entertainment after 10:00 pm All entertainment shall be governed by Air and Sound Pollution and Noise, Chapter 54, Article V and VI of the County Code.
8. Polo club.
9. Special events in conjunction with an approved outdoor recreation use, subject to the standards of Section 124-142.

- 10. Garden center (Defined in Section 124-305), completely enclosed.
- 11. Garden center (Defined in Section 124-305), outside merchandise.
- 12. Retail sales (NAICS 442-453, except 453930), over 60,000 square feet gross floor area in a single occupant building.

f. *Additional Use Standards in PCD Districts.*

1. **PCD with Only Office or Industrial Development.**

- i. A PCD District may contain 100 percent office uses, 100 percent Industrial uses, or a mix of the two uses, with or without upper-story residential development.
- ii. Internal cafeterias, employee recreational facilities, retail sales, day care or other accessory uses customary to office or industrial use may be permitted provided that they are located entirely within a proposed office or industrial building and do not advertise through external signage.
- iii. Where residential development is proposed as a principal use within a PCD District, the provisions of subsection 3., below, shall apply.

2. **PCD with Residential or Commercial Development.** Where a proposed PCD District contains residential or commercial uses, the following table illustrates the minimum and maximum percent of land area that shall be devoted to various land use categories. Any calculation of land area shall include, at minimum, the principal building and any accessory structures, along with any required parking areas.

Use Category	Not Less Than	Not More Than
<i>Residential</i> (Defined in Section 124-305)		
Upper Story Residential	15% of gross first-floor nonresidential SF	13 units/acre
All Other Residential	0% of land area	25% of land area
<i>Public/Civic</i> (Defined in Section 124-305)	5% of land area	50% of land area
<i>Commercial</i>		
Office Uses	30% of land area	95% of land area
All Commercial Uses (excluding Office Uses)	0% of land area	10% of gross land area (not more than 5% of gross land devoted to Retail Sales and Service, Restaurant, Bar and Brewpup)
<i>Industrial</i>	0% of land area	65% of land area (No more than 15% devoted to Vehicle Sales and Services uses.)

3. **Residential Areas.** Where upper story residential uses are permitted, the acreage of the site may be applied to both the lower story uses and the upper story residential use.

A 20-acre parcel would allow 260 upper-story residential units (at 13 units per acre). These units would be in addition to any nonresidential development on the parcel.

4. **Commercial Areas.**

- i. The PCD development may exceed the five percent limitation for the gross land area devoted to restaurants and retail sales and service, and the ten percent limitation of the gross land area devoted for all commercial uses in a Major Employment Center (MEC) as identified through the adopted Critical Area Plan or Development of Regional Impact, provided a special exception in accordance with Section 124-43, is approved. The purpose of this special exception provision is to allow the consideration of large-scale ("big-box") retail uses, where appropriate, in a PCD development.
- ii. Where no Critical Area Plan or DRI has been adopted, retail sales and service uses plus restaurant uses, plus vehicle sales and service cumulatively shall not exceed five percent of the total land area of the individual PCD zoned parcel. All Site Development Plans shall identify any retail sales and service uses, restaurant uses, and vehicle sales and service uses and shall provide an individual and cumulative totals of the acreage of retail sales and service uses, restaurant uses, and vehicle sales and service uses on the PCD-zoned parcel.

g. *Development Standards.*

- 1. The following table summarizes the development standards in the Planned Commerce Development (PCD) District:

PLANNED COMMERCE DEVELOPMENT	Standards PCD
<i>Density (maximum DU/acre)</i>	
Residential	13.0
Transient Accommodations	
Over 25% of units with cooking facilities	18.0
Up to 25% of units with cooking facilities	36.0
<i>Lot Dimensions (minimum)</i>	
Lot Area per unit, Residential Uses (sq. ft.)	2,420
Building Separation (feet)	12
Lot Area, All Other Uses (acres)	1
Lot Width, All Other Uses (feet)	150
<i>Yards (minimum feet)<sup>5</sup></i>	
Street Yard <sup>4</sup>	50
Side Yard	20
Rear Yard	35
Side, Rear Yard Abutting Residential District	35
Waterfront Yard	20/30 <sup>1</sup>
All other Waterfront Yards	20
<i>Bulk (maximum)</i>	
Height (feet)	
Lot under 2 acres	35
Lot of 2—5 acres	50
Lot over 5 acres	65 <sup>2</sup>
Building Coverage, Residential	n/a
Building Coverage, Nonresidential	40%
Floor Area Ratio (FAR)	1.0 <sup>3</sup>
<i>Table Notes:</i>	

- <sup>1</sup> Intracoastal Waterway and bays: 30 feet. All other waterfront yards: 20 feet.
- <sup>2</sup> Additional height may be permitted by special exception.
- <sup>3</sup> Maximum FAR applies when development is located within Major Employment Centers as designated in the Comprehensive Plan. FAR may be exceeded by 50 percent when conditions of Future Land Use Policy 2.6.6 of the Comprehensive Plan are met.
- <sup>4</sup> Street yards may contain parking areas.
- <sup>5</sup> Rear and side yards may contain parking areas, loading areas, and refuse collection and storage areas.

**2. Open Space Requirements.**

- i. Minimum Required Open Space: 40%
- ii. The primary purpose of open space is to assist in maintaining a park-like setting, conserve or preserve native habitats and to assure adequate internal and external buffering among potentially incompatible land uses.
- iii. A minimum of 40 percent open space shall be required for the total land area as reflected by the PCD section of an adopted Critical Area Plan, or an approved Development Order for a Development of Regional Impact or for lands zoned PCD which are not subject to a Critical Area Plan or DRI. See also Section 124-72(b), Open Space.

**3. Land Required for Rezoning.** Minimum land required for rezoning is ten acres, unless this requirement is waived by the Board prior to application for the rezoning.

**4. Perimeter Buffer Area.**

- i. A minimum buffer width of 50 feet with a buffer opacity of 0.7 shall be required surrounding the entire PCD development and a master landscape plan incorporating this buffer shall be submitted prior to, or concurrent with, the initial Site Development Plan submittal. Such buffer areas shall be developed and maintained in accordance with Section 124-122, Landscaping and Buffering.
- ii. Modification of the perimeter buffer to less than 50 feet in width may be approved by the Board upon a demonstration by the applicant that one or more of the criteria below have been met and measures for mitigating potential adverse impacts associated with surface water quality, visual screening, land use compatibility, noise control, and site lighting have been taken.
- iii. The buffer area is adjacent to an existing utility or drainage easement of at least 150 feet in width; or a limited access highway with a right-of-way of at least 300 feet in width; or
- iv. The buffer area is not adjacent to existing residential development or a planned Urban Residential area designated in the Comprehensive Plan in effect at the time of the petition.

**h. PCD Modification Provision.** Any of the standards and requirements set out in Article 8 of this UDC with the exception of sign regulations may be modified by the Board upon demonstration by the applicant that measures for mitigating potential adverse impacts have been taken. Additional standards include the following:

1. All modifications requested must be indicated at the time of filing the rezoning petition for the PCD District or filing of a rezoning to amend an adopted PCD District.
2. All modifications must be labeled and identified on the development concept plan.
3. All proposed modifications shall be accompanied by documentation demonstrating that the modification is necessary, meets the intent of this District, is compatible with surrounding development, and any potential adverse impacts will be mitigated.

(5) **Commercial Marine/Planned Development District (CM/PD).**

a. *Purpose and Intent.*

1. The purpose of the CM/PD District is to provide flexibility to the CM zoning district development standards to allow a smaller proportion of commercial use to residential use than is provided in Section 124-76(c)(6), in a manner that is determined by the Board to be mutually beneficial to the County and the development. The CM/PD District is intended to encourage creative and flexible approaches to site planning and use consistent with the objective that residential uses be allowed to facilitate retention and enhancement of commercial and especially public use of the property and the waters adjacent or appurtenant to the property.
2. On lands zoned CM, the Board may allow upper-story/attached residential in the CM District with a smaller proportion of commercial to residential if the Board approves a rezone to a CM/PD District for the property.

b. *Standards.*

1. The Board may allow upper-story attached residential in the CM District with a smaller proportion of commercial to residential than would otherwise be allowed by the upper story/attached residential limited use provisions of Section 124-76(c)(6), if the Board approves a rezone to a CM/PD District for the property.
2. CM/PD District flexibility includes, but is not limited to the following:
  - i. Flexibility in the ratio of upper-story/attached residential use and space to commercial/public use and space;
  - ii. Transfer of units from adjacent Marine Park (MP) District submerged bottoms as allowed in Section 124-77(b)(2)e, providing for transfer of residential units from MP zoned lands to adjacent residentially zoned uplands in common ownership;
  - iii. Flexibility in density and intensity distribution;
  - iv. Flexibility in structure type and project design; and
  - v. A greater proportion of residential use than would be achievable under conventional zoning.

In exchange, the County may require preservation zones, buffers, density transition zones, recreation facilities, and public access to waterways in excess of the County's minimum standards as determined by the Board to be beneficial to the County.

c. *CM/PD Modification Process.*

1. The CM/PD process can be used as a way to propose innovative, creative, compatible site-sensitive designs. To achieve such design, any of the standards and requirements set out in this UDC may be modified by the Board upon explanation of the purpose of the

modification by the applicant and upon demonstration by the applicant that measures for mitigating potential adverse impacts have been taken. Additional standards include the following:

- i. All modifications requested must be indicated at the time of filing the rezoning petition for the CM/PD District or filing of a rezoning to amend an adopted CM/PD District.
- ii. All modifications must be labeled and identified on the binding development concept plan.
- iii. All proposed modifications shall be accompanied by documentation demonstrating that the modification meets the intent of this district, is compatible with surrounding development, and any potential adverse impacts will be mitigated.
- iv. Specific CM/PD District regulations are negotiated voluntarily by both the developer and the County, and neither is guaranteed maximum benefits by right.
- v. The standards found in Section 124-101(b)(1) and (2), above are not requirements for the CM/PD District, but may be included as stipulations within the approval.
- vi. The uses in the CM/PD may only be upper-story/attached residential dwelling units and those uses and structures allowed in the CM Zoning District.
- vii. The CM/PD District shall be determined by the Board to be compatible with the surrounding areas. The Board has the discretionary authority to deny a request for a rezone to the CM/PD District when a determination is made that the planned district will not be beneficial to the County.

**(6) *Boutique Resort Redevelopment/Planned Development District (BRR/PD).***

a. *Purpose and Intent.*

1. This historically designated zoning district is intended to apply exclusively to historically significant properties containing existing transient accommodations and related tourism resort facilities developed prior to the establishment of current development standards. Historically significant properties means any building or structure which, in whole or in any structural part, has traditionally operated as a transient/tourism facility and was built utilizing architectural/development styles consistent with an important period in Sarasota County's history. The intent of allowing such properties to be rezoned to BRR/PD is to facilitate and encourage their being improved, redeveloped and expanded within such properties or expanded onto adjacent properties with "boutique" motel or hotel resort uses which have no more than 75 rooms total unique settings, and offer unique accommodations. This district is intended for properties on the mainland (not on the Barrier Islands) which possess the following characteristics:
  - i. Contain nonconforming transient accommodation uses;
  - ii. Are located on the mainland along an arterial or collector roadway;
  - iii. Are proximate to tourist attractions, restaurants, and shopping facilities; and
  - iv. Are able to be improved, redeveloped or expanded in a manner that is compatible with surrounding uses and in compliance with this district.

2. The improvement, redevelopment and expansion of such transient accommodates and resort uses is a vital component to maintaining a thriving urban area and accommodating and enhancing tourism, which is of great importance to the economy of Sarasota County. The redevelopment of existing boutique transient accommodations and resort properties present greater challenges than the development of an undeveloped site. It is intended that this district will be utilized to facilitate the improvement, redevelopment and expansion of existing transient accommodations on the properties described in this section to implement the Comprehensive Plan within those areas shown as High Density Residential, Medium Density Residential, and Moderate Density Residential on the Future Land Use Map. This district shall not be utilized to implement the Comprehensive Plan within any other areas shown on the Future Land Use Map, including, but not limited to, Barrier Island, and Low Density Residential.
- b. *Permitted Principal Uses and Structures.*
    1. Transient accommodations.
  - c. *Permitted Accessory Uses and Structures.*
    1. Uses and structures which:
      - i. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
      - ii. Do not involve the conduct of business on the premises.
      - iii. Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership.
    2. Notwithstanding paragraph 1.ii., above, the rental or leasing of rooms from an office located within such facility is permitted, provided the office is not used for the rental or leasing of offsite rooms or real estate or any appurtenances thereto.
    3. Transient accommodations may have accessory uses such as a restaurant, bar, or shops for the retail sale of gifts and convenience goods. Any restaurant or bar must be shown on the binding development concept plan at the time of Rezoning unless these accessory uses are oriented and located internally to the resort parcel.
  - d. *Prohibited Uses and Structures.*
    1. Any use or structure not specifically, provisionally, or by reasonable implication permitted herein, or permissible by special exception.
    2. Transmission tower (see Chapter 118, Article II of the County Code).
    3. Residential uses, including Single-Family Dwellings, Two-Family Dwellings, Multifamily Dwellings and Multiple Dwelling Use Dwellings.
  - e. *Special Exceptions.* None
  - f. *Maximum Density.* In order to encourage preservation of existing transient accommodations within the BRR/PD District and facilitate their redevelopment, density of transient accommodations within this District shall be calculated as follows:
    1. Each transient accommodation not having a kitchen shall be equal to  $\frac{1}{4}$  unit.
    2. Each existing transient accommodation having a kitchen shall be equal to  $\frac{1}{3}$  unit.No new transient accommodation constructed within the BRR District shall have a kitchen. The maximum density allowed for a transient accommodation within the BRR/PD District as

calculated pursuant to this Section 124-101(b)(6) shall not exceed the maximum density allowed under the Future Land Use Designation for the property. Furthermore, no more than 75 transient accommodations shall be permitted within any transient accommodation rezoned to BRR/PD.

For the purposes of this Section 124-101(b)(6), "existing transient accommodation" shall mean and include only (i) a transient accommodation unit existing on the property at the time it is rezoned to BRR/PD and (ii) a multifamily unit existing on the property at the time it is rezoned to BRR/PD that is being converted to a transient accommodation unit pursuant to the Rezoning. Only such improvements are eligible for use as a transient accommodation unit having a kitchen within the BRR/PD District.

- g. *Minimum Lot Requirements.* None
- h. *Maximum Lot Coverage by All Buildings.* 35 percent
- i. *Minimum Open Space Requirements.* None
- j. *Minimum Yard Requirements.*
  - 1. Street Yard: 20 feet
  - 2. Side Yard: 15 feet
  - 3. Rear Yard: 15 feet
  - 4. Waterfront Yard: 35 feet
- k. *Maximum Height of Structures.* 35 feet
- l. *Landscape Buffer Requirements.* Due to the unique and limited physical site constraints of existing transient accommodation sites implementing the BRR/PD district, landscape buffers shall be reviewed on a case by case basis at the time of rezone review and approval. Landscape buffers shall comply with Section 124-122 of this UDC.

However, the following buffer requirements shall apply:

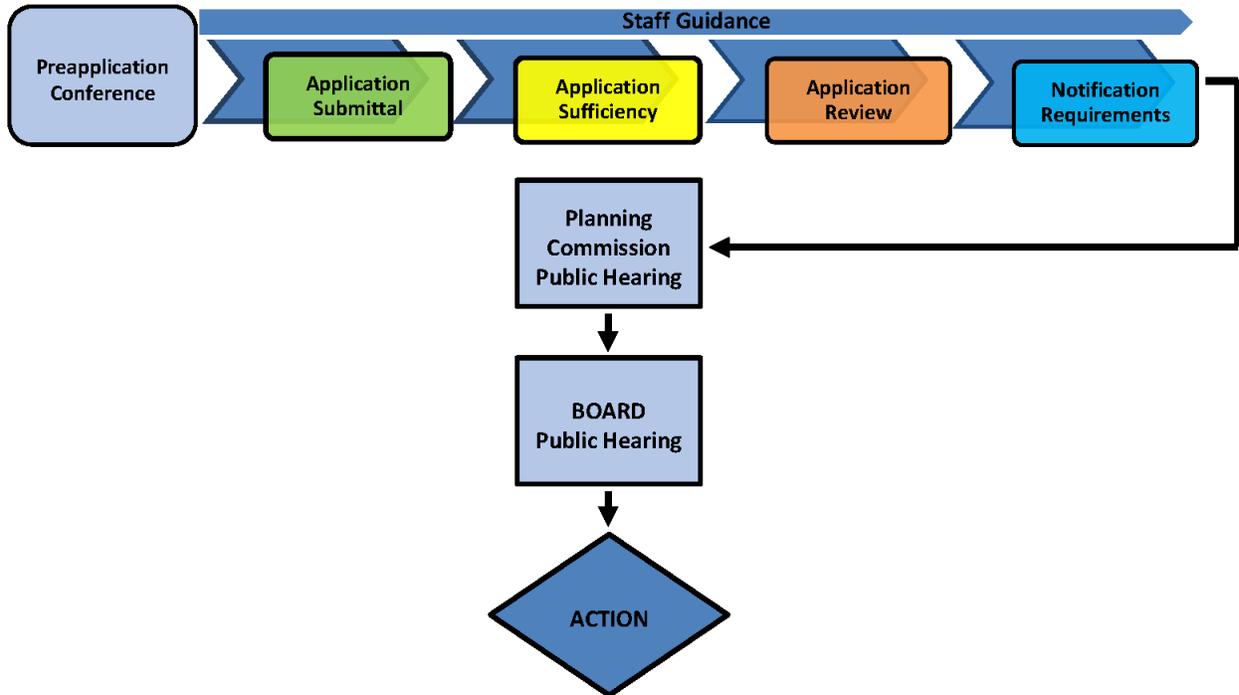
  - 1. Project boundary buffers adjacent to residentially zoned property shall have a minimum opacity of .5.
  - 2. Fences and walls may be used in meeting the opacity requirements.
- m. *Rezone to BRR/PD District.*
  - 1. Development Concept Plans shall be binding.
  - 2. Rezonings to the BRR/PD District are permitted only on lands meeting the following characteristics:
    - i. Contain existing nonconforming transient accommodation uses;
    - ii. Are located on the mainland; and
    - iii. Are located proximate to an arterial or collector roadway.
- n. *BRR/PD modification provision:* The BRR/PD process can be used as a way to preserve and enhance creative, compatible, site sensitive designs in the redevelopment and expansion of existing transient accommodations. To achieve such design, any of the standards and requirements set out in this UDC may be modified by the Board upon explanation of the purpose of the modification by the applicant and upon demonstration by the applicant that mitigating potential adverse impacts have been taken. Additional standards include the following:

1. All modifications requested must be indicated at Rezoning Application to the BRR/PD District or filing of a Rezoning Application to amend an adopted BRR/PD District.
2. All modifications must be labeled and identified on the Binding Development Concept Plan.

(Ord. No. 2019-006, § 6, 4-23-2019; Ord. No. 2019-016, § 3, 5-21-2019; Ord. No. 2020-010, § 2, 6-3-2020; Ord. No. 2020-012, § 3, 7-8-2020; Ord. No. 2020-025, § 2, 8-26-2020)

**Sec. 124-40. Planned Development and Overlay Districts Review Procedure.**

(a) **Review Procedure Established.** Each Component Part depicted within the flow chart below is required in accordance with Section 124-36 together with this Section 124-40.



(b) **Applicability.** The provisions contained herein shall apply to the Planned Development and Overlay District applications for districts including but not limited to Planned Unit Development (PUD), Commercial Marine/Planned Development (CM/PD), Planned Commerce Development (PCD), Office, Professional, and Institutional (OPI/PD) Districts (Article 7).

- (1) **Unified Control.** All land included for purpose of development as a Planned Development shall be under the legal control of the applicant. Applicants requesting approval of a Planned Development shall present firm evidence of unified control of the entire area within the proposed planned development together with a certificate of apparent ownership and encumbrance with the opinion of counsel representing the applicant, establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of this UDC.
- (2) **Locational Standards for Planned Developments.** In reaching recommendations on decisions as to approval of a planned development, the Planning Commission and the Board shall apply the following locational standards:
  - a. The concept of planned development is an important instrument in the implementation of the Comprehensive Plan. Planned developments shall be located in conformity with the Comprehensive Plan and particularly with the future land use plan.
  - b. Relation to major transportation facilities. Planned developments shall be so located with respect to arterial streets, highways, collector streets, or other transportation facilities as to provide direct access to such planned developments without creating or generating traffic along minor streets in residential areas or districts outside the planned development.

- c. Relation to utilities, public facilities, and services. Planned developments shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under current zoning and development policies for the area. Such planned developments shall be so located with respect to necessary public facilities as to have access to such facilities in the same degree as would development permitted under existing zoning, and shall be so located, designed, and scaled that access for public services is equivalent to, and net cost for such services is not greater than, access and net costs for public services for development permitted under existing zoning.
  - d. However, if the applicants (1) provide private facilities, utilities, or services approved by appropriate public agencies as substituting on an equivalent basis, and assure their satisfactory continuing operation permanently, or until similar public utilities, facilities or services are available and used, or (2) make provision acceptable to the County for offsetting any added net public cost or early commitment, the granting of the planned development district may be approved.
  - e. In computing the added net public costs, the difference in anticipated public installation, operation, and maintenance costs and anticipated public revenue shall be considered.
- (c) **Component Parts of Review Procedure.**
- (1) **Preapplication Conference.** Prior to initiating an application for a Planned Development, a Preapplication Conference with the Development Review Coordination staff pursuant to Section 124-37 is required.
  - (2) **Application Submittal.** A Development Concept Plan shall accompany the application and is required for determination as to the internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems and facilities.
  - (3) **Application Sufficiency.** Applications for a Planned Development shall be accompanied by a clear statement and accounting that presents the applicant's purpose for the requested Planned Development. The statement shall include those facts that clarify the need for the Planned Development, the Planned Development application's context, the consequences of the Planned Development, each of the findings within subsection (6) below, and the following:
    - a. The proposed development shall be in accordance with the provisions of this UDC and such conditions as may be attached to any rezoning to the applicable planned development district.
    - b. Provide agreements, contracts, deed restrictions and sureties acceptable to an attorney designated by the Board for completion of the development according to the approved plans; and maintenance of such areas, functions and facilities as are not to be provided, operated, or maintained at public expense.
    - c. Place covenants on the property to bind their successors in title to any commitments made under subsections a. and b. above.
    - d. All such agreements and evidence of unified control shall be examined by the County Attorney and no planned development shall be approved unless such agreements and evidence of unified control meet the requirements of this UDC and the County Code.
    - e. The application shall address how the Planned Development preserves the UDC's consistency with the Comprehensive Plan.

- (4) **Application Review.** The staff reviewing the proposed Planned Development shall consult with other County departments and agencies, and the Development Review Coordination (DRC) staff. The County shall consider and study:
  - a. The need and justification for the proposed Planned Development;
  - b. Applicability of the proposed Planned Development county-wide; and
  - c. The relationship of the proposed Planned Development to the Comprehensive Plan, with appropriate consideration of consistency and as to whether the proposed Planned Development will further the purposes of this UDC and the County Code, regulations, and actions designed to implement the Comprehensive Plan.
- (5) **Public Hearing Notification Requirements.** Notice shall be provided as set forth within Section 124-36(c)(5) for both the Planning Commission and Board public hearings.
- (6) **Public Hearings.** All applications for Planned Development shall be considered first by the Planning Commission and subsequently by the Board each at public hearings respectively. The recommendation of the Planning Commission shall be advisory only to the Board and shall not be binding upon the Board. After the required public hearing, the Planning Commission may recommend to the Board that the request for a Planned Development be approved, approved with stipulations or denied. In making its recommendation, the Planning Commission shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements of Section 124-39 applicable to the grant of Rezoning generally, and in addition:
  - a. The requirements of unified control and agreement set out in Section 124-40(b)(1) and Section 124-40(c)(3)b;
  - b. Locational standards set out in Section 124-40(b)(2);
  - c. The internal Planned Development District standards set out for the specific District in Article 7;
  - d. The tract for the proposed Planned Development is suitable in terms of its relationship to the Comprehensive Plan and that the area surrounding the proposed Planned Development can continue to be developed in coordination and substantial compatibility with the Planned Development proposed;
  - e. The desirable modifications of the general zoning or Planned Development regulations, as applied to the particular case, justify such modification of regulations and meet to at least an equivalent degree the regulations modified, based on the design and amenities incorporated in the development concept plan; and
  - f. Open space in accordance with this UDC is provided for the proposed Planned Development, and desirable natural features indigenous to the site are preserved in the development plan presented.
- (7) **Action.** After the required public hearing, the Board may approve, approve with stipulations or deny the application for Planned Development.
  - a. **Binding Nature of Approval for Planned Development District.** All terms, conditions, safeguards and stipulations made at the time of approval for the Planned Development, including the associated development concept plan, shall be binding upon the applicant or any successors in interest. All stipulations shall be recorded in the deed records of the County. Deviations from approved development concept plans or failure to comply with any requirement, stipulation, or safeguard shall constitute a violation of this UDC.

- b. *Development of Lands Subject to the Planned Development District Provisions.* All development in any Planned Development shall be subject to the requirements of Section 124-53, Binding Development Concept Plans Modifications.

(Ord. No. 2019-006, § 4, 4-23-2019)

NAPLES  
PART II - CODE OF ORDINANCES  
Chapter 58 - ZONING  
ARTICLE II. - ZONING DISTRICTS  
DIVISION 27. PD PLANNED DEVELOPMENT DISTRICT

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***DIVISION 27. PD PLANNED DEVELOPMENT DISTRICT***

**Sec. 58-801. District purpose.**

The PD district is intended to accommodate integrated and well-designed developments in accordance with approved development plans. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development which is compatible with adjacent and nearby lands and activities.

(Comp. Dev. Code 1990, § 7-4-22(A); Code 1994, § 102-711)

**Sec. 58-802. Uses permitted.**

No specific list of uses permitted is established for the PD district. Land proposed for development under the PD district may contain a mixture of residential, commercial, recreational and other uses. Uses and residential densities in the PD district shall be limited by the future land use designation of the comprehensive plan. Where the comprehensive plan does not specify a limit on residential density, the PD district shall be limited to eight dwelling units per net acre for permanent residential units. Maximum density shall not apply to nursing homes, rest homes or group homes in a PD district, except that, when nursing homes include any units with kitchens or cooking facilities, the maximum density for such facilities shall be 18 units per net acre. There is no maximum density for transient lodging facilities in a PD district. Residential density within a PD district that covers more than one future land use category shall be calculated based on the land area within each category.

(Comp. Dev. Code 1990, § 7-4-22(B); Code 1994, § 102-712; Ord. No. 12-13094, § 27, 4-4-2012 ; Ord. No. 13-13265, § 5, 4-3-2013 )

**Sec. 58-803. Application for PD zoning.**

Applicants seeking to rezone lands to the PD district shall make the submittals as required under the provisions of chapter 46 relating to the rezoning petition process and as required for site plan review. The applicant shall pay the petition fee for change of zone to PD.

(Comp. Dev. Code 1990, § 7-4-22(C); Code 1994, § 102-713; Ord. No. 08-12280, § 3, 12-3-2008)

**Sec. 58-804. Procedure for approval of PD zoning.**

The city manager shall review the application and required exhibits submitted pursuant to this division and shall determine that the documents are adequate as to form and informational content. The city manager shall then review the submittal with the appropriate city departments for their comments. Subsequent to the review, comments and discussion of the submittal, and of such modifications as the developer may make to it, the city manager shall prepare a recommendation and present it and the applicant's petition to the planning advisory board at a public hearing before the board, which has been advertised once in a newspaper of general circulation at least 15 days prior to the public hearing. For further details regarding the procedure for rezoning property, see chapter 46.

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(Comp. Dev. Code 1990, § 7-4-22(D); Code 1994, § 102-714)

**Sec. 58-805. Standards for approval of PD zoning.**

In their analysis of the rezone petition and the proposed development plan submitted pursuant to this division, and prior to official action recommending in favor of or approving the petition and plan, the planning advisory board and city council shall ensure that the following standards and conditions are met and shall deny the request if the following standards are not met:

- (1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.
- (2) The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.
- (3) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.
- (4) Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.
- (5) Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.
- (6) Open space shall be adequate for the type of development and the population densities proposed.
- (7) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
- (8) In the case of developments which are to be constructed in several units, the proposed units shall be shown on the overall development plan. The proposed construction units shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

(Comp. Dev. Code 1990, § 7-4-22(E); Code 1994, § 102-715)

**Sec. 58-806. Effect of PD zoning.**

Upon the rezoning of land to a PD district, the approved development plan, along with such requirements, safeguards, modifications or stipulations as may have been included by the city council in its rezoning action, shall be substantially complied with relative to the issuance of all building permits, zoning clearances and certificates of occupancy by the city. Deviation from the approved development plan or failure to comply with any requirement, safeguard, modification or stipulation imposed by the city at the time of rezoning land to the PD district shall constitute a violation of this chapter.

(Comp. Dev. Code 1990, § 7-4-22(F); Code 1994, § 102-716)

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### **Sec. 58-807. Changes in development plan.**

Any proposed significant change of an approved development plan submitted pursuant to this division shall be submitted and processed in the same manner as an original application for establishment of a PD district. A significant change shall consist of an increase of total floor area of greater than ten percent above that approved by city council, any increase in residential density, any addition of permitted or conditional uses and any substantial changes to traffic circulation, landscaping or parking. Changes that are not significant by these standards may require design review and site plan review.

(Comp. Dev. Code 1990, § 7-4-22(G); Code 1994, § 102-717; Ord. No. 08-12280, § 4, 12-3-2008)

### **Sec. 58-808. Provision of polling places.**

- (a) At the time the city council approves a zoning request to a planned development (PD) or at the time the city council approves a PD amendment, any residential or commercial project within the planned development which will have a community recreation/public building/public room shall be required to provide polling places in the community recreation/public building/public room if a polling place is determined to be necessary by the city council. The city council shall consider the recommendation of the county supervisor of elections in reaching such determination.
- (b) If the PD or a residential or commercial project within the PD is a private development with a restricted or monitored entrance which limits access to residents or owners of that development, their guests and necessary maintenance workers, a polling place may be required by the city council to be provided in any community recreation/public building/public room or similar facility. However, the controlling entity of that private development may limit the use of the polling places to the residents of that private development.
- (c) This commitment shall be guaranteed through the following mechanism: an agreement recorded in the official records of the clerk of the circuit court of the county which shall be binding upon any and all successors in interest that acquire ownership of such common areas, including but not limited to condominium associations, homeowners' associations or tenants' associations. This agreement shall provide for the community recreation/public building/public room or similar common facility to be used for a polling place if determined to be necessary in accordance with this section. The commitment also shall be included within the PUD document.
- (d) The supervisor of elections of the county shall be responsible for arranging use of the community recreation/public building/public room or other common facility for a polling place with the entity which controls the common facility prior to the election.

(Comp. Dev. Code 1990, § 7-4-22(H); Code 1994, § 102-718)

### **Sec. 58-809. Building height.**

Within the planned development district, the maximum height of all commercial buildings shall be limited to 3 stories and 42 feet, measured from the 1st-floor FEMA elevation to the peak of the roof or the highest point of any appurtenance attached to the roof.

(Code 1994, § 102-719; Ord. No. 00-8872, § 1, 6-21-2000)

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**Sec. 58-810. Time limitations.**

- (a) Upon the effective date of an ordinance authorizing a PD district, construction shall commence within 24 months if the PD district encompasses less than 5 acres or within 36 months if the PD district encompasses 5 acres or more.
- (b) Upon application filed prior to or on the date of commencement set forth in subsection (a) of this section, the city manager may grant a 1-year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made. Thereafter, the city council by resolution may grant a 1-year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made.
- (c) Upon failure to commence construction within the specified time or failure to comply with section 104.5 of the Florida Building Code:
  - (1) The ordinance creating the PD district shall stand repealed;
  - (2) The zoning for the PD district shall revert to the zoning that existed for the PD district prior to approval thereof; and
  - (3) No further development shall occur and no building permit or development order shall be issued thereafter under the terms of the PD district.
- (d) After the commencement date described in subsection (a) of this section, no building permit or development order for a new or expanded structure shall be issued under the terms of the PD district without city council approval. Authorization of the PD district shall not create a right to such issuance.
- (e) "Construction," for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the PD district and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.

(Code 1994, § 102-720; Ord. No. 02-9774, § 1, 9-4-2002)

**Secs. 58-811—58-830. Reserved.**

## **ARTICLE VI. PLANNED UNIT DEVELOPMENTS**

### **Sec. 30-566. Applicability.**

All laws, ordinances, rules and regulations of the city, including, but not limited to subdivision control, zoning, parking, landscape, sidewalk, signs, etc., shall be applicable to a PUD district except wherein the laws, ordinances, rules and regulations are in conflict with the terms and conditions of this article, in which case this article shall take precedence.

(Ord. No. 2005-06-22, § 5, 7-5-05)

### **Sec. 30-567. Purpose and intent.**

(a) *Purpose and intent.* The planned unit development (PUD) zoning district is intended to provide a method by which proposals for unique development projects, which are not provided for or allowed in the zoning districts otherwise established by this chapter, may be evaluated. The purpose of a planned unit development is to encourage the development of well-planned mixed-use communities.

The standards and procedures for the planned unit development are intended to promote flexibility of design and planned diversification and integration of uses and structures, while at the same time retaining in the city council discretion to establish such limitations and regulations for each PUD as it deems appropriate to protect and promote the public health, safety and general welfare. In exchange for zoning flexibility, planned unit developments shall provide tangible community benefits. In so doing, the PUD district is intended to accomplish all of the following objectives:

- (1) Allow a diversity of uses, housing types, open space, and buffers in a manner compatible with existing and planned uses on adjacent and other affected properties.
  - (2) Allow for innovative design that promotes more efficient and environmentally sensitive use of the land than generally achievable through conventional zoning and development regulations.
  - (3) Protect the environment by affording opportunities for the preservation of environmentally sensitive and important natural or historic areas.
  - (4) Provide meaningfully integrated common open space and developed recreation areas.
  - (5) Promote creativity in development layout, design, and construction.
  - (6) Encourage development to occur concurrently with or following the coordinated and planned extension of all existing and programmed community facilities and infrastructure.
  - (7) Incorporate good urban design principles within the PUD in order to create a sense of neighborhood and community.
  - (8) Encourage economic development, workforce sustainability and job creation throughout the community.
- (b) *Enhanced benefit required.* The PUD zoning category permits development of land in a way which is not possible under traditional zoning regulations. However, the PUD is not intended to modify or in any way

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reduce the requirements of any city code requirements, unless commensurate benefits are provided in an enforceable manner to the community as part of the PUD plan.

(Ord. No. 2005-06-22, § 5, 7-5-05)

### **Sec. 30-568. Eligibility.**

A PUD zoning district may contain any mixture of uses that is consistent with the comprehensive plan and is determined by the city council to be in the best interest of the public health, safety, and welfare, along with any conditions, requirements or limitations thereon which the city council deems advisable. No rezoning to a PUD zoning district shall be eligible for city council approval unless the following minimum conditions are met.

- (1) *Minimum area requirement for a PUD zoning district.* The area of a proposed PUD shall be large enough to permit its design and development as a cohesive unit fulfilling the purpose and intent of the district, and to establish the PUD as a meaningful part of the larger community. Each proposed PUD shall therefore be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the city. The minimum size of a PUD shall be twenty (20) acres, unless the PUD is located within the Homestead Community Redevelopment Area as described in the C.R.A. plan where the minimum size shall be reduced to five (5) acres, and shall be consistent with the comprehensive plan.
- (2) *Consistency with the comprehensive plan.* A PUD zoning district shall be consistent with all applicable elements of the city's adopted comprehensive plan, including its proposed internal design, use, and its relationship to adjacent areas and to the city as a whole.

The proposed PUD zoning district shall be located on property with at least one future land use designation that allows for residential development.

If a proposed PUD zoning district contains only a single, residential land use designation, then only twenty (20) percent of the acreage of the proposed PUD zoning district shall be nonresidential, in order to maintain consistency with the comprehensive plan.

If a proposed PUD zoning district contains more than one (1) land use designation, then the permitted uses within each land use designation may be mixed and located throughout the entire proposed PUD zoning district.

- (3) *Unified control/ownership.* The PUD common areas shall at all times be under the unified control or ownership of an individual, a legal entity, or a legally established association or organization, such as a property owners' association, responsible for the ownership and maintenance of all required improvements and common facilities, infrastructure, amenities, elements, and areas. All documents establishing said association or organization shall be reviewed and approved by the city attorney's office prior to any approval of a final PUD plan and shall be recorded as part of the PUD approval. (See article V, chapter 25 of the City Code.)
- (4) *Public facility and service impacts.* The proposed PUD must support the efficient management of public facilities and services.
- (5) *Internal compatibility.* All land uses proposed within a PUD must be compatible with and avoid undue adverse impacts on other proposed uses. The following factors shall be considered in determining compatibility:
  - a. Streetscape, treatment of pedestrian ways and circulation, motor vehicle circulation, and the separation and buffering of parking areas and sections of parking areas;

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- b. The existence or absence of, and the location of, focal points and vistas, open spaces, plazas, recreational areas and common areas, and use of existing and proposed landscaping;
  - c. Use of the topography, physical environment and other natural features; use and variety of building sizes, architectural styles, and materials; variety and design of dwelling types;
  - d. Particular land uses proposed, and conditions and limitations thereon; and
  - e. Any other factor relevant to the privacy, safety, preservation, protection of welfare of any proposed use within the PUD.
- (6) *External compatibility.* All land uses proposed within a PUD must be compatible with and not create or be subject to undue adverse impact from existing and planned uses of properties surrounding the PUD. The following factors shall be considered in determining the external compatibility of a PUD:
- a. Adjacent existing and proposed uses;
  - b. Design of the development;
  - c. Traffic circulation; and
  - d. Density and intensity.
- (7) *Density/intensity of development.*
- a. The density and intensity of uses within a PUD shall comply with the city's adopted comprehensive plan. They shall also be compatible with the physical and environmental characteristics of the site and surrounding lands.
  - b. Within the maximum limitations of the comprehensive plan, the permitted residential density and intensity of use in a PUD may be adjusted in consideration of the following factors:
    - 1. The availability and location of public and utility services and facilities;
    - 2. The trip capture rate of development;
    - 3. The degree of internal and external connectedness of streets; and
    - 4. Any other factors that affect the impact of development.
- (8) *Environmental constraints.* The site of the PUD shall be suitable for the proposed uses without resulting in hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. Conditions of soil, groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development proposed.

(Ord. No. 2005-06-22, § 5, 7-5-05; Ord. No. 2007-03-07, § 21, 3-5-07)

### **Sec. 30-569. Open space and recreational amenities requirements.**

- (a) *Minimum open space and recreational facilities required.* A minimum of thirty-five (35) percent of the gross area included in PUDs shall be maintained in common recreation and open space. Any privately maintained or owned exterior open space, excluding common open space adjacent to and for the exclusive use by the residents of an individual dwelling unit, that is enclosed or partially enclosed by walls, hedges, buildings or structures, including attached balconies, terraces, porches, decks, patios, and atriums may be counted toward the total open space requirement, provided staff determines that the proposed calculations are in accordance with the intent, purpose and underlying principles established for PUDs. In no case shall this area exceed five (5) percent of the gross area of the PUD, nor decrease the amount of ground level common open space below thirty (30) percent of the gross area of the PUD. All pervious land areas between the property or

lot lines and the building or buildings thereon shall count as open space, except as herein otherwise provided.

- (b) *Minimum usable common recreation and open space required.* At least one-third ( 1/3 ) or thirty-three (33) percent of the required minimum open space for a PUD shall be usable common recreation and open space, as defined herein.
  - (1) Land areas for structures, minimum yards and spacings between dwelling units and all impervious surfaces, including but not limited to sidewalks, public and private street rights-of-way, driveways, off-street parking and loading zones, alleys, fire protection, vehicular access and yards shall not be included in determining minimum usable common recreation and open space, unless such areas are determined to be an integral part of the required usable common recreation and open space required.
  - (2) Water bodies and water related recreational amenities shall not be credited or calculated as minimum usable common recreation and open space. For example, an eighty-five (85) acre PUD would result in an overall requirement of a minimum thirty (30) acres of recreation and open space [thirty-five (35) percent of eighty-five (85) acres equals thirty (30) acres]. The minimum usable common recreation and open space requirement would be ten (10) acres (one-third (1/3) times thirty (30) acres equals ten (10) acres).
- (c) *Timing and distribution of open space and recreational facilities within the PUD.*
  - (1) *Required minimum open space within residential areas.* The following minimum open area shall apply in each residential area of the PUD:

Dwelling Unit	Minimum Open Area
Single-family	25% of lot area
Townhouse/Clusterhouse Twinhome	20%* of Pod Area or Development Parcel
Apartment/Condo	35%* of Pod Area or Development Parcel

\*The minimum open area for these uses counts as part of the thirty-five (35) percent requirement noted in subsection (a). Five (5) percent of the minimum open space area shall be devoted to active recreational features. "Active recreational features" shall not be interpreted to include water bodies. The minimum open area shall not be used for parking or drive aisles, except that parking spaces serving an active recreational feature are allowed in an open space area. The remaining balance shall be landscaped.

- (2) *Timing.* Usable common recreation and open space shall be provided concurrently with the related phases of development. All common recreation and open space shall be specifically included in the PUD phasing schedule and shall be constructed and fully improved by the developer, no later than the issuance of fifty (50) percent or more of the certificates of occupancy; or within one (1) year of the issuance of the first certificate of occupancy.
- (3) *Connectivity.* Usable common recreation and open space shall be proportionately distributed throughout the PUD. Connectivity between elements of open space and recreation shall be provided, to the extent practicable.
- (d) *Protection of open space and recreational facilities.* All open space and recreational facilities shall be designated on the PUD master development plan and the relevant site plans. All common open space and recreational facilities shall be preserved for its intended purpose as expressed in the adopted PUD plan. The developer shall provide for and establish a mechanism, such as a homeowners' association, for the ownership and maintenance of usable open space or other recreational facilities contained within a PUD as provided for in article V, chapter 25 of the City Code. All common recreation and open space shall continue

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to conform to its intended use and remain as expressed in the PUD plan through its inclusion in all deeds with appropriate restrictions to ensure permanent preservation. The deed restrictions shall run with the land and shall be for the benefit of present, as well as future, property owners and shall contain a prohibition against partition.

(Ord. No. 2005-06-22, § 5, 7-5-05; Ord. No. 2018-01-01 , § 2, 1-17-18)

**Sec. 30-570. Permitted uses.**

- (a) *Principal and accessory uses/structures.* All uses shall comply with the comprehensive plan designation for the property. No buildings, structures, or land shall be used or occupied, and no building or structure shall hereinafter be erected, altered, enlarged or occupied in a PUD except for those specifically provided for below.
- (b) *Residential uses.* The following primary residential uses and structures are permitted in PUD:
  - (1) Single-family attached or detached dwellings;
  - (2) Two family dwellings and twin homes;
  - (3) Cluster one (1) and two (2) family dwellings;
  - (4) Townhouses, one (1) family;
  - (5) Multifamily dwelling units, including apartments and condominiums;
  - (6) Community residential homes, types 1 and 2, subject to the standards set forth in section 30-475; and
  - (7) Assisted living facilities if approved as special exception uses in accordance with section 30-45 and 30-475.

Residential uses and structures may be mixed with any nonresidential uses otherwise permitted within this category. Residential uses and structures provided for within subsection (b)(5) above, shall comply with all R-3 district regulations as set forth within section 30-208 as well as the requirements of this article. In the event of a conflict this division shall govern.

- (c) *Attached storage area or garage.* All units shall provide for either attached storage areas or attached garages. Each garage shall provide a clear interior parking area as follows:
  - One (1) car = (12 feet x 20 feet)
  - Two (2) cars = (20 feet x 20 feet)
  - Three (3) cars = (30 feet x 20 feet)

Each unit without an attached garage shall provide for an attached storage area that is at least forty (40) square feet, accessible from the exterior.

- (d) *Parking.* The minimum off street parking requirements shall be as follows:
  - (1) 1—2 bedrooms = 2 parking spaces
  - 3—4 bedrooms = 3 parking spaces
  - 5+ bedrooms = 4 parking spacesSuch parking spaces may be provided for by any of the following that is consistent with urban design standards and promotes the quality and compatibility of the proposed development:

Attached parking;

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Driveways;  
Parking pads;  
Parallel parking on interior roadways; and  
Covered parking.

All parking for multifamily structures greater than three (3) stories shall be provided for by parallel parking on interior roadways and commonly owned and maintained covered off street parking structures that promote and encourage maximum open space throughout the proposed development. Such parking structure shall be constructed in the same manner and utilize similar architectural design elements and materials as the dwelling unit it is intended to serve, and shall comply with Crime Prevention Through Environmental Design (CPTED) design guidelines.

- (2) Each dwelling unit shall provide a minimum of one-fourth (.25) guest parking spaces.
  - (3) In mixed use developments shared parking agreements with commercial uses may be used in order to satisfy a portion of the guest parking requirement.
  - (4) No parking space (other than a guest parking space) shall be more than one hundred (100) feet by the most direct pedestrian route from the door of the dwelling unit or structure containing the dwelling unit it is intended to serve. A decorative paved connector shall run from the parking structure to the building it is intended to serve.
- (e) *Patios, terraces and balconies.* All ground floor units shall provide at least one hundred (100) square feet of patio or terrace living area, exclusive of parking and entryway areas. However, a front patio or terrace of at least forty (40) square feet may be counted towards this requirement. Units that are completely located on an upper floor shall have a minimum of forty (40) square feet of balcony area, with a minimum depth of four (4) feet.
- (f) *Non-residential uses.* Every PUD shall have both residential and non-residential uses. If over fifty (50) percent of the acreage is devoted to residential use, at least twenty (20) percent of the acreage shall be non-residential. If the proposed PUD separates uses on the site, the non-residential uses shall be situated and buffered so as not to detrimentally affect residential uses.
- (1) *Applicant proposes uses.* The developer or applicant shall propose land uses within the PUD. Staff shall review the compatibility of such land uses to ensure compliance with the intent, goals, and policies established for all PUDs, and recommend whether to approve the particular mix of uses in a particular PUD.
  - (2) *Hotels, motels and bed and breakfast.* Hotels, motels and B & B's may be permitted where appropriate and compatible, upon consideration of the following criteria:
    1. The total acreage used for the hotel/motel, including necessary parking, support buildings and grounds and appurtenances, shall not be considered common open space and shall be included within the maximum acreage permitted under this article for non-residential uses.
    2. The proposed streets, thoroughfare and traffic plan in the area adjacent to the hotel/motel site shall be adequate to support the anticipated traffic to be generated by the proposed hotel/motel.
    3. The proposed hotel/motel use shall be compatible with the proposed primary residential uses, secondary non-residential uses, and common open and recreation space within the planned unit development.
    4. The proposed hotel/motel use shall be compatible with the existing land use classifications in the surrounding vicinity.

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5. The area of the hotel/motel use shall be calculated as part of the total non-residential acreage permitted.
- (g) *Accessory use/structure.* Any use, building or structure permitted as an accessory use in any other district of this Code shall be permitted as an accessory to that use (if it is allowed in the PUD).
- (h) *Building design standards.* The exterior colors of buildings, trim and other site features shall be subject to the approval of the department of development services. They shall be selected to ensure compatibility among the various colors and a visually appealing environment, and they shall conform to the requirements of chapter 32.
- (i) *Separation, buffering, and screening.* In order to promote the underlying intent of the PUD, all proposed uses shall provide adequate separation, buffering and screening in order to promote urban design guidelines, compatibility and quality of life throughout the proposed development. At a minimum, proposed industrial uses shall be separated from residential uses by a visual, auditory, and spatial buffering. Such spatial buffer shall be a minimum of fifty (50) feet wide and shall include, but is not limited to roadways, greenbelts, parks, and passive recreation and open areas.
- (Ord. No. 2005-06-22, § 5, 7-5-05; Ord. No. 2009-03-09, § 19, 3-16-09)

### **Sec. 30-571. Land use and design regulations.**

- (a) *Density and intensity.* The comprehensive plan land use designation shall govern the maximum density permitted, as further limited by the City Code of Ordinances as provided in article IV "Supplemental District Regulations," division 3 "Density."
- (b) *Maximum height of structures.* In order to promote flexibility in the layout and design of a PUD, the applicant shall propose, at master plan submission, appropriate height dimensions for all structures, which shall not exceed one hundred fifty (150) feet. The city council, upon recommendation of the planning and zoning board, shall determine the appropriate height limitations for each individual PUD, development basis after considering the character of the surrounding area, the character of the proposed development, and consistency with the city's comprehensive plan.
- (c) *Minimum lot dimensions.* In order to promote flexibility in the layout and design of a PUD, the applicant shall propose, at master plan submission, appropriate minimum lot dimensions. The city council, upon recommendation of the planning and zoning board, shall determine the minimum lot size, lot width, and lot depth. The average residential lot size shall not be reduced by more than twenty-five (25) percent of the required minimum lot sizes provided for within residential zoning districts within chapter 30. For example, a seven thousand five hundred (7,500) square foot lot may not be reduced below five thousand six hundred twenty-five (5,625) square feet. The city retains the authority to require lot sizes along the periphery of the project be designed in a manner that is similar in size to abutting lots within adjacent developments or zoning districts. The transition in lot size should be internalized in order to abate adverse impacts on adjacent zoning districts. The city also retains the authority to require more open space or amenities which have a significant public benefit in return for allowing flexibility in the minimum lot dimensions.
- (d) *Minimum setbacks.* In order to promote flexibility in the layout and design of a PUD, the applicant shall propose, and the city council shall approve, appropriate minimum setbacks. Setbacks shall clearly conform to the land use compatibility and open space policies in the comprehensive plan and shall be consistent with the standards set forth in the required minimum open space for residential areas of PUDs.
- (e) *Minimum distance.* Space between structures shall be required within a PUD. The appropriate distance between structures shall be approved by the city council upon recommendation of the planning and zoning board for each individual PUD, after considering the character of the structure types and uses within the PUD development.

- (f) *Accessibility.* Every PUD shall have at least two (2) pedestrian and vehicular accesses to a public street, either directly or via an approved private driveway, pedestrian way, court, or other area dedicated to public use or private use or common element guaranteeing access.
- (g) *Minimum unit size.* The following minimum unit size requirements shall apply to the following residential unit types in the PUD, in accordance with section 30-398.

Unit Type	Two bedrooms or fewer	More than two bedrooms
Single Family	Minimum of 1,200 square feet	Additional 150 square feet added for each bedroom
Townhouse/Clusterhouse Twinhomes	Minimum of 1,100 square feet	Additional 150 square feet added for each bedroom
Apartment/Condo	Minimum of 1,000 square feet	Additional 150 square feet for each additional bedroom
Residential Mixed Use	Minimum of 1,000 square feet	Additional 150 square feet for each additional bedroom

- (h) *Landscaping.* All landscaping shall exceed the requirements set forth within chapter 29. Landscaping should be related to the general landscaping for the planned unit development, practical and aesthetically functional. Planting material should be used to accomplish the desired objectives of the PUD, be native to South Florida, and functionally appropriate for shade, shelter, height and mass, texture, color and form. Major areas should have distinctive planting schemes using unique types of trees, ground cover, and paving to give identity to these areas. A twenty-five (25) percent minimum increase in size and/or quantity is required for all plant material used in PUD landscaping.
- (i) *Screening.* All mechanical equipment, utility hardware, and waste storage areas, including but not limited to, central refuse, trash and garbage collection containers shall be properly landscaped or screened.
- (j) *Signs.* Signs shall be permitted only in accordance with an approved sign plan. Such sign plan shall provide for effective sign controls on the type, height, number, size and location of all signs in the development, and shall be designated to minimize sign proliferation and maximize the architectural integration of all signs into the development.
- (k) *Underground utilities.* In the PUD, all utilities including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to or passing through the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer or private utility shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground, except for city electrical substations.

(Ord. No. 2005-06-22, § 5, 7-5-05)

Sec. 6.2 - SUBMITTAL REQUIREMENTS FOR AMENDMENTS TO THE ZONING ATLAS (REZONING)

This section includes the submittal requirements for the following: planned development (PD) district rezoning, changes to approved planned development districts, standard district rezoning, phosphate mining/operating permit.

Sec. 6.2.1 - PLANNED DEVELOPMENT DISTRICT REZONING

**A. General Description**

Submittal procedures for rezoning of property to a Planned Development (PD) district or a Planned Development-Specific (PD-S) district.

**B. Cross Reference to Land Development Code**

Section 5.03.00, Planned Development Districts.

**C. Submittal and Public Notice Requirements for Planned Development (PD) District**

Unless otherwise required by the Administrator, all application submittals shall include the following:

1. *Fee Payment* - as referenced in Section 2.0 of the Development Review Procedures Manual.
2. *Application* - as referenced in Section 3.0 of the Development Review Procedures Manual.
3. *Public Notice* - in accordance with Section 10.03.02.D of the LDC and Section 12.0 of the Development Review Procedures Manual.
4. *Narrative* - explaining the following:
  - intent of the PD application with detailed information on proposed uses, densities and intensities, and
  - how the proposal conforms to applicable policies and regulations, and
  - proposed deviations from standard site development requirements, if any, and justification for such deviations.
  - additionally, if an application is located in the Ruskin Community Plan area as depicted in Figure 1: Ruskin Neighborhood Area Map of LDC Section 3.22.00, and is inconsistent with the Neighborhood Character Review Guidelines as set forth in Figure 2 of LDC Section 3.22.00, it shall be reviewed as a PD and shall include a justification statement with sufficient data and analysis to demonstrate compliance with Section 3.22.03 "Residential Character Evaluation".
5. *Report* - identifying all property ownership and beneficial interest within the boundaries of the proposed PD district and giving evidence of unified control of its entire area. The report shall state agreement of all present owners or holders of beneficial interest.
  - a. Additionally, the applicant shall provide such bonds, dedications, easements, guarantees, agreements, deeds of trust, contracts, covenants, etc., acceptable to the Office of the County Attorney, as may be reasonably necessary to protect the public interest in the execution of such development according to approved plans, and for provision and continuing operation and maintenance of such areas, facilities, and functions as are not to be provided, operated, or maintained at general public expense, and to provide such dedications, contributions, or guarantees as are required for provision of needed public facilities and services.
6. *Legal Description* - describe subject site.
7. *General Development Plan* - The applicant shall submit a general development plan with sufficient graphic and notational information to provide a clear understanding of the proposed development

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and its relationship with the surrounding area. At a minimum, the plan shall include all of the information listed below. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

### General Information

- a. The name and type of the proposed PD and the names of the developer(s), architect(s), engineer(s), and planner(s) associated with the project.
- b. Scale with scale bar and scale statement (i.e. 1 inch = 50 feet), date and north arrow. Engineering scale shall be utilized.
- c. Legal description of the proposed PD. Additionally, the border of the proposed PD shall be graphically delineated with a distinct line labeled "PD Boundary".
- d. A vicinity map showing the location of the project within Hillsborough County.
- e. Community Planning Area(s) in which the project is located. If the project is located in more than one planning area or is not completely contained within a planning area, the boundaries of the planning area(s) within the project shall be graphically delineated.
- f. Overlay district(s) in which the project is located. If the project is located in more than one overlay district is not completely contained within an overlay district, the boundaries of the overlay district(s) within the project shall be graphically delineated.
- g. Special zone(s), including but not limited to the Coastal High Hazard Area, Wellhead Resource Protection Area, Surface Water Resource Protection Area and Potable Water Wellfield Protection Area, in which the project is located. If the project is located on more than one special zone or is not completely contained within specified zones, the boundaries of the special zones lines within project shall be graphically delineated.
- h. Designated scenic roadway corridors within the project or adjacent to the project.
- i. A "Project Data Table" with the following information. The table shall be formatted and annotated in a manner that facilitates cross reference with the plan graphics:
  - Gross acreage in the proposed PD and Comprehensive Plan designation of the property. If there is more than one Plan designation, the acreage in each Plan designation shall be separately identified.
  - Acreage of natural water bodies. If the project has more than one Plan designation, the acreage of natural water bodies in each Plan designation shall be separately identified.
  - Acreage of environmentally sensitive areas, by type, and man-made water bodies. If the project has more than one Plan designation, the acreage of environmentally sensitive areas, by type, and man-made water bodies in each Plan designation shall be separately identified.
  - If residential uses are proposed, the type and number of requested dwelling units and gross density. If non-residential uses are proposed, the amount of requested floor space and gross FAR for each type of use (retail, office, etc.). If more than one use is proposed, the acreage of each use pocket/area/tract shall be identified along with the amount of natural water bodies, environmentally sensitive areas and man-made water bodies in each use pocket/area/tract and

gross density/intensity of the pocket. Additionally, if the project has more than one Plan designation, the designation of each use pocket shall be identified.

#### Land Use Information Within the Project

- a. Current zoning(s) and Comprehensive Plan designation(s) of all property within the project. If a Comprehensive Plan boundary flex is requested, the proposed flex line shall be delineated and the flex shall be reflected in the Project Data Table calculations.
- b. All plats, parcel lines, rights-of-way, easements and property folio numbers within the project. If a plat, or portion thereof, is proposed to be vacated, a note shall appear on the plan stating such intent.
- c. Location, footprint and proposed use of existing structures, if any, that are to remain under the proposed development. If the structures are to be utilized for nonresidential purposes, the floor space of each structure shall be identified. If the structures are to be utilized for residential purposes, the number of dwelling units in each structure shall be identified.
- d. Development standards for all proposed uses, including minimum lot size, minimum lot width, required yards (front, side and rear), maximum building height, maximum FAR (nonresidential uses), maximum building coverage and maximum impervious surface.
- e. The location, boundaries, acreage, proposed use and density/intensity of each discrete portion, pocket and/or phase of the proposed project, if applicable.
- f. If specific architectural designs for non-residential or multi-family structures are proposed, building elevations or renderings shall be shown on the plan.
- g. The general location and nature of fences, walls, and buffering to be provided with specific attention to the project periphery. Landscape buffer alternative(s), if proposed, shall be identified and depicted on the plan.
- h. Location, boundaries and acreage of proposed common open space/recreation areas.
- i. Location, boundaries and acreage of areas proposed for public park lands or public school sites.
- j. Location, boundaries and acreage of water bodies and identification of each body as natural or man-made.
- k. Building envelopes for non-residential and multi-family structures proposed within two hundred (200) feet of the PD boundary.
- l. "Typical lot layouts" showing required front, rear and side yards for single- and two-family lots proposed within two hundred (200) feet of the PD boundary. If such lots have varying yard requirements, then a typical layout for each lot type must be shown.
- m. Designated historic landmarks and other historical or archaeological sites and structures, and notation of whether said resources are to remain.
- n. Location of required, if applicable, Public Transit Facilities per Land Development Code Section 6.02.17 and Section 6.03.09 or written justification for not providing said facilities must be submitted.

#### Land Use Information Outside the Project

- a. Current zoning(s) and Comprehensive Plan designation(s) of all property within 150 feet of the project boundaries.
- b. All plats, parcel lines, easements and property folio numbers within 150 feet of the project boundaries.

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- c. Current uses of properties, including location and general footprints of existing structures, within 150 feet of project boundaries, except that where such properties are zoned PD and the existing land conditions do not reflect the currently approved development pattern, the approved development pattern (as provided for on the applicable Certified General Site Plan) shall be shown on the plan. Additionally, the PD rezoning number, and latest modification number if applicable, shall be identified
- d. Designated historic landmarks and other historical or archaeological sites and structures within 150 feet of project boundaries.

### Transportation Information

- a. Existing and proposed points of ingress and egress for principal pedestrian, vehicular, mass transit and waterway traffic, and the general roadway/traffic circulation patterns within the PD district indicating the hierarchy, if applicable, of project roadways. Existing points of ingress/egress that are to be closed or modified shall be identified. Additionally, a note shall appear on the plan stating if project roads will be public or private and, if the latter, whether they will be gated.
- b. Existing and proposed cross access points between project phases, pockets or areas and between the project site and adjacent properties. If cross access is constrained by physical barriers, the barriers shall be shown on the plan.
- c. General location of proposed parking and service areas within two hundred (200) feet of the project boundaries, when applicable.
- d. The amount of rights-of-way to be dedicated and/or reserved by the project, if applicable, in order to meet minimum ROW criteria as identified in the latest edition of the Hillsborough County Transportation Manual (TTM) and/or identified on the MPO Needs Map and Hillsborough County Corridor Plan.
- e. All public rights-of-way, identified by name and classification according to the Functional Classification Map, adjoining, traversing, or within one hundred fifty (150) feet of the proposed district. Additionally, the right-of-way width, number of lanes and location of all median openings on said roadways in the vicinity of the project. Private roads shall be named and labeled as private.
- f. The location of all existing driveways or curb cuts which access onto any street adjacent to the project site, and all other streets or driveways which intersect adjacent streets within one hundred fifty (150) feet of the site.
- g. The following information shall be provided on the Site Plan for all roadways adjoining, traversing, or within one hundred fifty (150) feet of the project boundaries:
  - 1) Points of ingress and egress and/or driveways and curb-cuts.
  - 2) Right-of-way width, both public and private.
  - 3) Pavement width.
  - 4) Type of surface and surface condition.
  - 5) Number of lanes at mid-block and intersections.
  - 6) Location of sidewalks, bikeways, and transit stops in the right-of-way.
  - 7) Location and type of all existing and proposed median openings.
  - 8) Location and types of traffic control devices.

### Utilities Information

- a. Identification of type of water/wastewater service utilized by project. Location of IWWTP, if applicable.

Environmental Information

- a. A general interpretation, based on aerial photographs and soil surveys, of the location of all water courses, lakes, conservation areas, preservation areas, wooded areas, upland habitat areas, or other such natural physical features within the project boundaries. Additionally, all such areas outside the project within one hundred fifty (150) feet of the project boundaries shall be shown.

Required Number of Plans for Submittal

- a. Seven (7) copies of a general development plan for the PD district shall be drawn to an appropriate scale to show sufficient detail on a minimum sheet size of 24 inches X 36 inches. All plan pages shall be numbered as X of Y (i.e., 1 of 3, 2 of 3, and 3 of 3).
- b. One reduced copy of the general development plan no larger than 8½ inches x 11 inches must be provided for initial submittal and subsequent revisions.
- c. One digital copy in PDF format on compact disk (CD), USB flash drive or similar medium.
- d. All information must be legible at time of submittal and must be provided in a format that remains legible without loss of information after being reproduced in black and white. Color text and graphic(s) shall be prohibited. Grey scale shall be allowed to the extent that text and graphics remain legible after being reproduced in black and white. All text shall be greater than or equal to eight (8) points.
- e. Photographs, including aerial photographs, shall not be included on the General Development Plans.
- f. All prior application numbers and previous received dates shall be removed from General Development Plans based on previously submitted drawings.

Modifications of Existing Planned Developments

1. Applicants seeking modifications of existing Planned Developments shall submit copies of the currently approved general site plan for the PD revised as necessary to provide all of the information described above for the area of the project for which the modification is sought.
  - a. Plans shall be submitted in accordance with the requirements found above in "Required Number of Plans for Submittal."
  - b. A two page plan submittal shall be required if the existing Planned Developments is too large to show both the entire boundary of the existing Planned Development and the area to be modified with the required site plan information. The first page shall be of the existing Certified General Site Plan with a notation indicating the area being modified and the second page shall contain the area being modified with all required information. All plan pages shall be numbered as X of Y (i.e., 1 of 3, 2 of 3, and 3 of 3). All text shall be greater than or equal to 8 points.
  - c. All information must be legible at time of submittal and must be provided in a format that remains legible without loss of information after being reproduced in black and white. Color text and graphic(s) shall be prohibited. Grey scale shall be allowed to the extent that text and graphics remain legible after being reproduced in black and white.
  - d. Photographs, including aerial photographs, shall not be included on the General Development Plans.
  - e. All prior application numbers and previous received dates shall be removed from General Development Plans based on previously submitted drawings.

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2. In addition to the General Development Plan, applicants shall provide a separate text document (8½ inches times; 11 inches format) that provides a copy of the currently approved PD conditions showing all proposed revisions. Existing text that is proposed to be deleted shall be struck through (~~text to be deleted~~) while new text that is proposed to be added shall be underlined ( text to be added ).
8. *Detailed Transportation Analysis* - shall be provided if the number of daily trips projected to travel adjacent streets is greater than one (1) percent of the Level of Service "C" capacity or 50 peak hour trips whichever is greater. The analysis shall be Signed & Sealed by a Professional Engineer.
  - a. The detailed traffic analysis shall be prepared using generally accepted traffic analysis standards and should include an overview of the project containing the following information:
    - i. A brief description of the project (location, size, acres).
    - ii. An overview map of project location.
    - iii. A description of the project's existing and proposed land use.
    - iv. Roadways where access is proposed.
    - v. Purpose of the report.
  - b. Defining the study area - The standards for level of service shall be applied to all regulated roads within one quarter-mile, of any point on the proposed development boundary. For regulated roads, the table below shall determine the development's area of influence:

Proposed Project Daily Trip Generation.	Maximum Radius of Development's Area of Influence
0—200	Address only the segments of regulated roads that are directly accessed by the proposed project.
201—500	0.5 miles
501—1,000	1.0 miles
1,001—5,000	2.0 miles
5,001—10,000	3.0 miles
10,001—20,000	4.0 miles
Over 20,000	5.0 miles

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- i. The radius shall be measured from each project entrance with each regulated roadway, or at the intersection of the non-regulated roadway (which provides project access) at the first regulated roadway
  - ii. Include all signalized and unsignalized intersections on the links to be studied within the area of influence
  - iii. Include all unsignalized intersections of regulated roadways, roadways identified on the MPO Needs Plan, and roadways identified on the Hillsborough County Corridor Plan
  - iv. Include the project entrance with a regulated roadway, or at the intersection of the non-regulated roadway (which provides project access) at the first regulated roadway
  - v. If the study radius ends between intersections identified in ii. & iii. above, the study area shall extend to the next regulated roadway intersection.
- c. The detailed traffic analysis shall be prepared using generally accepted traffic analysis standards and guidelines including but not be limited to the following:
- i. *Traffic Analysis:*
    - Conduct intersection analysis for each intersection utilizing acceptable traffic analysis software which is consistent with the techniques of the latest edition of the Highway Capacity Manual (HCM) published by the Transportation Research Board.
    - Conduct a roadway facility analysis utilizing the Florida Department of Transportation (FDOT) ART-Plan and/or HIGH-Plan software.
  - ii. *Existing Traffic:*
    - Include a brief description of the existing morning peak hour, afternoon peak hour, and daily traffic analysis periods.
    - Existing A.M. Traffic - Include existing and peak season adjusted volumes, provide peak season factor.
    - Existing P.M. Traffic - Include existing and peak season adjusted volumes, provide peak season factor
  - iii. *Project and Passerby Traffic:*
    - Include the source of the trip generation information.
    - Include a description of the total trips generated by the project.
    - Include types and sizes of land uses (and ITE code) evaluated.
    - Include a description for the morning peak hour, afternoon peak hour, and daily traffic analysis periods.
    - Indicate passerby and internal capture rates.
  - iv. *Project and Passerby Traffic Distribution:*
    - Report the percent distribution of traffic onto impacted roadways and project driveways and provide documentation for determining distribution.
    - Report project and passerby as separate numbers for both AM and PM analysis.
  - v. *Existing Plus Project Traffic:*
    - Existing Plus Project Traffic A.M. - Indicate existing, project, and passerby trips (do not combine). Peak season adjusted volumes shall be used for the existing traffic.
    - Existing Plus Project Traffic P.M. - Indicate existing, project, and passerby trips (do not combine). Peak season adjusted volumes shall be used for the existing traffic.

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- vi. *Future Plus Project Traffic:*
  - For future year analysis the AADT shall be grown by a growth rate or vested trips as provided by Hillsborough County. If growth rates are utilized, the analysis shall extend to one (1) year beyond the project's buildout.
  - Future Plus Project Traffic A.M. - Indicate existing, project, and passerby trips (do not combine). Peak season adjusted volumes shall be used for the existing traffic.
  - Future Plus Project Traffic P.M. - Indicate existing, project, and passerby trips (do not combine). Peak season adjusted volumes shall be used for the existing traffic.
- d. The transportation analysis shall include a summary which contains the following:
  - i. A description of the project's impact as it relates to the purpose of the report.
  - ii. A description of all recommended roadway and intersection improvements, including the widening of existing roadways which provide project access, consistent with the requirements of the latest edition of the Hillsborough County Transportation Technical Manual.
  - iii. A description of right-of-way to be dedicated to meet minimum right-of-way criteria as identified in the latest edition of the Hillsborough County Transportation Technical Manual and or MPO Needs Plan and Hillsborough County Corridor Plan.
  - iv. A description of proposed access points, auxiliary lanes, and median openings.
  - v. A description of recommended new traffic control devices.
  - vi. A description of pedestrian, bicycle, and transit facilities to be constructed.
- e. If required, in order to make a capacity determination, additional analysis shall be conducted for all roadways and intersections as required by current County Standards and/or requested by County Staff.
- f. All data must be field collected, unless otherwise stated. No Defaults values will be allowed, unless otherwise stated. The applicant shall not use data from the current Hillsborough County LOS Report. The Report is only for initial review purposes. The applicant may request data from staff where the Report indicates that a detailed analysis has been conducted or as indicated below.
- g. Arterial and intersection analysis shall be prepared consistent with the guidelines established in the latest editions of the Highway Capacity Manual and the FDOT Level of Service Handbook.
- h. The detailed transportation analysis shall include the following background and support documentation:
  - i. ITE Trip Generation Printout and/or Alternative Trip Generation Analysis.
  - ii. Traffic and Intersection Counts (Traffic Data shall not be older than six (6) months) unless previously approved by staff. If the applicant's consultant has collected traffic data that is greater than 6 months old but less than one (1) year old and wishes to use this data in a traffic impact study, the consultant will be required to conduct a sample count (at an agreed upon location) on a previously counted roadway in order to demonstrate that the older count does not exceed one percent of the newly collected count.
  - iii. Hard and electronic copies of all traffic analysis, AADT, and TMC's.

Additional support information may be required as determined by Hillsborough County. Requests for exceptions to any of the above identified requirements shall be made in writing to the Hillsborough County Planning and Growth Management Director of Transportation Planning or his designee.

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9. *Special Surveys, Approvals, or Reports Required Where Development is Dependent on Such Surveys, Approvals or Reports* - Special surveys, approvals, or reports required by law in the circumstances of a particular PD proposal are required to be submitted with the application where development of a major element of the proposal or the entire proposal is dependent upon such surveys, approvals, or reports.
10. *Indications as to the Nature and Succession of Staging* - Where a PD is to be constructed in phases, indications shall be made as to the nature of the PD, uses, location, and floor areas or residential densities to be developed and timing of the beginning and end of development of the first stage; and similar information on succeeding stages; provided that, in lieu of an indication of specific timing on succeeding stages, the initiation of succeeding stages may be made dependent on completion of all or substantial portions of the first stage, within the time limits provided.
11. *Proposals on Provision and Continuing Operation and Maintenance of Facilities for Common Use* - Development proposals shall be made describing provisions, deed covenants, restriction, and regulations to be made for the establishment and continuing operation and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the district and persons visiting the district and not proposed for dedication to Hillsborough County or another government entity. These areas, facilities, and improvements will not be provided, operated or maintained at general public expense. The proposals shall give adequate assurance to the county that such areas, facilities, and improvements shall be continued, operated, and maintained without future expense to the taxpayers of Hillsborough County.
12. *Commitment for Completion and Adherence to Approved Plans* - Proposals shall be made describing agreements, covenants, contracts, or deed restrictions which shall be enacted to ensure the completion of the development without any expense to the general public which was not agreed to at the time of the approval. Additionally, said agreements, covenants, contracts, or deed restrictions shall bind all successive owners and developers of all or any portion of the district to any commitments made and any restrictions placed on the approved General Development Plan or any document, graphic, map, or other such information provided, which is part of the official record. No portion of a PD district may be developed in conflict with the approved General Development Plan.
13. *Compliance with F.S. Chapter 723* - Where property proposed for rezoning is occupied by a mobile home park that is subject to the requirements of F.S. Chapter 723, the applicant shall be required to submit a report documenting that adequate mobile home park spaces or other suitable facilities exist within a five mile radius of the property for relocation of the affected mobile home owners. At a minimum, the report shall identify: 1) the number of affected mobile home owners and current monthly lot rent paid by each; 2) the number, type, location and current monthly rent of other suitable facilities in the survey area to accommodate relocation of the affected mobile home owners; 3) the approximate cost of moving the affected mobile homes to other parks, if spaces are available; 4) the dates when the information on the other suitable facilities was collected; 5) the availability of interim housing for the affected mobile home owners, when necessary; and, 6) the qualifications of the party who prepared the report. The other suitable facilities are not limited to mobile home parks and may include multi-family apartments and other similar residential facilities. However, if the other suitable facilities include mobile home parks, the report shall verify there are no restrictions and/or requirements at said parks that would preclude relocation of the mobile homes owned by the affected mobile home owners.

Where property proposed for rezoning is occupied by a mobile home park that is exempt from the relocation requirements of F.S. Chapter 723, the applicant shall be required to submit a notarized affidavit verifying the exemption.

### **D. Submittal and Notice Requirements for Planned Development - Specific (PD-S) District**

In addition to the submittal and notice requirements set forth in Part C, herein, the following information shall be required on a General Development Plan submitted as a Planned Development-Specific that is not

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submitted with a concurrent Preliminary Plat or Preliminary Site Development Plan (see Part E). The following shall supercede the requirements set forth in Part C if there is a conflict.

1. Proposed lot layout for all single-family and two-family lots within two hundred (200) feet of project boundaries.
2. Proposed structural footprints for all non-residential and multi-family buildings within two hundred (200) feet of project boundaries. Indicate proposed use of each building.
3. Location of the uses/facilities listed below when they are proposed adjacent to residential uses and zoning districts outside the project. The term "adjacent" as used herein shall mean that no unlisted uses/facilities or residential lots are proposed between the listed uses/facilities and the project boundary.
  - a) Storm water ponds
  - b) Lift stations
  - c) Improved recreational facilities (i.e. clubhouse, pool, courts, playgrounds). Indicate if said facilities are to be lighted.
  - d) Collection facilities
  - e) Service areas/loading docks
  - f) Drive aisles/roads
  - g) Parking
4. Location of Grand Oaks, as defined in the Land Development Code. Indicate any grand oaks proposed for removal.
5. Location of trees with a DBH of five (5) inches or greater that are within 50 feet of project boundaries. Indicate any trees proposed for removal.
6. Location of all proposed/existing billboards. Include documentation of compliance with the County Settlement Agreement.
7. If the project is located within a community plan area, identify any proposed design features or other development aspects that are not in compliance with the community plan requirements. Provide justification for deviation from said requirements in accordance with LDC Section 5.03.06.C.6.
8. If buffering/screening proposed along project boundaries does not meet requirements of the Land Development Code, the location and detailed description of alternative screening shall be provided. Provide justification for deviation from said requirements in accordance with LDC Section 5.03.06.C.6.
9. Topographic contour lines at ten-foot intervals over the entire project and to a minimum of twenty-five (25) feet outside of project boundaries. Contours shall be based on the North American Vertical Datum 1988 (NAVD 88), unless otherwise approved by the County Surveyor. This information shall be permitted to be on a separate page or as an insert if said information interferes with the graphic presentation of other required information.

### **E. Submittal and Notice Requirements for Planned Development - Specific (PD-S) District Filed Concurrently with a Preliminary Plat or Preliminary Site Plan**

Per Land Development Code Section 5.03.05.B., an applicant for a PD-S district has the option of simultaneously applying for a concurrent preliminary plat or site development review.

In addition to the submittal and notice requirements set forth in Part C, herein, all of the information and documentation required in accordance with the Development Review Procedures Manual (DRPM) Sections 4.1.4.1.2.2.1.D (Preliminary Plat) or Section 4.1.5.1.1.D (Preliminary Site Plan) shall be required on a General Development Plan submitted as a Planned Development-Specific with a concurrent Preliminary

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Plat or Preliminary Site Plan review. The requirements of DRPM Sections 4.1.4.1.2.2.1.D (Preliminary Plat) or Section 4.1.5.1.1.D (Preliminary Site Plan) shall supercede the requirements set forth in Part C if there is a conflict.

(Res. No. R05-289, § 1(Item # 10, 11), 12-13-05, eff. 1-1-06; Res. No. R06-120, § 1(Items #2, 3), 6-13-06, eff. 8-1-06; Res. No. R06-194, § 1(Item #1), 9-12-06, eff. 10-1-06; Res. No. R08-181, Item G, 12-9-08, eff. 1-1-09; Res. No. R13-072, § 1(Exh. A), 5-7-13; Res. No. R14-065, § 1(Exh. A), 6-12-14; Res. No. R14-141, § 1(Exh. A, Item C-1), 10-23-14)

### Sec. 6.2.1.1 - General Site Plan Review

#### A. Filing Deadline

General site plans submitted with PD rezoning applications filed by the Regular PD Filing Deadline shown on the Zoning Hearing Master Schedule shall be reviewed by the Administrator within twenty (20) business days of the Filing Deadline to determine compliance with all requirements of Section 6.2.1.C.7 of this manual. If it is determined the plan meets all of the requirements, the application shall be scheduled for the selected hearing date. If it is determined the plan does not meet all of the requirements, the application shall not be scheduled for hearing and the Administrator shall inform the petitioner in writing of all plan deficiencies. The application shall not be scheduled for hearing until a revised plan is provided that complies with all requirements of Section 6.2.1.C.7. The application shall be scheduled for hearing based upon the first PD Rezoning Transmittal Deadline shown on the Zoning Hearing Master Schedule after the date on which the Administrator determines the revised plan complies with all of the requirements. The Administrator shall have seven (7) business days following receipt of the plan to make such determination.

(Res. No. R06-120, § 1(Item #2), 6-13-06, eff. 8-1-06; Res. No. R08-181, Item G, 12-9-08, eff. 1-1-09)

### Sec. 6.2.1.2 - Changes to Approved Planned Development Zonings

#### A. General

Changes to approved planned development zoning districts (PD) are categorized based on the degree of change as referenced in Section 5.03.04 of the LDC. Each level of change follows a specific procedure for review and decision, as follows:

Minor Change - PD changes proposed in accordance with Sec. 5.03.04.B of the LDC require review and decision by the Administrator. The application submittal information for a minor change application is referenced in Section 9.3 of this manual.

Minor Modification - PD changes proposed in accordance with Section 5.03.04.C of the LDC require review and decision by the BOCC at a public hearing, and is processed for review in the form of a Noticed Personal Appearance (PRS). The application submittal information for a Noticed Personal Appearance application is referenced in Section 7.0 of this manual.

Major Modification (MM) - PD changes proposed in accordance with Section 5.03.04.D of the LDC require a Land Use Hearing Officer (LUHO) review and recommendation based on a public hearing, and decision by the BOCC at a public hearing. The application submittal information for a major modification is referenced in Section 6.2.1.1.C below.

#### B. Cross Reference to Land Development Code

Section 5.03.04, Minor Change, Minor Modification and Major Modification.

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**C. Review Procedures**

Review and submittal procedures for Major Modification shall be consistent with requirements for PD rezoning as referenced in Section 6.2.1 of this manual.

(Res. No. R06-120, § 1(Item #2), 6-13-06, eff. 8-1-06)

PART 5.03.00 - PLANNED DEVELOPMENT DISTRICTS<sup>(1)</sup>

Footnotes:

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**Editor's note**— Ord. No. 06-18, § 2, adopted August 1, 2006, amended Part 5.03.00, in its entirety, to read as herein set out. See also the Table of Amendments.

Sec. 5.03.01. - Generally

- A. These districts are used for customized purposes in cases where standard district regulations are inadequate to protect surrounding property or where design flexibility is sought. The intent of these districts is to encourage creative, innovative, and/or mixed use development, and to insure and promote land use compatibility and harmony for land that is to be planned and developed as a whole in a single development operation or a definitely programmed series of development phases.

(Ord. No. 06-18, § 2, 8-1-06)

Sec. 5.03.02 - General requirements

- A. The application shall be submitted in accordance with the requirements listed in Section 6.0 of the Development Review Procedures Manual (DRPM).
- B. Mixed-Use Comprehensive Plan Categories. Applications greater than two (2) acres in size that are located in a Mixed-Use Comprehensive Plan Category shall be required to be rezoned to a PD, PD-S or a mixed use standard zoning district.

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. 08-30, § 2, eff. 2-1-09)

Sec. 5.03.03 - Additional notice requirements

- A. The required public notice shall specifically note that the PD application creates its own customized zoning district and that the PD application and approval process may be used to obtain variances from the non-district regulations as set forth in Section 11.04.02.B, excluding the hardship provision.

(Ord. No. 06-18, § 2, 8-1-06)

Sec. 5.03.04. - Planned development district options

There are two district options an applicant may select from when applying for a Planned District rezoning.

A. Planned Development - (PD)

The PD District is intended to be used when unified, large scale, mixed use developments are proposed in areas lacking a predominant urban/suburban development pattern and adjacent land use compatibility is not a significant factor. Broad, general concept plans would be permitted with limited flexibility to accommodate land use changes in response to evolving market conditions.

B. Planned Development - Specific (PD-S)

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The PD-S District is intended to be used for the purpose of binding development to a negotiated specifically detailed site plan with a list of specific conditions that insures compatibility and harmony with surrounding areas.

(Ord. No. 06-18, § 2, 8-1-06)

Sec. 5.03.05. - General site plan information

A. Planned Development - (PD)

The General Site Plan for PD districts shall include sufficient information in accordance with the site plan submittal requirements referenced in the Development Review Procedures Manual Section 6.2.1.7 (General Development Plan).

B. Planned Development - Specific (PD-S)

The General Site Plan for PD-S districts shall include sufficient information in accordance with the site plan submittal requirements referenced in the Development Review Procedures Manual.

1. Concurrent Preliminary Plat and/or Site Development Review Option - applicants for PD-S zoning shall have the option of simultaneously applying for a concurrent preliminary plat and or site development review provided they include all of the information and documentation required in accordance with the Development Review Procedure Manual Sections 4.1.4.1.2.2.1.D (Preliminary Plat) or Section 4.1.5.1.1.D (Preliminary Site Development Plan).

C. Transportation Information Required in all Planned Development Plans

In addition to subsections A and B above, General Development Plans for proposed PD districts shall provide the following transportation information:

1. Standards and guidelines for access to Public Roads for residential projects or subdivisions per Section 6.02.01 of this Code shall be incorporated to the site plan design including, but not limited to:
  - a. Provide multiple direct connections in its local street system to and between local destinations, such as parks, schools, and shopping, without requiring the use of arterial streets;
  - b. Incorporate and continue all collector or local streets stubbed to the boundary of the development plan by previously approved but unbuilt development;
  - c. Provide street stubs to facilitate access to all abutting properties or to logically extend the street system into the surrounding area to ensure future street connections where a proposed development abuts unplatted land or a future development phase of the same development;
  - d. Connect streets, alleys, and pedestrian pathways to other streets and to existing and projected streets outside the proposed subdivision or other development;
  - e. The arrangement of streets in new projects shall make provisions for the continuation of existing arterial and collector streets from adjoining areas, or for their projection where adjoining land is not subdivided. Where the proposed PD is adjacent to another subdivision, property owned by the Board of Education (currently, or planned as, a school site), or commercial areas, direct access shall be provided for non-motorized traffic where feasible;
2. Cross-Access Criteria and Requirements found in Section 6.04.03.Q of this Code shall be incorporated in the site plan design as provided below:
  - a. When each of the following conditions exist, provisions for vehicular and pedestrian cross-access must be demonstrated:

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- i. The site is on at least one roadway with an Access Management Classification of 1 through 6.
    - ii. The site has a commercial or office land use or zoning designation, and is adjacent to a parcel which also has a commercial or office land use designation or zoning and which has access on the same roadway.
  - b. When each of the following conditions exists, provisions for pedestrian cross-access must be demonstrated:
    - i. The site has frontage on at least one roadway with an Access Management Classification of 1 through 6,
    - ii. The site has a commercial or office land use or zoning designation and is adjacent to a parcel having frontage on the same roadway which has a land use or zoning designation allowing 12 dwelling units per acre or more, or
    - iii. The site has a residential land use or zoning designation allowing 12 dwelling units or more per acre and is adjacent to a parcel having a land use or zoning designation of 12 dwelling units or more per acre or a commercial or office land use or zoning designation and which has access on the same roadway.
  - c. When the criteria in a or b above are met, provisions for cross-access must be demonstrated as established below:
    - i. If the adjacent site is developed and, in the opinion of Hillsborough County, cross-access is feasible, the developer shall show the appropriate cross-access to the property line of the adjacent parcel.
    - ii. If the adjacent site is developed but, in the opinion of Hillsborough County, cross-access is not feasible at this time, the developer shall design and designate on the site plan the location of future cross access, but will not be required to construct the cross-access at the time of initial site development. The owner shall commit, in writing, to construct and allow cross-access at such time as Hillsborough County determines that cross-access is feasible and desirable.
    - iii. If the adjacent site is undeveloped, the developer shall indicate the cross-access to the property line of the adjacent parcel in anticipation of future connection when that site is developed.
3. Requests for relief from compliance with these standards shall be reviewed in accordance with the LDC Section 5.03.06.C.6.b. for Variations for Site Design.

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. [20-17](#), § 2(Exh. A), 9-24-20, eff. 10-2-20)

### Sec. 5.03.06. - Review procedures

#### A. Generally

Except as modified below, the Procedure for Amendments to the Official Zoning Atlas in Part 10.03.00 of this Code and Section 6.0 of the Development Review Procedures Manual shall be followed in the review of a PD application.

#### B. Pre-submittal Requirements

1. Pre-Submittal Conference - Prior to submitting an application for a PD or PD-S District, the applicant shall be required to have a pre-submittal conference with Zoning and other applicable staff. The petitioner shall provide a sketch plan for review at the conference which is intended to address the following:

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- a. The relationship between the anticipated project and surrounding uses and the consistency of the proposed development with the County's Comprehensive Plan and/or stated planning and development principles of the Land Development Code.
  - b. The nature, design and appropriateness of the proposed land use arrangement for the size and configuration of the property involved.
2. Neighborhood Meeting - An applicant shall be required to conduct a neighborhood meeting if requested by any resident that received mailed notice of the rezoning provided the meeting is requested 14 calendar days prior to the Zoning Hearing Master Hearing. The applicant's contact information (name, telephone number, and/or email address) shall be included in the rezoning notice. This information is to be utilized for contacting the applicant's representative to obtain additional information and for requesting a neighborhood meeting.

Applicant Initiated Neighborhood Meeting - As an option to satisfy the neighborhood meeting requirement, the applicant may conduct a neighborhood meeting prior to and in lieu of receiving a request by a noticed resident. If the applicant chooses to have the neighborhood meeting, notice of the meeting (to include the location, time, and date of the meeting) must be included in the required mailed notice of the rezoning. The applicant initiated neighborhood meeting must be held a minimum of 10 days after the required notice deadline.

- a. If a neighborhood meeting is required, or initiated by the applicant to satisfy this requirement, the meeting must start between 6:00 pm and 7:30 pm on weekdays and between 9:00 am and 5:00 pm on weekends. The meeting must be held within the general area of the subject application. A summary of the meeting as well as a sign-in sheet for those attending the meeting shall be submitted by the applicant for inclusion in the staff report.
- b. Mailed notice of the neighborhood meeting shall comply with notification distances set forth in Section 10.03.02.E.1 and to neighborhoods which qualify in Section 10.03.03.F

### C. Actions by the Board of County Commissioners

1. Actions by the Board shall be as provided for amendments generally. It may grant the application in accord with PD and other applicable regulations, approve with modifications and/or conditions, or may deny the application.
2. If the amendment is granted, the Board shall, in its amending action, approve the General Development Plan or indicate required modifications or conditions. Such approved plans, with any required modifications or conditions, shall be binding in determinations concerning consistency of applicable subdivision and site development plans.
3. If the amendment is granted, the development shall be required to be in accord with applicable subdivision and site development plans meeting the requirements of these and other regulations, as supplemented or modified by the Board in the particular case as part of the amending action, and shall conform to any time limitations established by the Board on beginning and completion of the development as a whole or in specified stages.
4. Before development may proceed, any required agreements, contracts, sureties, and other instruments involved must be executed and found to be in compliance with the Board of County Commissioner's conditions by the appropriate officer(s) and agencies.
5. If in approving the amendment the Board designates by condition any site design features or conditions which it identifies as being a "critical design feature", then any proposed alteration to such a feature or condition shall require a public hearing, as provided in Section 5.03.07.A. A critical design feature is any essential feature or condition of zoning identified by the applicant and confirmed by the public as necessary to the development of the planned development (PD) district which upon review is designated as such by the Board.
6. Variations for Site Design
  - a. The purpose of the Planned Development District is to allow flexibility in certain site development standards in order to achieve creative, innovative, and/or mixed use

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development. The following non-district regulations may be varied as part of a Planned Development based upon the criteria contained herein:

- (1) Part 6.05.00, Parking and Loading Requirements;
  - (2) Part 6.06.00, Landscaping, Irrigation, and Buffering Requirements; and
  - (3) Part 6.07.00, Fences and Walls.
  - (4) Requests to vary any other non-district regulations in this Code must be reviewed and approved through separate application in accordance with Part 11.04.00.
- b. The following are the criteria for consideration of a variation through a Planned Development District:
- (1) The variation is necessary to achieve creative, innovative, and/or mixed use development that could not be accommodated by strict adherence to current regulations.
  - (2) The variation is mitigated through enhanced design features that are proportionate to the degree of variation.
  - (3) The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.
  - (4) The variation will not substantially interfere with or injure the rights of adjacent property owners.
- c. The project narrative shall include a description of each variation being requested and a description of how each variation complies with the criteria contained herein. The PD site plan must identify all variations being proposed.
- d. Recommendations of the Zoning Hearing Master and the Zoning Administrator shall include a finding regarding whether the variations requested as part of a Planned Development rezoning meet the criteria. Approval of any planned development that includes a variation of non-district regulations shall constitute a finding by the BOCC that the variations meet the criteria contained herein.
7. Approval by the Board of County Commissioners of a PD-S District site plan with the Concurrent Preliminary Plat, Site Development Review and/or Construction Plan Option shall also constitute approval of the Preliminary Site Development Plan, Preliminary Plat and/or Construction Plan. However, the Preliminary Site Development Plan, Preliminary Plat and/or Construction Plan shall be subject to expiration six months from the approval date of the PD-S District, in accordance with expiration procedures set forth in the Development Review Procedures Manual (DRPM) for Preliminary Plans, Preliminary Plats and/or Construction Plans.

### D. Applicability of Subdivision and/or Site Development Plan Regulations

After a PD or PD-S district has been established, no Building Permit shall be issued therein unless and until the applicable subdivision construction plans or site development construction plans have been approved in accordance with the provisions contained in this Code. Such subdivision and site development plans shall be consistent with the approved Certified General Development Plan, all commitments made and any restrictions placed on the approved Certified General Development Plan, and any documents, graphic, map, or other such information provided as part of the official record for the approval of the PD district.

### E. Conflicts

In cases where the approved certified site plan graphic and/or notes are in conflict with specifically approved zoning conditions, the more restrictive requirement shall prevail. Where there are conflicts between the certified site plan graphics or list of conditions and non-district related regulations in the LDC, the most restrictive requirement shall prevail unless a variance has been requested by the applicant and

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approved with the appropriate findings by the Board of County Commissioners, as provided by Section 5.03.06.B.6.

### F. General Site Plan Certification

1. The general site plan that is to be certified as part of the PD approval process must be submitted to the County prior to approval of the PD application by the Board. If changes are made to the site plan at the BOCC hearing, then approval of the site plan and zoning shall be continued to the next meeting. Any and all changes to the list of conditions must be certified by the Administrator within 30 days of approval by the Board.

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. 08-30, § 2, eff. 2-1-09; Ord. No. 14-3, § 2(Exh. A), (Item IV-A), (13-0719), 1-30-14, eff. 2-6-14)

### Sec. 5.03.07. - Changes to approved PD districts

#### A. Changes to Critical Design Features

1. Changes to any condition on the site plan or to the list of conditions that have received a "critical design feature" designation shall be considered a Major Modification and shall be reviewed in accordance with procedures in Sec. 10.03.00.

#### B. Changes to Approved PD Site Plans

The Administrator is authorized to approve the administrative modifications specifically listed in this section of the PD Ordinance, as long as they are in harmony with the originally approved PD district. The Administrator shall not have the power to approve changes that constitute a minor or a major modification of the approval. A minor modification shall require approval by resolution of the Board and shall be heard in the form of a personal appearance. A major modification shall require approval of the Board and shall be handled in the same manner as the original approval.

1. Administrative Modification: The Administrator is authorized to approve the following modifications to approved Planned Development Districts:
  - a. Reduce the number of parking spaces by an amount not to exceed 10 percent of the approved spaces, provided the reduction meets the minimum off-street parking requirement for the uses.
  - b. Any relocation of approved density or intensity farther than 500 feet from the zoning lot boundaries or farther than 200 feet from any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.
  - c. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development. If no single-family units are included in the project, the requirements of the RSC-9 district shall be the minimum permitted.
  - d. Allow interim passive agricultural uses, as defined by this Code, prior to development, site construction plan approval and/or final subdivision plat approval of the planned district or portion(s) thereof, provided the agricultural activity will not impede development in any part of the district under separate ownership. Additionally, the allowance shall be restricted to planned districts or portions thereof that were agriculturally zoned at the time of rezoning to PD. Upon qualification for interim passive agricultural uses under this provision, the allowance for such uses shall run with the land irrespective of any subsequent zoning changes, including rezoning to a standard district, unless expressly prohibited by condition or restriction imposed by the zoning change, and provided that passive agricultural uses were permitted on the property under its zoning, or through this provision, on November 1, 2012.

- e. Allow redevelopment of mobile home parks in the Urban Service Area with affordable housing at the same permitted density with any housing type pursuant to the affordable housing requirements of Section 6.11.07 of this Code and connection to public water and wastewater services. The project shall be subject to the affordable housing standards in Sections 6.11.07 and 6.01.02 of this Code for the RSC-9 district unless alternative standards are necessary to achieve the permitted density. Such alternative standards shall be subject to approval of the Administrator as being the minimum necessary for the provision of affordable housing pursuant to Section 6.11.07 of this Code. If alternative standards are requested, the applicant shall provide written justification with a detailed explanation of why the alternative standards are necessary to achieve the permitted density.
2. Minor Modification: In reaching a decision as to whether or not the changes are substantial enough to be considered a minor modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
    - a. Any change in parking areas resulting in a reduction of more than ten percent in the number of approved spaces which also reduce any minimum required spaces.
    - b. Significant changes in the basic form.
    - c. Any reduction in the amount of open space/recreation area or any substantial change in the location or characteristics of open space.
    - d. Changes in location, or type of pedestrian or vehicular accesses or circulation, or any increase or decrease in the number of pedestrian or vehicular accesses.
    - e. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. Relocation of uses, density or intensity which triggers these thresholds shall be considered a minor modification.
    - f. Any increase in density or intensity of use of up to five percent usable floor area, three percent of the number of dwelling units, or five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
    - g. An increase in structure height less than 15 feet or an increase in number of stories.
    - h. Any change in a condition specifically required by the Board as part of the PD amendment. However, any condition which merely restates a Code requirement without deviation may be modified by the Administrator if the regulation allows a waiver or if the regulation has subsequently been changed by the Board of County Commissioners.
    - i. Any decrease in required yards, except that when such decrease is to apply to three or less single-family lots within the project, the change shall be reviewed per Section 11.04.
    - j. Any deletion of a specifically approved use.
    - k. Any increase in the area allocated to any land use type, except open space/recreation area, by ten percent or less.
    - l. Any increase in traffic generation, up to ten percent.
    - m. Any request for a decrease in intensity from commercial to residential support or conventional single-family, or from commercial or office to conventional single-family, shall be considered a minor modification.
    - n. If any of the above changes are present, the change shall be considered a minor modification.
  3. Major Modification: In reaching a decision as to whether the changes are substantial enough to be considered a Major Modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:

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- a. Any increase in intensity of use shall be considered to be an increase of more than five percent usable floor area, or an increase of more than three percent in the number of dwelling units, or an increase of more than five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
- b. Any increase in structure height of 15 feet or greater.
- c. Any addition of a use from the specifically approved use. However, a change from multi-family to single family shall be an administrative modification if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development.
- d. Any increase in the area allocated to any land use type, except open space, by more than ten percent.
- e. Any increase in traffic generation by more than ten percent.
- f. If any of the above changes are present, the change shall be considered a major modification.

TABLE 5.1  
CHANGES IN APPROVED GENERAL PLANS

N/A = not applicable

LAND DEVELOPMENT CODE			
	Administrative Modification	Minor Modification	Major Modification
Parking	Reduction ≤ 10% of spaces above the minimum requirement	Reduction > 10% of spaces that also reduce required spaces	N/A
Basic Form	N/A	Significant changes	N/A
Open Space (See also Use)	NA	Reduction in area, location or characteristics; includes recreation area	N/A
Access/Circulation	N/A	Changes in location or type of pedestrian or vehicular accesses or circulation. Increase or decrease in number of pedestrian or vehicular accesses.	N/A

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Density/Intensity	Relocation > 500' from zoning lot line or > 200' from other owner and not minor/major modification	Increase or relocation ≤ 500' from zoning lot line or ≤ 200' from other owner	N/A
	N/A	Increase ≤ 5% usable floor area, ≤ 3% of number of dwelling units, ≤ 5% outside land area for sales, displays, demonstrations	Increase > 5% usable floor area, > 3% of number of dwelling units, > 5% outside land area for sales, displays, demonstrations
Height	N/A	Any increase in structure height < 15 feet or increase in number of stories	Any increase ≥ 15'
Conditions	N/A	Any change in condition specifically required by BOCC	N/A
Yards	N/A	Any decrease in required yards (see 5.03.04.C.i.)	N/A
Use	Change from M-F to S-F if no increase in external impacts and is consistent in lot size, coverage, yards with other S-F in development. If no other S-F, then minimum requirements are RSC-9	Any deletion of a specifically approved use.	Any addition of a use different from the specifically approved use
		Any increase in area allocated to any land use type (except open space/recreation area) by ≤ 10%	Any increase in area allocated to any land use type (except open space) by > 10%

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		Change from commercial to residential support or conventional S-F	
		Change from commercial or office to conventional S-F	
Traffic Generation	N/A	Any increase $\leq$ 10%	Any increase $>$ 10%

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. 12-24, § 2(Exh. A)(Item IV.C)(12-0681), 10-25-12, eff. 11-1-12; Ord. No. 16-21, (Exh. A)(Item I-02)(16-1070), 10-11-16, eff. 10-18-16; Ord. No. 18-30, § 2(Exh. A), 10-11-18, eff. 10-18-18)

### 2.03.06 Planned Unit Development Districts

- A. Purpose and intent. The purpose and intent of establishing the planned unit **development** district (PUD) is to provide procedures and standards to encourage mixed use planned **developments** that may be situated at appropriate locations, or planned **developments** that may or may not be mixed use in the urban fringe areas, all in accordance with the planning and **development** objectives of the county under the LDC and the GMP. It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and **development** or redevelopment of relatively large tracts of land under unified ownership or control. PUDs produced in compliance with the terms and provisions of this LDC and the GMP may depart from the strict application of **setback**, height, and minimum **lot** requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest, in order to:
- B. The PUD process is intended to accomplish the following:
1. Provide a creative approach to improve the quality of the built environment of contiguous tracts of land which will encourage **development** of infill **parcels** of contiguous tracts of land in certain circumstances.
  2. Create a more desirable environment providing for consistency and visual harmony than would be possible through strict application of the minimum requirements of this LDC.
  3. Encourage patterns of land use that support economical provisions of infrastructure, resulting in smaller networks of utilities and **streets** with consequent lower construction and future maintenance costs.
  4. Evaluate the impact of a particular PUD on the present and projected population, economy, land use pattern, tax base, **street** system, and public facility network(s) of the county relative to the various costs and benefits associated with such **development**.
  5. Assure that the **development** employs techniques featuring amenities and excellence in the form of variations in siting, mixed land uses and/or varied **dwelling** types, as well as adaptation to and conservation of the topography and other natural characteristics of the land involved. Exceptions to variations in siting, mixed land uses and/or varied **dwelling** types may be granted on PUD infill **development**.
- C. PUD districts shall hereafter be established by amendment of the official zoning atlas according to the procedures established in LDC section 10.02.08 and the Administrative Code. The purpose and intent of establishing and identifying the following classifications is to identify a relationship between a proposed PUD and the other zoning districts within this LDC. The goal is to relate the purpose and intent of the PUD zoning district and the uses permitted within a PUD to defined zoning districts within this LDC and to establish appropriate uses and performance standards within this PUD, which are similar to those allowed by the most similar district(s). PUDs shall hereafter be defined by the following districts and shall be referenced as such within the PUD document as follows:
1. *Residential planned unit **development** district.* This district is intended to further the general purpose of a planned unit **development** district set forth above as it relates to residential areas. The **principal use** of any residential planned unit **development** is for human habitation in permanent and/or seasonal year-round **dwelling units**. The RPUD district shall be construed to include the following zoning districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, AND MH.
  2. *Community facilities planned unit **development** district.* This district is intended to accommodate public facilities, institutional uses, **open space** uses, recreational uses, water-related or dependent uses, and

other governmental, religious and community service activities which complement and are necessary to serve other zoning districts.

3. *Commercial planned unit **development** district.* This district shall be construed to include the following districts: C-1, C-2, C-3, C-4, C-5 and TTRVC. **Accessory uses** which may be permitted in the commercial planned unit **development** district include permanent and/or seasonal human habitation in multiple-family **buildings** and **townhouses**, transient housing in **hotel** or **motel** rooms, health care facilities, and other limited institutional uses.
4. *Industrial planned unit **development** district.* This district is intended to accommodate industrial **development**. The **principal use** of any industrial planned unit **development** is the manufacture of goods, materials and the storage and wholesale distribution of such goods or materials.
5. ***Airport operations planned unit development** district (AOPUD).* This district is intended to accommodate and regulate those lands on which public **airports** and ancillary facilities are to be located.
6. *Mixed use planned unit **development** district (MPUD).* This district is intended to accommodate a planned unit **development** with more than one type of PUD district. The PUD document shall define the mixture of PUD districts as set forth in this section.
7. *Research and technology park planned unit **development** district.* This district is intended to accommodate a planned unit **development** with a mixture of targeted industry uses - aviation/aerospace, health technology industry, information technology industry, and light, low environmental impact manufacturing industry and non-**industrial uses**, in accordance with the design requirements of section 4.07.05 of this LDC and the GMP research and technology park subdistrict.
  - a. *Type A* - Research and technology park in the urban-mixed use district of the GMP.
  - b. *Type B* - Research and technology park in the urban commercial district of the GMP.
  - c. *Type C* - Research and technology park in the urban industrial district of the GMP.
  - d. At a minimum, 60 percent of the total park net acreage shall be devoted to target industry uses as defined below in section 2.03.06(D) of this LDC, use regulations table.
  - e. Non-target industries, as defined below in section 2.03.06(D) of this LDC, use regulations table, and **workforce housing**, shall be permitted to include up to twenty (20) percent of the total park net acreage.

D. The following are permissible uses in the Research and Technology Park PUD:

Identified Use	Special Notes Or Regulation	RTPPUD
Accessory uses and structures	4.07.02 and 5.03.00	P
Accounting 8721, 7521,7231,7241		NT
Administrative offices		P (2)
Aircraft & Parts 3721-3728 Aviation/Aerospace Industries		T
ATM (automatic teller machine)		P
Automobile service station	§5.05.05	NT
Banks and financial establishments Group I 6011—6062 Group II 6081—6173	NT NT	
Bar or cocktail lounge		-
Barber Shops 7241		NT
Beauty Shops 7231		NT

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Boats: Boat ramps and dockage (not marinas) Boat rental Boat repair and service Boat sales	5.03.06	NT -NT
Broadcast studio, commercial radio and television		T
Business services 7311—7352, 7359—7389		NT
Cable and other pay television services 4841		T
Call Center and Customer Support Activities		T
Car wash		NT
CD-ROM development		T
Clothing stores, general		NT
Communication groups 4812—4841		T
Communication towers: 75 feet or less in height More than 75 feet in height	5.05.09	P CU
Computer and data processing services, Computer related services, not elsewhere classified		T
Consumption on premises		NT
Convenience food and beverage store		NT
Day care center, adult & child services		P/NT
Data and Information processing		T
Development testing and related manufacturing		T
Drive-through facility for any Permitted use		P
Drugs, Medicine 2833-2836		T
Drugstore, pharmacy 5912		NT
Dwelling unit: Single-family, duplex Two-family attached Townhouse, multiple-family building		P P P
Educational, scientific and research organizations		T
Engineering 0781, 8711—8713, 8748		NT
Export based laboratory research or testing activities		T
Fences, walls	5.03.02	P
Food and beverage service, limited		NT
Food stores 5411—5499		NT
Gasoline dispensing system, special		NT
General Merchandise 5331—5399		NT
General Contractors 1521—1542		NT
Gift and souvenir shop		NT
Hardware store 5251		NT
Health care facilities: 8011—8049 8051—8099		NT NT
Health Technologies		T
Heliport or helistop		P
Hobby, toy and game shops		NT

Hotel/motel: 7011, 7021, 7041		NT
Housing units for employees only	5.05.03	P
Insurance companies 6311—6399, 6411		NT
Information Technologies		T
Laboratories 5047, 5048, 5049, 8071, 8731, 8734		T
Laundry or dry cleaning		NT
Legal Offices 8111		NT
MANUFACTURING OF:		
1. Electronics 3612—3699		T
2. Measuring, analyzing & Controlling instruments, 3812—3873		T
3. Novelties, jewelry, toys and signs		NT
Management 8741—8743, 8748		NT
Medical Laboratory 8071, 8072, 8092, 8093		T
Membership Organization 8611—8699		NT
Motion picture production studio 7812—7819		NT
Multimedia activities		T
Parks		P
Parking lot: Accessory Garage, public parking		P P
Personal services 7211—7299		NT
Pharmacy		NT
Photo finishing laboratory		T
Photographic Studios 7221		NT
Physical Fitness 7991		NT
Play Ground		P
Printing and publishing 2752		T
Production facilities and operations/technology based		T
Professional Office		NT
Research, development laboratories & Technology Parks: 8071, 8731, 8734	See Note (3)	P
All others		P
Residential Development including care units, family care facilities and group care facilities		P
Residential accessory uses		NT
Restaurant, fast food		NT
Restaurants 5812—5813		NT
Schools: Commercial 8243—8299		NT
Security & Commodity Brokers 6211—6289		NT
Self-service fuel pumps		NT
Signs in accordance with 5.06.00	§ 5.06.00	P
Storage: Indoor only		P
Studios		NT
Telephone communications 4813		T
Travel Agency 4724		NT

Legend: (-) not permitted, (P) permitted, (CU) conditional use (T) target industry [RTPPUD only], (NT) non-target industry [RTPPUD only]

Notes:

- (1) Subject to limitations for commercial uses set forth in subsection 2.03.03 C. of this LDC.
- (2) Accessory uses only
- (3) Subject to ordinance 02-24 (GMP amendment).

E. The following are permissible commercial uses in PUDs:

Major Category	Specific Uses:
a. Groups 6021-6029	Commercial banks—Drive-through facilities are prohibited
b. Group 6531	Real estate agents and managers for property within PUD only
c. Group 5251	Hardware store only—2,500 sq. ft. maximum floor area
d. Group 5331	Variety stores—2,500 sq. ft. maximum floor area
e. Group 5339	Miscellaneous general merchandise stores, except catalog showrooms—2,500 sq. ft. maximum floor area
f. Group 5411	Grocery stores, except frozen food and freezer plants 10,000 sq. ft. maximum floor area
g. Group 5421	Fish, meat, and seafood markets only
h. Group 5431	Fruit and vegetable markets
i. Group 5461	Retail bakeries
j. Group 5499	Health food store only—2,500 sq. ft. maximum floor area
k. Group 5541	Gasoline service stations, except truck stops
l. Groups 5611-5661	Apparel and accessory stores—2,500 sq. ft. maximum floor area
m. Group 5735	Record and prerecorded tape stores
n. Group 5812	Eating places, except caterers and industrial and institutional food service establishments, dinner theaters, drive-in restaurants and restaurants with drive-through facilities
o. Group 5921	Liquor stores
p. Group 5947	Gift, novelty, and souvenir shops
q. Group 5949	Sewing, needlework, and piece goods stores
r. Group 5992	Florists
s. Group 7212	Agents for laundries and drycleaners only
t. Group 7215	Coin-operated laundries and dry cleaning
u. Group 7219	Diaper service, and garment alteration and repair shops only
v. Group 7231	Beauty shops, except beauty schools and cosmetology schools
w. Group 7241	Barber shops, except barber colleges
x. Group 7299	Depilatory salon, electrolysis, massage parlor, shopping service for individuals, and tanning salons only
y. Group 7349	Housekeeping and maid service only
z. Group 7841	Video tape rental
aa. Group 7991	Physical fitness facilities
bb. Groups 8011-8021	Offices and/or clinics of physicians, and offices an/or clinics of dentists
cc. Group 8041	Offices and clinics of chiropractors

F. Special requirements for public school facilities within a planned unit **development**.

1. Permitted facilities.

**Ancillary plants** and **educational plants** are both permitted in a planned unit **development** district; however, any high school located in this district is subject to a **compatibility review** as described in section 10.02.03 of the Code.

2. **Yard** Requirements for public schools.

- a. For **principal structures**: 50 feet from all property lines.
- b. For **accessory structures**: 25 feet from all property lines.

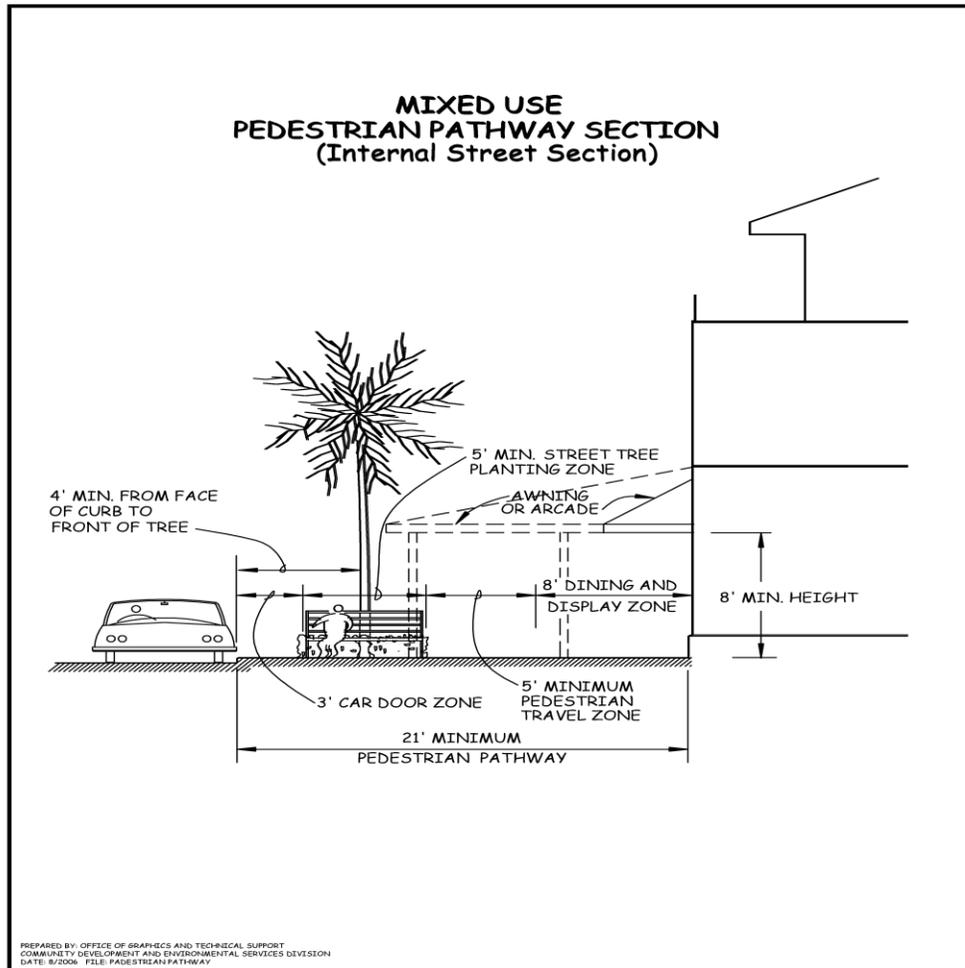
G. Residential Mixed Use Neighborhood Center PUD Design Criteria.

1. *Purpose and Scope.* The Residential Mixed Use Neighborhood Center PUD Design Criteria is intended to encourage the development of residential projects with a limited mix of commercial uses with a context of smart growth design. Such mixed-use projects are intended to be developed at a human-scale with a pedestrian orientation, interconnecting with **adjacent** project, whether commercial or residential. The Residential Mixed Use Neighborhood Center PUD is allowed in the Urban Mixed Use District contained within the FLUE and subject to the standards and criteria set forth under the Residential Mixed Use Neighborhood Subdistrict and the regulations contained herewith.

2. *Residential PUD mixed use projects shall comply with the following standards and criteria.* These design criteria are applicable to Residential Mixed Use Projects, those projects approved prior to the effective date this amendment, shall not be required to adopt the design criteria contained here within during any future PUD amendments.

- a. Uses in the commercial component are limited to those allowed in the C-1, C-2 and C-3 zoning districts as contained in the Collier County Land Development Code.
- b. The commercial component shall be no larger than 10 acres in size and shall not exceed 80,000 square feet of gross leasable floor area.
- c. A maximum of one acre of land for commercial uses is allowed for each 5 acres of land for residential uses.
- d. The minimum size for a project utilizing the Residential Mixed Use PUD shall be greater than 5 acres.
- e. No single commercial use in the commercial component shall exceed 15,000 square feet of gross leasable floor area, except that a grocery store or supermarket shall not exceed 45,000 square feet of gross leasable floor area.
- f. The maximum floor area ratio for commercial uses is 0.25, of the commercial component.
- g. Residential **density** shall be no less than the base **density** allowed by the FLUE Density Rating System. For properties located in the Urban Residential Fringe, the minimum **density** shall be as allowed by that Subdistrict.
- h. For freestanding residential uses, acreage to be used for calculating **density** is exclusive of the commercial component and of any acreage component for a use with a residential equivalency, e.g. ALF-adult living facility. For properties not located in the Urban Residential Fringe, eligible **density** shall be as allowed by the FLUE Density Rating System, or as allowed under the existing residential zoning district, or as otherwise allowed by FLUE, Policy 5.1. For properties located in the Urban Residential Fringe, eligible **density** shall be as allowed by that Subdistrict.

- i. For residential uses located within the commercial component of the project, whether located above commercial uses in the same **building**, in an attached **building**, or in a freestanding **building**; **density** is calculated based upon the gross project acreage. For properties not located in the Urban Residential Fringe, eligible **density** is the base **density** allowed by the Density Rating System, less any reductions. For properties located in the Urban Residential Fringe, eligible **density** shall be as allowed by that Subdistrict.
  - j. The project is encouraged to use a grid **street** system, or portion thereof, so as to afford maximum opportunity for interconnections with surrounding properties and to provide multiple route alternatives.
  - k. The project shall provide **street**, pedestrian **pathway** and **bike lane** interconnections with **adjacent** properties, where possible and practicable.
  - l. The commercial component shall be interconnected with the residential component of the project by **streets**, or pedestrian **pathways**, and **bike lanes**, unless precluded by the existence of wetlands or other environmentally sensitive habitats. In such instance, no less than one type of interconnection shall be provided.
  - m. All **buildings** shall be limited to 5 stories in height, inclusive of under **building** parking, not to exceed the zoned height and in no case greater than 60 feet.
  - n. The commercial component of the project shall be internally located with no direct **access** to **adjacent** external roadways, or the commercial component shall have **frontage** on a road classified as an **arterial** or **collector** in the Transportation Element.
  - o. If the commercial component is not internally located, then its **frontage** shall be no greater than twice its depth.
  - p. For projects located along an **arterial** or **collector road**, the number and type of **access** points shall be limited, as appropriate, so as to minimize disruption of traffic flow on the **adjacent arterial** or **collector roadway**.
  - q. The **setback** for projects which are **adjacent** to residentially zoned properties shall be a minimum of 15 feet.
3. **Pedestrian Pathways.** For projects subject to architectural design standards, see LDC section 5.05.08 F. for related provisions.
- a. The pedestrian **pathways** along the main **streets** shall be a minimum of 21 feet in width, which shall have a **pedestrian travel zone** that is unobstructed and continuous. (See diagram.)
  - b. Pedestrian **pathways** shall be provided pursuant to section 4.02.3 8.D. of the LDC and shall include: **street** furnishings, a **street** tree planting zone, and a **pedestrian travel zone**. (This is not applicable to internal parking lots.)
  - c. Overhead arcades, awnings or canopies, may extend over the dining and display zone as well as the pedestrian travel zone at a minimum height of 8 feet. Furnishings or other obstructions shall be kept out of the pedestrian travel zone.
  - d. Outdoor dining at **building** arcades or outdoor areas may be enclosed by planters, decorative fencing, or comparable moveable barriers. The dining area shall not encroach into the pedestrian travel zone.
  - e. **Building** elements in the form of arcades, overhangs, signage, marquees, bay windows, and structural supports shall be allowed to extend over the pedestrian travel zone. These allowable overhead encroachments shall have a minimum clearance of 8 feet height above the sidewalk.



4. **StreetFurnishings & StreetPlantings.**

5. **Landscape.**

6. **BuildingFoundation Plantings.**

7. **BuildingArchitectural Standards.**

8. Sign Types and Definitions shall be as provided for in section 5.06.00 the Collier County Sign Code.

9. **Parking Requirements.** Mixed-use projects have the opportunity to provide a variety of parking options to residents and patrons and remove parking areas as the focal point of the **development**. Mixed-use projects reduce vehicular trips, and thereby reducing the number of parking spaces, by utilizing pedestrian-oriented design and reducing the distance between residential and commercial uses.

10. *Service Areas.* For projects subject to architectural standards, see LDC section 5.05.08 F. for related provisions.

H. *Conversion of Golf Courses.* Golf courses constructed within a PUD shall adhere to the process established in LDC section 5.05.15 prior to converting to another use.

(Ord. No. 06-63, § 3.D; Ord. No. 08-11, § 3.I; Ord. No. 09-43, § 3.A; Ord. No. 13-56, § 3.C; Ord. No. 16-22, § 3.A; Ord. No. 16-27, § 3.E; Ord. No. 17-10, § 3.A)

## 4.2 Subdivision of land.

This section contains the design standards and review criteria for subdivisions. The requirements for filing a subdivision plat and the procedures for approval are in subsection 2.2.10.

### 4.2.1 Design standards.

4.2.1.1 *Lot dimensions.* All lots within a subdivision shall conform to the dimensional requirements for the standard zoning district in which the subdivision lies (see schedules 3.2.2.1 and 3.2.2.2) or shall conform to the standards for planned development projects (see section 3.4.1). The density of residential subdivisions shall be governed by the zoning district in which the land lies (see schedule 3.2.2.1). In PDP zoning districts, the future land use map of the comprehensive plan and related policies shall govern density. Subdivisions using the dimensional requirements for a PDP shall obtain PDP approval (see section 3.4.1) prior to or simultaneously with subdivision approval.

4.2.1.2 *Streets.* Streets shall conform to the standards in section 4.1.3. In addition, the following shall apply:

- a. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the areas being subdivided unless the approving body deems such continuation or extension undesirable for specific reasons of topography or design.
- b. Where, in the opinion of the approving body, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the approving body deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least 50 feet.
- c. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.
- d. Dedication of right-of-way for new streets. The right-of-way for streets to be dedicated shall be as follows unless otherwise determined by the director of public works for the UV, UC and UCBD districts:

Arterial*	120 feet
Major Collector*	84 feet
Minor Collector*	66 feet
Local Street*	50 feet
* See Section 4.1.3.1 for definitions of these street categories.	

- e. Dedication of right-of-way for existing streets. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum requirements for new streets set forth in subsection d. Above.
  - i. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the center line of the existing street shall be dedicated.

- ii. Dedication of one-half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited except for arterial streets.

4.2.1.3 *Natural and man-made features of site.* The subdivision layout shall be made with regard for natural features such as large trees, unusual topographic features, watercourses, sites of historical significance and similar assets. Specifically, the following shall be required:

- a. A survey showing all trees which require a permit for removal under section 2.2.3.1 of these LURs shall be submitted with the preliminary subdivision plan, for the purpose of reviewing the layout of the lots in regard to trees of significance. The relationship of such trees to the layout shall be considered in the review of the preliminary plan and changes may be requested or required in the layout as necessary to preserve such trees as practical while allowing reasonable use of the property.
- b. The requirements of section 3.4.4, Conservation district, shall be considered in the review of any subdivision with land within this district. The layout of lots shall be such that land within this Conservation district is not within a probable building envelope or area to be paved or otherwise altered in conflict with section 3.4.4. Note that projects with more than 200 linear feet of coastal high hazard line are required to be planned development projects (see Section 3.4.1) and all lands within the Conservation district are to be common area rather than individual lots.

4.2.1.4 *Drainage.* Drainage shall meet the requirements of section 4.1.5. Subdivisions shall be designed to:

- a. Be consistent with the need to minimize flood damage;
- b. Have public facilities and utilities such as sewer, gas, electrical and water systems located and constructed to minimize flood hazards;
- c. Have adequate drainage provided to reduce exposure to flood hazards.
- d. Shall provide base flood elevation data if the development is greater than 50 lots or five acres, whichever is less.

4.2.1.5 *Easements.* Easements shall be provided as are reasonably necessary and required by public works to accommodate public utilities, including sewer, water and drainage for each lot in the subdivision. Drainage easements shall include all pipes, ditches, swales and ponds required under stormwater permits by the city or other permitting agency. For subdivisions not requiring a stormwater permit under state law, public works may require five-foot easements along the rear and side lot lines in residential subdivisions if needed for public utilities or drainage purposes.

The width of a pipe easement shall be ten feet measured from the center line of the proposed pipe, unless a reduction is allowed by public works based upon the depth and size of the pipes. Additional easement width may be required by public works for large piped drainage easements. Such easements shall be shown on the preliminary plat for review and on the final plat for recording.

These easement requirements may be waived or reduced by city council upon presentation by the applicant of evidence that the requirement is excessive or unnecessary for a particular subdivision. No alteration of drainage easements, such as the addition of berms or other grading, shall be made without the written approval of the director of public works. Easements may be landscaped subject to the following:

- a. No trees shall be planted within the easement.

- b. All shrubs shall be maintained at six feet or less in height.
- c. No plants shall be placed in an easement if such plants will adversely affect or restrict the intended use of the easement.
- f. Fences, see section 5.1.2.7 or 5.2.2.4

4.2.1.6 *Recreation*. In residential subdivisions, recreation area shall be provided at a ratio of one acre per 200 single unit lots. A minimum recreation area of one-half acre is required in subdivisions of 50 single unit lots or more. In subdivisions with less than 50 single unit lots, recreation area shall be provided in a fraction of an acre, using the ratio of one acre per 200 single unit lots to determine the fraction required.

Recreation buildings or enclosed or paved play courts shall constitute a maximum of 50 percent of the required recreation area. A recreation area shall have at minimum the following improvements: benches, trees, open or grassy areas and play or exercise facilities geared to the type of population served. Pedestrian or bike paths designed to meet the recreation standard must be in a landscaped corridor, a minimum of 25 feet in width.

4.2.1.7 *Sewer and water*. Sewer and water service, meeting the standards of the director of public works shall be provided to the lot line of each lot within a subdivision.

**3.4. Special district regulations.**

3.4.1 *Planned development projects (PDP).* The PDP standards in this section are geared to allowing developers maximum flexibility in designing higher quality, more innovative projects that might not otherwise be permitted through these LURs. Preservation of environmentally-sensitive lands, creation of green space, and innovative design is highly encouraged. Interactive community design is also encouraged.

PDP review and approval is required for:

- Any project or new construction in a PDP district, unless the new construction is considered a minor amendment to a previously approved PDP site plan;
- Any project involving more than 200 linear feet of land below the two-foot contour line, pursuant to subsection 3.4.4.
- A subdivision that does not meet the subdivision requirements of section 4.2.
- To be eligible for PDP consideration, the proposed development should:
  - Be at least one acre in total area, unless the PCD director has determined that a smaller property could provide a beneficial contribution to the city or surrounding neighborhood. More than one lot of record may be proposed as part of a PDP, including non-contiguous lots of record within the same comprehensive plan neighborhood, subject to PCD approval.
  - Generally exceed the standards contained in the LURs, and not merely circumvent them. The applicant agrees that additional standards may be required as part of the approval process. Any PDP proposing a reduction of required standards must include findings provided by the applicant for justifying the reductions.
  - Be reviewed by the PCD director, public works and fire departments as part of a pre-application meeting, to discuss the concept of the proposed development and the procedural requirements of these LURs. The applicant must provide a conceptual site plan showing the subject property, its relationship to the surrounding properties, and the general development scheme.

3.4.1.1 *Land uses.* In PDP land use districts, the land use category of the property as it appears on the future land use map in the comprehensive plan shall govern the uses which may be allowed within the proposed development, as follows:

SCHEDULE 3.4.1.1 ALLOWED USES IN PDP DISTRICTS	
FLUM Designation	Uses Allowed
Residential	Refer to R-3 district atlas category and subsection 3.4.1.3.a.
Professional	Refer to Professional district atlas designation.
Commercial	Refer to UV/UCC/SCC district atlas designation.
Mixed Use	Refer to UV/UC/UCBD district atlas designation.
Industrial	Refer to Industrial (I) District atlas designation.

In all other land use districts, the land use atlas designation(s) of the property proposed for PDP approval shall govern the uses allowed within the development. Schedule 3.4.1.1 sets forth the uses which may be allowed in the various future land use map (FLUM) designations.

3.4.1.2 *General PDP standards.* Certain design and service standards are required for all proposed PDPs regardless of the underlying primary use. While flexibility in these requirements may be granted, such flexibility should be mitigated with enhanced standards applied to other aspects of the proposed PDP.

- a. *Parking and vehicular access.* While parking space, parking area design, and property access is dependent on the type of PDP proposed, the standards as set forth in subsections 4.1.4 and 3.4.1.3 of these LURs shall be generally applied to achieve the highest quality possible. Typically, parking area design should reflect logical and safe traffic flow, opportunities for shared parking and interconnectivity, pedestrian-oriented interaction, and an abundance of well-designed landscaping. Shopping cart areas should be considered an integral component of parking area use.

Access involves ingress and egress design for the proposed development. Applicants must provide a thorough analysis of how the surrounding roadways will be affected by the proposed access design, including input from outside agencies, as applicable. In some cases, roadway improvements such as deceleration or acceleration lanes may be necessary to effect good access design.

- b. *Streets.* The street standards set forth in subsection 4.1.3 must be met by all proposed PDPs.
- c. *Drainage and utilities.* The drainage standards set forth in subsections 4.1.5 and 4.2.1.4 of these LURs must be met by all proposed PDPs.
- d. *Concurrency.* All PDPs must meet the concurrency requirements set forth in subsection 4.1.1.5. of these LURs. Also, see subsections 2.2.10.4.a.iii. and 2.2.10.4.a.iv. and 3.4.1.5.f. for information concerning reservation of capacity for concurrency and for procedures for extending reservations of capacity.
- e. *Contributions to public facilities.* Stipulations of approval of a preliminary PDP may include requirements to make improvements or contribute funding to improvements to public facilities such as roadways, sewer and water facilities, drainage facilities, schools, or parks and recreational facilities. Required improvements should be relative to the impacts caused by the proposed PDP. However, applicants may propose additional contributions as part of consideration for PDP approval which should be evaluated by the city in regard to the overall quality of the proposed development.
- f. *Protection of resources.* PDPs must be designed to preserve natural, cultural and historic resources. Proposed development plans shall be reviewed to determine the adequacy of the plan in regard to preservation of such resources. PDPs which are partially in the Conservation district (see subsection 3.4.4) shall be consistent with the requirements of that district. In addition, proposed PDPs shall be designed so that all portions of the PDP lying in the Conservation district (below the two-foot contour line) shall be common open space maintained in perpetuity by the developer or homeowner's association. Additional stipulations may be imposed as found necessary by the approving body to protect coastal resources.
- g. *Recycling dumpster pad.* In addition to trash dumpster(s), an eight-foot by 22-foot concrete pad for recyclable materials is required. The dumpster must be completely fenced or screened, and landscaped on all three sides.
- h. *Sidewalks.* Sidewalks along roadways and those that provide logical pedestrian connections to other areas are required for all proposed PDPs, as determined by the PCD director.

3.4.1.3 *Additional PDP standards.* This subsection sets forth required standards for primary use-oriented developments, as follows:

SCHEDULE 3.4.1.3 SPECIFIC STANDARDS FOR PDPs BY LAND USE	
Land Use	Standard Reference
Residential Group Care Facilities	Residential PDP standards (Subsection 3.4.1.3.a)

Day Care Facilities Boardinghouses	
Professional Offices Educational Facilities Religious Facilities	Professional PDP Standards (Subsection 3.4.1.3.b)
Commercial Industrial	Commercial/Industrial PDP Standards (Subsection 3.4.1.3.b)
Mixed Development	Mixed Use PDP Standards (Subsection 3.4.1.3.c)

a. *Residential PDP.*

- i. *Density.* The number of units per acre shall not exceed the maximum as allowed by the future land use map and related policies of the comprehensive plan. If the project is in a residential district (not a PDP zone) the density shall not exceed the density allowed in that land use atlas district. Acreage for density calculations shall not include areas within the Conservation district. Maximum density is not guaranteed for any proposed PDP, however, the quality of design, contribution to public facilities, open space and recreation, preservation of resources, and compatibility of the proposed development will be evaluated in order to recommend maximum density.
- ii. *Open space.* Excluding roadways, parking areas, private yards, landscaped areas less than 250 square feet, and stormwater retention areas, open space shall make up a minimum of 25 percent of the site area. Open space may be in the form of recreation fields, courses, or fairways, pedestrian or bicycle paths or walkways, or landscaped common areas greater than 250 square feet each. In some cases, private yards designated as non-disturbed buffers or conservation easements may be eligible for open space calculations. In the Urban Core and Urban Central Business district, the open space requirement may be reduced or eliminated when the quality of the design justifies a reduction or elimination.
- iii. *Recreation area.* Recreation area shall be provided at a ratio of one acre per 500 residents. In some cases, the PCD director may recommend that recreation area be provided at a ratio of one acre per 200 dwelling units, or more. In no case, shall the minimum recreation area be less than one-half acre, except in the UCBD or PDPs less than two acres in size. To be eligible for credit, a recreation area must include benches, trees, open or grassy areas or fields, pedestrian or bike paths, play or exercise facilities, courses, fairways, or other passive or active recreation facilities, or a combination of such facilities, which may be geared to the type of population served. Higher credit may be given to facilities usable by the general public, as determined by the PCD director. Pedestrian or bike paths designed to meet the recreation standard shall be in specifically designated corridors. No recreational credit will be given to required sidewalks along roadways except for specially-designed, incidental connection points.
- iv. *Parking.* Two per dwelling unit plus one per ten units for visitor parking. On-street parking may be counted toward the required visitor parking only. In proposed developments of 50 units or more, parking spaces shall be provided at the recreation area in a ratio of one space per ten dwelling units. In some cases, the applicant may recommend more or less parking than required by these standards, however, such designs must be qualified and quantified by quality of design, empirical data, or emerging trends.
- v. *Building setbacks.* The following setbacks for buildings are typically required, unless otherwise stipulated in the PDP approval for projects proposed outside the Urban Core, Urban Central Business district and Urban Village districts:

Building setbacks for two-story buildings shall be: Thirty-five feet from any project property line which is also a street frontage, 50 feet from a major collector or arterial road as defined in subsection 4.1.3, and 15 feet from an interior private road.

For buildings with more than two stories, building setbacks from any property line shall be increased by ten feet for each additional story.

- vi. *Buffers.* A landscaped, well-designed perimeter buffer with a minimum or oscillating width of 25 feet from all property lines is required for all proposed residential PDPs, unless otherwise stipulated in the PDP approval.
  - vii. *Accessory structures.* Accessory structures may be approved as part of the proposed PDP based upon subsection 5.1.2 (Accessory structures, residential buildings), as found appropriate by the approving body.
  - viii. *Neighborhood activity center.* A neighborhood activity center consisting of light retail, restaurants, personal services, office, and other similar neighborhood types of activities may be proposed as a compact, defined area limited to one acre or five percent of the overall development. While no specific standards are suggested in order to allow innovation in design, a proposed neighborhood activity center will be evaluated for its physical design including types of uses proposed, pedestrian connectivity with the surrounding residential components, landscaping, and overall feasibility.
- b. *Professional, commercial, industrial PDP.* See schedule 3.4.1.1 for restrictions on where professional, commercial, and industrial PDPs can be located.
- i. *Intensity.* The maximum floor area ratio for professional, commercial, or industrial PDPs shall be 0.35, 0.50 and 1.0, respectively.
  - ii. *Open space.* Excluding roadways, parking areas, landscaped areas less than 250 square feet, and stormwater retention areas (unless designed as a landscape amenity), open space shall make up a minimum of 25 percent of the site area.
  - iii. *Building setbacks.* Principal buildings shall be set back 50 feet from street rights-of-way, and adjacent residential land use atlas districts.
  - iv. *Permitted uses.* The uses proposed in a professional, commercial, or industrial PDP shall be the same as those allowed in the Professional, UCC, SCC, or Industrial land use atlas districts, respectively, (see schedule 3.2.1.2), unless otherwise stipulated in the PDP approval. All uses proposed shall be consistent with the future land use map and the comprehensive plan.
  - v. *Buffers.* A landscaped, well-designed perimeter buffer with a minimum or oscillating width of 50 feet from all property lines is required for all proposed professional, commercial, or industrial PDPs, unless otherwise stipulated in the PDP approval.
  - vi. *Accessory structures.* Accessory structures may be approved with the proposed PDP based upon subsection 5.2.2 (Non-residential accessory uses), as found appropriate by the approving body.
- c. *Mixed/multiple use PDP.* A mixed/multiple use PDP may be allowed in any area of the city provided that the proposed uses are consistent with the future land use map and the comprehensive plan. In the event that a mixed/multiple use PDP involves more than one land use category on the future land use map, the location of the components within the proposed PDP must be compatible with the future land use map. A mixed/multiple use PDP shall comply with all standards applicable to the PDP standards included in the single-use PDPs, above, however, it is expected that variations of the standards may be evaluated and recommended for approval.

Proposed mixed/multiple use PDP should reflect the most innovative approaches toward quality development.

3.4.1.4 *Application and submittal.* Proposed PDPs require a comprehensive application package including the required copies of a bound narrative which may include several of the studies and analyses components indicated in these LURs, and the master site plan and associated documentation and physical delineations. The application submittal process consists of two distinct submittals: 1) the preliminary PDP; and 2) the final PDP. The application can be either paper or electronic media in a PDF format. Additional submittals may be required depending on the nature of the application and the public hearing process.

- a. *Preliminary PDP application.* The preliminary PDP application shall include, at minimum, 45 submission packets containing the following information, which can be duplicated in black and white up to 8½" x 14" paper size:
  - i. A completed application form and fees as set forth in appendix A;
  - ii. An aerial photograph taken within 18 months of the application submittal date delineating the proposed PDP boundary;
  - iii. The preliminary site plan showing information as required, below;
  - iv. Projections of impacts of the PDP upon roadways, sewer and water, public drainage, schools, and recreation for the purpose of concurrency, pursuant to subsection 4.1.1.5;
  - v. A phasing plan;
  - vi. Conceptual site improvement plans shall be required as for subdivisions (see subsection 2.2.10.2.c.);
  - vii. A traffic study for: residential PDPs of 11 dwelling units or more; professional, commercial, industrial, or mixed/multiple use PDPs exceeding 10,000 square feet; and all other projects as required by the PCD director. Expenses for a third party review of the traffic study shall be paid by the applicant, when required by the city;
  - viii. A landscape plan showing existing and proposed landscaping, trees, and vegetation proposed for removal. Landscape plans for projects that equal or are higher than 50 dwelling units, 50,000 square feet, or ten acres shall be prepared by a landscape architect registered in Florida.
  - ix. A community impact report and project narrative, including detailed analysis of the project and the proposed PDP's potential impacts or effects upon surrounding properties, as determined by the PCD director, including a compatibility review;
  - x. A master signage plan that provides a detailed description for all proposed signage, including type, size, and locations. Calculations for total area must also be included;
  - xi. Other information as required by the PCD director.
- b. *Preliminary site plan requirements.* The preliminary site plan shall be 24 inches by 36 inches and shall be drawn at a scale of one inch equals 100 feet or larger, with the following information clearly indicated:
  - i. North arrow, graphic scale, and locator inset;
  - ii. Name of project, names and addresses of owner(s), engineer, planner, and agent, as applicable;

- iii. Legal description with reference points used for determining the point of beginning, and project boundary lines with bearings and distances;
- iv. Data table showing the following for each use and phase separately, as well as, for the overall PDP;
- v. Acreage:
  - Total number of units and individual type calculations, including square footage and density per acre;
  - Typical building characteristics including dimensions, height, and number of stories;
  - Total acreage/square footage of building footprints;
  - Total acreage/square footage of paved areas;
  - Streets and parking;
  - Total acreage/square footage of retention ponds or other water;
  - Total acreage/square footage of open and green space broken down into their separate components (buffers, wooded and wetland areas, fairways, large landscaped areas, etc.);
  - Total acreage/square footage of conservation area;
  - Total acreage/square footage of recreation area.
- vi. Parking areas with arrangement, number of parking spaces and aisle widths, broken down by area which they serve;
- vii. Boundary lines, bearings and distances for any parcel divisions or phases;
- viii. Contours, existing and proposed, at not greater than two-foot intervals;
- ix. Easements, existing and proposed, and their locations, widths, bearings and distances;
- x. Sidewalks, streets and rights-of-way existing and proposed, on and adjacent to the project and their names, locations, widths, bearings and distances;
- xi. Wetlands, waterways and water bodies on and adjacent to the project;
- xii. Utilities, existing and proposed, on and adjacent to the project;
- xiii. Names and locations of adjacent property owners;
- xiv. Dumpster and recycling pad locations and screening method;
- xv. Building envelopes with dimensions and distances from water bodies, adjacent buildings and rights-of-way;
- xvi. Acreage/square footage calculations for proposed open space/green areas, recreation areas, paved areas, open water and stormwater retention areas;
- xvii. Proposed recreation areas, showing dimensions of any proposed building or facilities;
- xviii. Proposed buffers, walls or other features;
- xix. Statement of proposed mechanism for maintaining common areas and a statement assuring perpetual ownership of common areas;
- xx. Tree survey [Note: may be shown on separate sheet. May be waived by the PCD director.];

- xxi. Statement regarding proposed development on contiguous land under same ownership that is not proposed for approval as part of the application;
  - xxii. A detailed rendering of a typical building;
  - xxiii. A landscape plan that indicates all existing and proposed sewer, water, and electrical lines in order to prevent planting of trees in piped easements.
- c. *Preliminary PDP review.*
- i. *Planning commission review and recommendation.* The preliminary site plan shall be reviewed by the planning commission, based upon the staff evaluation and analysis report submitted to them by the PCD director, and per the requirements of subsection 3.4.1. The planning commission shall hold a public hearing on the application and shall recommend to the city council to approve, approve with stipulations, or deny with specific reference to the criteria in subsection 3.4.1 and the concurrency requirements of subsection 4.1.1.5. Latent changes to an application made by the applicant whereby insufficient review has been allowed for the staff, planning commission, or city council, as determined by the PCD director, may require a delay in the processing of the application, and shall result in additional review and public notice costs at the applicant's expense. The application, with written recommendation by the planning commission shall be forwarded to city council.
  - ii. *City council review and final decision.* The city council, after receiving the planning commission's recommendation, shall approve, approve with stipulations, or deny the application with specific reference to provisions of subsection 304.A. or the concurrency requirements of subsection 4.1.1.5. The plan shall not be approved unless services as required by subsection 4.1.1.5 are available or will be available at the time the certificate of use is issued.
  - iii. The approval of the preliminary site plan constitutes a finding of concurrency compliance pursuant to subsection 4.1.1.5, and a reservation of capacity for roadways, sewer and water, public drainage and recreation facilities, subject to the stipulations placed upon the approval. Approval of the preliminary plan and reservation of capacity in public facilities shall be valid for two years. An extension of time may be applied for by the developer by submitting a letter of request to the city council through the PCD director and the fee set forth in appendix A. Reservation of capacity in public facilities may be extended at the same time or city council may choose to extend the approval of the PDP but not the reservation of capacity in public facilities if there is immediate demand for the capacity by other developments. City council may set a date for reconsideration of the reservation of capacity or may reconsider at the time of the next request for extension of the PDP's preliminary approval. The final PDP site plan shall not be applied for until the reservation of capacity is renewed.
  - iv. Following city council approval, development permits may be issued as necessary for public improvements.
- d. *Amendment of preliminary PDP.* The criteria in subsection 3.4.1 shall be used to determine if a proposed preliminary site plan amendment is minor or major. A minor amendment requires the resubmission of the final site plan and approval by the PCD director or, if the final site plan has not been submitted, the amendment can be made with the final site plan application. A major amendment requires a new preliminary site plan application submittal package, fee, and review by the planning commission and city council, unless otherwise determined by the city council.

- e. *Extensions of time of a preliminary PDP.* An extension of time may be requested by submitting a letter to the PCD director with the fee set forth in appendix A. Expiration dates are outlined in subsection 3.4.1.5.f. below.
  - f. *Public notice.* The PCD shall provide public notice pursuant to Subsection 2.3.1. For the Preliminary PDP hearings. No public notice is required for final site plan review and approval.
- 3.4.1.5 *Final PDP application.* Following the approval of the construction plans, the application for final site plan approval shall include, at minimum, the following:
- a. A completed application form and fees as set forth in appendix A;
  - b. The final site plan showing information as set forth in subsection 3.4.1.6.b below are required. The number of copies of the final site plan, additional information required for review and deadlines for submission are set forth in the procedures manual maintained by the PCD director. The final site plan may be submitted in phases corresponding to phases shown on the approved preliminary plan;
  - c. The final PDP site plan shall be reviewed by the PCD director for completeness and adherence to the approved preliminary site plan and any attached stipulations;
  - d. If a bond or other security is to be posted for public improvements, such document shall be submitted to the director of public works and the city clerk for their approval. Approval by the director of public works of as-built plans for all public facilities to be dedicated shall be required prior to acceptance of dedications by city council. Following city council acceptance, the dedication shall be recorded with the clerk of the circuit court by the city clerk;
  - e. Following the dedication of, or posting of a bond or other security for all public improvements, and upon finding that the final site plan is complete and in compliance with the approved preliminary site plan, the PCD director shall approve the final site plan and notify the applicant that development permits may be applied for. Approval by the PCD director shall include a reservation of capacity for public facilities (see section 3.1.1.5). A Mylar copy of the approved final site plan shall be filed in the PCD as a permanent record. Minor amendments, as defined in subsection 3.4.1.4.b may be approved by the PCD director with the final site plan;
  - f. Approval of the final site plan, including the reservation of capacity of public facilities, shall expire in one year unless building permits have been issued for construction of structures or public improvements have been completed. An extension of time may be applied for by submitting a letter of request and the fee as set forth in appendix A to the PCD director. Reservation of capacity in public facilities may be extended at the same time, or city council may choose to extend the approval of the final site plan but not the reservation of capacity in public facilities if there is demand for the capacity by other developments. City council may set a date for reconsideration of the reservation of capacity or may reconsider at the time of the next request for extension of the final plan approval. Construction permit applications shall not be accepted by the PCD director in the event that the reservation of capacity is not renewed.
- 3.4.1.6 *Final PDP site plan.* The final PDP site plan shall be a Mylar drawing and shall be drawn at the same scale as the approved preliminary plan. All sheets shall be 24 inches by 36 inches. In addition, a reproducible plan showing all lot lines, easements, and rights-of-way, shall be submitted in a digital .dwg format. The following information shall be shown:
- a. The final plan shall show all of the items required for the preliminary plan and shall reflect any changes made by the city council approval of the preliminary plan. In addition, the stipulations of the city council approval shall be listed on the plan.

- b. Any public facilities to be dedicated shall be shown on a separate sheet which shall be in a form suitable for recording with the clerk of the circuit court. A certificate of approval for recording, suitable to be signed by the city clerk, shall be included to indicate that the facilities have been accepted by city council. The plan shall show the following certifications:
  - c. Certification of title showing that the applicant is the owner of the property;
  - d. Certification by a registered surveyor, on plat, as to the accuracy of survey and plan.
  - e. Certification by the director of public works that the developer has complied with one of the following alternatives:
    - i. All of the required improvements have been installed in accordance with the regulations for such projects and other provisions of these LURs and with the action of the commission, board or governing body, as applicable, giving conditional approval of the preliminary development plat, or
    - ii. A surety bond or certified check has been posted with the governing body in sufficient amount to assure completion of all such required improvements.
  - f. Certification by the PCD director that the plan is in compliance with the approved preliminary and that a reservation of capacity in public facilities has been made.
- 3.4.1.7 *Amendment to PDP.* An amendment to an approved PDP requires the resubmission of a preliminary plan for review by the planning commission, and reapproval by the city council as for the original project, except when the amendment is a minor amendment, per subsection a. below. Minor amendments may be approved as per subsection b., below. Fees for major and minor amendments are set forth in appendix A.
- a. *Major amendment.* The applicant shall supply the PCD director with an amended site plan or other information sufficient to determine the magnitude of the amendment, and to evaluate the amendment in relation to the criteria below. Major amendments approved by city council require the submission of an amended final plan for review by the PCD director, who may require any other provisions of these LURs found to be applicable, to be included as part of the amended final plan. A Mylar drawing of the entire project as amended shall be submitted with all information as required by subsection 3.4.1.4.b. The PCD director shall find the amendment to be a major amendment if any of the following criteria is applicable:
    - i. Floor area (excluding recreational facilities) is increased 20 percent or more.
    - ii. The amendment is in conflict with any of the stipulations of the original approval or commitment made by the applicant during the public hearing process for the original approval.
    - iii. An accessory structure is proposed which is not consistent with section [chapter] 5.0.
    - iv. The amendment reduces buffer area or landscaping materials as most recently approved.
    - v. The amendment involves the construction or significant alteration of public facilities.
    - vi. The amendment significantly increases the impact on public facilities requiring concurrency review.
    - vii. The amendment otherwise alters the project in a manner which the PCD director finds to be significant.
    - viii. The conditions of the original approval have not been met, or the project is in violation of any city codes.

- ix. Traffic circulation or access points are significantly altered.
  - b. *Minor amendment.* Minor amendments require the submission of an amended final plan for review by the PCD director, who may require any other provisions of these LURs found to be applicable, to be included as part of the amended final plan. A Mylar drawing of the entire project as amended shall be submitted with all information as required by subsection 3.4.1.4.b.
- 3.4.2 *Historic district.* There are two historic districts and scattered historic buildings located outside of these historic districts listed on the Florida Master Site File that are subject to additional review and standards. Proposed construction, uses, and other activities are reviewed by the PCD director and may require a certificate of appropriateness related to their compatibility with, and impact upon these historic districts, buildings, and resources. Applications for a certificate of appropriateness shall require approval by the PCD director, as follows:
- 3.4.2.1 *Review and approval.* The PCD director shall determine, through a written report, if the application is consistent with the "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", issued by the U.S. Department of the Interior. If an application does not appear to be consistent with the guidelines, the PCD director shall not approve the application, and no work may begin. The applicant may then appeal the decision to the architectural review board.
- 3.4.3 *Flood zones.* Refer to the city's land use regulations appendix A: floodplain management for flood zone regulations.
- (Ord. No. 2950, § 1, 7-17-13)

**APPENDIX A: FLOODPLAIN MANAGEMENT**