

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 **Section. 3-9-4945. Planned Development District (PD).**

2 (a) Intent. The purpose and intent of this planned development (PD) district is intended to provide
3 flexibility and to encourage concentrated, energy-efficient land development through the use of
4 innovative land use planning and structural design techniques. Conventional zoning requirements
5 are replaced by flexible performance criteria intended to accomplish as many as reasonable one or
6 more of the following goals:

- 7 (1) Provide for the planning, review and approval of one ~~(4)~~ or a combination of residential,
8 commercial, public, and industrial land uses and structures which result in an organized,
9 compatible development within and with surrounding land uses in regards to density and
10 intensity of use.
- 11 (2) Allow a diversification of uses, structures, and spaces compatible with existing or proposed
12 ~~sales uses~~ and structures on surrounding properties, while promoting convenience in the
13 location of related uses and amenities and to reduce travel costs.
- 14 (3) Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site
15 circulation, and ingress and egress than is permitted under conventional zoning and subdivision
16 regulations.
- 17 (4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional
18 open-space areas.
- 19 (5) Encourage an increase in the amount and usability of open space by permitting a more
20 concentrated building area than is allowed under conventional zoning and subdivision
21 regulations.
- 22 (6) Encourage imaginative and innovative site planning and land development concepts in order to
23 create an aesthetically pleasing and functionally desirable living environment.
- 24 (7) Assure the County and other public agencies that development of the project will occur in
25 accordance with the approved concept plan, final plan(s) and final plat(s).
- 26 (8) Assure the applicant that development may be undertaken and carried out in accordance with
27 approved concept plan, final plan(s) and final plat(s).
- 28 (9) Promote flexibility and efficiency in site design to reduce infrastructure costs, improve interior
29 circulation patterns, and promote open space.
- 30 (10) Promote development that is adapted to natural features, including wetlands, trees and other
31 vegetation and habitat, and which avoids the disruption of natural drainage patterns.
- 32 (11) Promote the economy of development to encourage a mix of housing types ~~the provision of low-~~
33 ~~and moderate-cost housing~~
- 34 (12) Implement the intent of the Comprehensive Plan and/or the requirements set forth in the
35 County's land development regulations, including but not limited to the TDU Ordinance.

36 (b) Uses and Structures Permitted. Any residential, commercial, industrial, or public land uses and
37 structures are permitted in this district, provided the proposed development is shown to be consistent
38 with the goals, objectives and policies of the Comprehensive Plan, and consistent with the Future
39 Land Use Element, and the standards and criteria contained in the following sections.

40 (c) Design Criteria and Development Standards. Because of the unique characteristics of a PD,
41 conventional zoning requirements and development standards ~~are~~ may be inappropriate. Instead,
42 the following design criteria and development standards shall apply in this district:

Land Development Regulations

Chapter 3-9. Zoning

Article II. District Regulations

Sec. 3-9-45. PD

(1) Design Criteria.

a. Generally. The location and arrangement of buildings and other facilities shall be compatible to development in the general vicinity. Compatibility shall be ensured between the site plan and approved and existing development in the vicinity of the PD and among different uses that may be proposed within the PD.

b. Natural Features. The natural topography, soils and vegetation should be ~~preserved~~ considered and utilized where economically and physically feasible through the careful location and design of structures, parking areas, recreation areas, open spaces, utilities, drainage and other facilities. ~~Preservation of natural features (i.e., free clusters, vegetation, wetlands, etc.) through flexibility provided in the siting of structures and parking facilities.~~

c. Landscaping. Where appropriate, landscaping shall be provided consisting of any combination of trees, shrubs, vines, ground cover, etc. The use of ~~native plant materials, the use of xeriscaping, Florida Friendly landscaping design techniques,~~ and retention of undisturbed areas is encouraged. Irrigation facilities may be required in high-visibility areas of the PD.

~~d. Relation to Transportation Facilities. PDs shall be so located with respect to adequate transportation facilities so as to meet the adopted service levels and standards on all roads.~~

ed. Relation to Utilities, Public Facilities, and Services. PDs shall be located in proximity to sanitary sewers, water lines, storm and surface drainage systems, and other applicable utilities systems and installations. The preceding sentence shall not apply if the developer:

1. Provides private facilities, utilities or services approved by appropriate public agencies as substantially similar to public services which would otherwise be provided to the development under conventional zoning.
2. Assures their satisfactory, continuing operation during the period of development.
3. Makes provision for their continued operation thereafter, or until public facilities, utilities, and services are available for use.

The purpose of this paragraph is that there be no undue public cost of the development higher than would be incurred for a development of similar size and scope in compliance with conventional zoning requirements.

fe. Relation to Levels of Service. PDs shall demonstrate consistency with all adopted levels of service standards ~~for to satisfy the necessary concurrency requirements set forth in the Comprehensive Plan.~~

gf. A PD shall generally comply with ~~Other Requirements.~~ Certain additional design criteria and development standards set forth in article III of this chapter, "Special Regulations," when applicable, but may deviate from these criteria upon showing good cause. ~~shall apply when relevant to all or portions of proposed planned developments. These criteria and standards are:~~

~~1. Section 3-9-69, "Base setback line," as it applies to the perimeter of the planned development and to any arterial or collector routes within the planned development.~~

~~2. Section 3-9-70, "Boat docks; boat houses; boat lifts."~~

~~3. Section 3-9-83, "Landscaped buffers; screening buffers."~~

~~4. Section 3-9-87, "Model residential units."~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

- ~~5. Section 3-9-97, "Visibility at road intersections."~~
- ~~6. Section 3-9-67, "Area of special and shallow flood hazard."~~
- ~~7. Section 3-9-90, "Off-street parking and loading facilities."~~
- ~~8. Section 3-9-81, "Industrial performance standards."~~

The above requirements do not preclude the application of other special regulations (article III of this chapter) to the planned development where appropriate.

(2) *Development Standards.*

a. *Maximum Base Density.* The maximum base density permitted within a PD shall be:

- 1. Limited to the density indicated on the ~~F~~future ~~L~~and ~~U~~se ~~M~~map for the underlying land use except where additional density bonuses are authorized in the subsequent section and ~~FLU Policy 1.2.13~~policy 9.4(b) of the ~~C~~omprehensive ~~P~~lan, ~~L~~and ~~U~~se ~~E~~lement.
- 2. Limited to ~~fifteen (15)~~ units per acre, except in high-density PDs which have a maximum density of ~~thirty (30)~~65 units per acre in appropriate locations. Such high-density PDs shall be contingent upon prior adoption and amendment to the ~~F~~future ~~L~~and ~~U~~se ~~M~~map. ~~High-density PDs and shall not be located on barrier islands, nor or in a Category I Hurricane Vulnerability Zone the Costal High Hazard Areas, except in compliance with the TDU Code. and may only be located in areas that can be shown to have sufficient infrastructure to support such densities.~~ ~~3. Residential density shall be computed by dividing the total gross acreage of the PD parcel, less any acreage proposed for commercial or industrial uses, by the total number of proposed dwelling units therein.~~

b. *Basis for Bonus Density-Bonus.* In addition to the base density permitted in subparagraph a, bonus density to a maximum of ~~twenty (20)~~ percent of base density may be granted upon concept plan approval on the basis of the following:

Percent Over Base	Action
1. Up to 20	Extension of water and sewer facilities
2. Up to 20	Redesign and replatting of previously recorded subdivisions
3. Up to 20	Preservation of prime agricultural lands
4. Up to 10	Underground electric, telephone and cable television systems
5. Up to 20	Preservation of environmentally sensitive areas, natural land cover or habitats in excess of 20% of the entire PD parcel or phase
6. Up to 10	Inclusion of low-and moderate-income housing units, in accordance with the H ousing E lement of the C omprehensive P lan

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

7. Up to 20	Contributions of land, facilities or equipment to public use in excess of those required by impact fees.
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~~Final approval of bonus units density may be granted at PD rezoning approval. Conditions of approval may require when concept plan and supplemental documents to assure the basis for bonus density proposed at the time of PD rezoning approval. actions proposed at the time of concept plan approval.~~

- c. ~~Cumulative Bbonus.~~ In no event shall the cumulative density granted exceed the maximum density permitted under the underlying land use in the Comprehensive Plan.
- d. ~~Minimum Llot and Yyard Rrequirements.~~ There are no minimum lot and yard requirements for this district, ~~provided no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-98, "Waterfront Pproperty," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be twenty (20) feet. However, minimum lot and yard requirements other than those contained in this section and section 3-9-98 may also be established through the final site plan approval process. However, the minimum lot and yard requirements shall be established through a PD rezoning process.~~
- e. ~~Maximum Hheight of Sstructures.~~ There is no maximum height for structures in this district, ~~except as required by section 3-9-98, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-98 may also be established through the PD review process. However, the maximum height for structures shall be established through a PD rezoning process.~~
- f. ~~Open space.~~ A minimum of twenty (20) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface.
- g. ~~Utilities.~~ Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the County subdivision regulations except as modified in subsection (c)(1)e of this section, "Relation to utilities, public facilities and services."
- h. ~~Internal circulation.~~ Streets to be dedicated to the public shall be designed and constructed in accordance with the County subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle path systems are required in accordance with the master plan.
- if. ~~Modification of Sstandards.~~
 - 1. In its concept plan review pursuant to subsection ~~3-9-49~~ 3-9-45(d)(4)b.3., the Board CC may allow a modification of the standards of ~~section 3-9-49~~ section 3-9-49 Sec. 3-9-45 upon an applicant showing that the modification is necessary and will achieve innovative, creative, compatible and site-sensitive design. The applicant must demonstrate that measures for mitigating potential adverse impacts have been taken and the proposed development will be better than that required by existing and conventional zoning.

Land Development Regulations

Chapter 3-9. Zoning

Article II. District Regulations

Sec. 3-9-45. PD

- 1 | 2. In its concept plan review pursuant to subsection ~~3-9-49~~ 3-9-49(d)(4)b.3., the BCC
2 | ~~board~~ may allow modification of the height limitations of ~~3-9-98~~ 3-9-898 regarding
3 | waterfront property, based on the applicant showings described in if.1, above, as
4 | follows: height may be modified up to a maximum of ~~sixty-five (65)~~ feet, provided that
5 | a corresponding amount of additional outdoor open space, beyond that required by
6 | existing law, is created at the ground level to offset by a one-to-one ratio the additional
7 | cumulative square footage of all floors over ~~thirty-five (35)~~ feet high. For example, if
8 | ~~twenty thousand (20,000)~~ square feet of space above ~~thirty-five (35)~~ feet is allowed,
9 | an additional ~~twenty thousand (20,000)~~ square feet of open space shall be provided
10 | on the ground.
- 11 | 3. All modifications pursuant to this section will be clearly described within the applicant's
12 | petition narrative and the ~~growth management department~~ staff report and clearly
13 | articulated as part of the presentation to the BCC. The BCC shall be requested to
14 | respond ~~negatively or positively~~ to each modification request or continue the
15 | application in order to receive additional information and review from staff and/or the
16 | applicant.
- 17 | 4. The PD application shall identify all requests for additional height above ~~thirty-five (35)~~
18 | feet, the square footage of each floor which will exceed ~~thirty-five (35)~~, and identify
19 | and tabulate additional open space furnished in return for any such increase in height.
20 | Pavers and green roofs shall not count towards open space.
- 21 | 5. No modification pursuant to this section shall be made to or for any development on
22 | property located on a key, a barrier island or within the Manasota Key overlay district.
- 23 | 6. In order to allow public input early in the concept review process, prior to the
24 | scheduling of the concept plan review before the DRC Site Plan Review, the applicant
25 | for any proposed PD seeking to modify height above the thirty-five-foot limit will hold a
26 | neighborhood public meeting with notice given to any property owner within one
27 | thousand (1,000) feet of the proposed PD as to the height to be added and the open
28 | space to be provided in mitigation thereof.
- 29 | 7. Requests for modifications from previously approved plans ~~there~~ shall be initiated by
30 | submitting an application for modification ~~if the modification is not minor~~. Minor
31 | modifications may be approved by the Zoning Official or designee. Any modification of
32 | mitigation measures provided pursuant to subsection if.1 or if.2 above shall ~~always~~ be
33 | considered a major modification.
- 34 | 8. Requests to allow modifications to ~~section 3-9-50.5~~ Sec.3-9-47.5, Permitted Uses,
35 | Charlotte Harbor Community Development Regulations, as may be amended, is
36 | prohibited.
- 37 | (d) Procedures for Rezoning to PD.
- 38 | (1) Planned Ddevelopments Approved Pprior to this Ssection. Any modifications to a PD shall be
39 | subject to the provisions of this Section, as -Allamended. -PDs granted concept or detail plan
40 | approval prior to the effective date of this section, as amended, shall have the option of either
41 | applying for further approvals and modifications in acc
42 | ordance with the procedures in effect at the time of original approval; or applying for further
43 | approvals and modifications in accordance with the procedure set forth herein. The applicant
44 | must inform the Zzoning Oofficial of the selected process to proceed.
- 45 | (2) Approval Pprocess for Pplanned Ddevelopments. The approval process for a PD shall be
46 | divided into two (2) phases: ~~concept PD rezoning approval~~ and final detail plan approval. The

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 following ~~diagram-subsections~~ tracks the two (2) phases through the required review procedure
2 from the project's inception through the final approval.

3 a. ~~Concept Review~~PD Rezoning.

- 4 1. Preapplication conference with appropriate County staff~~development review~~
5 ~~committee (DRC)~~.
- 6 2. ~~Development review committee~~Site Plan Review.
- 7 3. P&Z Planning and zoning b~~Board~~, public hearing.
- 8 4. BCC~~Board of county commissioners~~, public hearing.

9 b. ~~Final Review~~Detail Plan Approval.

- 10 1. ~~Development review committee~~Site Plan Review.
- 11 2. ~~BCC~~Board of county commissioners (no public hearing required~~nonpublic hearing)~~.

12 (3) Preapplication C~~onference~~.

13 a. *Purpose.* The purpose of this meeting is to discuss with County staff ~~the development~~
14 ~~review committee~~ early and informally the purpose and intent of the P~~lanned~~
15 D~~evelopment project~~, and the criteria and standards which may apply. It will also
16 familiarize the applicant with the objectives and policies of appropriate elements of the
17 C~~omprehensive P~~lan.

18 b. *Procedure.* Unless waived by the Zoning Official. ~~The~~ applicant shall meet with ~~the~~
19 the appropriate County staff development review committee or their designees prior to formally
20 submitting a request for a PD. The Zoning O~~fficial or his/her designee~~ shall schedule the
21 meeting to be held within ~~fifteen (15)~~ working days of the applicant's request for such
22 meeting.

23 c. *Requirements.* The applicant shall prepare for the preapplication conference a generalized
24 sketch plan for the proposed development which shall include preliminary data regarding
25 proposed land use, intensity of use, residential density, lot coverage, project amenities,
26 natural resources, stormwater retention and disposal, sewage treatment, and potable water
27 supply. The applicant shall be advised at the preapplication conference of existing plans
28 and policies to be considered in the preparation of subsequent PD concept or final plans,
29 and any other information relevant to the proposed PD.

30 (4) ~~Concept Approval~~PD Rezoning.

31 a. *Definition.* The purpose of ~~concept approval~~PD rezoning is to approve the density and
32 intensity of land use and to establish appropriate conditions, including deviation of Land
33 Development Regulations, such as Subdivision Regulations, prior to ~~preceding to~~ final
34 detailsite plan review.

35 ~~All PD projects must receive concept approval of the entire PD project prior to any phase~~
36 ~~receiving final approval. Concept PD rezoning approval is an agreement in principle~~
37 ~~between the developer and the BCC board of county commissioners indicating general~~
38 ~~acceptance of the proposed uses, size, type, and intensity, and conditions of the PD.~~
39 ~~Approval of the concept plan PD rezoning shall constitute an amendment to the official~~
40 ~~Zoning Atlas map, and the subject parcel shall be labeled with the description "PD" (and~~
41 ~~PD number, and date of BCC board of county commissioners approval).~~ The granting of
42 ~~concept PD rezoning approval shall not authorize any development activity to take place~~
43 ~~on the newly designated PD site.~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 b. ~~Review Procedure.~~ Applications for concept approval shall include an application,
2 ~~supportive materials, and concept plans as set forth in this subsection (d).~~ The original
3 ~~application package, along with copies of the application package, shall be filed with the~~
4 ~~Community Development Department zoning department, where it will be reviewed for~~
5 ~~sufficiency. If the application package is found sufficient, the Zoning Official or his/her~~
6 ~~designee zoning director will schedule the concept review before the DRC. Additional~~
7 ~~copies of the application package shall then be submitted to the Community Development~~
8 ~~Department planning department for the purposes of securing a public hearing date before~~
9 ~~the P&Z planning and zoning board. If deficient/deemed insufficient, the application will be~~
10 ~~returned to the applicant no later than ten (10) working days after submission with a written~~
11 ~~explanation of deficiencies.~~

12 ~~If platting is required, the preliminary plat may be reviewed simultaneously with review of~~
13 ~~the final PD plan. Plats shall meet all requirements of the subdivision regulations. In the~~
14 ~~event of conflict between the subdivision regulations and the zoning regulations, unless a~~
15 ~~variance to the subdivision regulations is approved by the P&Z planning and zoning board~~
16 ~~and BCC county commissioners, the zoning regulations and the approved final PD plan~~
17 ~~shall prevail. The final plat shall be reviewed to ensure conformity with the subdivision~~
18 ~~regulations and as specified by the density and intensity of use defined in the PD. Upon~~
19 ~~approval, the PD final plan shall be filed with the concept plan and entered on the official~~
20 ~~zoning map. Following the effective date of such approval, the arrangement and use of all~~
21 ~~buildings, structures and other improvements within the PD shall be in accordance with the~~
22 ~~approved final PD plan.~~

23 1. ~~DRCSite Plan Review (SPR)Development review committee (DRC).~~ The original
24 ~~concept plan application shall be filed with the appropriate Department of Charlotte~~
25 ~~County, where it will be reviewed for sufficiency. If deemed insufficient, the application~~
26 ~~will be returned to the applicant no later than ten working days after submission with a~~
27 ~~written explanation of deficiencies. If the application package is found sufficient, the~~
28 ~~Zoning Official or designee will schedule a Site Plan Review (SPR). The DRC-SPR~~
29 ~~will review the concept plan application for technical compliance to County codes~~
30 ~~and may attach appropriate conditions and safeguards it deems necessary. The DRC~~
31 ~~SPR recommendation will be forwarded in writing as part of the PD rezoning to the~~
32 ~~P&Z Board planning and zoning (P&Z) board for their consideration and review. In~~
33 ~~order to have sufficient time for preparation of packet materials, the minimum amount~~
34 ~~of time between the DRC-SPR and the P&Z board-Board meetings shall be three (3)~~
35 ~~weeks.~~

36 2. ~~PD Rezoning.~~ The original PD rezoning application shall be filed with the appropriate
37 ~~Department of Charlotte County, where it will be reviewed for sufficiency. If deemed~~
38 ~~insufficient, the application will be returned to the applicant no later than ten working~~
39 ~~days after submission with a written explanation of deficiencies. If the application~~
40 ~~package is found sufficient, the Zoning Official or designee will schedule public~~
41 ~~hearing dates before the Planning and Zoning (P&Z) Board and the Board of County~~
42 ~~Commissioners (BCC). P&Z ReviewPlanning and zoning board (P&Z) review. The~~
43 ~~P&Z board will review the application for concept approval upon review and~~
44 ~~consideration of the recommendation of the DRC. Upon completion of its review, tThe~~
45 ~~Community Development Departmentplanning department upon completion of its~~
46 ~~review shall issue aa staff report and recommendation which will be issued, which will~~
47 ~~be forwarded to the P&Z Board members and the applicant no later than one (1) week~~
48 ~~prior to the public hearing. The staff report shall discuss the rationale behind the~~
49 ~~recommendation. The P&Z Board will review the application for approval upon~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 consideration of the application, recommendation of the SPR, staff report, and
2 evidence presented at the public hearing.

3 The hearing before the P&Z ~~Board~~ board shall be a public hearing in accordance with
4 ~~section 3-9-11~~ section 3-9-11 Sec. 3-9-11. The P&Z ~~board~~ Board shall ~~may~~
5 recommend ~~attach~~ any conditions of approval it deems appropriate, and its
6 recommendation will be forwarded to the ~~BCC~~ board of county commissioners.

7 The P&Z Board shall ~~recommend~~ approval of the proposed project to the BCC ~~board~~
8 ~~of county commissioners upon a finding in the affirmative of the following:~~

9 (i) ~~The concept development plan is consistent with the intent and purpose of the~~
10 ~~PD section.~~

11 (ii) ~~The benefits, combination of various land uses (if applicable), physical design,~~
12 ~~and the interrelationship with the land uses in the surrounding area justify the PD~~
13 ~~designation.~~

14 (iii) ~~The proposed project is consistent with the~~ C ~~comprehensive~~ P ~~plan.~~

15 (iv) ~~The proposed project is compatible with adjacent land uses.~~

16 3. ~~BCC Review~~ Board of county commissioners (BCC) review. Upon receipt of the ~~P&Z~~
17 ~~board's~~ P&Z Board's recommendation, the BCC shall conduct a public hearing with
18 due public notice. The BCC shall then grant approval or disapproval based upon the
19 criteria listed within this Code. If disapproved, the BCC shall state the reasons for
20 denial. In approving the ~~concept~~ PD rezoning, the BCC may establish reasonable
21 conditions and may require modifications deemed necessary to protect the public
22 health, safety or general welfare. These conditions shall be binding upon the applicant
23 or any successors in interest.

24 c. Time Limitation. ~~Concept approval plan shall be valid until a final detail plan is approved,~~
25 ~~unless a subsequent rezoning occurs on the subject property.~~

26 ~~for a period not to exceed twelve (12) months after approval (calculated from the BCC approval~~
27 ~~date). Failure to submit an application for final approval for a portion or a phase of the PD~~
28 ~~within twelve (12) months shall cause concept approval to expire. However, the applicant~~
29 ~~may petition the~~ Zoning Official ~~for a one-year extension of the concept plan approval.~~
30 ~~Such request must be received by the~~ Community Development Department zoning
31 ~~department not later than one (1) month before the approval expires, and shall be~~
32 ~~accompanied by a fee as established by the board of county commissioners~~ BCC. The
33 Zoning Official ~~may grant a one-year extension for good cause but shall grant no more~~
34 ~~than one (1) such extension.~~

35 d. PD Concept Pplan Application Requirements. In addition to the PD rezoning application
36 form, a concept plan shall accompany such application and shall include the following:

37 1. ~~The title of the project and the names of the property owners and their authorized~~
38 ~~agents~~ names of the representatives of the landowner of record.

39 2. ~~Scale, date, north arrow and general location map.~~

40 3. ~~Legal description of the property.~~

41 4. ~~Map showing all existing streets, buildings, watercourses, easements, and other~~
42 ~~important physical features in and adjoining the property.~~

43 5. ~~Overall concept design map showing general locations, acreage, density, and~~
44 ~~intensity for each proposed land use.~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

- 1 6. ~~Map showing points of access and general traffic flow.~~
- 2 7. ~~Tabulations of total gross acreage in the proposed development, the percentage of~~
- 3 ~~total acreage to be devoted to each proposed use, projected density of dwelling types,~~
- 4 ~~and intensity of use.~~
- 5 8. ~~Development time schedule and phasing plan for the entire PD.~~
- 6 9. ~~Additional information identified at the preapplication conference or requested by the~~
- 7 ~~Zoning Official, or planning director/designee(s).~~

8 (5) Final Detail Plan Approval.

9 a. ~~Authorization Definition. Final detail plan approval authorizes applicants to apply for~~

10 ~~permits to construction of the project. The approved final plan and supporting~~

11 ~~documentation become the official and enforceable zoning. The applicant may apply for~~

12 ~~and be granted final approval for the entire PD or any phase of the project.~~

13 b. ~~Review Procedure. Application for final approval shall include an application, supportive~~

14 ~~materials, and plans as set forth in herein. The original package shall be filed with the~~

15 ~~Department zoning department. The Department zoning department will conduct a~~

16 ~~sufficiency review of the application package; and if found sufficient, the Zoning Official~~

17 ~~will schedule the final application and site plan review before the DRC. If deficient/deemed~~

18 ~~insufficient, the application will be returned to the applicant no later than ten (10) working~~

19 ~~days after submission with a written explanation of deficiencies. The final detail plan review~~

20 ~~shall follow Sec. 3-9-7.(f) Final Site Plan Review.~~

21 1. ~~Development Review Committee (DRC) Review. The DRC will review the~~

22 ~~application for technical compliance to county codes and consistency with the~~

23 ~~approved concept plan and any conditions, and may attach appropriate conditions~~

24 ~~and safeguards relating to deviations to the concept plan. The DRC recommendation~~

25 ~~will be forwarded in writing to the board of county commissioners for their review in a~~

26 ~~nonpublic hearing. The zoning director shall forward to the board of county~~

27 ~~commissioners the appropriate materials in a timely fashion.~~

28 2. ~~Board of county commissioners (BCC) review. The BCC shall consider the application~~

29 ~~for final approval in a nonpublic hearing. The BCC shall render a decision at this time~~

30 ~~and may impose whatever conditions are deemed appropriate to ensure consistency~~

31 ~~with the comprehensive plan. The decision of the BCC shall be by resolution. A~~

32 ~~resolution which grants final approval shall state all of the terms and conditions for~~

33 ~~approval, including the projected period of development.~~

34 ~~Annual progress report. Following final approval, the developer of the PD shall be~~

35 ~~required to submit an annual progress report through buildout to the zoning official on~~

36 ~~or before the anniversary date of the BCC final approval or until the project is~~

37 ~~complete. The intent is to maintain an updated inventory of the current status of~~

38 ~~development within the PD by establishing a reporting requirement. At a minimum, the~~

39 ~~annual progress report shall include the following information:~~

- 40 (i) ~~A site plan for the entire development indicating the status of approvals, phasing~~
- 41 ~~schedule, undeveloped areas, and within developed areas, the number, size,~~
- 42 ~~type, and locations of all structures and improvements.~~
- 43 (ii) ~~The names of any subsequent developers or owners of any increments, phases,~~
- 44 ~~or portions of the PD project.~~

45 ~~Time Limitation. The resolution approving the final plan shall include a schedule for the project from~~

46 ~~commencement to buildout. County Local government staff shall review land subject to a development~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 ~~agreement at least once every twelve (12) months to determine if there has been demonstrated good-~~
2 ~~faith compliance with the terms of the development agreement. If construction does not remain consistent~~
3 ~~with the approved schedule, the applicant may petition the BCCboard of county commissioners (BCC) for~~
4 ~~an extension. The BCC may grant extensions up to five (5) years in accordance with F.S. section~~
5 ~~163.3220.~~

6 ~~Once construction has commenced, the building permit must remain valid. Should the PD expire, or~~
7 ~~should the building permit become invalid, the BCC in its discretion shall do one (1) of the following:~~

8 ~~1. The PD designation for the entire area be continued with revised time limits.~~

9 ~~2. The PD designation be continued for part of the area with revised time limits and the remainder rezoned~~
10 ~~to an appropriate zoning district.~~

11 ~~3. The entire area be rezoned from PD to an appropriate zoning district.~~

12 ~~The recommendation may also include proposals for appropriate action in respect to any legal~~
13 ~~instruments involved in the PD. The recommended action would require a public hearing before the~~
14 ~~P&Zplanning and zoning board and the BCCboard of county commissioners.~~

15 ~~d. Building Ppermits. No building permit or certificate of occupancy or certificate of zoning~~
16 ~~compliance shall be issued for a PD except in conformity with all provisions of the approved final plan, as~~
17 ~~amended. All buildings and improvements in a particular phase need not be complete before the issuance~~
18 ~~of a certificate of occupancy for a completed building in that phase unless otherwise required by the final~~
19 ~~plan as approved.~~

20 ~~e. Application Rrequirements. The final PD application package shall include a site plan and~~
21 ~~narrative containing the following information:~~

22 ~~1. A copy of any deed restrictions, protective covenants, and other statements or devices which will~~
23 ~~be used to control the use, development and maintenance of the land and improvements thereon,~~
24 ~~including those areas which are to be commonly owned and maintained.~~

25 ~~2. In areas involving isolated wetlands, these wetlands shall be identified and delineated, and shall~~
26 ~~be determined by application of Ddepartment of Eenvironmental Regulations (DER) vegetative insurance~~
27 ~~rule (Ch. 17.4.022, FAC).~~

28 ~~3. The location and sizes of lots, location and proposed density of dwelling units, nonresidential~~
29 ~~building intensity, final building configurations, structures and improvements, areas in acres, and other~~
30 ~~features of the development site for the phase to be reviewed.~~

31 ~~4. A schedule of the development of units to be constructed in progression and general description~~
32 ~~of the buildings and streetscapes; tabulation of the number of housing units proposed by type; and~~
33 ~~standard for height, open space, building density, parking area, and public improvements proposed for~~
34 ~~each section of the development whenever the applicant has proposed an exception from the standard~~
35 ~~zoning ordinance, subdivision regulations, or other features of the development site for the phase to be~~
36 ~~reviewed.~~

37 ~~5. A site plan which contains the following:~~

38 ~~(i) Name of the project.~~

39 ~~(ii) Names of the project's planner, engineer, and/or architect.~~

40 ~~(iii) Name of the developer.~~

For the P&Z Board on 01/12/2015

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

- 1 ~~(iv) — Date.~~
- 2 ~~(v) — North arrow.~~
- 3 ~~(vi) — Boundaries for the property.~~
- 4 ~~(vii) — Existing streets, buildings, watercourses, easements and section lines.~~
- 5 ~~(viii) — The location of all buildings and structure, proposed access and traffic flow.~~
- 6 ~~(ix) — The manner in which the vehicular traffic will be separated from pedestrian traffic.~~
- 7 ~~(x) — Off-street parking and loading areas and facilities.~~
- 8 ~~(xi) — Recreational facilities and open space.~~
- 9 ~~(xii) — Screens, fences, walls and landscape buffers.~~
- 10 ~~(xiii) — Refuse collection areas.~~
- 11 ~~6. — Letters of availability and commitment to provide potable water and/or sanitary sewage disposal if~~
12 ~~these utilities are to be provided by an entity other than the developer.~~
- 13 ~~7. — Plans showing the stormwater management plan and water and sanitary sewer mains by location~~
14 ~~and size, fire suppression facilities and utility easements.~~
- 15 ~~8. — Any additional material and material deemed reasonably appropriate by the Zoning Official~~
16 ~~and/or Director/planning director.~~
- 17 ~~f. — (6) Modification of PD Plans. Final Detail Plan.~~
- 18 ~~a. Minor Modification. 1. — General. All PD plans submitted for approval shall be reviewed~~
19 ~~by the Zoning Official to determine whether a major modification from previously~~
20 ~~approved plans or conditions has occurred. If such a variation has occurred, the applicant~~
21 ~~shall apply for a modification of PD plans. The applicant may also initiate an application for~~
22 ~~modification of PD plans to propose changes to the PD.~~
- 23 ~~The Zoning Official is authorized to approve minor changes in the approved PD plan, as long~~
24 ~~as they are in harmony with the originally approved PD plan, but shall not have the power~~
25 ~~to approve changes that constitute a major modification of the approval. A major~~
26 ~~modification shall require approval of the BCC, and shall be handled as a new application.~~
- 27 ~~2. Major modification.~~
- 28 ~~(i) Generally. Additions, deletions, changes in the use, density, sequence of development or~~
29 ~~other specifications of an approved PD plan are to be viewed as a major modification.~~
- 30 ~~(ii) Procedure. Once a determination has been made that a proposed modification constitutes~~
31 ~~a major modification, the applicant shall follow the same procedure as a new PD request.~~
32 ~~An application for a major modification shall be filed in the Community Department/zoning~~
33 ~~department, where the item will be placed on the development review committee agenda.~~
- 34 ~~Applications for a major modification of PD plans shall require: 1) a narrative description of the~~
35 ~~modification and reasons such a change is necessary; 2) an updated, revised PD plan~~
36 ~~indicating the effect of the proposed change; and 3) additional information as required by~~
37 ~~the Zoning Official to adequately review the proposed modification.~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 ~~3. Minor modification.~~

2 ~~(i) Any modification to an approved PD plan which does not constitute a major modification~~
3 ~~shall be considered a minor modification. Generally, minor variations, extensions,~~
4 ~~alterations or modifications of proposed uses, buildings/structures or other improvements~~
5 ~~which are consistent with the purpose and intent of the approved PD plan are considered~~
6 ~~minor modifications.~~

7 ~~(ii) Procedure. Upon determination that the proposed modification is a minor modification, the~~
8 ~~Zoning Official shall render a decision to the applicant within fifteen (15) working days~~
9 ~~after submission of a complete application. Applications for a minor modification shall~~
10 ~~include an updated, revised PD plan indicating the effect of the proposed change and the~~
11 ~~reasons why such a change is necessary.~~

12 ~~4. PD Expansion. Any addition or reduction to the area of a PD shall require a~~
13 ~~major modification of the conceptual and final plan.~~

14 ~~5. b. Major Modification Review Criteria. In reaching a decision as to whether or not~~
15 ~~the change(s) are substantial enough to be considered a major modification, and subject to~~
16 ~~reapplication as a new development plan, the Zoning Official shall, after reviewing the~~
17 ~~record of the project, determine if any of the following changes are present the following~~
18 ~~criteria, determine whether the changes are substantial enough to be considered a major~~
19 ~~modification:~~

20 ~~(i) 1. Increase or decrease in intensity of use. An increase in intensity of use shall be~~
21 ~~considered to be a~~ An increase of more than five (5) percent of usable floor area or an
22 increase of more than five (5) percent in the number of dwelling units or an increase of
23 more than five (5) percent of outside land area devoted to sales, displays, or
24 demonstrations shall generally be considered a major modification. In no case shall
25 the intensity or density be increased over the maximum permitted by the PD
26 district Future Land Use Map designation of the subject property.

27 ~~(ii) 2. Any change in parking areas resulting in an increase or reduction of ten (10) percent~~
28 ~~or more in the number of spaces approved.~~

29 ~~(iii) 3. Structural alterations significantly affecting the basic size and form of the~~
30 ~~building(s) as shown on the approved plan. Changes in form will only be considered~~
31 ~~substantial if they occur within two hundred (200) feet of the boundary of the PD~~
32 ~~district.~~

33 ~~(iv) 4. Any reduction in the amount of open space of more than five (5) percent or~~
34 ~~substantial change in the location or characteristics of open space uses.~~

35 ~~(v) 5. Substantial changes in location or type of pedestrian or vehicular accesses or~~
36 ~~circulation.~~

37 ~~(vi) 6. Any change which would increase traffic generation by more than ten (10)~~
38 ~~percent.~~

39 ~~7. (vii) Any change in land use or increase within five hundred (500) feet of the zoning~~
40 ~~district boundaries or within two hundred (200) feet of any part of the planned district~~
41 ~~which has been constructed or sold to an owner or owners different from the applicant~~
42 ~~requesting the change.~~

43 ~~(viii) Any criteria set forth in Sec. 3-9-7. (h)(1) deviation exceeding twelve (12) inches from~~
44 ~~the setbacks, height, and any area or dimensional standards approved as part of the~~
45 ~~concept development plan.~~

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-45. PD

1 ~~(ix) Any change in a condition specifically required by the BCC board of county~~
2 ~~commissioners as part of the PD approval.~~

3 c. 6.—Appeal. The appeal of a decision rendered by the Zoning Official as to whether a
4 modification is major or minor shall be filed by the aggrieved applicant within n thirty (30)
5 days of such written determination. The appeal ~~would~~ shall be forwarded to the BZABCC to
6 determine whether the changes are minor or major through a quasi-judicial hearing. board of
7 zoning appeals in accordance with section 3-9-6

8 (a) Vesting. A PD planned development (PD) shall only have to comply with the requirements of
9 the prior zoning regulations and not with any new requirements established by this section if
10 an application for rezoning to PD has been filed with the Ccounty on or before June 30,
11 1989, and provided all the other approvals are obtained within the time periods prescribed
12 under the prior zoning regulations.

13 ~~(Minutes of 12-89-81, § 7; Ord. No. 89-46, § 1, 6-22-89; Ord. No. 2002-008, §§ 4, 5, 1-28-02;~~
14 ~~Ord. No. 2008-053, § 1, 7-8-08)~~

15 **Editor's note—**

16 These provisions were formerly found in § 3-9-45

