

PLANNING AND ZONING BOARD

**THURSDAY,
NOVEMBER 16, 2017**



City of Indian Rocks Beach

1507 Bay Palm Boulevard • Indian Rocks Beach, Florida 33785 • www.indian-rocks-beach.com

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AGENDA PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY

City Commission Chamber
1507 Bay Palm Boulevard
Indian Rocks Beach, FL 33785

Thursday, November 16, 2017
6:00 p.m.

- 1. ROLL CALL.**
- 2. APPROVAL OF MINUTES OF:** August 17, 2017.
- 3. DISCUSSION OF ORDINANCE NO. 2017-15.** Repeal and replace Article V. Planned Unit Development (PUD), of the Code of Ordinance.
- 4. ADJOURNMENT.**

APPEAL: If a person decides to appeal any decision made with respect to any matter discussed at such meeting or hearing, will need a record of the proceedings and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. court reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's office with your request telephone 727/595-2517 or fax 727/595-4627 no later than four (4) days prior to the proceeding for assistance.

POSTED: November 9, 2017

AGENDA ITEM NO. 2

Approval of Minutes

**MINUTES
CITY OF INDIAN ROCKS BEACH
PLANNING AND ZONING BOARD AND
LOCAL PLANNING AGENCY**

The Regular Meeting of the Indian Rocks Beach Planning and Zoning Board and the Local Planning Agency was held on **THURSDAY, AUGUST 17, 2017**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Chair McFall called the meeting to order at 6:00 p.m.

1. ROLL CALL:

Present: Chair Rick McFall
Vice Chair Patricia Muneio
Board Member Richard Antepenko
Board Member Jude Bond
Board Member Robert Clark
Board Member Joe McCall
Board Member John Patronis
Hetty C. Harmon, Planner, AICP
City Attorney Randy D. Mora

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

2. APPROVAL OF MINUTES OF: July 20, 2017.

Vice Chair Muneio advised that her name is spelled wrong under Agenda Item No. 4, Roll Call.

MOTION MADE BY VICE CHAIR MUNEIO SECONDED BY MEMBER CLARK, TO APPROVE THE MINUTES OF JULY 20, 2017, AS AMENDED. UNANIMOUS APPROVAL.

3. ORDINANCE NO. 2017-08. An ordinance of the City of Indian Rocks Beach, Florida, providing for amendments to the Code of Ordinances by amending Chapter 110, Zoning, Article I, In General, Section 110-1 Definitions; Article III, District Designation and Regulations, Division 1, Generally, Section 110-

131, Establishment of zoning districts; Article IV, Supplementary District Regulations, Division 8, Offstreet Parking and Loading Facilities, Section 110-372, Required number of parking spaces; parking for compact cars; providing for definitions of craft/microbrewery, winery or distillery, establishing an allowable zoning district and parking standards for such use; providing for enforceability of existing land development regulations; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; providing for renumbering; and providing for an effective date.

BACKGROUND:

On June 15, 2017, staff advised the Planning and Zoning Board microbreweries have been an issue du jour through Pinellas County and Florida, and that microbreweries are in virtually every community and the City has received some inquiries to permit the establishment of a microbrewery. State Laws regulate production, distribution and sales differently.

On July 20, 2017, the Planning and Zoning Board held a public meeting and recommended proceeding with establishing a definition and parking standards for craft/microbreweries, wineries, or distilleries in the Business zoning district.

ANALYSIS:

Amending Code Section 110-1, Definitions, by adding the definition of "craft/microbrewery, winery, or distillery".

Craft/microbrewery, winery, or distillery: A small-scale, licensed manufacturing establishment which produces, processes, ferments, rectifies or blends craft brews, wines or distilled spirits; may offer tastings, and may provide on-site sale and consumption of the products.

Amending Code Section 110-131, Establishment of zoning districts, (6) Business zoning district – B, by adding Subsection (14) by allowing a craft/microbrewery, winery, or distillery in the Business zoning district.

b. *Permitted uses.* The permitted uses in the B, business district are as follows:

1. Retail and personal services.
2. Business and financial service uses.
3. Offices.
4. Service stations.
5. Restaurants.
6. Public land and buildings.
7. Dwelling, single-family on the floors above commercial.
8. Dwelling, two-family on the floors above commercial.
9. Dwelling, multifamily on the floors above commercial.
10. Hotels, motels and motor lodges.
11. Bed and breakfast establishments in accordance with section 110-592.
12. Mixed use of commercial and residential.
13. Temporary lodging use.
14. Craft/microbrewery, winery, or distillery.

Amending Code Section 110-372, Required number of parking spaces; parking for compact cars, Subsection (9) by adding language to establish parking requirements for craft/microbrewery, winery, or distillery in the Business district zoning.

- (9) *Restaurants, nightclubs, craft/microbreweries, wineries or distilleries or other eating places:* One space per each four seats. Open floor areas will require one parking space for every 60 square feet of floor area, and bench type seating will require one parking space for every 80 linear inches of bench area.

Chair McFall read Agenda Item No. 3A by title only.

Planner Harmon introduced the agenda memo and provided a brief explanation of the proposed changes to City Code to allow craft/microbreweries, wineries, and distilleries in the Business (B) zoning district, including a definition of craft/microbreweries, wineries, and distilleries, and parking standards for such establishments.

Planner Harmon stated these amendments are in concert and consistent with the comprehensive plan.

Vice Chair Muneio stated a resident inquired if a microbrewery can be located within the old GTE Building, 300 5th Avenue, and advised that the property is

not located within Business District Triangle and would require a zoning change because it is currently zoned Neighborhood Mixed Use.

City Attorney Mora recommended that the Board not amend this ordinance to allow for microbreweries at 300 5th Avenue. However, the Board could advise the City Commission that this property is in concert with the comprehensive plan and suggest the City Commission consider this property as the ordinance is not final until the City Commission approves it on second reading. The City Commission could amend the ordinance to allow for that property if they feel it is in concert with and would not disturb the current tenant's current use.

City Attorney Mora stated the Board discussed this matter in a past meeting and that was one property individuals foresaw as potentially being used in this manner. Neither this Board nor the City Commission can dictate precisely who ends up occupying a property.

City Attorney Mora stated staff has not analyzed anything beyond the Business zoning district to date.

Chair McFall opened the public comment session for this Agenda Item.

L.J. Govoni, co-owner of Big Storm Brewery, 7882 Causeway Boulevard South, St. Petersburg, was present to address any questions or concerns that the Board may have.

Chair McFall inquired if there is any change or deviation in standard infrastructure requirements for a facility in relation to brewing capacity, water usage, electrical requirements, gas requirements, and so forth.

Mr. Govoni stated as far as infrastructure, there would be nothing, and working with Pinellas County on a water quality coming out would not change as they are already used to working with breweries in the unincorporated area of Pinellas County. He stated the only issue would be the necessary size of a sewage line going out.

City Attorney Mora stated as a reminder to this Board, the Board's analysis for this meeting is purely whether the proposed ordinance aligns with the comprehensive plan.

City Attorney Mora stated Mr. Govoni has made himself available because there were questions about what concerns proprietors might have in a broader sense.

He wanted to remind the Board, as they entertain some of those curiosities, that is not necessarily what the Board is tasked with this evening.

Member Antepencko inquired how much water and sewage does a microbrewery use.

Mr. Govoni stated that is an absolute variable as to how much brewing is done on site. On an average, for every one barrel of beer, three barrels of water and sewage is disbursed. He stated the water is actually cleaner after going through the brewing process and there should not be any problems with the City's sewer system.

In response to Chair McFall, Mr. Govoni stated one can argue while brewing beer, it smells like cookies, but at cleaning and packaging time, there may be a different smell. The Board should think about the size constraints that most individuals would have here, the systems that would go into a brewery are respectfully glorified home brew systems.

Chair McFall inquired if there would be any chimneys, with Mr. Govoni stating no.

Chair McFall inquired what size of a building would accommodate a brewery, with Mr. Govoni stating there are no square footage requirements.

Chair McFall stated from a trucking standpoint, if they are going to export, what kind of truck capacity would be needed, with Mr. Govoni stating no different from restaurant delivery trucks.

Chair McFall inquired what time of the day do these establishments brew, with Mr. Govoni stated most breweries start at 5:00 a.m. and it takes 8 to 12 hours to finish the brewing process.

Chair McFall closed the public comment session for this Agenda Item.

Member McCall inquired if microbreweries would be restricted from participating in City events.

City Attorney Mora stated a microbrewery can participate to the extent any current alcohol licensed vendor can, and there are permits for nonprofit events, but that event would not be an extension of their permitted zoning in the City. It would be as a result of a completely different regulatory structure.

MOTION MADE BY MEMBER CLARK, SECONDED BY MEMBER MC CALL, TO FIND THE PROPOSED AMENDMENTS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN. UNANIMOUS APPROVAL.

4. OTHER BUSINESS:

SEPTEMBER MEETING: There will be no meeting in September as it is Budget Season.

OUTSTANDING ISSUES: Planner Harmon stated staff is working on the following items:

- Revised Planned Unit Development (PUD) Ordinance.
- Clarification to the Fence Code.

5. ADJOURNMENT.

MOTION MADE BY MEMBER MC CALL, SECONDED BY VICE CHAIR MUNEIO, TO ADJOURN THE MEETING AT 6:27 P.M. UNANIMOUS APPROVAL.

November 16, 2017
Date Approved

Frederick "Rick" McFall, Chair

/dor

AGENDA ITEM NO. 3

**ORDINANCE NO. 2017-15
Repeal and Replace Article V.
Planned Unit Development (PUD),
of the Code of Ordinances.**

Planned Unit Development



ORDINANCE 2017-15

- **REPEALED AND REPLACED ARTICLE V. PLANNED UNIT DEVELOPMENT**

Planned Unit Development

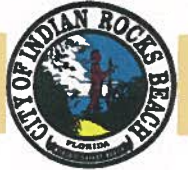
ORDINANCE 2017-15



The following items have been eliminated:

- The requirement permitting the PUD in only the RM-2 and CT Districts.
- Property size requirement, previously was 1 acre.
- Cluster and Zero Lot Line development section.
- Specific Commercial activities permitted as accessory uses.

Planned Unit Development



ORDINANCE 2017-15

The following items have been added or expanded:

- PUD is allowed in every district except Single Family Residential Zoning District.
- Expanded the Purpose and Intent of the PUD district
- Added justification and minimum requirements for the rezoning to the PUD
- Clarified the rezoning process for a PUD
 - Development Review Committee
 - Application requirements.
 - PUD Ordinance and Public Hearings

Planned Unit Development



ORDINANCE 2017-15

- Defined Minor Adjustments to the approved PUD
- Defined time limits for the PUD
- Permit Process
- Unified Control of the property
- Phasing of the PUD

ORDINANCE NO. 2017-15

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2017-15**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, REPEALING ARTICLE V, PLANNED UNIT DEVELOPMENT, BY DELETING SECTIONS 110-641 THROUGH 110-652 CONCERNING THE PURPOSE, APPLICABILITY, CONTENT AND REVIEW OF PLANNED UNIT DEVELOPMENTS AND REPLACING THEM WITH ARTICLE V, PLANNED UNIT DEVELOPMENT DISTRICT BY ADDING SECTIONS 110-641 THROUGH 110-652 CONCERNING THE PURPOSE, APPLICABILITY, CONTENT AND REVIEW OF PLANNED UNIT DEVELOPMENTS PROVIDING FOR RENUMBERING; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 20, 2017, the Planning and Zoning Board held a public hearing and recommended proceeding with the revising of these provisions in the City's Code of Ordinances;

WHEREAS, Section 13.1 of the City's Charter empowers the City Commission to regulate and restrict, among other things, the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes in the City;

WHEREAS, Planned Unit Developments are currently only allowed in the medium density multifamily residential zoning districts and high density commercial tourist zoning district in the City Code; and

WHEREAS, the City Commission for the City of Indian Rocks Beach finds the amendments set forth in this ordinance to be in the interest of promoting the health, safety and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA:

SECTION 1. That Chapter 78 of the City of Indian Rocks Beach's Code of Ordinances, concerning the purpose, applicability, content and review of Planned Unit developments, concerning the purpose, of the Code of Ordinances, City of Indian Rocks Beach, Florida, is amended in its entirety to read as follows:

See Exhibit A attached hereto

SECTION 2. In all other respects, the provisions of the Land

Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

SECTION 3. It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 4. It is the intention of the Indian Rocks Beach City Commission that the Land Development Regulations may be renumbered or reclassified to accomplish these deletions.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

SECTION 6. This Ordinance shall become effective immediately upon final passage as allowed by law.

PUBLISHED this ____ day of ____ 2017, in the Tampa Bay Times newspaper.

PASSED ON FIRST READING on the ____ day of ____ 2017, by the City Commission of the City of Indian Rocks Beach

PUBLISHED this ____ day of ____ 2017, in the Tampa Bay Times newspaper

ADOPTED ON SECOND AND FINAL READING on the ____ day of 2017, by the City Commission of the City of Indian Rocks Beach, Florida.

R. B. Johnson, Mayor/Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

Randy D. Mora, City Attorney

/dor

ORDINANCE NO. 2017-15

EXHIBIT "A"

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2017-15**

EXHIBIT A

ARTICLE V. PLANNED UNIT DEVELOPMENT

SEC. 110-641 PURPOSE

The purpose of this Section is to describe Planned Unit Development districts used to impose special development standards in certain areas. The location of Planned Unit Development districts is established by the City based on the need for special development standards in specified areas. A Planned Unit Development district imposes additional or different development standards than those that would otherwise apply in a conventional zoning district.

SEC. 110-642 DEFINITIONS

Planned Unit Development (PUD): Land under unified control, planned and constructed as a whole in a single unified development or in approved phases. PUDs may include a variety of land uses and types of dwelling units as well as related uses and facilities. There is no minimum acreage size required for a PUD. The PUD is allowed in every zoning district except the single family residential zoning district.

Sec. 110-643 PLANNED UNIT DEVELOPMENT (PUD)

- (1) Purpose and Intent of the PUD Zoning District:
- (a) It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which may not be provided for or allowed in the other zoning districts otherwise established by this Code. The PUD zoning district allows a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in one of the other listed districts, but that otherwise conform to the City of Indian Rocks Beach Comprehensive Plan.
 - (b) These PUD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the City Commission (the "City Commission" or "Commission") the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility while retaining control by the City

Commission, the PUD is designed to accomplish one or more of the following:

1. Permit innovative residential, nonresidential, and mixed-use developments provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design that encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as various street widths compatible with the type of development project proposed, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.
 2. Provide flexibility to meet changing needs, technologies, economics and consumer preferences.
 3. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.
 4. Lower development and building costs by permitting smaller networks of utilities, and the use of more economical development patterns and shared facilities.
 5. Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.
 6. Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.
 7. Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.
 8. Provide an efficient public process for considering complex developments where the proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PUD process.
- (c) All building code, housing code and other land use regulations of

this Code are applicable to a PUD, unless otherwise approved within the PUD Ordinance.

SEC. 110-644 JUSTIFICATION AND MINIMUM REQUIREMENTS FOR REZONING TO PLANNED UNIT DEVELOPMENT.

(1) An applicant for a PUD rezoning must present evidence in the PUD Narrative that the rezoning to PUD is justified by one or more of the following:

- (a) The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PUD process.
- (b) The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.

(2) The applicant for the PUD rezoning must further present evidence in the aforementioned PUD Narrative that the rezoning to PUD meets the following standards:

- (a) The density and/or intensity, character and type of development proposed in the development plan is consistent with the Comprehensive Plan, future land use map and the concurrency management system, and the development plan meets one or more of the objectives set forth in section 110-643 of this Code.
- (b) An evaluation of the external compatibility of a PUD should be based on the following factors: (1) adjacent existing and proposed uses, (2) design of the development to avoid undue noise, odor, traffic or other nuisances and other nuisances and dangers to abutting property owners; (3) traffic circulation to ensure the transportation system and streets are of sufficient width and capacity to serve the demands created by the development; and (4) density or intensity, including type and size of structures or units, and height shall be considered to address compatibility.
- (c) Usable open spaces and recreation areas provided within a PUD must provide appropriate recreational opportunities, protect

sensitive environmental areas, conserve areas of unique beauty or historical significance, enhance neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.

- (d) Every dwelling unit or other use permitted in the PUD shall have access to a public street either directly or by way of a private road, pedestrian way, court or other area which is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road, but at a minimum, private roads and other access ways shall be required to be constructed so as to ensure that they are safe and maintainable. To that end, all public roads within any PUD shall be constructed in accordance with the latest applicable FDOT specifications. The City further recommends that private roads be built to the latest applicable FDOT specifications. Connection to existing or planned adjacent streets is required, where applicable and feasible to minimize adverse traffic impacts.
- (e) Sufficient off-street parking for bicycles, automobiles and other vehicles must be provided. Parking areas must be constructed in accordance with the standards outlined in the Land Development Regulations in the City's Code, and any deviations must be specifically identified and approved by the city commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses. The design of a PUD should, whenever feasible, incorporate appropriate pedestrian and bicycle access ways so as to provide for a variety of mobility opportunities. Connection to all sidewalks, greenways, trails, bikeways, and transit stops along the perimeter of the PUD is required. Where existing perimeter sidewalks do not exist, sidewalks shall be provided by the development unless otherwise approved within the PUD Ordinance.
- (f) Utilities and essential public services, including but not limited to sanitary sewer, potable water, fire abatement services or appurtenances, solid waste, and other services must be available and have capacity to serve the development.

SEC 110-645 PROCESS FOR REZONING PROPERTY TO PUD ZONING DISTRICT

- (1) An application for the review, approval, and public hearings concerning a PUD Zoning District shall proceed in the following manner:

(a) Development Review Committee.

1. An application for preliminary review by the Development Review Committee shall be submitted to the City.
2. The Development Review committee will include the Building Official, City Planner, Public Services Director, City Attorney, City Manager and other staff as designated by the City Manager. This review shall not require a public hearing, though the Development Review Committee may seek the applicant's input or clarification when necessary.

(b) PUD application, narrative and associated documents.

1. After the owner has received comments from the Development Review Committee and incorporated comments into the proposed development of the PUD, the Application for rezoning to PUD may be submitted along with the requisite narrative and any other associated documents.
2. The Development Review Committee will review the PUD application, narrative and associated documents for consistency with the Land Development Code. When the review is complete, the rezoning of the property to the PUD district will proceed to the requisite public hearings. The Development Review Committee may require an applicant to supplement their submission before it can proceed to public hearing.

(c) PUD ordinance and Public hearings

1. A PUD Ordinance will be prepared and presented to the Planning Commission and City Commission.

SEC 110-646 APPLICATION REQUIREMENTS FOR DEVELOPMENT REVIEW COMMITTEE

- (1) The Development Review application should include a location map, a brief description of the project and a conceptual plan.
- (2) The Development Review committee shall review the application and prepare a report including comments from the City departments about the possibility of rezoning to PUD.

SEC 110-647 APPLICATION REQUIREMENTS FOR REZONING TO PUD

(1) In addition to the standard rezoning application and submission, the applicant shall submit a PUD Narrative describing the PUD and setting for the manner in which the proposed PUD complies with the requirements of Section 110-643 of this Code.

(2) Applications for review of a PUD rezoning shall be available from the Planning and Zoning Department (hereafter, the "Department"). The completed application shall be signed by all owners of the property subject to the proposal, and, where applicable, their agent; all signatures shall be notarized. Signatures by other parties will be accepted only with notarized proof of legal authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation. All applications will be required to comply with the following submittal requirements and where applicable and necessary additional submittal requirements as specified by the City staff or designated by the City Manager.

(a) The application shall include documents and drawings showing:

1. Name, address, e-mail address, and telephone number of owner.
2. Legal description of property involved;
3. Parcel identification numbers;
4. Survey of property.
5. Description of intended use(s).
6. PUD Narrative
7. Description of proposed development activities.
8. Development plans for all proposed project activities.
9. A site plan drawn to scale. Each site plan sheet shall show (a) the north arrow (b) the graphic scale (c) the drawing date (d) all existing and proposed structures with the setbacks from each other and the property line (e) the lot coverage, and (f) the proposed parking and landscaping.
10. Traffic Analysis
11. Flood Zones.
12. Architectural Renderings.
13. Electronic version of plans and all documents

(b) Where applicable to the development activity proposed, the City staff may require the following to be submitted as part of the application:

1. Building, structure, sidewalk and pavement location, height and setback;

2. Location, length and width of proposed driveways and driveway alignment with driveways on surrounding land;
3. A map of vegetative cover including the location and identity by common name of all protected trees.
4. Floor plan for existing and proposed structures;
5. A detailed landscape plan meeting or exceeding the requirements of this Code for all new or existing uses;
6. Sign plans, including the location of signs on the site; dimensions of all signs, including maximum square footage, height and width; and distance from the ground to the bottom of the sign display area (including borders); and

(3) The Development Review Committee will review the PUD Application for compliance prior to any public hearings,

Sec 110-648 PUD Ordinance and Public Hearing.

(1) The PUD Ordinance must include the following:

- (a) Written findings the proposed PUD Ordinance complies with the provisions of this Article;
- (b) The PUD Agreement;
- (c) The development plan for the PUD;
- (d) The schedule for development of the PUD;
- (e) The legal description of the area within the PUD; and
- (f) Language requiring:
 1. That the proposed development shall proceed in accordance with the PUD Ordinance, the development plan for the PUD, the schedule for development of the PUD, and such conditions and safeguards as many be established by the City Commissioners in such ordinance.
 2. That the proposed development will be completed according to plans approved by the PUD Ordinance, and that there will be continuing operating and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained by the City pursuant to written agreement.

3. That any commitments made in the application or approved PUD Report shall be binding on the Applicant's successors in title or interest.

Sec. 110- 649 Minor Adjustments to approved PUD.

(1) For all PUD developments, the staff and Commission shall review the plans. In order to facilitate minor adjustments, changes which comply with the following criteria may be approved by the City Manager or designee.

- (a) The number of dwelling units is the same or less.
- (b) The open space is in the same general location and in the same amount, or greater amount.
- (c) The floor area of the buildings is the same or less.
- (d) The streets follow approximately the same layout.
- (e) Access points for the project site are the same or less in number and in the same general location.
- (f) Extension of time limits for development for periods not exceeding two year upon showing good cause, submission of a development status report and submission of a revised schedule of development.

Sec. 110-650 Time Limits.

(1) The development of the PUD must proceed according to the schedule for development included in the PUD Ordinance. If the development does not commence within the time frame specified in the PUD Ordinance, or in the case of a phased development, a phase of development does not commence within the time frame specified in the PUD Ordinance, the ordinance shall become invalid and no further development shall be permitted. If time limits contained in the approved PUD are not complied with and not extended for good cause, the City Commission may initiate rezoning of the property or any part of it, and/or amend the approved PUD development plan, so as to best protect adjoining properties and the public health, safety or welfare. City staff shall initiate action to rezone the property to another appropriate zoning district by following the rezoning procedure set forth in this Code. No development shall be permitted under an expired PUD.

(2) Extensions of time: Applicants may request extensions of time on PUD Ordinances. Such extensions may be granted for a maximum of up to two

(2) years per extension request. Extensions may be granted only upon a showing by the applicant that reasonable efforts have been made towards securing the required permits and commencing work on the project, that any proposed amendment of the development plan will serve to the benefit of the City and the project, and the extension is based upon good cause, as determined by the City Manager. Any such extension shall not automatically extend the normal expiration date of a Certificate of Concurrency, building permit, site plan approval, development agreement or other development order. Failure to complete phasing on schedule shall require a new concurrency review and obligation to obtain the appropriate Certificate of Concurrency reservation pursuant to this Code, where applicable.

Sec. 110-651 Permits.

All construction in the development of a PUD shall proceed only under applicable permits issued by the City and any other regulatory department or agency. No building permit, certificate, or other document authorizing construction or occupancy within a PUD shall be issued except in accordance with the approved development plan.

SEC. 110-652 UNIFIED CONTROL.

(1) All land included in any PUD shall be under the complete, unified, legal, otherwise-encumbered control of the owner, whether the owner be an individual, partnership, corporation, other entity, group or agency. The owner may designate an agent of record for the purposes of this process.

(2) The City attorney shall review all agreements, contracts, guarantees and other necessary documents and information that may be required by the City attorney to assure the City that the development project may be lawfully completed according to the plans sought to be approved.

(3) The application shall not be considered by the city commission until the city attorney has certified in writing that the legal requirements of this section have been fully met. The City Attorney may require the applicant to provide an opinion of its attorney to the same effect. The owner shall acknowledge within the application that the applicant and any successors and assigns in title and/or interest shall be bound by any commitments made in the adopted PUD ordinance unless otherwise approved by the City Commissioners.

SEC. 110-653 PHASING

When provisions for phasing are included in the development plan, each phase must be so planned and so related to previous development, surrounding properties and the available public facilities and services that a failure to proceed with subsequent phases will have no adverse impact on the PUD or surrounding properties.

**CURRENT PLANNED UNIT
DEVELOPMENT ORDINANCE**

Current Planned Unit Development Ordinance

ARTICLE V. - PLANNED UNIT DEVELOPMENT

Sec. 110-641. - Required for certain developments.

Any development in the RM-2 or CT zoning districts with total land area equal to or greater than one acre in size shall require planned unit development.

(Code 1980, § 24-36; Code 1989, § 21-276; Ord. No. 479, § 13, 3-29-1990)

Sec. 110-642. - Purpose of article.

- (a) The purpose of planned unit development regulations is to encourage flexibility in the design, development, and use of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open spaces.
- (b) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience, both in the use and occupancy of the buildings and facilities in planned groups.
- (c) This district shall allow for the consideration of innovative nontraditional lot layouts such as cluster development and zero lot line development.

(Code 1980, § 24-36(1); Code 1989, § 21-277; Ord. No. 479, § 13, 3-29-1990)

Sec. 110-643. - Approval by city commission required.

Planned unit development shall be subject to the final approval of the city commission after public notice has been given and a public hearing has been held as provided in this article.

(Code 1980, § 24-36(2); Code 1989, § 21-278)

Sec. 110-644. - Procedure for review and approval.

The procedure for receiving, reviewing and approving planned unit development applications shall be as follows:

- (1) An application for preliminary approval shall be filed by or on behalf of the landowner with the building official. Ten copies of all maps and reports shall be submitted and be of sufficient detail to indicate conformance with the standards for reviewing planned unit development as set forth in this division.
- (2) The building official will transmit the application and supporting documentation to the planning and zoning board. The planning and zoning board shall complete planned unit development review within 30 days of receipt of plans from the building official.
- (3) The planning and zoning board will review the application and supporting documentation to determine conformance with the standards of development. After completion of the review, the planning and zoning board shall make one of the following three recommendations to the city commission together with reasons for such recommendation:

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- a. Preliminary approval as submitted.
- b. Preliminary approval with reservations.
- c. Disapproval.

If disapproved by the planning and zoning board, the developer may make changes and resubmit.

- (4) The city commission shall within 30 days after receipt of the recommendation from the planning and zoning board give public notice and hold a public hearing.
- (5) After preliminary approval is given by the city commission, the developer has not more than 60 days to complete and submit final plans for all or a portion thereto of the planned unit development.
- (6) Upon submission of final plans for a planned unit development or portions thereof, the building official shall issue a building permit if the final plans are in conformance with the preliminary approval.
- (7) The city commission shall have the specific power and authority to deviate from the terms of this chapter in order to effectuate and accomplish the stated overall purpose of this article.

(Code 1980, § 24-36(3); Code 1989, § 21-279)

Sec. 110-645. - Minimum area; open space.

- (a) *Minimum area.* A planned unit development shall include no less than one-half acre of contiguous land.
- (b) *Open space/recreational area.* A minimum of 30 percent of a planned unit development site shall be developed as common open space/recreational area, including walkways, plazas, arcades, landscaped areas, pools, and fountains. Parking areas and vehicular access facilities shall not be considered in calculating common open space/recreational area.

(Code 1980, § 24-36(4); Code 1989, § 21-280; Ord. No. 2005-01, § 38, 5-5-2005)

Sec. 110-646. - Compliance with development standards.

A planned unit development shall be approved only if it satisfies all of the standards of sections 110-647 through 110-651.

(Code 1980, § 24-36(5); Code 1989, § 21-281)

Sec. 110-647. - General development standards.

- (a) The planned unit development shall be compatible with the regulations for the district in which it is to be located.
- (b) The planned unit development plan shall be consistent with the city comprehensive plan and this article.
- (c) The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site, making appropriate use of innovative land use techniques and providing for the preservation of scenic features and amenities of the site and the surrounding areas.

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- (d) The planned unit development shall be designed to harmonize with any existing or proposed development in the area surrounding the project site.
- (e) The planned unit development containing mixed uses shall be designed to provide public access to the waterfront as applicable.

(Code 1980, § 24-36(5)(a); Code 1989, § 21-282; Ord. No. 2011-03, § 33, 7-12-2011)

Sec. 110-648. - Arrangement of buildings.

- (a) All buildings in the layout and design shall be integrated into one cohesive master plan for the development.
- (b) The site design shall incorporate and connect pedestrian, bicycle and vehicular movement and access into the surrounding area.
- (c) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide visually and physically integrated development.
- (d) Treatment of the sides and rear of all buildings within the planned unit development groups shall be compatible in amenity and appearance to treatment given to street frontages of the same buildings.
- (e) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- (f) All buildings shall be arranged so as to be accessible to emergency vehicles.

(Code 1980, § 24-36(5)(b); Code 1989, § 21-283; Ord. No. 2011-03, § 34, 7-12-2011)

Sec. 110-649. - Landscaping.

- (a) Landscape treatments for walkways, plazas, arcades, roads, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.
- (b) Primary landscape treatment shall consist of shrubs, ground cover and trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape material selected shall be appropriate to the growing conditions of the city's environment.
- (c) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- (d) All streets bordering the project area shall be planted at appropriate intervals with street trees.

(Code 1980, § 24-36(5)(c); Code 1989, § 21-284)

Sec. 110-650. - Pedestrian and vehicular circulation; off-street parking and loading facilities.

- (a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, and off-street parking and loading space.
- (b) Roads, pedestrian walks, and open spaces shall be designed as an integral part of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
- (c) There shall be an adequate amount, in a suitable location, of pedestrian walks, malls, and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate

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pedestrian walks, malls, and public transportation loading places from general vehicular circulation facilities.

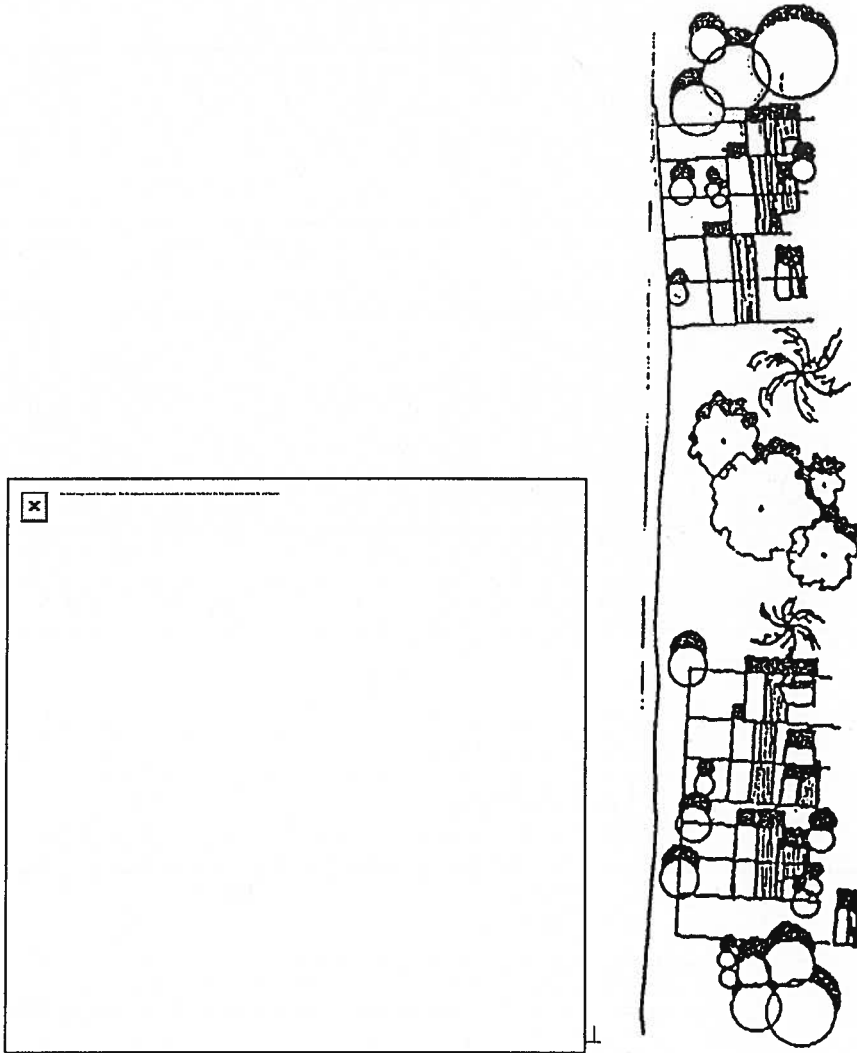
- (d) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (e) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances, to streets, parking areas, and adjacent buildings.
- (f) The location and design of pedestrian walks should emphasize desirable views of new and existing development in the area.
- (g) Adequate and properly located bicycle parking facilities, in accordance with section 110-378.1, must be provided.
- (h) The maximum separation of private automobiles and service vehicles shall be provided through the use of separate service lanes.
- (i) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, and the like shall be of good appearance, easily maintained, and indicative of their function. Lighting fixtures must be located in accordance with section 86-62 pertaining to lighting in beach areas.

(Code 1980, § 24-36(5)(d); Code 1989, § 21-285; Ord. No. 2005-01, § 39, 5-5-2005)

Sec. 110-651. - Cluster and zero lot line development.

- (a) *Purpose.* Providing for cluster and zero lot line developments encourages a more varied, efficient, attractive, and economical development pattern, increases flexibility in the location and arrangement of homes, and provides a more usable pattern of open space. The intent of this category is to preserve environmentally sensitive lands, to encourage open space, and to produce a visual opening.
- (b) *Definitions.* For the purpose of this section, cluster development and zero lot line shall be defined as follows:
 - (1) *Cluster development* is a development technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive features.

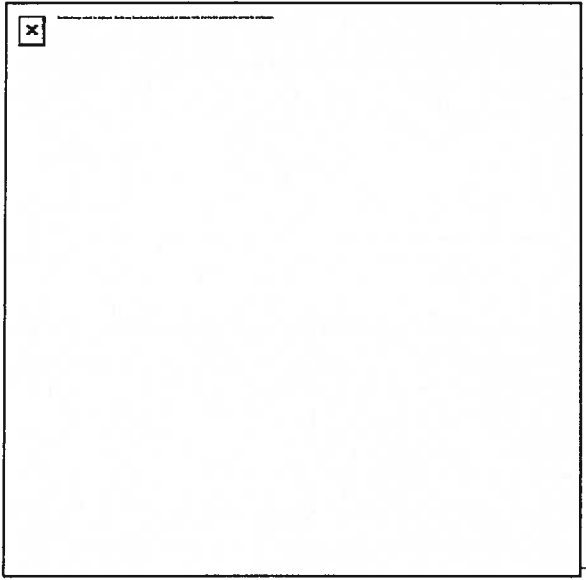
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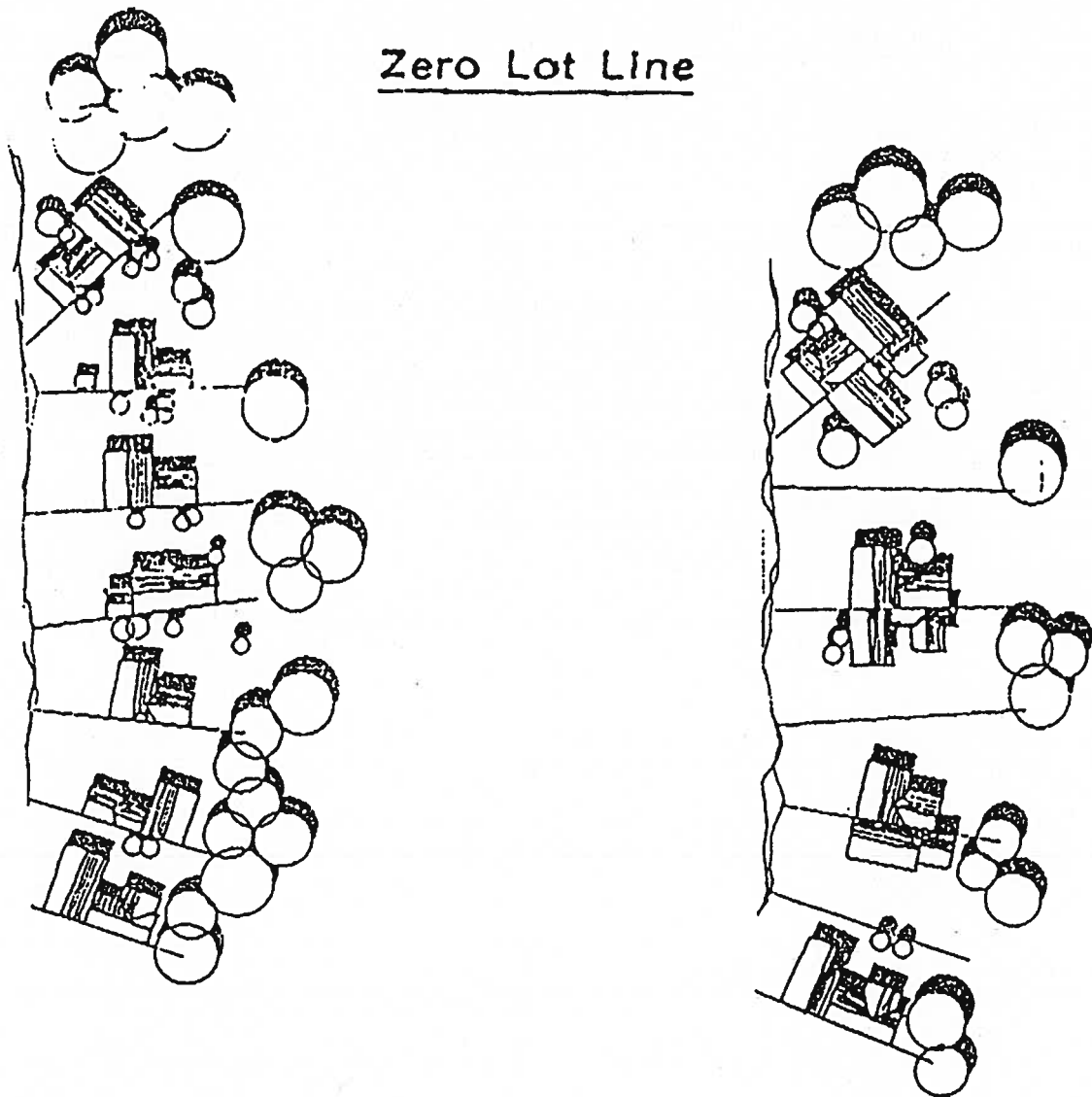
Cluster Development

- (2) *Zero lot line* is a technique which allows construction along a side property line avoiding normal setback requirements, in order to produce a visual opening, to provide more open space, or to protect environmentally sensitive lands.

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Cluster Development

(c) *Increase in permitted height.* Increase in height may be considered for projects which decrease the amount of impervious surfaces or to protect views and environmentally sensitive lands.

(Code 1989, § 21-286; Ord. No. 479, § 13, 3-29-1990)

Sec. 110-652. - Commercial activities.

The commercial activities listed in this section are permitted as accessory uses only under a planned unit development. For those parcels designated High Density/Seasonal Tourist on the land use map and proposing to develop a hotel/motel facility, the following commercial activities may be considered, provided that the activities are contained within the principal structure:

- (1) Restaurant, snack bar, cafe, or coffee shop.

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- (2) Personal services.
- (3) Gift shop or florist.
- (4) Limousine service.

(Code 1989, § 21-287; Ord. No. 479, § 13, 3-29-1990)

Secs. 110-653—110-680. - Reserved.

AGENDA ITEM NO. 4

ADJOURNMENT