

**ORDINANCE NO. 14-034**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REPEALING CHAPTER 22, ARTICLE THREE, PLANNED UNIT DEVELOPMENT ZONE (PUD), SECTION 22-40; AND CREATING A NEW **CHAPTER 22, ARTICLE THREE, PLANNED DEVELOPMENT ZONE (PD) SECTION 22-40**; CREATING THE PURPOSE, GENERAL STANDARDS FOR APPROVAL, APPLICATION REQUIREMENTS, PLANNED DEVELOPMENT REVIEW PROCEDURES, ADHERENCE TO APPROVED PLANNED DEVELOPMENT, MODIFICATIONS OF AN APPROVED PD SITE PLAN, STATUS OF PREVIOUSLY APPROVED PUD PLANS, EXPIRATION OF AN APPROVED PD PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS** on June 15, 1981, the City adopted Ordinance No. H-186 which established the Planned Unit Development (PUD) Zoning District, with subsequent amendments following in 2004 and 2012; and

**WHEREAS** the City of Fort Pierce would like to promote and provide greater flexibility for design and diversification of uses within the Planned Unit Development Zoning District by eliminating the requirement for a residential component and allowing for any combination of uses;

**WHEREAS** the City of Fort Pierce would like to repeal Chapter 22, Article Three, Section 22-40, Planned Unit Development Zone (PUD), of the Code of Ordinances, and create a new Chapter 22, Article Three, Section 22-40, Planned Development Zone (PD), of the Code of Ordinances;

**WHEREAS** the City of Fort Pierce finds the created Planned Development (PD) Zoning District consistent with the Comprehensive Plan of the City of Fort Pierce; and

**WHEREAS** the City of Fort Pierce finds the created Planned Development (PD) Zoning District satisfies the following standards specified in Section 22-131 of the City Code:

- (1) The amendment will not have an adverse effect on the ability of the City to:
  - a. Satisfy land and water use needs
  - b. Meet transportation demands and provide community facilities and services
- (2) The amendment will promote and protect the public health, safety and general welfare;

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1.** Section 22-40, of the Code of Ordinances of the City of Fort Pierce, Florida is hereby repealed so that the same shall be of no further force or effect whatsoever:

~~**Sec. 22-40.—Planned Unit Development Zone (PUD).—**~~

~~(a) *Purpose.* The PUD Zone is intended to provide for comprehensive developments incorporating residential uses, a substantial amount of open space and appropriate commercial, public and semi-public uses. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks.—~~

~~(b) *General standards for approval.* Prior to including a tract of land in the PUD Zone or approving a final development plan for a planned unit development, the city commission shall determine that:—~~

~~(1) The planned unit development is an effective and unified treatment of the development possibilities of the project site while remaining consistent with the comprehensive plan, avoiding environmental hazards and making appropriate provisions for the preservation of natural features such as shorelands and wooded cover.—~~

~~(2) The planned unit development will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services in terms of their capacities, operational costs or maintenance costs: Water, sewer, storm drainage, electrical services, fire protection, police protection and schools.—~~

~~(3) A demand exists for the planned unit development at the proposed location and the applicant has the capacity to assure completion of the project.—~~

~~(4) The planned unit development complies with standards referred to in this section, additional zoning ordinance provisions and other city laws.—~~

~~(7) *Unified control.*—(8) *Utility easements.* Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.—~~

~~(10) Other standards. All planned unit developments will comply with regulations affecting signs referred to in section 22-55 and applicable portions of the city's regulations governing subdivisions except that in case of conflict the city commission shall determine the requirement for the PD. The city commission may also establish additional requirements which it considers necessary to assure that a planned development conforms to the intent of this section.~~

~~(c) Application requirements. When an application is submitted to rezone property to a PD Zone, the following items will be submitted in addition to other information submitted in accordance with section 22-127, the city's subdivision regulations or other city laws:~~

~~(1) Written documents:~~

~~a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.~~

~~b. Material which presents firm evidence of unified control of the entire area within the proposed planned development, including 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 these regulations.~~

~~c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development, such as land areas and dwelling units.~~

~~d. A development schedule indicating:~~

~~1. The approximate date when construction of the project can be expected to begin.~~

~~2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.~~

~~3. The anticipated rate of development.~~

~~4. The approximate date when each stage in the development will be completed.~~

~~5. The area, location and degree of development of common open space that will be provided at each stage.~~

~~e. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate residential gross densities; total amount of open space (including separate figures for common open space and usable open spaces); and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).~~

~~f. A general description of the buildings and streetscapes including standards for height, open space, building coverage, parking area, signage and public improvements proposed for each section of the development, and whether the applicant has proposed an exception from the standard zoning ordinance, land development code, or subdivision regulations for these and other features of the development site.~~

~~g. A statement indicating the justification for a gross density in excess of twelve (12) units~~

~~per acre if such a density is being proposed.~~

~~h. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.~~

~~(2) Site plan and supporting maps. Maps with the following minimum information must be submitted:~~

~~a. The existing site conditions, including contours at one foot intervals, shorelines, flood plains, unique natural features and forest cover.~~

~~b. A grading plan for the site showing future contours for locations where the existing grade is to be changed by more than two (2) feet.~~

~~c. A general landscape plan for the Planned Development.~~

~~d. Proposed lot lines and other divisions of land for management, use or allocation purposes.~~

~~e. The approximate location of present and proposed buildings and structures.~~

~~f. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.~~

~~g. The existing and proposed vehicular circulation system, including off-street parking and loading areas.~~

~~h. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.~~

~~i. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.~~

~~j. Enough information on land areas adjacent to the proposed Planned Development to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.~~

~~k. The proposed treatment of the perimeter of the Planned Development, including materials and techniques used such as screens, fences and walls.~~

~~(d) Planned Development review procedures.~~

~~(1) Planned Developments will be reviewed in at least three (3) phases—a pre-application conference, a preliminary development plan phase and a final development plan phase. The pre-application conference will involve a minimum of one informal discussion between the applicant and staff of the department of planning and development on the proposed planned development.~~

~~(2) At the request of the applicant, an optional phase, a concept plan phase, will take place. For this phase, a map showing the general layout of uses in the proposed planned development will~~

~~be submitted along with written material mentioned in this section in (c)(1)(a), (c)(1)(c), (c)(1)(d) and (c)(1)(e). A public hearing will be held by the city planning board on the proposal and it will approve, approve with conditions or disapprove the concept plan.~~

~~(3) The preliminary development plan will include information specified in subsection (b)4 of this section. The procedure for reviewing the preliminary development plan is the procedure set forth in section 22-128 for amending this chapter. If the proposed Planned Development involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the preliminary development plan. Approval of a preliminary development plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property. If the city planning board approved the concept plan or approved it with conditions, the board will not change its earlier opinion unless it determines that it is appropriate due to new information or due to differences between the concept plan and preliminary development plan.~~

~~(4) Within a year of the date of approval of a preliminary development plan or approval of the plan with conditions, the applicant shall file with the department of planning and development, a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development. If the Planned Development involves the subdividing of land which is regulated by the city, the final plat should be reviewed concurrently with the final development plan.~~

~~(5) The staff of the department of planning and development shall have a maximum of thirty-five (35) days from the submission of a complete final development plan to review the plan and prepare comments concerning the plan. Prior to acting on the final development plan, the city commission shall hold a public hearing in accordance with section 22-143. The city commission shall approve, approve with conditions or disapprove the final development plan within twenty (20) days of the public hearing, except the city commission with good cause demonstrated may allow an extension of time.~~

~~(6) If the city commission finds evidence of a significant deviation from the preliminary development plan, the city commission shall advise the applicant to submit an application for an amendment to the preliminary development plan. An amendment shall be reviewed using the same procedure as was used for the preliminary development plan, except that this chapter will not need to be amended. If no significant deviation from the preliminary development plan is found, the city commission will approve the portions of the Planned Development in the final plan.~~

~~(7) If an amended preliminary development plan is not submitted within seventy-five (75) days of the city commission decision to require such an amendment, or if the amended preliminary development plan is not approved or approved with conditions, the city commission shall initiate proceedings for rezoning all of the property in the Planned Development.~~

~~(e) Adherence to approved final development plan. Building permits for construction shall be issued only if consistent with an approved final development plan. No building permit or certificate of occupancy shall be issued for a Planned Development except in conformity with all provisions of the approved final plan, as amended. All buildings and improvements in a particular phase need not be complete before the issuance of a certificate of occupancy for a completed building in that phase unless otherwise required by the final plan as approved.~~

~~(f) Modification of Planned Development plans. All Planned Development plans submitted for building permit approval shall be reviewed by the planning department to determine whether any modification~~

~~from previously approved Planned Development plans or conditions has occurred. If such a variation has occurred, the applicant shall apply for a modification of Planned Development plans. The applicant may also initiate an application for modification of Planned Development plans to propose changes to the Planned Development.~~

~~The Director of Planning is authorized to approve minor changes in the approved Planned Development plan, as long as they are in harmony with the originally approved Planned Development plan, but shall not have the power to approve changes that constitute a major modification of the approval. A major modification shall require approval of the City Commission, and shall be handled as a new application.~~

~~(1) *Minor modification.* Any modification to an approved Planned Development plan which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, extensions, alterations or modifications of proposed uses, buildings/structures or other improvements which are consistent with the purpose and intent of the approved Planned Development plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the director of planning shall render a decision to the applicant within fifteen (15) working days after submission of a complete application. Applications for a minor modification shall include an updated, revised Planned Development plan indicating the effect of the proposed change and the reasons why such a change is necessary.~~

~~(2) *Major modification.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved Planned Development plan are to be viewed as a major modification. Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new Planned Development request. An application for a major modification shall be filed in the planning department. Applications for a major modification of Planned Development plans shall require:~~

~~a — A narrative description of the modification and reasons such a change is necessary;~~

~~b — An updated, revised Planned Development plan indicating the effect of the proposed change; and~~

~~c — Additional information as required by the Director of Planning to adequately review the proposed modification.~~

~~(3) *Planned Development expansion.* Any addition or reduction to the area of a Planned Development shall require a major modification of the conceptual and final plan.~~

~~(4) *Modification review criteria.* In reaching a decision as to whether or not the change(s) are substantial enough to be considered a major modification, and subject to reapplication as a new development plan, the director of planning shall, after reviewing the record of the project, determine if any of the following changes are present:~~

~~a — Increase or decrease in intensity of use. An increase in intensity of use shall be considered to be an increase of more than five (5) percent of usable floor area or an increase of more than five (5) percent in the number of dwelling units or an increase of more than five (5) percent of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the Planned Development district.~~

~~b—Any change in parking areas resulting in an increase or reduction of ten (10) percent or more in the number of spaces approved.~~

~~c—Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within two hundred (200) feet of the boundary of the Planned Development district.~~

~~d—Any reduction in the amount of open space of more than five (5) percent or substantial change in the location or characteristics of open space uses.~~

~~e—Substantial changes in location or type of pedestrian or vehicular accesses or circulation.~~

~~f—Any change which would increase traffic generation by more than ten (10) percent.~~

~~g—Any change in land use or increase within five hundred (500) feet of the zoning district boundaries or within two hundred (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.~~

~~h—Any deviation exceeding twelve (12) inches from the setbacks, height, and any area or dimensional standards approved as part of the concept development plan.~~

~~i—Any change in a condition specifically required by the city commissioners as part of the Planned Development approval.~~

~~(5) After a site has been rezoned to the Planned Development district, and after more than fifty percent (50%) of the land in the Planned Development has been developed, amendments to the Planned Development for the developed portions of the property may only be initiated by:~~

~~a—The property owner, for an amendment to the Planned Development applicable to only a single lot or building site; or~~

~~b—Petition by the owners of more than fifty percent (50%) of the developed property in the PD district for an amendment to the Planned Development applicable to all of the developed portions of the Planned Development; or~~

~~c—City Commission, where necessary to preserve the health, safety and welfare of the property owners in the Planned Development.~~

~~(g) Status of Previously Approved PD (formerly PUD) Plans. Any active or completed Planned Development project approved prior to the adoption of this ordinance shall continue to be governed by the approved Planned Development plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved Planned Development Plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify the approved Planned Development Plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the Planned Development district.~~

**SECTION 2. 22-40** of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby created so that the same shall read hereinafter as follows:

**Sec. 22-40. – Planned Development Zone (PD).**

(a) Purpose. The PD District is intended to provide a process for the evaluation of individually Planned Developments which are not otherwise permitted in the zoning districts established by this Chapter. The PD District is to be a voluntary process commenced by an applicant for such zoning designation. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time granting the City Commission the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:

- (1) Provide for the planning, review and approval of one (1) or a combination of residential, commercial, public and industrial land uses not otherwise allowed under general zoning districts.
- (2) Encourage structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
- (3) Allow flexibility through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.
- (4) Encourage the preservation of environmental assets and natural amenities as scenic and functional open-space areas.
- (5) Encourage usable open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
- (6) Encourage innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment while preserving onsite natural elements and cultural resources.
- (7) Promote flexibility and efficiency in site design for more desirable living and working environments.
- (8) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.
- (9) Permit site specific requirements based on the unique characteristics of the individual site.
- (10) Permit site specific limitations where necessary to protect public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the Planned Development.

(b) General standards for approval. The Planned Development (PD) district is designed to allow an applicant to submit a proposal for consideration, for any use or any mixture of uses. The approval of Planned Development rezoning rests with the City Commission. However, no rezoning or development plan may be approved unless the following conditions are met:

- (1) Comprehensive Plan Consistency. Any residential, commercial, industrial, or public land uses and structures are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives and policies of the comprehensive plan, and consistent with the future land use element, and the standards and criteria contained in the following sections, unless a corresponding amendment to the Comprehensive Plan is also adopted.

a Density. In no event shall the density granted exceed the maximum gross density permitted under the underlying land use in the Comprehensive Plan.

(2) Perimeter Setbacks. Setbacks at the perimeter of the development shall be equal to those of the abutting zoning district(s), except where City Commission finds that alternate perimeter setbacks would be appropriate. Conditions under which alternate perimeter setbacks may be considered include, but are not limited to, the following:

a Property in the abutting zoning district is located across a major roadway from the PD, and therefore, a reduced setback would have little or no impact on the character of the adjacent property;

b. The minimum PD perimeter setback required by this section cannot be achieved due to an exceptional narrowness, shallowness, shape, topographic condition or physical or environmental feature uniquely affecting the subject property.

(3) Open space. Shall be provided within all planned developments; it may include vegetated areas or urban areas unencumbered by an impervious surface, but exclude aquatic areas. The amount of open space shall be provided based on the following ratios:

a. Residential: 25%.

b. Mixed Use: 20%.

c. Commercial/Office: 20%.

e. Industrial: 15%.

(4) Applicability to Other LDRs. All building code, housing code, and other land use regulations of the City of Fort Pierce are applicable to the PD district.

(5) Easements. Easements necessary for the orderly extension and maintenance of public utilities and/or other special needs may be required as a condition of approval.

(6) Phasing. When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services, that failure to proceed with subsequent phases will not adversely impact drainage, utilities, parking or the traffic flow of the completed phases.

(7) Other standards. All Planned Developments will comply with regulations affecting signs referred to in section 22-55 and applicable portions of the City's regulations governing subdivisions except that in case of conflict,

(8) Additional requirements. The City Commission may also establish additional requirements which it considers necessary to assure that a Planned Development conforms to the intent of this section.

(9) Variances are Not Necessary. The specific development standards of the PD district are contained in the approved development plan for each Planned Development which normally takes into account those matters which might otherwise be the subject of variance review by the Board of Adjustment.

(c) Application requirements. When an application is submitted to rezone property to a PD zoning

district, the following items will be submitted in addition to other information submitted in accordance with section 22-127, the City's subdivision regulations or other City laws:

(1) Written documents:

a. Project Narrative: A statement describing the Planned Development. This statement should include a description of the character of the proposed development as it relates to the development objectives of the City and the City's Comprehensive Plan as well as the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development, such as land areas and dwelling units.

b. Unified Control: Material which presents firm evidence of unified control of the entire area within the proposed Planned Development in a manner approved by the City Attorney.

c. Phasing: A development phasing schedule indicating:

1. The approximate date when construction of the project can be expected to begin.

2. The number of phases in which the project will be built and the approximate date when construction of each phase can be expected to begin and completed.

3. A general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.

d. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; residential gross densities; total amount of open space; and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).

e. A list of any exceptions from the standard zoning ordinance and land development code for any features of the proposed development plan.

f. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.

(2) Site Plan. A site plan with the following information must be submitted:

a. The existing site conditions, shorelines, flood plains, unique natural features and forest cover.

b. A landscape and irrigation plan per Chapter 22-59 LDC.

c. Proposed lot lines and other divisions of land for management, use or allocation purposes.

d. The location, size and height of present and proposed buildings and structures.

e. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.

f. The existing and proposed vehicular circulation system, including off-street parking and loading areas.

g. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks.

h. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.

i. Information on land areas adjacent to the proposed Planned Development, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

j. The proposed buffering treatment of the perimeter of the Planned Development, refuse stations, storage areas, or loading areas, including materials and techniques used such as screens, fences and walls.

k. The location of existing wetlands, proposed preservation and conservation areas.

l. A statement describing any endangered or threatened species that may be located on the site and potential environmental impacts on flora and fauna.

(d) Planned Development review procedures.

(1) Pre-application conference. The pre-application conference is an informal discussion between the applicant and the staff of any department that will be involved with the technical review of the proposed Planned Development. The applicant is encouraged to provide the following information related to the proposed development at the meeting.

a. Consistency with the adopted Comprehensive Plan.

b. Adequacy of utilities and other public facilities to serve the proposed development.

c. Relationship with the surrounding neighborhood.

d. Compliance concerns.

(2) Site Development Plan. Will include all information specified in this section. The procedure for reviewing the development plan is the procedure set forth in Section 22-128, Amendment Procedures, and Section 22-58, Site Plan Review. If the proposed Planned Development also involves the subdividing of land which is regulated by the City, the preliminary plat should be reviewed concurrently with the development plan as specified in Chapter 18. Approval of a development plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property.

(e) Adherence to Approved Development Plan. Building permits for construction shall be issued only if consistent with an approved development plan. No building permit or certificate of occupancy shall be issued for a Planned Development except in conformity with all provisions of the approved final plan, as amended. All buildings and improvements in a particular phase need not be complete before the issuance of a certificate of occupancy for a completed building in that phase unless otherwise required by the final plan as approved.

(f) *Modification of an Approved PD Site plans.* Changes to approved PD site plans are either major modifications or minor modifications. A major modification shall require the approval of the City Commission, while a minor modification may be done administratively by the Planning Manager (or designee)

(1) *Modification review criteria.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD plan are to be viewed as a major modification. Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new Planned Development request. An application for a major modification shall be filed in the planning department. Applications for a major modification of PD plans shall require an updated, revised PD site development plan indicating the effect of the proposed change, a narrative description of the modification and reasons such a change is necessary, and additional information as required by the Planning Manager (or designee) to adequately review the proposed modification.

The following alterations shall be considered a major modification, and reapplication as a new development plan will be required:

a Increase or decrease in intensity of use. A change of five (5) percent or more of usable floor area, or a change of five (5) percent or more in the number of dwelling units, or a change of five (5) percent or more of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum allowed by the Future Land Use Element of the Comprehensive Plan.

b Any change in the location of the parking area(s), or a change of ten (10) percent or more in the number of spaces approved.

c Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan including increase in building height of more than one story or twelve (12) feet.

d Any reduction in the amount of open space by five (5) percent or more, or a substantial change in the location or characteristics of open space uses.

e Substantial changes in location or type of pedestrian or vehicular accesses or circulation.

f Any change which would increase traffic generation by more than ten (10) percent.

g. Any change in land use or an increase in density within five hundred (500) feet of the PD boundaries, or within two hundred (200) feet of any part of the Planned Development which has been constructed or sold to an owner or owners different from the applicant requesting the change.

h Any deviation exceeding twelve (12) inches from the setbacks, area, or dimensional standards approved as part of the site development plan.

i. A change to the buffering material that negatively impacts the surrounding neighborhood.

j. Any change in the design and/or location of the stormwater facility that negatively impacts the surrounding neighborhood.

k. Any addition or reduction to the area of a Planned Development.

l. Changes proposed to three (3) or more of the criteria that do not meet the threshold individually to be considered a major modification.

m. Any change in a condition specifically required by the City Commissioners as part of the Planned Development approval.

(2) *Minor modification.* Any modification to an approved PD plan which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, extensions, alterations or modifications of proposed uses, buildings/structures or other improvements which are consistent with the purpose and intent of the approved PD plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the Planning Manager (or designee) shall render a decision to the applicant within fifteen (15) working days after submission of a completed modification application. Applications for a modification shall include an updated, revised PD site development plan indicating the effect of the proposed change and a narrative description of the modification and the reasons why such a change is necessary.

(3) Prior to build-out of fifty percent (50%) of the land in a Planned Development, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the Planned Development. After fifty percent (50%) or more of the land in the Planned Development has been built-out, the property owner may initiate any amendments to undeveloped portions of the Planned Development, however, amendments to developed portions of the Planned Development may only be initiated by:

a The property owner, for an amendment to the Planned Development which is not applicable to all developed portions of the Planned Development; or

b Petition by the owners of more than fifty percent (50%) of the developed property in the PD district for an amendment to the Planned Development applicable to all of the developed portions of the Planned Development; or

c City Commission, where necessary to preserve the health, safety and welfare of the property owners in the Planned Development.

(g) *Status of Previously Approved PUD (Planned Unit Development zone) Plans.* Any active or completed Planned Development project approved prior to the adoption of this ordinance shall continue to be governed by the approved PUD plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PUD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify (see major modification), the approved PUD plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PD district.

(h) *Expiration of an Approved PD Plan.* Any Planned Development approval for a project which has failed to commence by securing a building permit for a vertical improvement in accordance with the approved PD plans within two (2) years of final approval of the Planned Development, shall be considered expired. However, if the property owner obtains a building permit for a vertical

improvement in accordance with the approved PD plans within two (2) years after final approval of the Planned Development, the property owner's development rights under the PD approval shall be deemed vested and shall not expire. Extensions to the expiration date of the PD approval may be granted by the City Commission in 2-year increments. Any request for an extension to the expiration date of the PD approval must be submitted in writing to the Planning Manager for review no later than the expiration date of the PD approval.

If the PD expires, the land will retain the PD zoning designation; however the Site Development Plan approved with the PD rezoning will be null and void. Either the previously approved or a new Site Development Plan can be used to reapply.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall no further force of effect whatsoever.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM AND CORRECTNESS:**

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Robert V. Schwerer, Esq.

City Attorney

**STATE OF FLORIDA**

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 14-034 was duly advertised by title only in the St. Lucie News Tribune on October 27, 2014, and on November 12; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on November 3, 2014; and was duly introduced, read by title only, and passed on second and final reading on November 17, 2014,

by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Linda Hudson,  
Mayor Commissioner

**ATTEST:**

\_\_\_\_\_  
Linda W. Cox, City Clerk

**(City Seal)**