



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Members of the City of Fort Pierce Planning Board

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Sandy Ramseth, AICP, Senior Planner

SUBJECT: Proposed Amendments to the PUD Zoning District

DATE: January 6, 2015

***Introduction to Revision #2:** The following Staff Report and accompanying PUD/PD Zoning District rewrite were reviewed for a second time at the October 14, 2014 Planning Board meeting. At this meeting, the Planning Board unanimously approved the PD rewrite and recommended it go forward for City Commission review and approval. Following the meeting, practitioners from the private sector, who will eventually be utilizing this revised PD process, came forward with questions and concerns requiring clarity on three sections of the rewrite. Those items have been clarified and addressed to everyone's satisfaction and incorporated into a revised FINAL draft of the PUD/PD rewrite as now presented for your review and approval.*

STAFF REPORT – Revised

While the following section was written with the best of intention to allow the developer extreme flexibility in providing open space, this allowance could ultimately become problematic or misconstrued. With no real guideline for how much is enough “open space” to be approved, the burden lies with the applicant to make that decision and not knowing whether their decision is good enough, potentially would cause significant redesign of a site plan if it were not. Surveying many municipalities around the State, it was found that the open space requirement is all over the board, with the percentages as shown in the following revision most commonly found.

OLD:

(3) Open space. Open space shall be provided; it may include vegetated areas, or urban areas unencumbered by an impervious surface. The amount of open space is a product of the design, and should be factored in as part of the overall design, and not merely “leftover”, unused land.

The revised open space requirement is as follows:

NEW:

(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%.

The following section addresses the modification process to the PD; however, it only addresses what happens after the site has been developed at more than 50%. It is silent on what should happen prior to 50% of PD site development.

OLD:

(3) After a site has been rezoned to the PD 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

Clarity was needed here as follows:

NEW:

(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

From a municipality perspective we needed to tighten up this section on expiration to prevent developers from pulling permits to just pave a road or two or provide retention and do nothing further. By specifying vertical construction we are making the developer more accountable for their project as it will be further along in the development phase and hopefully nearer completion. Plus clarity was needed as to who and how a PD extension may be granted.

OLD:

(h) Expiration of an Approved PD Plan. Any active Planned Development project which has failed to commence by securing a building permit, as stipulated in their PD plans or as part of their PD phasing for a period of two (2) or more years, the plan shall be considered expired. However, in the event that the project is not completed, but has commenced, extensions may be granted for 2-year increments.

Clarity is provided here as follows:

NEW:

(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.

STAFF REPORT

The City's current 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."*

The current PUD zoning designation requires *"comprehensive development incorporating residential uses"*. This is an antiquated view of a PUD. Not all Planned Unit Developments should have to incorporate residential. Furthermore, there has not been a PUD development in the City in a decade indicating that the PUD as currently written is not fulfilling its role to provide flexible land development standards.

The following is a discussion of proposed amendments to Section 22-40, Planned Unit Development zone (PUD), in an effort to accomplish the following:

- **Provide and promote greater flexibility for design and diversification;**
- **Streamline the review process;**
- **Allow for phasing of the project;**
- **Establish a modification procedure; and**
- **Modify the nomenclature from PUD to PD.**

Over the past few years, Staff, Planning Board members, Advisory Group representatives, and interested stakeholders have been actively reviewing drafts of the proposed Land Development Regulations (LDR's) as part of a comprehensive rewrite tasked by Duncan Associates, Inc. This process was undertaken to replace LDR's that have been dormant for almost 30 years, or since 1981. For the most part, this draft has been shelved with the exception of some select sections of re-writes moving forward for adoption. Staff now desires to move forward with one more selected section of the LDR for adoption. It should be noted that staff did review the Duncan Associates' draft of Section 22-40, and felt it did not provide the flexibility or streamlining desired for the revised code. The PD as presented came in three different versions, all containing a residential component:

a) Planned Residential Development (PRD): Developments that seek greater flexibility in housing types and sizes than is provided by base district and in return offer enhanced amenities and protection of natural and historic resources and sensitive environmental features, including, flood hazard areas, jurisdictional wetlands and native uplands habitat.

b) Traditional Neighborhood Development (TND): Developments characterized by lot or parcel configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.

c) Mixed-use Development (MXD): Developments that contain a complementary and integrated mix of residential and nonresidential uses.

These Duncan Associates, Inc. development categories will not fill the needs of someone wanting to do a commercial/office or industrial type site. Further, the PD option was available as an overlay rather than zoning district with the original underlying zoning still intact, further complicating and limiting an otherwise straightforward process. However, all three of these type PDs will be possible in the following proposed amendment.

A more modern view of a PUD is an assembly of compatible uses, using design and layout of the developers' liking to make for a functionally cohesive project. In some cases, a PUD may incorporate only one use type, but in a manner or design not consistent with current standard zoning destinations. A PUD can be thought of as a zoning designation that could work when all others fail to fit the needs of the development. But this is not to be construed as a zoning designation that gives away the farm; quite the contrary. It is a designation that allows for the governing body to have the most input and ability to condition how the project will be built. It is a genuine give and take process between the developer and regulators. The City may relax on some development criteria, and in return can often leverage that into meaningful assurances from the developer.

In addition to the antiquated requirements of the current PUD designation, the PUD process is more laborious than it need be. Sure it is the rezoning process and site plan review done simultaneously, but it should be just that—those two processes combined. To have all the extra steps, such as concept plan approval, is not only redundant, but time consuming for the developer which translates into costs; unnecessary ones at that. So to streamline the process would be good for business, so to speak.

Further, it has been noted the current PUD designation had not been successfully utilized in almost a decade. The most active and successful PUD projects located throughout the City have come by way of annexation from the County. The last project to utilize the City's PUD process was Harbor Isle in 2004.

Finally, a change in nomenclature from PUD to PD is recommended for two reasons: the first being that it indicates a change in the code; that something new has been added or revised which may make it worth consideration for a developer. Secondly, removing the "U" meaning unit which is usually synonymous with a residential unit is in keeping with the revision of Section 22-40, in that residential units are no longer required to be part of this zoning district.

Therefore, for all the aforementioned reasons, staff feels breathing new life into the PUD/PD designation and process could have immediate and positive impacts for new and innovative projects.

The following changes are being proposed, with items in **RED** being revisions from the last version:

- **To change the nomenclature from Planned Unit Development (PUD) to Planned Development (PD);**
- **Expanding and clarifying the purpose and intent of the PD zoning designation;**
- **Eliminate the requirement for a residential component within a PD;**
- **Allow any combination of compatible uses within a PD;**
- **Allow for a single use PD, if the design/layout is innovative and does not fit within a standard existing zoning district;**
- **Density allowed only as consistent with Comprehensive Plan;**
- **Decrease the minimum size of a PD from 5 acres to any City property, regardless of size;**
- **Reduce the amount of required open space from 40% of the site to a defined amount determined by the ultimate use: from 25% for residential, to 20% for mixed use, commercial and office, to 15% for industrial;**

- Gives freedom of design to the developer rather than follow set rules of a standard zoning district;
- Allows for phasing of a project with time limits;
- A streamlined review process similar to the City's current site plan review process, eliminating the extra steps of a mandatory "concept plan" as previously required, however the concept plan is still an option of applicant's choosing;
- A procedure to modify PD plans, with minor modifications being done administratively, and major modifications processed similar to new applications;
- Establish modification review criteria to determine the level of modification; and
- Expiration of and approved plan that has failed to commence.

It should be noted that the latest adopted Comprehensive Plan (February 2011) contains policies that should be reflected within the LDR's. Accordingly, these proposed changes are consistent with the adopted plan, and due to the somewhat negotiated nature of PD zoning, will be able to uphold the Comprehensive Plan at an enhanced level. The following policies support the changes in Section 22-40, Planned Unit Development zone (PUD):

1.1.17 Policy:

Reduce vehicle miles traveled (VMT) and greenhouse gas emissions (GHG) by requiring developments to maximize internal trip capture, provide pedestrian connectivity to surrounding properties, and reduce the number of auto-oriented trips through Transportation Demand Management (TDM).

1.3.1 Policy:

The City shall evaluate land use amendment applications and development proposals for compatibility with the Comprehensive Plan, the City's character, future land use designation, and the adjacent properties.

1.3.2 Policy:

The City will permit the redevelopment of a non-conforming use when the redevelopment will result in a use that is more conforming to the permitted uses in the existing zoning district. The City will require such redevelopment to bring the site into compliance with parking, landscaping, signage, open space, and stormwater management requirements.

1.16.2 Policy:

The City shall distribute land uses in a manner that avoids or minimizes, to the greatest degree practicable, negative impacts on lands recognized by the county, state or federal government as environmentally sensitive.

1.16.3 Policy:

The City shall require site plan review of all proposed development or redevelopment to prevent unnecessary destruction or inappropriate use of existing natural resources and natural sites.

1.16.4 Policy:

When a parcel proposed for development contains more than one habitat type, the City shall require development to avoid the most sensitive natural areas to the maximum extent feasible through clustering provisions.

1.16.6 Policy:

The City shall require all development applications to minimize tree removal as a part of land development. The City shall require a tree survey to be provided which identifies trees for removal, relocation, and protection.

1.17.3 Policy:

The City shall require open space as a part of the requirements for all development and redevelopment to promote shallow water aquifer recharge and stormwater filtration.

The proposed amendment is consistent with the Comprehensive Plan. In addition, the amendment proposed satisfies the following standards specified in Section 22-131 of the City Code:

- (1) The amendment will not have an adverse affect 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.

Staff Recommendation:

That the Planning Board forward to the City Commission a recommendation to approve the proposed changes to Section 22-40.