

**ORDINANCE NO. 24-NNN**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, INSERTING AN AMENDED AND REVISED SECTION AT CHAPTER 125 – ZONING, ARTICLE IV – BASIC ZONING DISTRICTS, SECTION 125-212 – PLANNED DEVELOPMENT ZONE (PD); DELETING EXISTING SECTION AT CHAPTER 125 – ZONING, ARTICLE IV – BASIC ZONING DISTRICTS, SECTION 125-213 – PLANNED UNIT REDEVELOPMENT ZONE (PUR); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 125-212 – Planned Development Zone, is amended and revised to establish definitions, standards, submittal requirements and processes in respect of Master Planned Development and Final Planned Development zoning applications; and

**WHEREAS**, the option to apply for a Planned Development Zone is restricted to a minimum of five (5) acres in size for properties located outside the boundary of the Fort Pierce Redevelopment Area; and

**WHEREAS**, in order to encourage imaginative and flexible redevelopment the option to apply for a Planned Development Zone is allowed for properties located within the boundary of the Fort Pierce Redevelopment Area; and

**WHEREAS**, Section 125-213 – Planned Redevelopment Zone, is deleted in order to remove a duplicative and confusing processes; and

**WHEREAS**, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their \_\_\_\_\_, 2024, meeting, voted \_\_\_\_\_ to recommend \_\_\_\_\_ of the request.

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

**SECTION 1.** Chapter 125, Article IV – Basic Zoning Districts, Section 125-212 – Planned Development Zone (PD) is hereby amended, so the same shall read as follows:

**Sec. 125-212. Planned Development Zone (PD).**

(a) Purpose. The Planned Development (PD) Zone District is to provide a process for the evaluation of developments which are not otherwise permitted in the zoning districts established by this chapter. The PD District is a voluntary process commenced by an applicant for such zoning designation. The intent is to establish

a resilient living and working environment through the application of enlightened and imaginative approaches to community planning, stormwater infrastructure and property design. A PD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economic development, and the protection of adjacent existing and future development. Therefore, the PD alternative may allow uses and design concepts which are not specifically allowed in standard zoning districts. To the extent that any provisions of this section conflict with any other provisions of this Code, the provisions of this section shall prevail.

(b) Definitions:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Architectural Drawing* means building elevations depicting color, height and architectural elements drawn and submitted by a licensed architect demonstrating the design concept of the project.

*Boundary Survey* means a boundary survey of the entire site including the legal description, parcel control number(s) and acreage, with a date of last field work within 180 days of the date of application. The boundary survey must be an original, signed and sealed by a licensed Florida Professional Surveyor and Mapper and must reference the current title commitment, list all easements and encumbrances of record, and show all those easements and encumbrances that affect the property and are plottable.

*Compatibility* means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

*Construction Plans* means land clearing and erosion control plans, the original signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address, and certification of authorization number of the engineering business.

*Environmental Assessment* means a full assessment of native upland habitats, delineated wetlands, and listed species on property, the assessment shall include existing permits and note permits required.

*Final PD (FPD)* means approval of a Final PD shall authorize the applicant to submit Lot Site Plans or building permit applications in accordance with the terms and conditions of the approval. Permission to initiate construction of site improvements shall

not be granted or building permits issued until all required documents are executed and all applicable conditions of approval satisfied.

*Final Stormwater Report* means a report prepared by a licensed Florida professional engineer, the report originally signed and sealed, will calculate the pre-development and post-development stormwater runoff discharge rate and provide calculations on how the water quality is to be treated (i.e. swales, exfiltration trenches, dry retention, wet detention, bioswales, etc.).

*Floor Plans* means a separate plan for each floor within the proposed structures including the identification of the proposed use(s) and the area of the proposed use(s). Include square footage of each typical residential unit.

*Landscape Plans* means plans prepared by a licensed landscape architect, the plans shall detail the size, species and locations of existing and proposed trees, shrubs and groundcovers, proposed tree mitigation, and tree replacement schedule, if required.

*Legal Description* means the full legal description including parcel control number(s) and total acreage.

*Lighting Plans* means a plan with photometric, light pole and fixture details to show compliance with the city's lighting requirements.

*Master PD (MPD)* means a preliminary planned development approval document. Approval of a Master PD shall authorize the applicant to submit the associated Final PD in accordance with the terms and conditions of the Master PD, including the timetable of development and phasing. Issuance of a development order for a Master PD shall not constitute approval to build or construct any improvements and is not the final approval necessary for construction of the development.

*Master Stormwater Report* means a report prepared by a licensed Florida professional engineer, the report originally signed and sealed, will discuss high-level calculations of the pre-development and post-development stormwater runoff discharge rate and provide a discussion on how the water quality is conceptually proposed to be treated (i.e. swales, exfiltration trenches, dry retention, wet detention, bioswales, etc.).

*PD Site Plan* means the proposed Master PD site plan or Final PD site plan including consistent data tables and detail sheets. The site plan should identify unit numbers and types, use areas, and access points. The Master PD site plan is not required to identify individual lots until submittal of a Final PD site plan, and shall detail at minimum, open space coverage, general areas of wetlands, preserve areas, general uses proposed, maximum commercial floorspace and range of residential density.

*PD Phasing Plan* means a clear depiction of the area and timing of distinct phases with descriptions of included infrastructure, landscaping, stormwater, and preservation

areas to be included within each phase and confirmation that all elements will be functional.

PD Zoning Agreement means is an agreement between the city and the applicant that includes, but is not limited to, the legal description, duration and development timing, uses, densities, intensities, height, land use designation, description of any land dedicated to public purposes, description of any improvement works required to public facilities, including roadways, and who should provide such facilities, if necessary, financial assurances in the form of bonds for the construction of required facilities, and all conditions attached to the Final PD.

Preserve Area Management Plan means a plan required if the environmental assessment identifies wetlands or native habitats that are required to be preserved on site. The Preserve Area Management Plan shall describe how the wetlands and native habitats are to be monitored and maintained.

Project Narrative means a summary including the history of the property and project, description, and justification of type of development being proposed, the location and size of the subject property, current zoning and future land use, request for zoning and future land use, preserve and landscape areas, square footage nonresidential), number of residential units, and proposed density. If the application is for an amendment, the project narrative outlines the changes being requested.

Proposed Water Sources means proposed utilities and the available capacity, and irrigation water sources including any proposed use of wells.

Recorded Deed means a copy of the recorded deed(s) for the subject property.

Site Location Map means a map that shall, using a clear site boundary, include all adjacent and internal roadways, surrounding properties, existing and proposed zoning, and future land use designations.

Statement of PD Benefits means a statement, which shall be included within the project narrative, of proposed public benefits, to include a comparative analysis of developer benefits gained by the PD designation.

Stormwater Operation and Maintenance means a narrative of how the proposed stormwater system will be maintained and operated.

Traffic Impact Analysis means an analysis or statement originally signed and sealed by a licensed Florida professional engineer. Development projects shall be categorized as either exempt, de minimis, or with significant impacts.

Tree Mitigation Plan means a narrative and/or plan setting out the replanting scheme, types and species of trees and maintenance of the replanted trees and tree mitigation calculation if required.

Tree Survey means a Boundary/Topographic survey that identifies any hardwood native tree having a diameter of fourteen (14) inches DBH or greater and any palms which have a minimum clear trunk of ten (10) feet, tree species, DBH, horizontal location, tree identifier (number).

Topographic Survey means a survey of the project site that extends a minimum of 200 feet outside the proposed limits of construction (or until a discernible drainage basin boundary is reached). The topography must be collected at an interval adequate to generate one-foot contours. The date of the field survey must be within 180 days of the date of this application; the survey must be originally signed and sealed by a licensed Florida professional surveyor and mapper.

Utilities and Wastewater Service means confirmation of water and wastewater service.

(c) 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 on property not less than five (5) acres in area or on property located within the Fort Pierce Redevelopment Area (FPRA). The approval of planned development rezoning rests with the city commission. However, no rezoning or PD may be approved unless the following standards are met:

(1) Comprehensive plan consistency. The proposed development shall be 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.

(2) Density. In no event shall the density granted exceed the maximum gross density of the underlying Future Land Use and, if utilized, the allowable density bonuses permitted within the comprehensive plan.

(3) Perimeter setbacks. Setbacks at the perimeter of the development shall be determined by the city commission, consistent, compatible and in character with adjoining properties and existing or approved development . City Commission will determine perimeter setbacks based upon the following factors::

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 exceptional narrowness, shallowness, shape, topographic

condition or physical or environmental feature uniquely affecting the subject property.

c. A PD perimeter setback shall provide a suitable landscape strip, except where driveways and pedestrian access points are located, or if a building elevation of a project is located directly on a street sidewalk, and meet these requirements:

1. The strip shall be no less than ten feet wide and include at least one tree for every 200 square feet of required landscaped strip and contain a hedge of landscape material which shall be installed and maintained so as to form a six feet or higher, continuous, unbroken, solid, visual screen within one year after installation, except in clear vision areas required by city code. The remainder of the required landscaped strip shall be completely covered with groundcover or grass.

2. A wall, berm with planting, or other durable, non-wood privacy fence may be included as part of the required 6 feet high landscape strip but shall not replace it.

d. A reduced PD perimeter setback for buildings located on, and accessed directly from, a street sidewalk shall provide pedestrian amenities such as, and not limited to, bike racks, benches, shade structures, canopies, and arcades.

(3) Open space. In all planned developments at least 20 percent of the site shall be devoted to open space, regardless of project size or intended use; open space shall be land devoid of any aboveground structures or buildings, except pergolas, gazebos, pavilions, or other open-air structures; or landscape structures such as terraces, planters, walls or retaining walls. Open space may include natural areas, buffer areas, upland habitats, including those areas of on-site preservation required by the other provisions of this Code; recreation areas, but not including swimming pools, tennis courts or other impervious activity areas; but may include parks, golf courses, sports fields; bicycle, pedestrian or equestrian paths and facilities; common open space, common landscaping or planting areas; stormwater detention and retention facilities providing that no more than 30 percent of the overall open space requirement shall be satisfied in this manner; water features, conservation areas or other areas intended for public purposes other than street or road rights-of-way, but shall exclude aquatic areas for conservation and development.

(4) Applicability to other code of ordinances not in conflict herein. All building code, housing code, and other land use regulations of the city not directly in conflict herewith 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 125-310 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 ensure 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 documents for each planned development. All matters which might otherwise be the subject of variance review by the board of adjustment shall be itemized and considered at time of PD approval.

(c) Application requirements. When an application is submitted to rezone property to a PD zoning district, the following items will be submitted according to the stage of PD rezoning.

**(1) Table (c). (1). Required Planned Development plans and documents.**

<b><u>REQUIRED PD ZONING APPLICATION PLANS AND DOCUMENTS</u></b>	<b><u>MASTER PD (MPD)</u></b>	<b><u>FINAL PD (FPD)</u></b>
<u>PREVIOUSLY APPROVED SITE PLAN(S)</u>	<u>X</u>	<u>X</u>
<u>PD SITE PLAN(S)</u>	<u>X</u>	<u>X</u>
<u>PD PHASING PLAN</u>	<u>(X)</u>	<u>X</u>
<u>ARCHITECTURAL DRAWINGS</u>		<u>X</u>
<u>FLOOR PLANS</u>		<u>X</u>
<u>LIGHTING PLANS</u>		<u>X</u>
<u>BOUNDARY SURVEY</u>	<u>X</u>	<u>X</u>
<u>TOPOGRAPHIC SURVEY</u>	<u>X</u>	<u>X</u>
<u>CONSTRUCTION PLANS</u>		<u>X</u>
<u>LANDSCAPE PLANS</u>		<u>X</u>

<u>TREE SURVEY</u>		<u>X</u>
<u>TREE MITIGATION PLAN</u>		<u>X</u>
<u>PROJECT NARRATIVE</u>	<u>X</u>	<u>X</u>
<u>RECORDED DEED</u>	<u>X</u>	<u>X</u>
<u>LEGAL DESCRIPTION</u>	<u>X</u>	<u>X</u>
<u>STATEMENT OF PD BENEFITS</u>	<u>(X)</u>	<u>X</u>
<u>SITE LOCATION MAP</u>	<u>X</u>	<u>X</u>
<u>FINAL STORMWATER REPORT</u>		<u>X</u>
<u>MASTER STORMWATER REPORT</u>	<u>X</u>	
<u>STORMWATER MAINTENANCE</u>		<u>X</u>
<u>TRAFFIC IMPACT ANALYSIS</u>	<u>X</u>	<u>X</u>
<u>ENVIRONMENTAL ASSESSMENT</u>	<u>X</u>	<u>X</u>
<u>PRESERVE AREA MANAGEMENT PLAN</u>		<u>O</u>
<u>UTILITIES WATER &amp; WASTEWATER SERVICE</u>	<u>X</u>	<u>X</u>
<u>PD ZONING DEVELOPMENT AGREEMENT</u>	<u>(X)</u>	<u>X</u>
<u>FINAL PLAT</u>		<u>X</u>

**X=Required, (X)= Draft, O=If required**

(2) Planned Development review procedures.

- a. A PD zoning application may be reviewed sequentially in two stages; a Master PD (MPD) followed with a Final PD (FDP). However, the applicant has the option to move directly to an FDP. The MPD is primarily conceptual in design. The FDP includes a fully designed site plan and associated documents including detailed analysis and calculation.
- b. A PD zoning application shall include appropriate plans and information as specified in table (c).1. of this section to meet sufficiency in accordance with the applicable stage of the PD zoning application.
- c. The planning department shall review the PD zoning application for sufficiency. Should the application be found to be sufficient it will be forwarded to the Technical Review Committee (TRC). The recommendation of the TRC shall be forwarded to the Planning Board for review and recommendation to the city commission. Should the application be found to be insufficient then the applicant has 90 days from receipt of written notification of insufficiency to provide all the necessary information to remedy an insufficient application. The application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:
  - 1 The applicant provides all the information necessary to remedy an insufficient application; or
  - 2 The applicant may provide documentation to establish that the applicant is continuing in good faith to remedy the insufficiencies; or

3. The applicant requests in writing that the application be processed in its present form. In this case the applicant acknowledges that the application has been determined by the Director to be insufficient, the applicant waives the right to supplement the application with additional information, and the applicant agrees to allow a decision on the application based on the information submitted. The application shall then be processed in its present form.

d. A final plat shall be reviewed concurrently with an FPD if the proposed development involves the subdivision of land as regulated by the city.

f. The city commission shall hold a public hearing in accordance with section 125-37 in order to assess the MPD or FPD. The city commission shall approve, approve with conditions, or disapprove the MPD or FPD.

(d) Modification of an approved PD: Changes to an approved PD are either major modifications or minor modifications. A major modification shall require the approval of the technical review committee, planning board, and the City Commission, while a minor modification shall be processed administratively by review of the Technical Review Committee and thereafter by the Planning Director (or designee).

(1) Major PD modification: Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD are to be viewed as a major modification. The applicant shall follow the same procedure as a new PD zoning application request. Applications for a major modification of an approved PD will require at time of submittal a narrative description of the modification and reasons such a change is necessary, and additional information as required by the planning director (or designee) to adequately review the proposed modification. The following alterations shall be considered a major modification:

a. An increase in intensity of use of greater than five percent of usable floor area, in the number of dwelling units, 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. A change of ten percent or more in the number of approved car parking spaces.

c. An increase in occupiable building height of more than one story or 12 feet.

- d. Any reduction in the amount of approved open space by five percent or more, or a substantial change in the location or characteristics of open space uses.
- e. Substantial changes in the approved location or type of pedestrian or vehicular access or circulation.
- f. Any change which would increase traffic generation by more than ten percent.
- g. Any deviation exceeding 12 inches from the setbacks, area, or dimensional standards approved as part of the PD site plan.
- h. A change to the buffering material that negatively impacts the surrounding neighborhood.
- i. Any substantial change in the design and/or location of the stormwater facility.
- j. Any addition or reduction to the area of a PD.
- k. Any change in a condition specifically required by the city commissioners as part of the planned development approval.

(2) Minor PD modification. Any modification to an approved PD 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 are considered minor modifications. Applications for a modification shall include a revised PD site plan indicating the impacts of the proposed change and a narrative description of the modification and the reasons why such a change is necessary. Upon determination that the proposed modification is a minor modification, the planning director (or designee) shall render a decision to the applicant within 30 working days after submission of a completed modification application.

(3) Amendments to a PD prior to full buildout. Prior to the build-out of 50 percent of the land in a FPD, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the planned development. After 50 percent 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;
- b. Petition by the owners of more than 50 percent 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.

(4) Expiration of an approved PD. Approved MPD and FPD are subject to the following development timelines unless the MPD or FPD conditions of approval state otherwise:

- a. An approved MPD shall expire one calendar year after approval by the city commission. The property owner may request an extension of the timeline through the same process as a major amendment to a PD. The request for the extension shall be submitted no later than thirty (30) days prior to the date of expiration and shall be accompanied with appropriate reasoning for the request.
- b. An approved FPD or approved phase of the FPD which has failed to secure a building permit for a vertical improvement in accordance with the approved FPD or phasing timelines shall be considered expired. Prior to expiration, the property owner may request an extension of the timeline(s) through the same process as a major PD amendment. The request for the extension shall be submitted no later than thirty (30) days prior to the date of expiration and shall be accompanied with appropriate reasoning for the request.

(5) Expiration of FPD phasing. An expired FPD which has built out one or more of the phases as approved in the FPD will retain the PD zoning. However, the phases which have not secured a building permit for a vertical improvement shall not receive any building permits until a major amendment to the FPD is approved through the major FPD amendment process.

(6) Expiration of a PD. Upon expiration of an MPD or expiration of an FPD which has not secured a building permit for a vertical improvement the property owner will be required to process a new zoning application either for a PD zoning or another zoning classification before any building permits or other approvals will be processed for the land subject to the MPD or FPD. land

(7) Status of previously approved PD (Planned Development zone) plans or PUR (Planned Unit Redevelopment zone) plans. Any active or completed planned development project approved prior to the adoption of this section shall continue to

be governed by the approved PD site 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 PD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify (see major modification), the approved PD 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 this section.

(e) Requirements of a Planned Development (PD) Zoning Agreement

(1) A Planned Development zoning agreement shall include the following:

- a. A legal description of the land subject to the agreement, and the names of its legal and equitable owners;
- b. The duration of the agreement;
- c. The development uses permitted on the land, including population densities, and building intensities and height;
- d. A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
- e. A description of any reservation or dedication of land for public purposes;
- f. A description of all local development permits approved or needed to be approved for the development of the land;
- g. A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;
- h. A list of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and
- i. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

(2) A PD zoning agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.

- (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 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.~~
  - ~~(11) The terms Planned Development (PD) and Planned Unit Development (PUD) are deemed synonymous and may be used interchangeably throughout this Code of Ordinances.~~
- (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, 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.~~
  - ~~c. The perimeter setback may be reduced from the required distance by providing a landscape strip in lieu of the perimeter setback, except where driveways are located, meeting these requirements:~~
    - ~~1. The strip shall be no less than five feet wide and include at least one tree for every 200 square feet of required landscaped strip and contain a hedge of landscape material which shall be installed and maintained so as to form a 48-inch or higher, continuous, unbroken, solid, visual screen within one-year (maximum) after installation, except in clear vision areas required in section 125-308. The remainder of the required landscaped strip shall be completely covered with groundcover or grass.~~
    - ~~2. A wall, berm, or other durable, non-wood privacy fence may be included as part of the landscape strip, but not replace it.~~
  - ~~d. The perimeter setback may be reduced from the required distance by no more than one half if the abutting property is similar in use, and intensity or density.~~
- ~~(3) *Open space.* In all planned developments at least 20 percent of the site shall be devoted to open space, regardless of project size or intended use; open space shall be land devoid of any aboveground structures or buildings, except pergolas, gazebos, pavilions or other open-air structures; or landscape structures such as terraces, planters, walls or retaining walls. Open space may include natural areas, buffer areas, upland habitats, including those areas of on-site preservation required by the other provisions of this Code; recreation areas, but not including swimming pools, tennis courts or other impervious activity areas; but may include parks, golf courses, sports fields; bicycle, pedestrian or equestrian paths and facilities; common open space, common landscaping or planting areas; stormwater detention and retention facilities providing that no more than 30 percent of the overall open space requirement shall be satisfied in this manner; water features, conservation areas or other areas intended for public purposes other than street or road rights-of-way, but shall exclude aquatic areas for conservation and development (A-1 and A-2 zoning).~~
- ~~(4) *Applicability to other code of ordinances not in conflict herein.* All building code, housing code, and other land use regulations of the city not directly in conflict herewith 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 125-310 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 ensure 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 125-132, 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 and property ownership.* All land intended to be included in the planned development shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations. Material which presents firm evidence of ownership may include a copy of the recorded deed, a title policy or an opinion of title. If necessary, material which presents firm evidence of unified control, such as unity of title, on a form approved by the city, shall be submitted with the application.~~
    - ~~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 section 125-314.~~~~~~

- ~~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 125-133, amendment procedures, and section 125-313, 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 121. 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 director (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 may require an updated, revised PD site development plan or portions thereof 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 director (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 percent or more of usable floor area, or a change of five percent or more in the number of dwelling units, or a change of five 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, or a change of ten percent or more in the number of spaces approved.~~
  - c. ~~Structural alterations significantly affecting the basic size and form of the building as shown on the approved plan including increase in building height of more than one story or 12 feet.~~
  - d. ~~Any reduction in the amount of open space by five 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 percent.~~
  - g. ~~Any change in land use or an increase in density within 500 feet of the PD boundaries, or within 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 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 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 director (or designee) shall render a decision to the applicant within 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 50 percent 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 50 percent 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;~~
  - ~~b. Petition by the owners of more than 50 percent 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 section 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 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 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 two-year increments. Any request for an extension to the expiration date of the PD approval must be submitted in writing to the planning director 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 re-apply.~~

**SECTION 2.** Chapter 125, Article IV – Basic Zoning Districts, Section 125-213. – Planned Unit Redevelopment Zone (PUR) is hereby deleted, so the same shall read as follows:

**~~Sec. 125-213. Planned Unit Redevelopment Zone (PUR).~~**

- ~~(a) *Purpose.* The Planned Unit Redevelopment (PUR) zone is intended to encourage comprehensive redevelopment within existing residential and commercial areas of the city. 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, resulting in the provision of needed housing and the redevelopment of older, less economically viable areas.~~

- ~~(b) *General standards for approval.* Prior to including a tract of land in the PUR zone or approving a final redevelopment plan, the city commission shall determine that:
  - ~~(1) The planned unit redevelopment 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 redevelopment 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 need exists for the planned unit redevelopment at the proposed location and the applicant has the capacity to ensure completion of the project.~~
  - ~~(4) The planned unit redevelopment complies with standards referred to in this section, additional zoning ordinance provisions and other city laws.~~~~
- ~~(c) *Potential uses.* The following uses are allowed in a planned unit redevelopment if the city commission considers them appropriate for the particular redevelopment being proposed, compatible with nearby uses, and consistent with the comprehensive plan and if other applicable standards are satisfied:
  - ~~(1) Duplexes, triplexes and quadraplexes.~~
  - ~~(2) Multifamily housing developments.~~
  - ~~(3) Retail sales establishments, except stores selling automobiles, other large motorized vehicles or mobile homes.~~
  - ~~(4) Motels/hotels.~~
  - ~~(5) Personal service establishments.~~
  - ~~(6) Finance, insurance and real estate service establishments.~~
  - ~~(7) Business service establishments.~~
  - ~~(8) Communication service establishments.~~
  - ~~(9) Professional service establishments.~~
  - ~~(10) Educational service establishments.~~
  - ~~(11) Indoor amusement, entertainment and/or recreation establishments.~~
  - ~~(12) Public and semi-public uses including outdoor park and recreation facilities.~~
  - ~~(13) Temporary uses meeting the requirements in section 125-320.~~
  - ~~(14) Such other uses the city commission may consider appropriate.~~~~
- ~~(d) *Basic use standards.* Area, width, depth, yard and lot coverage requirements for lots in a planned unit redevelopment shall be determined by the city commission on the basis of relevant characteristics of the use, the rest of the planned unit redevelopment and the surrounding area, including those characteristics relating to use compatibility, physical feature constraints and utility and transportation capacities.~~
- ~~(e) *Open spaces.*
  - ~~(1) In all planned unit redevelopments the area devoted to common open space, exclusive of aquatic areas, shall be increased ten percent beyond that which existed prior to the PUR.~~
  - ~~(2) No area may be accepted as common open space within a planned unit redevelopment unless it meets the following requirements:
    - ~~a. The location, shape, size and character of the common open space is suitable for the development.~~~~~~

- ~~b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate for the scale and character of the redevelopment based on consideration of its size, density, expected population, topography and the number and type of dwellings provided.~~
  - ~~c. The common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation should be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.~~
  - ~~d. Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, will be provided, whenever possible, when consistent with the scale of the use, surrounding uses, security and proximity to the waterfront.~~
  - ~~e. No parking facilities will be included in areas designated as common open space unless the parking facilities are intended to provide access to the common open space area and are not intended to meet the ordinance requirements for other uses. No streets will be designated as common open space.~~
  - ~~f. The redevelopment schedule which is part of the redevelopment plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the building of residential dwellings in the planned unit redevelopment.~~
  - ~~g. If buildings or structures are to be constructed in the common open space, the developer will provide a bond or other adequate assurances that the building and structures will be completed. The planning director shall release the bond or other assurances when the buildings and structures have been completed according to the redevelopment plan.~~
- ~~(f) *Various environmental standards.*~~
- ~~(1) Uses having potential air polluting sources such as stacks, burning facilities, concentrations of motor vehicles and dust-generating processes shall be located and designed to provide adequate separation of these sources from other development and especially residential neighborhoods, institutional uses and outdoor recreation areas. Any adverse air quality impacts of the use will be reduced to the extent practical.~~
  - ~~(2) The redevelopment plan shall include provisions needed to control water and wind erosion during and after construction associated with the redevelopment. Runoff from impervious surfaces or other potential polluting sources in the redevelopment area shall be managed so as to reduce the adverse water quality impacts to the extent possible.~~
- ~~(g) *Transportation.*~~
- ~~(1) A suitable site layout will be used for all street and on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths and other transportation facilities. Suitability, in part, shall be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.~~
  - ~~(2) Principal vehicular access points shall be designed to permit smooth traffic flow and to minimize hazards to vehicular and pedestrian traffic. Minor streets within a planned unit redevelopment shall not be connected to streets outside the redevelopment in such a way as to encourage their use by through traffic.~~
  - ~~(3) Streets in a planned unit redevelopment may be dedicated to public use or may be retained in private ownership, except the city commission may require arterial and collector streets to be dedicated to the public. When considered appropriate by the city commission, city requirements concerning rights-of-way and street pavement widths may be reduced and those requiring curbs and gutters may be waived, notwithstanding provisions to the contrary in this Code of Ordinances.~~

- ~~(h) — *Compatibility with adjacent development.* If topographical or other barriers near the perimeter of the planned unit redevelopment do not provide reasonable privacy for existing or potential uses adjacent to the redevelopment, the city commission shall require an attractively designed and maintained buffer in the form of vegetation, fencing, walls and/or berms.~~
- ~~(i) — *Landscaping.* The planned unit redevelopment shall comply with the provisions of a landscape plan approved by the city commission. This plan must at a minimum be consistent with landscaping requirements in section 125-314.~~
- ~~(j) — *Unified control.* All land intended to be included in the planned unit redevelopment shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations.~~
- ~~(k) — *Maintenance of common areas.* Common open space, streets and any area or facility designated by the city commission as a shared area will comply with the following provisions:~~
  - ~~(1) — The property will be conveyed under one of the following options:
    - ~~a. — To a public agency which agrees to maintain the property and buildings or structures placed on it; or~~
    - ~~b. — To association of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions that are acceptable to the city commission as providing for the continuing care of the property.~~~~
  - ~~(2) — The property may not be put to a use not specified in the final redevelopment plan unless the final redevelopment plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.~~
  - ~~(3) — If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:
    - ~~a. — Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.~~
    - ~~b. — The association must be responsible for liability insurance, local taxes and the maintenance of property.~~
    - ~~c. — Owners and tenants must pay their pro rata share of the cost.~~
    - ~~d. — The association must be able to adjust assessments to meet changing needs.~~
    - ~~e. — The city must be authorized to enforce these and other provisions governing the use, improvement and maintenance of the property.~~~~
  - ~~(4) — If the property is not conveyed to a public agency then, in addition to those requirements set forth hereinabove, there shall be delivered to the building official at or before the time the first building permit is obtained an instrument in recordable form containing:
    - ~~a. — A legal description of the property upon which the dwelling units are to be constructed;~~
    - ~~b. — A statement of the total area contained within such description;~~
    - ~~c. — A statement of the number of existing or proposed units situated on the subject property;~~
    - ~~d. — A statement of the number of dwelling units for which the application is made;~~~~

~~e. A restriction prohibiting any further development or construction beyond what is set forth in the instrument.~~

~~The building official shall thereafter issue permits in accordance with what is set forth in the aforesaid instrument provided all other requirements of this chapter are met and thereafter no further permits shall be issued for any additional units on the tract described. The instrument shall be recorded to place all persons on notice of its contents and limitations upon further building.~~

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

~~(m) *Other standards.* All planned unit developments will comply with regulations affecting signs referred to in section 125-310, and applicable with portions of the city's regulations governing subdivisions. In case of conflict the city commission shall determine the requirement for the PUR. The city commission may also establish additional requirements which it considers necessary to ensure that a planned unit redevelopment conforms to the intent of this section.~~

~~(n) *Special application requirements.* When an application is submitted to include property in a PUR zone, the following items will be submitted, in addition to other information submitted in accordance with section 125-132, the city's subdivision regulations or other city laws:~~

~~(1) *Written documents.*~~

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

~~b. Material which presents firm evidence of unified control of the entire area within the proposed planned unit redevelopment, 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 unit redevelopment, such as land areas and dwelling units.~~

~~d. A redevelopment schedule indicating:~~

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

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

~~3. The anticipated rate of redevelopment.~~

~~4. The approximate date when each stage in the redevelopment 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 statement indicating the justification for a gross density in excess of 18 units per acre if such a density is being proposed.~~

~~g. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the planned unit redevelopment 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, shorelines, floodplains, 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 feet.~~
  - ~~c. A general landscape plan for the planned unit redevelopment.~~
  - ~~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 unit redevelopment to indicate the relationship between the proposed redevelopment 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 unit redevelopment, including materials and techniques used such as screens, fences and walls.~~
- ~~(o) *Special planned unit redevelopment review procedures.*~~
- ~~(1) Planned unit redevelopments will be reviewed in at least three phases: A preapplication conference, a preliminary redevelopment plan phase and a final redevelopment plan phase. The preapplication conference will involve a minimum of one informal discussion between the applicant and staff of the planning department on the proposed planned unit redevelopment.~~
- ~~(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 unit redevelopment will be submitted along with written material mentioned in this section in subsections (n)(1)(a), (c), (d) and (e) of this section. 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 redevelopment plan will include information specified in subsection (p) of this section. The procedure for reviewing the preliminary redevelopment plan is the procedure set forth in section 125-133 for amending this chapter. If the proposed planned unit redevelopment involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the preliminary redevelopment plan. Approval of a preliminary redevelopment 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 redevelopment plan.~~

- ~~(4) Within a year of the date of approval of a preliminary redevelopment plan or approval of the plan with conditions, the applicant shall file with the planning department a final redevelopment 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 redevelopment. If the planned unit redevelopment involves the subdividing of land which is regulated by the city, the final plat should be reviewed concurrently with the final redevelopment plan.~~
- ~~(5) The staff of the planning department shall have a maximum of 35 days from the submission of a complete final redevelopment plan to review the plan and prepare comments concerning the plan. Prior to acting on the final redevelopment plan, the city commission shall hold a public hearing in accordance with section 125-38. The city commission shall approve, approve with conditions or disapprove the final redevelopment plan within 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 redevelopment plan, the city commission shall advise the applicant to submit an application for an amendment to the preliminary redevelopment plan. An amendment shall be reviewed using the same procedure as was used for the preliminary redevelopment plan, except that this chapter will not need to be amended. If no significant deviation from the preliminary redevelopment plan is found, the city commission will approve the portions of the planned unit redevelopment in the final plan.~~
- ~~(7) If an amended preliminary redevelopment plan is not submitted within 75 days of the city commission decision to require such an amendment, or if the amended preliminary redevelopment plan is not approved or approved with conditions, the city commission shall initiate proceedings for rezoning all of the property in the planned unit redevelopment.~~
- ~~(p) Adherence to approved final redevelopment plan. Building permits for construction shall be issued only if consistent with an approved final redevelopment plan.~~
- ~~(1) Minor changes not altering the intent and purpose of the approved final redevelopment plan may be approved by the planning director after such departmental comment as he deems appropriate. The director shall also advise the city commission of his administrative determination at the earliest practicable opportunity and such determination shall become effective unless the city commission thereupon finds that the proposed change is substantial in nature and advises the applicant to apply for an amendment of the approved redevelopment plan.~~
- ~~(2) Substantial changes in requested uses, density, phasing or other specifications of the approved redevelopment plan must be approved by the city commission after it has held a public hearing and after review of the proposed changes by the city planning board.~~
- ~~(3) The amendment of an approved redevelopment shall be in the manner provided for adoption of the redevelopment plan.~~

**Secs. 125-213–125-234. - Reserved.**

**SECTION 3.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 5.** This Ordinance shall be and become effective immediately upon final passage.

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. **24-NNN** was duly advertised in the St. Lucie News Tribune on Sunday, \_\_\_\_\_, 2024 and Sunday, \_\_\_\_\_, 2024; 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 \_\_\_\_\_, 2024; and was duly introduced, read by title only, and passed on second and final reading \_\_\_\_\_, 2024, 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 \_\_\_\_ of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Linda Hudson  
MAYOR COMMISSIONER

ATTEST

\_\_\_\_\_  
Linda W. Cox  
CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM AND  
CORRECTNESS:

---

Sara Hedges, Esq.  
CITY ATTORNEY