

PART 25. - PD PLANNED DEVELOPMENT

*Footnotes:**--- (1) ---*

Editor's note— Ord. No. 2012-30, § 2, adopted Nov. 13, 2012, amended the title of Part 25 to read as herein set out. Formerly, said part was entitled "PUD Planned Unit Development."

Sec. 30.441. - Intent and purpose.

The Planned Development (PD) district is intended to facilitate various development types, and combinations thereof, that may be difficult to achieve under conventional zoning regulations. Planned developments shall promote flexibility and creativity in addressing changing social, economic and market conditions, especially where they are used to implement adopted policies of the Comprehensive Plan.

Examples of development concepts that may be appropriate for PD zoning include, but are not limited to, enhanced protection of natural resource areas, mixed use or transit oriented development, and infill development or redevelopment.

Development standards to be implemented within a planned development shall be established by the Board of County Commissioners at the time of rezoning. Such rezoning shall be conditioned upon a master development plan and a written development order. Specific criteria for the development may address, but are not limited to, compatibility with surrounding land uses, road access, availability and efficient use of utility capacity, coordination with transit, etc. Architectural and other appearance-related design elements may be included as approval conditions where the Board finds they are necessary to achieve crucial aspects of the development concept, such as economic feasibility or neighborhood compatibility.

General standards of this Code that are not specific to any zoning district, such as parking, stormwater management, lighting, and landscaping, shall apply within a planned development unless variations are approved through a PD master development plan and/or development order.

(§ 13, Ord. No. 87-1, 2-10-87; § 5.381, LDC, through Supp 16; Part XXXV, § 1, Ord. No. 92-5, 3-30-92; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.442. - Permitted uses—(PD).

No use shall be specifically permitted or prohibited within a planned development by requirement of this part. Uses which are permitted, permitted subject to conditions, or prohibited within an individual planned development shall be noted as such through the master development plan and/or development order. In all cases, allowable uses, including density and intensity limits, shall be consistent with the Comprehensive Plan. Any use requiring licensing or other approval by the State of Florida or the Federal government shall obtain such approval as a condition for inclusion within any planned development.

(§ 5.382, LDC, through Supp 16; Part XIII, § 14, Ord. No. 92-5, 3-30-92; Ord. No. 98-13, § 33, 3-10-98; Ord. No. 98-58, § 1, 12-8-98; Ord. No. 00-13, § 27, 2-22-00; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.443. - Review criteria.

In approving a planned development, the Board of County Commissioners shall affirm that the proposed development is consistent with the Comprehensive Plan, and effectively implements any performance criteria that the Plan may provide.

In addition, PD zoning may be approved only when the Board determines that the proposed development cannot be reasonably implemented through existing provisions of this Code, and that a PD would result in greater benefits to the County than development under conventional zoning district regulations. Such greater benefits may include natural resource preservation, urban design, crime prevention, neighborhood/community amenities, or a general level of development quality.

(Part XXVIII, § 1, Ord. No. 92-5, 3-30-92; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.444. - Planned development approval procedure.

Approval for a planned development is obtained through a two-step process. The first step is an approval of the master development plan and rezoning of the land by the Board of County Commissioners. The second step consists of final development plan approval by the Economic and Community Development Services Director along with the recording of the developer's commitment agreement.

Prior to formally submitting a request for planned development zoning, the developer is encouraged to meet with appropriate County staff for comments regarding the advisability of undertaking a planned development in the proposed location.

(§ 5.384, LDC, through Supp 16; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.445. - Master development plan submittal and review.

(a) *Development Plan Submittal Requirements.*

- (1) A master development plan shall be submitted concurrently with a PD rezoning application. The submittal requirements listed in this Section may be modified by the Economic and Community Development Services Director as appropriate for a specific application.
- (2) The development requirements for each individual tract or phase within a planned development shall be included as a part of the master development plan.
- (3) The master development plan shall clearly indicate an outer site boundary as well as internal boundaries between proposed tracts, stages, phases, outparcels, etc. The plan shall also indicate common properties within the PD and provide for necessary property owners or management associations to ensure maintenance of such properties.
- (4) The master development plan shall include the items shown on the following table:

Required Information	Master Plan	Final Plan
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Vicinity map showing the location of the proposed development, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, existing land use on the site and surrounding areas within 500 feet	x	x
Boundary survey and valid legal description	x	x
Graphic plan showing topography, which clearly identifies proposed land uses, open space, and the proposed location of major streets and thoroughfares, recreation areas, and other major facilities	x	x
Preliminary wetlands and floodplain delineation lines	x	
List and description of all uses, including proposed housing type(s), number of units, density	x	x
Table showing acreage for each category of land use including roads, wetlands, open space, and recreation	x	x
Calculation of required and proposed open space	x	x
General buffer and landscaping concepts	x	x
Structural concepts, including setbacks and building heights	x	x
Utility service suppliers	x	x
Analysis of the impact of the proposed planned development on roads, schools, utilities, and other public facilities	x	x
Location, use, and size of all common property tracts	x	x
Topographic survey including floodplain and wetland delineations		x
Detailed landscaping plan, including plantings, fences, berms and buffer area dimensions		x
Utility service concept plan, including sanitary sewers, storm drainage, potable water supply, and water supplies for fire protection.		x

Proposed phasing or staging		x
Statement indicating that legal instruments will be created providing for the management of common areas and facilities		x
Statement with general information regarding provisions for fire protection		x
Facilities commitments		x
Earthmoving concept plan indicating proposed terrain alterations		x
Soils map and detailed soils report based on the findings of a recognized professional soils expert (depth of all muck and peat areas shall be identified)		x
Summary of approved PD Commitments, Classification, and District Description information as executed by the Chairman of the Board of County Commissioners and the Developer		x
Covenants, grants, easements, dedications, or other restrictions to be imposed on the use of the land, buildings and structures, including proposed easements for public and private utilities		x

(b) *Review Procedure.* A planned development application shall be reviewed as follows:

- (1) Prior to initiating a planned development application, a preapplication conference with Planning and Development staff may be required at the discretion of the Economic and Community Development Services Director and/or at the request of the applicant.
- (2) The Development Review Committee shall evaluate the master development plan and PD zoning request regarding its compliance with applicable standards of this Code and the Comprehensive Plan. Following this evaluation, the Planning and Zoning Commission shall hold a public hearing with due public notice, to consider the master development plan and PD rezoning request. The Planning and Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the application.
- (3) The Board of County Commissioners shall hold a public hearing with due public notice, and shall approve, approve with conditions, or deny approval of the master development plan and the proposed PD rezoning.
- (4) All conditions of approval imposed by the Board of County Commissioners shall be reflected in the

master development plan and/or development order for the planned development.

(§§ 15, 16, Ord. No. 87-1, 2-10-87; § 5.385, LDC, through Supp 16; Part XXX, § 1, Ord. No. 92-5, 3-30-92; Part XXXVI, § 4, Ord. No. 92-5, 3-30-92; Ord. No. 98-58, § 2, 12-8-98; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.446. - Final development plan.

- (a) Within five (5) years of approval of the master development plan, which time period may be extended by the Planning and Zoning Commission, the applicant shall submit a final development plan meeting the requirements of Section 30.445(a)(4) and that reflects the requirements of the approved PD development order.
- (b) The Development Review Committee shall evaluate the final development plan regarding its compliance with: the applicable provisions of this Code; the applicable provisions of the Comprehensive Plan; and the approved master development plan and PD development order.
- (c) Following evaluation by the Development Review Committee, the Economic and Community Development Services Director may, upon a finding of consistency with: the applicable provisions of this Code, the County's Comprehensive Plan; and the master development plan and PD development order, approve the final development plan and execute the associated developers commitment agreement. The developers commitment agreement shall be prepared in a form acceptable to the County Attorney.

(§ 17, Ord. No. 87-1, 2-10-87; § 5.386, LDC, through Supp 16; Part XXX, § 2, Ord. No. 92-5, 3-30-92; § 16, Ord. No. 94-15, 12-13-94; Ord. No. 00-13, § 28, 2-22-00; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.447. - Plat or site plan approval for each section.

- (a) After approval of the final development plan the applicant shall submit either a preliminary and final plat, according to the procedure outlined in the Subdivision Regulations, or shall submit a site plan, according to Chapter 40, whichever may be applicable, for each phase of the PD development. At the applicant's option, a site plan complying with the technical requirements of Chapter 40 may serve as the final development plan if it contains sufficient information to verify compliance with the master development plan and the PD development order approved by the Board of County Commissioners under Section 30.444. After review and final approval by the designated officials of either the final subdivision plat or site plan, the developer may request building permits for the approved section.
- (b) If an applicant so elects and pays the fees for both final development plan review and preliminary subdivision plan review, and provides all information necessary for both reviews at the time of application, the final development plan review and the preliminary subdivision plan review may be accomplished simultaneously.

(§ 5.387, LDC, through Supp 16; Ord. No. 98-13, § 34, 3-10-98; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.448. - PD revisions.

- (a) Any proposed substantial change to an approved PD, including, but not limited to, revisions: affecting the intent and character of the development; affecting land use patterns; affecting phasing that will impact off-site infrastructure; changing the location or dimensions of major streets or access points; adding property to the PD representing substantial increase in density or intensity; or which involve similar

substantial changes, shall be considered major amendments and shall require approval by the Board of County Commissioners. A major amendment shall be treated as rezoning from PD to PD, revising the development criteria for the PD zoning, and the associated development order shall be revised or re-issued accordingly.

- (b) Non-substantial changes to an approved planned development shall be considered minor amendments and may be approved by the Economic and Community Development Services Director. Multiple revisions may be proposed which cumulatively cause the Director to deem them a major amendment. Minor amendments shall be accomplished through addendum to the development order and/or a developer's commitment agreement. Minor amendments may include, but are not limited to, the following:
- (1) Additions to structures that do not exceed ten (10) percent of the overall density or intensity approved within the PD. Additions of ten (10) percent or greater may be granted as provided in Section 5.19(b)(1).
 - (2) The addition of accessory structures if the location of such structures does not interfere with approved site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
 - (3) Additions to parking areas that do not encroach into required buffer areas or otherwise interfere with the approved site layout.
 - (4) Additional clearing that does not exceed five thousand (5,000) square feet in area or ten (10) percent of the site. Greater amounts may be approved consistent with Section 5.19(b)(1).
 - (5) Adjustment of internal property lines or tract boundaries, setback lines, realignment of internal roads and driveways consistent with the approved site layout and development concepts.
 - (6) The removal of property from the PD, provided such removal does not have a substantial impact on the density or intensity of the PD or on elements of the PD such as buffering and open space. Property removed from a PD must be rezoned immediately upon such removal.
 - (7) Other amendments that would not be deemed substantial as described in subsection 30.448(a).
- (c) Property owners within a planned development may not make incremental revisions to an approved development plan that adversely affect existing owners or so as to avoid classification as a major amendment. Where amendments are allowed under this Section, such amendments must remain compatible with the balance of the project and consistent with the overall concept(s) and greater benefits referenced in Section 30.443, under which the development was initially approved. Amendment to the PD zoning shall not be pursued to reduce the benefits that justified the original assignment of PD zoning without replacement of an equivalent benefit.

(§ 5.388, LDC, through Supp 16; Ord. No. 2012-30, § 2, 11-13-12; Ord. No. 2013-14, § 2, 4-9-13).

Sec. 30.449. - Planned development time limitations.

If substantial development, as determined by the Economic and Community Development Services Director, has not begun within eight (8) years after approval of the master development plan, the approval of the planned development will be reviewed by the Planning and Zoning Commission to determine the appropriateness of the planned unit development zoning classification for the subject property. The Board of County Commissioners shall consider the

recommendations of the Planning and Zoning Commission and may move to rezone the property to a more appropriate zoning classification or shall extend the deadline for the start of construction. If an extended deadline granted by the Board is not met, the foregoing procedures shall reapply.

(§ 5.389, LDC, through Supp 16; Ord. No. 02-53, § 34, 12-10-02; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.450. - Binding nature of approved development plan.

An approved master or final development plan along with any associated conditions of approval shall be binding upon the applicant or any successors in interest in the planned development. Deviations from an approved development plan not in accordance with Section 30.448 above shall constitute a violation of this part.

(§ 5.390, LDC, through Supp 16; Ord. No. 2012-30, § 2, 11-13-12).

Sec. 30.451. - Development standards for planned developments.

The development standards for planned unit development are as follows:

- (a) *Relation to Zoning Districts.* An approved PD shall be considered to be a separate zoning district in which the master development plan and PD development order, as approved by the Board of County Commissioners, or the Economic and Community Development Services Director as permitted in this part, establishes the restrictions, regulations, and district description according to which the development shall occur. Upon approval, the official zoning map will be changed to indicate the area as PD and the master development plan and PD development order shall be filed with the Clerk to the Board of County Commissioners and a copy retained within the Planning and Development Division.
- (b) *Density and Intensity.* The density based on net residential acreage permitted in each PD shall be established by the Board of County Commissioners, upon recommendation of the Planning and Zoning Commission. The criteria for establishing the appropriate density includes surrounding density of existing and approved development, adequacy of existing and proposed public facilities and services, conformance with the Seminole County Comprehensive Plan, and site characteristics. Dwelling units approved in the master development plan for a given tract may be shifted within the PD subject to the approval of the Economic and Community Development Services Director.

Intensity of commercial or industrial uses within a Planned Development shall be measured in terms of Floor Area Ratio (FAR) and shall be consistent with the maximum FAR for the development site established in the Seminole County Comprehensive Plan. The Board of County Commissioners may approve such development with a lesser intensity in order to achieve compatibility with adjoining uses.
- (c) *Phasing.*
 - (1) Where a planned development is to be built in phases, the PD application shall include a proposed phasing plan for the site, including a schedule for completion of all improvements shown on the approved master development plan. Once a phasing plan has been approved, no land may be used and no building may be occupied except in accordance with such plan.

The purpose of a phasing plan is to ensure that crucial features serving the development are provided as needed and not delayed to the detriment of property owners and other users of the site. Such features may include, but are not limited to, buffers, stormwater retention, road access points and transit shelters. Phase configurations shall be logical and consistent with the purposes of the approved PD master plan. The Board of County Commissioners may stipulate that any or all portions of required landscaping and/or buffering, or other improvements and amenities be provided during the first phase of development, even though some buffer areas, improvements, or amenities or portions thereof lie outside the phase.

Each phase, at a minimum, must include adequate parking, drainage facilities, landscaping, and all other features needed to serve that portion of the development. In order to ensure the efficient implementation of the approved PD master development plan concepts, the Board may require that selected site improvements be constructed at a faster rate than the overall development. These improvements may be related to engineering design, general requirements of this Code, or other provisions of the approved master development plan and may include, but are not limited to parking, drainage facilities, erosion control measures, buffering, and supporting retail or other employment uses. Where the applicant agrees to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the Board of County Commissioners may require such improvements to be in place upon completion of any phase of the development.

- (2) Where a planned development must achieve a minimum density or intensity due to requirements of the Comprehensive Plan or other considerations, each phase shall individually achieve such density or intensity unless the master development plan or PD development order provide otherwise. Where a PD has been approved as a specific type of development in support of Comprehensive Plan policies (e.g., including but not limited to transit oriented development, mixed use in the MXD future land use), each phase shall substantially advance the approved concepts for the overall development.
- (d) *Dimensional, bulk and height restrictions.* The location of all proposed building sites shall be as shown on the master development plan subject to the minimum lot sizes, setback lines, lot coverage, maximum/minimum building height, or floor area, specified in the master development plan and/or PD development order, as approved by the Board of County Commissioners.
- (e) *Open space.* Open space area requirements for planned developments shall be provided as indicated below, and unless otherwise stated within the master development plan or PD development order shall meet the criteria of Section 30.1344:
 - (1) *Residential.* A minimum percentage of the site area of a residential planned development shall be designated open space as specified in the table below:

Density (units per net buildable acre)	Required Open Space (percent of gross site area)
Less than 2.0	10

2.0—3.99	15
4.0—9.99	25
10.0 or greater	35

- (2) *Nonresidential.* Planned developments consisting of non-residential uses shall provide a minimum of twenty (20) percent open space.
- (3) *Mixed Use, Infill, or Redevelopment.* Planned developments consisting of mixed use development, infill development, and/or redevelopment shall provide a minimum of twenty-five (25) percent open space.

(f) *Access and parking.*

- (1) All streets, thoroughfares, and accessways shall be designed to be consistent with the roadway functional classification system and other policies of the Transportation Element of the Seminole County Comprehensive Plan.
- (2) Off-street parking shall be provided in accordance with Section 30.1221 and/or Section 5.19, unless the applicant can demonstrate the appropriateness of alternate standards. Such standards must be enumerated in the development order and approved by the Board of County Commissioners in order to be used within a planned development.
- (3) Pedestrian, bicycle and vehicular traffic circulation systems shall be designed to integrate the proposed development into the surrounding community and to provide safe and convenient access to public use, common use and other community services, facilities and activities located both within the proposed development and beyond the boundaries of the proposed development. Local residential streets shall be designed to discourage travel speeds in excess of the posted speed and to discourage or restrict their use by through traffic.

(g) *Perimeter requirements.*

- (1) Planned developments shall utilize the buffering standards of Part 67 to maintain compatibility with adjoining properties and uses. However, the Board of County Commissioners may vary these standards as appropriate to meet the unique needs of the proposed PD.
- (2) Increased setbacks from the PD perimeter may also be imposed to maintain compatibility with adjacent existing uses.

(§ 18, Ord. No. 88-10, 9-13-88; § 5.391, LDC, through Supp 16; Part XIX, § 1, Ord. No. 92-5, 3-30-92; Part XXX, § 3, Ord. No. 92-5, 3-30-92; Ord. No. 02-53, § 1, 12-10-02; Ord. No. 2012-30, § 2, 11-13-12; Ord. No. 2013-14, § 2, 4-9-13).

Sec. 30.452. - Control of area following completion.

- (a) After completion of a planned development, the use, modification or alteration of any buildings, structures, or land areas within the development shall be in accordance with the approved master development plan and the PD development order. Notwithstanding subsequent platting or other forms

of dividing ownership of the planned development, the entire site shall be subject to the approved master development plan and PD development order.

- (b) Amendments to the approved master development plan and/or PD development order shall be in accordance with Section 30.448.

(§ 5.392, LDC, through Supp 16; Ord. No. 2012-30, § 2, 11-13-12; Ord. No. 2013-14, § 2, 4-9-13).

Sec. 30.453. - [Redesignation of properties.]

As of the effective date of this Amendment, all properties previously classified as "Planned Unit Development" or "Planned Commercial Development" on the official zoning map shall be designated as "Planned Development."

(Ord. No. 2013-14, § 2, 4-9-13)

Editor's note— Prior to reenactment by Ord. No. 2013-14, Ord. No. 2012-30, § 2, adopted Nov. 13, 2012, repealed § 30.453, which pertained to development standards for planned unit developments located in areas assigned the high intensity planned development land use designation and derived from Part XXVIII, § 2, Ord. No. 92-5, adopted March 30, 1992; Ord. No. 97-18, § 8, adopted May 13, 1997; Ord. No. 98-13, § 35, adopted March 10, 1998.

Sec. 30.454. - Reserved.

Editor's note— Ord. No. 2012-30, § 2, adopted Nov. 13, 2012, repealed § 30.454, which pertained to affordable housing planned unit developments and derived from Part XXXV, § 2, Ord. No. 92-5, adopted March 30, 1992.

Secs. 30.455—30.460. - Reserved.