

**ORDINANCE NO. 05-2025**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 110-319, "PUD, PLANNED UNIT DEVELOPMENT," UPDATING APPLICATION REQUIREMENTS TO INCLUDE ENHANCED ARCHITECTURAL, LANDSCAPING, AND ENVIRONMENTAL STANDARDS, OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City of Deltona as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

**WHEREAS**, the City Commission of the City of Deltona, Florida, adopted Article II, "Establishment of Classifications and Official Zoning Map," and Chapter 110, "Zoning," as its "Zoning Code;" and

**WHEREAS**, the City of Deltona has included Chapter 110, "Zoning," within the Land Development Code; and

**WHEREAS**, Section 110-319, "PUD, Planned Unit Development," of Article III, "Establishment of Classifications and Official Zoning Map," of Chapter 110, "Zoning," of the Land Development Code shall be amended to update application requirements to include enhanced architectural, landscaping, and environmental standards; and

**WHEREAS**, the Planning and Zoning Board held a public hearing on January 15, 2025, and forwarded its recommendations to the City Commission; and

**WHEREAS**, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1. Recitals Adopted.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

**Section 2. Amendment to the Code of Ordinances.** The City Commission hereby approves and adopts modifications to Section 110-319, "PUD, Planned Unit Development," of Article III, "Establishment of Classifications and Official Zoning Map," of Chapter 110, "Zoning," of the Land Development Code, as set forth in "Exhibit A" attached hereto.

**Section 3. Zoning in Progress.** Pursuant to the pending ordinance doctrine set forth in Smith v. City of Clearwater, 383 So. 2d 681 (Fla. 2d DCA 1980), the City declares and implements the pending ordinance doctrine and declares zoning in progress concerning the zoning and land development regulations governing the development of PUD's. All property owners and developers should be aware that provisions of the pending ordinance not yet adopted by the City Commission may be applied to any proposed development applications and any development applications

may be delayed until the adoption and effective date of this Ordinance; accordingly, property owners and developers should not rely on existing land development regulations in making investment and development related decisions.

**Section 4. Conflicts.** Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 5. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

**Section 6. Codification.** The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

BY: \_\_\_\_\_  
Santiago Avila, Jr., MAYOR

ATTEST:

\_\_\_\_\_  
Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

\_\_\_\_\_  
TG Law, PLLC, CITY ATTORNEY

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

1 **Sec. 110-319. PUD, Planned Unit Development.**

2 (a) *Purpose and intent.* ~~The purpose and intent of the PUD planned unit development~~  
3 ~~classification is to provide for integrated and innovative developments, which are~~  
4 ~~consistent with the comprehensive plan, in order to advance our city's economic growth~~  
5 ~~potential and promote a more balanced and effective development pattern. In addition, it~~  
6 ~~is intended that a proposed development be sensitive to existing adjacent and future land~~  
7 ~~uses as depicted by the future land use map of the comprehensive plan, the natural~~  
8 ~~environment and the impact upon supporting public infrastructure through such~~  
9 ~~mechanisms as, but not limited to, the establishment of appropriate buffer areas between~~  
10 ~~land uses, limitations upon the types of permissible uses, and structures that are to be~~  
11 ~~permitted in the development.~~ of the PUD Planned Unit Development is to offer an  
12 alternative to the residential, commercial and industrial districts of this Land Development  
13 Code. A PUD District may deviate from the definitive and precise requirements of  
14 established zoning districts if the particular areas to be developed can offer greater value  
15 to the community and can preserve the community's health, welfare and safety than if  
16 those same areas were to be developed as a single purpose zoning district. A PUD District  
17 may also be mixed-use so that it not only contains residential, commercial, office or  
18 industrial uses, but a combination of these uses.

19 The purpose of a Planned Unit Development is to:

- 20 1. Encourage flexibility in the development of land and in the design of structures.
- 21 2. Encourage planned diversification in the location of structures.
- 22 3. Encourage a creative approach to the use of land that results in better development and  
23 design than might otherwise be accomplished under the strict application of the Land  
24 Development Code.
- 25 4. Provide for the efficient use of land to facilitate a more effective arrangement of land  
26 uses, buildings, circulation systems and utilities.
- 27 5. Provide for more usable and suitably located open space and recreation areas than  
28 might otherwise be provided under the application of the Land Development Code.
- 29 6. Encourage the construction of appropriate aesthetic amenities which will enhance the  
30 character of the site.
- 31 7. Guarantee quality construction commensurate with other developments within the  
32 community, and compatible with the character of the surrounding area and adjoining  
33 properties.
- 34 8. Facilitate implementation of the Comprehensive Plan.
- 35 9. Provide for the development of unique land areas and sites that would not be possible  
36 under the strict application of this Land Development Code.
- 37 10. Encourage quality construction and design.

38 PUDs that were in existence prior to the effective date of this chapter [November 16, 1998]  
39 shall continue in accordance with their original approval and shall be deemed to be lawful  
40 conforming land uses. To the extent of any specific amendment to these PUDs, the amendment  
41 must comply with the requirements of this chapter. Terms previously used in said the approved  
42 PUDs may continue to be employed.

43 (b) General Standards

44 1. The PUD is under common ownership and/or unified control. If there are two (2) or  
45 more owners, the application for the PUD must be filed jointly by all such owners.

46 2. The minimum parcel size shall be five acres.

47 3. The rezoning authorizing the PUD may grant exceptions to the regulations contained in  
48 this Land Development Code including, but not limited to, use, density, area, bulk, off  
49 street parking and loading, landscaping and signs, as may be desirable to achieve the  
50 objectives of the proposed planned development, provided that such exception are  
51 fully consistent with and authorized by this Land Development Code.

52 4. PUD must be compatible with the purposes and intent of this Land Development Code  
53 and the City's Comprehensive Plan. A PUD must not substantially diminish the market  
54 value of surrounding properties, and it must not cause substantial impairment of the  
55 use of the properties.

56 5. The PUD must not adversely affect the natural environment of the community as a  
57 whole. Natural assets and features, such as existing trees and native vegetation, must  
58 be protected and preserved to the greatest extent practical.

59 6. Stormwater detention and retention areas not screened from view from any public  
60 right-of-way by a building or wall shall be screened by a hedge maintained at a four-  
61 feet height installed in a landscape area a minimum of four feet in width. In addition, a  
62 bald cypress tree of at least four caliper inches shall be planted within the stormwater  
63 area for each 50 linear feet of the stormwater area.

64 7. The PUD must be accessible to public streets that are adequate to carry the traffic that  
65 will be generated by the proposed development. The streets and driveways within the  
66 proposed development must be adequate to serve the uses within the development,

67 8. All proposed streets, alleys and driveways must be adequate to serve the residents,  
68 occupants, visitors or other anticipated traffic. The PUD may be, subject to City  
69 Commission approval, designed to discourage outside through traffic from traversing  
70 the development. Access points to public streets, and the location of private streets,  
71 alleys and driveways are subject to the approval of the City Commission.

72 9. The pedestrian circulation system and its related walkways must provide for separation  
73 of pedestrian and vehicular movement and for maximum pedestrian safety.

74 10. The construction and maintenance of all utilities, roadways, parking facilities and other  
75 site improvement must be in accordance with the requirements of this Land  
76 Development Code and other regulations of the City. All roadways and utilities within a

77 PUD must be constructed to specifications established by the Land Development Code.  
78 All lift stations shall be elevated, equipped with a generator, and have sufficient space  
79 for fuel storage. An agreement for the completion of this work may be established by  
80 the City and the developer.

81 11. A Transportation Impact Analysis (TIA) report shall be required for any project that is  
82 anticipated to generate in excess of 1,000 trips per day, as defined by the current  
83 edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or if a  
84 PUD is located in an area that has traffic safety or congestion concerns. The contents of  
85 the TIA report shall, at a minimum, be consistent with a locally accept methodology,

86 12. Nothing in this section or this Code may be interpreted as negating the necessity of  
87 filing a plat as required by Article II. Subdivision Regulations of the Land Development  
88 Code.

89 13. The burden of justification for any PUD project is the exclusive responsibility of the  
90 applicant. The applicant is responsible for providing the information and data required  
91 in this section. In addition, as the PUD is intended to be an innovative approach, the  
92 applicant must provide any other data or information required by the Planning and  
93 Zoning Board or the City Commission to assist in decision-making.

94 (c) Exceptions from District Regulations

95 1. Permitted Bulk and Setback Regulation Exceptions.

96 Exceptions to the bulk and setback district regulations may be granted as part of PUD  
97 rezoning. A PUD is subject to the current district regulations, including any overlay  
98 districts and designated areas, unless such exception is granted. Exceptions from  
99 district regulations may be granted for a PUD with respect to district bulk regulations,  
100 required setbacks, off-street parking and loading, landscaping and screening, and signs  
101 of the City Commission finds that such exceptions:

102 a. Enhance the overall merit of the PUD.

103 b. Promote the objectives of both the City and the development.

104 c. Enhance the quality of the design of the structures and the site plan.

105 d. Enable the development to offer environmental and pedestrian amenities.

106 e. Will not cause such an adverse impact on neighboring properties so as to outweigh  
107 the benefits of the development.

108 f. Is compatible with Comprehensive Plan.

109 g. Provide a public benefit to the City as described in section (d) below

110 (d) Public Benefits and Amenities

111 A PUD must demonstrate a substantial benefit to the City as part of the rezoning approval. No  
112 rezoning to a PUD may be approved unless the Planning and Zoning Board and City Commission  
113 determine that a public benefit has been provided to the City as part of the PUD design. Design  
114 characteristics and amenities that would qualify for this determination include, but are not

115 limited to, the following:

- 116 1. Landscaping, buffering or screening within or around the perimeter of the PUD over  
117 and above the minimum required by the Land Development Code.
- 118 2. Additional landscaping and screening of parking lots and structures over and above the  
119 minimum required by the Land Development Code.
- 120 3. Reduce use of impervious surface materials, including cluster development and use of  
121 semi-pervious materials such as grass-crete and pervious pavers.
- 122 4. Design characteristics including, but not limited to, mixed-use development, circulation  
123 systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented  
124 environment.
- 125 5. Community amenities including plazas, malls, formal gardens, places to congregate,  
126 outdoor seating, public art, and pedestrian and transit facilities.
- 127 6. Preservation of environmental features
- 128 7. Open space and recreational amenities that are available to the public such as:
  - 129 a. Swimming pools
  - 130 b. Tennis courts
  - 131 c. Recreational open space accessory buildings
  - 132 d. Jogging trails and fitness courses
  - 133 e. Playgrounds
  - 134 f. Natural water features, wetlands and conservation areas
  - 135 g. Detention areas which are accessible to occupants or the public via nature  
136 trails, boardwalks, and/or perimeter walkways, but only if they are designed as  
137 natural water features and are landscaped with native vegetation
- 138 8. Additional public infrastructure improvements in addition to the minimum required by  
139 the PUD, such as new or repaved streets, installation of gutters and sewers, and traffic  
140 control devices to improve traffic flow.

141 (e) Planned Unit Development Regulations. The following regulations shall apply to all Planned  
142 Unit Developments (PUDs):

- 143 1. Unified ownership. All land within the PUD shall be under the ownership of one entity,  
144 either by deed, agreement for deed or contract for purchase. PUD applicants shall  
145 present either an opinion of title by an attorney licensed in Florida or a certification by  
146 an abstractor or a title company, authorized to do business in Florida, that, at the time  
147 of initial application, unified ownership of the entire area within the proposed PUD is in  
148 the name of the applicant, or contract seller. Unified ownership shall thereafter be  
149 maintained until after the recording of the development agreement and master  
150 development plan.



151 2. Utility distribution lines. All utility distribution lines within an RPUD and the residential  
152 portions of a MPUD shall be located underground, where possible. Aboveground utility  
153 connections may be permitted where there is hardship, as determined by the city  
154 engineer, and the permissibility shall be recorded in the development agreement.

155 3. Open space requirements. A minimum of 25 percent of the open space shall be  
156 designated as common open space. Common open space shall meet the following  
157 standards:

158 a. Its location, shape, size and character shall be illustrated on the PUD plan.

159 b. It shall be dedicated to and maintained by a HOA or POA. Maintenance  
160 guarantees shall be included in the Development Agreement.

161 c. Open space shall not include parking areas or driveways and shall be usable  
162 outdoor area for recreation and landscaping.

163 d. Required stormwater retention ponds, wetlands, and lakes that do not have  
164 recreation amenities shall not count towards open space requirements

165 4. Time limit. The construction of the Planned Unit Development shall be started within 2  
166 years of the effective date of approval of the plan by the Commission. Failure to begin  
167 the development within said 2 years shall automatically void the development and the  
168 land shall revert to the same zoning classification which existed immediately preceding  
169 the approval of the Planned Unit Development.

170 5. Procedure for rezoning to PUD.

171 a. Pre-application stage. A pre-application meeting shall be conducted before a  
172 PUD rezoning application can be accepted. After the pre-application meeting, a  
173 conceptual plan may be submitted for review and comment prior to filing the  
174 application for rezoning.

175 1. Pre-application meeting. The pre-application meeting is intended to provide  
176 for an informational exchange between the applicant and the  
177 administrative staff and will be arranged by the planning and development  
178 services department. No fee shall be charged. The applicant need not  
179 submit any plans or other information. However, the more information  
180 provided to staff for the proposed PUD will assist staff in providing  
181 guidance. At a minimum, the applicant will be advised of the PUD  
182 procedures and requirements, forms, application materials, guidelines,  
183 checklists, the comprehensive plan, zoning and other land development  
184 regulations. This information will be made available at a reasonable cost.

185 2. Written development agreement (DA). As part of the PUD plan, a written  
186 development agreement shall be prepared, following a general format  
187 supplied by the planning and development services department at the pre-  
188 application meeting. The DA, along with the PUD plan, shall govern the  
189 development of the PUD and shall regulate the future use of the land. The

190 DA shall include any statements or information requested by any reviewing  
191 department or agency at the pre-application meeting, such as:

192 aa. Evidence of unified ownership and control.

193 bb. Statement agreeing to:

194 1) Proceed with the proposed development according to all  
195 regulations;

196 2) Provide appropriate performance and maintenance  
197 guarantees;

198 3) Follow all other provisions of this chapter to the extent not  
199 expressly inconsistent with the written DA, and bind the  
200 applicant's successors in title to his commitments.

201 cc. The acreage and percentage of the total land area devoted to  
202 each of the proposed land uses.

203 dd. Maximum density for each type of dwelling.

204 ee. Maximum building heights.

205 ff. Minimum building spacing and floor areas.

206 gg. Lot sizes, yard areas and buffer areas, including perimeter buffers.

207 hh. Statement regarding the disposition of sewage and stormwater,  
208 and arrangements for potable water.

209 ii. Statement regarding ingress/egress controls to the site.

210 jj. Statement regarding any road improvements to be made and the  
211 thresholds for the traffic impact analysis.

212 kk. When the PUD is planned for phased development, a schedule of  
213 the phases.

214 ll. The proposed language of any covenants, easements or other  
215 restrictions.

216 mm. Environmental considerations.

217 nn. Any additional information or statements subsequently deemed  
218 necessary by any reviewing department or agency.

219 b. *Master development plan (MDP).* After the pre-application meeting, a MDP shall  
220 be submitted to the planning and development services department. When  
221 submitted, written comments on the MDP shall be made within twenty business  
222 days by the planning and development services department and any other  
223 departments. The planning and development services department shall  
224 coordinate this review. A MDP shall indicate general land use categories and the  
225 approximate height, location, architectural character and site intensities/density

226 of dwelling units, and other structures. The MDP shall show the proposed street  
227 layout, approximate street widths, school sites, open space areas, parks, existing  
228 structures, natural/conservation areas, floodplain areas (if applicable), total  
229 acreage and the existing zoning. Finally, the MDP shall include a vicinity map, and  
230 any other salient information deemed appropriate by the applicant.

231 c. *RPUD application stage.* A completed and signed application for rezoning to a RPUD, together  
232 with a PUD master development plan, development agreement, and all related fees shall be submitted  
233 to the planning and development services department. If a rezoning applicant desires concurrent review  
234 under the Land Development Code, the applicant shall state it at the time of application, and shall  
235 submit any additional applications and information as required by those regulations.

236 The RPUD master development plan shall consist of an illustrative plan and a written  
237 development agreement. Those documents shall include the following information:

238 1. *RPUD plan exhibits.* The plan shall consist of the following:

239 aa. Name of project and name, address, telephone number of the  
240 developer and his professional project engineers, architects,  
241 planners, etc.

242 bb. The date the plan was drawn, its scale, and a north arrow.

243 cc. Names and location of adjoining streets and names of abutting  
244 property owners.

245 dd. Legal description of property, boundary survey and the location of  
246 all existing streets, buildings, railroads, bulkhead lines, easements,  
247 and other important features on or adjoining the property.

248 ee. The general topography and physical conditions of the site,  
249 including natural areas of vegetation and type, general soil types,  
250 wetland areas, 100-year floodplain areas, watercourses, water  
251 bodies, and natural drainage patterns.

252 ff. Conceptual configuration of proposed streets, which depict access  
253 into and traffic flow within the development, with particular  
254 reference to the separation of vehicular traffic from pedestrian or  
255 other types of traffic.

256 gg. General feasibility plans for potable water, sewage disposal, and  
257 stormwater drainage.

258 hh. Approximate location and area encompassed for each proposed  
259 land use within the development.

260 ii. Approximate location and size of common open space.

261 jj. Additional material, maps, studies, or reports deemed necessary  
262 by any reviewing department or agency.

263 d. CPUD, IPUD or MPUD requirements—Application stage. An application for  
264 rezoning to CPUD, IPUD or MPUD, together with a PUD master development  
265 plan, development agreement, and all related fees set at the pre-application  
266 meeting, shall be submitted to the planning and development services  
267 department. If an applicant for rezoning desires concurrent review under the  
268 Land Development Code Ordinance No. 96-25 as it may be amended from time  
269 to time, the applicant shall so state at the time of application and shall submit  
270 any applications and additional information as required by those regulations. The  
271 master development plan shall include:

272 1. CPUD, IPUD, and MPUD plan exhibits. The master development plan shall  
273 be drawn to an appropriate engineer’s scale to include the location and  
274 boundary of the site referenced by the legal description and boundary  
275 survey; the date the plan was drawn, its scale, and a north arrow; and the  
276 name, address and telephone number of the developer and his professional  
277 project engineers, architects and planners. In addition, the MDP shall  
278 include all of the following, if applicable:

279 aa. The approximate size and location of all proposed buildings and  
280 other structures, the specified use of buildings and structures may  
281 be indicated, if known.

282 bb. Generalized off-street parking and loading plans, including  
283 circulation plans for vehicular movement.

284 cc. Driveway and access controls, including number and approximate  
285 location of driveways.

286 dd. Approximate location, size and description of open spaces,  
287 landscaped areas, or buffers.

288 ee. Approximate location and size of all easements, rights-of-way, or  
289 drainage facilities and structures.

290 ff. Approximate boundary lines and dimensions of parcels proposed  
291 to be subdivided.

292 gg. The general topography and physical conditions of the site,  
293 including features such as water bodies, wooded areas, wetland  
294 areas, vegetation types, soils, 100-year floodplain areas, and steep  
295 grades or depressions on the site.

296 hh. General location of signs.

297 ii. Environmental considerations.

298 jj. Any other conditions of development, specifications, limitations,  
299 constraints, standards or proposed physical features not  
300 specifically included in items a. through h. above.

301 (5) Post-approval stage.

- 302 a. Recording PUD plan. After city commission approval of the rezoning application  
303 to PUD, the master development plan, and the written development agreement,  
304 both signed by the mayor, and attested by the city clerk, shall be recorded in the  
305 public records of Volusia County, Florida, by and at the expense of the applicant.
- 306 b. Subdivision and/or final site plan approval. After the MDP and development  
307 agreement is recorded, a subdivision and/or final site plan applications shall be  
308 prepared and submitted in the manner required by the Land Development Code.
- 309 c. Construction. During permitting and construction, the enforcement official shall  
310 enforce compliance with the approved final site plan or the final plat.
- 311 d. Amendments. Minor amendments not altering the intent and purpose of the  
312 approved master development plan or development agreement may be  
313 approved by the appropriate enforcement official after departmental review and  
314 comment. Examples of minor amendments include de-minimis design oriented  
315 changes to landscaping, parking or building elevation. PUD amendments that are  
316 determined to be major revisions to the MDP and/or DA will need to be  
317 reviewed and processed under section 110-1101 of the Land Development Code.  
318 Major amendments can be described as materially altering proposals that  
319 involve changes of uses, density/intensity, reconfiguration of lots, etc.

320 The PUD classification has been divided into four sub-classifications for land uses of residential,  
321 ~~business~~commercial, industrial and mixed use.

322 (f) Commercial Planned Unit Development. It is the intent of these regulations to provide for  
323 the development of business, office and commercial establishments in appropriate  
324 locations, in conformance with the goals, objectives and policies of the Comprehensive  
325 Plan and the standards set forth herein. CPUDs may provide a range of office facilities and  
326 services appropriate to the general need of the area served.

327 (g) Industrial Planned Unit Development. It is the intent of these regulations to encourage  
328 complimentary groupings of manufacturing, processing, assembly, research, distribution,  
329 office and associated uses, on sites with adequate frontage and depth, adjacent to major  
330 streets, or streets serving industrial areas.

331 (h) Mixed Use Planned Unit Development. It is the intent of these regulations to encourage a  
332 compatible mix of uses, rather than a separation of uses, in accordance with the  
333 Comprehensive Plan. MUPUD are defined for purposes of these regulations as planned  
334 development districts for the establishment of complimentary groupings of residential,  
335 commercial, office, industrial, or other uses. Residential uses shall be at a proposed density  
336 that is complementary to the non-residential development and shall be incorporated into  
337 the project, so that development of the residential component of the master development  
338 program is achieved. MPUD's shall ensure that commercial development is completed  
339 either before or concurrently with any residential development. The certificate of  
340 occupancy for the commercial property shall be issued prior to the residential property.

341 (i) Residential Planned Unit Development. It is the intent of these regulations to provide for  
342 residential development areas adequately served, or which can be served, by necessary  
343 utilities and services, in locations that are compatible with adjacent and surrounding land  
344 uses, in accordance with the goals, objectives and policies of the Comprehensive Plan and  
345 standards set forth herein.

346 ~~PUDs that were in existence prior to the effective date of this chapter [November 16, 1998]~~  
347 ~~shall continue in accordance with their original approval and shall be deemed to be lawful~~  
348 ~~conforming land uses. To the extent of any specific amendment to these PUDs, the~~  
349 ~~amendment must comply with the requirements of this chapter. Terms previously used in~~  
350 ~~said the approved PUDs may continue to be employed.~~

351 ~~(b) Permitted principal uses and structures.~~ The permitted principal uses and structures shall  
352 ~~be those agreed upon by the city commission.~~

353 ~~A residential planned unit development will be indicated on the official zoning map with~~  
354 ~~the symbol RPUD. The permitted uses within an RPUD may be applied from any of the~~  
355 ~~residential zoning classifications of this chapter and shall be listed in the development~~  
356 ~~agreement, and depicted as part of the PUD plan. All uses shall be approved by the city~~  
357 ~~commission.~~

358 ~~A business planned unit development will be indicated on the official zoning map with the~~  
359 ~~symbol BPUD. The permitted uses within a BPUD may be applied from any of the business~~  
360 ~~oriented zoning classifications of this chapter and shall be listed in the development agreement,~~  
361 ~~and depicted as part of the PUD plan. All uses shall be approved by the city commission.~~

362 ~~An industrial planned unit development will be indicated on the official zoning map with~~  
363 ~~the symbol IPUD. The permitted uses within an IPUD may be applied from the industrial zoning~~  
364 ~~classifications of this chapter and shall be listed in the development agreement, and depicted as~~  
365 ~~part of the PUD plan. All uses shall be approved by the city commission.~~

366 ~~A mixed use planned unit development will be indicated on the official zoning map with~~  
367 ~~the symbol MPUD. The permitted uses within an MPUD may consist of any of the uses as~~  
368 ~~approved by the city commission within a mixed-use development program format that is~~  
369 ~~consistent with the city's comprehensive plan, including the mixed-use development matrix,~~  
370 ~~and achieves both residential and non-residential uses. Residential uses shall be at a proposed~~  
371 ~~density that is complementary to the non-residential development and shall be incorporated~~  
372 ~~into the project, so that development of the residential component of the master development~~  
373 ~~program is achieved.~~

374 ~~(c) Dimensional requirements.~~

375 ~~(1) Minimum parcel size.~~ To utilize the PUD zoning process, the minimum parcel size shall  
376 ~~be one acre.~~

377 ~~(d) Minimum lot area and yard requirements.~~ Minimum lot sizes, width, and yard areas shall  
378 ~~be described in the development agreement. In determining yard sizes, the city~~  
379 ~~commission shall consider whether or not the proposed PUD will have adverse effects~~  
380 ~~upon adjoining properties.~~

- 381 ~~(e) *Intensity/density.* The floor area ratio (FAR) or total number of dwelling units per acre of~~  
382 ~~land shall be calculated and described in the development agreement, and shall not~~  
383 ~~exceed the range permitted by the underlying future land use category of the adopted~~  
384 ~~comprehensive plan. A comprehensive plan amendment may be needed prior to the~~  
385 ~~proposed PUD zoning action.~~
- 386 ~~(f) *Landscape buffer requirements.* A landscape buffer area meeting or exceeding the~~  
387 ~~minimum requirements of section 110-808 shall be constructed. Due to the fact that the~~  
388 ~~PUD process is undertaken as a uniform master development program, a landscape plan is~~  
389 ~~required that shows the proposed perimeter buffer yard widths, level of opacity for~~  
390 ~~screening from adjacent land uses, internal landscape buffers between parcels and within~~  
391 ~~parcels, foundation landscaping, entryway and common area landscaping, and proposed~~  
392 ~~plant material. The proposed landscape plan shall meet or exceed standards established in~~  
393 ~~section 110-808 of this Code.~~
- 394 ~~(g) *Off street parking and loading requirements.* Off street parking and loading areas shall~~  
395 ~~meet the requirements of section 110-828 of this Code. No waivers or modifications of the~~  
396 ~~minimum required number of off street parking and loading spaces shall be permitted in~~  
397 ~~the development agreement for PUDs.~~
- 398 ~~(h) *Transportation impact analysis report—Purpose.* A transportation impact analysis report is~~  
399 ~~designed to identify the transportation impacts and problems, which are likely to be~~  
400 ~~generated by a proposed use, because of size, density, traffic, generation rates, or~~  
401 ~~location. The report will also identify all improvements required to ensure safe ingress and~~  
402 ~~egress from a proposed development, maintenance of adequate street capacity, and~~  
403 ~~elimination of hazardous conditions and improvements necessary for immediately~~  
404 ~~surrounding roadways and intersections, as a result of the property development.~~
- 405 ~~(i) *Thresholds for traffic impact and analysis report.* A transportation impact analysis (TIA)~~  
406 ~~report shall be required for any project that is anticipated to generate in excess of 1,000~~  
407 ~~trips per day, as defined by the current edition of the Institute of Transportation Engineers~~  
408 ~~(ITE) Trip Generation Manual or if a PUD is located in an area that has traffic safety or~~  
409 ~~congestion concerns. The contents of the transportation impact analysis report shall, at a~~  
410 ~~minimum, be consistent with a locally accepted methodologies.~~
- 411 ~~(j) *Types of signs permitted.* Signs are permitted in accordance with the requirements of~~  
412 ~~chapter 102, Code of Ordinances, as it may be amended from time to time. No variances or~~  
413 ~~waivers of Deltona Sign Code requirements shall be authorized.~~
- 414 ~~(jk) **Residential Planned unit development regulations.** The following regulations apply to all~~  
415 ~~**Residential planned Planned unit Unit developments Developments (PUDs):**~~



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**(1) Architectural Features**

**a. The following features shall be required:**

**i. Window and door fenestrations on all sides of structures located along the perimeter of the development or facing a right of way. See Figure 1 and 2.**



**ii. Contrasting color schemes used to create visual depth around windows, doors and building corners. See Figure 3 and 4.**

**iii. A minimum of 1 principal window treatment on every elevation (front, side or rear) that faces any right-of-way (public or private) or open space area that may include, but is not limited to: pop-outs, decorative wrought iron, wood trim, shutters, plant shelves, and other features or embellishments to vary and soften the visual exteriors. See Figure 5 and 6.**



**iv. All outdoor mechanical equipment, such as heating, air conditioning ventilation systems, propane gas tanks, pool equipment and other similar appurtenances shall be located in rear yards on lots with lots less than 7.5 on side yard. They shall not be adjacent to the right-of-way whenever possible; if such appurtenances are visible from the right-of-way they shall be visually screened.**

**b. In addition to the require features in 1.a above, a minimum of 3 of the**





447 following design features shall also be required:

448 i. Enhanced corners (pop-outs, embellishments, varying textures etc.) See  
449 Figure 7.

450 ii. Deep recessed garages.  
451 See Figure 8 and 9.

452 iii. Low roof (first story roofs  
453 on multi-level structures).  
454 See Figure 10 and 11.

455 iv. Second story of structure  
456 stacked at a greater  
457 setback  
458 than the  
459 first floor  
460 to  
461 facilitate  
462 a first-  
463 floor  
464 feature,  
465 especially  
466 located immediately above the garage. See  
467 Figure 12.

468 v. Offset garage doors. See Figure 13 and 14.



469 vi. Extended roof overhangs. See Figure 15.

470 vii. Enhanced window fenestrations on all front  
471 elevations and all second story windows facing a right of way or open  
472 space area shall use principal window treatments. See Figure 16.

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viii. Covered Patio, and/or Balcony option. See Figure 17 and 18.



474

475 (2) Streetscapes

476 a. Sidewalks meeting City standards shall be installed on both sides of the right-of-  
477 way.

478 b. A minimum of 2 pedestrian connections to nodes such as trail system, public  
479 facilities, transit stops, or a public street network to promote connectivity.

480 c. Lighting shall be required along property line along any open underdeveloped  
481 right-of-way leading up to entry of subdivision.

482 d. Decorative Street Lighting – Street and site lighting shall be decorative and blend  
483 with the architectural style of the development. Sufficient lighting shall be  
484 provided consistent throughout the PUD minimizing adverse impacts such as  
485 glare and overhead sky glow.

486 e. All trees planted near sidewalks shall be planted with deep root barriers to  
487 prevent cracked pavements and/or sidewalks; planting trees with tap roots  
488 rather than fibrous roots will help eliminate cracking. Trees shall comply with  
489 Table 110-7 Approved Plant Species List.

490 (3) Perimeter Landscaping. Landscaping shall comply with Section 110-808. In addition, a  
491 masonry wall, a minimum 4 feet in width, shall be constructed along al subdivision  
492 perimeter unless otherwise negotiated.

493 (4) Tree Protection. It is prohibited and unlawful to remove or in any way damage any  
494 protected tree without first obtaining an arbor permit from the City.

495 a. A Historic Tree is any tree of any size or protected species that has been  
496 designated by the City Commission as one of notable historical interest and value  
497 to the City because of its location or historical association with the community.

498 b. A Specimen Tree is any tree of any protected species with a diameter of 36” or  
499 greater. The applicant for a permit to remove a specimen tree shall provide  
500 findings to the Administrative Official that the tree is a hazard or that is not  
501 economically practically feasible to develop the subject parcel without removing  
502 the tree.

- 503 c. The PUD design must attempt to preserve specimen and historic trees.
- 504 d. No permit for the removal of a protected tree shall be granted unless the
- 505 developer demonstrates one or more of the following conditions.
- 506 i. A permissible use of the site cannot reasonably be undertaken unless
- 507 specific trees are removed or relocated.
- 508 ii. The tree is located in such proximity to an existing or proposed structure
- 509 that the safety, utility or structural integrity of the structure is materially
- 510 impaired.
- 511 iii. The tree materially interferes with the location, servicing or functioning
- 512 of existing utility lines or services.
- 513 iv. The tree creates a substantial hazard to motor, bicycle or pedestrian
- 514 traffic by virtue of physical proximity to traffic or impairment of vision.
- 515 v. The tree is diseased, insect ridden, or weakened by age, abuse, storm or
- 516 fire and is likely to cause injury or damage to people, buildings or other
- 517 improvements.
- 518 e. Removed protected trees shall be replaced at a 3:1 ratio with Florida
- 519 Department of Agriculture Nursery Grade No. 1 or better at the expense of the
- 520 developer.

521 (5) Detention and Retention Ponds. The following landscaping is required:

- 522 a. A decorative and functional fountain shall be installed in all wet retention ponds
- 523 as part of development approval which approval shall provide for ongoing
- 524 maintenance requirements and responsibilities upon the appropriate party, but
- 525 not the City.
- 526 b. Pond configuration shall be incorporated into the natural topography of the site.
- 527 When not practical, the pond shall be shaped to emulate a natural formed “free
- 528 form” depression and shall be part of the natural landscape and recreation open
- 529 system of the PUD.
- 530 c. Plantings shall replicate a natural environment Trees and shrubs shall be
- 531 clustered around the basin and contain a variety of plant material.
- 532 d. Trees and shrubs shall be planted in a natural pattern and are not limited to
- 533 strict placement along the edge of the pond. Trees and shrubs planted below the
- 534 water line of the pond must be tolerant of wet or moist soil conditions.
- 535 e. Plantings shall be provided as determined by staff review and City Commission
- 536 approval.

537 (6) Passive and Active Space Requirements. For higher density and smaller residential lots,

538 passive and active space requirements shall be provided based on the following lot

539 sizes:

- 540 a. Common, usable passive and active open space shall be provided per each  
541 residential unit based on the following lot sizes:
- 542 i. Lots 5,000 square feet or greater – 200 square feet per lot.
  - 543 ii. Lots 4,000 to 4,999 square feet – 400 square feet per lot.
  - 544 iii. Lots 3,999 or less square feet – 600 square feet per lot.
- 545 b. Passive and active space shall not include improvements required by code  
546 including but not limited to the following: require street landscaping, drives or  
547 driveways, streets and sidewalks, parking lots, retention ponds, canals, ditches  
548 and drains, and utility or service areas. Buffer and entrance landscaping shall not  
549 be included in the open space calculation.
- 550 c. Types of passive and active space. Recreation common open space must provide  
551 active recreation open space areas designed for recreation i.e. (picnic area,  
552 children’s play areas, etc..), but may additionally include passive open spaces.  
553 Recreation common open spaces may be comprised of one or more of the  
554 following and shall be accessible to all of the residential units it serves:
- 555 i. Courtyard
  - 556 ii. Dog Park
  - 557 iii. Nature Trails
  - 558 iv. Tot lots
  - 559 v. Large lawn area, pocket parks; mews
  - 560 vi. Playground
  - 561 vii. Tennis court/Pickle ball
  - 562 viii. Basketball court
  - 563 ix. Swimming pool
  - 564 x. Splash pad
  - 565 xi. Similar outdoor recreation facilities as approved by the City Commission
- 566 d. Greenways, courtyards and open space shall have a minimum 40 feet average  
567 width, with a minimum 20 feet dimension.
- 568 e. A pedestrian pathway wall, a minimum 5 feet in width, shall be provided within  
569 the common open space.
- 570 f. Open Space shall be recorded as separate tracts owned and maintained by a  
571 Homeowners Association created in accordance with controlling law.
- 572 g. Alternative amenities may be considered in lieu of the required minimum lot size  
573 calculations if determined to enhance the overall design and quality of the  
574 development.

575 (k) **Commercial Planned Unit Development Regulations. The following regulations shall**  
576 **apply to all Commercial Planned Unit Developments (CPUDs):**

- 577 1. All CPUDS shall at a minimum have two principal buildings or two principal uses on site  
578 to qualify as a PUD.
- 579 2. Uses permitted in CPUDS as per Table XX.
- 580 3. Floor area ratio calculations and ground coverage shall be provided to determine scale,  
581 density and impact of the project
- 582 4. When abutting any residential land use or zoning district, the PUD should provide for  
583 landscape buffers along the entire common boundary with the residential land use or  
584 zoning district. The visual screen should be of sufficient width and elevation so as to  
585 afford an effective visual barrier and transition between land uses.
- 586 5. Within the CPUD, pedestrian movement and safety shall be given priority. Internal  
587 roadways shall be “pedestrian friendly” including the use of pavers, wide sidewalks,  
588 narrow vehicular lanes and parallel or angled parking. Major parking areas shall be  
589 located to encourage walking and discourage internal vehicle trips among the various  
590 buildings and uses.
- 591 6. No parking shall be permitted in the front yard of any structure constructed on an  
592 individual lot unless such parking area is landscaped with trees, shrubs and grass island  
593 to prevent the appearance of open parking lots.
- 594 7. Lighting shall be designed and located so as to prevent glare onto adjacent properties  
595 or nearby roadways and yet afford a well-lighted site.
- 596 8. Street frontage shall be landscaped except for curb openings.
- 597 9. Truck loading/unloading areas shall be screened by architectural and/or landscape  
598 elements consistent with the design of the structure.
- 599 10. Architectural style is important and shall follow Architectural Design Guidelines.
- 600 a. A consistent architectural them including, but not limited to, scale, colors,  
601 textures and materials shall be required.
- 602 b. Setbacks within the project shall be determined at the time or project review to  
603 encourage an urban pedestrian scale.
- 604 c. Setbacks to adjacent properties shall be the larger of the existing underlying  
605 zoning district or the adjacent district, whichever is larger.
- 606 d. Outdoor uses and public places shall be designed to connect various buildings  
607 and promote pedestrian activity. Active use of the public spaces is desired to  
608 encourage increasing average length of stay within the project area.
- 609 e. First floor facades shall be “active” to encourage pedestrian traffic throughout  
610 the project area.



- 611 f. Signage shall be at a scale and aesthetic design appropriate to the size and type  
612 of project.
- 613 g. Streetscape design shall compliment and be consistent with the project's  
614 architectural theme.
- 615 11. A maintenance plan for all common areas including but not limited to, parking,  
616 sidewalks, public plazas, building facades and programming shall be required as part of  
617 the approval of the project.
- 618 **(k) Industrial Planned Unit Development Regulations. The following regulations shall**  
619 **apply to all Industrial Planned Unit Developments (IPUDs):**
- 620 1. An IPUD shall be designed and organized to encourage a combination of multiple  
621 industrial uses, compatible uses or tenants that complement each other.
- 622 2. Uses permitted in IPUDS as per Table XX.
- 623 3. All IPUDs shall at a minimum have two principal buildings or two principal uses on site  
624 to qualify as a PUD.
- 625 4. Design guidelines shall be required establishing development standards for the  
626 proposed development, including illustrations of proposed architectural, urban design,  
627 streetscape, and landscape concepts, thematic design elements such as architectural  
628 materials, building colors and landscape plans, any proposed variation from the design  
629 standards or guidelines contained in this section.
- 630 a. Floor area ratio calculations and ground coverage shall be provided to  
631 determine scale, density and impact of the project.
- 632 b. A description of the allowable uses.
- 633 c. An accessibility plan showing means of ingress and egress to adjacent  
634 thoroughfares.
- 635 d. Setbacks and buffer yards for the project shall be determined at the time of  
636 project review to ensure compatibility with and protection of adjacent uses.
- 637 e. A uniform sign plan for the development shall be included in the design  
638 guidelines. Signage shall be at a scale and design appropriate to the size and  
639 type of project.
- 640 f. A consistent architectural theme including, but not limited to, scale, colors,  
641 textures and materials shall be required. Streetscape designs shall compliment  
642 and be consistent with the project's architectural theme.
- 643 g. A plan or design for the screening of outdoor uses.
- 644 h. A maintenance plan for all common areas including but not limited to, parking,  
645 sidewalks, public plazas, building facades and programming shall be required as  
646 part of the approval of the project.

647 5. No building or structure, or part thereof, shall be erected or used, in whole or in part,  
648 in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining  
649 properties, as it relates to sound, vibrations, odors, glare, material, smoke and  
650 particular matters.

651 6. When abutting any residential land use or zoning district, the PUD should provide for  
652 landscape buffers along the entire common boundary with the residential land use or  
653 zoning district. The visual screen should be of sufficient width and elevation so as to  
654 afford an effective visual barrier and transition between land uses.

655 7. Street frontage shall be landscaped except for curb openings.

656 8. Truck loading/unloading areas shall be screened by architectural and/or landscape  
657 elements consistent with the design of the structure.

658 **(l) Mixed-Use Planned Unit Development Regulations. The following regulations shall**  
659 **apply to all Mixed-Use Planned Unit Developments (MUPUDs):**

660 1. Uses in a Mixed-Use Planned Unit Development shall consist of two (2) or more uses.

661 2. The vertical mixing of residential uses  
662 with nonresidential uses within a  
663 single project or building, with  
664 residential development is required.  
665 The horizontal mixing of stand-alone  
666 residential developments and  
667 adjacent stand along nonresidential  
668 may be provided by the City  
669 Commission, provided the  
670 development are well integrated in terms of  
671 complementary uses, access and circulation  
672 and compatible design. See Figure 19 and 20.



673 3. Stand-alone uses within a mixed-use project  
674 shall be integrated with an overall project  
675 design and connected to other adjoining uses  
676 by plazas, promenades, and landscape  
677 corridors.

678 4. Additional or stand-alone auto oriented uses  
679 (i.e. gasoline filling stations, automotive  
680 repair and servicing, automotive sales, care  
681 washes, self-storage facilities, large retail  
682 establishments, uses with drive through  
683 service) are prohibited.



684 5. A mixed-used project shall include a minimum amount of commercial building areas as  
685 follows:

<u>Overall Project Size</u>	<u>Minimum Commercial Building Area Required</u>
<u>5 to 7.5 Acres</u>	<u>9,500 square feet</u>
<u>7.5 to 10 Acres</u>	<u>12,000 square feet</u>
<u>10 to 15 Acres</u>	<u>20,000 square feet</u>
<u>15 to 20 Acres</u>	<u>30,000 square feet</u>
<u>20+ Acres</u>	<u>40,000 square feet plus 1,000 sf/acres for projects larger than 20 acres</u>

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- 6. Within the MPUD, pedestrian movement and safety shall be given priority. Internal roadways shall be “pedestrian friendly” including the use of pavers, wide sidewalks, narrow vehicular lanes and parallel parking. Major parking areas shall be located to encourage walking and discourage internal vehicle trips among the various buildings and uses.
- 7. Parking garages, loading docks, and service areas shall be directly accessible from major roadways and appropriately screened to promote a pedestrian scale and safety.
- 8. Architectural requirements
  - a. A consistent architectural theme including, but not limited to, scale, colors, textures and materials shall be required.
  - b. Setbacks within the project shall be determined at the time of project review to encourage an urban pedestrian scale.
  - c. Setbacks to adjacent properties shall be the larger of the existing underlying zoning district or the adjacent district, whichever is larger. The design of the project shall be required to consistent with adjacent uses and structures.
  - d. Outdoor uses and public places shall be designed to connect various buildings and promote pedestrian activity. Active use of the public spaces is desired to encourage increasing average length of stay within the project area.
  - e. First floor facades shall be “active” to encourage pedestrian traffic throughout the project area.
  - f. Signage shall be at a scale and aesthetic design appropriate to the size and type of project.
  - g. Streetscape design shall compliment and be consistent with the project’s architectural theme.
- 9. A maintenance plan for all common areas including but not limited to, parking, sidewalks, public plazas, building facades and programming shall be required as part of the approval of the project.



714 ~~(1) Unified ownership. All land within the PUD shall be under the ownership of one~~  
715 ~~entity, either by deed, agreement for deed or contract for purchase. PUD applicants~~  
716 ~~shall present either an opinion of title by an attorney licensed in Florida or a~~  
717 ~~certification by an abstractor or a title company, authorized to do business in Florida,~~  
718 ~~that, at the time of initial application, unified ownership of the entire area within the~~  
719 ~~proposed PUD is in the name of the applicant, or contract seller. Unified ownership~~  
720 ~~shall thereafter be maintained until after the recording of the development~~  
721 ~~agreement and master development plan.~~

722 ~~(2) Utility distribution lines. All utility distribution lines within an RPUD and the~~  
723 ~~residential portions of a MPUD shall be located underground, where possible.~~  
724 ~~Aboveground utility connections may be permitted where there is hardship, as~~  
725 ~~determined by the city engineer, and the permissibility shall be recorded in the~~  
726 ~~development agreement.~~

727 ~~(3) Open space requirements. A minimum of 25 percent of the open space shall be~~  
728 ~~designated as common open space. Common open space shall meet the following~~  
729 ~~standards:~~

730 ~~a. Its location, shape, size and character shall be illustrated on the PUD plan.~~

731 ~~b. It shall be dedicated to and maintained by a HOA or POA. Maintenance~~  
732 ~~guarantees shall be included in the Development Agreement.~~

733 ~~(4) Procedure for rezoning to PUD.~~

734 ~~a. Pre application stage. A pre application meeting shall be conducted before a~~  
735 ~~PUD rezoning application can be accepted. After the pre application meeting, a~~  
736 ~~conceptual plan may be submitted for review and comment prior to filing the~~  
737 ~~application for rezoning.~~

738 ~~1. Pre application meeting. The pre application meeting is intended to provide for~~  
739 ~~an informational exchange between the applicant and the administrative staff and~~  
740 ~~will be arranged by the planning and development services department. No fee shall~~  
741 ~~be charged. The applicant need not submit any plans or other information. However,~~  
742 ~~the more information provided to staff for the proposed PUD will assist staff in~~  
743 ~~providing guidance. At a minimum, the applicant will be advised of the PUD~~  
744 ~~procedures and requirements, forms, application materials, guidelines, checklists, the~~  
745 ~~comprehensive plan, zoning and other land development regulations. This~~  
746 ~~information will be made available at a reasonable cost.~~

747 ~~2. Written development agreement (DA). As part of the PUD plan, a written~~  
748 ~~development agreement shall be prepared, following a general format supplied by~~  
749 ~~the planning and development services department at the pre application meeting.~~  
750 ~~The DA, along with the PUD plan, shall govern the development of the PUD and shall~~  
751 ~~regulate the future use of the land. The DA shall include any statements or~~  
752 ~~information requested by any reviewing department or agency at the pre application~~  
753 ~~meeting, such as:~~

754 ~~aa.—Evidence of unified ownership and control.~~  
755 ~~bb.—Statement agreeing to:~~  
756 ~~1) Proceed with the proposed development according to all regulations;~~  
757 ~~2) Provide appropriate performance and maintenance guarantees;~~  
758 ~~3) Follow all other provisions of this chapter to the extent not expressly~~  
759 ~~inconsistent with the written DA, and bind the applicant's successors in title to his~~  
760 ~~commitments.~~  
761 ~~cc.—The acreage and percentage of the total land area devoted to each of the~~  
762 ~~proposed land uses.~~  
763 ~~dd.—Maximum density for each type of dwelling.~~  
764 ~~ee.—Maximum building heights.~~  
765 ~~ff.—Minimum building spacing and floor areas.~~  
766 ~~gg.—Lot sizes, yard areas and buffer areas, including perimeter buffers.~~  
767 ~~hh.—Statement regarding the disposition of sewage and stormwater, and~~  
768 ~~arrangements for potable water.~~  
769 ~~ii.—Statement regarding ingress/egress controls to the site.~~  
770 ~~jj.—Statement regarding any road improvements to be made and the thresholds for~~  
771 ~~the traffic impact analysis.~~  
772 ~~kk.—When the PUD is planned for phase development, a schedule of the phases.~~  
773 ~~ll.—The proposed language of any covenants, easements or other restrictions.~~  
774 ~~mm. Environmental considerations.~~  
775 ~~nn.—Any additional information or statements subsequently deemed necessary by~~  
776 ~~any reviewing department or agency.~~  
777 ~~b.—Master development plan (MDP). After the pre-application meeting, a MDP shall~~  
778 ~~be submitted to the planning and development services department. When~~  
779 ~~submitted, written comments on the MDP shall be made within twenty business days~~  
780 ~~by the planning and development services department and any other departments.~~  
781 ~~The planning and development services department shall coordinate this review. A~~  
782 ~~MDP shall indicate general land use categories and the approximate height, location,~~  
783 ~~architectural character and site intensities/density of dwelling units, and other~~  
784 ~~structures. The MDP shall show the proposed street layout, approximate street~~  
785 ~~widths, school sites, open space areas, parks, existing structures,~~  
786 ~~natural/conservation areas, floodplain areas (if applicable), total acreage and the~~  
787 ~~existing zoning. Finally, the MDP shall include a vicinity map, and any other salient~~  
788 ~~information deemed appropriate by the applicant.~~

~~c.—RPUD application stage. A completed and signed application for rezoning to a RPUD, together with a PUD master development plan, development agreement, and all related fees shall be submitted to the planning and development services department. If a rezoning applicant desires concurrent review under the Land Development Code, the applicant shall state it at the time of application, and shall submit any additional applications and information as required by those regulations.~~

~~The RPUD master development plan shall consist of an illustrative plan and a written development agreement. Those documents shall include the following information:~~

~~1.—RPUD plan exhibits. The plan shall consist of the following:~~

~~aa.—Name of project and name, address, telephone number of the developer and his professional project engineers, architects, planners, etc.~~

~~bb.—The date the plan was drawn, its scale, and a north arrow.~~

~~cc.—Names and location of adjoining streets and names of abutting property owners.~~

~~dd.—Legal description of property, boundary survey and the location of all existing streets, buildings, railroads, bulkhead lines, easements, and other important features on or adjoining the property.~~

~~ee.—The general topography and physical conditions of the site, including natural areas of vegetation and type, general soil types, wetland areas, 100-year floodplain areas, watercourses, water bodies, and natural drainage patterns.~~

~~ff.—Conceptual configuration of proposed streets, which depict access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic.~~

~~gg.—General feasibility plans for potable water, sewage disposal, and stormwater drainage.~~

~~hh.—Approximate location and area encompassed for each proposed land use within the development.~~

~~ii.—Approximate location and size of common open space.~~

~~jj.—Additional material, maps, studies, or reports deemed necessary by any reviewing department or agency.~~

~~d.—BPUD, IPUD or MPUD requirements—Application stage. An application for rezoning to BPUD, IPUD or MPUD, together with a PUD master development plan, development agreement, and all related fees set at the pre-application meeting, shall be submitted to the planning and development services department. If an applicant for rezoning desires concurrent review under the Land Development Code Ordinance No. 96-25 as it may be amended from time to time, the applicant shall so state at the time of application and shall submit any applications and additional information as required by those regulations. The master development plan shall include:~~

826 ~~1. —BPUD, IPUD, and MPUD plan exhibits. The master development plan shall be~~  
827 ~~drawn to an appropriate engineers scale to include the location and boundary of the~~  
828 ~~site referenced by the legal description and boundary survey; the date the plan was~~  
829 ~~drawn, its scale, and a north arrow; and the name, address and telephone number of~~  
830 ~~the developer and his professional project engineers, architects and planners. In~~  
831 ~~addition, the MDP shall include all of the following, if applicable:~~

832 ~~aa. —The approximate size and location of all proposed buildings and other structures,~~  
833 ~~the specified use of buildings and structures may be indicated, if known.~~

834 ~~bb. —Generalized off-street parking and loading plans, including circulation plans for~~  
835 ~~vehicular movement.~~

836 ~~cc. —Driveway and access controls, including number and approximate location of~~  
837 ~~driveways.~~

838 ~~dd. —Approximate location, size and description of open spaces, landscaped areas, or~~  
839 ~~buffers.~~

840 ~~ee. —Approximate location and size of all easements, rights-of-way, or drainage~~  
841 ~~facilities and structures.~~

842 ~~ff. —Approximate boundary lines and dimensions of parcels proposed to be~~  
843 ~~subdivided.~~

844 ~~gg. —The general topography and physical conditions of the site, including features~~  
845 ~~such as water bodies, wooded areas, wetland areas, vegetation types, soils, 100-year~~  
846 ~~floodplain areas, and steep grades or depressions on the site.~~

847 ~~hh. —General location of signs.~~

848 ~~ii. —Environmental considerations.~~

849 ~~jj. —Any other conditions of development, specifications, limitations, constraints,~~  
850 ~~standards or proposed physical features not specifically included in items a. through~~  
851 ~~h. above.~~

852 ~~(5) —Post approval stage.~~

853 ~~a. —Recording PUD plan. After city commission approval of the rezoning application~~  
854 ~~to PUD, the master development plan, and the written development agreement, both~~  
855 ~~signed by the mayor, and attested by the city clerk, shall be recorded in the public~~  
856 ~~records of Volusia County, Florida, by and at the expense of the applicant.~~

857 ~~b. —Subdivision and/or final site plan approval. After the MDP and development~~  
858 ~~agreement is recorded, a subdivision and/or final site plan applications shall be~~  
859 ~~prepared and submitted in the manner required by the Land Development Code.~~

860 ~~c. —Construction. During permitting and construction, the enforcement official shall~~  
861 ~~enforce compliance with the approved final site plan or the final plat.~~

862 ~~d. —Amendments. Minor amendments not altering the intent and purpose of the~~  
863 ~~approved master development plan or development agreement may be approved by~~

864 ~~the appropriate enforcement official after departmental review and comment.~~  
865 ~~Examples of minor amendments include de-minimis design-oriented changes to~~  
866 ~~landscaping, parking or building elevation. PUD amendments that are determined to~~  
867 ~~be major revisions to the MDP and/or DA will need to be reviewed and processed~~  
868 ~~under section 110-1101 of the Land Development Code. Major amendments can be~~  
869 ~~described as materially altering proposals that involve changes of uses,~~  
870 ~~density/intensity, reconfiguration of lots, etc.~~

871

872 (Ord. No. 06-2003, § 1, 11-3-2003; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 18-2013,  
873 § 1(Exh. A), 2-3-2014)

874

875

1 **Sec. 110-319. PUD, Planned Unit Development.**

2 (a) *Purpose and intent.* The purpose of the PUD Planned Unit Development is to offer an  
3 alternative to the residential, commercial and industrial districts of this Land Development  
4 Code. A PUD District may deviate from the definitive and precise requirements of  
5 established zoning districts if the particular areas to be developed can offer greater value  
6 to the community and can preserve the community's health, welfare and safety than if  
7 those same areas were to be developed as a single purpose zoning district. A PUD District  
8 may also be mixed-use so that it not only contains residential, commercial, office or  
9 industrial uses, but a combination of these uses.

10 The purpose of a Planned Unit Development is to:

- 11 1. Encourage flexibility in the development of land and in the design of structures.
- 12 2. Encourage planned diversification in the location of structures.
- 13 3. Encourage a creative approach to the use of land that results in better development and  
14 design than might otherwise be accomplished under the strict application of the Land  
15 Development Code.
- 16 4. Provide for the efficient use of land to facilitate a more effective arrangement of land  
17 uses, buildings, circulation systems and utilities.
- 18 5. Provide for more usable and suitably located open space and recreation areas than  
19 might otherwise be provided under the application of the Land Development Code.
- 20 6. Encourage the construction of appropriate aesthetic amenities which will enhance the  
21 character of the site.
- 22 7. Guarantee quality construction commensurate with other developments within the  
23 community, and compatible with the character of the surrounding area and adjoining  
24 properties.
- 25 8. Facilitate implementation of the Comprehensive Plan.
- 26 9. Provide for the development of unique land areas and sites that would not be possible  
27 under the strict application of this Land Development Code.
- 28 10. Encourage quality construction and design.

29 PUDs that were in existence prior to the effective date of this chapter [November 16, 1998]  
30 shall continue in accordance with their original approval and shall be deemed to be lawful  
31 conforming land uses. To the extent of any specific amendment to these PUDs, the amendment  
32 must comply with the requirements of this chapter. Terms previously used in said the approved  
33 PUDs may continue to be employed.

34 (b) *General Standards*

- 35 1. The PUD is under common ownership and/or unified control. If there are two (2) or  
36 more owners, the application for the PUD must be filed jointly by all such owners.

- 37 2. The minimum parcel size shall be five acres.
- 38 3. The rezoning authorizing the PUD may grant exceptions to the regulations contained in  
39 this Land Development Code including, but not limited to, use, density, area, bulk, off  
40 street parking and loading, landscaping and signs, as may be desirable to achieve the  
41 objectives of the proposed planned development, provided that such exception are  
42 fully consistent with and authorized by this Land Development Code.
- 43 4. PUD must be compatible with the purposes and intent of this Land Development Code  
44 and the City's Comprehensive Plan. A PUD must not substantially diminish the market  
45 value of surrounding properties, and it must not cause substantial impairment of the  
46 use of the properties.
- 47 5. The PUD must not adversely affect the natural environment of the community as a  
48 whole. Natural assets and features, such as existing trees and native vegetation, must  
49 be protected and preserved to the greatest extent practical.
- 50 6. Stormwater detention and retention areas not screened from view from any public  
51 right-of-way by a building or wall shall be screened by a hedge maintained at a four-  
52 feet height installed in a landscape area a minimum of four feet in width. In addition, a  
53 bald cypress tree of at least four caliper inches shall be planted within the stormwater  
54 area for each 50 linear feet of the stormwater area.
- 55 7. The PUD must be accessible to public streets that are adequate to carry the traffic that  
56 will be generated by the proposed development. The streets and driveways within the  
57 proposed development must be adequate to serve the uses within the development,
- 58 8. All proposed streets, alleys and driveways must be adequate to serve the residents,  
59 occupants, visitors or other anticipated traffic. The PUD may be, subject to City  
60 Commission approval, designed to discourage outside through traffic from traversing  
61 the development. Access points to public streets, and the location of private streets,  
62 alleys and driveways are subject to the approval of the City Commission.
- 63 9. The pedestrian circulation system and its related walkways must provide for separation  
64 of pedestrian and vehicular movement and for maximum pedestrian safety.
- 65 10. The construction and maintenance of all utilities, roadways, parking facilities and other  
66 site improvement must be in accordance with the requirements of this Land  
67 Development Code and other regulations of the City. All roadways and utilities within a  
68 PUD must be constructed to specifications established by the Land Development Code.  
69 All lift stations shall be elevated, equipped with a generator, and have sufficient space  
70 for fuel storage. An agreement for the completion of this work may be established by  
71 the City and the developer.
- 72 11. A Transportation Impact Analysis (TIA) report shall be required for any project that is  
73 anticipated to generate in excess of 1,000 trips per day, as defined by the current  
74 edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or if a  
75 PUD is located in an area that has traffic safety or congestion concerns. The contents of  
76 the TIA report shall, at a minimum, be consistent with a locally accept methodology,

77 12. Nothing in this section or this Code may be interpreted as negating the necessity of  
78 filing a plat as required by Article II. Subdivision Regulations of the Land Development  
79 Code.

80 13. The burden of justification for any PUD project is the exclusive responsibility of the  
81 applicant. The applicant is responsible for providing the information and data required  
82 in this section. In addition, as the PUD is intended to be an innovative approach, the  
83 applicant must provide any other data or information required by the Planning and  
84 Zoning Board or the City Commission to assist in decision-making.

85 (c) *Exceptions from District Regulations*

86 1. Permitted Bulk and Setback Regulation Exceptions.

87 Exceptions to the bulk and setback district regulations may be granted as part of PUD  
88 rezoning. A PUD is subject to the current district regulations, including any overlay  
89 districts and designated areas, unless such exception is granted. Exceptions from  
90 district regulations may be granted for a PUD with respect to district bulk regulations,  
91 required setbacks, off-street parking and loading, landscaping and screening, and signs  
92 of the City Commission finds that such exceptions:

- 93 a. Enhance the overall merit of the PUD.
- 94 b. Promote the objectives of both the City and the development.
- 95 c. Enhance the quality of the design of the structures and the site plan.
- 96 d. Enable the development to offer environmental and pedestrian amenities.
- 97 e. Will not cause such an adverse impact on neighboring properties so as to outweigh  
98 the benefits of the development.
- 99 f. Is compatible with Comprehensive Plan.
- 100 g. Provide a public benefit to the City as described in section (d) below

101 (d) *Public Benefits and Amenities*

102 A PUD must demonstrate a substantial benefit to the City as part of the rezoning approval. No  
103 rezoning to a PUD may be approved unless the Planning and Zoning Board and City Commission  
104 determine that a public benefit has been provided to the City as part of the PUD design. Design  
105 characteristics and amenities that would qualify for this determination include, but are not  
106 limited to, the following:

- 107 1. Landscaping, buffering or screening within or around the perimeter of the PUD over  
108 and above the minimum required by the Land Development Code.
- 109 2. Additional landscaping and screening of parking lots and structures over and above the  
110 minimum required by the Land Development Code.
- 111 3. Reduce use of impervious surface materials, including cluster development and use of  
112 semi-pervious materials such as grass-crete and pervious pavers.



- 113 4. Design characteristics including, but not limited to, mixed-use development, circulation  
114 systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented  
115 environment.
- 116 5. Community amenities including plazas, malls, formal gardens, places to congregate,  
117 outdoor seating, public art, and pedestrian and transit facilities.
- 118 6. Preservation of environmental features
- 119 7. Open space and recreational amenities that are available to the public such as:
- 120 a. Swimming pools
- 121 b. Tennis courts
- 122 c. Recreational open space accessory buildings
- 123 d. Jogging trails and fitness courses
- 124 e. Playgrounds
- 125 f. Natural water features, wetlands and conservation areas
- 126 g. Detention areas which are accessible to occupants or the public via nature  
127 trails, boardwalks, and/or perimeter walkways, but only if they are designed as  
128 natural water features and are landscaped with native vegetation
- 129 8. Additional public infrastructure improvements in addition to the minimum required by  
130 the PUD, such as new or repaved streets, installation of gutters and sewers, and traffic  
131 control devices to improve traffic flow.
- 132 (e) Planned Unit Development Regulations. The following regulations shall apply to all Planned  
133 Unit Developments (PUDs):
- 134 1. *Unified ownership.* All land within the PUD shall be under the ownership of one entity,  
135 either by deed, agreement for deed or contract for purchase. PUD applicants shall  
136 present either an opinion of title by an attorney licensed in Florida or a certification by  
137 an abstractor or a title company, authorized to do business in Florida, that, at the time  
138 of initial application, unified ownership of the entire area within the proposed PUD is in  
139 the name of the applicant, or contract seller. Unified ownership shall thereafter be  
140 maintained until after the recording of the development agreement and master  
141 development plan.
- 142 2. *Utility distribution lines.* All utility distribution lines within an RPUD and the residential  
143 portions of a MPUD shall be located underground, where possible. Aboveground utility  
144 connections may be permitted where there is hardship, as determined by the city  
145 engineer, and the permissibility shall be recorded in the development agreement.
- 146 3. Open space requirements. A minimum of 25 percent of the open space shall be  
147 designated as common open space. Common open space shall meet the following  
148 standards:
- 149 a. Its location, shape, size and character shall be illustrated on the PUD plan.

- 150 b. It shall be dedicated to and maintained by a HOA or POA. Maintenance  
151 guarantees shall be included in the Development Agreement.
- 152 c. Open space shall not include parking areas or driveways and shall be usable  
153 outdoor area for recreation and landscaping.
- 154 d. Required stormwater retention ponds, wetlands, and lakes that do not have  
155 recreation amenities shall not count towards open space requirements
- 156 4. Time limit. The construction of the Planned Unit Development shall be started within 2  
157 years of the effective date of approval of the plan by the Commission. Failure to begin  
158 the development within said 2 years shall automatically void the development and the  
159 land shall revert to the same zoning classification which existed immediately preceding  
160 the approval of the Planned Unit Development.
- 161 5. *Procedure for rezoning to PUD.*
- 162 a. *Pre-application stage.* A pre-application meeting shall be conducted before a  
163 PUD rezoning application can be accepted. After the pre-application meeting, a  
164 conceptual plan may be submitted for review and comment prior to filing the  
165 application for rezoning.
- 166 1. *Pre-application meeting.* The pre-application meeting is intended to provide  
167 for an informational exchange between the applicant and the  
168 administrative staff and will be arranged by the planning and development  
169 services department. No fee shall be charged. The applicant need not  
170 submit any plans or other information. However, the more information  
171 provided to staff for the proposed PUD will assist staff in providing  
172 guidance. At a minimum, the applicant will be advised of the PUD  
173 procedures and requirements, forms, application materials, guidelines,  
174 checklists, the comprehensive plan, zoning and other land development  
175 regulations. This information will be made available at a reasonable cost.
- 176 2. *Written development agreement (DA).* As part of the PUD plan, a written  
177 development agreement shall be prepared, following a general format  
178 supplied by the planning and development services department at the pre-  
179 application meeting. The DA, along with the PUD plan, shall govern the  
180 development of the PUD and shall regulate the future use of the land. The  
181 DA shall include any statements or information requested by any reviewing  
182 department or agency at the pre-application meeting, such as:
- 183 aa. Evidence of unified ownership and control.
- 184 bb. Statement agreeing to:
- 185 1) Proceed with the proposed development according to all  
186 regulations;
- 187 2) Provide appropriate performance and maintenance  
188 guarantees;

- 189 3) Follow all other provisions of this chapter to the extent not  
 190 expressly inconsistent with the written DA, and bind the  
 191 applicant's successors in title to his commitments.
- 192 cc. The acreage and percentage of the total land area devoted to  
 193 each of the proposed land uses.
- 194 dd. Maximum density for each type of dwelling.
- 195 ee. Maximum building heights.
- 196 ff. Minimum building spacing and floor areas.
- 197 gg. Lot sizes, yard areas and buffer areas, including perimeter buffers.
- 198 hh. Statement regarding the disposition of sewage and stormwater,  
 199 and arrangements for potable water.
- 200 ii. Statement regarding ingress/egress controls to the site.
- 201 jj. Statement regarding any road improvements to be made and the  
 202 thresholds for the traffic impact analysis.
- 203 kk. When the PUD is planned for phased development, a schedule of  
 204 the phases.
- 205 ll. The proposed language of any covenants, easements or other  
 206 restrictions.
- 207 mm. Environmental considerations.
- 208 nn. Any additional information or statements subsequently deemed  
 209 necessary by any reviewing department or agency.
- 210 b. *Master development plan (MDP)*. After the pre-application meeting, a MDP shall  
 211 be submitted to the planning and development services department. When  
 212 submitted, written comments on the MDP shall be made within twenty business  
 213 days by the planning and development services department and any other  
 214 departments. The planning and development services department shall  
 215 coordinate this review. A MDP shall indicate general land use categories and the  
 216 approximate height, location, architectural character and site intensities/density  
 217 of dwelling units, and other structures. The MDP shall show the proposed street  
 218 layout, approximate street widths, school sites, open space areas, parks, existing  
 219 structures, natural/conservation areas, floodplain areas (if applicable), total  
 220 acreage and the existing zoning. Finally, the MDP shall include a vicinity map, and  
 221 any other salient information deemed appropriate by the applicant.
- 222 c. *RPUD application stage*. A completed and signed application for rezoning to a RPUD, together  
 223 with a PUD master development plan, development agreement, and all related fees shall be submitted  
 224 to the planning and development services department. If a rezoning applicant desires concurrent review  
 225 under the Land Development Code, the applicant shall state it at the time of application and shall submit  
 226 any additional applications and information as required by those regulations.

227 The RPUD master development plan shall consist of an illustrative plan and a written  
228 development agreement. Those documents shall include the following information:

- 229 1. *RPUD plan exhibits*. The plan shall consist of the following:
- 230 aa. Name of project and name, address, telephone number of the  
231 developer and his professional project engineers, architects,  
232 planners, etc.
  - 233 bb. The date the plan was drawn, its scale, and a north arrow.
  - 234 cc. Names and location of adjoining streets and names of abutting  
235 property owners.
  - 236 dd. Legal description of property, boundary survey and the location of  
237 all existing streets, buildings, railroads, bulkhead lines, easements,  
238 and other important features on or adjoining the property.
  - 239 ee. The general topography and physical conditions of the site,  
240 including natural areas of vegetation and type, general soil types,  
241 wetland areas, 100-year floodplain areas, watercourses, water  
242 bodies, and natural drainage patterns.
  - 243 ff. Conceptual configuration of proposed streets, which depict access  
244 into and traffic flow within the development, with particular  
245 reference to the separation of vehicular traffic from pedestrian or  
246 other types of traffic.
  - 247 gg. General feasibility plans for potable water, sewage disposal, and  
248 stormwater drainage.
  - 249 hh. Approximate location and area encompassed for each proposed  
250 land use within the development.
  - 251 ii. Approximate location and size of common open space.
  - 252 jj. Additional material, maps, studies, or reports deemed necessary  
253 by any reviewing department or agency.
- 254 d. *CPUD, IPUD or MPUD requirements—Application stage*. An application for  
255 rezoning to CPUD, IPUD or MPUD, together with a PUD master development  
256 plan, development agreement, and all related fees set at the pre-application  
257 meeting, shall be submitted to the planning and development services  
258 department. If an applicant for rezoning desires concurrent review under the  
259 Land Development Code Ordinance No. 96-25 as it may be amended from time  
260 to time, the applicant shall so state at the time of application and shall submit  
261 any applications and additional information as required by those regulations. The  
262 master development plan shall include:
- 263 1. *CPUD, IPUD, and MPUD plan exhibits*. The master development plan shall  
264 be drawn to an appropriate engineer’s scale to include the location and

265 boundary of the site referenced by the legal description and boundary  
266 survey; the date the plan was drawn, its scale, and a north arrow; and the  
267 name, address and telephone number of the developer and his professional  
268 project engineers, architects and planners. In addition, the MDP shall  
269 include all of the following, if applicable:

- 270           aa. The approximate size and location of all proposed buildings and  
271           other structures, the specified use of buildings and structures may  
272           be indicated, if known.
- 273           bb. Generalized off-street parking and loading plans, including  
274           circulation plans for vehicular movement.
- 275           cc. Driveway and access controls, including number and approximate  
276           location of driveways.
- 277           dd. Approximate location, size and description of open spaces,  
278           landscaped areas, or buffers.
- 279           ee. Approximate location and size of all easements, rights-of-way, or  
280           drainage facilities and structures.
- 281           ff. Approximate boundary lines and dimensions of parcels proposed  
282           to be subdivided.
- 283           gg. The general topography and physical conditions of the site,  
284           including features such as water bodies, wooded areas, wetland  
285           areas, vegetation types, soils, 100-year floodplain areas, and steep  
286           grades or depressions on the site.
- 287           hh. General location of signs.
- 288           ii. Environmental considerations.
- 289           jj. Any other conditions of development, specifications, limitations,  
290           constraints, standards or proposed physical features not  
291           specifically included in items a. through h. above.

292 (5) *Post-approval stage.*

- 293           a. *Recording PUD plan.* After city commission approval of the rezoning application  
294           to PUD, the master development plan, and the written development agreement,  
295           both signed by the mayor, and attested by the city clerk, shall be recorded in the  
296           public records of Volusia County, Florida, by and at the expense of the applicant.
- 297           b. *Subdivision and/or final site plan approval.* After the MDP and development  
298           agreement is recorded, a subdivision and/or final site plan applications shall be  
299           prepared and submitted in the manner required by the Land Development Code.
- 300           c. *Construction.* During permitting and construction, the enforcement official shall  
301           enforce compliance with the approved final site plan or the final plat.

302 d. *Amendments.* Minor amendments not altering the intent and purpose of the  
303 approved master development plan or development agreement may be  
304 approved by the appropriate enforcement official after departmental review and  
305 comment. Examples of minor amendments include de-minimis design oriented  
306 changes to landscaping, parking or building elevation. PUD amendments that are  
307 determined to be major revisions to the MDP and/or DA will need to be  
308 reviewed and processed under section 110-1101 of the Land Development Code.  
309 Major amendments can be described as materially altering proposals that  
310 involve changes of uses, density/intensity, reconfiguration of lots, etc.

311 The PUD classification has been divided into four sub-classifications for land uses of residential,  
312 commercial, industrial and mixed use.

313 (f) *Commercial Planned Unit Development.* It is the intent of these regulations to provide for  
314 the development of business, office and commercial establishments in appropriate  
315 locations, in conformance with the goals, objectives and policies of the Comprehensive  
316 Plan and the standards set forth herein. CPUDs may provide a range of office facilities and  
317 services appropriate to the general need of the area served.

318 (g) *Industrial Planned Unit Development.* It is the intent of these regulations to encourage  
319 complimentary groupings of manufacturing, processing, assembly, research, distribution,  
320 office and associated uses, on sites with adequate frontage and depth, adjacent to major  
321 streets, or streets serving industrial areas.

322 (h) *Mixed Use Planned Unit Development.* It is the intent of these regulations to encourage a  
323 compatible mix of uses, rather than a separation of uses, in accordance with the  
324 Comprehensive Plan. MUPUD are defined for purposes of these regulations as planned  
325 development districts for the establishment of complimentary groupings of residential,  
326 commercial, office, industrial, or other uses. Residential uses shall be at a proposed density  
327 that is complementary to the non-residential development and shall be incorporated into  
328 the project, so that development of the residential component of the master development  
329 program is achieved. MPUD's shall ensure that commercial development is completed  
330 either before or concurrently with any residential development. The certificate of  
331 occupancy for the commercial property shall be issued prior to the residential property.

332 (i) *Residential Planned Unit Development.* It is the intent of these regulations to provide for  
333 residential development areas adequately served, or which can be served, by necessary  
334 utilities and services, in locations that are compatible with adjacent and surrounding land  
335 uses, in accordance with the goals, objectives and policies of the Comprehensive Plan and  
336 standards set forth herein.

337 (j) **Residential Planned unit development regulations. The following regulations apply to all**  
338 **Residential Planned Unit Developments (PUDs):**

339 (1) Architectural Features

340 a. The following features  
341 shall be required:

342 i. Window and  
343 door  
344 fenestrations  
345 on all sides of  
346 structures  
347 located along the  
348 perimeter of the  
349 development or  
350 facing a right of way.  
351 See **Figure 1 and 2.**



352 ii. Contrasting color  
353 schemes used to  
354 create visual depth  
355 around windows,  
356 doors and building corners. See **Figure 3 and 4.**



357 iii. A minimum of 1 principal window treatment on every elevation (front,  
358 side or rear) that faces any right-of-way (public or private) or open space  
359 area that may include, but is not limited to: pop-outs, decorative wrought  
360 iron, wood trim, shutters, plant shelves, and other features or  
361 embellishments to vary and soften the visual exteriors. See **Figure 5 and**  
362 **6.**



363 iv. All outdoor mechanical equipment, such as heating, air conditioning  
364 ventilation systems, propane gas tanks, pool equipment and other similar  
365 appurtenances shall be located in rear yards on lots with lots less than 7.5  
366 on side yard. They shall not be adjacent to the right-of-way whenever  
367 possible; if such appurtenances are visible from the right-of-way they  
368 shall be visually screened.

369 b. In addition to the require features in 1.a above, a minimum of 3 of the following  
370 design features shall also be required:



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i. Enhanced corners (pop-outs, embellishments, varying textures etc.) See **Figure 7**.



ii. Deep recessed garages. See **Figure 8 and 9**.



iii. Low roof (first story roofs on multi-level structures). See **Figure 10 and 11**.



iv. Second story of structure stacked at a greater setback than the first floor to facilitate a first-floor feature, especially located immediately above the garage. See **Figure 12**.



v. Offset garage doors. See **Figure 13 and 14**.





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- vi. Extended roof overhangs. See **Figure 15**.
- vii. Enhanced window fenestrations on all front elevations and all second story windows facing a right of way or open space area shall use principal window treatments. See **Figure 16**.
- viii. Covered Patio, and/or Balcony option. See **Figure 17 and 18**.



(2) Streetscapes

- a. Sidewalks meeting City standards shall be installed on both sides of the right-of-way.
- b. A minimum of 2 pedestrian connections to nodes such as trail system, public facilities, transit stops, or a public street network to promote connectivity.
- c. Lighting shall be required along property line along any open underdeveloped right-of-way leading up to entry of subdivision.
- d. Decorative Street Lighting – Street and site lighting shall be decorative and blend with the architectural style of the development. Sufficient lighting shall be provided consistent throughout the PUD minimizing adverse impacts such as glare and overheard sky glow.
- e. All trees planted near sidewalks shall be planted with deep root barriers to prevent cracked pavements and/or sidewalks; planting trees with tap roots rather than fibrous roots will help eliminate cracking. Trees shall comply with Table 110-7 Approved Plant Species List.

(3) Perimeter Landscaping. Landscaping shall comply with Section 110-808. In addition, a masonry wall, a minimum 4 feet in width, shall be constructed along a subdivision perimeter unless otherwise negotiated.

(4) Tree Protection. It is prohibited and unlawful to remove or in any way damage any protected tree without first obtaining an arbor permit from the City.

- a. A Historic Tree is any tree of any size or protected species that has been designated by the City Commission as one of notable historical interest and value to the City because of its location or historical association with the community.

- 435 b. A Specimen Tree is any tree of any protected species with a diameter of 36" or  
436 greater. The applicant for a permit to remove a specimen tree shall provide  
437 findings to the Administrative Official that the tree is a hazard or that is not  
438 economically practically feasible to develop the subject parcel without removing  
439 the tree.
- 440 c. The PUD design must attempt to preserve specimen and historic trees.
- 441 d. No permit for the removal of a protected tree shall be granted unless the  
442 developer demonstrates one or more of the following conditions.
- 443 i. A permissible use of the site cannot reasonably be undertaken unless  
444 specific trees are removed or relocated.
- 445 ii. The tree is located in such proximity to an existing or proposed structure  
446 that the safety, utility or structural integrity of the structure is materially  
447 impaired.
- 448 iii. The tree materially interferes with the location, servicing or functioning  
449 of existing utility lines or services.
- 450 iv. The tree creates a substantial hazard to motor, bicycle or pedestrian  
451 traffic by virtue of physical proximity to traffic or impairment of vision.
- 452 v. The tree is diseased, insect ridden, or weakened by age, abuse, storm or  
453 fire and is likely to cause injury or damage to people, buildings or other  
454 improvements.
- 455 e. Removed protected trees shall be replaced at a 3:1 ratio with Florida  
456 Department of Agriculture Nursery Grade No. 1 or better at the expense of the  
457 developer.

458 (5) Detention and Retention Ponds. The following landscaping is required:

- 459 a. A decorative and functional fountain shall be installed in all wet retention ponds  
460 as part of development approval which approval shall provide for ongoing  
461 maintenance requirements and responsibilities upon the appropriate party, but  
462 not the City.
- 463 b. Pond configuration shall be incorporated into the natural topography of the site.  
464 When not practical, the pond shall be shaped to emulate a natural formed "free  
465 form" depression and shall be part of the natural landscape and recreation open  
466 system of the PUD.
- 467 c. Plantings shall replicate a natural environment Trees and shrubs shall be  
468 clustered around the basin and contain a variety of plant material.
- 469 d. Trees and shrubs shall be planted in a natural pattern and are not limited to  
470 strict placement along the edge of the pond. Trees and shrubs planted below the  
471 water line of the pond must be tolerant of wet or moist soil conditions.

- 472 e. Plantings shall be provided as determined by staff review and City Commission  
473 approval.
- 474 (6) Passive and Active Space Requirements. For higher density and smaller residential lots,  
475 passive and active space requirements shall be provided based on the following lot  
476 sizes:
- 477 a. Common, usable passive and active open space shall be provided per each  
478 residential unit based on the following lot sizes:
- 479 i. Lots 5,000 square feet or greater – 200 square feet per lot.  
480 ii. Lots 4,000 to 4,999 square feet – 400 square feet per lot.  
481 iii. Lots 3,999 or less square feet – 600 square feet per lot.
- 482 b. Passive and active space shall not include improvements required by code  
483 including but not limited to the following: require street landscaping, drives or  
484 driveways, streets and sidewalks, parking lots, retention ponds, canals, ditches  
485 and drains, and utility or service areas. Buffer and entrance landscaping shall not  
486 be included in the open space calculation.
- 487 c. Types of passive and active space. Recreation common open space must provide  
488 active recreation open space areas designed for recreation i.e. (picnic area,  
489 children’s play areas, etc.), but may additionally include passive open spaces.  
490 Recreation common open spaces may be comprised of one or more of the  
491 following and shall be accessible to all of the residential units it serves:
- 492 i. Courtyard  
493 ii. Dog Park  
494 iii. Nature Trails  
495 iv. Tot lots  
496 v. Large lawn area, pocket parks; mews  
497 vi. Playground  
498 vii. Tennis court/Pickle ball  
499 viii. Basketball court  
500 ix. Swimming pool  
501 x. Splash pad  
502 xi. Similar outdoor recreation facilities as approved by the City Commission
- 503 d. Greenways, courtyards and open space shall have a minimum 40 feet average  
504 width, with a minimum 20 feet dimension.
- 505 e. A pedestrian pathway wall, a minimum 5 feet in width, shall be provided within  
506 the common open space.

- 507 f. Open Space shall be recorded as separate tracts owned and maintained by a  
508 Homeowners Association created in accordance with controlling law.
- 509 g. Alternative amenities may be considered in lieu of the required minimum lot size  
510 calculations if determined to enhance the overall design and quality of the  
511 development.

512 (k) **Commercial Planned Unit Development Regulations. The following regulations shall**  
513 **apply to all Commercial Planned Unit Developments (CPUDs):**

- 514 1. All CPUDS shall at a minimum have two principal buildings or two principal uses on site  
515 to qualify as a PUD.
- 516 2. Uses permitted in CPUDS as per Table XX.
- 517 3. Floor area ratio calculations and ground coverage shall be provided to determine scale,  
518 density and impact of the project
- 519 4. When abutting any residential land use or zoning district, the PUD should provide for  
520 landscape buffers along the entire common boundary with the residential land use or  
521 zoning district. The visual screen should be of sufficient width and elevation so as to  
522 afford an effective visual barrier and transition between land uses.
- 523 5. Within the CPUD, pedestrian movement and safety shall be given priority. Internal  
524 roadways shall be “pedestrian friendly” including the use of pavers, wide sidewalks,  
525 narrow vehicular lanes and parallel or angled parking. Major parking areas shall be  
526 located to encourage walking and discourage internal vehicle trips among the various  
527 buildings and uses.
- 528 6. No parking shall be permitted in the front yard of any structure constructed on an  
529 individual lot unless such parking area is landscaped with trees, shrubs and grass island  
530 to prevent the appearance of open parking lots.
- 531 7. Lighting shall be designed and located so as to prevent glare onto adjacent properties  
532 or nearby roadways and yet afford a well-lighted site.
- 533 8. Street frontage shall be landscaped except for curb openings.
- 534 9. Truck loading/unloading areas shall be screened by architectural and/or landscape  
535 elements consistent with the design of the structure.
- 536 10. Architectural style is important and shall follow Architectural Design Guidelines.
- 537 a. A consistent architectural them including, but not limited to, scale, colors,  
538 textures and materials shall be required.
- 539 b. Setbacks within the project shall be determined at the time or project review to  
540 encourage an urban pedestrian scale.
- 541 c. Setbacks to adjacent properties shall be the larger of the existing underlying  
542 zoning district or the adjacent district, whichever is larger.

- 543 d. Outdoor uses and public places shall be designed to connect various buildings  
544 and promote pedestrian activity. Active use of the public spaces is desired to  
545 encourage increasing average length of stay within the project area.
- 546 e. First floor facades shall be “active” to encourage pedestrian traffic throughout  
547 the project area.
- 548 f. Signage shall be at a scale and aesthetic design appropriate to the size and type  
549 of project.
- 550 g. Streetscape design shall compliment and be consistent with the project’s  
551 architectural theme.
- 552 11. A maintenance plan for all common areas including but not limited to, parking,  
553 sidewalks, public plazas, building facades and programming shall be required as part of  
554 the approval of the project.
- 555 (k) ***Industrial Planned Unit Development Regulations. The following regulations shall***  
556 ***apply to all Industrial Planned Unit Developments (IPUDs):***
- 557 1. An IPUD shall be designed and organized to encourage a combination of multiple  
558 industrial uses, compatible uses or tenants that complement each other.
- 559 2. Uses permitted in IPUDS as per Table XX.
- 560 3. All IPUDs shall at a minimum have two principal buildings or two principal uses on site  
561 to qualify as a PUD.
- 562 4. Design guidelines shall be required establishing development standards for the  
563 proposed development, including illustrations of proposed architectural, urban design,  
564 streetscape, and landscape concepts, thematic design elements such as architectural  
565 materials, building colors and landscape plans, any proposed variation from the design  
566 standards or guidelines contained in this section.
- 567 a. Floor area ratio calculations and ground coverage shall be provided to  
568 determine scale, density and impact of the project.
- 569 b. A description of the allowable uses.
- 570 c. An accessibility plan showing means of ingress and egress to adjacent  
571 thoroughfares.
- 572 d. Setbacks and buffer yards for the project shall be determined at the time of  
573 project review to ensure compatibility with and protection of adjacent uses.
- 574 e. A uniform sign plan for the development shall be included in the design  
575 guidelines. Signage shall be at a scale and design appropriate to the size and  
576 type of project.
- 577 f. A consistent architectural theme including, but not limited to, scale, colors,  
578 textures and materials shall be required. Streetscape designs shall compliment  
579 and be consistent with the project’s architectural theme.

- 580 g. A plan or design for the screening of outdoor uses.
- 581 h. A maintenance plan for all common areas including but not limited to, parking,
- 582 sidewalks, public plazas, building facades and programming shall be required as
- 583 part of the approval of the project.
- 584 5. No building or structure, or part thereof, shall be erected or used, in whole or in part,
- 585 in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining
- 586 properties, as it relates to sound, vibrations, odors, glare, material, smoke and
- 587 particular matters.
- 588 6. When abutting any residential land use or zoning district, the PUD should provide for
- 589 landscape buffers along the entire common boundary with the residential land use or
- 590 zoning district. The visual screen should be of sufficient width and elevation so as to
- 591 afford an effective visual barrier and transition between land uses.
- 592 7. Street frontage shall be landscaped except for curb openings.
- 593 8. Truck loading/unloading areas shall be screened by architectural and/or landscape
- 594 elements consistent with the design of the structure.

595 (l) **Mixed-Use Planned Unit Development Regulations. The following regulations shall**  
 596 **apply to all Mixed-Use Planned Unit Developments (MUPUDs):**

- 597 1. Uses in a Mixed-Use Planned Unit Development shall consist of two (2) or more uses.
- 598 2. The vertical mixing of residential uses with nonresidential uses within a
- 599 single project or building, with residential development is required.
- 600 The horizontal mixing of stand-alone residential developments and
- 601 adjacent stand along nonresidential may be provided by the City
- 602 Commission, provided the development are well integrated in terms of
- 603 complementary uses, access and circulation and compatible design. See **Figure 19 and 20.**
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- 610 3. Stand-alone uses within a mixed-use project shall be integrated with an overall project
- 611 design and connected to other adjoining uses by plazas, promenades, and landscape
- 612 corridors.
- 613
- 614
- 615 4. Additional or stand-alone auto oriented uses (i.e. gasoline filling stations, automotive
- 616 repair and servicing, automotive sales, care washes, self-storage facilities, large retail
- 617
- 618



619 establishments, uses with drive through service) are prohibited.

620 5. A mixed-used project shall include a minimum amount of commercial building areas as  
621 follows:

Overall Project Size	Minimum Commercial Building Area Required
5 to 7.5 Acres	9,500 square feet
7.5 to 10 Acres	12,000 square feet
10 to 15 Acres	20,000 square feet
15 to 20 Acres	30,000 square feet
20+ Acres	40,000 square feet plus 1,000 sf/acres for projects larger than 20 acres

622 6. Within the MPUD, pedestrian movement and safety shall be given priority. Internal  
623 roadways shall be “pedestrian friendly” including the use of pavers, wide sidewalks,  
624 narrow vehicular lanes and parallel parking. Major parking areas shall be located to  
625 encourage walking and discourage internal vehicle trips among the various buildings  
626 and uses.

627 7. Parking garages, loading docks, and service areas shall be directly accessible from  
628 major roadways and appropriately screened to promote a pedestrian scale and safety.

629 8. Architectural requirements

630 a. A consistent architectural theme including, but not limited to, scale, colors,  
631 textures and materials shall be required.

632 b. Setbacks within the project shall be determined at the time of project review to  
633 encourage an urban pedestrian scale.

634 c. Setbacks to adjacent properties shall be the larger of the existing underlying  
635 zoning district or the adjacent district, whichever is larger. The design of the  
636 project shall be required to consistent with adjacent uses and structures.

637 d. Outdoor uses and public places shall be designed to connect various buildings  
638 and promote pedestrian activity. Active use of the public spaces is desired to  
639 encourage increasing average length of stay within the project area.

640 e. First floor facades shall be “active” to encourage pedestrian traffic throughout  
641 the project area.

642 f. Signage shall be at a scale and aesthetic design appropriate to the size and type  
643 of project.

644 g. Streetscape design shall compliment and be consistent with the project’s  
645 architectural theme.



646 9. A maintenance plan for all common areas including but not limited to, parking,  
647 sidewalks, public plazas, building facades and programming shall be required as part of  
648 the approval of the project.

649

650 (Ord. No. 06-2003, § 1, 11-3-2003; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 18-2013,  
651 § 1(Exh. A), 2-3-2014)