

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.

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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*

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- 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. The PUD must be accessible to public streets that are adequate to carry the traffic that
60 will be generated by the proposed development. The streets and driveways within the
61 proposed development must be adequate to serve the uses within the development,
- 62 7. All proposed streets, alleys and driveways must be adequate to serve the residents,
63 occupants, visitors or other anticipated traffic. The PUD may be, subject to City
64 Commission approval, designed to discourage outside through traffic from traversing
65 the development. Access points to public streets, and the location of private streets,
66 alleys and driveways are subject to the approval of the City Commission.
- 67 8. The pedestrian circulation system and its related walkways must provide for separation
68 of pedestrian and vehicular movement and for maximum pedestrian safety.
- 69 9. The construction and maintenance of all utilities, roadways, parking facilities and other
70 site improvement must be in accordance with the requirements of this Land
71 Development Code and other regulations of the City. All roadways and utilities within a
72 PUD must be constructed to specifications established by the Land Development Code.
73 An agreement for the completion of this work may be established by the City and the
74 developer.
- 75 10. A Transportation Impact Analysis (TIA) report shall be required for any project that is
76 anticipated to generate in excess of 1,000 trips per day, as defined by the current

77 edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or if a
78 PUD is located in an area that has traffic safety or congestion concerns. The contents of
79 the TIA report shall, at a minimum, be consistent with a locally accept methodology,

80 11. Nothing in this section or this Code may be interpreted as negating the necessity of
81 filing a plat as required by Article II. Subdivision Regulations of the Land Development
82 Code.

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

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88 (c) Exceptions from District Regulations

89 1. Permitted Bulk and Setback Regulation Exceptions.

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

96 a. Enhance the overall merit of the PUD.

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

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

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

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

102 f. Is compatible with Comprehensive Plan.

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

104 (d) Public Benefits and Amenities

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

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110 1. Landscaping, buffering or screening within or around the perimeter of the PUD over
111 and above the minimum required by the Land Development Code.

112 2. Additional landscaping and screening of parking lots and structures over and above the
113 minimum required by the Land Development Code.

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

149 3. Open space requirements. A minimum of 25 percent of the open space shall be
150 designated as common open space. Common open space shall meet the following
151 standards:

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

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

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

157 d. Required stormwater retention and lakes that do not have recreation amenities
158 shall not count towards open space requirements

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

164 5. Procedure for rezoning to PUD.

165 a. Pre-application stage. A pre-application meeting shall be conducted before a
166 PUD rezoning application can be accepted. After the pre-application meeting, a
167 conceptual plan may be submitted for review and comment prior to filing the
168 application for rezoning.

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

179 2. Written development agreement (DA). As part of the PUD plan, a written
180 development agreement shall be prepared, following a general format
181 supplied by the planning and development services department at the pre-
182 application meeting. The DA, along with the PUD plan, shall govern the
183 development of the PUD and shall regulate the future use of the land. The
184 DA shall include any statements or information requested by any reviewing
185 department or agency at the pre-application meeting, such as:

186 aa. Evidence of unified ownership and control.

187 bb. Statement agreeing to:

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

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

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

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

235 aa. Name of project and name, address, telephone number of the
236 developer and his professional project engineers, architects,
237 planners, etc.

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

239 cc. Names and location of adjoining streets and names of abutting
240 property owners.

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

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

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

252 gg. General feasibility plans for potable water, sewage disposal, and
253 stormwater drainage.

254 hh. Approximate location and area encompassed for each proposed
255 land use within the development.

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

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

259 d. *CPUD, IPUD or MPUD requirements—Application stage.* An application for
260 rezoning to CPUD, IPUD or MPUD, together with a PUD master development
261 plan, development agreement, and all related fees set at the pre-application
262 meeting, shall be submitted to the planning and development services

263 department. If an applicant for rezoning desires concurrent review under the
264 Land Development Code Ordinance No. 96-25 as it may be amended from time
265 to time, the applicant shall so state at the time of application and shall submit
266 any applications and additional information as required by those regulations. The
267 master development plan shall include:

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

275 aa. The approximate size and location of all proposed buildings and
276 other structures, the specified use of buildings and structures may
277 be indicated, if known.

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

280 cc. Driveway and access controls, including number and approximate
281 location of driveways.

282 dd. Approximate location, size and description of open spaces,
283 landscaped areas, or buffers.

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

286 ff. Approximate boundary lines and dimensions of parcels proposed
287 to be subdivided.

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

292 hh. General location of signs.

293 ii. Environmental considerations.

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

297 (5) Post-approval stage.

298 a. Recording PUD plan. After city commission approval of the rezoning application
299 to PUD, the master development plan, and the written development agreement,

300 both signed by the mayor, and attested by the city clerk, shall be recorded in the
301 public records of Volusia County, Florida, by and at the expense of the applicant.

302 b. *Subdivision and/or final site plan approval.* After the MDP and development
303 agreement is recorded, a subdivision and/or final site plan applications shall be
304 prepared and submitted in the manner required by the Land Development Code.

305 c. *Construction.* During permitting and construction, the enforcement official shall
306 enforce compliance with the approved final site plan or the final plat.

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

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

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

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

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327 (h) *Mixed Use Planned Unit Development.* It is the intent of these regulations to encourage a
328 compatible mix of uses, rather than a separation of uses, in accordance with the
329 Comprehensive Plan. MUPUD are defined for purposes of these regulations as planned
330 development districts for the establishment of complimentary groupings of residential,
331 commercial, office, industrial, or other uses. Residential uses shall be at a proposed density
332 that is complementary to the non-residential development and shall be incorporated into
333 the project, so that development of the residential component of the master development
334 program is achieved.

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

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

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

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

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

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

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

368 ~~(c) *Dimensional requirements.*~~

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

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

375 ~~(e) *Intensity/density.* The floor area ratio (FAR) or total number of dwelling units per acre of~~
376 ~~land shall be calculated and described in the development agreement, and shall not~~
377 ~~exceed the range permitted by the underlying future land use category of the adopted~~
378 ~~comprehensive plan. A comprehensive plan amendment may be needed prior to the~~
379 ~~proposed PUD zoning action.~~

380 (f) ~~Landscape buffer requirements.~~ A landscape buffer area meeting or exceeding the
381 minimum requirements of section 110-808 shall be constructed. Due to the fact that the
382 PUD process is undertaken as a uniform master development program, a landscape plan is
383 required that shows the proposed perimeter buffer yard widths, level of opacity for
384 screening from adjacent land uses, internal landscape buffers between parcels and within
385 parcels, foundation landscaping, entryway and common area landscaping, and proposed
386 plant material. The proposed landscape plan shall meet or exceed standards established in
387 section 110-808 of this Code.

388 (g) ~~Off-street parking and loading requirements.~~ Off-street parking and loading areas shall
389 meet the requirements of section 110-828 of this Code. No waivers or modifications of the
390 minimum required number of off street parking and loading spaces shall be permitted in
391 the development agreement for PUDs.

392 (h) ~~Transportation impact analysis report—Purpose.~~ A transportation impact analysis report is
393 designed to identify the transportation impacts and problems, which are likely to be
394 generated by a proposed use, because of size, density, traffic, generation rates, or
395 location. The report will also identify all improvements required to ensure safe ingress and
396 egress from a proposed development, maintenance of adequate street capacity, and
397 elimination of hazardous conditions and improvements necessary for immediately
398 surrounding roadways and intersections, as a result of the property development.

399 (i) ~~Thresholds for traffic impact and analysis report.~~ A transportation impact analysis (TIA)
400 report shall be required for any project that is anticipated to generate in excess of 1,000
401 trips per day, as defined by the current edition of the Institute of Transportation Engineers
402 (ITE) Trip Generation Manual or if a PUD is located in an area that has traffic safety or
403 congestion concerns. The contents of the transportation impact analysis report shall, at a
404 minimum, be consistent with a locally accepted methodologies.

405 (j) ~~Types of signs permitted.~~ Signs are permitted in accordance with the requirements of
406 chapter 102, Code of Ordinances, as it may be amended from time to time. No variances or
407 waivers of Deltona Sign Code requirements shall be authorized.

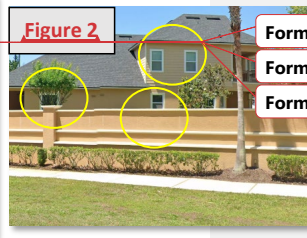
408 (jk) **Residential Planned unit development regulations. The following regulations apply to all**
409 **Residential ~~planned~~ Planned ~~unit~~ Unit ~~developments~~ Developments (PUDs):**

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410 (1) Architectural Features

411 a. The following features
412 shall be required:

413 i. Window and door
414 fenestrations on
415 all sides of
416 structures located
417 along the



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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 following design features shall also be required:

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



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(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 al 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.
 - b. A Specimen Tree is any tree of any protected species with a diameter of 36" or greater. The applicant for a permit to remove a specimen tree shall provide findings to the Administrative Official that the tree is a hazard or that is not economically practically feasible to develop the subject parcel without removing the tree.
 - c. The PUD design must attempt to preserve specimen and historic trees.
 - d. No permit for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions.
 - i. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.



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Commented [ZG3]: Does the City have a tree guide or tree policy we should refer to in regards to preferred species?

510 ii. The tree is located in such proximity to an existing or proposed structure
511 that the safety, utility or structural integrity of the structure is materially
512 impaired.

513 iii. The tree materially interferes with the location, servicing or functioning
514 of existing utility lines or services.

515 iv. The tree creates a substantial hazard to motor, bicycle or pedestrian
516 traffic by virtue of physical proximity to traffic or impairment of vision.

517 v. The tree is diseased, insect ridden, or weakened by age, abuse, storm or
518 fire and is likely to cause injury or damage to people, buildings or other
519 improvements.

520 e. Removed protected trees shall be replaced at a 3:1 ratio with Florida
521 Department of Agriculture Nursery Grade No. 1 or better at the expense of the
522 developer.

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

524 a. A decorative and functional fountain shall be installed in all wet retention ponds
525 as part of development approval which approval shall provide for ongoing
526 maintenance requirements and responsibilities upon the appropriate party, but
527 not the City.

528 b. Pond configuration shall be incorporated into the natural topography of the site.
529 When not practical, the pond shall be shaped to emulate a natural formed “free
530 form” depression and shall be part of the natural landscape and recreation open
531 system of the PUD.

532 c. Plantings shall replicate a natural environment Trees and shrubs shall be
533 clustered around the basin and contain a variety of plant material.

534 d. Trees and shrubs shall be planted in a natural pattern and are not limited to
535 strict placement along the edge of the pond. Trees and shrubs planted below the
536 water line of the pond must be tolerant of wet or moist soil conditions.

537 e. Plantings shall be provided as determined by staff review and City Commission
538 approval.

539 (6) Passive and Active Space Requirements. For higher density and smaller residential lots,
540 passive and active space requirements shall be provided based on the following lot
541 sizes:

542 a. Common, usable passive and active open space shall be provided per each
543 residential unit based on the following lot sizes:

544 i. Lots 5,000 square feet or greater – 200 square feet per lot.

545 ii. Lots 4,000 to 4,999 square feet – 400 square feet per lot.

546 iii. Lots 3,999 or less square feet – 600 square feet per lot.

547 b. Passive and active space shall not include improvements required by code
548 including but not limited to the following: require street landscaping, drives or
549 driveways, streets and sidewalks, parking lots, retention ponds, canals, ditches
550 and drains, and utility or service areas. Buffer and entrance landscaping shall not
551 be included in the open space calculation.

552 c. Types of passive and active space. Recreation common open space must provide
553 active recreation open space areas designed for recreation i.e. (picnic area,
554 children’s play areas, etc.), but may additionally include passive open spaces.
555 Recreation common open spaces may be comprised of one or more of the
556 following and shall be accessible to all of the residential units it serves:

- 557 i. Courtyard
- 558 ii. Dog Park
- 559 iii. Nature Trails
- 560 iv. Tot lots
- 561 v. Large lawn area, pocket parks; mews
- 562 vi. Playground
- 563 vii. Tennis court/Pickle ball
- 564 viii. Basketball court
- 565 ix. Swimming pool
- 566 x. Splash pad
- 567 xi. Similar outdoor recreation facilities as approved by the City Commission

568 d. Greenways, courtyards and open space shall have a minimum 40 feet average
569 width, with a minimum 20 feet dimension.

570 e. A pedestrian pathway wall, a minimum 5 feet in width, shall be provided within
571 the common open space.

572 f. Open Space shall be recorded as separate tracts owned and maintained by a
573 Homeowners Association created in accordance with controlling law.

574 g. Alternative amenities may be considered in lieu of the required minimum lot size
575 calculations if determined to enhance the overall design and quality of the
576 development.

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

579 1. All CPUDS shall at a minimum have two principal buildings or two principal uses on site
580 to qualify as a PUD.

581 2. Uses permitted in CPUDS as per Permitted Use Table.

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

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- 620 (k) Industrial Planned Unit Development Regulations. The following regulations shall
621 apply to all Industrial Planned Unit Developments (IPUDs):
- 622 1. An IPUD shall be designed and organized to encourage a combination of multiple
623 industrial uses, compatible uses or tenants that complement each other.
 - 624 2. Uses permitted in IPUDs as per Permitted Use Table.
 - 625 3. All IPUDs shall at a minimum have two principal buildings or two principal uses on site
626 to qualify as a PUD.
 - 627 4. Design guidelines shall be required establishing development standards for the
628 proposed development, including illustrations of proposed architectural, urban design,
629 streetscape, and landscape concepts, thematic design elements such as architectural
630 materials, building colors and landscape plans, any proposed variation from the design
631 standards or guidelines contained in this section.
 - 632 a. Floor area ratio calculations and ground coverage shall be provided to
633 determine scale, density and impact of the project.
 - 634 b. A description of the allowable uses.
 - 635 c. An accessibility plan showing means of ingress and egress to adjacent
636 thoroughfares.
 - 637 d. Setbacks and buffer yards for the project shall be determined at the time of
638 project review to ensure compatibility with and protection of adjacent uses.
 - 639 e. A uniform sign plan for the development shall be included in the design
640 guidelines. Signage shall be at a scale and design appropriate to the size and
641 type of project.
 - 642 f. A consistent architectural theme including, but not limited to, scale, colors,
643 textures and materials shall be required. Streetscape designs shall compliment
644 and be consistent with the project's architectural theme.
 - 645 g. A plan or design for the screening of outdoor uses.
 - 646 h. 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
648 part of the approval of the project.
 - 649 5. No building or structure, or part thereof, shall be erected or used, in whole or in part,
650 in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining
651 properties, as it relates to sound, vibrations, odors, glare, material, smoke and
652 particular matters.
 - 653 6. When abutting any residential land use or zoning district, the PUD should provide for
654 landscape buffers along the entire common boundary with the residential land use or
655 zoning district. The visual screen should be of sufficient width and elevation so as to
656 afford an effective visual barrier and transition between land uses.
 - 657 7. Street frontage shall be landscaped except for curb openings.

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

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

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

663 2. Uses permitted in MPUDS as per Permitted Use Table.

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



Figure 19

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676 4. Stand-alone uses within a mixed-use project
677 shall be integrated with an overall project
678 design and connected to other adjoining uses
679 by plazas, promenades, and landscape
680 corridors.

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



Figure 20

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687 6. A mixed-used project shall include a minimum amount of commercial building areas as
688 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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7. 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.
8. Parking garages, loading docks, and service areas shall be directly accessible from major roadways and appropriately screened to promote a pedestrian scale and safety.
9. 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.
10. 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.
- ~~(1) Unified ownership. All land within the PUD shall be under the ownership of one entity, either by deed, agreement for deed or contract for purchase. PUD applicants shall present either an opinion of title by an attorney licensed in Florida or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of initial application, unified ownership of the entire area within the proposed PUD is in the name of the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the development agreement and master development plan.~~

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

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

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

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

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

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

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

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

757 ~~aa. Evidence of unified ownership and control.~~

758 ~~bb. Statement agreeing to:~~

759 ~~1) Proceed with the proposed development according to all regulations;~~

760 ~~2) Provide appropriate performance and maintenance guarantees;~~

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

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764 ~~cc.—The acreage and percentage of the total land area devoted to each of the~~
765 ~~proposed land uses.~~

766 ~~dd.—Maximum density for each type of dwelling.~~

767 ~~ee.—Maximum building heights.~~

768 ~~ff.—Minimum building spacing and floor areas.~~

769 ~~gg.—Lot sizes, yard areas and buffer areas, including perimeter buffers.~~

770 ~~hh.—Statement regarding the disposition of sewage and stormwater, and~~
771 ~~arrangements for potable water.~~

772 ~~ii.—Statement regarding ingress/egress controls to the site.~~

773 ~~jj.—Statement regarding any road improvements to be made and the thresholds for~~
774 ~~the traffic impact analysis.~~

775 ~~kk.—When the PUD is planned for phase development, a schedule of the phases.~~

776 ~~ll.—The proposed language of any covenants, easements or other restrictions.~~

777 ~~mm.—Environmental considerations.~~

778 ~~nn.—Any additional information or statements subsequently deemed necessary by~~
779 ~~any reviewing department or agency.~~

780 ~~b.—Master development plan (MDP). After the pre-application meeting, a MDP shall~~
781 ~~be submitted to the planning and development services department. When~~
782 ~~submitted, written comments on the MDP shall be made within twenty business days~~
783 ~~by the planning and development services department and any other departments.~~
784 ~~The planning and development services department shall coordinate this review. A~~
785 ~~MDP shall indicate general land use categories and the approximate height, location,~~
786 ~~architectural character and site intensities/density of dwelling units, and other~~
787 ~~structures. The MDP shall show the proposed street layout, approximate street~~
788 ~~widths, school sites, open space areas, parks, existing structures,~~
789 ~~natural/conservation areas, floodplain areas (if applicable), total acreage and the~~
790 ~~existing zoning. Finally, the MDP shall include a vicinity map, and any other salient~~
791 ~~information deemed appropriate by the applicant.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

837 bb.— Generalized off-street parking and loading plans, including circulation plans for
838 vehicular movement.

839 ~~cc.—Driveway and access controls, including number and approximate location of~~
840 ~~driveways.~~

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

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

845 ~~ff.—Approximate boundary lines and dimensions of parcels proposed to be~~
846 ~~subdivided.~~

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

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

851 ~~ii.—Environmental considerations.~~

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

855 ~~(5)—Post-approval stage.~~

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

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

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

865 ~~d.—Amendments. Minor amendments not altering the intent and purpose of the~~
866 ~~approved master development plan or development agreement may be approved by~~
867 ~~the appropriate enforcement official after departmental review and comment.~~
868 ~~Examples of minor amendments include de minimis design oriented changes to~~
869 ~~landscaping, parking or building elevation. PUD amendments that are determined to~~
870 ~~be major revisions to the MDP and/or DA will need to be reviewed and processed~~
871 ~~under section 110-1101 of the Land Development Code. Major amendments can be~~
872 ~~described as materially altering proposals that involve changes of uses,~~
873 ~~density/intensity, reconfiguration of lots, etc.~~

874

875 (Ord. No. 06-2003, § 1, 11-3-2003; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 18-2013,
876 § 1(Exh. A), 2-3-2014)

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