

Sec. 24-54. - PUD: Planned unit development district.

- (A) *Purpose* . To permit larger tracts of land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. Planned unit developments are recognized as serving the public interest and are encouraged because they:
- (1) Allow diversification of uses, structures and open spaces when not in conflict with existing and permitted land uses on abutting properties;
  - (2) Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through application of standards contained in conventional land development regulations;
  - (3) Conserve the natural amenities of the land by encouraging the preservation and improvement of scenic and functional open space;
  - (4) Provide maximum opportunity for application of innovative site planning concepts to the creation of aesthetically pleasing environments for living on properties of adequate size, shape and location;
  - (5) Insure that development will occur according to limitations of land use, site design, population density, building coverage, improvement standards and construction phasing authorized through the approval of a master development plan;
  - (6) Insure that development will occur within the guidelines and intent of the Oakland Park Comprehensive Plan. Planned unit developments are equally adaptable to new development, redevelopment and conservation of land, water and other city resources.
- (B) *Definition* . A planned unit development is land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for dwelling units and related uses and facilities. It may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.
- (C) *Unified control* . All land included for the purpose of development within a planned unit development district shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed planned unit development which shall be certified by the zoning department.
- (D) *Signed agreement*.
- (1) The applicant shall agree in writing to proceed with the proposed development according to the provisions of these regulations and conditions attached to the rezoning of the land to planned unit development; and
  - (2) To provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to planned unit development and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense; and
  - (3) To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be examined by the planning and zoning board, and no rezoning of land to planned unit development classification shall be adopted without a certification by the zoning department that such agreements and evidence on unified control meet the requirements of these regulations; and
  - (4) If the developer elects to administer common open space through an association or nonprofit corporation, said organization shall conform to the applicable laws of the State of Florida.

(E) *Permitted uses* . The uses permitted in a planned unit development must be consistent with the permitted uses in the residential categories in the Oakland Park Land Use Element as further restricted in this chapter.

(1) Requirements for business uses in a planned unit development:

- (a) No more than five (5) percent of the total land area may be used for business uses and no one contiguous business area shall exceed ten (10) acres.
- (b) The business uses in a planned unit development are restricted to the uses permitted in the city's Neighborhood Business (NB) Zoning District.
- (c) Business uses located in a planned unit development are intended to meet the neighborhood shopping and service needs of the planned unit development and not the general needs of a surrounding area. Such uses shall be grouped in convenience centers designed as integral, harmonious parts of the planned unit development, appropriately buffered and screened from residential uses (whether within or without the planned unit development) to protect them from unsightliness, noise, odors and other characteristics incompatible with residential uses. A convenience center should rarely exceed five (5) acres in size (including buffering, building and parking). It should be pedestrian oriented and accessible to walkways and bicycle paths. The center should consist of neighborhood shopping and personal services consistent with the daily needs of the planned unit development. All business uses located in the convenience center shall be internally oriented and should be designed so that no store fronts, store signs or advertisements are visible from residential areas and that all commercial activities, storage of merchandise, equipment and materials (including trash and waste) are within an enclosed building, except for live plants that are accessory to a nursery or garden supply facility.
- (d) Signs for commercial use in a planned unit development shall meet the requirements of article XI.

(F) *Land use and design regulations*.

- (1) *Minimum size of planned unit development*: All planned unit developments shall contain a minimum of ten (10) acres of contiguous land unless the planning and zoning board finds that a tract which contains less than ten (10) acres is suitable as a planned unit development by virtue of some unusual conditions. This minimum may be waived by the city commission upon the recommendation of the planning and zoning board.
- (2) *Maximum density*: The total number of dwelling units permitted in a planned unit development shall not exceed the total number of units permitted by; the Oakland Park Future Land Use Map for the subject area.
- (3) *Minimum lot area, distance between structures, frontage and setbacks*:
  - (a) No minimum lot size shall be required within a planned unit development.
  - (b) No minimum distance between structures shall be required within a planned unit development. The appropriate distance between structures shall be evaluated on an individual development basis, after considering the type of character of the current structure types within a development by the city commission upon recommendation of the planning and zoning board.
  - (c) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach, private road, pedestrian way, court or other area dedicated to public or private use of common easement guaranteeing access. Permitted uses are not required to front on a dedicated road. The city shall be allowed access on privately owned roads, easements and common open space to insure the police and fire protection of the area, to meet emergency needs, to conduct city services and to generally insure the health and safety of the residents of the planned unit development.
  - (d) There are no required setbacks or yards except the following:

1. Internal streets: There shall be a setback of not less than twenty-five (25) feet in depth abutting all public road rights-of-way within a planned unit development district.
  2. External streets or boundaries: There shall be a peripheral landscaped setback from boundary lines of the planned unit development of not less than twenty-five (25) feet in depth.
- (4) *Maximum length of structures:* No maximum length of structures shall be required within a planned unit development district.
- (5) *Maximum height of structures:* No maximum height of structures shall be required within a planned unit development. The city commission upon recommendation of the planning and zoning board shall determine the appropriate height limitations on an individual development basis after considering the character of the surrounding area, the character of the proposed development, and the goals for community development as stated in the Oakland Park Comprehensive Plan.
- (6) *Minimum floor area requirements:* The minimum floor area per dwelling unit shall be as follows:

		Square Feet
(a)	Single-family unit	1,100
(b)	One (1) bedroom, two-family (each unit)	600
(c)	Two (2) bedroom, two-family (each unit)	800
(d)	Efficiency unit	400
(e)	One (1) bedroom, multifamily	600
(f)	Two (2) bedroom, multifamily	750
(g)	Each additional bedroom	125

(7) *Building site coverage:*

- (a) The combined ground area occupied by all principal and accessory buildings shall not exceed the following:

Height of Building in Stories	Maximum Percentage of Building Site Coverage
1	30
2	30

3	30
4	29
5	27
6	25
7	23
8	21
9	20
10	19
11	18
12	17
13	17

- (b) Where buildings of different height are to be constructed on the same building site the combined ground area occupied by all principal and accessory buildings shall not exceed the weighted average of the applicable building site coverages indicated in (a) above.
  - (c) If the developer/applicant demonstrates to the satisfaction of the city that greater building site coverage is desirable due to the character of the proposed development, the character of the area surrounding the proposed development, and the city goals and objectives for growth and development, the city may allow greater building site coverage than that permitted above.
- (8) *Off-street parking and loading requirements:* Off-street parking and loading requirements shall meet all the requirements of article VI, except as provided in this section.
- (a) If the developer/applicant demonstrates to the satisfaction of the city that fewer parking spaces are required to adequately serve the residential units within the proposed development, the city may require a minimum of one and one-half (1½) parking spaces per unit. The remaining one-half (½) parking space per unit shall be provided in adequately drained grassed areas that shall not be counted towards meeting the required open space standards of this chapter. Grass to be utilized in said areas must be of a durable nature and approved by the appropriate city personnel. The grassed area should be clearly designated as the parking area and meet all provisions of article VI. If at such time the city manager upon recommendation from the planner and code enforcement officer determines

that additional parking is required due to the excessive use of the grassed areas, the developer shall pave the set aside area in accordance with city regulations.

(9) *Landscaping:*

- (a) All landscaping shall meet the requirements of article VIII.
- (b) Landscaping should be related to the general landscaping for the planned unit development, practical and aesthetically functional. Planting material should be used to accomplish the desired objectives of the planned unit development (defining and intensifying spaces and routes of movement, identifying space), be native to South Florida, and functionally appropriate for shade, shelter, height and mass, texture, color and form. Major areas should have distinctive planting schemes using unique type trees, ground cover, and paving to give identity to these areas.
- (c) All undesirable exotic vegetation, including melaleuca, Brazilian pepper, Australian pine or other vegetation deemed undesirable by the Broward County Urban Forester, shall be removed by the applicant according to a schedule approved by the city. However, the city may allow certain undesirable exotic vegetation to remain at the request of the applicant for good cause.

(10) *Underground utilities:* Within the planned unit development, all utilities including telephone, television cable and electrical systems shall be installed underground.

Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted aboveground.

(11) *Open space requirements:* A planned unit development shall provide and maintain open space at least equal to thirty-five (35) percent of the gross area of the planned unit development exclusive of lakes, lagoons or other waterways. In calculating open space, land areas for structures, public and private street rights-of-way, driveways, off-street parking and loading zones, alleys, fire protection vehicular access and yards and spaces between single-family residential buildings shall not be included. Depending upon the characteristics of a planned unit development, the city may allow credit for lakes, lagoons or other waterways, such credit not to exceed forty (40) percent of the required open space. The required open space shall be designed for both active and passive recreational needs acceptable to the city. In planning active recreational facilities consideration should be given for the inclusion of swimming pools, tennis courts, baseball fields, playgrounds, tot lots, etc.

(12) *Internal circulation:* An internal pedestrian and bicycle circulation system shall be provided within the planned unit development separate from each other and from vehicular circulation systems and at a distance sufficient to ensure safety. Such pedestrian and bicycle ways shall be surfaced with a durable and dustless material. The city may waive this requirement at the request of the applicant for design, safety or other good reasons.

(13) *Energy conservation:* A planned unit development shall incorporate passive energy conservation measures in its site design in accordance with Chapter 13, Florida Building Code. Such measures shall include, but need not be limited to, the directional orientation of buildings, the location of windows, minimization of radiant heat absorption and the inclusion of energy-efficient landscaping.

(14) *Professional services required:* Any plans submitted as a part of a petition for a planned unit development shall certify that the services of competent professionals were utilized in the designing or planning process and shall state their names and businesses and addresses. Plans submitted as part of a petition for a planned unit development must be prepared by either a planner who by reason of his education and experience is qualified to become or is a full member of the American Institute of Certified Planners, or an architect licensed by the State of

Florida, together with a professional engineer registered by the State of Florida and trained in the field of civil engineering, and/or a land surveyor registered by the State of Florida.

(G) *Procedures and requirements for rezoning to a planned unit development.*

- (1) *Application:* An application for a rezoning to planned unit development shall be made only by the owner of the subject property and processed in the same manner as other applications for rezoning of land except as otherwise provided in this chapter. The City of Oakland Park may not through any board or legal representative, initiate an application or require an application to be submitted by an owner of property to have the property zoned to a planned unit development unless the City of Oakland Park is the owner of the subject property.
- (2) *Application and filing fees:*
  - (a) New applications or applications for major changes to a previously approved master development plan shall be submitted as provided in section 24-166(B). See the Land Development Fee Schedule for the required fee.
  - (b) A filing as specified in the city land development fee schedule shall accompany each request for a minor or intermediate revision to a previously approved master development plan; see (l) of this section.

(H) *Master development plan requirements.*

- (1) A master development plan shall accompany an application for rezoning to planned unit development and shall contain the following information:
  - (a) Title of the project and the name(s) of the professionals preparing the submission and the developer/applicant.
  - (b) Scale, date, north arrow and general location map.
  - (c) Boundaries of the property involved, all existing streets, buildings, watercourses, easements, section lines and other existing important physical features in and adjoining the property, as shown on a suitable current aerial photograph.
  - (d) Plan locations of the different uses proposed by dwelling types, open space designations, recreational facilities, commercial uses, other permitted uses and major pedestrian and vehicular circulation patterns. The developer/applicant shall provide eight and one-half-inch by fourteen-inch reproductions of the proposed site plan which shall become a part of and attached to the ordinance rezoning the subject property to a planned unit development.
  - (e) Tabulations of total gross acreage in the planned unit development and the percentages thereof proposed to be devoted to the several dwelling types, other permitted uses, open spaces, recreational facilities, streets, parks, schools and other reservations.
  - (f) Tabulation of gross density by dwelling types and the overall estimated population.
  - (g) Tabulation of floor area by building type and height and as a percent of total floor area.
  - (h) Tabulation of ground cover by building type and height, number of buildings by building type and height, total building site area, building site coverage.
  - (i) Depiction of the water and wastewater treatment facilities and/or source of public water and wastewater disposal facilities. General distribution plan within the development including easements for utility pipe lines.
  - (j) Typical landscaping plan showing typical landscaping for housing areas, streets, open space, canal areas, buffer strips, recreational and other areas.
  - (k) Typical elevations of housing, recreation and commercial buildings.
  - (l) General grading, paving and drainage plan.

- (m) Number of vehicle trips expected to be generated from the project. Streets and arterial roadways expected to carry most project traffic. Expected levels of service on these streets and arterials at project completion both with and without project traffic.
- (n) Schools which are expected to be affected by the project. Estimated number of pupils from the project expected to attend each school. For assistance, the applicant may refer to the Broward County School Board, Department of Pupil Accounting and Site Planning.
- (o) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- (p) A phasing plan which includes an appropriate timetable for development, including open space, if the development is to be platted or constructed in phases.
- (q) A discussion of the passive energy conservation measures incorporated into site design as required by this section in (F)(13).

In addition, the planning and zoning board or city commission may require additional material such as plans, maps and studies which are needed to make findings and determinations that the applicable standards and guidelines have been fully met.

- (2) *Staff review:* Prior to the public hearing before the planning and zoning board, the staff of the various city departments concerned with development shall review the application for rezoning to planned unit development for adherence to all applicable requirements. As a result of this review, the applicant may choose to revise the master development plan prior to the public hearing before the planning and zoning board. A revision of this nature shall be permitted at no expense to the developer.
  - (3) *Consideration by the planning and zoning board:* After the public hearing for rezoning to planned unit development, the planning and zoning board shall make its recommendations to the city commission. In making its recommendation, the planning and zoning board shall evaluate whether the plans, maps and documents submitted by the applicant and presented at the public hearing, do or do not meet all the requirements of this chapter and all other applicable city ordinances. The board shall also evaluate the suitability of the proposed development in terms of its relationship to the comprehensive plan, and the area surrounding the proposed development, and to what extent the development is consistent with adopted goals and objectives for growth and development.
  - (4) *Consideration by the city commission:* Upon the receipt of the recommendations of the planning and zoning board, the city commission shall schedule and conduct a public hearing to consider the rezoning petition in accordance with normal rezoning procedures. The city commission shall evaluate the proposed development in the same manner as required of the planning and zoning board.
  - (5) *Conditions and stipulations:* In granting approval for a planned unit development, the planning and zoning board may recommend and the city commission may attach reasonable conditions, safeguards and stipulations made at the time of approval, which shall be binding upon the applicant or any successors in interest.
- (I) *Conformance to approved master development plan.*
- (1) *Permits:* After rezoning to planned unit development district, no permits shall be issued by the city and no development shall commence unless in conformance with the approved master development plan, unless a change or deviation is approved.
  - (2) *Minor change:* The city manager, after receiving staff recommendations, may approve "minor" changes and deviations from the approved master development plan which are in compliance with the provisions and intent of this chapter, and which do not depart from the principal concept of the approved master development plan. All other requested changes and deviations shall be referred to the city commission.

- (3) *Intermediate change*: The city commission may at the request of the owner, without requiring a new application, authorize "intermediate" changes to approved master development plans that pertain to location, types and configuration of buildings, landscaping and similar changes when the full character and intent of the approved master plan is not violated. This can be done without a public hearing and full application.
- (4) *Substantial change*: The city commission may determine that requested changes and deviations from an approved master development plan constitute a substantial alteration to the character of the development and thus require that the requested changes be subject to the same procedures as required for new applications. Substantial changes would include alteration of the total density or commercial land use.
- (J) *Failure to begin planned unit development* . If no construction has begun or development taken place within eighteen (18) months from the time of rezoning as set out in an affidavit by the proper building official, the city commission may initiate a rezoning petition for the property to an appropriate zoning classification which will comply with the Future Land Use Map. An extension may be granted up to an additional eighteen (18) months by adoption of a resolution by the city commission upon written request.
- (K) *Issuance of building permits* . No building permit shall be issued except in conformity with all provisions of the rezoning to planned unit development and plans submitted and approved under these regulations.

(Ord. No. O-90-21, § 10, 10-17-90; Ord. No. O-92-17, § 3, 8-19-92; Ord. No. O-97-14, § 8, 11-19-97; Ord. No. O-2003-001, § 10, 2-19-03)