

**ARTICLE 24
PLANNED UNIT DEVELOPMENT DISTRICT
PUD**

24.00.00.00 GENERAL INTENT OF PLANNED UNIT DEVELOPMENT ZONING

Planned Unit Development Zoning is intended to promote an efficient arrangement of land uses, design innovation and variety, improved amenities, orderly development, and compatibility with adjacent and nearby development. This zoning is also intended to facilitate flexibility in the development and use of land and other resources in compliance with the City of Lakeland Comprehensive Plan. Accordingly, the PUD District provides a way to regulate the development and use of land to the same degree as do other districts, but to vary from the uniform requirements of other districts in order to respond to special circumstances.

A planned unit development is defined as a development which conforms to all of the following:

- a. It is a development which is planned and carried out under unified control in a single development operation or an approved series of development operations.
- b. It is a development which includes principal and accessory uses and structures which are compatible with the character of the development itself and the surrounding area of which it is part.
- c. It is a development which is carried out according to comprehensive plans.
- d. It is development which includes a program for the full maintenance and operation of common areas, common improvements or common facilities if any such areas, improvements or facilities are included in the development.

24.01.00.00 PUD (PLANNED UNIT DEVELOPMENT) DISTRICT INTENT

Amend.9

It is the intent of the City Commission through the regulations of this Article that areas be zoned Planned Unit Development District only upon a determination that the criteria in Section 24.02.02.00 are or will be met.

24.02.00.00 CRITERIA FOR PLANNED UNIT DEVELOPMENT ZONING

Amend.9

24.02.01.00 PLANNED UNIT DEVELOPMENT ZONING CRITERIA

24.02.01.01 Unified Control

The City Commission shall enact PUD zoning only after making a determination that the proposed development will be carried out under unified control in a single development operation or an approved series of development operations. For the purposes of this section, unified control shall mean control which is:

- a. Exercised by a controlling entity such as a person, corporation or partnership or a group of persons, or partnerships;
- b. Sufficient to enable the controlling entity to ensure the planned unit development will be completed in full compliance with the enacted Site Development and Standards Plan and any conditions attached thereto by the city pursuant to enactment; and
- c. Evidenced by city-approved agreements, contracts, covenants, deed restrictions, sureties and other instruments which bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted detailed Site Development and Standards Plan and any conditions attached thereto by the city pursuant to enactment.

24.02.01.02 Use Compatibility

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The City Commission shall enact PUD zoning only after making a determination that the proposed uses and the density or intensity of use are consistent with the Lakeland Comprehensive Plan and are compatible with surrounding land uses.

24.02.01.03 Environmental Compatibility

The City Commission shall enact PUD zoning only after making a determination that the site conforms to the following criteria:

- a. It is suitable for development in the manner proposed without hazards to any persons or property from possible flooding, erosion, or other dangers greater than would result from conventional development which could be approved pursuant to the comprehensive plan; and
- b. Its soils, ground water, drainage and topography are appropriate to the kind and pattern of use proposed. Such a determination shall be based on a consideration of all relevant information that can be obtained about the site, including any special surveys, samples and tests of site, including any special surveys, samples and tests of site characteristics which the city deems necessary.

24.02.01.04 Site Development and Standards Plan

The City Commission shall enact PUD zoning only after making a determination that the Site Development and Standards Plan to be incorporated in the enacting ordinance fulfills the requirements of this code, is consistent with the City of Lakeland Comprehensive Plan, and otherwise promotes the public health, safety and welfare.

24.02.01.05 Assurances

The City Commission shall enact PUD zoning only after making a determination that there are assurances which guarantee, insofar as is practical and necessary, that development of the subject property will proceed according to the Site Development and Standards Plan. Such assurances may include performance guarantees, bonds, letters of credit and other financial instruments as well as the agreements, contracts, covenants, deed restrictions and similar instruments included as part of the Site Development and Standards Plan.

24.02.01.06 Dedication Of Public Facilities And Sites

The City Commission shall enact PUD zoning only after making a determination that the need for public facilities and services generated by the proposed PUD will be adequately met. The City Commission may make such a determination conditional upon the dedication of public facilities and/or public facility sites including but not limited to facilities and sites for parks, schools, public safety, and vehicular and pedestrian traffic.

24.02.01.07 Maintenance Provisions

The City Commission shall enact PUD zoning only after making a determination that there is a feasible program for the full maintenance and operation of common areas, common improvements and common facilities if any such areas, improvements or facilities are included in the Site Development and Standards Plan. The program for maintenance and operation shall include provision for the city to assess private property with an interest in common open space for the cost of maintenance in the event that inadequate private maintenance results in a public nuisance.

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24.02.02.00 MINIMUM LAND AREA REQUIREMENTS

There shall be no minimum land area requirements for a planned unit development.

24.03.00.00 USE RESTRICTIONS

Amend.9

24.03.01.00 PRINCIPAL USES PERMITTED BY RIGHT

Provided that it is consistent with the Lakeland Comprehensive Plan, any use permitted by this code in any other district may be permitted in a Planned Unit Development District. However, the uses permitted on any specific parcel of land or portion thereof shall include only those uses which are specifically listed as permitted on that parcel or portion thereof by the applicable Site Development and Standards Plan. Uses not specifically listed shall not be permitted.

24.03.02.00 ACCESSORY USES, BUILDINGS AND STRUCTURES PERMITTED BY RIGHT

Provided that it is consistent with the Lakeland Comprehensive Plan, any use, building or structure permitted as an accessory use in any other district of this code shall be permitted as an accessory to such other use, building or structure in a Planned Unit Development District.

24.04.00.00 DEVELOPMENT REGULATIONS

24.04.01.00 LOT AREA, SETBACK, HEIGHT

Lot area, setback, height and other development regulations applicable to individual lots within a planned unit development shall be established by the Site Development and Standards Plan.

24.04.02.00 ACCESS REQUIREMENTS

Every dwelling unit or other use shall have access to a public street, either directly or by a private road, pedestrian way, court or other specifically designated area.

24.04.03.00 INTERNAL STREET DESIGN, CONSTRUCTION AND WIDTH REQUIREMENTS

24.04.03.01 Internal Street Construction Requirements

Internal streets which are dedicated to public use shall be constructed according to the City's Subdivision Regulations. Internal streets which are reserved for private use shall be constructed with subgrade, base and surface combinations meeting minimal structural requirements established by the Department of Public Works.

24.04.03.02 Internal Street Width Requirements

Right-of-way and pavement widths shall be determined according to function and anticipated traffic volume.

24.04.04.00 UNDERGROUND INSTALLATION OF UTILITIES

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Underground installation shall be required for all utilities including, but not limited to, telephone lines, television cable lines and electrical lines. The following facilities may be installed above ground:

1. Those primary facilities which provide service directly to a planned unit development site from outside the development and those which carry service across a planned unit development from one location outside the development to another location outside the development; and
2. Utility system appurtenances which are required to be placed at grade level for service purposes.

24.04.05.00 APPLICABILITY OF OTHER ZONING REGULATIONS

PUD zoning is generally intended as an alternative to use and development standard regulations which are set forth in articles applying to specific zoning districts. PUD zoning is not generally intended to substitute for other regulations of this code. Accordingly, all regulations of this code shall apply to planned unit developments unless the Site Development and Standards Plan and any conditions attached thereto specifically provide alternative regulations.

24.05.00.00 PROCEDURES FOR ENACTING PLANNED UNIT DEVELOPMENT ZONING

Amend.9

PUD zoning shall be enacted following the same general procedures set forth in Article 40 for land development code amendments. However, the additional provisions set forth in this section shall also apply.

24.05.01.00 CONDITIONS

The City Commission may attach suitable conditions which shall be binding upon the applicant and any successors in interest. Any such conditions shall be incorporated in the ordinance enacting PUD zoning for the subject property.

24.05.02.00 CONCEPT PLAN REVIEW

Prior to submitting an application for PUD zoning or for modification of existing PUD zoning, the applicant shall submit concept plans for review and comment by applicable city departments in accordance with administrative procedures established for concept reviews. The purpose of such review is to provide applicants and their agents with information which will help in the preparation of a PUD zoning petition that conforms to the requirements of this code. At a minimum, concept plans shall:

- (1) Include a map showing dimensioned boundaries of the subject parcel or parcels, all existing streets, buildings, water courses, and other relevant existing physical features in and adjoining the project;
- (2) Designate various modules of land, the approximate acreage of each and the use or uses to which each module of land will be put;
- (3) Designate the number of residential units or the gross square footage of nonresidential uses in each module;
- (4) Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development; and
- (5) Include such other information as may be required by the city to determine conformance with standards of this code.

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24.05.03.00 PLANNING AND ZONING BOARD ACTION

Upon review of an application for planned unit development zoning and completion of one or more public hearings as required by this code, the Planning and Zoning Board shall:

1. Recommend enactment of a requested planned unit development zoning if it determines that the requested zoning will conform with the criteria set forth in Section 24.02.00.00;
2. Recommend enactment of a requested planned unit development zoning subject to conditions if it determines that the requested zoning subject to the recommended conditions will conform with the criteria set forth in Section 24.02.00.00 and that the applicant accepts the conditions; or
3. Deny the requested zoning if it determines that the requested zoning does not conform with the criteria set forth in Section 24.02.00.00 or that the applicant does not accept conditions which will result in conformity to the criteria.

24.05.04.00 DISPOSITION OF PUD ZONING APPLICATION FOLLOWING PLANNING AND ZONING BOARD ACTION

If the Planning and Zoning Board denies an application for planned unit development zoning, the application shall not be considered by the City Commission except pursuant to an appeal filed in accordance with Article 40. If the Planning and Zoning Board recommends enactment or enactment subject to conditions, the application shall be considered by the City Commission pursuant to Section 24.05.05.00 and Article 40.

24.05.05.00 CITY COMMISSION ACTION

Upon review of an application and Planning and Zoning Board recommendations and upon completion of one or more public hearings as required by this code, the City Commission shall:

1. Enact the requested planned unit development zoning if it determines that the requested zoning will conform with the criteria set forth in Section 24.02.00.00;
2. Enact the requested planned unit development zoning subject to conditions if it determines that the requested zoning subject to said conditions will conform with the criteria set forth in Section 24.02.00.00 and that the applicant accepts the conditions; or
3. Deny the requested zoning if it determines that the requested zoning application does not conform with the criteria set forth in Section 24.02.00.00 or that the applicant does not accept conditions which will result in conformity to the criteria.

24.05.06.00 PUD APPLICATION REQUIREMENTS

24.05.06.01 PUD Application Requirements

- a. Applicants for PUD zoning shall submit the same information required for a rezoning pursuant to the provisions of Article 40 of this code.
- b. Applicants for PUD zoning shall also submit a Site Development and Standards Plan which shall at a minimum:
 - (1) Include a legal description of the subject parcel or parcels along with the total acreage of each parcel;

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- (2) Include a map showing dimensional boundaries of the subject parcel or parcels, all existing streets, easements, buildings, water courses, and other relevant existing physical features in and adjoining the project;
- (3) Designate various modules of land and the acreage of each;
- (4) Designate the use or uses to which each module of land will be put;
- (5) Designate the number of residential units of various types along with the gross residential density to be located in each module of land;
- (6) Designate the square footage of gross building area to be devoted to each type of residential and non-residential use in each module;
- (7) Include alternative development regulations which provide at least as much development guidance as would conventional zoning regulations and a justification statement outlining why such alternative regulations should be granted;
- (8) Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development;
- (9) Designate the location and size of main sewer, water, electrical and other utility lines to serve the site;
- (10) Include such agreements, contracts, covenants, deed restrictions, and other instruments which the city may require to bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted development standards plan and any conditions attached thereto by the city pursuant to enactment;
- (11) Include a schedule for completion of the planned unit development in a single development operation or in a programmed series of development phases; and
- (12) Include such additional development details or other documentation as may be deemed necessary by the city to determine compliance with all requirements of this code. Such additional development details may, but will not necessarily include, property surveys, subdivision plats and subdivision construction plans, utility plans, site plans, building elevations, and building floor plans.

24.06.00.00 EFFECT OF PLANNED UNIT DEVELOPMENT ZONING

Amend.9

24.06.01.00 SITE PLAN REVIEW AND APPROVAL REQUIRED

After a parcel or group of parcels has been zoned as a PUD, all improvements not subject to review and approval pursuant to the subdivision regulations of this code shall be subject to site plan review. Except, however, site plan review shall not be required: 1) for the construction of single-family and two-family dwellings and related improvements on lots designated by the Site Development and Standards Plan for such purposes; or 2) for the construction of any improvements which are specified in the Site Development and Standards Plan to a level of detail equal to or greater than is required pursuant to the site plan review provisions of this code.

24.06.02.00 CHANGES TO SITE DEVELOPMENT AND STANDARDS PLANS, CONDITIONS AND COVENANTS

Proposed changes to PUD Site Development and Standards Plans, conditions, covenants and any other provision incorporated as part of the ordinance enacting PUD zoning for a particular parcel or parcels, shall be reviewed by the Zoning Administrator to determine whether the change is a major or minor modification from previously approved plans or

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conditions. Any modification of an approved PUD plan which involves a change in land use shall be considered a major modification. Other modifications may be declared major modifications if the Zoning Administrator determines they deviate substantially from an approved PUD plan. Requests for major modifications shall follow the same procedure set forth herein for PUD zoning.

Any proposed change to an approved PUD which does not constitute a major modification shall be considered a minor modification. At the discretion of the Zoning Administrator, minor modifications may be referred to the Planning and Zoning Board with a recommendation or, if the Zoning Administrator deems the proposed change to be de minimus, he may make the minor modification administratively. Action by the Planning & Zoning Board or Zoning Administrator in such cases shall be final. Requests for minor modifications shall include a revised PUD plan indicating the effect of the proposed changes and the reasons why the changes are necessary.

24.06.03.00 REPEAL OR MODIFICATION OF PUD IF CONSTRUCTION NOT COMMENCED

Failure to commence construction within five (5) years of the effective date of the adoption of PUD zoning shall be grounds for the city, at its discretion, to initiate a rezoning of the subject property. In such event, the Planning & Zoning Board may recommend to the City Commission that the subject property be returned to its previous zoning classification, that the PUD be modified, or that the PUD be retained in its current form.

24.07.00.00 PRECEDING PUD ORDINANCES INCORPORATED

Amend.9

Prior to the effective date of this article, numerous parcels of land were zoned Planned Unit Development. It is the intent of this article that parcels which were so zoned, and which are zoned Planned Unit Development pursuant to this article, shall be regulated by the language contained in the particular ordinance which designated them as planned unit developments. However, this intent does not apply to parcels which were at one time zoned planned unit development, but which were specifically rezoned by subsequent ordinances including those ordinances enacted prior to and after this article. Notwithstanding the foregoing, nothing herein is intended to or shall be interpreted as limiting the city's authority to initiate the rezoning of any parcel of land.