

City of Arcadia



Unified Land Development Code

Article 7

Planned Unit Development

Prepared by the
Central Florida Regional Planning Council

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ARTICLE 7.

PLANNED UNIT DEVELOPMENT

Section 7.01.00. Purpose

Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted.

Planned Unit Development (PUD) may be used as a vehicle to permit developments when the innovative use of buffering and modern design techniques mitigate the external impacts of development and create a helpful physical environment. Through the utilization of a Planned Unit Development District, the Council may allow mixed dwelling types and/or housing densities; provide for the safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; provide for appropriate relationships of space, inside and outside buildings, for intended uses; provide for preservation of desirable natural features; and minimum disturbance of natural topography.

Within Planned Unit Development districts, regulations adapted to such unified planning and development are intended to:

1. Accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots;
2. Promote economical and efficient land use; improve levels of amenities for harmonious, creative design, and a better environment.

In view of the substantial public advantage of Planned Unit Development, it is the intent of these regulations to permit development in this form, where appropriate, in location and character.

The Planned Unit Development (PUD) district is established to provide for well-planned and/or orderly mixed-use development in any area of the City. Further, PUDs may:

1. Promote flexibility in development design;
2. Promote the efficient use of land;
3. Preserve, as much as possible, existing landscape features and amenities;
4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;
5. Combine and coordinate architectural styles, building forms and building relationships within the planned development;
6. Lessen the burden of traffic conflict on streets and highways;
7. Provide for a balanced land use mixture.

Section 7.02.00. Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Regulations

The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities in a PUD shall not exceed the permitted densities established in the Comprehensive Plan. Where there are conflicts between these special PUD provisions and other regulations in this Code, these special regulations shall apply. Where no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in other sections of this Code shall apply. In a unique situation where no standard is specified, the City Council shall determine the appropriate standard.

Section 7.03.00. Permitted Principal Uses & Structures

All development within a PUD district shall comply strictly with its approved Master Development Plan, the Land Development Code and the Comprehensive Plan. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Article 12. Development on individual sites, other than single family development, shall be reviewed and approved according to the site development plan review requirements of Article 10. Development within the PUD may occur in stages consistent with Section 7.10.00.

Section 7.04.00. Planned Unit Development (PUD) Districts

Five Planned Unit Development Districts are provided within the City and include:

- Planned Unit Development – Residential (PUD-R)
- Planned Unit Development – Office (PUD-O)
- Planned Unit Development – Commercial (PUD-C)
- Planned Unit Development – Industrial (PUD-I)
- Planned Unit Development – Mixed Use (PUD-MU)

Section 7.04.01. Planned Unit Development – Residential (PUD-R)

- A. *Purpose:* It is the intent of these regulations to provide for residential development in areas adequately served, or which can be served, by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses, in accord with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-R districts may provide a broad range of housing types appropriate to the general need of the area served.
- B. *Permitted Uses:* Uses in PUD-R districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall also be permitted.

Section 7.04.02. Planned Unit Development – Office (PUD-O)

- A. *Purpose:* It is the intent of these regulations to provide for office development in appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-O districts may provide a broad range of office facilities and services appropriate to the general need of the area served.
- B. *Location:* PUD-O districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding

land uses; the intensity of the project shall be consistent with the use it provides; and the development shall not encourage the expansion of office or commercial strip development along adjacent streets.

- C. *Permitted Uses:* Uses in PUD-O districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall also be permitted.

Section 7.04.03. Planned Unit Development – Commercial (PUD-C)

- A. *Purpose:* It is the intent of these regulations to provide for commercial development in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-C districts may provide a broad range of commercial facilities and services appropriate to the general need of the area served.
- B. *Location:* PUD-C districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding land uses; the intensity of the project shall be consistent with the use it provides; and the development shall not encourage the expansion of office or commercial strip development along adjacent streets.
- C. *Permitted Uses:* Uses in PUD-C districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.

Section 7.04.04. Planned Unit Development – Industrial (PUD-I)

- A. *Purpose:* It is the intent of the PUD-I district to encourage complimentary groupings of manufacturing, processing, assembly, research, distribution, office and associated uses, on sites with adequate frontage and depth, adjacent to major streets, or streets serving industrial areas, whereby street access may be controlled and traffic friction reduced. It is further the intent of the PUD-I to serve as an alternative to further extensions of industrial zoning that allow disorderly strip development, and to protect the stability and property values of surrounding neighborhoods.
- B. *Location:* PUD-I districts shall be permitted where they facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.
- C. *Permitted Uses:* Uses in PUD-I districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.

Section 7.04.05. Planned Unit Development – Mixed Use (PUD-MU)

- A. *Purpose:* The PUD-MU district is intended to provide for and encourage a compatible mix of uses, rather than a separation of uses, in accordance with the Comprehensive Plan. PUD-MU districts are defined for purposes of these regulations as planned development districts for the establishment of complimentary groupings of residential, commercial, office, industrial, or other uses.

It is the intent of these regulations to provide for development of such districts at appropriate locations, in accord with the goals, objectives, and policies, of the Comprehensive Plan, and the standards set forth herein. It is further intended that PUD-MU development shall consist of interdependent uses/tracts and/or complexes, where planned site design, including the siting of buildings, parking, service areas, and landscaped open spaces will allow for scale and balance, compatibility with adjacent and surrounding land uses, and a reduction in general traffic congestion.

- B. *Location:* PUD-MU districts shall be permitted where they facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.
- C. *Permitted Uses:* All uses in PUD-MU districts shall be consistent with Comprehensive Plan requirements. In the determination of what constitutes a primary use in a PUD-MU district, percentage of land area, percentage of building square footage, and percentage of impacts such as traffic shall be considered. Exceeding fifty-one percent (51%) shall be considered to be a primary use.

PUD-MU districts shall:

1. Provide appropriate areas for and facilitate quality mixed use development that is consistent with the Comprehensive Plan's land use and transportation goals, objectives, and policies;
 2. Accommodate intensities and patterns of development that can support multiple modes of transportation, including public transit and walking;
 3. Group and link places used for living, working, shopping, schooling, and recreating, thereby reducing vehicle trips and relieving traffic congestion in the City;
 4. Provide a variety of residential housing types and densities to assure activity in the district to support a mix of uses and enhance the housing choices of City residents; and
 5. Integrate new mixed use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighboring uses.
- D. *Intensity:* Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of land use intensity shall generally be approved according to the guidelines set forth in the single use PUD districts, which correspond to the uses in the PUD-MU district. In no event shall uses permitted in a PUD-MU district exceed the maximum intensity standards established in the Future Land Use categories.

Section 7.05.00. Development Standards for PUD Districts

The purpose of this Section is to provide development design and improvement standards applicable to all PUD districts within the City of Arcadia. The provisions found herein are intended to ensure functional and attractive development for all PUD districts

Section 7.05.01. Density

The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, drainage facilities, road rights-of-way, and areas proposed for commercial use. These units may be clustered or

otherwise arranged according to sound planning principles throughout the PUD site, providing a mixture of housing types, densities, and price ranges in a creative development design that is appealing to residents and beneficial to the City as a whole.

Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Low Density Residential and Medium Density Residential), separate dwelling unit calculations shall be made, using the appropriate permitted density value for each. Where a PUD site lies partially within the Mixed Use Business land use designation, densities within these areas shall not exceed 14 units per acre.

Dwelling units permitted under each category shall be located on portions of the site lying within the respective land use designation. This requirement may be waived by the City Council upon recommendation of the Planning Board. In this situation, both bodies shall find that the distribution of residential units without regard to land use designation boundaries is in harmony with the intent of the Comprehensive Plan, will not create adverse impacts on surrounding properties, and is justified in order to fulfill a beneficial development concept. In no case, however, shall the total number of units within a development exceed the overall number of allowable units under the provisions of the Comprehensive Plan.

Section 7.05.02. Common Properties

- A. *Designated Open Space:* The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan.
1. The minimum open space required in a PUD district shall be thirty percent (30%) of the gross site area, and may include, but shall not be limited to, the following:
 - a. Common Recreation Areas, as defined below in Section B., Common Recreation Area.
 - b. Areas equivalent to no more than fifty percent (50%) of the total acreage of wetlands, lakes, drainage retention/detention areas, and other permanent or semi-permanent water bodies.
 - c. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.
 - d. Golf courses.
 - e. Stormwater retention/detention areas, but not ditches and swales.
 2. Designated open space shall not include the following:
 - a. Lands designated for residential, commercial, office, industrial use, or a combination thereof, (regardless of density or intensity of these uses).
 - b. Parking areas, except those that are accessory to recreational uses.
 - c. Utility easements and road rights-of-way.
 - d. Perimeter setback areas, unless developed with bicycle or pedestrian trails.

- e. Sewer and/or water treatment plant sites.
 - f. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities).
- B. *Common Recreation Area*: Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design. Common Recreation Area shall constitute not less than one-half (½) of the total area qualifying as designated open space as defined above in Section A., Designated Open Space.

Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.

1. Common Recreation Area may include the following uses and associated facilities:
 - a. Swimming pools, tennis courts and playing fields.
 - b. Playgrounds.
 - c. Picnic areas and pavilions (up to 20 percent of total required Common Recreation Area acreage).
 - d. Golf courses (up to 50 percent of total required Common Recreation Area acreage).
 - e. Rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).
2. The following shall not be included in Common Recreation Areas:
 - a. Streets, road right-of-way, and parking areas.
 - b. All easements.
 - c. Water bodies and wetlands, except within designated right-of-way for nature trails.
 - d. Ditches, swales, retention areas and other stormwater management facilities.
 - e. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.

Section 7.05.03. Public Easements

The City of Arcadia shall be granted easements allowing access to and use of tracts designated for open space, recreation, drainage facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.

Section 7.05.04. Access

All residential, commercial, office and industrial properties, or a combination thereof, shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.

Section 7.05.05. Landscaping

- A. Landscaping requirements shall be as set forth in Article 6.
- B. Along public or private rights-of-way, including those bordering the perimeter of the PUD, one large tree shall be planted for every 50 feet of right of way. Planting of such trees shall meet the suggested species type, minimum planting height, planting area, and distance from pavement requirements as set forth in the Landscaping section of Article 6.
- C. The City Council shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.

Section 7.05.06. Other Requirements

- A. *Unified Control:* All land included for the purpose of development within a Planned Unit Development shall be unified by title and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole.
- B. *Subdivision of Property:* Property in a Planned Unit Development shall be platted in accordance with Article 12 prior to the issuance of building permits. In the case of lands that have been platted prior to the adoption of this Code, the landowner may, as applicable, be required to vacate the previous plat or pre-platted lands before any rezoning and Master Development Plan approval will be considered. In addition, all payments, easements, and dedications required by this Code and other City ordinances shall be applicable to any development within a Planned Unit Development, whether vacating an existing plat or replatting, or unplatted lands, so that all new development within the City will bear its fair share of provision of public services.
- C. *Private Roads:* Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.11.00, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

Section 7.06.00. Procedures for Obtaining a PUD Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Council may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the City Administrator, or his or her designee, the Planning and Zoning Board, and/or the City Council may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may also be taken into consideration. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- A. *Master Development Plan:* Development requirements in a PUD are established through an approved Master Development Plan (MDP), to be consistent with the City's Comprehensive Plan. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.
- B. *Master Development Plan Conference:* At the option of the applicant, the City Administrator, or his or her designee shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline the proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural matters relative to the review of the request.
- C. *Requirements for Master Development Plan Review:* The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning and Zoning Board and City Council concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses. In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:
1. A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative, stating which type of PUD is being proposed.
 2. Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
 - a. A statement to abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.
 - b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan, as well as for the continuing operation and maintenance of such areas, functions, and facilities; and thereby as such are not to be provided, operated and maintained at general public expense.
 - c. Documentation to bind the applicant, developer, or owner, as applicable, and any successors in title to any commitments made as a condition of development approval.
 - d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.
 3. A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
 4. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System; the accurate legal description of the property in metes and bounds; and a computation of the total acreage of the tract to the nearest tenth of an acre. The survey must have been completed within one year prior to filing.

5. Copies of a scaled Master Development Plan, the number to be determined by the City Administrator, or his or her designee, of the entire proposal showing the following information:
 - a. A key map at a scale of one inch (1") equals one-hundred feet (100') showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the City of Arcadia Comprehensive Plan and all relevant laws, ordinances, and regulations, and the type of PUD.
 - b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.
 - c. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.
 - d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 200 feet of outside boundaries and proposed alterations to said features.
 - e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
 - f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
 - g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at the City Administrator, or his or her designee's, discretion).
 - h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).
 - i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - 1) Size and/or scope of development.
 - 2) Projected Population.
 - 3) Proposed timing and phases of development.
 - 4) Proposed ownership and forms of organization to maintain common open space and facilities.
 - j. A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).
 - k. A soils classification map or soils conservation survey map as determined by the Natural Resource Conservation Service (NRCS).

- l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.
- m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.
- n. The most recent aerial photograph available, delineating the areas to be modified.
- o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.
- p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- q. Any other reasonable information that may be required by the City Administrator, or his or her designee, that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the City Administrator, or his or her designee, shall transmit copies of the MDP and any relevant materials to the Development Review Committee, and other City and County officials, and agencies, as appropriate. The City Administrator, or his or her designee, shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations into the record.

When review of the proposed PUD is complete, the Development Review Committee shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Review Committee shall include with its recommendations, the zoning application and a written report that shall include all pertinent documents, comments of the reviewing officials, and any other applicable documentation or graphics.

- D. *Planning and Zoning Board Review and Recommendations:* The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing, and recommend to the City Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:
- 1. The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.
 - 2. Conformity of the proposed development with the City of Arcadia Comprehensive Plan.
 - 3. Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
 - 4. Compatibility with surrounding land uses.
 - 5. All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Planning and Zoning Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:

1. Evidence of unified control of the overall development site.
 2. Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
 3. The need for such instruments or for amendments in those that have been proposed.
- E. *Action by City Council:* Upon completion of the required actions by the Planning and Zoning Board, the City Administrator, or his or her designee, shall transmit the application to the City Council and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Review Committee report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Council. The City Council may:
1. Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Council deems necessary to ensure compliance with these standards or maximum mitigation of any adverse impacts of the development.
 2. Modify the application so that these standards are met.
 3. Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
 4. Deny the application.

Section 7.07.00. Development Conditions

Conditions placed on a request by the City Council may include requiring the applicant, at his or her cost and expense, to:

- A. Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- B. Finance or construct potable water, wastewater or drainage facilities.
- C. Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this Article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this Article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

Section 7.08.00. Approval of a PUD

- A. *General:* Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the City Council.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval in accordance with Article 12 (Subdivision Regulations) or Article 10 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these Articles of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further subdivision plats or site development plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.

- B. *Approval of Special Approval Uses:* No separate approval of a Special Approval use shall be required within a PUD, provided that the proposed use and its location are noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Approval Use for the equivalent zoning district for that tract. However, any use listed in the Table as a Special Approval may be denied if the City Commission determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Approval process.

Section 7.09.00. Amendment or Termination of a PUD

Once PUD approval is granted, all development within the PUD development site shall conform to the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he/she shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require review and approval according to the following:

1. *Major Amendment:* Submission for review, first by the Development Review Committee, followed by review and approval by the Planning and Zoning Board and City Council.
2. *Minor Amendment:* Submission for review and approval by the City Administrator, or his or her designee.

The City Administrator, or his or her designee, shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. Determinations shall be based on, but not limited to the following:

- A. *Considerations for Determining a Major Amendment:* Any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and/or trip generation, or other similar changes.

- B. *Considerations for Determining a Minor Amendment:* Any proposed changes in configuration or other changes as deemed not to alter the intent and purpose of the approved overall development plan.

The City Administrator, or his or her designee, may, at their discretion, forward any application for a plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

Section 7.10.00. Development in Stages

Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

1. Developer must submit a construction schedule covering all phases of the PUD to the City Administrator, or his or her designee. This schedule may be revised from time to time as necessary.
2. All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.
3. At least thirty percent (30%) of the total acreage of each stage shall qualify as Designated Open Space, as defined in Section 7.05.02(A)(1). No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in Section 7.05.02(B). All recreation facilities shall be completed and available for use prior to issuance of building permits.
4. No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.

Section 7.11.00. Ownership and Maintenance of Common Property

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Arcadia for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase, subject to City Council approval.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods. The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

1. To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
2. To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
3. To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
4. To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
5. To provide for the operation and financing of the association;
6. To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
7. To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

Section 7.12.00. Private Roads

Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.11.00, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

The City of Arcadia shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and conform to all codes and standards in effect at the time of dedication.

If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The City shall have no liability for injury or loss of life resulting from restricted access to the development.

Section 7.13.00. Bonding

Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the office of the City recorder:

1. A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
2. A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.

3. A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two (2) years following acceptance by the City of the final construction of said public improvements.
4. In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof are approved by the City Council.

All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.