

33 (a) *Purpose and intent.* The achievement of innovative use and site design in the development
34 of land is often difficult or impossible within the context of conventional zoning regulations. In
35 order to permit design flexibility and to facilitate the use of contemporary land development
36 techniques, it is often advantageous to establish planned unit developments in which
37 development is in harmony with the general purpose and intent of the town's land use
38 regulations, general planning program and comprehensive plans, but which may differ in one or
39 more respects from the provisions of specific zoning regulations.

40
41 (b) *The planned unit development regulations are intended to:*

42 (1) Provide the method by which property may be developed or redeveloped as a unit
43 rather than on a lot-by-lot basis as provided for in the Town's other zoning regulations.

44 (2) Provide a maximum of design freedom by permitting the planned unit development
45 applicant an opportunity to more fully utilize the physical characteristics of the site
46 through the reduction or waiver of certain development regulations and the planned
47 mixing of uses.

48 (3) Require that property approved by the Town Commission for a planned unit
49 development will be developed through a unified design providing continuity among the
50 various elements causing a better environment.

51 (4) Allow requests for planned unit developments, including those proposed to provide
52 mixed uses, in all of the Town's multi family residential, commercial, industrial, and
53 mixed use zoning districts.

54 (5) Allow for increased residential densities in a planned unit development if such
55 increases do not violate the Town's comprehensive plan or other ordinances.

56
57 (c) A planned unit development, by definition, may depart from the strict application of use and
58 property development regulations for the zoning district in which the planned unit development
59 is proposed to be located. However, these regulations should not be used as a means of evading
60 the ordinances of the Town and should be employed only when there are mutual benefits to both
61 the planned unit development applicant and the community. It is intended that a planned unit
62 development provide substantial public benefit.

63
64 (d) The benefits of a planned unit development are intended to include the ability of the planned
65 unit development applicant and the Town to: utilize a variety of architectural solutions; provide
66 for the preservation of natural features and scenic areas; reduce land utilization for roads,
67 separate vehicular and pedestrian circulations systems; allow for the meaningful integration of
68 open space and recreation areas; and establish neighborhood identity and focus.

69
70 (e) *Conflict with other regulations.* Where conflicts exist between these special planned unit
71 development regulations and general zoning, subdivision, and other applicable ordinance
72 provisions, these special regulations shall apply only in the land area of the planned unit
73 development and subject to review and approval or disapproval by the town commission.

74 (1) In all cases the PUD shall conform to the Comprehensive Plan.

75
76 (f) *Special definitions.* All definitions appearing in section 78-2 shall be applicable to this
77 section except to the extent of inconsistency with any special definitions contained herein.

78 (1) *Commercial PUD.* A land area consisting of commercial and/or industrial uses only.

79 (2) Common Area. Any portion of a development designed for the common usage of the
80 development. These areas include green open and/or common landscaped spaces and
81 may include such other uses as parking lots, pedestrian walkways, complimentary
82 structures, utilities, parts of buildings and other facilities intended for use by all owners,
83 guests and tenants of the development.

84 (3) *Contiguous.* Lands are contiguous if they abut each other or if separated by streets
85 (excluding arterial streets), ways, easements, pipelines, power lines, conduits, or rights-
86 of-way under ownership of the petitioner or a governmental agency or subdivision or
87 public or private utility.

88 (4) Mixed Use PUD. A land area consisting of a mix of commercial and residential uses.

89 ~~(1) *Patio home.* A single family detached dwelling unit designed with one windowless~~
90 ~~zero lot lined exterior side wall site planned to accommodate cluster development~~
91 ~~creating a sheltered private outdoor living area for each dwelling unit.~~

92 (5) *Planned unit development (PUD).* A land area under unified control designed and
93 planned to be developed in a single operation or by a series of prescheduled development
94 phases according to an officially approved final master site development plan which does
95 not necessarily correspond to the development and use regulations of the zoning district
96 in which the property is located.

97 (6) Residential PUD. A land area consisting of only residential uses.

98
99 (g) *General and special regulations.* The following general and special regulations shall apply
100 to all planned unit developments:

101 (1) *Minimum site area and building height limit.* No site shall qualify for a planned unit
102 development unless it consists of a contiguous area of at least ten acres in residential
103 districts and five acres in business districts. Maximum allowable height of structures in
104 the PUD without a waiver shall be ~~eight stories or 100 feet in residential districts and four~~
105 ~~stories or 50 feet in business district.~~

106 (2) *Unified control.* All land included for the purpose of development with a planned
107 unit development shall be owned or under the control of the ~~petitioner~~ applicant for such
108 zoning designation, whether that ~~petitioner~~ applicant be an individual, partnership or
109 corporation, or a group of individuals, partnerships or corporations. The ~~petitioner~~
110 applicant shall present firm evidence of the unified control of the entire area within the
111 proposed planned unit development. If the land area is subdivided or if two or more
112 multiple lots under separate ownership comprise the PUD, a unity of title or unity of
113 control instrument subject to the approval of the Town Attorney shall be required of the
114 applicant, and the instrument shall be recorded in the public records of Palm Beach
115 County to ensure that the PUD is operated as a single entity. ~~and shall state agreement~~
116 ~~that, if he proceeds with the proposed development, he will:~~

117 a. ~~Do so in accord with the officially approved final master development plan,~~
118 ~~and such other conditions or modifications as may be attached to the special~~
119 ~~exceptions.~~

120 b. ~~Provide agreements, covenants, contracts, deed restrictions, or sureties~~
121 ~~acceptable to the town for completion of the undertaking in accordance with the~~
122 ~~adopted final master development plan as well as for the continuing operation and~~
123 ~~maintenance of such areas, functions, and facilities as are not to be provided,~~
124 ~~operated or maintained at general public expense.~~

125 e. ~~Bind his development successors in title to any commitments made under~~
126 ~~subsections (d)(2)a and b of this section.~~

127 d. ~~Secure written consents and agreements from all property owners of record~~
128 ~~within the planned unit development boundaries who have not joined in the PUD~~
129 ~~application that there is no objection to including their property in the overall land~~
130 ~~planning process of the planned unit development.~~

131 (3) ~~Permissible uses. Any use permitted in the zoning district wherein a planned unit~~
132 ~~development is located may be included and approved in such PUD. The uses allowed in~~
133 ~~a planned unit development may include any of the uses which are allowed in the~~
134 ~~underlying zoning district for the property where the planned unit development is to be~~
135 ~~located, subject to any applicable provisions for each specific use in other sections of this~~
136 ~~chapter. Additional uses may be permitted by the Town Commission following review~~
137 ~~and approval of a separate special exception application.~~

138
139 (h) *Authority of town commission in creation of a planned unit development.* The town
140 commission, upon the recommendation of the planning and zoning board, may, by resolution
141 ~~ordinance adopted by not less than three affirmative votes~~, authorize the location and
142 development of a planned unit development which may differ in one or more respects from the
143 provisions of specific requirements of the zoning code of the town, but which must be in keeping
144 with the general purpose and intent of the town's land ~~use~~ development regulations,
145 comprehensive plan, and this Code.

146
147 (i) Waiver of standard land development regulations allowed. In conjunction with the review
148 process for a planned unit development application and in accordance with the waiver criteria in
149 other sections of these planned unit development regulations, the Town Commission may waive
150 the standard land development regulations in the following areas:

151 (1) Minimum land area.

152 a. Site configuration,

153 b. Setbacks,

154 c. Minimum lot size,

155 d. Type of dwelling unit,

156 e. Maximum building height,

157 f. Parking, and

158 g. Open space.

159 h. Landscape buffers and setbacks

160 (2) Waivers may be approved provided the spirit and intent of the zoning regulations are
161 complied with in the total development of the planned unit development and mitigation is
162 provided where required by this chapter.

163 (3) The applicant shall submit a waiver request in writing for each land development
164 regulation from which it seeks relief as part of the planned unit development application,
165 fully explaining the nature of the request, the extent to which it departs from a standard
166 zoning regulation, and the basis for which a waiver is sought. The Department of
167 Community Development may request that an applicant to provide additional information
168 to substantiate or justify a waiver request. The standards for a waiver review shall be,
169 where appropriate, the same as those for a special exception as detailed in Section 78-
170 184.

171 (4) The Department of Community Development may recommend requiring or
172 increased requirements for one or more of the following, or others that may be
173 appropriate, to help mitigate the potential impact of waiving any standard zoning
174 regulation:

- 175 a. Landscaping;
- 176 b. Building setbacks;
- 177 c. Open space;
- 178 d. Recreation or other public land; and
- 179 f. Architectural design standards.

180 (5) The granting of waivers for a planned unit development shall be subject to review by
181 the Planning and Zoning Board and to a finding by the Town Commission that the spirit
182 of these planned unit development regulations has been met; and that there is no
183 detrimental effect on the general health, safety, convenience, comfort and welfare of the
184 Town residents.

185 (6) The Town Commission may, at its discretion, require adherence to the minimum
186 requirements for the underlying zoning district within certain portions of a planned unit
187 development, if deemed necessary in order to maintain the spirit and intent of the Town's
188 land development regulations.

189 (7) The Town Commission shall not consider any waiver requests until it has received
190 an advisory recommendation from the Town's Planning and Zoning Board.

191
192 DIVISION II: ADMINISTRATION
193

194 (a) Planning and Zoning Board, and Town Commission review ~~and public hearing.~~

195 (1) Following the approval/disapproval by the planning and zoning board of the
196 proposed master development plan and site plan, a recommendation shall be forwarded to
197 the town commission for its review at a regularly scheduled meeting.

198 ~~(2) Upon completion of any amendments or revisions to the proposed master~~
199 ~~development plan, as requested by the town commission at its regularly scheduled~~
200 ~~meeting, the petitioner may file a formal petition for final master development plan~~
201 ~~approval by the town commission at least 30 days prior to the duly advertised public~~
202 ~~hearing. The town commission shall approve, disapprove or approve with conditions~~
203 ~~grant final approval of the final master development plan by adoption of an ordinance~~
204 ~~resolution after a duly advertised public hearing.~~

205
206 (b) Professional services required. Any master development plan submitted as part of an
207 application for a planned unit development shall certify that the services of the following
208 professionals were utilized in the design or planning process:

- 209 (1) A planner who ~~is a full member of~~ has been certified by the American Institute of
210 Certified Planners; and/or
- 211 (2) A certified landscape architect licensed by the state; and/or
- 212 (3) A certified architect licensed by the state; together with
- 213 (4) A professional civil engineer registered by the state; and
- 214 (5) A land surveyor registered by the state.

215 (c) Phasing controls.

216 (1) Phasing requirements may be established for the master site plan for all planned unit
217 developments.

218 (2) Each planned unit development that is to be constructed in phases shall adhere to the
219 following sequence, as applicable:

220 a. In a Residential PUD or a Mixed Use PUD one or more major recreation
221 facilities, that are planned to serve the entire development, shall be constructed
222 prior to the issuance of building permits for more than 25 percent of the total
223 dwelling units approved for the planned unit development.

224 b. No commercial building permits for a planned unit development in a
225 Residential PUD or a Mixed Use PUD shall be issued prior to the issuance of
226 building permits for at least 40 percent of the total dwelling units approved for the
227 planned unit development.

228 (3) If the final master site plan for the planned unit development is to be developed in
229 phases requiring more than one plat, successive plats must be filed so that construction
230 and development activity shall be of a reasonably continuous nature; but in no event shall
231 more than two years plus one additional two-year extension period lapse between the
232 filing of successive plats.

233 (4) In a phased project each phase shall be designed as a stand alone phase with the
234 assumption that future phases may not be built. The design for each phase shall be
235 comprehensive in nature and shall incorporate the entire site. Landscaping and
236 architectural design along with all other required performance standards shall be phase
237 specific and provided for each phase as though future phases may not be built.

238 (5) The town commission may at its discretion require the developer to furnish a surety
239 bond or letter of credit to cover the cost of completing any required landscaping and
240 construction, and improvements necessary to meet the comprehensive design standards
241 for each stand alone phase.

242
243 ~~(l) Waiver of restrictions. The town commission may, at its discretion, waive zoning~~
244 ~~requirements and use restrictions provided the spirit and intent of the zoning regulations is~~
245 ~~complied with in the total development of the PUD. The town commission, may, however,~~
246 ~~require adherence to minimum zone requirements within certain portions of the site if deemed~~
247 ~~necessary in order to maintain the spirit and intent of the zoning regulations.~~

248
249 ~~(d) Final plat submittal. The final plat of the final master development plan shall be filed with~~
250 ~~the Community Development Director town manager in accordance with the procedure as set~~
251 ~~forth in and F.S. Ch. 177 as both may be amended from time to time. A final plat of the final~~
252 ~~master development plan and all supporting documents and exhibits relating thereto as required~~
253 ~~by the town manager shall also be placed on microfilm/microfiche.~~

254 ~~(n) Abandonment of approved plan. In the event the petitioner abandons or deviates from the~~
255 ~~approved development plan or if the petitioner fails to file the first plat within 18 months, when~~
256 ~~required, after the date of the final town commission approval, or within any authorized time~~
257 ~~extension period, the planned unit development shall become null and void and the land shall~~
258 ~~revert to the zoning district existing immediately prior to the filing for the creation of a planned~~
259 ~~unit development.~~

260

261 (e) Expiration of approvals. All PUD approvals, including but not limited to any special
262 exceptions, waivers, zoning changes, or master site plan approvals shall be subject to Section 67-
263 42 of the Town of Lake Park Code of Ordinances entitled Expiration of development approvals.

264 The official zoning for a property with an expired planned unit development approval
265 shall revert to the underlying zoning district and the PUD shall be null and void.
266

267 (f) Amendments to approved master plans.

268 Minor amendments to an approved planned unit development master plan may be approved by
269 the Director of Community Development in consultation with other Town staff, as appropriate.
270 The following types of amendments shall not be considered minor, and shall require formal
271 review by the Town's Planning and Zoning Board and the Town Commission, after public
272 notice:

273 (1) Any proposed increases in:

274 a. The addition of square footage of any building by more than ten percent,
275 excluding accessory structures or maintenance/storage buildings that are 1,000
276 square feet or less;

277 b. The number of structures excluding accessory structures of 1,000 square feet
278 or less;

279 c. The number of residential dwelling units; or

280 d. An increase in building height of any building by more than five feet as
281 specified by the adopted master plan.

282 e. However, any proposed reductions in the total square footage of any building,
283 or in the number of structures, stories or units, as specified by the master plan,
284 may be approved as minor amendments, subject to the provisions of subsection
285 (6) of this section.

286 (2) Any boundary change for a planned unit development.

287 (3) Any change, except as provided herein, in the adopted master plan that increases the
288 density by more than five percent or ten dwelling units whichever is less. Rearrangement
289 of uses or locations on a property may be approved by the Director of Community
290 Development unless the proposed amendments conflict with a specified provision of the
291 adopted planned unit development ordinance for the property.

292 (4) The relocation of more than five percent of the total square footage indicated as
293 being covered by structures.

294 (5) Any increase in the traffic impact above that established for the planned unit
295 development master plan approved by the Town Commission that exceeds five percent or
296 100 trips whichever is less.

297 (6) Any amendments which would alter the character, significantly alter the appearance,
298 or decrease the approved amenities for a planned unit development after a master site
299 plan is approved by the Town for the planned unit development, or a portion of it, and
300 any residential or nonresidential units in the planned unit development are sold. Such
301 amenities shall include, but not be limited to, pools, clubhouses, common parking areas
302 for large vehicles and boats, exercise trails, public access to waters or beaches, marinas,
303 boat docks, tennis courts and racquetball courts.

304 (7) Changes of more than five percent of the unit types.

305 (8) Changes in architectural styles, colors, or building materials that are inconsistent
306 with the approved master plans.

307 (9) Changes to such items as a planned unit development phasing plan or developer
308 control that substantially impact the planned unit development.

309 (10) Any aspect or portion of the adopted master plan for which a specific condition was
310 included within the approval by the Town Commission.

311 (11) Any modifications to approved landscape and hardscape plans which alter the
312 character and definition of the approved project by material substitutions, size, or spacing
313 reductions.

314
315 DIVISION III: APPLICATION

316 (a) Application fees.

317 (1) All applicable fees as established by the Town Commission and set forth in the
318 schedule of fees for development must be paid prior to the acceptance of any application
319 for a PUD.

320 ~~a. At the time of the petition for a preliminary review of a proposed planned unit~~
321 ~~development application for residential use, the base sum of \$200.00 plus \$2.00 per~~
322 ~~proposed dwelling unit within the development shall be payable to the town.~~

323 ~~b. At the time of the petition for a preliminary review of a proposed planned unit~~
324 ~~development application for commercial and/or industrial use, the base sum of \$200.00~~
325 ~~plus \$0.10 per square foot of proposed gross building floor area up to 5,000 square feet~~
326 ~~and \$0.02 per square foot thereafter.~~

327 ~~(2) The petitioner, in addition thereto, shall pay any additional costs and fees incurred~~
328 ~~by the Town as set forth in Section 51-6 of the Lake Park Code of Ordinances. all costs~~
329 ~~of publication of notices required in a newspaper of general circulation within the town;~~
330 ~~said publication costs shall include all notices of hearing and the passage of an ordinance.~~
331 ~~Payment shall be made to the town by petitioner within ten days of date of invoice of~~
332 ~~publication costs delivered to the petitioner by the town clerk. No hearing shall be held~~
333 ~~on a petition until publication costs to date have been paid.~~

334
335 (b) Planned unit development procedures and submittals

336 ~~(1) Preliminary review phase. Prior to the submission of a formal application for a~~
337 ~~PUD, the prospective petitioner shall be required to schedule a preliminary review~~
338 ~~session with the planning and zoning board. The planning and zoning board shall invite,~~
339 ~~in writing, the town engineer, town planner, town manager, police chief, fire chief,~~
340 ~~community development director, community development director, and such other~~
341 ~~persons as they deem advisable to attend the preliminary review. Adequate information~~
342 ~~shall be provided by the prospective petitioner which would allow these bodies to~~
343 ~~determine if the proposed project is compatible with the adopted general comprehensive~~
344 ~~plan of the town and to advise the prospective applicant if additional information will be~~
345 ~~required before filing a formal application. As a minimum the following information~~
346 ~~shall be presented unless otherwise determined by the Community Development Director~~
347 ~~that the information is not required:~~

348 a. Plat and/or metes and bounds description of the area within the PUD.

349 b. Proof of ownership and, if applicable, evidence of assignment of an agent who
350 represents the owner.

351 c. Evidence of unified control of the entire area within the PUD with all owners
352 within the area of same identified.

353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396

- d. An agreement of all owners within the PUD which includes their commitment to:
 - 1. Proceed with the proposed development in accordance with the PUD ordinance and such conditions and safeguards as may be set by the town commission in such ordinance; and
 - 2. Provide a written statement of a proposal for completion of such development according to plans approved by such ordinance, and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained by the town pursuant to written agreement; and
 - 3. To bind their successors in title to any commitments made in their application.
- e. Aerial photographs of the subject parcel and immediate area thereof, plans, maps, studies, reports, ~~a statement from the school plant planning on the anticipated impact on schools,~~ traffic, utilities, and public services and other information as may reasonably be required by the town commission and the planning and zoning board in order to make the findings and determinations called for in the particular case.
- f. Written description of the intended plan of development, clearly indicating where approval of the PUD will benefit the future occupants of the proposed development and the town in general. Such justification shall be based on the intent of the planned unit development.
- g. ~~Preliminary~~ statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
- h. ~~Preliminary~~ Where appropriate schedules of development, including the staging and phasing of:
 - 1. Areas to be developed in order of priority;
 - 2. The construction of streets, utilities, and other improvements necessary to serve the proposed development;
 - 3. The dedication of land to public use; and
 - 4. Physical recreation facilities.
- i. Narrative statement and ~~or~~ exhibition of major elevations of buildings/structures for style of architecture, height in stories, type of materials, unusual features, and other pertinent information.
- j. A site ~~sketch~~ plan at an appropriate scale ~~supporting the above statement~~ illustrating but not limited to:
 - 1. The ~~preliminary~~ location, grouping, distance, dimensions, and height of all uses and facilities;
 - 2. In the case of residential development, the number of dwelling units proposed, their general location, number of stories, indicating those areas to be owner occupied and those to be renter occupied;
 - 3. A ~~preliminary~~ vehicular and pedestrian circulation system including, but not limited to, driveways, walkways, parking areas, and streets to be dedicated;

397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441

4. Where appropriate a system of open space and recreational uses, with estimates of acreage and improvements to be dedicated and that to be retained in common ownership;

~~5. Existing and proposed contours, with intervals of two feet or less extending 50 feet beyond the site;~~

6. Location of wooded areas and existing and proposed water bodies;

7. The approximate location of all existing structures on the site, as well as those adjacent properties within 100 feet of the boundaries of the site.

8. A landscape and irrigation plan at a scale no smaller than 1/30" indicating plant type with botanical and common names, sizes, spacing and quantities with a tabular outline indicating adherence to the requirements of the landscape ordinance and sealed by a Florida registered landscape architect.

9. Stormwater management plan.

k. Certified list of all property owners, mailing addresses, and legal description of all property within 300 feet of the subject parcel, as recorded in the latest official tax roll in the county courthouse, accompanied by a notarized affidavit that to the best of the applicant's knowledge, said list is complete and accurate.

~~l. An 8 1/2 inch by 11 inch reduction of a map of the town, drawn to scale in miles, facilitating the identification of the subject property by shading it in.~~

l. Stake or flag the property requested for a planned unit development revealing its exact location and boundaries.

m. Place a three-foot by three-foot sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR PLANNED UNIT DEVELOPMENT--TOWN OF LAKE PARK."

n. Open space computation (~~see subsection (f)(2) of this section~~).

o. Boundary survey. A certified boundary survey, prepared by a Florida registered surveyor.

p. A legal description of the property pertaining to the application.

q. A traffic impact study.

r. A signage plan for the entire property.

s. Other information as required by the Community Development Director.

t. A tree survey locating all trees with a minimum caliper of 3" together with a preservation plan, relocation plan and /or mitigation plan.

(2) *Final approval phase.*

a. *Board review and public hearing.*

1. Upon completion of the ~~preliminary~~ Planning and Zoning Board review of the proposed planned unit development and the inclusion of any amendments and/or additional supporting data as requested by the planning and zoning board, the petitioner may submit an application for final approval of the proposed master development plan to the Town Commission by the board at a duly advertised public hearing. ~~The application, including three copies of the proposed master development plan, shall be submitted to the town manager for review and comment at least 30 days prior to said public hearing.~~

442 2. ~~After the normal approvals have been given by all of the appropriate~~
443 ~~town officials and other regulatory agencies, the planning and zoning~~
444 ~~board shall recommend approval/disapproval of the proposed master~~
445 ~~development plan to the town commission.~~

446
447 (4) ~~Phasing/controls.~~ ~~If the final master development plan is to be developed in phases~~
448 ~~or stages requiring more than one final plat, successive plats must be filed so that~~
449 ~~construction and development activity shall be of a reasonable continuous nature; but in~~
450 ~~no event shall more than two years plus one additional two-year extension period lapse~~
451 ~~between the filing of successive plats. Should a planned unit development be constructed~~
452 ~~in phases requiring more than one plat, the following sequence must be adhered to:~~

453 a. ~~A major recreation facility or recreation facilities, planned to serve the entire~~
454 ~~development, shall be platted prior to the platting of more than 40 percent of the~~
455 ~~total permitted dwelling units.~~

456 b. ~~Commercial facilities shall not be platted prior to the platting of at least 20~~
457 ~~percent of the total permitted dwelling units for projects encompassing less than~~
458 ~~1,000 acres and of at least ten percent of the total permitted dwelling units for~~
459 ~~projects encompassing more than 1,000 acres.~~

460 c. ~~The gross density of an individual plat shall not exceed the maximum density~~
461 ~~permitted for the entire development unless the instant plat considered in~~
462 ~~conjunction with all previously recorded plats of record produces an average~~
463 ~~density less than or equal to the approved maximum density for the entire planned~~
464 ~~unit development.~~

465 (3) *Permits required.* All construction in the development of a PUD shall proceed only
466 under applicable permits, issued by the community development director; and no building
467 permit, certificate, or other document authorizing construction or occupancy within a
468 PUD shall be issued, except in accordance with the approved development plan and the
469 building codes of the town.

470 471 DIVISION IV: REQUIREMENTS, STANDARDS, & REGULATIONS

472
473 (a) A pre-existing commercial development may convert its site to a PUD in order to provide
474 for the subdivision of individual lots within the boundaries of the newly created PUD. Such a
475 request shall not be required to conform to the regulations of Division IV as part of such a
476 request as long as no development is proposed. Any development or future development within
477 the PUD site shall conform to the regulations in Division IV and all other applicable provisions
478 of the PUD regulations as set forth here.

479
480 (b) *Development standards and criteria.*

481 (1) *Site configuration.* Any tract of land for which a planned unit development
482 application is made shall contain sufficient width, depth, and frontage on a publicly
483 dedicated arterial or major street or appropriate access thereto as shown on the Palm
484 Beach County Thoroughfare Plan to adequately accommodate its proposed use and
485 design.

486 (2) *Density.* The total ground area occupied by all buildings and structures for
487 residential use shall not exceed 35 percent of the total ground area of that portion of the

488 PUD devoted to residential use. If the town commission determines that the purpose and
489 intent of this section have been met or exceeded by the applicant it may increase the
490 maximum number of dwelling units per acre permitted in the designated zoning districts
491 as follows:

492 a. Low density: The number of dwelling units permitted may be increased by no
493 more than one dwelling unit per acre.

494 b. Medium density: The number of dwelling units may be increased by no more
495 than two dwelling units per acre.

496 c. High density: The number of dwelling units permitted may be increased by no
497 more than three dwelling units per acre. The town commission shall make such
498 determination only after the planning and zoning board has considered such
499 request by an applicant for an increase in dwelling units and a recommendation
500 has been made thereon by the planning and zoning board to the town commission
501 as in all other zoning matters. In the event the planning and zoning board has
502 failed for any reason to make a recommendation to the town commission within
503 60 days from the date an application has been filed pursuant hereto for an increase
504 in dwelling units, the town commission may proceed to consider and act on such
505 petition.

506 (3) *Architectural standards.* The architectural style, materials, other treatments, etc., to
507 be utilized within a planned unit development shall be considered by the Town
508 Commission as part of the overall review process. Architectural style to be included
509 within a planned unit development shall be determined by the following:

510 a. Architectural renderings or elevations submitted as part of an application for
511 planned unit development approval.

512 b. Architectural renderings or elevations of a different or more detailed nature
513 than those submitted as part of an application for development approval when
514 such renderings or elevations are utilized as an element of justification for
515 approval of a project by the Town Commission.

516 c. Oral representations made to Town Commission by or on behalf of an
517 applicant regarding use of an architectural style or theme within a project.

518 d. If included as part of a planned unit development approval granted by the
519 Town Commission, the architectural style or styles must be utilized within the
520 planned unit development. The architectural style requirement shall include
521 colors, materials and other treatments associated with the overall project.

522 e. Architectural guidelines, as set forth in Chapter 78, Article XI, shall be used as
523 the basis for the overall design theme or style proposed for the PUD.

524
525 (4) *Mixed use standards.* More than one land use is permissible in a planned unit
526 development only when the following standards are met:

527 a. Whenever mixed uses are proposed to be incorporated as part of a planned
528 unit development, the mixed uses shall be compatible with the surrounding area
529 and the remaining portion of the planned unit development, if applicable.

530 b. For purposes of planned unit developments with mixed uses, the standard
531 residential density in all commercial and industrial zoning districts shall be eight
532 dwelling units per gross acre. Applicants for residential uses in planned unit
533 developments in such districts shall be entitled to apply for the residential density

534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579

bonuses provided for in these planned unit development regulations and other Town ordinances.

c. The mix of uses allowed in a planned unit development shall be limited as follows:

1. In residential zoning districts. Planned unit development uses allowed in a residential zoning district are those allowed by right or with special exception approval in the underlying residential zoning district, and commercial uses allowed by right or with special exception approval in the C-1 zoning classification. The commercial uses shall not exceed five percent of the total gross acres in the planned unit development.

2. In commercial zoning districts. Planned unit development uses allowed in a commercial zoning district are those allowed by right or special exception approval in the underlying commercial zoning district, and all uses allowed by right or with special exception approval in the Town's residential zoning districts.

3. In industrial zoning districts. Planned unit development uses allowed in an industrial zoning district are those allowed by right or with special exception approval in the underlying industrial zoning district, and all uses allowed by right or with special exception approval in the Town's residential and commercial zoning districts.

d. The provisions of this section shall not remove the necessity for Town Commission approval, as required by the underlying zoning district, of any special exception use that may be proposed to be established within a planned unit development.

e. A market study for all commercial uses in a proposed planned unit development in a residential zoning district and for all commercial uses over 100,000 square feet of floor space shall be submitted with the planned unit development application.

f. Commercial uses in a planned unit development in a residential zoning district are limited to convenience goods and services, and further, shall be limited to those commercial activities whose market is derived from no less than 70 percent of the proposed residential planned unit development of which the commercial uses are a part.

g. In order to encourage vehicular and pedestrian safety and discourage strip commercialization, all commercial sites in a planned unit development in a residential zoning district shall be centrally located within the planned unit development and shall not have direct frontage on an arterial roadway, as defined by the Town's comprehensive plan, that is external to the planned unit development.

h. Adequate buffering between all nonresidential uses and surrounding residential properties is required, as determined by the Town Commission.

i. The architectural style of the nonresidential structures in a planned unit development shall be similar to that of the residential portion of the planned unit development.

j. Residential development in a commercial district shall be generally restricted to the second floor and above.

580 k. Mixed use PUDs shall not be allowed in the R1 and R1A zoning districts.

581
582 (5) Open Space or Common Area Requirements. In accordance with the definition of
583 open space in this chapter and as deemed appropriate by the Town Commission, common
584 open space improvements shall include but need not necessarily be limited to grading,
585 drainage, landscaping, ponds, lakes, vegetation preserve areas, driveways, parking lots,
586 walkways, fencing, recreation facilities, lighting and any other areas reserved for public
587 use.

588 a. All planned unit developments shall contain the following minimum area
589 dedicated as open space for common recreational and preservation use:

590 1. Planned unit developments in residential zoning districts, 35 percent.

591 2. Planned unit developments in commercial zoning districts, 15 percent.

592 3. Planned unit developments in industrial zoning districts, 15 percent.

593 4. Pro rata shares of the above percentages shall apply to mixed-use
594 developments.

595
596 b. The developer shall be required to provide lands for public parks and/or
597 recreation in a proposed residential or mixed use PUD equal to 400 square feet
598 per dwelling unit located therein or ten percent of the proposed gross PUD
599 residential area, depending which is greater. In the event the use in the proposed
600 PUD shall be commercial, office or industrial, then the developer shall be
601 required to provide lands for public parks, and/or recreation, in an amount equal
602 to five percent of proposed gross PUD area.

603 c. Where redevelopment projects are unable to meet the landscape requirements,
604 required landscaping may be transferred to other lands (i.e., public lands, parks,
605 road rights-of-way) or an assessment can be levied by the town commission. The
606 assessment shall be based on the share of the landscape budget that cannot be
607 installed on the site. The assessment shall be calculated at a rate equal to two
608 times the cost of all required plantings unable to be installed. Monies collected
609 shall be used for landscaping public lands.

610
611 ~~(6) Open space requirements. Planned unit developments shall provide and maintain a~~
612 ~~total open space requirement at least equal to 35 percent of the gross area of the PUD.~~
613 ~~The following areas qualify wholly or partially as open space:-~~

614 ~~a. If the major recreation facility is concentrated in a localized section of the~~
615 ~~PUD with less than 30 percent of the residential dwelling units abutting it, only 50~~
616 ~~percent of the area contained in the facility may count toward the open space~~
617 ~~requirement.~~

618 ~~b. If, however, the major recreation facility is dispersed throughout the PUD~~
619 ~~with between 30 percent and 60 percent of the residential dwelling units abutting~~
620 ~~it, 75 percent of the area contained therein may count toward the open space~~
621 ~~requirement.~~

622 ~~c. If more than 60 percent of the residential dwelling units abut the major~~
623 ~~recreation facility, 100 percent of the area contained therein may count toward the~~
624 ~~open space requirement.~~

625 ~~d. Fifty percent of the area contained in proposed or existing manmade water~~
626 ~~bodies and canals with average water widths less than 60 feet, or 100 percent of~~
627 ~~the area of such canals or water bodies with average water widths greater than 60~~
628 ~~feet may count toward the open space requirement. Public waterways and canals~~
629 ~~shall not be used in computation.~~

630 ~~e. If the water body is natural and the shoreline vegetation will not be disturbed~~
631 ~~by the development, the total area contained therein may be counted as open~~
632 ~~space.~~

633 ~~f. If natural habitats of unique and significant value are determined to exist, the~~
634 ~~planning and zoning board shall require the area so defined to be left in an~~
635 ~~undisturbed state and adequately protected or incorporated into the design of the~~
636 ~~PUD as a passive recreation area with a minimum of improvements permitted. In~~
637 ~~either case, the total area contained therein may be counted as open space.~~

638 ~~g. The total area in a continuous open space pedestrian system consisting of~~
639 ~~permanently maintained walks and trails six to 12 feet wide leading to a natural~~
640 ~~amenity, recreation facility, or commercial use, offering intradevelopment~~
641 ~~communication that is divorced from roads and streets may be counted as open~~
642 ~~space.~~

643 ~~h. The total area contained in miniparks which may or may not be a part of the~~
644 ~~open space system but contain at least one acre and have a minimum dimension of~~
645 ~~100 feet together with, but not be limited to one of the following: Benches,~~
646 ~~playground apparatus, barbecue pits, and fire rings may be counted as open space.~~

647 ~~i. Any privately maintained or owned exterior open space adjacent to and for the~~
648 ~~exclusive use of the residents of the individual dwelling unit, enclosed or partially~~
649 ~~enclosed by walls, hedges, buildings or structures, including but not limited to~~
650 ~~balconies, terraces, porches, decks, patios, and atriums may be counted toward the~~
651 ~~total open space requirements, provided the total area contained therein does not~~
652 ~~exceed five percent of the gross area of the PUD, nor decrease the amount of~~
653 ~~ground level open space below that acreage equal to 30 percent of the gross area~~
654 ~~of the PUD. All previous land areas between the property or lot lines and the~~
655 ~~building or buildings thereon shall count as open space, except as herein~~
656 ~~otherwise provided.~~

657 (6) *Support legal documents for open space or common area.* Legal documents which
658 ensure adequate management and maintenance of the open space or common area must
659 be provided by the developer for all areas proposed for common ownership by the
660 residents of the PUD. Legal instruments provided for dedications, covenants, community
661 associations and subdivision controls shall:

662 a. Place title of common property in a form of common ownership by the
663 residents or property owners of the PUD; e.g., a duly constituted and legally
664 responsible community association, cooperative, etc.

665 b. Appropriately regulate the use of common property.

666 c. Place responsibility for management and maintenance of common property.
667 The town commission, at its discretion, may require the applicant to enter into a
668 contract with the town for maintenance of commonly held properties.

669 d. Place responsibility for enforcement of covenants.

670 e. Permit the subjection of each lot to assessment by the association for its
671 proportionate share of maintenance costs.
672

673 (7) *Required public facilities and services.* No building permits or development orders
674 shall be issued unless public facilities and services which meet or exceed the adopted
675 level of service standards are available concurrent with the development impacts.
676 Compliance with this requirement shall be accomplished in accordance with the
677 provisions set forth in article IV of this chapter.
678

679 (8) *Private streets and related facilities.* Where private streets and related facilities are
680 permitted within the PUD, ownership and maintenance association documents shall be
681 submitted with the final plat and the dedication contained on the plat shall clearly
682 dedicate the roads and maintenance responsibility to the association without recourse to
683 the town or any other public agency. The rights-of-way and related facilities shall be
684 identified as tracts for road purposes under specific ownership.
685

686 ~~(5) *Access.* Access to each single family dwelling unit shall be provided via either a
687 public right of way or a private vehicular or pedestrian way owned by the individual lot
688 owner in fee or in common ownership with the residents of the PUD.~~

689 ~~(6) *Privacy.* Each dwelling unit within the PUD shall be provided visual privacy.
690 Fences, walks and landscaping shall be providing for the protection and aesthetic
691 enhancement of property and the privacy of its occupants, screening of objectionable
692 view or uses and reduction of noise.~~

693
694 (9) *Community facilities.*

695 a. All proposed utility facilities must be acceptable by the town as to the size,
696 shape, location, and shown by the applicant to be of benefit to the general public.

697 b. All requirements for off-street parking and loading as set forth in section 78-
698 142 shall apply to the PUD unless specifically waived or modified.

699 c. Access and circulation shall adequately provide for firefighting equipment,
700 moving vans, fuel trucks, refuse collection, deliveries and debris removal.

701 d. All PUDs shall provide for underground installation of utilities, including
702 telephone, power and cable television in both public and private rights-of-way
703 unless contrary to required utility company standards. Provisions shall be made
704 for acceptable design and construction of storm sewer facilities including grading,
705 gutters, piping, and treatment of turf to handle storm water, prevent erosion and
706 formation of dust.

707 e. Specifications for street design shall conform to the rules and regulations
708 adopted by the town.

709 f. Drainage canals shall meet the requirements of the town's drainage plan and of
710 appropriate county and state authorities.

711 ~~(8) *Temporary structures and facilities.*—~~

712 ~~a. *Construction trailer.* Use of this facility shall be limited to storage and on-site office
713 work. The facility is not to be inhabited overnight.~~

714 ~~b. *Watchman mobile home.* Use of this facility allows overnight habitation
715 under the following conditions:—~~

- 716 1. ~~The mobility of the vehicle used as a mobile home or house trailer~~
717 ~~must be maintained;~~
718 2. ~~Sanitary facilities must have approval of all governmental agencies~~
719 ~~having appropriate jurisdiction, and permits and inspections for necessary~~
720 ~~electric and water supply and sewage disposal facilities must be obtained~~
721 ~~from the community development department;~~
722 3. ~~The temporary permit to be valid for a period not to exceed one year;~~
723 4. ~~Requests for extension of time beyond the initial one year approval~~
724 ~~shall be made to the commission on forms prescribed by the community~~
725 ~~development department. In no case shall the total time exceed a~~
726 ~~maximum of two years for the initial approval and subsequent extension;~~
727 5. ~~A notarized mobile home removal agreement must be submitted to the~~
728 ~~community development department before the mobile home is installed;~~
729 6. ~~No additions or adjuncts shall be permitted to the mobile home except~~
730 ~~community development department approved awnings and demountable~~
731 ~~screen panels.~~

732 (10) In Lieu payments for land dedication. b. In lieu of the required dedication of land
733 and open space herein, the town commission, after review, may require the following, in
734 full or part, or such other consideration as may be determined to be in the public's best
735 interest as substitution therefor.

736 c. In the event the proposed PUD, due to size or location, shall not lend itself to a
737 publicly dedicated park, or recreation area, or open space, ~~the developer shall be~~
738 ~~required to provide a suitable alternate parcel of land within the town, which~~
739 ~~parcel shall be at least equivalent in value and of comparable size to the value and~~
740 ~~size of the sum total of land normally required for dedication in the proposed~~
741 ~~PUD. However, if the town commission determines that the available alternate~~
742 ~~parcels of land which the developer may offer to the town are unsuitable for~~
743 ~~public parks and/or recreation, the developer shall then be required to provide a~~
744 ~~sum of money to the general fund of the town to be used only for acquiring lands~~
745 ~~for public parks, landscaping on Town owned land, recreation or open space,~~
746 ~~maintaining or improving existing recreational facilities on town-owned~~
747 ~~properties; said monies received shall be expended by the town whenever possible~~
748 ~~so as to provide the greatest and direct benefits to the residents of the town.~~

749 d. The total of such sum of money required in lieu of said dedicated land shall be
750 determined by the amount of land normally required for dedication and the
751 location thereof, and the value thereof shall be determined by two MIA
752 appraisers, one to be appointed by the town and one by the developer. The amount
753 of money determined by averaging the two appraisals shall be paid by the
754 developer to the town at time of final approval of the PUD by the town
755 commission or as the town commission may authorize. Each party shall bear the
756 expense of the respective appraiser appointed.

757 e. In lieu of the appraisal method, the value of the land, at the option of the town
758 commission, may be determined by the total purchase price paid by developer or
759 to be paid by developer as a contract vendee for the land as a bona fide purchaser.
760 The sale of the land shall be within one year of date of determination. The amount
761 of money due from the developer shall be paid as provided above.

762 f. The town commission, at its discretion, shall determine whether the dedication
763 shall be public or private.

764 ~~(h) *Intent.* The intent of this section is to provide standards by which flexibility~~
765 ~~may be accomplished while maintaining and protecting the public interest.~~

766
767 **Section 3. Severability.**

768 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any
769 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
770 be deemed a separate, distinct and independent provision and such holding shall not affect the
771 validity of the remaining portions thereof.

772 **Section 4. Codification.**

773 The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and
774 the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

775

776

777 **Section 5. Repeal of Laws in Conflict.**

778 All ordinances or parts of ordinances in conflict herewith are hereby repealed to the
779 extent of such conflict.

780 **Section 6. Effective Date.**

781 This Ordinance shall take effect immediately upon adoption by the Town Commission.

782

Upon First Reading this 16 day of July, 2008, the foregoing Ordinance, was offered by Vice-Mayor Daly who moved its approval. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 20 DAY OF July, 2008

Upon Second Reading this 6 day of August, 2008, the foregoing Ordinance, was offered by Commissioner Balius who moved its adoption. The motion was seconded by Vice-Mayor Daly, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>Assent</u>	_____

The Mayor thereupon declared **Ordinance No. 13-2008** duly passed and adopted this 6 day of August, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vivian Mendez Lemley
Town Clerk, Vivian Mendez Lemley
(Town Seal)
TOWN OF LAKE PARK
SEAL

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA