

ORDINANCE NO. 2020-\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING SECTION 13-348, "PLANNED UNIT DEVELOPMENT DISTRICT," SECTION 13-349, "REZONING OF LAND TO PUD," SECTION 13-350, "INFORMATION REQUIRED WITH PUD REZONING PETITION," AND SECTION 13-351, "ISSUANCE OF BUILDING PERMITS FOR PUD DISTRICTS," TO UPDATE REQUIREMENTS AND PROCEDURES FOR PLANNED UNIT DEVELOPMENT DISTRICT ZONING AND REZONINGS AND TO REVISE THE LIST OF PERMITTED AND SPECIAL LAND USES WITHIN PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 13-355, "PCD, PLANNED COMMERCE DISTRICT-GENERALLY," SECTION 13-356, "SAME—REZONING OF LAND TO PCD," SECTION 13-357, "SAME—INFORMATION REQUIRED WITH PCD REZONING PETITION," AND SECTION 13-358, "SAME—ISSUANCE OF BUILDING PERMITS FOR PCD," TO UPDATE REQUIREMENTS AND PROCEDURES FOR PLANNED COMMERCE DISTRICTS AND PLANNED COMMERCE DISTRICT REZONINGS AND TO REVISE THE LIST OF PERMITTED AND SPECIAL LAND USES WITHIN PLANNED COMMERCE DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's planning and regulatory needs; and

**WHEREAS**, the City desires to amend the regulations for Planned Unit Development Zoning Districts and Planned Commerce Districts to delete obsolete terminology and requirements and to provide clarity and flexibility to ensure the ability to create harmonious, compatible development with enhanced design which meets the high standards and expectations for Planned Development rezonings; and

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**WHEREAS**, the Planning and Zoning Board reviewed the changes to the Code of Ordinances on \_\_\_\_\_, and they voted to \_\_\_\_\_ same; and

**WHEREAS**, the City Commission finds and determines that this ordinance is in the best interest of the residents and business community of the City of Coconut Creek.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

**Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

**Section 2: Amendment.** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Section 13-348, “Planned unit development district,” Section 13-349, “Rezoning of land to PUD,” Section 13-350, “Information required with PUD rezoning petition,” and Section 13-351, “Issuance of building permits for PUD districts,” to read as follows:

Sec. 13-348. - Planned unit development district.

(a) *Purpose.* The intent of the planned unit development district is to provide flexibility in the use and design of structures and ~~laid in~~ applications where modification of specific provisions of this chapter will not be contrary to the purpose of land development regulations or inconsistent with the comprehensive plan. Regulations for planned unit developments are intended to accomplish the purpose of zoning, subdivision and other applicable city regulations to the same degree that such regulations are intended to control development on a lot-by-lot basis. It is the intent of planned unit development regulations to promote and encourage development where parcels of land are suitable in size, location, and character, for the uses and structures proposed and to encourage development in a uniform and coordinated manner.

(b) *Definitions.* Definitions that apply to the planned unit development district are as follows:

(1) ~~Comprehensive plan means a composite of the written and graphic proposals recommending the physical, social and economic development of the city, which has been adopted by the planning and zoning board and by the city commission, as amended from time to time.~~

- (2) *Gross area* means the total surface (land and water) area contained within the proposed PUD, including on-site streets and rights-of-way, but excluding dedicated rights-of-way having a transportation land use.
- ~~(3) *Gross density* means the density of a building site calculated by dividing the total number of dwelling units by the total acreage of the site without reduction of any nonresidential uses, such as parks, waterways, shops, houses of worship, schools, etc.~~
- (24) *Open space* means a generally unobstructed parcel or area of land permanently dedicated or reserved for the use and enjoyment of owners and occupants of the land within a PUD. Lakes, canals, and other features may be considered as required open spaces to the extent of the limitations contained in this article.
- (35) *Planned unit development (PUD)* means land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for residential dwelling units and limited office and commercial uses.
- a. A PUD may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.
  - b. A PUD shall be developed according to comprehensive and detailed plans which include streets, utilities, lots, building sites, and site plans, floor plans and elevations for all buildings intended to be located, constructed, used, and related to one another, and detailed plans for other uses and improvements on the land related to the buildings.
  - c. A PUD shall include a maintenance area to accommodate a program for full maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the planned unit development.
- (46) *Unified control* means all land included for purpose of development within a PUD district shall be under the control of the applicant (an individual, partnership or corporation or group of individuals, partnerships or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area which shall be certified by the city attorney. Upon application for rezoning the applicant shall agree as follows:
- a. To proceed with the proposed development according to ~~the~~ provisions of this article and the applicable planned unit development zoning plan;
  - b. To provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to PUD and for continuing operations and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense; and

- c. To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be reviewed by the city attorney and no rezoning of land to PUD classification shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this article.
- (c) *Permitted uses.* Permitted commercial uses within the planned unit development districts are found in the master business list under the B-3 community shopping district.
- (d) *Development regulations.* The following development regulations shall apply within a planned unit development but may be waived by the City Commission as part of the rezoning approval upon a finding by the City Commission that the proposed development regulation standards, when considered collectively, create a development plan that provides harmony and compatibility with the adjacent neighborhoods and an enhanced design: ~~Development regulations for the planned unit development district are as follows:~~
- (1) Minimum size of planned unit development: Ten (10) acres of contiguous land. ~~Special facilities, 1, 2, and 3 may be permitted on five (5) acres of contiguous land:~~
- a. ~~Special facility PUD's that cease operating as special facilities shall be considered conditional uses. All development regulations associated with the special facility shall be null and void upon determination of a conditional use;~~
- b. ~~Once a special facility PUD is determined to be a conditional use, there are two (2) options;~~
1. ~~If possible, establish new PUD regulations consistent with sections 13-348 thru 13-351;~~
2. ~~Adopt through a rezoning the most applicable and appropriate zoning classification. The rezoning shall meet all requirements of section 13-36 and all other relevant sections in the land development code. In both options the owner of the conditional use shall be responsible for all appropriate fees. The minimum lot size for a single family development within a PUD is five thousand five hundred (5,500) square feet. A multifamily development within a PUD may not exceed fourteen (14) dwelling units per acre.~~
- c. ~~Special facility PUD's may warrant special parking requirements to be determined by the community development department.~~
- (2) Maximum density in planned unit developments: The maximum gross density of residential dwelling units per acre permitted within any proposed PUD shall not exceed the combined density recommendation of the comprehensive plan over the area where a particular PUD is proposed. ~~Density calculations shall include all land within the proposed PUD designated for residential use by the land use element of the comprehensive plan.~~

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- (3) Public access: Each dwelling unit or other permitted use shall have access to a public street either directly, or indirectly via a private approach road, pedestrian way, court or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. The city shall be allowed access on privately owned roadways, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct city services and the services of the exclusive franchises and to generally ensure the health and safety of the residents of the planned unit development.
- (4) Required setbacks and yards:
  - a. A setback of not less than twenty-five (25) feet in depth abutting all public road rights-of-way within or adjacent to a planned unit development.
  - b. A setback of not less than twenty-five (25) feet shall be required next to the boundary of a planned unit development. A setback of not less than fifteen (15) feet shall be required next to the boundary of a PUD that borders a one hundred-foot canal right-of-way or easement or a transportation land use as designated on the effective future and use plan of the city. No portion of such setback may be used for buildings, parking or other vehicular use area except for accessways. Perimeter lots are required to maintain lot depths exclusive of the buffer. The required twenty-five-foot or fifteen-foot perimeter PUD setbacks shall include landscaped berms in accordance with open space landscaping berms in accordance with open space landscaping requirements. Fences or walls may not be installed any closer than fifteen (15) feet from the right-of-way. A fifteen-foot roadway buffer is required along roads classified as minor collectors and greater. If additional rights-of-way are acquired by transportation agencies that reduce said buffer width, then said fence or wall must be relocated to accommodate the required fifteen-foot setback from the new right-of-way limit.
  - c. Setbacks, distance between buildings, and other applicable site development regulations shall conform to the standards contained in the design development standards required by section 13-350(2).
- (5) Parking and loading requirements: Off-street parking and loading requirements shall conform to Subdivision II of Division 4 of this article.
- (6) Lighting and landscaping requirements shall conform to section 13-374 and Subdivision IV of Division 4 of this article.
- (7) Underground utilities: All utilities within planned unit developments, including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide

adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.

- (8) Open space requirement and computation: Planned unit developments shall exhibit and maintain a total open space requirement equal to at least thirty-five (35) percent of the gross area of the PUD. All previous land areas within required boundary setbacks may be included in the open space computation. The area contained in public or private street rights-of-way may not be included in the open space computation.
  - (9) All commercial development within a planned unit development shall meet the minimum distance between buildings and parking and/or vehicular circulation of ten (10) feet of landscape area. (Sidewalks, structures and other hard scape surfaces are not permitted in this ten (10) feet). This landscape area shall be outside of all buildings, roof overhangs, and support columns.) This landscape area and the required landscape material within may not be required where a section of building is proposed and approved for loading and unloading, delivery through roll up doors, and/or other utility area as approved through the site plan process.
- (e) *Maintenance of common open space.* All privately-owned common open space shall conform to its intended purpose and remain as shown in the PUD development plan. Deed restrictions and/or covenants shall govern the maintenance of privately owned common open space. Such restrictions and covenants shall provide for privately owned common open space to be maintained by private property owners with an interest in such open space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The deed restrictions and/or covenants shall provide for the city to assess private property owners with an interest in common open space for the cost of maintenance if inadequate private maintenance results in a public nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present as well as future property owners.
- (f) *Common open space and improvements.* All common open space as well as public and recreation facilities shall be specifically included in the planned unit development plan schedule and be constructed and fully improved by the developer. Common open space and improvements including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed residential units in the PUD. The PUD rezoning development plan shall specify the location and scope of common area improvements. The improvements must be backed by performance bonds issued to the city in a form and quantity acceptable to the city attorney and development service's director respectively, prior to the issuance of the first residential permits.

The improvements shall be complete prior to the first residential certificate of occupancy for which the improvements are associated as identified and approved during the site plan process.

(g) *Water area open space credit.* Water area open space credit in the planned unit development district shall be as follows:

(1) *Average Width*    % Area

Credit

Greater than 100 ft.    100

Greater than 60 ft.    50

Less than 60 ft.    0

(2) Manmade water bodies may not be counted toward meeting more than forty (40) percent of the total open space requirement.

(3) If the water body is natural and the shoreline vegetation will not be disturbed by the development, one hundred (100) percent of the area contained therein may be counted as open space.

(h) *Preservation of natural habitats.* If natural animal and/or plant habitats of significant value are determined to exist on the site of a proposed PUD, the planning and zoning board or city commission may require that the PUD plan preserve such areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred (100) percent of such area contained therein may be counted as open space.

(i) *Limitations applying to commercial uses.* No certificates of occupancy shall be issued for commercial uses in a PUD that are so designated by the city using the five-percent residential to commercial land use flexibility rule until certificates of occupancy for no less than seventy-five (75) percent of the total number of residential units have been issued.

#### Sec. 13-349. - Rezoning of land to PUD.

(a) *Application.* Applications for rezoning of land to planned unit development shall proceed in general as other applications for rezoning of land. ~~However, the planning and zoning board and city commission shall give special consideration to the following matters and requirements, and permit changes in the rezoning application prior to the required public hearings in accordance with the provisions of this section.~~

(b) *Prehearing conferences.* Upon request by the applicant, representatives of the development services department shall meet with the applicant to review the proposed PUD preliminary development plan. The purpose of prehearing conferences shall be to provide information to assist the applicant in interpreting the planned unit development zoning requirements. Prehearing conferences shall

continue until the applicant has a complete planned unit development rezoning plan ready for submission with a rezoning application. The PUD preliminary development plan shall include the following:

- (1) A boundary map of the proposed PUD;
  - (2) The proposed pattern of land use;
  - (3) The proposed number and type of dwelling units and densities. The proposed development type module shall be specific to include high rise, low rise, townhouse, garden apartment, standard single-family zero lot line, single-family cluster including density ranges and minimum lot sizes;
  - (4) Proposed streets and circulation and whether public or private maintained and/or proposed as a secure gated project;
  - (5) Proposed open spaces;
  - (6) An outline of the petition for rezoning;
  - (7) Other plans, maps and documents deemed necessary for prehearing conferences.
- (c) *Deviations.* Site plan approval and subdivision approval may be granted for developments which deviate from the enacted planned unit development zoning plan if all of the following criteria are met:
- (1) The deviations do not increase the total number of residential units or the total nonresidential floor area of the development.
  - (2) The deviations do not increase the total number of residential units or the nonresidential floor area of any PUD land use ~~module~~ by more than ten (10) percent. See section 13-350(2)e for an explanation of PUD land use module.
  - (3) The deviations do not increase the amount of average daily traffic and peak hour traffic feed into a specific arterial road by more than twenty (20) percent.
  - (4) The deviations do not substantially alter the size and location of land use modules, streets or other significant development features. Modules may be aggregated in size, if all of the following conditions are met: (1) the total of the sum of both modules are not increased by ten (10) percent, and (2) the development type remains the same. Modules may not be decreased in size if: (1) the density range is exceeded, and (2) the development type is changed to a higher density project.
  - (5) The deviations do not substantially alter the nature or effect of maintenance agreements.
- (d) *Public hearing.* At such time as further prehearing conferences appear unnecessary, the applicant may present a formal petition for planned unit development zoning as set forth in this section. The petition shall be accompanied by the materials set forth in section 13-350. A public hearing date shall be established

for the next regularly scheduled planning and zoning board meetings. Thereafter, public notice shall be given and a public hearing before the planning and zoning board on the petition for rezoning shall be held in the same manner as for other applications for rezoning.

- (e) *Planning and zoning board findings and recommendations.* After the close of the public hearing, the planning and zoning board may recommend to the city commission that the PUD rezoning be granted as submitted, granted subject to stated stipulations and conditions, or denied. In making its recommendation, the planning and zoning board shall find that the plans, maps, and documents submitted by the applicant and presented at the public hearing do or do not establish that: (1) the applicant has met the requirements of this article, and (2) the proposed development would or would not promote the public health, safety and welfare.
- (f) *City commission action.* Upon receipt of the planning and zoning board recommendation, the city commission shall act in accordance with the procedures for rezoning generally. The city commission shall, after due consideration, enact or deny planned unit development zoning for the subject property. The ordinance enacting planned unit development zoning shall specifically incorporate the planned unit development zoning plan which shall consist of submissions a. through j. of the applicant as listed in section 13-350(2). Upon receipt of the planning and zoning board recommendation, the city commission shall act in accordance with the procedures for rezoning generally.
- (g) *Effect of planned unit development zoning.* Subsequent to the enactment of planned unit development zoning, development of all or a portion of the planned unit development shall proceed in accordance with the site plan review and subdivision approval provisions of this chapter. Site plan approval and subdivision approval shall be granted only for developments which conform to the submissions incorporated into the PUD ordinance in accordance with subsection (f) of this section, except that the provisions of subsection (c) of this section shall apply.
- (h) Applications for amendments to the PUD requiring action by the planning and zoning board and the city commission shall pay the required fee set forth in section 13-81. Applicants shall be required to prepare and post a four-foot by four-foot (4' x 4') sign on the property proposed for amendment. The required format for public hearing signage shall be included within the zoning map amendment application. The sign shall be installed fourteen (14) days prior to the public hearing and shall be posted on the property proposed amendment facing all road frontages setback ten (10) feet from the property line.

Signs shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant.

The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the county property appraiser, an abstract or title company, or an

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attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.

Sec. 13-350. - Information required with PUD rezoning petition.

In addition to information generally required for an application to rezone, the applicant shall submit the following materials or data in the form of a petition for planned unit development rezoning:

- (1) *Legal documents demonstrating unified control of the proposed PUD.*
- (2) *Planned unit development zoning plan and supporting information.* The planned unit development zoning plan shall, as a minimum consist of items a. through j. below. The supporting information shall, as a minimum, consist of items ~~k~~. through r. below. The plan and supporting information shall be set forth as written descriptions and maps, reproduced and bound in two (2) separate reports not to exceed eleven (11) inches by seventeen (17) inches in size.
  - a. Title of project and the name of the professionals preparing the submission.
  - b. Identification of the developer.
  - c. Overall PUD land use plan. The overall PUD land use plan shall show the proposed PUD divided into land use modules. A different land use module shall be shown for: (1) each type of residential use by density and housing, i.e. high rise, low rise, townhouse, garden apartment, standard single-family, single-family zero lot line, single-family cluster including density ranges and minimum lot sized including minimum lot width and depth, (2) for each type of office, commercial and other nonresidential land use, (3) for each type of open space, (4) for community facility areas, and (5) for each type of other land use.
  - d. Overall PUD circulation plan. The overall circulation plan shall show: (1) right-of-way widths for collector and arterial streets which serve more than one (1) land use module either directly or indirectly, (2) right-of-way widths for all streets which connect directly with streets outside of the PUD, and (3) right-of-way widths for major pedestrian, bicycle and other nonmotor vehicle circulation ways which serve more than one (1) land use module, and (4) whether the roads that serve the lots will be publicly or privately maintained.
  - e. Residential program. The residential program shall specify the following data for each land use module: (1) the land area of the module, (2) the predominant housing type of the module, (3) the number of different types of residential units (efficiency, one-bedroom, two-bedroom, three-bedroom, four-bedroom and larger units), (4) the projected population for each land use

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module by age group, and (5) the total number of off-street parking spaces for the module.

- f. Office and commercial program. The office and commercial program shall specify the following information for each land use module: (1) the land area of the module, (2) the predominant office and/or commercial uses to be included in the module, (3) the amount of floor area to be devoted to each different type of office and commercial use, and (4) the total number of off-street parking spaces for the module.
- g. Open space and recreation program. The open space and recreation program shall specify the following information for each land use module: (1) the land area of the module, (2) the predominant open space type of the module, (3) the recreation facilities to be included within the module, and (4) the total number of off-street parking spaces for the module.
- h. Overall PUD utilities plan. The overall PUD utilities plan shall show the locations, sizes and direction of slope for major water and wastewater mains within the PUD and necessary connections to main outside of the PUD.
- i. Overall PUD drainage plan. The overall PUD drainage plan shall show drainage courses and retention areas which will serve more than one (1) parcel within the PUD.
- j. Design development standards for the PUD. Design development standards shall include the following:
  - 1. Typical development plans and standards for streets, pedestrian ways, bicycle paths and other circulation elements. Plans and standards should include right-of-way and pavement widths, cross sections, intersection geometry, lighting, and landscaping;
  - 2. Typical development plans and standards for each type of residential unit, including floor plans and elevations;
  - 3. Typical development plans and standards for the placement of each type of residential unit in relation to the boundaries of the PUD, property lines within the PUD, other residential and nonresidential structures within the PUD, and parking areas within the PUD;
  - 4. Typical development plans and standards for the placement of each nonresidential structure in relation to the boundaries of the PUD, property lines within the PUD, other residential and nonresidential structures within the PUD, and parking areas within the PUD;
  - 5. Typical development plans and standards for the improvement of open areas, canals and water bodies;
  - 6. Typical development plans and standards for the placement of parking areas in relation to the boundaries of the PUD, property lines within the PUD, and residential and nonresidential structures within the PUD;

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- 7. Covenants and restrictions applicable to each piece of property within the PUD;
- 8. Proposed setbacks for each land use type.
- 9. A written justification demonstrating how any proposed variations from the development regulations of Section 13-348(d) create a plan which is harmonious and compatible with the adjacent neighborhoods and create an enhanced design.
- k. A map showing the existing plan and zoning designations for all land within one-quarter mile of the PUD.
- l. Map and narrative explanations of the relationship of the proposed PUD to the city comprehensive plan and the county comprehensive plan.
- m. Map and narrative analyses of natural features and geographic determinants. The analyses shall show the location and nature of significant natural and manmade features on and near the site. Features considered shall include existing vegetation, topography, watercourses, streets and rights-of-way, easements, structures, soils (series) and others as necessary.
- n. An analyses of the traffic impact of the PUD on existing and proposed streets.
- o. An analysis of the fiscal impact of the PUD on the city.
- p. A map showing land within the PUD to be dedicated to the city.
- q. A boundary map showing the perimeter of the PUD with dimensions and a full legal description.
- r. A location map showing the PUD in relation to streets and development within five (5) miles of the boundary of the PUD.
- s. A map showing size and location of maintenance area as required by section 13-348(b).

Sec. 13-351. - Issuance of building permits for PUD districts.

- (a) No building permit shall be issued in or for development in a PUD district except in conformity with all provisions of the rezoning to PUD classification and plans submitted under this article.
- (b) The director of community development may issue building permits only after a final plat has been approved by the city commission. ~~No certificate of occupancy shall be issued, however, until all improvements have been completed~~ and the final plat has been recorded, unless otherwise required by Broward County rules and regulations.

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**Section 3: Amendment.** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Sections 13-355, "PCD, Planned

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Commerce District-Generally,” Section 13-356, “Same—Rezoning of land to PCD,” Section 13-357, “Same—Information required with PCD rezoning petition,” and Section 13-358, “Same—Issuance of building permits for PCD,” to read as follows:

Sec. 13-355. - PCD, planned commerce district—Generally.

- (a) *Purpose.* The intent of the planned commerce district is to provide flexibility on the use and design of structures and lands involved in nonresidential or mixed use development. The regulations pertaining to the planned commerce district are to accomplish the purposes of related city regulations and to implement the goals, objectives and policies of the City of Coconut Creek Comprehensive Plan. It is the intent of the planned commerce district regulations to promote nonresidential and mixed use developments as comprehensively planned modules that encourage uniform and coordinated development upon land suitable in size, location and character. With these regulations the city can provide protection and compatibility with abutting residential parcels; and provide compatibility and amenity among uses located within a planned commerce district.
- (b) *Definitions.* Definitions that apply to the planned commerce district are as follows:
- (1) ~~Comprehensive plan means a composite of the written and graphic proposals recommending the physical, social and economic development of the city, which has been adopted by the planning and zoning board and by the city commission, as amended from time to time.~~
- (12) *Gross area* means the total surface area (land and water) contained within the proposed PCD, including on-site streets and rights-of-way, but excluding dedicated rights-of-way having a transportation land use.
- (3) ~~Gross density means the density of a building site calculated by dividing the total number of dwelling units by the total square feet of the site without reduction of any nonresidential uses such as parks, waterways, shops, houses of worship, schools, open space, etc.~~
- (24) *Open space* means a generally unobstructed parcel or area of land permanently dedicated or reserved for the use and enjoyment of owners and occupants of the land within a PCD. Lakes, canals and other features may be considered as required open spaces to the extent of the limitations contained in the article.
- (5) ~~Reserved.~~
- (36) *Planned commerce district (PCD)* means land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for nonresidential activities including office, commercial, industrial and mixed use commerce/employment center uses.

- a. A PCD may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.
- b. A PCD shall be developed according to comprehensive and detailed plans which include streets, utilities, lots, building sites and site plans, floor plans and elevations for all buildings intended to be located, constructed, used and related to one another, and detailed plans for other uses and improvements on the land related to the buildings.
- c. A PCD shall include a maintenance area or contract to accommodate a program for full maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the planned commerce district.
- d. A PCD rezoning development plan shall mean ~~that~~ a document that is consistent with the information requirements listed in section 13-357(1) and (2) of this division. This document shall be processed with the rezoning application and presented to the planning and zoning board for recommendation to the city commission.
- (4)~~e.~~ A land use module concept plan means a document specifying the use of individual portions or blocks of land within ~~land use modules of~~ an approved planned commerce district. ~~The concept plan shall~~ indicatinge proposed accessways; open space; proposed uses and acreages; proposed engineering, landscaping, buffers and easements; and other information as requested by the development review committee.
- (5)~~f.~~ A master site plan means a site plan for a parcel or parcels within an approved land use module concept plan that is consistent with the informational requirements of Article III, Zoning Regulations, Division 5, Site Plan Review Requirements.
- ~~(6)~~7 ~~Principal structure means structures that occupy seventy-five (75) percent or more of the site, acreage and/or square footage, of an approved master site plan.~~
- ~~(6)~~8 *Unified control* means all land included for purpose of development within a PCD shall be under the control of the applicant (an individual, partnership or corporation or group of individuals, partnerships or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area which shall be certified by the city attorney. Upon application for rezoning the applicant shall agree as follows:
  - a. To proceed with the proposed development according to the provisions of this article and the applicable planned commerce district rezoning development plan;
  - b. To provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to PCD and for continuing operations

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and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense; and

- c. To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be reviewed by the city attorney and no rezoning of land to PCD classification shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this article.

(c) *Permitted uses:*

- (1) Maximum intensity in PCD: The maximum intensity of nonresidential buildings per acre permitted within any proposed PCD shall not exceed the combined intensity recommendations of the Coconut Creek Comprehensive Plan and the Broward County Comprehensive Plan over the area where a particular PCD is proposed. Intensity calculations shall include all land within the proposed PCD designated for nonresidential use by the land use element of the comprehensive plan. Traffic generation shall be based on specific land use.
- (2) Sustainable development staff shall review commercial, industrial, office and mixed-use commerce/employment center as listed in article III Zoning Regulations; division 8, Master Business List, and division 9, Prohibited Uses. ~~In situations where a use is not specifically listed in the aforementioned divisions, the sustainable development director may consult the United States Office of Management and Budget Standard Industrial Code Manual to determine if a proposed use is similar in nature to permitted uses that express the intent and purpose of the district.~~
- (3) Special land uses: Uses listed as a special land uses shall be reviewed using the procedures set forth in section 13-35, as may be amended from time to time. ~~under current zoning categories shall remain a special land use unless a master site plan satisfactorily addresses the following conditions:~~
  - a. ~~Setbacks in excess of those required.~~
  - b. ~~Enhanced landscaping.~~
  - c. ~~Signage consistent with approved master sign plans and appropriate city sign codes.~~
  - d. ~~Safe and proper access.~~
  - e. ~~Consistent and acceptable aesthetic and architectural design.~~
  - f. ~~Nuisance abatement (noise, odor, visual).~~
  - g. ~~Proper security measures.~~
  - h. ~~Public safety issues (lighting, flammability, hours of operation).~~
  - i. ~~Proper location and stacking capability of any drive-through facility.~~
  - j. ~~Other items deemed appropriate by the community development director.~~

- (4) Existing PCD zoning districts: All PCD zoning districts in effect on the effective date of this ordinance shall retain their permitted uses and have such additional religious assembly and religious institutional uses which are dictated by the zoning district table detailed in division 8, "Master Business List," that most closely matches the similar type of permitted uses described in the specified location within the PCD. Special land uses shall be reviewed using the procedures set forth in section 13-35, as may be amended from time to time. Nothing herein grants further permitted uses to such districts.
- (d) Development regulations: The following development regulations shall apply within a planned commerce district but may be waived by the Commission as part of the rezoning approval upon a finding by the City Commission that the proposed development regulation standards, when considered collectively, create a development plan that provides harmony and compatibility with the adjacent neighborhoods and enhanced design:
- (1) Minimum size of a planned commerce district: ten (10) acres of contiguous land.
  - (2) Site regulations:
    - a. Maximum building coverage:
      1. Commercial and office use: Forty (40) percent.
      2. Mixed use commerce/employment center and industrial: Forty-five (45) percent.
    - b. Minimum size for a master site plan: Five (5) acres of contiguous land.
    - c. Minimum distance between buildings: Ten (10) feet per story.
    - d. Maximum floor area ratio shall be determined by the PCD rezoning development plan.
  - (3) Public access: Each building or other permitted use shall have access to a public street either directly, or indirectly via a private approach road, pedestrian way, court or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. Frontage roads and/or service between and through building lots may be required to ensure cross access. The city shall be allowed access on privately owned roadways, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct city services and to generally ensure the health and safety of the businesses and residents of the city.
  - (4) Required setbacks and yards:
    - a. A setback of not less than twenty-five (25) feet in depth abutting public road rights-of-way within or adjacent to a PCD.

- b. A setback of not less than twenty-five (25) feet shall be required next to the boundary of a PCD. No portion of such setback may be used for parking or other vehicular use area except for accessways.
  - c. A setback of not less than twenty-five (25) feet shall be required between land use modules.
  - d. Setbacks, distance between buildings and other applicable site development regulations shall conform to the standards contained in the design development standards required by section 13-357(2).
  - e. Twenty-five-foot perimeter setbacks shall be fully landscaped with berms and plant material in accordance with buffer requirements of the landscape code.
- (5) Parking and loading requirements: Off-street parking and loading requirements shall conform to Subdivision II of Division 4 of the article.
  - (6) Lighting and landscaping requirements shall conform to section 13-374 and Subdivision IV of Division 4 of this article.
  - (7) Underground utilities: All utilities within planned commerce developments, including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site along collector and larger roads may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.
  - (8) Open space requirement and computation: Planned commerce districts shall exhibit and maintain a total open space requirement equal to at least twenty (20) percent of the gross area of the PCD. All pervious land areas within required boundary setbacks may be included in the open space computation. The area contained in public or private street rights-of-way may not be included in the open space computation.
- (e) *Maintenance of common open space.* All privately owned common open space shall conform to its intended purpose and remain as shown in the PCD rezoning development plan. Deed restrictions and/or covenants shall govern the maintenance of privately owned common open space. Such restrictions and covenants shall provide for privately owned common open space to be maintained by private property owners with an interest in such open space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The added restrictions and/or covenants shall provide for the city to assess private property owners with an interest in common open space for the cost of maintenance if inadequate private maintenance results in a public nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present as well as future property owners.

- (f) *Common open space and improvements.* All common open space as well as public and recreation facilities shall be specifically included in the PCD plan schedule and be constructed and fully improved by the developer. Common open space and improvements or other facilities shall be constructed in conjunction with nonresidential buildings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed nonresidential buildings in the PCD.
- (g) *Water area open space credit.* Water area open space credit in the planned commerce district shall be as follows:

(1) Average Width	% Area Credit
Greater than 100 ft.	100
Greater than 60 ft.	50
Less than 60 ft.	0

- (2) Manmade water bodies may not be counted toward meeting more than thirty (30) percent of the total open space requirement.
- (3) If the water body is natural and the shoreline vegetation will not be disturbed by the development, one hundred (100) percent of the area contained therein may be counted as open space.
- (h) *Preservation of natural habitats.* If natural animal and/or plant habitats of significant value are determined to exist on the site of a proposed PCD, the planning and zoning board or city commission may require that the PCD rezoning development plan preserve such areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred (100) percent of such area contained therein may be counted as open space, but not to exceed twenty-five (25) percent of required open space.

Sec. 13-356. - Same—Rezoning of land to PCD.

- (a) *Application.* Applications for rezoning of land to planned commerce district shall proceed in general as other applications for rezoning of land. ~~However, the planning and zoning board and city commission shall give special consideration to the following matters and requirements, and permit changes in the rezoning application prior to the required public hearings in accordance with the provisions of this section.~~

- (b) *Prehearing conferences.* Upon request by the applicant, representatives of the community development department shall meet with the applicant to review the proposed PCD preliminary development plan. The purpose of prehearing conferences shall be to provide information to assist the applicant in interpreting the planned commerce district zoning requirements. Prehearing conferences shall continue until the applicant has a complete planned commerce district rezoning development plan ready for submission with a rezoning application. The PCD preliminary development plan shall include the following prior to scheduling a prehearing conference:
- (1) A boundary map of the proposed PCD.
  - (2) The proposed pattern of land use.
  - (3) The proposed square footage and type of land use module.
  - (4) Proposed streets and circulation.
  - (5) Proposed open spaces.
  - (6) An outline of the petition for rezoning.
  - (7) Other plans, maps and documents deemed necessary for prehearing conferences.
- (c) *Deviations.* Site plan approval and subdivision approval may be granted for developments which deviate from the enacted planned commerce district rezoning development plan if all of the following criteria are met:
- (1) The deviations do not increase the total nonresidential floor area of the development.
  - (2) The deviations do not increase the nonresidential floor area of any PCD land use module by more than twenty (20) percent. See section 13-357(2)(e) for an explanation of PCD land use module.
  - (3) The deviations do not increase the amount of average daily traffic and peak hour traffic fed into a specific arterial road by more than twenty (20) percent.
  - (4) The deviations do not substantially alter the size and location of land use modules, streets or other significant development features.
  - (5) The deviations do not substantially alter the nature or effect of maintenance agreements.
  - (6) The deviations do not substantially increase adverse external impacts to adjacent sites.
- (d) *Public hearing.* At such time as further prehearing conferences appear unnecessary, the applicant may present a formal petition for planned commerce district zoning as set forth in this section. The petition shall be accompanied by the materials set forth in section 13-357 of this article. A public hearing date shall be established for the next regularly scheduled planning and zoning board meeting.



shall be certified by the county property appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the sustainable development department by the applicant the day the notice was posted.

Sec. 13-357. - Same—Information required with PCD rezoning petition.

In addition to information generally required for an application to rezone, the applicant shall submit the following materials or data in the form of a petition for planned commerce district rezoning:

- (1) Legal documents demonstrating unified control of the proposed PCD.
- (2) Planned commerce district zoning plan and supporting information. The planned commerce district zoning plan shall, as a minimum, consist of items a. through ~~h.~~ below. The supporting information shall, as a minimum, consist of items ~~h.~~ through r. below. The plan and supporting information shall be set forth as written descriptions and maps, reproduced and bound in two (2) separate reports not to exceed eleven (11) inches by seventeen (17) inches in size.
  - a. Title of project and the name of the professionals preparing the submission.
  - b. Identification of the developer.
  - c. Overall PCD land use plan. The overall PCD land use plan shall show the proposed PCD divided into land use modules. A different land use module shall be shown for:
    1. Each type of office, commercial and other nonresidential land use;
    2. Each type of open space;
    3. Community facility areas; and
    4. Each type of other land use.
  - d. Overall PCD circulation plan. The overall circulation plan shall show:
    1. Right-of-way widths for collector and arterial streets which serve more than one (1) land use module either directly or indirectly;
    2. Right-of-way widths for all streets which connect directly with streets outside of the PCD; and
    3. Right-of-way widths for major pedestrian, bicycle and other nonmotor vehicle circulation ways which serve more than one (1) land use module.
  - e. Office, commercial, industrial, manufacturing and mixed use commerce/employment center program shall specify the following information for each land use module:

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1. The land area of the module;
  2. The predominant uses to be included in the module;
  3. The amount of floor area to be devoted to each different type of land use; and
  4. The approximate total number of off-street parking spaces for the module.
- f. Open space and recreation program. The open space and recreation program shall specify the following information for each land use module:
1. The land area of the module;
  2. The predominant open space type of the module;
  3. The recreation facilities to be included within the module; and
  4. The approximate total number of off-street parking spaces for the module.
- g. Overall PCD utilities plan. The overall PCD utilities plan shall show the locations, sizes and direction of slope for major water and wastewater systems within the PCD and necessary connections to master infrastructure plan outside of the PCD.
- h. Overall PCD drainage plan. The overall PCD drainage plan shall show drainage courses and retention areas which will serve each land use module within the PCD, and any necessary connections to the city's master drainage plan.
- i. Design development standards for the PCD. Design development standards shall include the following:
1. Typical development plans and standards for streets, pedestrian ways, bicycle paths and other circulation elements. Plans and standards should include right-of-way and pavement widths, cross sections, intersection geometry, lighting and landscaping.
  2. Typical development plans and standards for each type of land use module, including floor plans and elevations.
  3. Typical development plans and standards for the placement of each type of structure in relation to the boundaries of the PCD, property lines within the PCD, other structures within the PCD, and parking areas or vehicular use within the PCD.
  4. Typical development plans and standards for the improvement of open areas, canals and water bodies.

5. Typical development plans and standards for the placement of parking areas in relation to the boundaries of the PCD, property lines within the PCD and structures within the PCD.
6. Covenants and restrictions applicable to each piece of property within the PCD.
7. Proposed setbacks for each land use type.
8. Any site specific design standards, whether graphic or written.
9. A written justification demonstrating how any proposed variations from the development regulations of Section 13-355(d) create a plan which is harmonious and compatible with the adjacent neighborhoods and create an enhanced design.
- j. A map showing the existing plan zoning designations for all land within one-quarter (.25) mile of the PCD.
- k. Map and narrative explanations of the relationship of the proposed PCD to the city comprehensive plan and the county comprehensive plan.
- l. Map and narrative analyses of natural features and geographic determinants. The analyses shall show the location and nature of significant natural and manmade features on and near the site. Features considered shall include existing vegetation, topography, watercourses, streets and rights-of-way, easements, structures, soils (series) and others as necessary.
- m. An analysis of the traffic impact of the PCD on existing and proposed streets.
- n. An analyses of the fiscal impact of the PCD on the city.
- o. A map showing land within the PCD to be dedicated to the city.
- p. A signed and sealed survey showing the perimeter of the PCD with dimensions and a full legal description.
- q. A location map showing the PCD in relation to streets and development within five (5) miles of the boundary of the PCD.
- r. A map showing size and location of maintenance area as required by section 13-355.

Sec. 13-358. - Same—Issuance of building permits for PCD.

(a) No building permits shall be issued for development in a PCD district until:

- (1) A PCD, approved by the city commission, meets all requirements of section 13-140, Consistency and Concurrency Determination Standards; Consistency with City/County Comprehensive Plan, and section 13-141, Levels of Service, of Article II, Division 1; and-

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- (2) ~~Both a land use module concept plan and a~~ master site plan ~~has~~ been approved by the city commission.
- (b) Reserved.
- (c) No building permit shall be issued in or for development in a PCD district except in conformity with all provisions of the rezoning to PCD classification and plans submitted under this article.
- (d) The director of sustainable development may issue building permits only after a final plat has been approved by the city commission and ~~a tri-party agreement involving Broward County, the City of Coconut Creek, and the developer has been executed. No certificate of occupancy shall be issued, however, until all improvements have been completed and the final plat has been recorded,~~ unless otherwise provided by Broward County rules and regulations.
- (e) Flexibility rules of Broward County and the City of Coconut Creek comprehensive plan: Limitations applying to commercial uses with underlying industrial land use. No commercial business shall be permitted in a planned commerce district until certificates of occupancy for no less than twenty-five (25) percent of the total PCD gross area have been issued to other nonresidential users by the city.

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**Section 4: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 5: Severability.** That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 6: Codification.** That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 7: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**PASSED SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Sandra L. Welch, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Welch	_____	_____
Sarbone	_____	_____
Tooley	_____	_____
Belvedere	_____	_____
Rydell	_____	_____

File Path:  
Initials:  
Date:

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