

ORDINANCE NO. 2020-007

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 (PUD) Zoning Districts and Planned Commerce Districts (PCD) 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 January 8, 2020, and they voted to approve 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 ~~land 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.

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~~(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.

d. A PUD rezoning development plan shall mean a document that is consistent with the information requirements listed in section 13-350 (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.

(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 rezoning 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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- (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 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 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~~ PUD rezoning 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 sustainable development services 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.

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 sustainable development services department shall meet with the applicant to review the proposed PUD preliminary rezoning 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

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development rezoning plan ready for submission with a rezoning application. The PUD preliminary rezoning 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.

(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.

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.

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- 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;
 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.

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 sustainable 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 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 land use modules of an approved planned commerce district.~~The concept plan shall indicate~~ 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

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 rezoning 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.

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

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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.

- (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 commerce district zoning for the subject property. The ordinance enacting planned commerce district zoning shall specifically incorporate the planned commerce district zoning plan which shall consist of submissions a. through it. of the application as listed in section 13-357(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 commerce district zoning.* Subsequent to the enactment of planned commerce district zoning, development of all or a portion of the planned commerce district 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 PCD ordinance in accordance with subsection (f) of this section, except that the provisions of subsection (c) of this section shall apply.
- (h) Applications for rezoning to PCD or for amendments to an existing the PCD 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 for 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 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 ~~ih.~~ below. The supporting information shall, as a minimum, consist of items ~~ji.~~ 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.

- 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.

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-
 - (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.~~

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.

CODING: Words in ~~strike through~~ type are deletions from existing text.
 Words in underline type are additions to existing text.
 Asterisks (***) indicate existing text not shown.

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 13TH DAY OF FEBRUARY, 2020.

PASSED SECOND READING THIS 27TH DAY OF FEBRUARY, 2020.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

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