

Sec. 3-9-45. - Planned development (PD)

- (a) *Intent.* The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development. Conventional zoning requirements are replaced by flexible performance criteria intended to accomplish one or more of the following goals:
- (1) Provide for the planning, review and approval of one or a combination of residential, office, commercial, and industrial land uses and structures which result in an organized, compatible development within and with surrounding land uses in regard to density and intensity of use.
 - (2) Allow a diversification of uses, structures and spaces compatible with existing or proposed uses and structures on surrounding properties, while promoting convenience in the location of related uses and amenities and to reduce vehicle miles traveled.
 - (3) Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations and promote open space.
 - (4) Encourage preservation of environmental assets and natural amenities as scenic and functional open-space areas.
 - (5) Encourage an increase in the amount and usability of open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
 - (6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and walkable project.
 - (7) Provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood.
 - (8) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.
 - (9) Encourage a mix of housing types.
 - (10) Implement the intent of the goals, objectives, and policies of the Comprehensive Plan and the requirements set forth in the County's land development regulations, including but not limited to the TDU Ordinance.
- (b) *Uses Permitted.* Any residential, office, commercial, industrial, or public land uses are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives and policies of the Comprehensive Plan, , and the standards and criteria contained in this Section.
- (c) *Design Criteria and Development Standards.* The following design criteria and development standards shall apply:
- (1) *Design Criteria.*
 - a. *Generally.* A cohesive design, including but not limited to heights, colors, materials, signs, and landscaping, is required for a proposed development. The location and arrangement of buildings and other facilities shall be compatible with existing uses in the general vicinity. Compatibility shall be ensured between the proposed, approved and existing uses in the vicinity of the PD and among different uses that may be proposed within the PD.
 - b. *Natural features.* The natural topography, soils and vegetation should be considered and utilized where economically and physically feasible through the careful location and design

of structures, parking areas, recreation areas, open spaces, utilities, drainage and other facilities.

- c. A PD shall generally comply with applicable design criteria and development standards set forth in Chapter 3-9, Zoning, unless otherwise approved in the PD.

(2) *Development Standards.*

- a. *Maximum density.* The maximum density permitted within a PD shall be:
 - 1. Limited to the density indicated on the adopted Future Land Use Map for the underlying land use.
- b. *Grant of Incentive Density Within Urban Service Area (USA) and Outside of Coastal High Hazard Area.* A development may be granted Incentive Density if one or more of the following are provided:

Percent of the Proposed Residential Density	Action
1). 20	Extension of reclaimed water facilities more than one mile
2). 20	Redesign and replatting of previously recorded subdivisions established prior to October 6, 1992
3). 5	Underground utilities
4). 5	Onsite systems to treat and reuse water within individual buildings or collection, treatment, and reuse water for irrigation, toilet flushing and cooling
5). 20	Preservation or restoration of environmentally sensitive areas, natural land cover or habitats more than 40% of the entire PD parcel or phase
6). 100	Rental or workforce housing pursuant to FLU Policy 1.2.17.
7). 10	Two types of uses (residential and office, commercial, or industrial)
8). 20	At least three types of uses (residential and, office, commercial, or industrial)
9). 20	Multi-use trail system for pedestrians, bicyclists, motorists and transit riders of all ages and abilities. €
10). 10	Passive and active recreational uses
11). Percentage as determined by BCC	All similar amenities or project improvements not listed above as may be approved by the BCC

A development agreement or other instruments may be required as a condition of approval for the PD to ensure that improvements proposed as the basis for Incentive Density will be developed. Incentive Density will be reserved for a subject property(ies) at the time of a PD rezoning approval and will be allocated at the PD Final Detail Site Plan approval only when all adopted PD conditions related to Incentive Density are met.

- c. *Cumulative Incentive Density.* Except for item 6 above, in no event shall the cumulative density granted exceed 30% of the density for the proposed residential development and permitted under the underlying land use in the Comprehensive Plan.
- d. *Minimum lot and yard requirements.* Unless otherwise approved by the BCC or provided in Section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than 25 feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. Internal lot and yard requirements shall be established through the PD rezoning process.
- e. *Maximum height of structures.* The maximum height for structures shall be established through the PD rezoning process.
- f. *Open space.* Unless otherwise approved by the BCC or as provided in Section 3-9-45.1, a minimum of 20 percent of the entire PD parcel or phase shall be retained as open space.
- g. *Internal circulation.* All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the County's Land Development Regulations.
- h. *Utilities.* PDs shall be served by public water and sanitary sewers, storm and surface drainage systems, and other applicable utilities systems. The preceding sentence shall not apply if the developer:
 1. Provides private facilities, utilities or services approved by appropriate public agencies as substantially similar to public services which would otherwise be provided to the development under conventional zoning; and
 2. Makes provision for their continued operation thereafter, or until public facilities, utilities and services are available for use.
- i. *Modification of development standards.*
 1. In PD Concept Plan review pursuant to section 3-9-45(d)(3)c.3., the Board of County Commissioners (BCC) may allow a modification of the standards of Section 3-9-45 upon an applicant showing that the modification is necessary and will achieve creative, compatible and site-sensitive design. The applicant must demonstrate that measures for mitigating potential adverse impacts have been taken and the proposed alternative standard is at least equivalent that required by the existing conventional zoning.
 2. In its PD Concept Plan review pursuant to section 3-9-45(d)(4)b.3., the BCC may allow modification of the height limitations of 3-9-88 regarding waterfront property, based on the applicant showings described in j.1, above, as follows: height may be modified up to a maximum of 65 feet, provided that a corresponding amount of additional outdoor open space, beyond that required by existing law, is created at the ground level to offset by a one-to-one ratio the additional cumulative square footage of all floors over 35 feet high. For example, if 20,000 square feet of space above 35 feet is allowed, an additional 20,000 square feet of open space shall be provided on the ground.
 - i. The PD application shall identify all requests for additional height above 35 feet, the square footage of each floor which will exceed 35 feet, and identify and tabulate

additional open space provided in return for any such increase in height. Pavers and green roofs shall not count towards open space.

- ii. In order to allow public input early in the concept review process, prior to the scheduling of the concept plan review before the Site Plan Review (SPR), the applicant for any proposed PD seeking to modify height above the thirty-five-foot limit will hold a neighborhood public meeting with notice given to any property owner within 1,000 feet of the proposed PD as to the height to be added and the open space to be provided in mitigation thereof. The applicant shall provide a summary of the neighborhood meeting, including but not limited to date, time and place of meeting; number of attendees; concerns expressed regarding the proposed height; and copies of any documents provided to the public.
3. All modifications pursuant to this Section must be clearly described within the applicant's petition narrative and the staff report and clearly articulated as part of the presentation to the BCC. The BCC will consider each modification request and approve, deny or approve with conditions, or continue the application in order to receive additional information and review from staff and/or the applicant.
4. No modification pursuant to this section shall be made to or for any development on property located on a key, a barrier island or within the Manasota Key overlay district.
5. Request for modifications from previously approved plans shall be initiated by submitting an application for modification. Minor modifications may be approved by the Zoning Official. Any modification of mitigation measures provided pursuant to subsection j.1 or j.2 above shall always be considered a major modification.
6. Requests to allow modifications to Permitted Uses under Section 3-9-47, Charlotte Harbor Community Development Regulations, as may be amended, is prohibited.

(d) *Procedures for rezoning to PD.*

- (1) *Approval Process for Planned Developments.* The approval process for a PD shall be divided into two phases: PD rezoning (a. or b. below) and Final Detail Site Plan approval (c. and d. below).
 - a. *PD Rezoning with a General PD Concept Plan.* A General PD Concept Plan shall contain development standards including but not limited to the proposed uses, density and intensity, setbacks and building heights requirements, access point(s), and major internal traffic circulation.
 1. Preapplication conference with appropriate County staff.
 2. Site Plan Review (SPR).
 3. Planning and Zoning Board (P&Z Board), public hearing.
 4. BCC, public hearing.
 - b. *PD Rezoning with a Detail PD Concept Plan.* A Detail PD Concept Plan shall include the development standards requirements for a General PD Concept Plan and meet design criteria set forth in (c)(1) above and development standards set forth in (c)(2) above, and in addition a landscaping plan, signage plan if the applicant proposes to deviate from Sec. 3-9-85, Signs, and for multi-family development with two or more buildings or more than 12

units, whichever is greater, and non-residential developments, elevations and building details, such as materials and colors, are required. These design elements will be approved in concept by the BCC and final approval will occur during a Final Site Plan Review by staff.

1. Preapplication conference with appropriate County staff.
 2. SPR.
 3. P&Z Board, public hearing.
 4. BCC, public hearing.
- c. *Final Detail Site Plan Approval after PD Rezoning with a General PD Concept Plan Approval.*
1. SPR.
 2. BCC, public hearing.
- d. *Final Detail Site Plan Approval after PD Rezoning with a Detail PD Concept Plan Approval.*
1. SPR.
- (2) *Preapplication conference.*
- a. *Purpose.* The purpose of this meeting is to discuss with County staff early and informally the purpose and intent of the proposed Planned Development project, and the criteria and standards which may apply. It will also familiarize the applicant with the objectives and policies of applicable elements of the Comprehensive Plan.
 - b. *Procedure.* Unless waived by the Zoning Official, the applicant shall meet with the appropriate County staff prior to formally submitting a request for a PD. The Zoning Official shall schedule the meeting to be held within 15 working days of the applicant's request for such meeting.
 - c. *Requirements.* The applicant shall prepare for the preapplication conference a generalized sketch plan for the proposed development which shall include preliminary data regarding proposed land use, intensity of use, residential density, lot coverage, project amenities, natural resources, stormwater retention and disposal, sewage treatment, and potable water supply.
- (3) *PD Rezoning.*
- a. The purpose of PD rezoning is to approve the density and intensity of land use and to establish appropriate conditions, including deviation of Land Development Regulations, prior to Final Detail Site Plan review.

PD rezoning approval is an agreement in principle between the developer and the BCC indicating general acceptance of the proposed uses, size, type, intensity and conditions of the PD. Approval of the PD rezoning shall constitute an amendment to the official Zoning Atlas, and the subject parcel shall be labeled with the description "PD" and PD number.
 - b. PD Concept Plan (General PD Concept Plan or Detail PD Concept Plan) application, PD rezoning application, and the associated fees are required at the time of submission of an application.
 - c. *Review Procedure.*

1. *Site Plan Review (SPR)*. The proposed PD Concept Plan application shall be filed with the appropriate Department of the County, where it will be reviewed for sufficiency. Such Department shall maintain a Site Plan Review checklist listing the required components for a completed application. Within 10 business days after receiving such application package, the Department will review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If such application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. If the application package is found sufficient, the Zoning Official will schedule a Site Plan Review (SPR). The SPR will review the PD Concept Plan application for technical compliance to County codes and may attach appropriate conditions and safeguards it deems necessary. The SPR recommendation will be forwarded in writing as part of the PD rezoning to the P&Z Board for their consideration and review. In order to have sufficient time for preparation of packet materials, the minimum amount of time between the SPR and the P&Z Board meeting shall be four weeks.
 2. *PD Rezoning*. The PD rezoning application shall be filed with the appropriate Department of Charlotte County, where it will be reviewed for sufficiency. Within 10 business days after receiving such application package, the Department will review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If such application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. If the application package is found sufficient, the Zoning Official will schedule public hearing dates before the P&Z Board and the BCC. Upon completion of its review, a staff report and recommendation will be issued, which will be forwarded to the P&Z Board members and the applicant along with the recommendation of the PD Concept Plan from SPR no later than one week prior to the public hearing. The P&Z Board will review the application, recommendation of the SPR, staff report, and evidence presented at the public hearing.
 3. *BCC Review*. Upon receipt of the P&Z Board's recommendation, the BCC shall conduct a public hearing with due public notice. The BCC shall then grant approval or disapproval based upon the criteria listed within this Code. If denied, the BCC shall state the reasons for denial. In approving the PD rezoning, the BCC may establish reasonable conditions and may require modifications deemed necessary to protect the public health, safety or general welfare. These conditions shall be binding upon the applicant or any successors in interest.
 - d. *Time limitation*. The PD Concept Plan approval shall be valid until a Final Detail Site Plan for the entire site is approved, unless a subsequent rezoning occurs on the subject property.
- (4) *Final Detail Site Plan approval*.
- a. *Definition*. Final Detail Site Plan approval authorizes construction of the project. The applicant may apply for and be granted final approval for the entire PD or any phase of the project.
 - b. *PD Final Detail Site Plan Application and its associated fee are required at the time of submission of an application*.
 - c. *Review procedure*.

1. *Site Plan Review (SPR)*. Application for Final Detail Site approval shall include an application, supportive materials, and plans as listed on the Site Plan Review checklist maintained by the Department. The County Department will conduct a sufficiency review of the application package; and if found sufficient, the Zoning Official or his/her designee will coordinate various departments for review. Within 10 business days after receiving such application package, the Department will review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If such application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.
 2. *BCC Review*. Based on the proposed Final Detail Site Plan, comments and recommendations, the BCC shall determine whether the Final Detail Site Plan complies with the County's Land Development Regulations and the conditions of the PD rezoning with General PD Concept Plan. The applicant shall be notified by a letter from an appropriate County Department of the BCC's decision. Final Detail Site Plan approval for projects which contained a Detail PD Concept Plan which was approved by the BCC and did not require final approval by the BCC, shall be reviewed and approved by staff.
- d. *Time limitation*. The approval letter for the Final Detail Site Plan shall include a schedule for the project from commencement to buildout. The Final Detail Site Plan shall be valid for a period of three years from the date of approval. One two-year extension may be granted by the Zoning Official. No additional extensions will be granted thereafter. If a portion of the approved Final Detail Site Plan has been constructed and received a certificate of occupancy, the remainder of the approved plan shall remain valid unless a major modification is requested.
 - e. *Building permits*. No building permit or certificate of occupancy or certificate of zoning compliance shall be issued for a PD except in conformity with all provisions of the approved Final Detail Site Plan, as may be amended. All buildings and improvements in a particular phase need not be complete before the issuance of a certificate of occupancy for a completed building in that phase unless otherwise required by the Final Detail Site Plan.
- (5) *Modification of PD Concept Plan, PD Conditions, or Final Detail Site Plan.*
- a. *Minor Modification*. Any modification to an approved PD which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, alterations or modifications of proposed uses, locations of signs, buildings/structures or other improvements which are consistent with the purpose and intent of the approved PD plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the Zoning Official shall render a decision to the applicant within 15 working days after submission of a complete application. Applications for a minor modification shall include an updated, revised PD plan indicating the effect of the proposed change and the reasons why such a change is necessary.
 - b. *Major Modification*. Generally, additions, deletions, changes in the use, density, or other specifications of an approved PD Concept Plan or Final Detail Site Plan are considered a major modification. In reaching a decision as to whether or not the change(s) are substantial enough to be considered a major modification, and subject to reapplication as a new development plan, the Zoning Official shall, after reviewing the following criteria,

determine whether the changes are substantial enough to be considered a major modification:

1. An increase of development rights shall generally be considered a major modification. In no case shall the intensity or density be increased over the maximum permitted by Future Land Use Map designation of the subject property.
2. Any change in parking areas resulting in an increase or reduction of ten percent or more in the number of spaces approved.
3. Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within 200 feet of the boundary of the PD district.
4. Substantial changes in location or type of pedestrian or vehicular accesses or circulation, as determined by the County Engineer.

Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new PD application.

- c. *Appeal.* An appeal of a decision rendered by the Zoning Official as to whether a modification is major or minor shall be filed by the aggrieved applicant within 30 days of such written determination. The appeal shall be forwarded to the Board of Zoning Appeals in accordance with Section 3-9-6.
- d. If there are multiple property owners within a PD, and a property owner(s) files an application to amend the existing PD, the Zoning Official may waive the requirement for authorization by the property owners who are not the applicants if the proposal will not increase or decrease their density, intensity or development rights; however, notification of public hearings for such PD application shall be mailed to all other property owners within the PD.