

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO CREATE A NEW ARTICLE 41, ENTITLED “PLANNED UNIT DEVELOPMENT (PUD)”; PROVIDING FOR PURPOSES AND INTENT, LAND USE AND DEVELOPMENT INTENSITY REGULATIONS, OBJECTIVES AND STANDARDS INCLUSIVE OF DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS, APPLICATION REQUIREMENTS, AND AMENDMENTS TO APPROVED PUDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town’s Planning Consultant has recommended that the Town adopt a new zoning category, entitled Planned Unit Development (“PUD”), to facilitate development on property that exceeds expectations of standard zoning districts, implements the Town’s Comprehensive Plan, and to allow for creative use of land and quality development; and,

WHEREAS, the adoption of a PUD zoning category for application within the Town furthers the purposes of the Town’s Comprehensive Plan, particularly goals, objectives and policies within the Future Land Use Element, the Transportation Element, the Recreation and Open Space Element, and the Conservation Element; and,

WHEREAS, the Town’s Planning and Zoning Board considered the proposed PUD zoning category at its May 10, June 14, and July 12, 2012, meetings and pursuant to Chapter 163, Part II, Florida Statutes, recommended that the Town Council approve the ordinance to create a PUD zoning category within the Town’s ULDCs; and,

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance, to create a PUD zoning category, is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: 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: That the Town Council of the Town of Loxahatchee Groves, hereby amends the Town’s Unified Land Development Code (ULDC) to create a new Article 41 to be entitled “Planned Unit Development (PUD),” which is attached hereto as **Exhibit “A”**, and incorporated herein by reference.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC.

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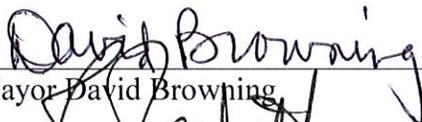
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Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

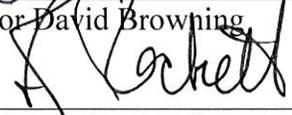
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 18TH DAY OF SEPTEMBER, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20th DAY OF NOVEMBER, 2012.

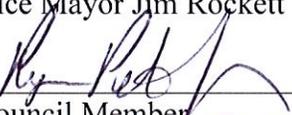
**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**



Mayor David Browning



Vice Mayor Jim Rockett



Council Member

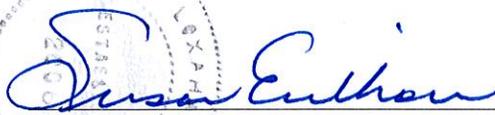


Council Member



Council Member

ATTEST:



TOWN CLERK

APPROVED AS TO LEGAL FORM:



Office of the Town Attorney

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ATTACHMENT A
ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)
(Ref: Following Page)

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7/30/12

ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)

Section 1 General

A. Purpose and Intent

The purpose of a PUD is to: (1) provide a zoning vehicle to implement the Multiple Land Use (MLU) future land use category and related special policies assigned to specific properties under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; and (2) offer an alternative to standard commercial zoning to property owners meeting the location criteria specified in Sections 3B.1 to 3B.3 and who propose creative solutions to implement Town planning directives.

B. Applicability

The requirements of this Article shall apply to all parcels assigned a Multiple Land Use designation in the Comprehensive Plan. In addition, the requirements of this article, by Town Council approval, may apply to certain additional parcels assigned a Town commercial land use designation which encompass one or more plots and developed in conformance with an overall Master Plan.

C. Conflicts

If a conflict exists between this Article and other Articles in this code, the provisions of this Article shall apply to the extent of the conflict.

D. Location and Threshold

1. A PUD assigned a Multiple Land Use future land use designation shall meet the requirements of Policy 1.1.14 of the Future Land Use Element and any Special Policies assigned to the property under Objective 1.15 of the Comprehensive Plan.

2. A PUD assigned a commercial future land use designation, per Table 1-8 of the Comprehensive Plan, shall comply with the performance standards in Sections 3.B.1 to 3.B.3 of this Article and any Special Policies assigned to the property under Objective 1.15 of the Comprehensive Plan.

E. Development Order

Issuance of a development order for a PUD shall be deemed to authorize an amendment to the Town's Official Zoning Map.

1. Zoning Map Amendment

Any land which is the subject of a PUD approval shall be so designated on the Town's Official Zoning Map. Before any land is designated as a PUD on the Official Zoning Map, it shall receive approval pursuant to the standards and procedures for a rezoning pursuant to Section 05-070: "*Town Council to amend zoning regulations*" and Part V: "*Development Review Procedures and Requirements*" of this Code. Further, any land assigned a PUD designation under this section shall have been previously assigned either an MLU Future Land Use designation or a commercial land use designation on the Town's Future Land Use Map.

2. Conditions

The Town Council may impose conditions of approval in a development order for a PUD to protect the public health, welfare and safety; to ensure compliance with the Comprehensive Plan and the requirements of this Code; to implement special planning studies completed by the Town; to ensure off-site road improvements are provided to address traffic impacts associated with the PUD; to ensure the dedication of public facilities; to ensure compatibility between land uses, including the use of buffers; and to ensure a quality development.

Any public representations regarding any of the above listed items made to the Town Council by the property owner or his designated agent during a duly noticed Council public hearing or Council meeting during the approval process of a related comprehensive plan amendment or rezoning shall be included within the conditions of approval in a development order for a PUD.

3. Successive Owners

Conditions imposed by the Town Council shall run with the land and shall be binding on all successors or assigns with an interest in the property.

4. Development Permits

a. A development permit shall not be issued for any land development in a PUD, nor shall any land development activity commence within a PUD prior to approval of a site plan pursuant to Article 155 of this Code for the affected area.

b. An internal lot, which constitutes a portion of an approved PUD Master Plan, and which is subject to final site plan approval, may be subdivided by fee title conveyance of said individual internal lot upon approval by the Town Manager, provided that:

- 1) Legal access to each internal lot in the Master Plan is provided by a common drive aisle in full compliance with all requirements of this Code.
- 2) The layout, location, and construction limits of structures Within the internal lot are regulated by separation distances between structures rather than by setbacks from interior property lines.
- 3) Individual internal lots are not subject to requirements for minimum area or dimensions under this Code.
- 4) A statement of the developer's intent to subdivide the property according to the provisions of Section 1.E.4.b. shall be included with the PUD application. Internal lot subdivision lines with bearings and distances shall be included on the approved site plan for the internal lot.
- 5) All lands within the perimeter of the internal lot are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved as to form and sufficiency by the Town Attorney.
- 6) The internal lot is delineated on a single boundary plat of record.
- 7) The entirety of the property included within the PUD Master Plan, including the internal lot, is depicted on a plat of record meeting the requirements of Article 140, Division I: Platting of this Code.

Section 2. Land Use and Development Regulations

Each PUD shall have an underlying land use designation, including Multiple Land Use (MLU), Commercial Low (CL) or Commercial Low Office (CL-O), as indicated on Map FLU – 1.10 and defined in Table 1.8 of the Future Land Use Element of the Comprehensive Plan.

A. Land Use

1. A PUD with an MLU future land use designation shall consist of designated land use areas, pods, phases or lots, each of which shall be assigned a land use category defined in Table 1.8 of the Future Land Use Element of the Comprehensive Plan.

2. Each PUD with Commercial future land use designation shall be assigned either a CL or CL-O future land use designation, as defined in Table 1.8 and assigned to the subject parcel on Map FLU – 1.10 of the Future Land Use Element of the Comprehensive Plan.

3. Specific permitted, accessory and conditional uses allowed in each area, pod, phase or lot of an MLU PUD, consistent with the land use categories assigned to the property by Special Policy under Objective 1.15 of the Comprehensive Plan, shall consist of those stated in the corresponding zoning districts (e.g. the Commercial Low zoning district implements the Commercial Low future land use category and the Institutional and Public Facilities zoning district implements the Institutional and Public Facilities future land use category, etc.).

4. Specific permitted, accessory and conditional uses allowed in a Commercial PUD shall consist of those stated in the zoning district which corresponds to the future land use category assigned to the property (i.e. the Commercial Low zoning district implements the Commercial Low future land use category and the Commercial Low-Office zoning district implements the Commercial Low Office future land use category).

B. Maximum Development Intensity

1. MLU PUD Development Density and Intensity. The maximum non-residential development potential of each area, pod or phase of a parcel assigned an MLU future land use designation shall be determined by multiplying its gross size, in square feet, by the intensity (maximum floor area ratio) of the associated non-residential land use category, as depicted in Table 1.8 of the Comprehensive Plan. The maximum residential development potential of each area, pod or phase of a parcel assigned an MLU future land use designation shall be determined by multiplying its gross size, in acres, by the density (maximum dwelling units per acre) of the associated residential land use category, as depicted in Table 1.8 of the Comprehensive Plan. The sum of maximum non-residential and residential development potentials of each area, pod or phase shall determine the maximum development potential of the PUD as a whole. However, the maximum development potential of an individual future land use designation of an MLU PUD shall not exceed any limitations imposed by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan. Land use and intensity may be further limited under Section 2.C.

2. Commercial PUD Development Intensity. The maximum development potential of a parcel assigned a Commercial Low or Commercial Low-Office future land use designation shall be determined by multiplying its gross size, in square feet, by the intensity (maximum floor area ratio) of the associated land use category, as depicted in Table 1.8 of the Future Land Use Element of the Comprehensive Plan or as specifically limited under Section 2.C.

C. Additional Limitations on Land Use and Maximum Intensity

The development potential of a PUD, as determined in Sections A and B, including use and intensity, as well as those of specific areas, pods, phases, or lots may be further limited by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; concurrency reservation; conditions of a related development order; or the application of land development regulations in this Code.

D. Property Development Regulations

1. Property development within a PUD shall be governed by the land development regulations in this Code, subject to any limitations established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

2. Property development within each area, pod or phase of an MLU PUD shall be governed by zoning regulations in this Code that correspond to the future land use designation assigned to the property by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan (e.g. . the Commercial Low zoning district regulations implement the Commercial Low future land use category and the Institutional and Public Facilities zoning district regulations implement the Institutional and Public Facilities future land use category, etc.). Additional limitations may be established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

3. Property development within a Commercial PUD shall be governed by zoning regulations in this Code that correspond to the specific future land use designation assigned to the property (i.e. the Commercial Low zoning district regulations implement the Commercial Low future land use category and the Commercial Low-Office zoning district regulations implement the Commercial Low Office future land use category). Additional limitations may be established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

E. Waiver of Property Development Regulations

1. A waiver of a specific property development regulation in this Code may be requested as part of the application for PUD approval provided that, in no event, shall use, density or intensity limitations be exceeded. Any waiver shall be approved by the Town Council under Section 1.E.2. and, in addition, demonstrate that such waiver is necessary to best meet the PUD design objectives and standards stated in Section 3.A. The Town Council shall have the authority to grant a waiver of provisions of this Code relating to the following:

- a) height
- b) setbacks
- c) parking and loading
- d) landscaping and buffers
- e) separation of uses
- f) plot coverage
- g) such other provisions of this Code which do not specifically prohibit such requests

2. A waiver or waivers may be granted to a proposed PUD upon demonstration of significant contributions to implementing Town planning objectives and maintaining its rural character. In order to determine the significance of a proposed waiver, the applicant must justify said waiver or waivers by addressing the following items in the Statement of Use:

- a) identification, protection and enhancement of natural areas.
- b) provision of open space and landscaping in excess of Code requirements.
- c) provision of pervious area in excess of Code requirements.
- d) preservation of native vegetation.
- e) joint use of driveways.
- f) cross-access opportunities.
- g) additional specific Comprehensive Plan or other Town planning directives.

3. A waiver request shall be included in the Statement of Use required in Section 3.C.1.b.3, including justification for the request and public benefits accrued.

4. In no event shall a waiver be used as a means to increase the maximum development intensity limitations imposed by the Comprehensive Plan.

Section 3. Objectives and Standards

A. PUD Design Requirements

1. Compatibility and consistency with the Comprehensive Plan.

2. Compatibility and consistency with the following Town planning documents, or their successors: Master Roadway, Equestrian and Greenway Plan (MREG); SR-80/Southern Boulevard Conceptual Access Management Plan; and Guidelines for Loxahatchee Groves' Non-Residential Projects ("Rural Vista Guidelines").
3. A vehicular circulation system which interconnects each internal area, pod or phase and provides access to common Southern Boulevard road entrances to the PUD.
4. A vehicular circulation system which provides opportunities for connectivity with adjacent properties.
5. Preservation of existing native vegetation and other natural or historic features to the greatest extent possible and compliance with the Town's Native Tree Preservation, Soil Stabilization and Exotic Removal Ordinance.
6. Screening and buffering of adjacent areas from non-residential PUD components.
7. Screening and/or buffering of objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters and compactors, etc.) from public view.
8. Minimize impervious surfaces and maximize open spaces.

B. PUD Performance Standards

1. PUDs shall have frontage on and legal access to Southern Boulevard. Individual interior PUD areas, pods, phases or lots may be provided access by a common access point or access points, as approved by the Town Council.
2. The minimum parcel size for an MLU/PUD shall be fifty (50) acres, consistent with the Comprehensive Plan.

3. The minimum frontage along Southern Boulevard for a CL/PUD or a CL-O/PUD shall be six hundred 600 feet and incorporate one of the following Southern Boulevard access scenarios: an existing Florida Department of Transportation (FDOT) approved driveway; a proposed driveway identified in the Town's SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP); or an existing driveway that will be shared and gain approval by FDOT. The minimum depth from Southern Boulevard for a CL/PUD or a CL-O/PUD plot shall be seven hundred fifty (750) feet; however, in no event, shall a principal or accessory commercial use or building or commercial parking lot extend beyond seven hundred fifty (750) north of Southern Boulevard.

4. Infrastructure improvements shall be provided to accommodate projected impacts, as determined by the Town's concurrency review process. Improvements shall be provided according to a schedule approved by the Town Council.

5. PUDs shall provide cross access to adjacent properties where possible and deemed appropriate by the Town Council.

6. The internal vehicular and non-vehicular circulation systems shall be designed and constructed in a manner that does not adversely impact drainage within or adjacent to the PUD.

7. At the discretion of the Town Council, public streets within a PUD shall connect to public streets in developments directly adjacent thereto. If no public streets exist, and the Town Council determines that a future public street is possible, a connection to the property line may be required in a location determined by the Town Council.

8. A PUD shall comply with the following unless waived by the Town Council.

a. The location of a Bus Stop, Boarding and Alighting Area (BSBAA) shall be shown on the Master Plan prior to approval by the Town Council, unless a written statement is received from Palm Tran that such a facility is not required for the construction of future mass transit infrastructure.

b. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County, or appropriate alternative entity, an easement for a BSBA in a location approved by PalmTran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act (ADA) to and through the BSBA.

9. All utility services located in a utility easement shall be installed underground or combination/alternative acceptable to the Town Council, with the following exceptions: primary electrical facilities and high voltage wires, lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent rights-of-way by landscaping, fencing, walls, or a combination thereof.

10. Parking and loading for all uses in a PUD, subject to modifications permitted by the Town Council pursuant to Section 2.E and use and intensity limitations imposed by the Town Council, per Section 2.B and 2.C. above, shall be provided in compliance with Article 95. Parking and Loading of this Code.

11. As determined by the Town Council, perimeter landscape buffer requirements per Article 85 "Landscaping" of this Code may be applied to the exterior boundaries of a CL/PUD or a CL-O/PUD, as opposed to the perimeters of each interior pod, phase or lot thereof. Additional exterior PUD perimeter landscape buffers adjacent to residential areas may be required by the Town Council in order to compensate for the loss of interior landscape buffer area approved in this manner.

12. Review and report by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG). Prior to review of a PUD by the Town Council, the RETAG shall review the PUD application regarding the need for and location of greenways, including equestrian trails, within the proposed PUD and provide a report to the Town Council through the adoption of a motion reflected in the minutes of the meeting. The applicant shall provide a written response to any issues discussed.

C. Application Requirements

1. For any proposed PUD, and prior to submittal of a formal PUD application, the applicant shall make a presentation at a Town Council public workshop to discuss the proposed PUD application and its implications for the Town and neighboring property owners.

2. In addition to the requirements of Article 110 and Section 160-010 of this Code, a qualified applicant shall submit the following information for a determination of PUD application completeness by the Town Manager.

a. A Master Plan, subject to the following requirements.

- 1) The Master Plan, subject to any limiting conditions imposed by the Town by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan, which shall be the controlling document for the PUD.
- 2) All development uses, access and density and intensity in the PUD shall be consistent with the Master Plan, as well as any other conditions set forth therein.
- 3) All site plans, subdivisions and plats shall be consistent with the Master Plan.
- 4) Approval of a Master Plan by the Town Council shall be binding upon land owners subject to the PUD development order, their successors and assigns, and shall constitute the principal development regulations of the land.
- 5) All areas, pods, phases or lots within the boundaries of a Master Plan shall be assigned an MLU, Commercial Low or Commercial Low Office land use designation as described in Table 1-8 of the Future Land Use Element of the Comprehensive Plan.
- 6) Each interior area, pod, phase or lot of a PUD shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire PUD shall be provided in a form acceptable to the Town Manager.

b. The required Master Plan shall contain the following information:

- 1) Site acreage.
- 2) Site boundaries clearly identified, and ties to section corners.
- 3) Existing and proposed land uses and existing uses of adjacent lands. Proposed PUD uses shall be described in detail in a written Statement of Use, which shall become part of the approved Master Plan.
- 4) Preliminary site plan drawing meeting the requirements of Sections 155-010(B) through (J), (L), (M), and (R) of this Code.
- 5) Indication of vehicular connections to public rights-of way.
- 6) If applicable, a valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System Standards", as amended.
- 7) Design Guidelines, including schematic elevations and a written statement of consistency with the Rural Vista Guidelines.
- 8) All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement or surface width, existing or proposed median cuts and intersections, street light poles and other utility facilities and easements.
- 9) Indication of existing native vegetation that will be preserved, and written acknowledgement that the PUD is subject to the permitting requirements of the Town's Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal Ordinance.

10) A detail of the proposed buffer for screening along any property line adjacent to a residential zoning district addressing the removal of invasive vegetation and replanting.

11) Site data, including the maximum intensity permitted on site.

c. Proof of concurrency, including all supporting documents.

d. A study indicating the market feasibility of the proposed development.

e. A statement detailing how the proposed PUD implements the Comprehensive Plan.

f. Documentation of review by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG) regarding the need for and location of greenways, including equestrian trails, within the PUD, including a written response to RETAG comments and recommendations.

g. All land shown on a Master Plan shall receive approval of a site plan pursuant to Article 155 of this Code and plat pursuant to Article 140 of this Code.

i. Upon approval, the site plan and plat shall become the controlling documents for the land area addressed; however, land use, density and intensity, and access shall be consistent with the Master Plan.

ii. The re-designation or reconfiguration of an area, pod, phase or lot from one land use to another in a PCD with an MLU future land use designation shall require approval of the Town Council. However, in no event, shall re-designation or reconfiguration of an area, pod, phase or lot result in an increase in total PUD traffic generated by the mix of land uses approved by the Town Council in the Master Plan.

D. Administrative Amendments

Upon application, based upon the recommendations by the Town's staff and consultants, an approved Master Plan may be administratively amended pursuant to the site plan amendment process set forth in Section 155-005(B) of the ULDC, and provided that such proposed amendment does not:

1. Alter a recorded plat;
2. Conflict with the specific requirements of this article;
3. Increase the density and/or intensity of use, including building height of an approved master plan or a subsequently approved site plan;
4. Effect adjoining or surrounding properties by increasing traffic generation, addition of entrances to local roads, decreasing buffers adjacent to residential areas, or creating a nuisance, including but not limited to noise, light, odor, etc.;
5. Result in the relocation of major external access points;
6. Decrease the specified setbacks and/or open spaces or specified parking and loading spaces.
7. Require approval of a variance.
8. Alter a condition of approval previously approved by the Town Council.