

ORDINANCE NO. 2018- 3

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, SECTION 2, PLANNED UNIT DEVELOPMENTS ("PUDs"), REQUIRED STANDARDS FOR NEIGHBORHOOD PARK, TABLE 3.E.2.C., ENTITLED MINIMUM THRESHOLDS, TABLE 3.E.2.C., ENTITLED PUD LAND USE MIX, AND TABLE 3.E.2.D., ENTITLED PUD PROPERTY DEVELOPMENT REGULATIONS, PROVIDING FOR CHANGES IN THE PLANNED UNIT DEVELOPMENTS ("PUD") DISTRICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

WHEREAS, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

WHEREAS, the Developer has requested review use provisions in Article 3, Section 2, Planned Unit Developments, Required Performance Standards for Neighborhood Parks, Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage), Table 3.E.2.C., entitled PUD Land Use Mix, and Table 3.E.2.D., entitled Property Development Regulations of the land development codes within the City of Westlake to make adjustments to the uses which will be allowed in the PUD categories; and

WHEREAS, the applicant requested changes to the required performance standards for Neighborhood Parks to make the language consistent with the proposed comprehensive plan; and

WHEREAS, the applicant requested changes to the PUD thresholds which would eliminate Table 3.E.2.C. PUD Minimum Thresholds, and replace the table with a fifty (50) acre project requirement as a threshold for the PUD submittal and review requirement; and

WHEREAS, the applicant requested changes to the PUD Land Use Mix Table 3.E.2.C., which would reduce the open space requirement minimum from forty percent (40%) to twenty-seven percent (27%), and note three would allow for the co-location of civic uses for a PUD within a Traditional Town Development ("TTD") District, outside of the PUD boundary; and

WHEREAS, the applicant requested changes to the PUD development regulations which would modify Table 3.E.2.D. PUD Property Development Regulations, providing for minimum lot dimensions in the Traditional Town Development ("TTD"), single family, lot sizes, building coverage and setbacks; and

WHEREAS, the staff has reviewed the request for changes to required performance standards for neighborhood parks, Table 3.E.2.C., PUD Minimum Thresholds (Acreage), Table 3.E.2.C., PUD Land Use Mix and agrees with the reasonable request of the applicant, staff supports the change, allowing for consistent changes to the neighborhood park provision, allowing for the elimination Table 3.E.2.C., PUD Minimum Thresholds (Acreage), and allowing for modifications to Table 3.E.2.C., PUD Land Use Mix, and Table 3.E.2.D. allowing for minimum lot dimensions, building coverage and setbacks in TTD single family pods; and

WHEREAS, the Developer's requested changes to the City of Westlake's interim land development code are shown in underline for the additions to the code and strike through for the deletions to the code, as set forth in the attached Exhibit "A"; and

WHEREAS, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency(LPA), had the opportunity to review the requested changes at a public hearing, and to make a recommendation to the City Council for the City of Westlake; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 3, Section2, Planned Unit Developments, Required Performance Standards for Neighborhood Parks, Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage), Table 3.E.2.C. entitled PUD Land Use Mix, and. Table 3.E.2.D., entitled PUD Property Development Regulations, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

Section 1. Incorporation: The above recitals are true and correct and are incorporated herein by this reference.

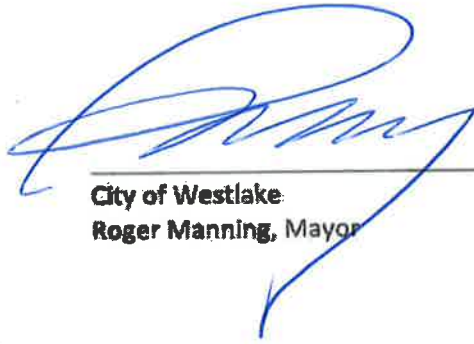
Section 2. Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 3, Section2, Planned Unit Developments, Required Performance Standards for Neighborhood Parks, Table 3.E.2.C., entitled PUD Minimum Thresholds (Acreage), Table 3.E.2.C. entitled PUD Land Use Mix, and Table 3.E.2.D., entitled PUD Property Development Regulations, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein.

Section 3. Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 4. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 8 day of January, 2018, on first reading.

PASSED AND ADOPTED this 12 day of February, 2018, on second reading.



City of Westlake
Roger Manning, Mayor



Sandra DeMarco, City Clerk



City Attorney
Pam E. Booker, Esq.

Exhibit "A"
City of Westlake Amendment to Article 3, Chapter E, Table 3.E.1.B.

ARTICLE 3
OVERLAYS & ZONING DISTRICTS

	Page
CHAPTER A GENERAL	15
Section 1 Districts	15
A. Purpose and Intent	15
B. Overlays and Zoning Districts	15
1. Overlays	15
2. Standard Districts	15
3. Planned Development Districts (PDD)	16
4. Traditional Development Districts (TDD)	16
Section 2 Zoning Map and District Boundaries	16
A. Establishment of Official Zoning Map	16
B. Amendment to the Official Zoning Map	16
C. Replacement of the Official Zoning Map	16
1. Damage or Destruction	16
2. Map Errors	16
D. Prior Approvals Corresponding to Current Districts	16
Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)	16
A. Purpose and Intent	16
B. Standard Districts	16
1. Standard District Exceptions and Limitations	17
C. Planned Development Districts (PDDs)	18
D. Traditional Development Districts (TDDs)	18
E. Exemptions/Applicability for Prior Approvals	19
1. Standard Districts	19
2. Planned Development Districts	19
CHAPTER B OVERLAYS	19
Section 1 General	19
A. Boundaries	19
B. Applicability	19
C. Relationship to Other Regulations in this Code	19
D. Conflict with Other Applicable Regulations	19
Section 2 AZO, Airport Zoning Overlay	19
A. Purpose and Intent	19
B. Applicability	20
1. Off-Airport Uses	20
2. Uses on Airport Properties	20

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OVERLAYS & ZONING DISTRICTS

	Page
CHAPTER A GENERAL	15
Section 1 Districts	15
A. Purpose and Intent.....	15
B. Overlays and Zoning Districts	15
1. Overlays.....	15
2. Standard Districts	16
3. Planned Development Districts (PDD).....	16
4. Traditional Development Districts (TDD)	16
Section 2 Zoning Map and District Boundaries.....	16
A. Establishment of Official Zoning Map.....	16
B. Amendment to the Official Zoning Map	16
C. Replacement of the Official Zoning Map	16
1. Damage or Destruction	16
2. Map Errors	16
D. Prior Approvals Corresponding to Current Districts	16
Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA).....	16
A. Purpose and Intent.....	16
B. Standard Districts	17
1. Standard District Exceptions and Limitations	18
C. Planned Development Districts (PDDs)	18
D. Traditional Development Districts (TDDs).....	18
E. Exemptions/Applicability for Prior Approvals.....	19
1. Standard Districts	19
2. Planned Development Districts.....	19
CHAPTER B OVERLAYS	19
Section 1 General	19
A. Boundaries.....	19
B. Applicability	19
C. Relationship to Other Regulations in this Code	19
D. Conflict with Other Applicable Regulations	19
Section 2 AZO, Airport Zoning Overlay	19
A. Purpose and Intent.....	19
B. Applicability	20
1. Off-Airport Uses	20
2. Uses on Airport Properties	20
Section 3 COZ, Conditional Overlay Zone	24
A. Purpose and Intent.....	24
B. Boundaries.....	24
C. Applicability	24
D. District Regulations	24

utilities, water and wastewater treatment plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013]

5. Successive Owners

The unified control shall run with the land and shall be binding on all successors in interest to the property.

6. Amendments

Prior to approval of a modification to a master plan, site plan, or subdivision by the DRO, the unified control shall be amended to include/exclude all land added to/deleted from the PDD.

J. Phasing and Platting

1. Phasing

PDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E. Monitoring, any conditions of approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the Development Order approved by the BCC. [Ord. 2005 – 002] [Ord. 2012-003]

2. Platting

All land in a PDD shall be platted in accordance with Art. 11. SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS. [Ord. 2005 – 002] [Ord. 2011-001] [Ord. 2012-003]

a. Exemptions

The following shall be exempt from platting requirements: [Ord. 2012-003]

- 1) Right of way dedicated to a government agency when approved by the County Engineer, or, [Ord. 2012-003]
- 2) A DOA to a prior approval which includes a rezoning to a current PDD, where the proposed amendments do not involve any subdivision or other modifications which would require platting or a re-plat. [Ord. 2012-003]

b. Timing

All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract. [Ord. 2012-027]

Section 2 Planned Unit Development (PUD)

A. General

1. Purpose and Intent

The purpose of a PUD district is to offer a residential development alternative, which provides a living environment consisting of a range of living opportunities, recreation and civic uses and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Plan. The intent of a PUD is to promote imaginative design approaches to the residential living environments. These approaches include but are not limited to:

- a. the preservation of the natural environment;
- b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
- c. the creation of a continuous non-vehicular circulation system;
- d. the establishment of private civic and/or public civic and recreation area to serve the PUD;
- e. provide for a limited amount of commercial uses to serve the residents of the PUD;
- f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of PBC;
- g. the reduction of land consumption by roads and other impervious surface areas; and
- h. the provision for flexible PDRs to promote innovative and quality site design.

2. Applicability

The requirements of this Section shall apply to all PUDs, modifications to previously approved PUDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

4. Exemplary

A rezoning to the PUD district or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. See the PBC Zoning Division Technical Manual for examples. A DOA to a previously approved PUD shall be reviewed pursuant to Article 1.E.1.C. Previous Approvals. [Ord. 2006-055]

B. Objectives and Standards

1. Design Objectives

A PUD shall comply with the following objectives:

- a. Designed as a predominantly residential district;
- b. Provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
- c. Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD. [Ord. 2006-055]
- d. May offer limited commercial uses for the population of the PUD;
- e. Establish neighborhood character and identity;
- f. Preserve the natural environment to the greatest extent possible; and
- g. Provide incentives for civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve the residents of the PUD and PBC.

2. Required Performance Standards

A PUD shall comply with the following standards: Standards a – d are required and must be met. A minimum of two of the four standards listed in e – h are required: [Ord. 2006-055]

a. Proximity to Other Uses

All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod, or a public recreational facility. [Ord. 2006-055]

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040]

b. Focal Points

A focal point shall be provided at the terminus of 15 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot. [Ord. 2006-055]

c. Neighborhood Park

Neighborhood parks shall have a direct connection to the pedestrian system, serve the residents of a neighborhood, and include a tot lot, gazebo, fitness station, rest station, or other similar recreation amenity facilities. Neighborhood parks are designed to serve the population of a neighborhood. ~~The park shall not be used towards the Parks and Recreation Department's minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management or other utility purposes.~~ [Ord. 2006-055]

d. Decorative Street Lighting

Decorative street lights shall be provided along the development entrances. [Ord. 2008-037]

e. Decorative Paving

Decorative pavers shall be provided at the development entrances and incorporated into recreational areas. [Ord. 2006-055]

f. Fountains

A minimum of one fountain shall be located in the main or largest lake or water body. [Ord. 2006-055]

g. Benches or play structures

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways. [Ord. 2006-055]

h. Interspersed Housing

WFH units shall be interspersed with market rate units within a pod. [Ord. 2006-055]

I. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development. [Ord. 2008-037]

C. Thresholds

1. Thresholds

Projects that meet or exceed 50 acres the acreage threshold indicated in Table 3.E.2.C, PUD Thresholds may be submitted and reviewed as a PUD. [Ord. 2006-004]

Table 3.E.2.C – PUD Minimum Thresholds (Acreage)

	AGR	RR	AGE	LR1	LR2	LR3	MR6	HR8	HR12	HR18
Minimum Acreage	40 (80/20)	100	100 (Rural TZ)	5	5	5	5	3	3	3
	250 (60/40)		3 (Suburban TZ)							

2. Land Use Mix

Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec.	OS (2)	Preserve Area	Dev. Area
MIN	60%	2% (1)(3)	-	.006 acre	49.27%	80/20 AGR—80% 60/40 AGR—60%	-
MAX	-	65%	1%	-	-	-	80/20 AGR—25% (3) 60/40 AGR—40%

[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001]

Notes:

- Minimum civic pod requirement may be waived, subject to the following: [Ord. 2011-001]
Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, [Ord. 2011-001]
If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]
- Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]
- See 80/20 option exception. Required Civic acreage for a PUD within a TTD may be co-located with other civic uses outside of the PUD boundary.

3. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PUD. Neighborhood parks, water management tracts and local roads, which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C, PUD Land Use Mix.

a. AGR Exceptions

In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only. [Ord. 2006-004]

4. Other Land Uses

The acreage for open space tracts, water management tracts, R-O-W, shall be provided on the master plan.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

1. Setbacks

For residential development, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For non-residential development, building setbacks shall be measured from the property line. Rear or side setbacks may be reduced pursuant to Article 3.D.1.D.4, Setback Reductions.

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Table 3.E.2.D - PUD Property Development Regulations

POD	Minimum Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	Apply the RS district regulations in Table 3.D.1.A-17, Property Development Regulations.										
	6,000 sf	65'	75'	-	-	-	40%	25'	7.5'	15'	15'
TTD SF	3,750 sf	50'	75'	-	-	-	50 percent	10' Bldg 20' FLG 10' SLG	5'	15' Bldg 20' SLG	15'
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Article 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	-					
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-17, Property Development Regulations										
Recreation											
Recreation Pod	-	65	75	-	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	-	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037]											
Notes:											
1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.											
2. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]											

E. Pods

1. Residential Pod

A residential pod shall be designated on the Master Plan as follows:

a. Range of Housing

A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two residential use types. A minimum of ten percent of the residential dwellings in a PUD in excess of this threshold shall be of a second use type.

b. Side Loading Garage

A side loading garage is permitted in a SF pod, subject to a minimum front setback of 15 feet, except as otherwise noted in this Article.

2. Commercial Pod

A commercial pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD. A commercial pod shall be designated on the master plan as follows:

a. Use Regulations

Uses shall be permitted in accordance with Table 3.E.1.B - PDD Use Matrix, Art. 4: Use Regulations; and, Art. 3.E.5.F, SCO PIPD.

b. Location

A commercial pod shall comply with the following location and design criteria:

1) Frontage

A commercial pod shall not have frontage on a public arterial or collector street traversing or bordering the PUD. Access shall be limited to an arterial or collector street internal to the PUD only.

a) Exception

A private arterial or collector street traversing the PUD is exempt from this requirement.

2) Setback

a) A commercial pod shall be setback a minimum of 1000 feet from the perimeter of the PUD.

b) A commercial pod shall be setback a minimum of 1000 feet from a public arterial or collector street traversing the PUD.

c. Design

1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a Requested Use.

2) A Type 3 Incompatibility landscape buffer, including a six foot high opaque concrete wall, shall be required adjacent to a residential pod.

3) In addition to the landscape requirements in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, R-O-W Buffers shall include a two to three foot high continuous or undulating berm.

4) Freestanding point of purchase signs shall be monument style only and shall be limited to a maximum of ten feet in height with a maximum sign face area of 80 square feet per side. A maximum of one freestanding point of purchase sign shall be allowed per frontage.

5) Outdoor lighting shall not exceed 30 feet in height, and shall be shielded, oriented and directed away from residential uses.

6) Dumpsters, compactors and loading areas shall be setback a minimum of 50 feet from the property line and oriented away from residential uses.

7) Outdoor storage of any merchandise, equipment, refuse or similar material shall be prohibited.

8) A continuous non-vehicular circulation system shall provide access to commercial uses from adjacent residential pods.

d. Architecture

Proposed buildings shall be subject to Article 5.C, DESIGN STANDARDS.

e. Property Development Regulations (PDRs)

The PDRs for a commercial pod are in Table 3.E.2.D, PUD Property Development Regulations.

1) Multiple Uses

A commercial pod meeting the requirements for a MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D, MUPD Property Development Regulations.

2) Mixed Use

A commercial pod meeting the requirements for a MXPDP with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D, MXPDP Property Development Regulations.

3) Market Place

A commercial pod meeting the requirements for TMD or a TMD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.D.1.A, Property Development Regulations.

f. Hours of Operation

Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.

g. Accessory Commercial Areas

Ten percent of the floor area in a recreation or civic pod may be utilized for commercial uses permitted by right in the CC zoning district.

h. Nonconforming Commercial Pods

In addition to the criteria in Article 3.E.2.E.2.c, Design above, the following standards shall apply to a commercial pod in a PUD approved prior to June 16, 1992, but which has not received site plan approval by the DRO:

1) A single use shall not exceed 15,000 square feet GFA; and

2) Auto repair and gasoline sales shall be prohibited.

3. Recreation Pod

Recreation areas shall be designated on the Master Plan as recreation pods and shall comply with Art. 5.B.1.A.9. Neighborhood Recreation Facility, and Art. 5.D. Parks and Recreation Standards, in addition to the requirements of this section. [Ord. 2011-001] [Ord. 2013-001]

4. Civic Pod

A civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned civic, institutional, educational, and additional recreational uses for the community.

a. Applicability

1) Public Civic

Where two percent of a PUD is less than 1.5 acres, public civic pods may not be required subject to FD&O approval. [Ord. 2011-001]

2) Private Civic

If a public civic pod is not required in a CCRT area, a private civic pod shall be provided unless waived by the BCC. For any other PUD, private civic pods shall be optional. [Ord. 2011-001]

b. AGR PUD Calculation

A PUD in AGR-FLU areas shall use two percent of the developable portion of the PUD. [Ord. 2011-001]

c. Public and Private Civic

All civic pods so designated shall be identified as public or private. PBC may require all or a portion of a civic pod to be dedicated to PBC for public purposes. [Ord. 2011-001] [Ord. 2011-001]

1) Public Civic

Public civic pods shall be located adjacent to publicly owned, or anticipated to be owned, lands. In the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary may be waived by the DRO. A minimum 5-foot setback shall be required for all permanent structures, measured from the common interior boundary. The remaining setbacks shall be applied pursuant to Table 3.E.2.D – PUD Property Development Regulations. The location of, and access to, a public civic pod shall be acceptable to FDO prior to certification of the master plan by the DRO. [Ord. 2005 – 002] [Ord. 2008-037]

a) Conveyance

Conveyance of a civic pod to PBC shall be in a form and manner acceptable to FDO as outlined in the FDO Property Acquisition Policy and Procedures, and by the County Attorney. Documentation, such as a deed, survey, environmental assessment, and evidence of a clear title shall be required to be provided by the applicant prior to acceptance by PBC. Site shall also be conveyed with: [Ord. 2005 – 002]

- 1) concurrency;
- 2) drainage accommodated within and allowed to discharge into the storm water management system of the PUD;
- 3) filled and stabilized;
- 4) sufficient sized water sewer and other associated utilities stubbed to the site; and
- 5) direct access to a utility easement for phone, electric and cable.

b) Uses

Public civic parcels shall consist of civic uses and other typical uses provided by governmental agencies, which are required to provide services to meet concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools, libraries or other civic uses. [Ord. 2005 – 002]

c) Frontage

A public civic pod shall have frontage on a collector or arterial street unless waived by FDO. [Ord. 2005 – 002] [Ord. 2011-001]

d) Alternative Civic Pod Designation

A public civic pod may have an alternative pod designation in addition to the public civic pod designation on the Master Plan approved by the BCC. The alternative pod designation may only be utilized following preliminary approval by FD&O and final

approval by the BCC of a cash-out, off-site dedication agreement, or other proposal that satisfies a public civic obligation. A public civic pod may be excluded from the Master Plan approved by the BCC or DRO provided that prior approval of a cash-out, off-site dedication agreement or other proposal that satisfies a public civic obligation has been rendered acceptable by FD&O and granted by the BCC. [Ord. 2011-001]

2) Private Civic

Private civic parcels shall be labeled as "Private" on the master plan and may be underscored for a particular use as defined in this section or as outlined in Zoning Code Use Matrix. Such pods may be located anywhere within the PUD but should remain as one singular parcel. [Ord. 2005 – 002]

a) Use Limitations

Private civic sites shall consist of civic uses which: provide services to PUD residents or fulfill recreational or educational needs for the residents of PBC; are customarily privately owned and operated; such as but not limited to, private schools or libraries, day care centers, churches, temples, and property owner association meeting areas. Private civic uses may include parking if such use benefits the intended private civic site function. Private civic sites may not be used as PUD overflow parking areas or to fulfill any other non-civic site related requirements. [Ord. 2005 – 002]

d. PDRs

The PDRs for a civic pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations. Public civic pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use.

F. AGR PUD

1. General

The following regulations have been created to fulfill goals, policies and objectives in the AGR FLU designations.

a. Purpose and Intent

In addition to provision in Article 3.E.2.A.1, Purpose and Intent, a PUD is permitted in the AGR FLU designations in order to accommodate low density residential development in conjunction with the preservation of agriculture, wetlands or other significant open space areas. It is the intent of a PUD in this land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area.

b. Applicability

This Section shall apply to PUDs in the AGR FLU designations.

c. Conflicts

If this Section conflicts with another Section of the Code, the provisions of this Section shall apply to the extent of the conflict.

2. Development Options.

a. Options

The following two options are allowed in the AGR FLU designations: 80/20 and 60/40.

1) Minimum Land Area

The minimum gross land area (GLA) for the 80/20 option is 40 acres and 250 acres for the 60/40 option.

2) Areas

Each PUD shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the PUD district.

b. Density

The maximum density for both options shall be based on the total GLA of the PUD calculated at 1 du/ac. The residential density in the Development Area is not restricted, except as necessary to meet applicable development standards and to assure compatibility with adjacent land uses.

c. Land Use Mix

The land area allocated for the Preservation Area and the Development Area shall be based on the ratio specified for each development option as described below.

1) 80/20 Option

A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation Area on the master plan. The remaining land area (20 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

a) Exception

Up to an additional five percent of the GLA of the PUD may be allocated to the Development Area where the allocation can be accounted for as R-O-W for streets or water retention areas. In no event shall the Development Area, including R-O-W and water retention areas, exceed 25 percent of the GLA.

2) 60/40 Option

A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the master plan. The remaining land area (40 percent) may be designated on the master plan as residential, civic, commercial, recreation, or open space in accordance with Table 3.E.2.C, PUD Land Use Mix.

3) Both Options

Credit shall not be given that would reduce the size of the Preservation Area for encroachment of R-O-W, water retention, open space, landscape buffers, or natural habitats preserved in the Development Area. Native vegetation required to be set-aside in a Development Area by Article 14.C. VEGETATION PRESERVATION AND PROTECTION shall not be credited toward satisfying the minimum Preservation Area requirement.

3. Preserve Area

A Preserve Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function. [Ord. 2015-047]

a. Location and Access

Preserve Areas which may be situated anywhere in the AGR FLU designations, provided they are accessible by a street. [Ord. 2015-047]

b. Uses

Uses allowed in a Preserve Area are indicated in Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where stated within Art. 4, Use Regulations, and specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047]

c. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs of the AGR district, with exception to the following: [Ord. 2006-004]

- a) lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan; or, [Ord. 2006-004] [Ord. 2015-047]
- b) for an equestrian use that meanders through a 60/40 development area; or, Ord. 2006-004] [Ord. 2015-047]
- c) a legal lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section. [Ord. 2006-004]

2) General

Preserve Areas shall be arranged so as to maximize the purpose, function, and perpetuation of the preserve use. This shall be accomplished, in part, through the following: [Ord. 2015-047]

a) Agriculture

Agricultural areas shall have boundaries that allow for efficient agricultural operation, and shall not be encroached upon by a Development Area. [Ord. 2006-004]

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

d. 80/20 Contiguity Requirement

The Preserve Area in the 80/20 option shall be located contiguous to the Development Area. [Ord. 2015-047]

e. Plans

Plans submitted to the DRO shall depict the Preservation Area as specified below.

1) Contiguous Area

When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the master plan and all applicable subdivision plans at the same scale and in the same detail as the Development Area.

2) Non-contiguous Area

When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the master plan.

f. Perpetual Preservation

Prior to recording the first plat for a Development Area, the Preservation Area shall be established in perpetuity in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement. [Ord. 2008-037]

4. Development Area

The Development Area shall contain the development related pods, residential commercial, civic and recreational as described in Table 3.E.2.D, PUD Property Development Regulations, allowed in a Development Area are based on the pod designation indicated in Table 3.E.1.B, PDD Use Matrix.

a. Location

The Development Area for the 60/40 option shall not be located west of S.R.7 (U.S. 441).

1) Frontage

All Development Areas shall have frontage on either SR-7, SR-806 (Atlantic Ave.), SR-804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue, and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 Canal. [Ord. 2012-027]

2) Adjacency

Development areas shall be located, to the greatest extent practical, adjacent to existing, planned or projected Development Areas.

3) Connectivity

Development Areas adjacent to potential or existing TMD locations shall have at least one paved pedestrian and vehicular connection.

b. Configuration

1) General

The Development Area shall be a single, compact, contiguous area, which possesses the characteristics listed below. An equestrian community may deviate from these characteristics only to the extent that contiguous pasture land may meander throughout the Development Area:

- a) at least two sides of the Development Area shall share a common border with the perimeter of the PUD;
- b) the Development Area shall be designed as a single unified whole within a tightly compact area with continuous common boundaries with other pods in the PUD;
- c) isolated Development Areas and Preservation Areas shall not be created within a contiguous PUD; and
- d) lakes, water retention areas, golf courses, and other similar amenities shall be located within the Development Area to provide a buffer from adjacent Preservation Areas or off-site agricultural uses.

c. Contiguity

A Development Area shall be situated in only one location and shall be contiguous within itself.

d. Landscape Buffer

A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with Article 7. LANDSCAPING, except that a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003]

1) Buffer Width Reduction

The minimum 50 foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: [Ord. 2013-001]

a) Abutting R-O-W, Open Space or Another Buffer

A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001]

- (1) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width;
- (2) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or

(3) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width

b) Abutting a Rural Parkway

A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001]

5. Special Provisions

a. Water and Sewer Service

All Development Areas shall utilize central water and wastewater service provided by WUD. The use of package treatment facilities shall not be permitted.

G. RR PUD

1. Rural Residential

The following additional regulations apply to the PUDs in the RR FLU Designation.

a. Purpose and Intent

A PUD is permitted in the RR FLU designations to accommodate low density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities, or to address preservation of specific uses within the Lion Country Safari (LCS). It is the intent of a PUD in these land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the area. The areas in which this development alternative is offered are characterized by agriculture, small farming operations, equestrian activities, and open spaces where residents are attracted to low-density lifestyles. [Ord. 2011-016]

b. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

c. Lion Country Safari (LCS)

An application for a RR-PUD within the LCS that includes the transfer of density from the Lion Country Safari MUPD or RVPD, shall be limited to Option 1, Rural Cluster, and the following: [Ord. 2011-016]

1) Purpose and Intent

The purpose of the LCS is to acknowledge the importance of the Lion Country Safari Park as a unique tourist attraction and recognize that the viability of the park is important for the County's tourism industry, pursuant to Plan Objective 1.11, Lion Country Safari Overlay. The Overlay establishes a mechanism to encourage the preservation of the Safari Park (MUPD), RV Park (RVPD) and related commercial recreation activities, while allowing for residential development at an overall density that is compatible with the surrounding area. This is accomplished by allowing the density of the Safari and RV Parks (excluding hotel approval) to be transferred to the development area of a RR PUD within the boundaries of the Overlay. [Ord. 2011-016]

2) Applicability

The LCS is approximately one square mile in size, generally located north of Southern Boulevard and West of Seminole Pratt and Whitney Road in Section 23, Range 40, Township 43, as depicted in the Special Areas Planning Map LU 3.1, in the Map Series of the Plan. The provisions of the LCS are optional, and shall only apply to projects that propose to relocate density from the Safari Park to a PUD within the boundaries of the Overlay. [Ord. 2011-016]

3) Application Requirements

Any application that proposes to relocate density from the Safari or RV Parks to a RR PUD within the Overlay shall comply with the following: [Ord. 2011-016]

a) Pre-Application Conference

Each application shall require a PAC in accordance with Art. 2.A.1.E, Pre-Application Conference. [Ord. 2011-016]

b) Master Plan

A Preliminary or Final Master Plan shall be required to depict the overall boundaries of the LCS, include any Zoning approvals, identify Open Space Preserve Areas from which density will be relocated to the development area of a RR-PUD, location of access and interconnectivity, and related tabular data. [Ord. 2011-016]

4) RR PUD Development Area

In addition to the Development Area requirements for a Rural Cluster PUD, the following shall apply: [Ord. 2011-016]

- a) Clustered residential units which provide a variety of lot sizes to allow for a range of housing choices; [Ord. 2011-016]
- b) Smaller sized lots shall be located towards the center of the Development Area and should transition to larger lot sizes located at the edge, adjacent to the existing residential neighborhoods. [Ord. 2011-016]

5) Other Requirements

- a) Existing native vegetation and other natural features located within the LCS, including a minimum of 37 acres of upland native vegetation, shall be preserved. At the time a PUD is requested, higher quality upland native vegetation shall be preserved in accordance with Art. 14.C.7.B.3. Establishing Native Upland Preserves. This requirement shall not preclude the relocation of existing native upland preserves to other areas with higher quality upland native vegetation. [Ord. 2011-016]
- b) Interconnectivity shall be provided between uses within the LCS. This shall not preclude the use of security gates within the RR PUD. [Ord. 2011-016]
- c) A neighborhood serving commercial store of up to 3,500 square feet shall be permitted within the RVPD to serve campers, or should the RVPD be abandoned, the neighborhood store may be incorporated into a RR-PUD. [Ord. 2011-016]
- d) Golf courses are prohibited within the LCS. [Ord. 2011-016]

6) Additional Notification Requirements

Pursuant to the adoption of a LCS Overall Master Plan, any subsequent applications for a Development Order Amendment within the boundaries of any designated Open Space Preserve Areas or associated RR-PUD shall provide for the following notification to all affected land owners and Property Owners Associations, as follows: [Ord. 2011-016]

- a) The Notice shall describe the applicant's request for a DOA; [Ord. 2011-016]
- b) The list of landowners and Property Owners' Association(s) shall be pursuant to the latest PBC Property Appraisal list; [Ord. 2011-016]
- c) The Notice shall be sent to the landowners and Property Owners' Association(s) by certified mail within ten days of filing its applications; and, [Ord. 2011-016]
- d) The applicant shall provide to the Zoning Division a copy of the Notice and written confirmation the Notice requirements have been satisfied. [Ord. 2011-016]

d. Option 1 – Rural Cluster

1) Land Area

A minimum of 100 acres.

2) Open Space

A minimum of 60 percent of the land area shall be designated on the master plan as contiguous and compact open space, unless otherwise determined by the Existing Resources and Site Analysis. Open space satisfying this requirement shall have a minimum width of 150 feet and be designated as common area on the master plan or dedication in perpetuity as a preserve, in accordance with Article 3.E.2.F.3.g. Perpetual Preservation. a)

Exception

- (1) Existing environmental, geological and historic resources identified in the site analysis required by Article 3.E.2.G.4. Existing Resources and Site Analysis, and having a minimum area of five acres are not required to be contiguous.
- (2) A PUD within the LCS may comply with minimum Open Space requirements through use of an Overall Master Plan which identifies Preserve Areas within the Lion Country Safari MUPD or RVPD, subject to the following: [Ord. 2011-016]
 - (a) Open Space is limited to preservation, conservation, passive recreation, wetlands, bona-fide agriculture, regional water management projects and equestrian trails; or, [Ord. 2011-016]
 - (b) The Safari Park MUPD (excluding hotel site) and RVPD shall be permitted to count towards the 60 percent Open Space requirement provided that prior to issuance of the final Development Order, a deed restriction/conservation easement, subject to approval by the PZ&B Executive Director in consultation with the County Attorney, is recorded that limits the use of the site to those listed above, in the event commercial recreation uses were to cease. This shall not preclude any renovation or expansion of park facilities where permitted by this Code. [Ord. 2011-016]

b) Common Area

If designated as common area, maintenance of the open space shall be the perpetual responsibility of the HOA.

c) Separate Tract

All areas designated as open space on the Master Plan shall be platted and maintained as a separate tract of land. No area designated as open space on the Master Plan shall be platted with, nor made part of, a lot or land in the development area, excluding alternative LCS Open Space Preserve Areas. [Ord. 2011-016]

d) Plat

All open space shall be platted simultaneously with the first plat in the development area, excluding any previously platted areas identified on a LCS Overall Master Plan. [Ord. 2011-016]

3) Development Area

A maximum of 40 percent of the land area shall be designated on the master plan as the development area. All residential, civic, and recreation pods shall be limited to the development area. All improvements, including streets, water management tracts for on-site and street drainage (including R-O-W), excavation, and accessory structures shall be limited to the development area.

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in Article 4.D. EXCAVATION, and regional water management facilities certified by the SFWMD, shall be permitted in open space areas.

4) Design

The Development Area shall be designed to emphasize the open space areas identified in the site analysis in accordance with Article 3.E.2.G.4. Existing Resources and Site Analysis. The development areas shall be designed so as to not interfere with the continued or future function of any designated open spaces preserves or areas, identified as environmentally, geologically, or historically significant in the site analysis required by Article 3.E.2.G.4. Existing Resources and Site Analysis. Pods should be located and designed to ensure compatibility with open space and preserves areas. All streets shall terminate in a vista or focal point such as trail head, passive park, waterviews, open space, or an alternative acceptable to the BCC.

e. Option 2 – Variable Lot Size

1) Minimum Land Area

A minimum of 100 acres

2) Open Space

No minimum percentage of open space shall be required in a PUD with a RR land use designation utilizing the variable lot size option (Option #2).

3) Development Areas

The development area shall be required to have an equestrian lifestyle. Development shall be designed so as to not interfere with the continued or future function of any area identified as environmentally, geologically, or historically significant in the site analysis required in Article 3.E.2.G.4. Existing Resources and Site Analysis. Residential pods should be located and designed to ensure compatibility with non-residential pods and open space areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, waterview, agricultural structure, or an alternative acceptable to the BCC.

a) Exception

All drainage improvements, such as water management tracts, street drainage, and excavation for water management purposes, shall be developed as common areas and platted as separate tracts of land. Type 1 excavation, for the purposes of building a single family residence, shall not be permitted on individual lots.

4) Design

A PUD with a RR land use designation utilizing the variable lot size option (Option #2) may subdivide parcels into a range of lot sizes as accepted by the BCC. The minimum lot size shall not be less than indicated in Table 3.E.2.G, RR-PUD Property Development Regulations. The gross density of the PUD shall not exceed the density assigned to the project by the Plan.

2. Pods

a. Residential Pod

Housing type and classification shall be limited to single family detached only, typical residential accessory uses/structures and accessory agricultural or equestrian uses/structures.

1) Lion Country Safari Exception

Townhouses may be permitted within a LCS RR-PUD up to a maximum of 20 percent of all residential units, to the extent necessary to accommodate any density transferred from Open Space Preserve Areas, provided that the units are located within the center of the Development Area. [Ord. 2011-016]

b. Commercial Pod

A commercial pod is prohibited, with exception of allowances for a 3,500 square foot neighborhood store within the LCS. [Ord. 2011-016]

c. Civic Pod

Civic and institutional uses shall be limited to government services only. No private civic uses shall be permitted

d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the development area only. Equestrian uses shall be allowed in accordance with the AGR/P pod provisions in Table 3.E.1.B, PDD Use Matrix.

3. Property Development Regulations (PDRs)

The PDRs for residential lots are in Table 3.E.2.G, RR-PUD Property Development Regulations. Accessory residential uses/structures may use with the nonconforming lot provisions in the AR district.

Table 3.E.2.G - RR-PUD Property Development Regulations

Pod	Lot Dimensions			Density		FAR	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min	Max			Front Side Street		Side Rear	
Residential Option 1 (1)	1.25 ac	100	125	-	-	.20	20%	50	20	25	25
Residential Option 2	2.5 ac	200	200	-	-	.20	20%	50	40	50	50
Public Civic	1% Apply PUD public civic pod PDRs										
Recreation	Apply PUD recreation pod PDRs										
[Ord. 2011-016]											
Notes:											
1. The following PDRs shall be permitted within the Development Area of a LCS RR-PUD, to the extent necessary to accommodate density relocated from the Safari Park Open Space Preserve Areas within the MUPD or RVPD:											
a. Where Townhouses are permitted, the PDRs of <u>Art. 3.D.2.A, Townhouses</u> .											
b. SFD lots located within the center of the Development Area may apply the PDRs for the RS Zoning district, in accordance with <u>Table 3.D.1.A, Property Development Regulations</u> ; and,											
c. SFD lots located along the perimeter of the LCS adjacent to residential uses may apply the PDRs for the RT Zoning district (LR-1) in accordance with <u>Table 3.D.1.A, Property Development Regulations</u> .											

a. Design Standards

The rural design standards in Article 5.C, DESIGN STANDARDS, shall apply to all development not located on a single family lot (e.g. entry features, recreation, public civic pods, or when permitted within the LCS, a commercial pod). [Ord. 2011-016]

4. Existing Resources and Site Analysis

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the following information and be subject to review and approval by the DRO prior to certification of the project.

a. Natural Resources and Environmentally Sensitive Areas

Location and identification of environmentally sensitive lands, habitats of endangered species, significant areas of native vegetation, wetlands, canals, ditches, and natural drainage.

b. Historic Resources

Location and identification of all historically and archaeologically significant features, sites and structures.

c. Preservation

Significant environmental, geological, and historic conditions identified in the site analysis shall be incorporated and preserved in open space areas on the master plan or as required by ERM and/or the SFWMD.

d. Open Space Management Plan

The applicant shall submit an Open Space Management Plan for review and approval by the DRO, which ensures that all areas designated as open space on the master plan are maintained in perpetuity. The Open Space Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the preserve area on a permanent basis. Bona fide agricultural land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

1) Lion Country Safari Exemption

The required bond or other funding mechanism shall not be required for any Open Space areas located within the LCS MUPD or RVPD that have been counted towards a LCS PUD, until such time as the Safari Park ceases operations. [Ord. 2011-016]

e. Plat

All open space shall be platted simultaneously with the first plat in the developments area.

5. Landscape Buffer

A landscape buffer shall only be required around the development area, adjacent to the perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100 percent native vegetation. Landscape buffers providing continuity between open space areas to be preserved may be counted toward meeting the minimum open space requirement.

a. Landscape Requirements

Portions of the buffer which are not adjacent to a street shall comply with the compatibility landscape requirements in Article 7, LANDSCAPING. All landscape material shall be planted in groups and/or a naturalistic pattern.

b. Trails

A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system shall be incorporated into the internal street R-O-W sections, around lakes, and/or within the buffers in the development area. Trails and paths in open space areas shall only be paved with pervious materials.

H. Supplemental Standards

1. HOA

Concurrent with the first recorded plat a POA shall be formed to manage the common areas and govern the operations of the HOA. The preservation area of an RR-PUD is not required to be governed by a POA.

2. Declaration of Covenants and Restrictions

All properties included in the legal description of a PUD shall be subject to a Declaration of Covenants and Restrictions acceptable to the County Attorney's office which shall, among other things, provide for formation of a single "master" HOA, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended if additional units or land area are added to the PUD.

3. Incompatible Uses

The petitioner shall include in the homeowners documents, as well as written sales brochures and sales contracts, a disclosure statement identifying and notifying of the existence of agricultural, equestrian, or cellular communication towers in the vicinity of the development.

I. Phasing and Platting

A PUD shall be subject to the time limitation and review requirements of Art. 2.E, Monitoring and Article 3.E.1.J, Phasing and Platting, and shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below.

1. Plat Requirements

All land within the PUD, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or civic site plat.