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27

28 **ARTICLE XX. PLANNED UNIT DEVELOPMENT**

29 Section 20.1 Purpose and Intent

30 The PUD District is intended to provide a process for the evaluation of unique, individually planned  
31 developments which are not otherwise permitted in the zoning districts established by this Chapter.  
32 The PUD District is to be a voluntary process commenced by an applicant for such zoning  
33 designation. The standards and procedures of this district are intended to promote flexibility of design  
34 and permit planned diversification and integration of uses and structures, while at the same time  
35 retaining in the Town Commission absolute authority to establish such limitations and regulations as  
36 it deems necessary to protect the public health, safety and general welfare. In so doing, the PUD  
37 district is designed to:

- 38
- 39 1. To achieve a superior community form, through sustainable community development and  
40 innovative, flexible and alternative development designs including mixed use;
- 41 2. To allow Traditional Neighborhood Development as a viable development option;
- 42 3. To promote conscientious economic development;
- 43 4. To promote quality infill development which strengthens the character of the community;
- 44 5. To protect sensitive natural areas by directing growth to environmentally appropriate  
45 areas;
- 46 6. To protect, preserve and enhance the Town's tree canopy;
- 47 7. To result in a development that is better planned, contains more amenities, and a  
48 development that is more desirable than what would be produced in accordance with  
49 typical zoning ordinance and subdivision controls;
- 50 8. To offer a functional and complimentary mix of land uses to encourage a variety of housing  
51 types;
- 52 9. To provide for ample, usable recreation and open space; and
- 53 10. To ensure compatibility with surrounding future land use designations.
- 54 11. Maintain the rural character of Oakland, such as Oakland Avenue.

55 Section 20.2 Definitions

56 **Building Height:** For lots not requiring a retaining wall, the building height shall be measured from  
57 the simple average of foundation grade corners to the peak of the roof. For lots requiring a  
58 retaining wall, the building height shall be measured from the simple average of the lot corners to  
59 the peak of the roof.

60 **Live/work space:** A dwelling unit containing, to a limited extent, a commercial component, located  
61 on its own lot with the commercial component limited to the ground level. Customers or clients may  
62 freely come and go and non-resident employees are permitted.

63 **Open Space, Common:** Any parcel or area of land or water set aside, dedicated, designated or  
64 reserved for the use and enjoyment of the property owners and/or general public. Typical uses of  
65 common open space include, but are not limited to, recreation, parks, resource protection and  
66 conservation, wetlands, amenities, plazas and hardscapes, and landscaped bufferyards. Common  
67 open space areas may include such complementary structures and improvements as are necessary

68 and appropriate as approved by the Town Commission. In no case shall common open space include  
69 required setback areas of lots, parking areas, existing or proposed road right-of-way, drainage  
70 ditches, or plazas/hardscapes that are not landscaped. In addition, the cumulative acreage for  
71 stormwater ponds, lakes and/or conservation areas cannot account for more than 50% of the  
72 required common open space. The stormwater ponds, as noted, may be counted toward common  
73 open space if they are unfenced, accessible and usable to the public, and 5% to 10% of the land  
74 area above the design high water level is landscaped.

75 **Recreation, Usable:** That portion of common open space that is accessible to the property owners  
76 and/or general public for active and passive activities, whether developed or not, including parks,  
77 clubhouses, trails, marina, athletic facilities and other associated facilities.

78 Section 20.3 Designation of a PUD

79 The planned unit development classification is a zoning district that is allowed in all future land use  
80 categories. Property rezoned to the PUD classification must meet the requirements of the rezoning  
81 procedure to include proper notification and the adoption of an ordinance approving the PUD  
82 (hereinafter know as the "Parcel Specific PUD Ordinance"). No part of the following PUD  
83 requirements may be eliminated except with the specific approval of the Town Commission through  
84 the adoption of the Parcel Specific PUD Ordinance. Petitions for a planned unit development shall  
85 be submitted and processed as a zoning map amendment.

86  
87 Section 20.4 Pre-application Meeting

88 Prior to submitting a formal application for a planned unit development, the petitioner shall confer  
89 with the Town and any other governmental agencies having jurisdiction or permitting responsibilities  
90 impacting the proposed development. The purpose of this meeting will be to acquaint the staff with  
91 the proposed project and to provide the prospective applicant with preliminary review comments to  
92 identify major concerns, identify if a traffic impact study is required, or the need for additional support  
93 data, and any Comprehensive Plan amendments.

94  
95 Section 20.5 Compliance with the Town's Code

96 All PUD developments are subject to Article XXI, General Site Development Standards as noted  
97 within the Article, and any of the Subdivision requirements not specifically addressed in Article XX of  
98 this Code.

99  
100 Section 20.6 Binding Nature of Rezoning to PUD

101 The requirements of Article XX shall be continuing and enforceable against any planned unit  
102 development approved pursuant to this Article. The requirements shall run with the land and shall be  
103 enforceable regardless of transition in ownership.

104  
105 Section 20.7 Variances

106 Individual variances are not permitted in the Planned Unit Development zoning district because the  
107 intent of the PUD district is to allow flexibility in the planning stage of the development. This flexibility  
108 of design normally takes into account those matters which might otherwise be the subject of variance  
109 review by the Planning and Zoning Board, and any variation from conventional zoning standards has  
110 been complemented with other design features throughout the PUD. If a variance is deemed

111 necessary through oversight, the change may be processed as an alteration to the Land Use or  
112 Development Plan as provided in this Chapter.

113

114 Section 20.8 Unified Control

115 All properties proposed as a planned unit development shall be under complete, unified and  
116 otherwise-unencumbered control by an individual, partnership, corporation, other entity, group or  
117 agency. Unified control may be documented through a registered agent with power of attorney  
118 and/or signed contracts for purchase.

119

120 Section 20.9 Density/Intensity for PUD

121 The overall residential densities, non-residential intensities and generalized land uses shall be  
122 consistent with the future land use categories identified in the Town of Oakland Future Land Use  
123 Element. Subject to approval of a Land Use Plan that identifies the proposed location of each land  
124 use, specific land uses within the Land Use Plan may float/move within the boundary of the area,  
125 such that the overall densities, intensities and land uses shall not exceed that allocated on the  
126 underlying comprehensive policy future land use designation. These changes will not require a new  
127 Comprehensive Plan amendment, but will require approval by the Town Commission.

128

129 Section 20.10 Minimum PUD Size

130 A planned unit development shall have a minimum size of five (5) acres.

131

132 Section 20.11 Submittal Requirements

133 A PUD must provide both a Conceptual Plan and a Land Use Plan as part of the approval process  
134 as outlined in Article XXI of the Town's Land Development Code.

135

136 Section 20.12 Plan Approval

137 The Town Commission may approve a PUD only after competent, substantial evidence has been  
138 presented that allows the commission to make the following findings:

139

- 140 1. The request is consistent with the comprehensive plan and the future land use map;
- 141 2. The design and layout of all structures will enhance and preserve the Town's character  
142 and is in conformance with the Town's Gateway Corridor Overlay design standards;
- 143 3. The proposed rezoning will not substantially devalue or prevent reasonable use and  
144 enjoyment of the adjacent properties;
- 145 4. Adequate facilities are available or a development agreement has been established that  
146 will provide these improvements in a reasonable time frame;
- 147 5. The proposed rezoning will not allow a type or intensity of development that is premature  
148 or presently out of character in relationship to the surrounding area;
- 149 6. The rezoning will not significantly increase the vehicular traffic on the existing roadway  
150 network nor in adjacent residential neighborhoods without mitigating measures;
- 151 7. The feasibility and compatibility of the individual phases or stages of development  
152 contained in the Land Use plan can exist as an independent development; and
- 153 8. The development has incorporated existing natural features and vegetation, especially  
154 tree preservation, into the overall design of the development.

155

156 Section 20.13 Rezoning Ordinance

157 The PUD rezoning ordinance will be processed at the same time as the site and land use map, and  
158 documentation portion is being processed. The final reading and approval of the ordinance shall  
159 not be approved until such time as all factors relating to the development of the property are  
160 resolved. These factors include, but are not limited to, design guidelines and standards, building  
161 styles and transportation issues.

162 The adoption process shall follow the regular rezoning process including all required public  
163 hearings and public notification in accordance with the Town of Oakland's Zoning regulations and  
164 Chapter 166.041, Florida Statutes.

165

166 Section 20.14 Uses

167 All uses permitted within the zoning classifications corresponding to the underlying future land use  
168 category of the site shall be permitted. In addition, the following uses shall be permitted in the  
169 planned unit development district, if designated as part of the approved Land Use Plan:

- 170 1. Complementary and compatible commercial and office uses on a site classified for  
171 residential on the Future Land Use Map if the uses are designed into the total residential  
172 community and are neighborhood serving establishments. Such uses shall not exceed  
173 five (5) percent of the gross land area designated for residential use and must be clearly  
174 identified on the Land Use Plan and meet any design requirements established by the  
175 Town's Architecture Review Board.
- 176 2. A commercial PUD may allow up to 50% of the land acreage as residential uses if  
177 integrated as a mixed use development and not separated uses.
- 178 3. Complementary and compatible commercial uses with an industrial future land use  
179 designation if properly related to the total industrial park.
- 180 4. Any other private, public or semipublic use complementary to and compatible with,  
181 planned residential, commercial, or industrial developments (including sewer and water  
182 utility plants)
- 183 5. Residential and office uses over first floor commercial or office uses.
- 184 6. Live/work units.

185

186 Section 20.15 Best Development Practices

187 In an effort to preserve the character of the Town of Oakland and an effort to ensure new  
188 development; the Town hereby adopts the following "Best Development Practices" for PUD  
189 developments:

- 190 1. Developments (or clusters of small developments) over 25 acres shall provide a mix of  
191 land uses to include civic uses.
- 192 2. Developments over 25 acres shall be developed in clusters. (or neighborhoods)
- 193 3. PUD's shall place higher density near parks and commercial areas.
- 194 4. PUD's shall time commercial, infrastructure and recreational development in phase with  
195 residential development.
- 196 5. Residential developments shall make subdivisions into neighborhoods with well-defined  
197 centers.
- 198 6. Residential developments and clusters of small developments shall provide for school

- 199 sites or other capacity enhancement measures based upon accepted projection  
200 standards.
- 201 7. PUD's shall concentrate commercial developments and shall not locate strip commercial  
202 development along road frontages.
- 203 8. PUD's shall develop commercial centers into all-purpose activity centers
- 204 9. All developments shall include measures to reduce auto activity when possible and  
205 provide for pedestrian friendly environments.
- 206 10. Residential developments shall be designed to be a part of the existing community. This is  
207 accomplished by fronting homes on existing streets, providing transportation connections  
208 to existing streets, and eliminating gated and/or private communities.

209  
210 Section 20.16 Infrastructure

211 All utilities shall be supplied through underground networks unless a physical limitation exists to  
212 prevent the logical location underground. All PUD's shall connect to a central wastewater sewer  
213 system that is adequate to serve the anticipated needs of the development. Septic systems are  
214 not allowed. Lake front lots shall provide a protective berm as outlined in the Friends of Lake  
215 Apopka development guidelines.

216  
217 Section 20.17 Natural Features

218 The PUD shall be planned and developed harmoniously with the natural topography, soils,  
219 natural vegetation, and surface water, and utilizing careful location and design of circulation  
220 ways, buildings and structures, parking areas, recreation areas, open space, and drainage  
221 facilities. The site layout shall preserve 25% of the existing hardwood canopy trees. Lakefront  
222 developments shall provide a 50 foot upland buffer from the normal high water elevation or  
223 wetlands connected to lakes, and provide a single boat dock or marina facility (including launch  
224 ramp) in lieu of individual lot docks.

225  
226 Section 20.18 Compatibility

227 The Planned Development shall include compatibility measures to ensure that the proposed  
228 community is compatible with adjacent development. Compatibility measures may include height  
229 restrictions, buffers, setbacks, and location of uses. Residential development within the PUD  
230 shall face existing development and access existing streets, wherever possible.

231  
232 Section 20.19 Recreation/Open Space

- 233 1. A minimum of twenty percent (20%) of the gross acreage of any PUD containing a  
234 residential component shall be provided as common open space.
- 235 2. A minimum of five percent (5%) of the gross acreage of any PUD containing a residential  
236 component shall be provided as usable, active, developed recreation. Any passive, usable  
237 recreation shall be included in the remainder of the common open space acreage.
- 238 3. All common open space and recreational facilities shall be specifically included in the  
239 development schedule and shall be constructed and fully improved by the developer at an  
240 equivalent or greater rate than the construction of residential structures.
- 241 4. All common open space in a planned unit development with a residential component shall  
242 be preserved for its intended purpose as expressed in the final development plan. The

- 243 developer shall choose one of the following methods of administering common open  
 244 space:
- 245 a. Public dedication to the Town of the common open space. This method is subject  
 246 to formal acceptance by the Town and in its sole discretion.
  - 247 b. Establishment of an association or nonprofit corporation of all individuals or  
 248 corporations owning property within the planned unit development to ensure the  
 249 maintenance of all common open space.
- 250 5. All privately owned common open space shall continue to conform to its intended use and  
 251 remain as expressed in the development plan through its inclusion in all deeds with  
 252 appropriate restrictions to ensure that the common open space is permanently preserved.  
 253 The deed restrictions shall run with the land and shall be for the benefit of present as well  
 254 as future property owners and the general public, and shall contain a prohibition against  
 255 partition.
- 256 6. Recreation areas in the form of accessible and usable land shall be provided to serve the  
 257 variety of needs for age groups included in the resident populations of the project. Both  
 258 active and passive recreation areas shall be provided.
- 259 a. Active recreation. Typical facilities would include playgrounds, athletic fields, various  
 260 types of courts (tennis, basketball, racquetball) swimming pools, exercise trails and  
 261 clubhouses.
  - 262 b. Passive recreation. Typical facilities would include picnic areas, benches, trails, dog  
 263 walks, and water features.
- 264 7. All recreation areas should be easily accessible by all residents of the community and  
 265 include, where appropriate, sidewalk/bike path facilities, as well as parking areas for both  
 266 autos and bicycles. Attention should be given to screening and buffering light and noise  
 267 from adjacent residents.
- 268 8. All land shown on the development plan as common open space, and recreational areas  
 269 and facilities shall be subject to covenants and restrictions which ensure the payment of  
 270 future taxes and the maintenance of areas and facilities for a safe, healthful and attractive  
 271 living environment.
- 272 9. Common open space shall be improved to the extent necessary to complement all uses  
 273 and may contain compatible and complementary structures for the benefit and enjoyment  
 274 of the residents of the PUD.

275  
 276 Section 20.20 Transportation Network and Access

277 An applicant must provide a master planned transportation network, identifying major streets,  
 278 pedestrian and bicycle facilities, and mass transit facilities. Designed as a Traditional  
 279 Neighborhood Development (TND), the project may include alley access to residential units.  
 280 Minimum design requirements for the pedestrian/bicycle facilities, the roads and the alleys will be  
 281 defined on the Planned Unit Development.

- 282 1. The existing roadway network shall be incorporated into the PUD transportation network.  
 283 The existing Town grid system shall be maintained and utilized to its full extent to maintain  
 284 connectivity. Commercial PUD's shall provide for vehicular cross access between parcels  
 285 or lots.
- 286 2. Provide safe and convenient internal vehicular circulation, including access and sufficient  
 287 area for effective delivery of emergency services such as fire protection;

- 288 3. Be designed to facilitate safe access to and egress from the front and the rear of all  
289 buildings;  
290 4. Incorporate convenient, well-landscaped, and designed pedestrian ways and open space  
291 systems  
292 5. Projects may be required to do a Traffic Study, depending on the average daily trips. The  
293 traffic study will be a minor or major study. The parameters for each study are located in  
294 the Town's impact study method and procedures document. In general, an applicant may  
295 be required to submit a study, the types of traffic studies are:
- 296 a. Minor Traffic Study for developments generating more than 50 and less than or equal  
297 to 750 net new average daily trips will be required to submit a Minor Traffic Study,  
298 or
  - 299 b. Major Traffic Study shall be required for all developments generating more than  
300 seven hundred fifty (750) net new average daily trips.

301 Section 20.21 Height

302 All building heights regardless of use shall be not taller than 35 ft. Heights in excess of 35 ft. may  
303 be granted as part of the PUD ordinance with Town Commission approval (See definition of  
304 building height).

305  
306 Section 20.22 Lot Size and Dimension Regulations

307 Within all planned unit developments the location, size, dimensions, and design of yards, building  
308 setbacks, points of vehicular access, parking areas, building characteristics, and all other planned  
309 site improvements shall:

- 310 1. Be flexible in order to permit innovative land use, design and resource conservation  
311 techniques. However, applicants for planned unit development shall be required to  
312 achieve higher than normal performance measures. These measures shall be negotiated  
313 through the land use and development plan review process.
- 314 2. Performance measures such as control of structure type, lot size, bufferyards, landscapes  
315 and other site design techniques shall be incorporated to protect established  
316 neighborhoods.
- 317 3. No minimum lot size for residential uses shall be required within a planned unit  
318 development district as long as wastewater is available to service the development. The  
319 minimum commercial lot size shall be 10,000 sq. ft., and the minimum industrial lot size  
320 shall be one acre.
- 321 4. Commercial and industrial building sizes shall follow the design guidelines of the Gateway  
322 Corridor Overlay District.
- 323 5. Each dwelling unit or other permitted use shall have access to a public street either  
324 directly or indirectly via a private road or other area dedicated to public or private use  
325 guaranteeing access. The Town shall be allowed access on privately owned roads,  
326 easements and common open space.

327  
328 Section 20.23 Landscape and Tree Protection

329 Landscaping and tree protection for all PUD's shall follow the guidelines set forth in Article XVI,  
330 Gateway Corridor Overlay District, and Article XVII, Tree Protection in the Town Zoning Code.  
331 Waivers or modifications to these requirements may be approved by the Town Commission.  
332

333 Section 20.24 Parking

- 334 1. Parking and loading facilities requirements shall meet the minimum requirements set forth  
335 in Article XVIII of this chapter unless specified within the Development Plan. Parking  
336 areas shall be paved and designed with regard to pedestrian safety. Alternative parking  
337 surfaces may be permitted where frequency of use is appropriate for the proposed  
338 surface.
- 339 2. Vehicular and pedestrian passageways shall be separated on public rights-of-way. Where  
340 appropriate, a system of walkways and bicycle paths connecting buildings, common open  
341 spaces, recreation areas, community facilities and parking areas shall be provided and  
342 adequately lighted for nighttime use.

343  
344 Section 20.25 General Design Guidelines

345 In addition to the subdivision requirements of Orange County's Chapter 62, all urban design  
346 amenities such as major structural improvements, signage, open space systems, pedestrian  
347 walkways, street furniture, and other movement systems shall:

- 348 1. Present an overall design theme that reinforces principles of human scale; safe,  
349 convenient, and attractive pedestrian movement systems linking people with all activity  
350 centers, parking areas, open space amenities, and other development amenities;
- 351 2. Incorporate urban design that include, but shall not be limited to, open plazas and  
352 walkway systems; porous paving materials that are both functional and aesthetically  
353 pleasing; and street furniture having a harmonious and unified overall design, including  
354 street benches, sidewalk plantings, signage, waste disposal receptacles, and other  
355 featured amenities which promote the project's design theme and overall aesthetics; and
- 356 3. Provide for multi-modal transportation amenities, as appropriate, based on the scale and  
357 density/intensity of the proposed development. The specific design of such internal  
358 surface and structural transportation improvements shall be consistent with standards of  
359 professionally accepted principles and practices and shall be consistent with and  
360 responsive to the needs of the vehicle types to be accommodated on the subject site.

361 **ARTICLE XXI GENERAL SITE DEVELOPMENT PLAN REQUIREMENTS**

362 Section 20.26 Purpose and Intent

363 The purpose and intent of this chapter is to:

- 364 1. Establish standards for site design, which will encourage the development of sound and  
365 stable areas within the incorporated areas of the Town.
- 366 2. The adequate and efficient supply of utilities, streets and services to new land  
367 developments
- 368 3. The prevention of traffic congestion which results from excessive ingress and egress  
369 points along major traffic arteries, and the provision of safe and convenient traffic  
370 circulation, both vehicular and pedestrian, in new land development
- 371 4. Promote the health and general welfare of the town
- 372 5. Minimize flooding hazards and insure proper water management
- 373 6. To coordinate land development in accordance with orderly physical patterns and  
374 general plans and policies adopted by the town commission, in particular, the  
375 comprehensive plan.
- 376 7. To help protect the natural and scenic resources of the town, including surface waters

377 and ground recharge areas.

378

379 Section 20.27 Administrative Site Plan Review and Approval

380 To increase business activity in abandoned and inactive buildings and to provide an abbreviated  
381 review and approval process for minor redevelopment, small redevelopment projects and minor  
382 expansions of existing development shall be reviewed administratively in accordance with the  
383 provisions of this section. For the purposes of this section, redevelopment means a change in  
384 use from nonuse or an existing use to a different permitted use in the applicable land use district.  
385 Redevelopment does not include existing vacant land regardless of whether the existing vacant  
386 land had building(s) or structure(s). Redevelopment means a 25 percent increase or less in the  
387 square footage of any structure and/or an increase in impervious surface subject to vehicular  
388 traffic of less than 4,000 square feet If the square footage of any structure on the property being  
389 developed is increased by more than 25 percent or the impervious surface subject to vehicular  
390 traffic is increased by 4,000 square feet or more, then the administrative site plan review option  
391 will not apply and the site plan must be submitted in accordance with the other provisions of  
392 these land development regulations.

393

394 The development review committee (DRC) shall have the authority to review, approve, and deny  
395 administrative site plans as provided for in this section. The DRC may also grant waivers for  
396 current conditions that do not conform to the Land Development Code and for code requirements  
397 that cannot be reasonably accommodated on the site. All waivers must be noted on the final  
398 approved plan. The minimum submittal requirements are as follows:

- 399 1. A general location map.
- 400 2. A recent aerial of the site and the surrounding area within 200 feet, noting road access  
401 points, adjacent land use designations and design districts.
- 402 3. A boundary survey or scaled delineation of the property and existing structures and  
403 improvements with setbacks noted.
- 404 4. Proposed redevelopment plan with land uses and structures noted, including off-street  
405 parking, impervious coverage, designated open space, and other proposed  
406 improvements.
- 407 5. Proposed landscape plan.
- 408 6. Traffic Impact Study, when applicable.
- 409 7. Proposed public utilities including method of providing solid waste removal, potable  
410 water, and wastewater.

411

412 The Town Manager, or designee, may request additional information and/or waive requirements  
413 for signed and sealed documents depending upon the size, nature, and complexity of the project.  
414 A decision of the DRC may be appealed to the Town commission if the applicant files a request  
415 for hearing within 60 days of the DRC decision. The Town commission shall hear the appeal at a  
416 public hearing within 30 days after the applicant requests the appeal. The Town commission may  
417 remand the matter back to the Town Manager, or designee, with instructions, may deny the  
418 proposed site plan, may approve the proposed site plan as submitted, or may approve the  
419 proposed site plan with additional conditions agreed to by the applicant.

420

421

422 Section 20.28 Pre-application Conference

423 Prior to filing for site plan or preliminary plat review, which is required for all nonresidential  
424 development, multi-family developments, and residential subdivisions, the developer shall meet  
425 with the Town Manager, or designee, to discuss the development review process.

426  
427 The purpose of the conference is to acquaint the applicant with the requirements and procedures  
428 of the land development code and to determine the appropriate application process as provided for  
429 in this chapter.

430 The submittal requirements for the optional review by the development review committee are as  
431 follows:

- 432 1. A map showing the general location of the property.
- 433 2. An aerial map of the property.
- 434 3. A boundary survey or other scaled delineation of the parcel.
- 435 4. A map of the land use designations for the site and the surrounding area within 500 feet of  
436 the property.
- 437 5. A map of the design district designations for the site and the surrounding area within 500  
438 feet of the property, including proposed streets.
- 439 6. A conceptual site plan (if applicable)

440  
441 With the consent of the applicant, the Town Manager, or designee, can waive the pre-application  
442 conference requirement, if in the director's opinion, the conference is unnecessary.

443  
444 During the pre-application conference, the director may waive submittal requirements under these  
445 land development regulations, if, in the director's opinion, the submittal requirements are  
446 unnecessary based upon the size, nature, and complexity of the proposal.

447 No person may rely upon any comment concerning a proposed site plan, or any expression of any  
448 nature about the proposal made by the participant at the pre-application conference as a  
449 representation or implication that the proposal will be ultimately approved or rejected in any form.

450  
451 Section 20.29 Optional Review of Concept Plan

452 After the pre-application conference, an applicant has the option to be placed on DRC agenda for  
453 review of the applicants conceptual plan for proposed development.

454 The concept plan shall consist of a generalized sketch which is drawn to scale (the proportion and  
455 locations of land uses may be generalized), and which shows or addresses (with supporting  
456 information) the following items and matters:

- 457  
458 1. All application forms submitted and relevant fees paid.
- 459 2. Generalized location and boundary map of the subject property including acreage.
- 460 3. Major natural features such as lakes, streams and conservation areas.
- 461 4. Landscape Plan (provide the option that the applicant is using if GCO applies)
- 462 5. Anticipated internal major road network.
- 463 6. Existing and proposed streets abutting the project and other major streets and  
464 intersections within five hundred (500) feet of access points to the subject property.

- 465 7. Proposed land use types by acreage and their locations (land use or building bubbles are
- 466 acceptable).
- 467 8. Number of units and gross and net densities.
- 468 9. Minimum lot sizes.
- 469 10. Floor area for commercial or industrial.
- 470 11. Adjacent zoning.
- 471 12. Anticipated maximum building height.
- 472 13. Requested waivers (variances)
- 473 14. Anticipated phasing plan (if applicable).
- 474 15. Proposed method of providing:
  - 475 a. Water service (including fire protection and 24-hour storage volume at build-out).
  - 476 b. Sewage disposal.
  - 477 c. Reuse.
  - 478 d. Stormwater management.
  - 479 e. Open Space
  - 480 f. Parks/recreation facilities.
  - 481 g. Schools

482  
483 **Section 20.30 Community Meeting**

484 Applicants seeking specified types of developments shall hold a community meeting to address  
485 community concerns related to the proposed development prior to submittal of the application to  
486 increase community awareness and participation.

487 A community meeting is required for the following proposed developments, unless specifically  
488 waived by the Town Manager, or designee, based on a determination that the meeting is not  
489 necessary:

- 490 1. Multi-use development
- 491 2. Conditional uses
- 492 3. Proposed commercial and industrial uses adjacent to residential land use properties
- 493 4. Any Planned Unit Development
- 494 5. Rezoning of Land
- 495 6. Comprehensive plan amendment.
- 496 7. Any other matter as determined by staff or upon request of a town commissioner.
- 497 8. The minimum submittal requirements for review at the community meeting are as follows:
  - 498 a. A map showing the general location of the property.
  - 499 b. An aerial map of the property.
  - 500 c. A boundary survey or other scaled delineation of the parcel.
  - 501 d. A map of the land use designations for the site and the surrounding area within
  - 502 500 feet of the property.
  - 503 e. A map of the design district designations for the site and the surrounding area

- 504 within 500 feet of the property, including proposed streets.
- 505 f. A conceptual site plan or lot layout that includes the following:
- 506 g. Number and type of dwelling units and lot sizes if applicable.
- 507 h. Total acreage.
- 508 i. Total developable acreage (total acreage less water bodies and wetlands).
- 509 j. Total open space required and provided.
- 510 k. Net density calculation.
- 511 l. Required buffers.
- 512 m. Requested waivers.
- 513 n. Vehicular and pedestrian connections and access points.
- 514 o. Town staff must approve the time and location for the community meeting.
- 515 p. The applicant is responsible for complying with the notice requirements for the
- 516 community meeting set forth in this section and for coordinating the time and
- 517 location of the meeting with Town staff.
- 518 9. Town staff shall prepare a report summarizing the attendance and discussion at the
- 519 community meeting within 30 days of the meeting.
- 520 10. The applicant shall include the town's report with its final application.
- 521

522 Section 20.31 Land Use Plan Requirements

523 After the pre-application conference and/or the Concept Plan has been reviewed or waived by the  
 524 Town Manager, or designee,, the applicant may submit detailed drawings for formal review based  
 525 upon the submittal requirements outlined below.

526  
 527 The Land Use Plan shall consist of the following parts:

528 1) A series of site and land use maps and supporting documentation, 2) a PUD zoning ordinance  
 529 (when applicable), 3) a Developer's Agreement (when applicable), and 4) Comprehensive Plan  
 530 Amendments (when applicable), 5) any additional items as outlined in the sufficiency check list,  
 531 and the transportation impact analysis guidelines as provided by the Town Manager, or designee,;

532  
 533 1. Site and Land Use Plan Maps and Documentation

534 An official application development shall be accompanied by the following:

535 a. General Information

536 (1) Vicinity map. A vicinity or location map drawn to a scale of one inch equals  
 537 2,000 feet or such other scale as approved by the Town Manager, or designee,  
 538 shall be submitted and shall clearly show the site in relationship to its  
 539 surroundings, including, as a minimum, all property and existing land uses  
 540 within 1,000 feet of the project boundaries.

541 (2) Name and contact information for owner, applicant, and consultant

542 (3) Project name, date, scale, north arrow, and revision dates

543 (4) *Map Scales:* All plans shall be drawn to scale, not to exceed one (1) inch equals  
 544 two hundred (200) feet, unless otherwise permitted

545 b. Physical Site Assessment

546 (1) Color Aerials: Color aerials shall be submitted indicating the location of the site  
 547 and surrounding area within 500' of the site.

- 548 (2) .Property boundaries. A certified survey delineating the location and  
549 dimensions of all boundary lines of the development, and of any contiguous  
550 lands, including those separated only by a street, canal, or similar feature, in  
551 which the developer or property owner presently has any legal interest.
- 552 (3) Existing conditions. The approximate location, nature, and extent of all existing  
553 easements, streets and rights-of-way, buildings, historic sites, all trees greater  
554 than or equal to 6 inches dbh, or approved by the DRC, environmentally  
555 sensitive areas, soils, watercourses, flood hazard areas, and existing  
556 topographic contours of the site at 5 ft. intervals; the names of the property  
557 owners of record and existing zoning and existing land uses for all property,  
558 drainage ways, utilities, exceptional land characteristics, Phase I  
559 environmental assessment findings (if applicable), and similar features on-site  
560 and within 500 feet of the perimeter of the site.
- 561 (4) Legal description. A legal description of the land comprising the proposed  
562 development.
- 563 (5) Proof of ownership. Legal instruments acceptable to the Town Attorney which  
564 clearly indicate persons having a legal and/or equitable ownership interest in  
565 the subject property. Where ownership resides with a publicly held corporation  
566 whose stock is traded on a nationally recognized stock exchange, the name  
567 and address of the corporation and all of its principal executive officers and/or  
568 registered agent will be sufficient with power of attorney. The documentation  
569 shall also include an affirmation that no other persons have claims or interests  
570 (known to the applicant, developer, or owners) which might affect their right to  
571 develop the entire planned unit development as proposed.
- 572 (6) Land use. The total project acreage, approximate location of each land use  
573 and proposed density and/or intensity, acreage by each proposed land use,  
574 dwelling unit types, general types of nonresidential uses, open spaces,  
575 recreational facilities, and other proposed uses, and list of prohibited uses. The  
576 quantitative land use data shall be illustrated in a table which clearly depicts  
577 the total number of acres allocated to each separate land use, as well as each  
578 conservation use, water bodies, recreation areas, and other similar allocation.  
579 The percentage land area allocated to all land use categories shall equal 100  
580 percent. Land use specific development standards shall be provided as  
581 follows:
- 582 i *Residential.* Maximum gross density, total number of units,  
583 type of unit where feasible or necessary, minimum net lot size,  
584 minimum net living floor area, building height, open space and  
585 recreation area and general location.
- 586 ii *Commercial.* Types of uses, floor area ratio, building height,  
587 setbacks and open space, impervious surface and general  
588 location.
- 589 iii *Industrial.* Types of uses, gross floor area, floor area ratio,  
590 impervious surface ratio, building height, setbacks, open space  
591 and buffers and general location.
- 592 (7) Traffic and pedestrian circulation. All traffic and pedestrian circulation facilities  
593 shall be delineated on the Land Use plan showing approximate locations and

- 594 types of all roads, points of access and egress, proposed right-of-way widths,  
595 use of cross-easements, impacted streets, parking areas, transit stops, transit  
596 shelters, pedestrian facilities, parking and general landscaped areas. Any  
597 known concurrency issues surrounding anticipated traffic impacts should be  
598 discussed. A traffic study may be required as determined during the  
599 preapplication meeting and outlined in the Town's Traffic Impact Study  
600 methodology and procedures manual.
- 601 (8) Conceptual drainage plan. A conceptual drainage plan in compliance with the  
602 SJRWMD Lake Apopka rule.
- 603 (9) Trees: The proposed Land Use Plan shall be overlain on a color aerial  
604 photograph at a scale of 1:100 to ascertain the general location of trees in  
605 relation to the proposed development layout. The design of the Land Use Plan  
606 and subsequent Development Plan shall include preservation of existing trees  
607 and shall follow Article XVII, Tree Protection of the Oakland Zoning Code.
- 608 (10) Planning objectives for a PUD. A statement of planning objectives to be  
609 achieved by the planned unit development through the particular approach  
610 proposed by the applicant. This statement should include a description of the  
611 character of the proposed development and the rationale behind the  
612 assumptions and choices made by the applicant. The statement shall include  
613 a proviso that provisions of the Comprehensive Plan and land development  
614 regulations shall be satisfied including preserving Oakland's natural resources,  
615 particularly existing trees. Urban design concepts and examples of urban  
616 design features to be integrated into the plan shall be stated and/or illustrated.  
617 Objectives shall include a description of how the applicant will conform to the  
618 Gateway Corridor Overlay District design requirements and Scenic Highway  
619 initiative.
- 620 (11) Phasing and Development schedule (if applicable). A proposed development  
621 schedule indicating the approximate starting and completion dates for the  
622 entire project and any phases thereof, together with appropriate identification  
623 and conceptual description of such phases. Each phase of development must  
624 be able to exist as an independent stable unit.
- 625 (12) Environmental impact statement. A statement explaining the positive and  
626 negative environmental impacts of the proposed development on: (a)  
627 environmentally fragile lands including water bodies, wetlands, 100-year  
628 floodplain and floodways, wellfields, aquifer recharge areas, areas of known  
629 endangered or threatened species of flora or fauna, or any other known  
630 significant environmental features of the site; (b) natural vegetation, including  
631 steps to protect existing tree canopy and general tree removal estimates and  
632 locations; (c) impact of proposed grading plan and drainage system  
633 improvements; and (d) impact to the Wekiva springshed area, (e) findings of  
634 any environmental assessment for hazardous wastes, brownfield or other  
635 contamination, and (f) other significant natural features of site.
- 636 (13) Concurrency management. A preliminary assessment of the proposed  
637 development's impact on available concurrency facilities capacity shall be  
638 submitted. The assessment shall provide at a minimum for the following:

- 639 iv Water service including fire flows, 24-hour storage volume at
- 640 build-out, and gallons per day.
- 641 v Sewage disposal, plus gallons per day generated.
- 642 vi Reuse water for lawn irrigation.
- 643 vii Stormwater management concept.
- 644 viii School age population and available school capacity.
- 645 ix Parks/recreation facilities.

646 (14) Communication Towers: The proposed location(s) and height(s) of  
 647 communication towers.

648 (15) Additional information. Any other additional material and information as the  
 649 Administrative Official, Architectural Review Board, Planning and Zoning  
 650 Board or Town Commission may reasonably require.

651

652 Section 20.32 Land Use Plan Review

653 The applicant shall submit to the Planning Department, after payment of application fees, four (4)  
 654 copies of the land use plan and support data. The Planning Department shall schedule the project  
 655 for review by the Development Review Committee (DRC). The DRC shall review the proposed land  
 656 use plan based upon review criteria outlined in this Article, and issue a written recommendation to  
 657 the Planning and Zoning Board. The burden is on the applicant to demonstrate that the development  
 658 is consistent with the Comprehensive Plan, and process any Comprehensive Plan amendments as  
 659 necessary.

660

661 Section 20.33 Review and Recommendation by Town Boards

- 662 1. Review: Upon receipt of the DRC's written recommendation, if development requires ARB  
 663 review, the ARB shall also review the Site Plan's application to ensure the application  
 664 meets the overall design requirements for the Town.
- 665 2. Approval: Upon receipt of the DRC's written recommendation, the Planning and Zoning  
 666 Board (P&Z) shall hold a public hearing to review the application and shall submit its  
 667 recommendation to the Town Commission for its official action.
- 668 3. Denial: If the Planning and Zoning Board denies approval of the Land Use plan, the plan  
 669 shall not be considered by the Town Commission unless the applicant appeals to the Town  
 670 Commission. Such notice of appeal shall be in writing and must be filed with the Town  
 671 Clerk within ten working days following action by the Planning and Zoning Board. The  
 672 Town Commission may then overturn the Planning and Zoning Board's denial and approve  
 673 the Land Use plan with or without conditions, or uphold the denial. If the P&Z decision is  
 674 not appealed to the Town Commission, the applicant may apply for another planned  
 675 development including payment of new review fees.

676

677 Section 20.34 Town Commission Review and Decision

678  
 679 Upon a recommendation of approval or approval with conditions from the Planning and Zoning  
 680 Board, the Town Commission shall consider the recommendations and comments of the Planning  
 681 and Zoning Board and DRC. The Town Commission may make such investigations as may be  
 682 deemed reasonably necessary to ensure conformity with the intent and requirements of this Article.  
 683 The review of such additional information shall follow the procedures applicable to the review of the

684 conceptual development plan.

- 685 1. The Town Commission shall approve, approve with modifications or conditions, or deny the  
686 land use plan, or may refer the plan to the Planning and Zoning Board for further  
687 consideration.
- 688 2. In approving a Land Use plan, the Town Commission may establish such conditions and  
689 may require such modifications as shall ensure compliance with the planned unit  
690 development standards and regulations and, further, the Town Commission may waive or  
691 modify subdivision, site plan or other zoning requirements otherwise applicable to the  
692 development when such waiver or modification is not in conflict with the Town's  
693 Comprehensive Plan or the intent and purpose of the land development regulations.
- 694 3. The accompanying rezoning application is granted approval with the Land Use plan  
695 approval. In the event that a Land Use plan is denied by the Town Commission, the  
696 application for rezoning shall be denied.
- 697 4. In the event the Land Use Plan is denied by the Town Commission after DRC and Planning  
698 and Zoning Board approval or approval with conditions, the Town Commission shall provide  
699 the applicant with the specific reasons the Land Use Plan and rezoning were denied. The  
700 applicant may resubmit the application with changes or modifications for review in  
701 accordance with the Land Use Plan approval process. Only one re-submittal shall be allowed  
702 without re-payment of applicable fees.  
703

704 Section 20.35 Development Plan Review and Approval

705 The applicant shall submit to the Planning Department, after payment of the application fee, four  
706 copies of the Development Plan and supporting materials. The Development Plan may cover all or  
707 a portion of the approved Land Use Plan. The planning department shall review the plans to  
708 determine if all appropriate data and information has been properly provided.

- 709 1. After the submittal has been accepted as complete by the Planning Department, the  
710 Development Plan shall be reviewed by the DRC in order to determine:
  - 711 a. It substantially complies with the approved Land Use Plan;
  - 712 b. It substantially complies with all applicable ordinances, regulations, policies, and  
713 the Gateway Corridor Overlay design standards, where applicable;
  - 714 c. The phase of development can exist as a stable independent unit; and
  - 715 d. Existing or proposed utility services and transportation systems are adequate for  
716 the uses proposed.
- 717 2. The DRC shall either approve the Development Plan (which may include technical  
718 conditions consistent with applicable Town ordinances, regulations and policies) or deny  
719 the Development Plan based upon specific findings that shall be stated. If approved, the  
720 DRC shall issue a written recommendation to the Planning and Zoning Board. If denied,  
721 the applicant may appeal to the Planning and Zoning Board.
- 722 3. Upon receipt of the DRC's written recommendation, the Planning and Zoning Board shall  
723 hold a public hearing to review the application and shall submit its recommendation (which  
724 may include conditions of approval) to the Town Commission for Public Hearings and  
725 official action.
- 726 4. If denied, the applicant may appeal to the Town Commission as previously stated for the  
727 Land Use Plan.  
728

729 Section 20.36 Submittals

730 The Final Development Plan shall include the following parts: 1) Final Site and Development Plan  
731 Maps and Documentation, 2) Developer's Agreement (if applicable), 3) Preliminary Subdivision  
732 Plat (if applicable), 4) Covenants, Conditions & Restrictions (CCR).

733 The applicant shall submit with each Development Plan phase submittal a written compliance  
734 statement indicating the Development Plan phase matches and is consistent with the approved  
735 Land Use Plan. Waivers from the subdivision regulations or site development standards of the  
736 PUD district shall be requested in the compliance statement. Any waivers or modifications  
737 approved by the Town Commission shall be written on the appropriate map as a note comment.  
738

739 Section 20.37 Final Site and Development Plan Maps and Documentation

- 740 1. Maps: Updated maps and materials required for approval of the Land Use plan shall be  
741 submitted for Development Plan approval. The development plan shall include the  
742 requirements of the Land Use plan together with the following:
- 743 2. Construction and maintenance bonds. In order to protect the Town of Oakland, the owner  
744 (developer) shall supply and maintain at his expense property construction and  
745 maintenance bonds for one year after completion on all roads, sewage lines and treatment  
746 plants and water lines to points of connection to the main supply, as well as maintenance  
747 of common open space and recreation areas within the area of a planned unit  
748 development district.
- 749 3. Development schedule. A development schedule indicating the approximate date when  
750 construction of the planned unit development or stages of the planned unit development  
751 can be expected to begin and be completed.
- 752 4. Quantitative data.
- 753 a. Total number of dwelling units by type.
- 754 b. Total parcel size.
- 755 c. Proposed lot or building site coverage by buildings and structure.
- 756 d. Proposed lot or building site coverage by impervious surfaces.
- 757 e. Gross and net residential density and/or commercial intensity.
- 758 f. Proposed amount of open space.
- 759 g. Proposed amount of public lands including all dedicated rights-of-way, easements,  
760 and other lands dedicated for public facilities and services.
- 761 5. Updated environmental impact statement and environmental survey. A statement  
762 explaining any additional information that may have been gathered or calculated since the  
763 approval of the Land Use plan concerning any positive or negative environmental impacts  
764 that may be associated with the development.

765 The updated environmental impact statement shall also include an environmental survey  
766 showing the existing and proposed site conditions, including contours at two-foot intervals;  
767 water bodies; 100-year floodplain and floodways; wetlands or environmentally sensitive  
768 areas; endangered or threatened flora and fauna based on Florida Game and Freshwater

769 Fish Commission data and field investigation; wellfields; aquifer recharge areas; other  
770 unique natural features; historic features; trees and vegetative cover shown in a tree  
771 survey and superimposed upon the Development Plan, including proposed removal or  
772 relocation of trees. The environmental survey shall address any required mitigation plans  
773 emphasizing specific mitigation measures to be employed in order to avoid adverse  
774 environmental impacts. The site plan shall also address drainage and stormwater  
775 management and the management plan shall address any measures to be used to avoid  
776 adverse offsite impacts.

777 6. Update public facility impact statement, including a concurrency management plan. The  
778 applicant shall submit a statement indicating the Development Plan complies with any and  
779 all concurrency management regulations. The statement shall also include all public  
780 facilities impact information that may be submitted as part of a development of regional  
781 impact (DRI) review process, as may be applicable. A concurrency management plan shall  
782 also be provided indicating how deficiencies will be met.

783 7. Plat. A preliminary plat, prepared by a Florida registered surveyor, and site plan shall be  
784 submitted. The preliminary plat shall be submitted in accordance with the preliminary plat  
785 provisions of the subdivision regulations and Chapter 177, Florida Statutes.

786 8. Site Plan: The surface water management plan shall be prepared by a Florida registered  
787 engineer. The site plan shall include maps, data and written statements necessary to show  
788 at least the following:

789 a. Proposed lot or building site lines with dimensions, setbacks, and landscaped  
790 yards. Location and floor area size of all existing and proposed buildings,  
791 structures, and other improvements. Designation of all dwelling unit types and  
792 number of units. Net residential density calculations. Plans for nonresidential uses  
793 shall include the square footage allocated to each respective use.

794 b. Location, name and dimensions of all existing and proposed dedicated public  
795 lands and the conditions of such dedication.

796 c. The width and location of any street or right-of-way shown upon the  
797 Comprehensive Plan within or adjacent to the planned unit development and the  
798 proposed width, location and grade of all proposed street improvements proposed  
799 on- or offsite by the applicant. Where private streets and roadways are proposed  
800 or where common areas are proposed, legal instruments running with the land  
801 shall be provided which ensure perpetual maintenance. All cross-easements shall  
802 be delineated to scale on illustrations and appropriate legal instruments of  
803 dedication shall be included with the site plan.

804 d. Include projected trips, trip assignments to roadway network, existing and  
805 projected levels of service on impacted linkages, and proposed traffic  
806 improvements, including new facilities, additional lanes, signalization  
807 improvements, acceleration/deceleration lanes, and related system  
808 enhancements.

809 e. Location of closest available public water supply system and proposed preliminary  
810 design for water service improvements, including existing and proposed level of  
811 service, fire hydrant location and fire flow specifications, location of proposed  
812 potable water and reuse storage facilities, location of facility improvements, and

- 813 schematic drawings as required by the Town Engineer. The final construction  
 814 drawings shall not be required prior to preliminary plat approval, but shall be  
 815 required prior to commencement of the installation of such improvements.
- 816 f. Area in square feet of each lot or building site, to be indicated in a rectangle within  
 817 each lot or building site.
- 818 g. Typical cross sections of proposed streets, sidewalks, curbs, curb cuts, canals and  
 819 ditches and other proposed improvements.
- 820 h. Location of proposed wastewater collection system and proposed preliminary  
 821 design of wastewater collection improvements, including proposed location of  
 822 improvements, existing and proposed level of service, and schematic drawings as  
 823 required by the Town Engineer. Final construction drawings shall not be required  
 824 prior to development plan approval, but shall be required prior to commencing the  
 825 installation of such facilities.
- 826 i. Location of proposed improvements for collecting, treating and discharging surface  
 827 drainage and the preliminary design of such facilities, including the existing and  
 828 proposed level of service, and schematic drawings as required by the Town  
 829 Engineer. Final construction drawings shall not be required prior to preliminary  
 830 development plan approval, but shall be submitted prior to commencing the  
 831 installation of such facilities.
- 832 j. Location and preliminary design of proposed bridges or culverts which may be  
 833 required, including the type of facility and general level of service as well as  
 834 schematic drawings as required by the Town Engineer. Final construction drawings  
 835 shall not be required prior to preliminary development plan approval, but shall be  
 836 required prior to commencing the installation of such improvements.
- 837 k. Location and width of proposed permanent utility easements. The easements shall  
 838 provide satisfactory access to existing rights-of-way or other open space shown  
 839 upon the preliminary plat. Permanent drainage easements shall also be shown.
- 840 l. Where the preliminary plat covers only a part of contiguous rear property owned  
 841 by the applicant, a master phasing plan shall also be required unless the  
 842 application certifies that the remaining real property shall be developed  
 843 independently of the proposed plat.
- 844 m. The proposed treatment of the perimeter of the PUD, including material and  
 845 techniques used, such as landscape, fences and walls for screening and buffering.
- 846 n. Location of wetlands and/or environmentally sensitive areas located within the site.  
 847 Discuss any endangered wildlife habitats or vegetative communities, wellfields,  
 848 aquifer recharge areas, or wetlands which will be impacted by construction or  
 849 stormwater runoff.
- 850 9. General appearance. Graphic presentation of the general features of proposed structures,  
 851 excluding single-family detached dwellings, including:
- 852 a. Floor plans and square footage of all single and multifamily and nonresidential  
 853 buildings or structures.



895 said improvements, responsibility for those improvements and timing of construction. If a  
896 Developer's Agreement is required it must be recorded with the first preliminary plat recording.

897  
898 Section 20.39 Preliminary Subdivision Plat Approval

899 No permit for construction of buildings, structures and other improvements shall be issued until the  
900 preliminary plat and Final Development plan have been duly approved by the Town Commission in  
901 accordance with the Town subdivision regulations. In addition, all required public improvements must  
902 be constructed and approved by the Town Planner and Engineer.

903 As an alternative to requiring construction of all required subdivision improvements prior to recording  
904 the final plat, the applicant may, following approval of the Land use plan and preliminary plat, post  
905 performance and maintenance guarantees in accordance with the adopted subdivision regulations.

906  
907 Section 20.40 Preliminary Covenants, Conditions & Restrictions (CCR)

908 The applicant shall submit a copy of the proposed Covenants, Conditions and Restrictions (CCR)  
909 document for review to the Planning Department. This document must reflect the requirements and  
910 conditions of the approved Land Use Plan. The CCR's shall be approved by the Town Commission  
911 and recorded with the Final Plat.

912  
913 Section 20.41 Final Plan

914 A copy of the recorded final plat shall be provided to the Planning Department prior to selling any  
915 land and/or improvements except as provided in this Article.

916  
917 Section 20.42 Alterations to Land Use and Development Plans

- 918 1. Changes to plans approved under this article may be permitted upon application and  
919 payment of a fee by the petitioner, his successors in title or interest, or registered agent, and  
920 shall follow the process for approval of development projects. However, there shall be no  
921 requirement to amend the rezoning ordinance unless the proposed amendment would so  
922 dictate. Amendments shall be evaluated to determine compatibility with the entire PUD (if  
923 applicable), and/or approved Development Plan, and consistency with the Comprehensive  
924 Plan. Amendments considered incompatible or conflict with the approved Land Use or  
925 Development Plan or conditions of approval, will be required to update the plan and be  
926 subject to a rezoning public hearing.
- 927 2. Alterations to the approved land use plan or development plan shall be classified as either  
928 substantial or non-substantial amendments. The determination of a substantial or non-  
929 substantial alteration shall be made by the Town Manager, or designee,. The Town  
930 Manager, or designee, may opt to direct the determination be made instead by the  
931 Development Review Committee (DRC).
- 932 3. The following criteria shall be used to identify a substantial amendment:
- 933 a. Addition of a land use not previously permitted under the approved PUD zoning (if  
934 applicable).
  - 935 b. A change which would alter a land use type adjacent to a property boundary, except  
936 when it is (i) a reduction in the density or intensity of an approved land use, and ii)  
937 unless the change locates a residential use adjacent to an incompatible land use.
  - 938 c. The change would result in greater off-site impacts.

- 939 d. A change would require an amendment to the Town Commissions' conditions of  
940 approval.  
941 e. A change would increase the land use intensity within any development phase  
942 without a corresponding decrease in some other portion of the overall development  
943 or PUD (as applicable).  
944 f. An amendment to the phasing would propose a land use in advance of the  
945 development it was designed to support.  
946 g. Any proposed change in the type, location or size (except reduction in the number  
947 of units) of a multi-family land use or student housing land use in the Development  
948 Plan.
- 949 4. Substantial alterations to the land use and development plans must submit plans and  
950 support data (following the land use plan requirements) for review by the DRC and then  
951 public hearings by the Architectural Review Board, Planning and Zoning Board and Town  
952 Commission.  
953 5. All non-substantial alterations must be submitted (including plans and support data) and  
954 approved by the DRC.  
955 6. Alterations to approved Land Use or Development Plans may be allowed according to this  
956 Article with Town Commission approval.  
957

958 Section 20.43 Building Permit Application

959 No building permits shall be issued for any structure until a final plat has been approved by the  
960 Town Commission and the Planning Department has received a recorded copy of the final plat, or  
961 the appropriate surety instruments have been approved and received by the Town.  
962

963 Section 20.44 Bonds

964 The Town Commission may include in the Development Plan requirements for bonds (or  
965 appropriate alternatives) conditioned upon the satisfactory and timely completion of facilities in the  
966 Development Plan. Performance and maintenance bonds shall be provided in accordance with the  
967 adopted Subdivision Regulations.  
968

969 Section 20.45 Control of Development Following Approval

- 970 1. Upon the approval of the development plan or any phase thereof, the use of land and the  
971 construction or modification of any buildings or structures shall be in accordance with the  
972 approved development plan, rather than with the other provisions of this chapter. However,  
973 all other Town codes, ordinances, policies and resolutions shall apply to the project.
- 974 2. The Town Manager, or designee, shall be responsible for certifying that all aspects of the  
975 development plan, including conditions of approval (applicable to the subject portion of the  
976 project) have been satisfactorily completed prior to the issuance of a certificate of  
977 completion for the project or phase.
- 978 3. After certification, no changes may be made in the approved development plan except  
979 under the procedures provided below:
- 980 a. Any structural extension, alteration or modification of existing building structures  
981 which are consistent with the approved development plan may be authorized by  
982 the Town Manager, or designee,.  
983 b. Any building or structure that may be destroyed may be reconstructed only in

984 compliance with the development plan unless an amendment to the development  
985 plan is approved under the provisions of this article.

986  
987 Section 20.46 Phasing

988 The Town Commission may permit or require the phasing or staging of the proposed development.  
989 When provisions for phasing are included in the Land Use Plan, each phase of development must  
990 be so planned and so related to previous development, surrounding properties, and the available  
991 public facilities and services that a failure to proceed with subsequent phases of development will  
992 have no adverse impact on the completed phase(s) or surrounding properties.  
993

994 Section 20.47 Development Time Limits and Reversion

- 995 1. Any Town Commission approval of a Land Use Plan shall be subject to a prescribed time  
996 limit of not more than 18 months or as provided in the executed development agreement  
997 for the submission and approval of a Development Plan. If the developer cannot meet this  
998 requirement, the developer shall request a public hearing for purposes of demonstrating  
999 why the planned unit development should not be terminated. If the developer does not  
1000 appear before the Town Commission to preserve the planned unit development or if the  
1001 developer fails to demonstrate why an extension should be granted, then the Town  
1002 Commission may initiate rezoning of the property to an appropriate zoning classification.  
1003 The prescribed time limit for the submission and approval of a Land Use plan may be  
1004 extended by the Town Commission, for reasonable cause, if the developer presents  
1005 evidence within the 1 1/2-year period which demonstrates that the developer has  
1006 progressed in good faith toward implementing the Land Use plan.
- 1007 2. In addition, The Town Commission shall establish reasonable periods of time for the  
1008 completion of:
- 1009 a. the total proposed development;
  - 1010 b. any development phase(s);
  - 1011 c. any dedicated public facilities which are a part of the development; and
  - 1012 d. facilities planned for common areas.
- 1013