

Chapter 19 - PDS AND PDM—PLANNED DEVELOPMENT DISTRICTS¹

Section 19.01. Intent.

The intent of this chapter is to allow greater design flexibility in the development of land than would be allowed in traditional zoning districts through planned development (“PD”) districts, while at the same time providing for more direct Commission control of such development in the public interest. The planned development district regulations and procedures may apply to the development of presently open or vacant lands and may apply to parcels of relatively small size as well as large scale development, depending upon the nature of the proposed use and improvements and their relationship with other surrounding uses and the overall characteristics of the area in which they are located. This chapter is designed to provide a well-informed but stream-lined process for approval of planned developments by consolidating Commission approval of the rezoning with approval of specific uses, where appropriate.

The use of planned development districts can provide a net public benefit through a number of advantages over traditional zoning districts including but not limited to the following:

- (a) promoting a harmonious variety of uses and protecting against adverse impacts to nearby properties, traffic flow and the public at large;
- (b) providing for more efficient and sustainable use of land, including but not limited to an economy of shared services and facilities;
- (c) providing and allowing for more open, green spaces and conserving natural and cultural resources;
- (d) promoting safety, walkability and a sense of community within and around the development;
- (e) improving the quality of design and fostering the creation of aesthetically pleasing, healthful, sustainable, and stable environments for living, shopping and working; and

¹Editor's note(s)—ZA22-001, adopted July 11, 2022, repealed the former Ch. 19 and enacted a new chapter as set out herein. The former Ch. 19, §§ 19.01—19.11, pertained to the PDR, PDC, PDI and PDE planned development districts and derived from ZA86-12-01, adopted Dec. 8, 1986; ZA88-10-02, adopted Oct. 24, 1988; ZA97-10-01, adopted Oct. 13, 1997; ZA02-07-03, adopted July 22, 2002; ZA07-07-03, adopted July 23, 2007; and ZA11-004, adopted Nov. 14, 2011. See the Code Comparative Table for further information.

- 1 (f) encouraging greater innovation, flexibility and variety in land development techniques
2 and design, and reflecting changes in planning principles, so that the changing
3 demands and needs of the community, as reflected above, may be met more
4 effectively, efficiently and economically; and
5 (g) generally enhancing the quality of life and providing a net benefit to the community at
6 large over traditional zoning districts.

7
8 **Section 19.02. Types of planned development districts.**

9 The types of planned development (“PD”) districts authorized under this chapter are:
10 Planned Development-Single Use (“PDS”), Planned Development-Mixed Use (“PDM”) and
11 Historic Planned Development (“HPD”). Uses in each of these PD districts except HPDs are as
12 described in Section 19.04. Uses in HPDs are as described in Section 21.07.

13
14 **Section 19.03. Definitions.**

15 For purposes of this chapter, the following definitions shall be used:

- 16 [1] *Conditions* shall have the same meaning as provided in Chapter 27 (see § 27.03).
17 [2] *Development Order or Order* shall be the order approved by the Commission as
18 required for a PD district and, in conformity with sections 27.22 and 27.23, shall
19 consist of a master development plan and other information and representations
20 provided by the developer as part of the application or to the Commission (unless
21 disapproved by the Commission), as well as any conditions separately imposed by
22 the Commission.
23 [3] *Master development plan* shall mean the plan required of the developer as part of
24 his application for a PD under Section 19.06.

25
26 **Section 19.04 Uses and development standards in planned development districts.**

- 27
28 [1] *Uses in all planned development districts.* All allowed uses in planned development
29 districts shall be set out within the development order approved by the Commission,
30 in a manner consistent with the Comprehensive Plan and this Resolution. All uses

provided in the order shall be permitted (or limited) uses. except as may be provided otherwise in Section 19.05 of this Resolution

[2] *Standards in all planned development districts.*

(a) The Commission shall determine development standards for each planned development district coincident with the approval of the district and/or of each use within the district. Development standards shall include lot size, density, yard requirements, height requirements, parking and other development standards, as established by the Commission.

(b) The size, design and layout of the proposed planned development district, and uses within the district, shall be established and approved by the Commission coincident with the approval of the district and/or particular uses within the district.

(c) The standards listed in Chapters 4 and 23, or any other standards promulgated in this Resolution applicable to particular land, uses or structures, shall apply within all planned development districts, unless, and only to the extent, such requirements are either specifically altered or removed by the Commission or plans are approved by the Commission evidencing such changes. In particular and without limitation, buffer areas shall be required as provided for pursuant to Section 4.08[1], subject to modification by the Commission.

(d) Twenty percent (20%) of the area of planned developments shall be left in a natural state or as open space, subject to modification of this requirement by the Commission.

(e) All uses and development must be compatible with, and maintain a harmonious relationship with, uses in adjacent areas and within the district.

[3] *Uses in a PDS (Planned Development-Single Use) district.* This district is intended primarily for flexibility in design within a single zoning category to permit varying densities, intensities and site design as circumstances may require. All allowed uses shall be set out within the development order approved by the Commission, in a manner consistent with the Comprehensive Plan and this Resolution. To the extent permitted in the order, uses in a PDS may include any use allowed in any single zoning

category (e.g. Commercial, Industrial, Residential, Public/Civic, Open) set out in this Resolution.

- [4] *Uses in a PDM (Planned Development-Mixed Use)*. This district is intended generally for non-residential uses or developments that provide for a mix of residential and non-residential uses. All allowed uses shall be set out within the development order approved by the Commission, in a manner consistent with the Comprehensive Plan and this Resolution. To the extent permitted in the order, uses in a PDM may include any lawful use as allowed in any zoning district, provided that adult entertainment uses are not allowed in PD districts.

Section 19.05. Approval and permitting procedure for planned development districts.

- [1] To develop a planned development, the property must be rezoned to one of the PD zoning districts, after which a permit(s) must be applied for and issued for each use within the district. Rezoning shall be subject to approval of a development order by the Commission as well as any conditions imposed by the Commission. All uses provided for in the order shall be permitted (or limited) uses provided that, where the Commission deems it inappropriate to approve proposed uses for any portion (or all) of a parcel as permitted or limited uses due to either lack of needed specificity as to such uses or any other reason, the Commission may in its discretion:

- (a) refuse to rezone all or a portion(s) of such parcel;
- (b) provide that no use permits will be designated--and no use allowed--for certain portion(s) of the parcel until the order is amended pursuant to Section 19.08 as to that portion; or
- (c) order any combination of the above.

- [2] The development order shall be binding upon the applicant or any successors in interest. All conditions in the order shall be recorded in the deed records of the County. Deviations from or failure to comply with the development order shall constitute a violation of this Resolution.

[3] Without limiting its lawful power to zone otherwise, the Commission may amend the development order or rezone the district, after notice and a hearing, if substantial construction drawings have not been approved for all or part of a PD district within five years, or such other time as the Commission may approve, of the effective date of the district or last modification thereto.

[4] No use or construction within a PD may begin or be conducted until a permit is issued for the same. Permits for uses designated as permitted or limited uses in the development order may be issued by the staff in the same manner as other permitted or limited uses in other districts, provided the order is complied with.

[5] Except as otherwise may be required under this chapter, all development within a planned development district shall conform to all applicable requirements of Chapter 27 and, if a subdivision of land is involved, Chapter 29 of this Resolution.

Section 19.06. Application requirements for rezoning to planned development districts.

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An application for rezoning to a planned development district, as well as for permit(s) within the same, shall conform to all requirements of Chapter 27, except as may otherwise be required by this section. Applications for rezoning to a planned development district shall indicate the requested category of planned development district and shall provide the following additional information in a form to be established by the Executive Director or designee:

[1] *Master development plan.* The master development plan is the graphic representation that depicts at a minimum the following information:

(a) Proposed name or title of project, the name of the engineer, architect and developer.

(b) North arrow, scale of one inch equals two hundred feet (1" = 200') or larger, date and legal description of the proposed site.

(c) Existing property lines, significant water bodies, and easements] All, section lines, streets and physical features in and adjoining the project.

- (d) Location and size for each proposed land use within the development.
- (e) Location and size of common open space, landscaped areas and buffers.
- (f) Conceptual configuration of proposed streets, which depict access into and traffic flow within the development.
- (g) Storm water control measures including detention ponds and drainage ways and easements; and
- (h) Such other information, data or documents as may be required to be in the master development plan by the staff or Commission.

[2] A graphic representation (either a drawing or photograph) of the conceptual building design and building materials being proposed.

[3] *Data and Analysis*

- (a) A survey not more than five years old or a legal description.
- (b) General topography and physical conditions of the site, represented in one-foot contours, including natural areas of vegetation and type, general soil types, jurisdictional wetland areas, 100-year floodplain areas, floodway, flood zones, watercourses, water bodies and natural drainage patterns.
- (c) Additional material, maps, studies, data or reports subsequently deemed necessary by any reviewing department or agency.
- (d) The proposed method of dedication and administration of the proposed common open space.

[4] *Written Description/Conditions.* A written description of the proposed PD and conditions for development, that include the following as applicable:

- (a) Development Program and Schedule.
 - (i) The acreage and percentage of the total land area devoted to each of the proposed land uses.
 - (ii) Development program that identifies the total number of residential units and the total non-residential square footage.
 - (iii) Maximum lot coverage, floor area ratio, and impervious area for non-residential uses.

(iv) Phasing plan that delineates of areas to be developed according to their order of construction.

(v) Proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase or stage.

(b) Allowed uses.

(c) Site design, dimensional & development standards including minimum lot area, minimum lot width, minimum setbacks and buffer areas, including perimeter buffers, and maximum building heights.

(d) Public facility commitments including but not limited to:

(i) Statement regarding ingress/egress to the site.

(ii) Statement regarding any transportation improvements to be made.

(iii) Statement regarding the disposition of sewage and stormwater and arrangements for potable water.

(iv) Description of recreational amenities and level of public access to such amenities.

(e) Proposed Deed Restrictions and Association Bylaws.

(i) *Deed restrictions:* Any deed restrictions proposed by the developer of the PD to preserve the character of the development's common open space and to establish compatible architectural and landscape design of structures.

(ii) *Property owners' association or nonprofit corporation:* If the developer elects this method of administering common open space, the proposed bylaws of the property owners' association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the Commission.

[5] *Additional information.* Any additional information, reports or data which may be required by the Commission or its staff to enable a more complete evaluation of the proposed development. The staff may, subject to Commission disapproval, tentatively

1 waive particular requirements that are not pertinent to evaluation of a particular
2 application.

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4 **Section 19.07. Requirements for future development approvals.**

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6 Any and all future development approvals including site plan review, subdivision plat,
7 construction plans, and use permits shall be consistent with the planned development approval
8 documents including the master development plan and written description and conditions.

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10 **Section 19.08. Binding nature of plans, conditions and development standards.**

11 [1] The development order shall be binding upon the applicant and any successors in
12 interest. Deviations from or failure to comply with the development order without
13 Commission approval or waiver of the same shall constitute a violation of this
14 Resolution.

15 [2] Once approved, the development order shall remain in full force and effect unless and
16 except to the extent amendments to the order are approved by the Commission.

17 [3] Changes to development order.

18 (a) Proposed changes to the development order shall be reviewed by the Executive
19 Director to determine whether the change is a major or minor modification from
20 previously approved plans or conditions. Any modification of the order which
21 involves a change in permitted uses or an increase in height, densities or intensities
22 shall be considered a major modification. Other modifications may be declared
23 major modifications if the Executive Director determines they deviate substantially
24 from the order. Requests for major modifications shall follow the same procedure
25 set forth herein for PD zoning.

26 (b) Any proposed change to a development order which does not constitute a major
27 modification shall be considered a minor modification. At the discretion of the
28 Executive Director, minor modifications may be referred to the Commission with a
29 recommendation or, if the Executive Director deems the proposed change to be de
30 minimus, he/she/they may make the minor modification administratively. Action

1 by the Commission or Executive Director in such cases shall be final. Requests for
2 minor modifications shall include a revised proposed order indicating the effect of
3 the proposed changes and the reasons why the changes are necessary.

4 [4] Where a planned development project is proposed in phases and the Commission finds
5 that the development of all phases is necessary for the development of any part to be
6 approved, the Commission may require that the applicant agree to the following:

7 (a) Proceed with or complete the proposed development by a date certain or in a
8 timely manner according to the provisions of these zoning regulations and the
9 proposed development plan for the area and such conditions as may be attached to
10 the rezoning of the land to a planned development district;

11 (b) Provide agreements, contracts, deed restrictions, and sureties acceptable to the
12 Commission for timely completion of the development according to the plans
13 approved at the time of rezoning to planned development and for continuing
14 operation and maintenance of such common, open or public areas, functions, and
15 facilities as are to be provided, operated, or maintained without public expense;
16 and

17 (c) Bind its successors in title to any commitments made under subparts (a) and (b)
18 immediately above.

19 **19.09. Transitional regulations.**

20 There are a number of PDs that were created prior to the amendments to this Chapter 19
21 which became effective on [month] [day], 2024 (the “effective amendment date”). Chapter 19 as
22 amended effective [month] [day], 2024 (the “amended Chapter 19”), among other things,
23 changed the nomenclature and types of PDs, as compared to those provided for under
24 the provisions of Chapter 19 as it existed prior to the effective amendment date (the “old Chapter
25 19”). PD districts created prior to [effective date] included PDR, PDC, PDI and PDM (also
26 formerly known as PDE) districts. Districts designated as PDR, PDC and/or PDI on existing
27 zoning maps shall each and all be deemed to be PDS districts under the amended Chapter 19,
28 provided that uses and standards applicable to such districts pursuant to the old Chapter 19 (prior
29 §19.03), as well as approved development plans and conditions, shall be enforceable and
30 amendable in such districts in the same manner as a Development Order under the amended

Chapter 19. Any districts designated as PDE on existing zoning maps shall be deemed to be PDM districts and shall be regulated and amended in the same manner as PDM districts in the amended Chapter 19.