

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. O-2016- 03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 24, ENTITLED "ZONING", ARTICLE III ENTITLED "DISTRICT REGULATIONS" OF THE CITY OF TAMARAC CODE OF ORDINANCES, SPECIFICALLY CREATING DIVISION 27 ENTITLED "PD PLANNED DEVELOPMENT DISTRICT", PROVIDING FOR A NEW ZONING DESIGNATION TO ALLOW FOR FLEXIBILITY IN DEVELOPMENT STANDARDS ON MASTER PLANNED DEVELOPMENTS WITHIN THE CITY TO INCLUDE THE FOLLOWING SECTIONS: 24-542 "PURPOSE, APPLICABILITY AND CREATION OF PD DISTRICT", 24-543 "REZONING TO THE PD DISTRICT", 24-544 "GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICT", AND 24-545 "MINOR DEVIATIONS AND AMENDMENTS TO APPROVED PD PLAN/AGREEMENT"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration has conducted a review of the regulations concerning master planned development and the application of strict zoning standards within the City; and

WHEREAS, upon its review, City Administration has determined that the current City of Tamarac Zoning Code and Official Zoning Map does not provide a zoning district which allows for the application of flexible development standards for master planned developments; and

WHEREAS, the establishment and creation of a Planned Development District ("PD"), as a new zoning designation will serve as a valuable mechanism to authorize the appropriate development of residential or commercial uses, or the combination thereof, in the best interest of the City and to provide for a scale and flexibility of development which could not otherwise be achieved through the existing single-use zoning districts, without detriment to neighboring properties; and

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WHEREAS, the ability to negotiate development standards for master planned developments encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Sections of the City's Code of Ordinances; and

WHEREAS, the Director of Community Development recommends approval of this ordinance amendment; and

WHEREAS, the City Commission of the City of Tamarac has deemed it to be in the best interest of the citizens and residents of the City of Tamarac to establish a new zoning designation known as a "PD Planned Development District" in accordance with the terms and provisions set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 24, Article III, Division 27, "PD Planned Development District", of the City of Tamarac Code of Ordinances is hereby created with regulations as follows:

DIVISION 27. PD PLANNED DEVELOPMENT DISTRICT

Sec. 24-542. Purpose, Applicability and Creation of PD District.

(a) Purpose. The Planned Development (PD) district is established and intended to permit large tracts of land which are part of a master development plan to

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be planned and developed as a whole with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. Planned developments encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

(1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

(2) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;

(3) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;

(4) Allowing more efficient use of land, with smaller networks of streets and utilities, and thereby lowering development and housing costs; and

(5) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, floodplains, and historic features.

(6) Promoting "low impact design" also known as "LID" which seeks to minimize the hydrologic and water quality changes that result as part of site development.

(b) *Applicability.* Planned developments are planned and developed under unified control and in accordance with flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-

quality development, as well as community benefits and amenities, than could be achieved through base zoning district regulations.

(1) The purpose of this subsection is to provide a uniform means for amending the Official Zoning Map to reclassify land to the Planned Development (PD) zoning district established in 24-542.(c) below.

(c) *Creation of PD District.* The PD district is hereby established and is intended to encourage high-quality, mixed-use development that features innovative and creative design, yet is compatible with both surrounding existing development and available public infrastructure. The PD district is supported by an underlying Local Activity Center (LAC) land use designation.

Sec. 24-543. Rezoning to the PD District.

(a) *Overview.* Planned developments are established by amendments to the Official Zoning Map to rezone land to the Planned Development (PD) zoning district for which applicable development regulations are defined by a planned development master plan (PD Plan) and a planned development agreement (PD Agreement). Subsequent development within the PD district occurs through the appropriate site plan (§10-2) and plat review (Chapter 21, Article II, §26-89) procedures and standards (as appropriate), which ensure compliance with the PD Plan and PD Agreement.

(b) *Application Submittal and Acceptance.* An application to rezone to the PD district shall be submitted and accepted, and may be withdrawn, in accordance with §24-67 Applications for Rezoning, except that applications may be initiated only by the owner(s) of all property included in the proposed planned development district to ensure unified control, and shall include the following:

(1) A PD Plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing;

(2) A PD Agreement that specifies terms and conditions defining development parameters, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, and provides for management and maintenance of development; and

(3) A copy of a title opinion indicating the ownership of all land that is part of the proposed PD district to ensure unified control.

(c) *Scheduling and Public Notice of Meetings.* The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §24-67 Applications for Rezoning and Chapter 2, Article X Quasi-Judicial Proceedings.

(d) *Planning Board Review and Action.* The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §24-67 Applications for Rezoning and Chapter 2, Article X Quasi-Judicial Proceedings.

(e) *City Commission Review and Decision.* The City Commission shall review the application, hold a public hearing, and make a determination in accordance with §24-67 Applications for Rezoning and Chapter 2, Article X Quasi-Judicial Proceedings.

(1) The decision shall be one of the following:

i. Adopt the amendment as proposed;

ii. Adopt a revised amendment that reduces the area proposed to be designated;

iii. Deny the amendment; or

iv. Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(f) Post Decision Actions and Limitations. The post-decision actions and limitations in §24-67 Applications for Rezoning, shall apply to the application except as follows:

(1) Effect of Approval.

i. Approval of a Planned Development authorizes the approved revisions to the Official Zoning Map. Lands rezoned to a PD district shall be subject to the approved PD Plan/Agreement. The PD Plan/Agreement is binding on the land as an amendment to the Official Zoning Map.

ii. The PD Plan/Agreement shall be binding on the landowners, their successors, and assigns, and shall constitute the development regulations for the land.

iii. Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Plan/Agreement.

iv. The applicant may apply for and obtain subsequent improvement permits necessary to implement the PD Plan/Agreement in accordance with the appropriate procedures and standards set forth in this Code. Any development permits shall be in substantial compliance with the PD Plan/Agreement.

(2) Expiration of Approval. The PD Plan/Agreement shall automatically expire if an application for a Site Plan Approval (§10-2) for any part of the development shown on the approved PD Plan/Agreement is not submitted within one year after approval of the Planned Development, or an extension of this time period authorized by the Director. Extension requests shall be provided to the Community Development Director in writing no later than 60 days prior to the one year expiration date.

(3) Recordation. The Community Development Director shall record the adopting ordinance and the PD Plan/Agreement with the Broward County Records at the expense of the applicant.

Sec. 24-544. General Standards for Planned Development District.

Before approving a PD zoning district designation, the City Commission shall find that the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, comply with the standards below.

(a) PD Plan/Agreement.

(1) Include a statement of planning objectives for the district;

(2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;

(3) Identify for the entire PD district and each development area the land area, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

- (5) Identify the location of environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
- (6) Identify the onsite transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems as supported by an applicant provided traffic study;
- (7) Identify the general location of onsite potable water and wastewater facilities, and how they will connect to City systems;
- (8) Identify the general location of onsite stormwater management facilities, and how they will connect to City systems;
- (9) Identify the general location of all other onsite public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.
- (10) Include conditions related to approval of the application for the PD zoning district classification;
- (11) Identify the community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and
- (12) Include any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.

(b) Consistency with City Plans. The PD zoning district designation and the PD Plan/Agreement shall be consistent with the purpose and standards of this section in addition to the comprehensive plan of the City of Tamarac and all applicable regulations for PD zoning designations.

(c) Compatibility with Surrounding Areas. Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan/Agreement shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

(d) Development Phasing Plan. If development in the PD district is proposed to be phased, the PD Plan/Agreement shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the City's capital improvements program.

(e) Conversion Schedule. The PD Plan/Agreement may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use, such as multi-family dwellings to single-family dwellings, and one type of nonresidential use may be converted to another type of nonresidential use, such as office use to retail sales use. Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan.

and are consistent with established extents of conversion set down in the conversion schedule.

(f) Onsite Public Facilities.

- (1) Design and Construction. The PD Plan/Agreement shall establish the responsibility of the developer/landowner to design and construct or install required and proposed onsite public facilities in compliance with applicable City, County, state, and federal regulations.
- (2) Dedication. The PD Plan/Agreement shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, County, state, and federal regulations.
- (3) Modifications to Street Standards. In approving a PD Plan/Agreement, the City Commission may approve modifications or reductions of City street design standards, including those for right-of-way widths, pavement widths, required materials, and turning radii. Such modifications shall be reviewed and approved by the Fire and Public Service Departments during PD Plan/Agreement approval, on finding that:
 - (i) The PD Plan/Agreement provides for separation of vehicular, pedestrian, and bicycle traffic as supported by an applicant provided traffic study;
 - (ii) Access for emergency service vehicles is not substantially impaired;

(iii) Adequate off-street parking is provided for the uses proposed and as supported by a parking study provided by the applicant; and

(iv) Adequate space for public utilities is provided within the street right-of-way.

(g) Uses. Allowed principal, accessory, and temporary uses in a particular PD district shall be established in the PD Plan/Agreement, subject to conversion in accordance with a schedule incorporated in the PD Plan/Agreement in accordance with §24-544(e), Conversion Schedule. Allowed uses shall be consistent with City's Comprehensive Plan, Local Activity Center (LAC) designation and the purpose of this section. The nonresidential uses in the PD district are restricted to the uses permitted in the City's mixed use district (MXD).

(h) Densities/Intensities. The total number of dwelling units permitted in a planned development shall not exceed 35 dwelling units/acre, and shall not exceed the total density/intensity permitted by the Land Use Element of the Tamarac Comprehensive Plan. The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan/Agreement, and shall be consistent with the comprehensive plan Local Activity Center (LAC) land use designation, other adopted special area and City plans, and with the purpose of the PD district.

(i) Dimensional Standards.

(1) All planned developments shall contain a minimum of ten (10) acres of contiguous land unless the Community Development Department finds that a tract which contains less than ten (10) acres is suitable as a planned development by virtue of:

(i) Its location within a quarter mile of access to mass transit; or

(ii) Provision of mass transit access in the proposed PD.

(2) This minimum may be waived by the City Commission upon the recommendation of the Community Development Director.

(3) The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan/Agreement, and shall be consistent with the Comprehensive Plan, other adopted special area and City plans, and with the purpose of the PD district.

(4) The PD Plan/Agreement shall include at least the following types of dimensional standards, unless the PD Plan/Agreement expressly states otherwise:

(i) Maximum dwelling units per acre (residential development) and/or maximum floor area ration (nonresidential development);

(ii) Minimum net lot area;

(iii) Minimum lot width;

(iv) Maximum impervious surface area;

(v) Maximum structure height;

(vi) Maximum individual building size;

(vii) Minimum and maximum setbacks; and

(viii) Minimum setbacks from adjoining residential development or residential zoning districts.

(j) *Site Development Standards/Features.*

(1) All development in a PD district shall comply with the development standards established in the PD Plan/Agreement as consistent with City plans, the objective of the particular type of development standard, and the purpose of the PD district.

(2) Off Street Parking.

(i) Because of the unique land uses and design characteristics of projects zoned PD, the minimum parking space requirement and design shall be determined on a project by project basis.

(ii) The applicant may propose parking that does not meet minimum Code requirements, in which case the applicant shall submit a parking study, prepared by a registered traffic engineer.

(iii) At a minimum, the parking study shall include the number of proposed parking spaces, public transit ridership statistics, and justification for any deviations from the requirements of Article V of this Code for off-street parking and loading.

(iv) The study shall be reviewed and approved by the Director of Community Development or his/her designee.

(v) Parking and traffic studies shall be required to be submitted as part of a complete application package demonstrating required parking to support the planned development. Additionally, the applicant shall be responsible for all architectural review costs incurred by the City in review of the design elements of the buildings.

(3) Underground Utilities.

(i) All onsite utilities shall be installed underground.

(ii) Large transformers shall be placed on the ground within pad mounts, enclosures, or vaults.

(iii) The developer shall provide adequate landscaping to screen all above ground facilities in a manner not inconsistent with the requirements of the applicable utility provider.

(4) Landscaping, Buffering and Buildings Design.

Landscaping shall meet all the requirements of Chapter 11 of the City of Tamarac Code of Ordinances. Modification of Chapter 11 may be requested in the PD Plan/Agreement and must be explicitly listed in the PD Agreement and PD Plan.

(i) The applicant shall be responsible for all architectural review costs incurred by the City in association with the review of the buildings design.

(5) PD Plan/Agreement Development Standards.

Plan/Agreement shall include at least the following types of development standards, unless the PD Plan/Agreement expressly states otherwise:

(i) Total onsite parking spaces;

(ii) Landscaping to included total trees and shrubs;

(iii) Minimum and maximum open space; and

(iv) Percentage pervious and non-pervious area.

(k) Stormwater Management Standards.

All development in a PD district shall comply with the standards of §10-226 Stormwater Management that are in place at the time of Site Plan Approval (§10-2) application acceptance.

Sec. 24-545. Minor Deviations / Amendments to Approved PD Plan/Agreement.

(a) Minor Deviations. Subsequent applications for improvement permits within an approved PD district may include minor deviations from the PD Plan/Agreement, without the need to amend the PD Plan/Agreement, provided such deviations are limited to changes that the Community Development Director determines:

(1) Address technical considerations that could not reasonably be anticipated during the planned development approval process; and

(2) Have no material effect on the character of the approved PD district, the basic concept of the PD Plan/Agreement, and the terms in the PD Terms and Conditions. These include, but are not limited to, the following:

(i) Changes in driveway locations;

(ii) Minor shifts in building size, configuration, or location;

(iii) Structure floor plan revisions; and

(iv) Facility design modifications for amenities.

(b) Amendments. Deviations from the PD Plan/Agreement that would have a material effect on the character of the approved PD district, the basic concept or terms of the PD Plan/Agreement, including, but not limited to, the following modifications, shall require amendment of the Planned Development in accordance with §24-555.

Amendment of Exception Previously Approved:

(i) Changes in use designations;

(ii) Density/intensity increases;

(iii) Decreases in open space;

- (iv) Substantial changes in the location of streets, particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected;
- (v) Substantial changes in the location of any public easement; or
- (vi) Change in the proportion of any housing type by more than 15 percent.

SECTION 3. Codification. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word in this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

PASSED, FIRST READING this 27 day of January, 2016.

PASSED, SECOND READING this 10 day of February, 2016.

BY: H. Dressler
MAYOR HARRY DRESSLER

ATTEST:

Patricia Teufel
PATRICIA TEUFEL, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR DRESSLER	<u>yes</u>
DIST 1: COMM BUSHNELL	<u>yes</u>
DIST 2: V/M GLASSER	<u>yes</u>
DIST 3: COMM. GOMEZ	<u>yes</u>
DIST 4: COMM PLACKO	<u>yes</u>

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR DRESSLER	<u>yes</u>
DIST 1: BUSHNELL	<u>yes</u>
DIST 2: V/M GLASSER	<u>yes</u>
DIST 3: COMM. GOMEZ	<u>yes</u>
DIST 4: COMM PLACKO	<u>yes</u>

Samuel S. Goren
SAMUEL S. GOREN,
CITY ATTORNEY