

- (5) Maximum lot coverage: 50 percent.
- (6) Minimum building setbacks:
 - a. Front: 50 feet.
 - b. Side interior lot: 25 feet.
 - c. Side corner lot: 35 feet; however, where adjacent to a use district requiring greater setbacks, the same setbacks will be provided as required for the abutting district. In addition, additional setbacks may be required by the planning and zoning board for reasons of public safety and welfare.
 - d. Rear: 30 feet. Rear yards may be reduced to zero when the real property line coincides with a railroad siding; however, no tracking shall be located nearer than 300 feet to any residential district.

(Code 1988, § 24-51(f))

Sec. 118-777. Off-street parking and loading.

The minimum off-street parking and loading requirements for the I-2 general industrial district shall be as provided in article VIII of this chapter.

(Code 1988, § 24-51(f)(6)5)

Sec. 118-778. Landscaping of yards; reservation of land adjacent to single-family residential use.

(a) All required yards in the I-2 general industrial district shall be grassed or landscaped. Required yards shall not be used for off-street parking or for the storage of materials.

(b) Whenever property zoned I-2 shall abut or adjoin property zoned primarily for single-family residential use, the property zoned I-2, for a depth of 50 feet adjoining any such single-family residential property, shall be reserved for the planting of trees and bushes; provided, however, that such property may be used for driveway access, but not for off-street parking purposes. (Code 1988, § 24-51(f)(6)6, (f)(6)7)

Sec. 118-779. General requirements.

(a) *Location; designs for traffic routing.* Each I-2 general industrial district shall be located on a major street. Driveways, streets and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential district.

(b) *Buffer yards.* A buffer yard of not less than 50 feet in width shall be provided along each I-2 district boundary which abuts any residential district. Such buffer yard shall be in lieu of front, side, or rear yards. The 20 feet of such yard nearest the district boundary shall not be used for any processing activity, building, or structure other than fences, wall, or berms, and shall be landscaped and maintained with shrubs and trees. A minimum of one tree shall be planted for each 25 feet of common lot line or fraction thereof. Landscape materials shall attain a minimum height of six feet and shall be at least 75 percent opaque when viewed from any point along the adjoining boundary within 18 months after planting. The remaining 30 feet of the buffer yard shall not be used for any processing activities, buildings, or structures other than fences, wall, berms, or off-street parking lots of passenger cars. (Code 1988, § 24-51(g))

Secs. 118-780—118-825. Reserved.

ARTICLE V. PLANNED UNIT DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 118-826. Review by planning and zoning board.

The planning and zoning board shall review a planned unit development (PUD) application and its associated preliminary development plan to determine its conformity with the comprehensive plan and the requirements of this article. The planning and zoning board shall recommend to the city commission the approval, approval subject to conditions and modifications, or disapproval of the a planned unit development zoning application and its associated preliminary development plan. In making its recommendation to the city commission, the planning and zoning board shall consider the criteria specified in section 118-828. It is not necessary for planning and zoning board to make findings of fact in support of its recommendation to the city commission concerning planned unit development applications and associated preliminary development plans. (Code 1988, §; 24-189; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-827. Ordinance requirements.

Property rezoned to the PUD classification must meet the requirements of the rezoning procedure to include proper notification and the adoption of an ordinance approving the PUD. No part of the PUD requirements of this article may be eliminated except with the specific approval of the city commission through the adoption of an ordinance approving the PUD. (Ord. No. 99-29, § I, 4-22-99; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-828. Approval criteria.

The city commission may approve a proposed planned unit development (PUD) and its associated preliminary development plan only after

competent, substantial evidence has been presented that allows the city commission to make the following determination:

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;
- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;
- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;
- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;
- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and
- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

(Ord. No. 99-29, § I, 4-22-99; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-829. Time extensions.

Any time limits imposed by this article or the applicable PUD zoning ordinance may be extended by the city commission for reasonable periods upon the petition of an applicant prior to the expiration of the PUD and based upon good cause, as determined by the city commission.

(Ord. No. 09-19, § 4, 10-8-09)

Sec. 118-830. Expiration of PUD.

In the event the developer fails to comply with the time limits of section 118-836(a) or section

118-989 or fails to comply with the time limits contained in the applicable PUD zoning ordinance, the preliminary development plan shall automatically expire and no further development orders or permits shall be issued and no development shall occur on the land unless and until the city commission reapproves the preliminary development plan or approves a new preliminary development plan. The city may require modifications to the applicable PUD zoning ordinance as a precondition to such approval. After the expiration of the preliminary development plan pursuant to this section, the city shall have the right to terminate the applicable PUD zoning ordinance and related development orders, permits, and agreements and return the land, or any portion thereof to its previous zoning classification or to a zoning classification that is consistent with the comprehensive plan and the city commission deems most appropriate. If approval of a final plat is obtained for a portion of a planned unit development or if a final development plan is obtained for a portion of a planned unit development and the developer has commenced construction contemplated by such plan, then in either of such events the preliminary development plan shall remain in full force and effect with respect to the portion of the planned unit development not included within such final plat or final development plan and such preliminary development plan shall not be subject to termination under the provisions of this section.

(Ord. No. 09-19, § 5, 10-8-09)

Sec. 118-831. Summary of steps for receiving final approval of a residential or urban village planned unit development.

Four steps are generally required to obtain final approval for a residential or urban village planned unit development:

- (1) Preliminary conference;
- (2) Preliminary development plan submission and application for planned unit development zoning;
- (3) Preliminary plat submission; and

(4) Final development plan submission (Ord. No. 12-02, § 1, 1-26-12; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-832. Preliminary conference.

The preliminary conference for a residential or urban village planned unit development shall generally include the following: the city planner, city engineer, building official, fire marshal, city public services director, and the developer. (Ord. No. 12-02, § 1, 1-26-12; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-833. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Common open space: A parcel of land or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.

Developer: A person, firm, association, syndicate, partnership or corporation who owns land which is developed or proposed to be developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.

Development plan: The total site plan of a planned unit development drawn in conformity with the requirements of this division. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.

Development schedule: A comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall

contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.

Final development plan: The development plan approved by the city commission and recorded with the clerk of the circuit court of the county according to this division.

Final development plan application: The application for approval of the final development plan and for approval of the required exhibits as specified in this division.

Planned unit development or PUD: An area of land developed as a single entity, or in approved stages or phases by a developer or group of developers acting jointly, which is planned and approved in accordance with this article. A planned unit development approved under any division of this article is sometimes generally referred to as a PUD.

Preliminary development plan: The development plan approved by the city commission and filed with approval of the city for a planned unit development zone.

Preliminary development plan application: The application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this division.

Residential clustering: The grouping of residential structures on a portion of the available land, reserving a significant amount of the site as protected open space.

Site: The actual physical area to be developed as a planned unit development, including the natural and created characteristics of the area.

Stage or phase: A specified portion of the planned unit development that may be developed as an independent entity. It must be delineated in the preliminary development plan, defined in the final development plan, and specified within the development schedule.

Village center: That portion of the properties within the urban village future land use classifi-

cation which allow retail and commercial uses. Residential uses may also be located in the village center.

Zero lot line: A residential development of single-family detached dwelling units in which each dwelling unit abuts one side lot line with no two dwelling units abutting a common side lot line, and the maximum height of units in the development is 30 feet.

(Ord. No. 12-02, § 1, 1-26-12; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-834. Preliminary development plan application.

(a) For residential and urban village planned unit development rezonings, a preliminary development plan along with a zoning application shall be submitted to the city by the developer requesting approval of the site as a PUD. The preliminary plan and application shall contain the name of the developer and the architect, surveyor and engineer who prepared the development plan.

(b) The following generally shall be included on the preliminary development plan with the zoning application:

- (1) Proposed name or title of the project; the name of the surveyor, engineer, architect, and developer.
- (2) North arrow, scale of one inch equals 200 feet or larger, date and legal description of the site.
- (3) Boundaries of the site shown with bearings, distances, closures and bulkhead lines. All existing easements, section lines and property lines, all existing streets, rights-of-ways, natural waterbodies, karst features, wetlands and physical features in and adjoining the project, and the existing zoning.
- (4) Names and locations of adjoining developments and subdivisions.
- (5) Any proposed parks, school sites, and other public and private open space.
- (6) Vehicular and pedestrian circulation systems.

- (7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the types of uses, the proposed total number of dwelling units, the proposed lot size(s) and minimum house size(s), the proposed square footage of nonresidential uses, and the proposed building setbacks and building elevation renderings.
- (8) Proposed setbacks and buffering between uses within the PUD; and proposed setbacks and buffering at the perimeter of the PUD.
- (9) Proposed common open space, including proposed improvements and proposed common open space structures and the tabulation of the percent of the total area of the project to be devoted to common open space. Areas proposed to qualify for common open space shall be specifically designated on the preliminary development plan.
- (10) Delineation of specific areas designated as a proposed stage or phase.
- (11) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the area or with the drainage plan established or to be established within the vicinity.
- (12) General location within the site of each residential and/or nonresidential use.
- (13) The proposed method of dedication and administration of proposed common open space.
- (14) Vicinity map.

(c) Submittal requirements and procedures are as follows:

- (1) *Prints required.* The application shall include the required number of prints of the preliminary development plan and an electronic copy.
- (2) *Certified survey.* Two copies of a certified survey must also accompany the application.

- (3) *Application review.* The preliminary development plan shall be reviewed by the development review committee in accordance with chapter 98, article VI of the City of Winter Garden Code of Ordinances, and any other city division or department as deemed necessary by the city to determine the feasibility and suitability of the plan prior to the submission of the planned unit development zoning application to the planning and zoning board. The planning and zoning board shall then review the PUD and its associated preliminary development plan and recommend to the city commission the approval, approval subject to conditions and modifications, or disapproval of such application. Upon receiving the recommendation of the planning and zoning board, the city commission shall review the recommendation and the PUD and associated preliminary development plan application and either approve, approve subject to conditions and modifications, or disapprove the proposed PUD and associated preliminary development plan.
- (4) *Approval criteria.* In addition to the approval criteria set forth in section 118-828, the proposed PUD should address, to the extent deemed applicable by the city, the following:
- a. The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.
 - b. Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.
 - c. Prevention of erosion and degrading or enhancement of the surrounding areas.
 - d. Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.
 - e. The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.
 - f. The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.
 - g. The availability of existing or planned reclaimed water service to support the proposed PUD.
 - h. The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.
 - i. The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.
 - j. Architectural characteristics of proposed residential and/or nonresidential development.
 - k. A listing of the specific types of non-residential uses to be allowed.
- (5) *Recordation of PUD.* If the proposed PUD and its associated preliminary development plan application is approved by the city commission, a copy of the approved PUD and preliminary development plan shall be signed by the mayor and attested by the city clerk, and a certified copy or original of such shall be filed with the city clerk as a permanent record.
- (Ord. No. 12-02, § 1, 1-26-12; Ord. No. 12-24, § 1, 5-24-12)
- Sec. 118-835. Preliminary plat.**
- (a) Procedures for preliminary plat submission will comply with chapter 110 pertaining to subdivisions.
 - (b) Additional information on the preliminary plat should include the following for the residential or urban village planned unit development or the portion thereof which is the subject of the preliminary plat:
 - (1) Any proposed residential use other than single-family.

- (2) The proposed location of the residential use and/or nonresidential use.
- (3) Acreage in each of the residential and/or nonresidential use areas.
- (4) Proposed setbacks and buffering between uses within the PUD; and proposed setbacks and buffering at the perimeter of the PUD.
- (5) Phasing or development schedule.
- (6) Number of units, both total and by type, and total square footage of any nonresidential uses and by type.
- (7) The proposed method of maintenance of the storm drainage system.

(c) A topographical map shall be submitted with the preliminary development plan. The topographical map shall be drawn at a scale of not less than 100 feet to one inch by a registered professional engineer or registered land surveyor showing the following:

- (1) The location of existing property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and all public utility easements and rights-of-ways.
- (2) Wooded areas, marshes, wetlands, karst features and any other physical conditions affecting the site.

(d) Engineering drawings and specifications of the following proposed utility system improvements must be presented to the city engineer no less than 30 days prior to the intended commencement of construction of such improvements. Construction of such improvements shall not commence until the city engineer approves the drawings and specifications submitted. Engineering drawings must include the following:

- (1) Potable water.
- (2) Sanitary sewer.
- (3) Storm sewer.
- (4) Reclaimed water.
- (5) Sidewalks and bicycle paths.
- (6) Streets.

(7) Lot grading plan.

(8) Drainage.

(9) Lighting.

(Ord. No. 12-02, § 1, 1-26-12; Ord. No. 12-24, § 1, 5-24-12)

Sec. 118-836. Final development plan.

(a) *Time limits for submission.* Unless otherwise specified by the planned unit development zoning ordinance or extended under section 118-829, the developer shall have three years from the adoption date of the PUD zoning ordinance in which to:

- (1) File and obtain approval of a final plat of a residential or urban village planned unit development, or any portion thereof; or
- (2) File and obtain approval of a final development plan of a residential or urban village planned unit development, or a portion thereof and commence construction contemplated by such plan. Site clearing and tree removal activities do not constitute commencement of construction for the purposes of this subsection.

Residential planned unit developments adopted prior to September 30, 2009 are hereby granted an extension to allow three years from September 30, 2009 in order to satisfy the conditions under subsection (1) or (2) above.

(b) *Site plan.* A site plan must be presented in accordance with division 2 of article II of this chapter.

(c) *Plat.* A plat must be presented which complies with chapter 110.

(d) *Additional exhibits.* Additional exhibits required for the final development plan may include the following:

- (1) *Development schedule.* The development schedule shall contain the following information for the urban village planned unit