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**ORDINANCE NO. 34-10**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING THE TOWN'S ZONING CODE; PROVIDING FOR THE AMENDMENT OF SECTION 27-1 TO ADD THE DEFINITION OF "MIXED USE"; PROVIDING FOR THE AMENDMENT OF ARTICLE VIII OF CHAPTER 27 ENTITLED, "PLANNED UNIT DEVELOPMENT" (PUD) TO RENAME THIS ARTICLE "LARGE SCALE PLANNED UNIT DEVELOPMENT"; PROVIDING FOR THE DELETION OF THE DEFINITIONS CONTAINED IN ARTICLE VIII; PROVIDING FOR THE INCLUSION OF OFFICES AS A PRINCIPAL USE IN LARGE SCALE PUDS IN THE INDUSTRIAL ZONING DISTRICTS; PROVIDING FOR AN APPLICATION PROCEDURE AND REVIEW PROCESS; PROVIDING FOR THE CREATION OF ADDITIONAL WAIVERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Jupiter, Florida ("Town") has adopted a Comprehensive Plan ("Plan") which has been determined to be in compliance with Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to provide specific and detailed land development regulations as part of the implementation of their adopted comprehensive plans; and

**WHEREAS**, the Town Council of the Town of Jupiter, Florida, has previously enacted land development regulations which govern Planned Unit Developments; and

**WHEREAS**, in furtherance of the public's health, safety, and general welfare, the Town's planning and zoning staff has recommended various amendments pertaining to the land development regulations which pertain to Planned Unit Developments; and

1           **WHEREAS**, the Town Council, after duly noticed public hearings has determined  
2 that the adoption of the amendments herein would be consistent with the Plan and would  
3 further the public's health, safety and general welfare.  
4

5           **NOW, THEREFORE**, be it ordained by the Town Council of the Town of Jupiter,  
6 Florida that:  
7

8           **Section 1.** The foregoing whereas clauses are incorporated herein as the legislative  
9 findings of the Town Council.  
10

11           **Section 2.** Section 27-1 of the Town Code entitled "Definitions" is hereby amended  
12 as follows:

13           Mixed use shall mean a mixture of land uses where no single use predominates. A  
14 mixed-use development may allow for a mixture of residential housing types and densities;  
15 parks and recreation uses; public and institutional uses; and commercial and industrial uses,  
16 as appropriate.  
17

18           Large Scale Planned unit development shall mean a type of application for a parcel  
19 of land area typically more than 10 acres, under unified control designed and planned to be  
20 developed in a single operation or by a series of prescheduled development phases  
21 according to an officially approved final master land use plan which does not necessarily  
22 correspond to the property development and use regulations of the zoning district in which  
23 the development is located.  
24

25           Small scale planned unit development (SSPUD) shall mean a type of application for  
26 a parcel of land under ten acres, under unified control, designed and planned to be  
27 developed in a single phase or by a series of prescheduled development phases according  
28 to an officially approved site plan which may be approved with development waivers that  
29 does not necessarily correspond to the development regulations of the zoning district in  
30 which the development is located.  
31

1           **Section 3.** Title of Article VIII of the Town Code, entitled "Planned Unit  
2 Development" of Chapter 27 is hereby amended, as follows:

3 **ARTICLE VIII. LARGE SCALE PLANNED UNIT DEVELOPMENT (PUD)**

4           **Section 4.** Section 27-891 of the Town Code, entitled "Definitions" of Chapter 27 is  
5 hereby amended, as follows:

6 **Sec. 27-891. Definitions. Reserved.**

7           ~~The definitions listed below are applicable in the planned unit development~~  
8 ~~regulations. The definitions in section 27-1 also apply, as appropriate.~~

9           ~~Mixed use shall mean a mixture of land uses where no single use predominates. A~~  
10 ~~mixed-use planned unit development may allow for a mixture of residential housing types~~  
11 ~~and densities; parks and recreation uses; public and institutional uses; and commercial and~~  
12 ~~industrial uses, as appropriate. A minimum of 25 percent of each site area designated for~~  
13 ~~mixed uses on a planned unit development master plan shall be utilized for residential land~~  
14 ~~uses.~~

15           ~~Planned unit development (PUD) shall mean a land area under unified control~~  
16 ~~designed and planned to be developed in a single operation or by a series of prescheduled~~  
17 ~~development phases according to a master plan that is approved by the Town Council and~~  
18 ~~which does not necessarily correspond to the property development and use requirements~~  
19 ~~of the zoning district or districts in which the development is to be located.~~

20           **Section 5.** Section 27-892 of the Town Code, entitled "Intent" is hereby amended as  
21 follows:

22 **Section 27-892. Intent.**

23 (a) ~~The Large scale planned unit development regulations are intended to shall:~~

24           (1) Provide the method by which tracts of land may be developed together as a unit  
25           rather than on a lot-by-lot basis ~~as provided for in the Town's other zoning~~  
26           ~~regulations.~~

- 1 (2) Provide a ~~maximum~~ of design freedom by permitting the ~~planned unit development~~  
2 ~~applicant~~ an opportunity to more fully utilize the physical characteristics of the site  
3 through the reduction or waiver of certain development regulations and the planned  
4 mixing of uses.
- 5 (3) Require that property approved by the Town Council for a large scale planned unit  
6 development will be developed through a unified design providing continuity among  
7 the various elements ~~causing~~ creating a better environment.
- 8 (4) Allow requests for large scale planned unit developments, including those proposed  
9 to provide mixed uses, in all of the Town's ~~residential, commercial and industrial~~  
10 zoning districts.
- 11 (5) Allow for increased residential densities in a large scale planned unit development if  
12 such increases do not violate the Town's comprehensive plan or other ordinances.
- 13 (6) Provide regulations to allow new development or redevelopment consistent with the  
14 intent of a defined redevelopment overlay area (ROA), if located in a ROA.
- 15 (7) Provide Allow opportunities for workforce housing pursuant to the Housing Element  
16 of the Comprehensive Plan.
- 17 (b) A large scale planned unit development, by definition, may depart from the strict  
18 application of use and property development regulations for the zoning district in which  
19 the planned unit development is proposed to be located. However, these regulations  
20 should not be used as a means of evading the ordinances of the Town and should be  
21 employed only when there are mutual benefits to both the ~~planned unit development~~  
22 applicant and the community. It is intended that a large scale planned unit development  
23 provide substantial public benefit.
- 24 (c) The benefits of a large scale planned unit development are intended to include the ability  
25 of the ~~planned unit development~~ applicant and the Town to: utilize a variety of  
26 architectural solutions; provide for the preservation of natural features and scenic areas;

1 reduce land utilization for roads, ~~separate~~ connect vehicular and pedestrian circulations  
2 systems; allow for the meaningful integration of ~~open~~ green space and recreation areas;  
3 and establish neighborhood identity and focus.

4 (d) The standards and procedures established in these regulations are intended to be in  
5 accordance with the following objectives:

6 (1) Allow variety and flexibility in land development necessary to meet changes in  
7 technology and demand.

8 (2) Allocate, maintain and preserve common ~~open~~ green space, recreation areas and  
9 facilities; offer neighborhood recreational opportunities; and enhance the appearance  
10 of neighborhoods through the conservation of natural resources.

11 (3) Provide a maximum choice in the types of environment available by allowing  
12 development that would not be allowed by other zoning districts.

13 **Section 6.** Section 27-893 of the Town Code, entitled "Ratification of prior PUD  
14 approvals" of Chapter 27 is hereby amended, as follows:

15 **Section 27-893. ~~Ratification of prior PUD approvals.~~ Reserved**

16 ~~Any planned unit development application that has been approved or is in the process of~~  
17 ~~being approved by the Town Council at the time of the adoption of these planned unit~~  
18 ~~development regulations shall be considered valid and in conformance with these~~  
19 ~~regulations.~~

20 **Section 7.** Section 27-894 of the Town Code, entitled "Permissible uses" of Chapter  
21 27 is hereby amended, as follows:

22 **Section. 27-894. Permissible uses.**

23 The uses allowed in a large scale planned unit development may include any of the uses  
24 which are allowed by right in the underlying zoning district for the property where ~~the~~  
25 ~~planned unit development~~ is to be located, subject to any applicable provisions for each  
26 specific use in other sections of this chapter. Business office as a principal use may be

1 allowed in large scale planned unit developments on a property which has been assigned an  
2 industrial zoning district, provided the applicant provides substantial public benefits (which  
3 may include, but is not limited to the creation of "high paying" jobs above, defined for the  
4 purposes herein as jobs which exceed the then current-year median Palm Beach County  
5 individual income levels).

6 Town Council approval of a separate special exception application shall be ~~needed~~ required  
7 for those uses that are listed as a special exception ~~require such approval~~ in the underlying  
8 zoning district. Standards for allowing a mixture of residential, commercial or industrial uses  
9 in a planned unit development are provided in these regulations.

10 **Section 8.** Section 27-911 of the Town Code, entitled "Architectural review" of  
11 Chapter 27 is hereby amended, as follows:

12 **Sec. 27-911. Architectural review.**

13 (a) The architectural style, materials, other treatments, etc., to be utilized within a  
14 planned unit development shall be considered by the Town Council as part of the  
15 overall review process, pursuant to Division 5 entitled, "Architectural and community  
16 appearance standards". ~~The~~ Architectural style to be included within a planned unit  
17 development shall be determined by the following:

- 18 (1) Architectural renderings or elevations submitted as part of an application for  
19 planned unit development approval.
- 20 (2) Architectural renderings or elevations of a different or more detailed nature  
21 than those submitted as part of an application for development approval  
22 when such renderings or elevations are utilized as an element of justification  
23 for approval of a project by the Town Council.
- 24 (3) Oral representations made to Town Council by or on behalf of an applicant  
25 regarding use of an architectural style or theme within a project.

1 (b) If included as part of a planned unit development approval granted by the Town  
2 Council, the architectural style or styles must be utilized within the planned unit  
3 development. The architectural style requirement shall include colors, materials and  
4 other treatments associated with the overall project. Approved architectural style or  
5 styles within a planned unit development shall be modified pursuant to section 27-  
6 916.

7 **Section 9.** Section 27-912 of the Town Code, entitled "Phasing controls" of Chapter  
8 27 is hereby amended, as follows:

9 **Section 27-912. Phasing controls for large scale planned unit developments.**

10 (a) The Town Council may establish phasing requirements for the master plan for all  
11 planned unit developments.

12 (b) Each planned unit development that is to be constructed in phases shall adhere to  
13 the following sequence, as applicable:

14 (1) One or more major recreation facilities, that are planned to serve the entire  
15 development, shall be constructed prior to the issuance of building permits for  
16 more than 40 percent of the total dwelling units approved for the planned unit  
17 development.

18 (2) No commercial building permits for a planned unit development in a  
19 residential zoning district shall be issued prior to the issuance of building  
20 permits for at least 40 percent of the total dwelling units approved for the  
21 planned unit development.

22 (c) If the final master plan for the planned unit development is to be developed in phases  
23 requiring more than one plat, successive plats must be filed so that construction and  
24 development activity shall be of a reasonably continuous nature. If the large scale or  
25 small scale planned unit development requires a development extension, the  
26 development extension period shall be granted based on the requirements of Section

1 ~~27-138, but in no event shall more than two years plus one additional two-year~~  
2 ~~extension period lapse between the filing of successive plats.~~

3 **Section 10.** Section 27-914 of the Town Code, entitled "Effect of approval or denial"  
4 of Chapter 27 is hereby amended, as follows:

5 **Section 27-914. Effect of approval or denial.**

6 (a) A planned unit development approval governs all property uses. However, the  
7 ~~underlying~~ zoning district for a property with a planned unit development approval shall  
8 govern all property uses if the planned unit development approval expires after the ~~48~~  
9 24-month time frame to commence development required by these zoning regulations or  
10 if the planned unit development approval is repealed by the Town Council.

11 (b) A planned unit development application that is denied wholly or in part by the Town  
12 Council may not be resubmitted for a period of ~~one year~~ 24 months from the date of the  
13 denial, except for new evidence or proof of change in conditions.

14 **Section 11.** Section 27-915 of the Town Code, entitled "Final plat" of Chapter 27 is  
15 hereby amended, as follows:

16 **Section 27-915. Final plat.**

17 ~~If required, The~~ a final plat of the final development plan of ~~the~~ a large scale planned unit  
18 development shall be filed with the Town's ~~Department of Public Services~~ Engineering  
19 Division in accordance with the procedure set forth in this chapter and F.S. ch. 177, as they  
20 may be amended from time to time.

21 **Section 12.** Section 27-916 of the Town Code, entitled "Amendments to approved  
22 PUD master plans" of Chapter 27 is hereby amended, as follows:

23 **Section 27-916. Amendments to approved PUD master plans and small scale planned**  
24 **unit development site plans.**

25 Minor amendments to an approved planned unit development master plan or site plan may  
26 be approved by the Director of the Department of Planning and Zoning in consultation with

1 other Town staff, as appropriate. The following types of amendments shall are not be  
2 considered to be minor, and ~~shall require formal~~ therefore are subject to review by the  
3 Town's Planning and Zoning Commission and the Town Council, after public notice:

4 (1) Any proposed increases in:

- 5 a. The ~~addition of~~ square footage to any building by more than 20 percent, excluding  
6 accessory structures, and/or maintenance/storage buildings that are 2,000 square  
7 feet or less. If the addition is on a lot with a non-conforming lot size, then the  
8 maximum increase of additional square footage to any building shall not exceed 30  
9 percent;
- 10 b. The number of structures excluding accessory structures of 2,000 square feet or  
11 less;
- 12 c. The number of ~~residential dwelling units~~, or accessory residential units in a non-  
13 residential district, which exceeds a total of three.
- 14 d. ~~An increase in~~ The building height of any building as specified by the adopted master  
15 plan that results in increasing the number of stories, except if in conjunction with  
16 adding one accessory dwelling unit in a non-residential district above the ground  
17 floor; or
- 18 e. An existing building or buildings proposed to be removed and replaced with a new  
19 building or buildings of more than 15,000 square feet, regardless of the size of  
20 parcel.

21 However, any proposed reductions in the total square footage of any building, or in the  
22 number of structures, stories or units, as specified by the master plan or site plan, may  
23 be approved as minor amendments, subject to the provisions of subsection (5) of this  
24 section.

25 (2) Significant changes ~~to the approved planned unit development~~ that create cumulative  
26 impacts including but not limited to increases in traffic, parking, additions of square

1 footage, changes in uses, open space, recreation facilities and amenities, greenspace  
2 and/or other similar modifications which have the potential for a negative, adverse, or  
3 undesirable impact as determined by Town staff.

4 (3) Any change in a residential or Mixed use zoning district, except as provided herein, in  
5 the adopted master plan or site plan that increases the density by more than five percent  
6 or ten dwelling units, whichever is less, except for an auxiliary dwelling unit.

7 Rearrangement of uses or locations on a property may be approved by the Director of  
8 the Department of Planning and Zoning unless the proposed amendments conflict with a  
9 specified provision of the adopted planned unit development ordinance for the property.

10 (4) ~~Any increase in the average daily traffic impact above that established for the planned~~  
11 ~~unit development master plan approved by the Town Council that exceeds ten percent~~  
12 ~~or 100 trips, whichever is less. Any increase in a project's traffic that exceeds the higher~~  
13 of the following criteria: 1) 100 gross daily trips; or 2) ½ percent of the net two-way peak  
14 hour Level of Service "D" volume of the first directly accessed major thoroughfare, as  
15 defined in the Transportation Element of the Town's Comprehensive Plan.

16 (5) Any amendments which would significantly alter the character and/or the, appearance of  
17 the development, or result in a significant decrease in the amount or quality of the  
18 approved amenities and/or public benefits ~~for a planned unit of the development after a~~  
19 ~~site plan is approved by the Town for the planned unit development, or a portion of it,~~  
20 ~~and any residential or nonresidential units in the planned unit development are sold.~~

21 Such amenities shall include, but not be limited to, pools, clubhouses, common parking  
22 areas for large vehicles and boats, exercise trails, public access to waters or beaches,  
23 marinas, boat docks, ~~tennis courts and racquetball courts,~~ and recreation facilities.

24 (6) Significant changes in architectural styles, colors, or building materials that are  
25 inconsistent with the approved master plans.

1 (7) Changes to such items as a planned unit development phasing plan or developer  
2 control, that substantially impact the planned unit development.

3 (8) For those resolutions and/or ordinances approved prior to August 19, 2008, any  
4 amendment that would modify any aspect or portion of the adopted site plan for which a  
5 specific condition was added at a public hearing by the Town Council. For resolutions  
6 and/or ordinances approved after September 9, 2008, any amendments that modify a  
7 specific portion of an adopted site plan for a condition(s) of approval that states it can  
8 only be amended by the Town Council.

9 **Section 13.** Section 27-917 of the Town Code, entitled "Expiration and repeal of  
10 approval" of Chapter 27 is hereby amended, as follows:

11 **Section 27-917. Expiration and repeal of approval.**

12 (a) Significant construction of a planned unit development, as determined by the Town  
13 Council, is required to commence within ~~48~~ 24 months after the date of Town Council  
14 approval of the planned unit development master plan. The planned unit development  
15 approval shall expire if such activity does not occur within that time period, ~~unless the~~  
16 ~~applicant or successor can demonstrate substantial expenditures in furtherance of~~  
17 ~~property development.~~ or no initiation of development occurs as defined in Section 27-  
18 138(c)(4)

19 (b) The owner or authorized representative of an approved planned unit development can  
20 request a time extension of up to six months to begin the development of the planned  
21 unit development. Such a request must be submitted in writing to the Director of  
22 ~~Community Development~~ the Planning and Zoning Department at least 30 days prior to  
23 the expiration date of the planned unit development. The Director of ~~Community~~  
24 ~~Development~~ the Planning and Zoning Department can administratively approve a  
25 planned unit development time extension request or present it to the Town Council for its

1 consideration, as appropriate. No more than two consecutive six-month extensions can  
2 be approved administratively.

3 (c) The Town Council shall consider a proposed ordinance to repeal an expired planned unit  
4 development approval as soon after it expires as is practical. At least 30 days prior to  
5 such action being taken, the Department of ~~Community Development~~ Planning and  
6 Zoning shall provide written notification of the proposed action to the current owner of  
7 the planned unit development property, as identified in the ad valorem tax rolls. The  
8 property owner will have an opportunity, during that 30-day time period, to demonstrate  
9 any substantial expenditures in furtherance of property development.

10 (d) ~~The official zoning for a property with an expired planned unit development approval~~  
11 ~~shall revert to the underlying zoning district. However, if a rezoning application for the~~  
12 ~~property has been initiated by the Town Council in conjunction with the repeal of the~~  
13 ~~expired planned unit development approval, no development permits for the property~~  
14 ~~shall be issued by the Town until a final determination has been made regarding that~~  
15 ~~application. Such a determination shall be made by the Town Council within 120 days of~~  
16 ~~its initial decision to file the application.~~

17 **Section 14.** Section 27-936 of the Town Code, entitled "Preapplication conference"  
18 of Chapter 27 is hereby amended, as follows:

19 **Section 27-936. Preapplication conference.**

20 (a) Prior to the submission of a formal planned unit development application, the  
21 prospective applicant is required to schedule a preapplication conference with the  
22 Town's Department of ~~Community Development~~ Planning and Zoning to present a  
23 preliminary master plan for review. The preapplication conference should also address  
24 ~~itself to~~ pertinent development matters including but not limited to:

25 (1) The proper relation between the anticipated project and surrounding land uses, and  
26 the effect of the proposed development on the Town's comprehensive plan or stated

1 planning and development objectives of the Town, adjacent local governments or  
2 other appropriate government agencies.

3 (2) The adequacy of existing and proposed streets, utilities, and other public facilities to  
4 serve the development.

5 (3) The nature, design, and appropriateness of the proposed land-use arrangement for  
6 the size and configuration of the property involved.

7 (4) The adequacy of on-site or adjacent recreation and open space areas in existence or  
8 proposed to serve the development.

9 (5) The ability of the subject property or surrounding areas to accommodate any  
10 contemplated future expansion of the planned unit development, if appropriate.

11 (b) The required preapplication conference shall be at least 30 days prior to the submittal of  
12 the planned unit development application to the Planning and Zoning Department at  
13 ~~least 60 days prior to the consideration of the planned unit development application by~~  
14 ~~the Planning and Zoning Commission.~~

15 **Section 15.** Section 27-937 of the Town Code, entitled "Application requirements" of  
16 Chapter 27 is hereby amended, as follows:

17 **Section 27-937. Application requirements.**

18 Following the preapplication conference, a planned unit development application can then  
19 be submitted by the applicant. All planned unit development applications shall be filed with  
20 the Department of ~~Community Development~~ Planning and Zoning and in accordance with  
21 Section 27-112 (b)(1-4) ~~at least 30 days prior to the requested date of for minimum~~  
22 ~~sufficiency for formal review and consideration by the Planning and Zoning Commission.~~

23 The application, when submitted to staff, shall be accompanied by ~~ten copies of the~~  
24 supporting documents, plans, reports, etc. as required by Section 27-139. ~~A planned unit~~  
25 ~~development shall contain:~~

1 ~~(1) Statement of authority. A statement of the applicant's interest in the property, including~~

2 ~~a copy of the last recorded warranty deed, and:~~

3 ~~a. If joint and several ownership, a written consent to the application by all owners~~  
4 ~~of record,~~

5 ~~b. If a contract to purchase written consent of the seller/owner and a copy of the~~  
6 ~~purchase contract,~~

7 ~~c. If an authorized agent, a copy of the agency agreement or written consent of the~~  
8 ~~principal/owner,~~

9 ~~d. If a lessee, a copy of the lease agreement and written consent of the owner,~~

10 ~~e. If a corporation or other business entity, the name of the officer or person~~  
11 ~~responsible for the application and written proof that such representative has the~~  
12 ~~delegated authority to represent the corporation or other business entity, or in~~  
13 ~~lieu thereof, written proof that he is in fact an officer of the corporation, or~~

14 ~~f. If a group of contiguous property owners, all the owners of the property described~~  
15 ~~in the application must provide written consent.~~

16 ~~(2) Boundary survey. A certified boundary survey, prepared by a surveyor registered in~~  
17 ~~State, at a scale of not less than one inch equals 200 feet and containing the following:~~

18 ~~a. An accurate legal description of the property pertaining to the application.~~

19 ~~b. A computation of the total acreage of the parcel to the nearest tenth of an acre.~~

20 ~~(3) Area location map. The location of the subject property on a map, of a scale no less~~  
21 ~~than one inch equals 1,200 feet, which shows the properties and streets within a one-~~  
22 ~~half mile radius of the subject property.~~

23 ~~(4) Zoning and land use map. A map showing the existing zoning districts for Town or~~  
24 ~~County and existing land uses for the area of the proposed planned unit development~~  
25 ~~plus an area 300 feet in each direction from the boundaries of the subject property.~~

1 ~~(5) Preliminary master plan and related information. A preliminary master plan and a~~  
2 ~~written description of the proposed development shall be submitted with the~~  
3 ~~application. Such description shall contain:~~

4 ~~a. The description and quantity of all land uses to be included in the development,~~  
5 ~~with maximum and minimum percentage limitations for each use.~~

6 ~~b. The proposed amount of land to be used for recreational, schools and municipal~~  
7 ~~purposes.~~

8 ~~c. The projected type, location, number and densities of dwelling units to be~~  
9 ~~constructed in each phase of the development.~~

10 ~~d. A description of each type of residential, commercial or industrial unit proposed to~~  
11 ~~be constructed.~~

12 ~~e. The estimated population to inhabit each of the housing types projected to~~  
13 ~~completion of the development.~~

14 ~~f. A proposed development schedule and phasing plan, if applicable, showing the~~  
15 ~~number of dwelling units, or other structures, to be constructed and the amount~~  
16 ~~of square feet of commercial property to be ready for occupancy during the~~  
17 ~~various phases of the development.~~

18 ~~(6) Traffic impact study.~~

19 ~~a. A traffic impact study is required that is in compliance with the countywide traffic~~  
20 ~~performance standards and division 3 of article XI of this chapter, as appropriate.~~

21 ~~b. The County Department of Engineering and Public Works shall have completed a~~  
22 ~~review of the traffic study for all proposed planned unit developments, pursuant~~  
23 ~~to the countywide traffic performance standards and the minimum review~~  
24 ~~thresholds established therein, prior to submission of the planned unit~~  
25 ~~development application to the Town. Appropriate written verification of the~~

1 completion of the review by that Department shall be submitted with the  
2 application.

3 ~~(7) Landscape plan. A preliminary landscape plan prepared by a landscape architect~~  
4 ~~registered in the State. This requirement may be waived in the event an application is~~  
5 ~~limited to conceptual approval of an overall planned unit development, and such~~  
6 ~~approval does not grant specific site plan approval for a particular site.~~

7 ~~(8) Vegetation inventory. A vegetation inventory prepared in accordance with the~~  
8 ~~vegetation preservation requirements in the Town's zoning regulations.~~

9 ~~(9) Environmental assessment report. An environmental assessment report, prepared by~~  
10 ~~an appropriate professional in the areas of environmental or biological sciences, shall~~  
11 ~~be submitted for all planned unit developments that are proposed to be located in~~  
12 ~~environmentally sensitive areas, as described by the Town's comprehensive plan or~~  
13 ~~other appropriate ordinance.~~

14 ~~(10) Market study. A market study is required for all proposed commercial uses of over~~  
15 ~~100,000 square feet of gross floor area. Such studies shall be prepared in accordance~~  
16 ~~with commonly accepted professional practices.~~

17 ~~(11) Proof of ownership for submerged lands. Proof of ownership is required for all~~  
18 ~~submerged lands. Such proof shall be acceptable to the State Department of Natural~~  
19 ~~Resources and other appropriate agencies.~~

20 ~~(12) Analysis of projected population. An analysis of the projected population, at planned~~  
21 ~~unit development build-out or for each phase, as applicable, is required in order to~~  
22 ~~assist in determining the need for recreation land dedication, as required by these~~  
23 ~~regulations. The methodology for the population projections shall be based on the~~  
24 ~~assumptions for average household size and related factors in the "Population Report"~~  
25 ~~in the Town's comprehensive plan.~~

1 ~~(13) Courtesy notice property owners list. A complete list of all the names and mailing~~  
2 ~~addresses of the owners of all property within 300 feet of the subject parcel, as~~  
3 ~~recorded in the latest official ad valorem tax roll. An affidavit shall be submitted with~~  
4 ~~the application attesting to the completeness and correctness of the list.~~

5 ~~(14) Supplemental information. Any factual or evidentiary material that might reasonably be~~  
6 ~~requested by the Town prior to the public hearing for the requested planned unit~~  
7 ~~development shall be submitted.~~

8 ~~(15) Architectural style. All applications for planned unit development approval shall include~~  
9 ~~renderings or elevations to illustrate graphically the architectural style or styles to be~~  
10 ~~utilized within the proposed development. Renderings or elevations of all principal~~  
11 ~~views (north, south, east and west) shall be provided. The renderings or elevations~~  
12 ~~shall include data regarding colors, materials, type of construction, architectural style~~  
13 ~~or styles, other architectural treatments to be utilized in all or a portion of the project,~~  
14 ~~and such other information as deemed to be necessary.~~

15 **Section 16.** Section 27-939 of the Town Code, entitled "Application procedure" of  
16 Chapter 27 is hereby amended, as follows:

17 **Section 27-939. Application procedure.**

18 The following general procedure shall be followed by the Town in processing all planned unit  
19 development applications:

20 (1) A planned unit development application which requires a public hearing shall not be  
21 presented to the Planning and Zoning Commission or the Town Council until it is  
22 complete, in the opinion of Town staff. Any discrepancies regarding such completeness  
23 between the applicant and Town staff may be appealed in writing to the Town Council.

24 (2) The Planning and Zoning Commission shall conduct a public meeting regarding each  
25 application and proposed ordinance for a planned unit development requiring public

1 ~~hearing. Notice of the time and place of the meeting shall be published at least once in a~~  
2 ~~newspaper of general circulation in the Town.~~

3 (3) ~~Within 30 days a~~ After the close of the public meeting conducted by the Planning and  
4 Zoning Commission, the recommendation of that Board shall be forwarded in writing to  
5 the Town Council. Such recommendation shall be for approval, modification or  
6 disapproval of the proposed ordinance and/or resolution ~~master plan~~ for the planned unit  
7 development.

8 (4) The Town Council, after receipt of the proposed ordinance and/or resolution ~~which would~~  
9 ~~create the planned unit development~~, shall approve, modify or deny such ordinance  
10 and/or resolution at a public hearing. The Town Council may require such special  
11 conditions as it may deem necessary to insure conformity with the intent of all town  
12 ordinances.

13 (5) Master plans for large scale PUD applications shall be via adoption of an ordinance.  
14 Individual site plans for phased development as part of a large scale PUD shall be  
15 approved by a resolution.

16 (6) Site plans for small scale PUD applications, which require the Town Council's approval  
17 shall be approved by a resolution, which shall constitute the development order. For  
18 those administratively approved and minor amendments to small scale PUD  
19 applications, be approved by a development order.

20 (7) Notice of the public hearing shall be provided consistent with the requirements of  
21 Section 27-135 and shall be published in a newspaper of general circulation in the Town  
22 at least seven days prior to the date of the first Town Council hearing

23 **Section 17.** Section 27-941 of the Town Code, entitled "Professional services  
24 required" of Chapter 27 is hereby amended, as follows:

25 **Sec. 27-941. Professional services required.**

1 (a) Each planned unit development application shall include certification that the  
2 services of two or more of the following professionals were utilized in the design or  
3 planning process for the preliminary master plan or site plan that is required to be  
4 submitted with the application:

5 (1) An architect licensed by the State.

6 (2) A civil engineer registered by the State.

7 (3) A landscape architect registered by the State.

8 (4) A land planner who possesses the education and experience to qualify for full  
9 membership in the American Institute of Certified Planners.

10 (5) A land surveyor registered by the State.

11 (b) Such services are necessary to ensure that the integrity of this chapter and other  
12 land development regulations are complied with in a manner that is both cost  
13 effective and timely for the applicant and the Town.

14 **Section 18.** Section 27-961 of the Town Code, entitled "Minimum land area" of  
15 Chapter 27 is hereby amended, as follows:

16 **Sec. 27-961. Minimum land area for a large scale planned unit development.**

17 (a) A minimum land area of ten contiguous acres is required for a site to qualify for a  
18 planned unit development.

19 (b) The minimum land area requirement for a planned unit development may be waived  
20 by the Town Council if the parcel in question has unique characteristics such as, but  
21 not limited to, the following:

22 (1) Significant topographic change.

23 (2) Significant trees or wooded areas, wetlands or poor soil conditions on  
24 portions of the property.

25 (3) Water courses or utility easements crossing the parcel.

26 (4) Unusual shape or proportions.

- 1 (5) Isolation from other undeveloped or developable lands.
- 2 (6) Other unique physical characteristics, as may be determined to be
- 3 appropriate by the Town Council.

4 Such waiver requests must be submitted in writing as part of the planned unit development

5 application.

6 **Section 19.** Section 27-962 of the Town Code, entitled "Unified control" of Chapter

7 27 is hereby amended, as follows:

8 **Sec. 27-962. Unified control.**

9 All land included within a proposed planned unit development shall be owned by or under

10 the control of the applicant, whether the applicant is an individual, partnership or

11 corporation, or a group of individuals, partnerships or corporations. The applicant shall

12 present firm evidence of the unified control of the entire area within the proposed planned

13 unit development. An approval of the planned unit development application by the Town

14 shall be based on the requirements that, if the planned unit development applicant proceeds

15 with the proposed development, the applicant will:

- 16 (1) Do so in accord with the officially-approved final master plan or site plan for the
- 17 planned unit development, and any other conditions or modifications as may be
- 18 attached to it.
- 19 (2) Provide agreements, covenants, contracts, deed restrictions or sureties acceptable
- 20 to the Town for completion of the undertaking in accordance with the adopted final
- 21 master plan as well as for the continuing operation and maintenance of those areas,
- 22 functions and facilities that are not to be provided, operated or maintained at general
- 23 public expense.
- 24 (3) Bind all development successors in title to any commitments made under
- 25 subsections (1) and (2) of this section.

- 1 (4) Secure written consents and agreements from all property owners of record within  
2 the planned unit development boundaries who have not joined in the planned unit  
3 development application that there is no objection to including their property in the  
4 overall planning process of the planned unit development.

5 **Section 20.** Section 27-963 of the Town Code, entitled "Site configuration" of  
6 Chapter 27 is hereby amended, as follows:

7 **Sec. 27-963. Site configuration for a large scale planned unit development.**

- 8 (a) Any tract of land for which a large scale planned unit development application is  
9 submitted shall contain sufficient width and depth to adequately accommodate its  
10 proposed use and design.
- 11 (b) A large scale planned unit development shall have access to and from a publicly-  
12 dedicated arterial or collector roadway, as indicated in the "Future Traffic Circulation  
13 Plan" in the Town's comprehensive plan. However, other appropriate access may be  
14 approved by the Town Council in response to a written waiver request.

15 **Section 21.** Section 27-964 of the Town Code, entitled "Property development  
16 regulations" of Chapter 27 is hereby amended, as follows:

17 **Section 27-964. Property development regulations.**

18 Unless waived in accordance with section 27-965, the following development regulations  
19 shall apply to a large scale planned unit development, except in the Indiantown Road  
20 Overlay, Inlet Village South, or Mixed Use Zoning District, where the development  
21 regulations for that district apply:

- 22 (1) Front yard setback. ~~Minimum of 20 feet or one foot for every foot of building height,~~  
23 ~~whichever is greater;~~ The front or street setback for buildings and structures shall be the  
24 same as the setback required in the zoning district in which the property is located.
- 25 (2) Other setbacks. The side and rear setbacks shall be those listed in the zoning district in  
26 which the property is located, unless a setback is reduced by a waiver by the Town

1 ~~Council.~~ The Town Council, ~~upon the recommendation of the Planning and Zoning~~  
2 ~~Commission,~~ may impose ~~any appropriate~~ a greater setback to buffer adjacent existing  
3 uses and amenities, ~~;~~ ~~however, such setbacks shall be a minimum of 20 feet, unless~~  
4 ~~reduced by a waiver by the Town Council.~~

5 (3) Building height. The maximum building height for all buildings or structures in a planned  
6 unit development shall be the same as allowed by the ~~underlying~~ zoning district in which  
7 the property is located.

8 (4) ~~Lot dimensions.~~ ~~There shall be no minimum lot size, no maximum percentage of lot~~  
9 ~~coverage and no minimum widths, except as provided herein.~~ Reserved.

10 (5) Arrangement of uses. The residential portion of all planned unit developments shall  
11 indicate the buildable area or lots for all proposed residential structures on the ~~final~~  
12 master plan. The location of all proposed structures within the nonresidential portion of  
13 all planned unit developments shall be shown on the ~~final~~ master plan for the planned  
14 unit development. The proposed location and arrangement of all structures, buildable  
15 areas or lots shall not be detrimental to existing or proposed, adjacent dwellings or to the  
16 overall development of the surrounding area. Only general land-use or master plans  
17 (e.g., "bubble diagrams") are required for the planned unit development review process.  
18 ~~Specific master plans are required for the site plan review process before the Town~~  
19 ~~Council will approve the final master plan for a planned unit development.~~ For phased  
20 developments or developments with multiple parcels, individual site plans are required  
21 for each phase or parcel. The approval of an individual site plan shall be by resolution.

22 (6) Layout, design. In the layout and design of the proposed planned unit development, the  
23 applicant shall consider, and the Planning and Zoning Commission and Town Council  
24 shall review for, the provision of adequate light and air, traffic circulation, drainage  
25 patterns, pedestrian safety, emergency vehicle access and all other provisions normally  
26 provided for by ~~minimum~~ the area and bulk dimension regulations.

1 (7) Perimeter uses. Structures or buildings that are to be located at the perimeter of the  
2 proposed development shall be appropriately setback from the perimeter and buffered  
3 from the adjacent incompatible uses.

4 (8) Other vehicle parking. An applicant for planned unit development approval may be  
5 required to provide a specific area within the overall site to allow parking or storage of  
6 vehicles other than standard passenger automobiles. Parking of this nature shall include,  
7 but is not limited to, boats, recreational vehicles, trailers, travel trailers, vans, trucks and  
8 commercial vans or trucks.

9 **Section 22.** Section 27-965 of the Town Code, entitled "Waiver of standard zoning  
10 regulations allowed" of Chapter 27 is hereby amended, as follows:

11 **Section 27-965. Waiver of standard zoning regulations allowed.**

12 (a) In conjunction with the review process for a large scale planned unit development  
13 application and in accordance with the waiver criteria ~~in other sections of these~~ for  
14 planned unit development regulations, the Town Council may waive the standard zoning  
15 regulations for:

16 (1) Minimum land area,

17 (2) Site configuration,

18 (3) Building setbacks,

19 (4) ~~Minimum lot size~~ Area and dimension requirements,

20 (5) Type of dwelling unit,

21 (6) ~~Maximum building height~~ of buildings and structures,

22 (7) Parking and vehicle use areas,

23 (8) ~~Open space,~~ Green space,

24 (9) Landscaping,

25 (10) Lighting,

26 (11) Sidewalks.

1        (12) Lot coverage,

2        (13) Right-of-way width, and

3        (14) Signage

4        provided the spirit and intent of the zoning regulations are complied with in the total  
5        development of the planned unit development.

6        (b) The applicant shall submit each waiver request in writing as part of the planned unit  
7        development application, fully explaining the nature of the request, the extent to which it  
8        departs from a standard zoning regulation, and the basis for which it is sought. The  
9        Department of ~~Community Development~~ Planning and Zoning ~~can reasonably may~~  
10       request that the applicant to provide additional information to substantiate or justify a  
11       waiver request.

12       (c) The Town staff may recommend requiring or increased requirements for one or more of  
13       the following, or others that may be appropriate, to help mitigate the potential impact of  
14       waiving any standard zoning regulation:

15       (1) Landscaping;

16       (2) Building setbacks;

17       (3) ~~Open or~~ Green space;

18       (4) Environmental preservation areas;

19       (5) Recreation or other public land;~~or~~

20       (6) ~~Affordable~~ Workforce housing units, as defined in the Town's comprehensive plan.

21       (d) The granting of waivers for a planned unit development shall be subject to review by the  
22       Planning and Zoning Commission and to a finding by the Town Council that the spirit of  
23       these planned unit development regulations is complied with in the total planned unit  
24       development; that a more desirable living environment for the occupants of the planned  
25       unit development will be achieved; and that there is no detrimental effect on the general  
26       health, safety, convenience, comfort and welfare of the Town residents.

1 (e) The Town Council may, at its discretion, require adherence to the minimum  
2 requirements for the ~~underlying~~ zoning district within certain portions of a planned unit  
3 development, if deemed necessary in order to maintain the spirit and intent of the zoning  
4 regulations.

5 (f) The Town Council shall not consider any waiver requests until it has received an  
6 advisory recommendation from the Town's Planning and Zoning Commission.

7 **Section 23.** Section 27-966 of the Town Code, entitled "Residential density  
8 bonuses" of Chapter 27 is hereby amended, as follows:

9 **Section 27-966. Residential density bonuses for large scale planned unit**  
10 **development.**

11 (a) Town Council approval of a planned unit development with residential uses may allow  
12 for a gross residential density of up to two dwelling units per acre above the maximum  
13 density normally allowed, as provided in the Future Land Use Element of the Town's  
14 Comprehensive Plan, for the zoning classification in which the planned unit development  
15 is proposed to be located.

16 (b) Additional residential density may be approved for a planned unit development by  
17 utilizing a density bonus for the transfer of development rights, as prescribed in the  
18 Town's comprehensive plan and zoning regulations.

19 (c) An additional density bonus may be approved by the Town Council for affordable  
20 workforce housing, based on the definition of such housing in the Housing Element in  
21 the Town's comprehensive plan and on standards for such bonuses as may be adopted  
22 by the Town Council.

23 **Section 24.** Section 27-967 of the Town Code, entitled "Standards for mixed uses"  
24 of Chapter 27 is hereby amended, as follows:

25 **Sec. 27-967. Standards for mixed uses in a large scale planned unit developments.**

1 More than one land use is permissible in a large scale planned unit development only when  
2 the following standards are met:

3 (1) Whenever mixed uses are proposed to be incorporated as part of a planned unit  
4 development, the mixed uses shall be compatible with the surrounding area and the  
5 remaining portion of the planned unit development, if applicable.

6 (2) For purposes of planned unit developments with mixed uses, the standard residential  
7 density in all commercial and industrial zoning districts shall be eight dwelling units  
8 per gross acre. Developers of residential uses in planned unit developments in such  
9 districts shall be entitled to apply for the residential density bonuses provided for in  
10 these planned unit development regulations and other Town ordinances.

11 (3) The mix of uses allowed in a planned unit development shall be limited as follows:

12 a. In residential zoning districts. Planned unit development uses allowed in a  
13 residential zoning district are those allowed by right or with special exception  
14 approval in the ~~underlying~~ residential zoning district, and commercial uses  
15 allowed by right or with special exception approval in the C-1 zoning  
16 classification. The commercial uses shall not exceed five percent of the total  
17 gross acres in the planned unit development.

18 b. In commercial zoning districts. Planned unit development uses allowed in a  
19 commercial zoning district are those allowed by right or special exception  
20 approval in the ~~underlying~~ commercial zoning district, and all uses allowed by  
21 right or with special exception approval in the Town's residential zoning  
22 districts.

23 c. In industrial zoning districts. Planned unit development uses allowed in an  
24 industrial zoning district are those allowed by right or with special exception  
25 approval in the ~~underlying~~ industrial zoning district, and all uses allowed by

1 right or with special exception approval in the Town's residential and  
2 commercial zoning districts.

3 The provisions of this section shall not remove the necessity for Town Council  
4 approval, as required by the underlying zoning district, of any special exception use  
5 that may be proposed to be established within a planned unit development.

6 (4) A market study for all commercial uses in a proposed planned unit development in a  
7 residential zoning district and for all commercial uses over 100,000 square feet of  
8 floor space shall be submitted with the planned unit development application.

9 (5) Commercial uses in a planned unit development in a residential zoning district are  
10 limited to convenience goods and services, and further, shall be limited to those  
11 commercial activities whose market is derived from no less than 70 percent of the  
12 proposed residential planned unit development of which the commercial uses are a  
13 part.

14 (6) In order to encourage vehicular and pedestrian safety and discourage strip  
15 commercialization, all commercial sites in a planned unit development in a residential  
16 zoning district shall be centrally located within the planned unit development and  
17 shall not have direct frontage on an arterial roadway, as defined by the Town's  
18 comprehensive plan, that is external to the planned unit development.

19 (7) Adequate buffering between all nonresidential uses and surrounding residential  
20 properties is required, as determined by the Town Council.

21 (8) The architectural style of the nonresidential structures in a planned unit development  
22 shall be similar to that of the residential portion of the planned unit development.

23 **Section 25.** Section 27-968 of the Town Code, entitled "Open space requirement" of  
24 Chapter 27 is hereby amended, as follows:

25 **Sec. 27-968. Open Green space requirement for large scale planned unit**  
26 **development.**

1 (a) In accordance with the definition of ~~open~~ green space in this chapter and as deemed  
2 appropriate by the Town Council, common ~~open~~ green space improvements shall  
3 include that portion of the property covered and maintained with plant material in a  
4 permeable soil and limited stormwater areas. This shall include areas that have been  
5 revegetated following construction, preserve areas, certain storm water areas, and those  
6 planting areas required by chapter 23. but need not necessarily be limited to grading,  
7 drainage, landscaping, vegetation preserve areas, walkways, fencing, recreation  
8 facilities, and lighting.

9 (b) All large scale planned unit developments shall contain the following minimum area  
10 dedicated as ~~open~~ green space for common recreational and preservation use:

11 (1) Planned unit developments in residential zoning districts, 35 percent.

12 (2) Planned unit developments in commercial zoning districts, 15 percent.

13 (3) Planned unit developments in industrial zoning districts, 15 percent.

14 (4) Pro rata shares of the above percentages shall apply to mixed-use developments.

15 (c) ~~Open~~ Green space that is to remain in a natural state may also count toward meeting  
16 the Town's environmental preservation requirements.

17 **Section 26.** Section 27-969 of the Town Code, entitled "Open space dedication" of  
18 Chapter 27 is hereby amended, as follows:

19 **Sec. 27-969. ~~Open~~ Green space dedication.**

20 a) The Town Council shall have the right to determine what improvements, if any, are  
21 necessary to ensure the enjoyment, uses, safety, and general welfare of the occupants  
22 of the proposed development, and as such may require ~~open~~ green space in excess of  
23 the percentage requirements contained herein if substantial portions of the applicant's  
24 ~~open~~ green space is in nonusable areas or of such a nature as it is deemed by the Town  
25 Council as not meeting the recreational needs of the occupants of the planned unit  
26 development.

1 (b) In determining what ~~open~~ green space and recreational improvements will be necessary,  
2 the applicant and the Town Council shall consider the population to be served,  
3 availability and service capabilities of existing public recreation facilities in the Town, and  
4 the general physical characteristics of the large scale planned unit development site.

5 (c) If common ~~open~~ green space is to remain in other than public ownership, final approval  
6 of the planned unit development master plan shall not be granted until permanent  
7 provisions for the management of such ~~open~~ green space is determined. Permanent  
8 provisions for ~~open~~ green space management shall be subject to review and approval by  
9 the Town Council to insure:

10 (1) The retention into perpetuity of the common ~~open~~ green space and the continued  
11 availability of the proposed use to all occupants of the planned unit development.

12 (2) The adequacy of the techniques proposed for the insured future maintenance of  
13 common ~~open~~ green spaces.

14 As required by the Town Council, such documents shall be submitted prior to final  
15 site plan approval or the issuance of a certificate of occupancy for a structure to be  
16 occupied for residential or nonresidential uses.

17 (d) Where lands or interests in lands are proposed for common ~~open~~ green spaces for sale  
18 or dedication to the Town (or any other public body), review by the Town Attorney is  
19 required for:

20 (1) The form of sale or dedication; and

21 (2) Certification by the public body of intention to accept ownership of the land for the  
22 use proposed and in the manner proposed.

23 (e) No final site plan approval shall be granted by the Town Council unless the plan or  
24 phase submitted for approval includes a like proportion of the area proposed for  
25 common ~~open~~ green space.



Equipment play area and tot lot	2-3 block area <u>Less than .25 mile distance in residential setting</u>	<u>Up to 2,500 maximum</u>	½ acre	Min. of ¼ acre	Min. of 1 acre
Neighborhood Park	¼-½ mile	<u>Up to 5,000 maximum</u>	2 acres	Min. of 2 acres	Min. of 5 acres
Community Park	<u>½-3 miles Usually serves two or more neighborhoods and .5 to 3 miles distance</u>	<u>Up to 5,000 maximum</u>	2 acres	Min. of 5 acres	Min of 20 acres; <u>Optimal 20-50 acres</u>
<u>Urban Open Space</u>	<u>Urban Areas</u>	<u>.25 to .5 mile</u>	<u>1 acre</u>	<u>N/A</u>	<u>Min. of .1 acre</u>

1

2 Source: State of Florida Department of ~~Natural Resources~~ Environmental Protection,  
3 Division of Recreation and Parks, Outdoor Recreation in Florida – ~~1989~~ 2008, Table 6-5 E-5,  
4 Page 404 267, Tallahassee, Florida, October ~~1989~~ 2009.

5 (b) In lieu of the required dedication of land herein, the Town Council, after review, may  
6 require the following in full or part substitution thereof:

7 (1) In the event the proposed planned unit development, due to size or location, is  
8 determined to not be appropriate to a publicly-dedicated park or recreation area,  
9 the developer shall be required to provide a suitable alternate parcel of land  
10 within the Town, which parcel shall be at least equivalent in value and of  
11 comparable size to the value and size of the sum total of land normally required  
12 for dedication in the proposed planned unit development. However, if the Town  
13 Council determines that the available alternate parcels of land which the  
14 developer may offer to the Town are unsuitable for public parks or recreation, the

1 developer shall then be required to provide a sum of money to the general fund  
2 of the Town to be used only for acquiring lands for public parks, recreation, or  
3 open space, or improving recreation facilities on Town-owned properties; the  
4 monies received shall be expended by the Town whenever possible so as to  
5 provide the greatest and direct benefits to the residents of the Town.

6 (2) The total sum of money required in lieu of dedicating land shall be determined by  
7 the amount of land normally required for dedication and the location thereof. The  
8 value thereof shall be determined by two MIA appraisers, one to be appointed by  
9 the Town and one by the developer. The amount of money determined by  
10 averaging the two appraisals shall be paid by the developer to the Town at the  
11 time of final approval of the planned unit development by the Town Council or as  
12 the Town Council may authorize. Each party shall bear the expense of the  
13 respective appraiser appointed.

14 (3) In lieu of the appraisal method, the value of the land, at the option of the Town  
15 Council, may be determined by the total purchase price paid by the developer or  
16 to be paid by the developer as a contract vendee for the land as a bona fide  
17 purchaser. The sale of the land shall be within one year of the date of  
18 determination. The amount of money due from the developer shall be paid as  
19 provided above.

20 (c) The Town Council may waive the requirement to dedicate recreation land or make a  
21 payment in lieu of dedication of such land when a planned unit development developer  
22 executes a development agreement with the Town to provide affordable housing units, as  
23 defined in the Town's comprehensive plan.

24 **Section 28.** Section 27-971 of the Town Code, entitled "Public land dedication" of  
25 Chapter 27 is hereby amended, as follows:

26 **Sec. 27-971. Public land dedication.**

1 Any land areas in a large scale planned unit development that are to be dedicated for public  
2 use shall be conveyed to the Town or other appropriate public body by deed. Such deeds  
3 for dedicating land to the Town shall be approved by the Town Attorney prior to being  
4 executed and shall be recorded by the planned unit development developer in the County  
5 official records after being executed. The Town's approval of a planned unit development  
6 shall indicate that the conveyance of land for public use shall either be a condition of  
7 building permit approval or a condition for issuance of a certificate of occupancy, and for any  
8 proposed development in the planned unit development in either case.

9 **Section 29. Severability.** If any section, subsection, sentence, clause, phrase or  
10 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
11 competent jurisdiction, such portion shall be deemed a separate, distinct and independent  
12 provision and such holding shall not affect the validity of the remaining portions thereof.

13 **Section 30. Repeal of laws in conflict.** All ordinances or parts of ordinances in  
14 conflict herewith are hereby repealed to the extent of such conflict.

15 **Section 31. Codification.** Sections of the Ordinance may be renumbered or re-  
16 lettered to accomplish such, and the word "Ordinance" may be changed to "Section",  
17 "Article", or any other appropriate word.

18 **Section 32. Effective Date.** This Ordinance shall take effect immediately upon  
19 adoption.

Upon First Reading this 18th day of January, 2011, the foregoing Ordinance was offered by Councilor Todd R. Wodraska, who moved its adoption. The motion was seconded by Councilor Robert M. Friedman, and upon being put to a roll call vote, the vote was as follows:

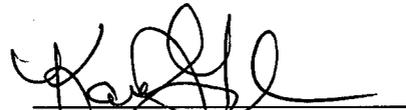
	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 15th day of February, 2011 the foregoing Ordinance was offered by Councilor Todd R. Wodraska, who moved its adoption. The motion was seconded by Councilor Robert M. Friedman, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 34-10 duly passed and adopted this 15th day of February, 2011.

TOWN OF JUPITER, FLORIDA

BY:   
 KAREN J. GOLONKA  
 MAYOR

ATTEST:

  
 SALLY M. BOYLAN, MMG  
 TOWN CLERK

(TOWN SEAL)



  
 THOMAS J. BAIRD, ESQ.  
 Approved as to form and legal sufficiency