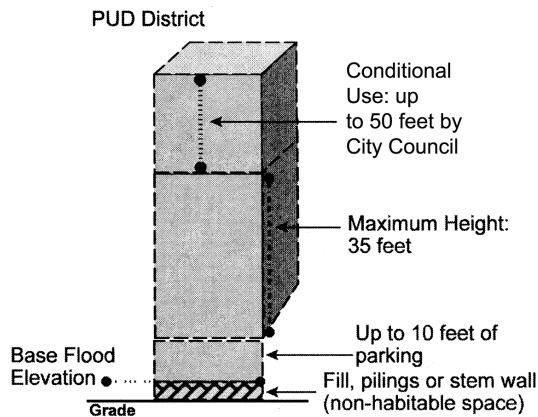


**Sec. 86-130. - PUD planned unit development district.**

- (a) *Generally* .
- (1) The PUD district shall be utilized to promote efficient and economical land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economical development in the city, and the protection of adjacent and nearby existing and future city development.
  - (2) Regulations for planned unit developments are intended to accomplish the purpose of zoning, subdivision design standard regulations and other applicable city regulations to the same degree as in instances where such city regulations are intended to control development on a lot-by-lot basis rather than on a unified development approach. In view of the substantial public advantages of planned unit development, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated units.
- (b) *Permitted principal uses and structures* . Permitted principal uses and structures in PUD districts are:
- (1) Single-family dwellings, cluster housing and patio houses.
  - (2) Townhouses.
  - (3) Multiple-family dwellings.
  - (4) Private clubs, community centers, and civic and social organization facilities.
  - (5) Parks, playgrounds, putting greens and golf courses.
  - (6) Essential services.
  - (7) Houses of worship, schools, nursing homes and child care centers.
  - (8) Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.
  - (9) Other uses of a nature similar to those listed, after determination and recommendation by the planning commission, and determination by the city council at the time of rezoning that such uses are appropriate to the PUD development.
- (c) *Permitted accessory uses and structures* . Permitted accessory uses and structures in PUD districts are uses and structures which:
- (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - (2) Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
  - (3) Do not involve operations or structures not in keeping with the character of the district.
  - (4) Do not involve the conduct of business on residential premises, provided that accessory home occupations shall be allowed as accessory to residential uses.
- (d) *Prohibited uses and structures*. Prohibited uses and structures in PUD districts are as follows:
- (1) Off-site signs.
  - (2) Pain management clinic.
- (e) *Special exceptions* . The following special exceptions are permissible in PUD districts after public notice and hearing by the planning commission:
- (1) Assisted living facilities.
  - (2) Buildings over 35 feet in height but not in excess of 85 feet.
- (f) *Conditional use*. The following conditional use is permissible in the PUD district after public notice and hearing by city council:
- (1) Buildings over 35 feet in height but not in excess of 85 feet.
  - (2) Reserved.
- (g) *Maximum residential density* . Maximum number of dwelling units per acre in PUD districts is 4.5.



### PUD District

- (h) *Maximum height of structures* . No portion of a structure shall exceed 35 feet in a PUD district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.
- (i) *Minimum land areas* .
- (1) *Total development area*. The minimum areas which may be utilized for a PUD are as follows:
    - a. For residential uses only: One acre.
    - b. For residential and commercial uses: One acre.

Lesser areas than the minimum established by this subsection may be approved for PUDs in a specific case upon findings by the planning commission and city council that particular circumstances justify such reduction, that the requirements for PUD and the benefits to be derived from the PUD can be met in such lesser area, and that permitting such lesser area for the PUD is not in conflict with the comprehensive planning objectives of the city.
  - (2) *Percentage of commercial uses*. The maximum area within a PUD which may be devoted to commercial uses, including off-street parking requirements, shall be five percent. The percent of area required for commercial or residential purposes may be varied for a PUD in a specific case and upon findings by the planning commission that particular circumstances justify such change.
- (j) *Land use intensity; open space; dedication of land for municipal uses*.
- (1) In a PUD a maximum density of 4.5 dwelling units per gross acre shall be allowed, provided that such maximum density may be varied by city council, after recommendation by the planning commission, where a showing is made that such maximum density is inappropriate based upon the intensity and type of land use in the immediate vicinity and the intent of the comprehensive plan for the area requested. A minimum of 50 percent of the PUD shall be open spaces.
  - (2) A maximum of eight percent of the gross project site may be required for dedication to municipal uses for all projects in excess of 25 acres in area, after a determination by city council that a demonstrated public need exists for municipal facilities such as parks, fire stations or other public uses.
  - (3) Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.
- (k) *Evidence of unified control; development agreements* . All land in a PUD shall be under the control of the applicant, whether that applicant is an individual, partnership or corporation or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD. The applicant shall, by written, signed and notarized document, agree to:
- (1) Proceed with the proposed development according to the provisions of this chapter and such conditions as may be set forth as a condition of approval for the development;
  - (2) Provide agreements, contracts, deed restrictions and sureties acceptable to city council for completion of the development according to the provisions and plans approved at the time of

acceptance of the area for a PUD, and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense;

- (3) Bind successors in title to any commitments made under subsections (1) and (2) of this subsection.

All such agreements and evidence of unified control shall be examined by the city attorney, and no PUD shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this chapter.

- (l) *Relation to major transportation facilities* . A PUD shall be so located with respect to arterial or collector streets or other transportation facilities as to provide direct access to such PUD without creating or generating traffic along local streets in residential areas or districts outside the PUD.
- (m) *Payment of costs for installation of public facilities; dedication of public facilities to city*.
- (1) *Water supply, fire hydrants, reclaimed water system, and wastewater collection system* . Applicants for approval of a PUD shall assume all costs of installation, including engineering fees, of all water mains and fire hydrants, reclaimed water systems, and wastewater collection systems, including lift stations and force mains within the PUD area. The applicant shall also assume all costs of connecting such facilities to the existing city systems outside of the PUD area. All such facilities shall be of the size and type required by the city and shall meet the minimum design requirements established in the subdivision design standards and the city standard details. All water supply, fire hydrants, reclaimed water systems, and wastewater collection systems shall be designed by a Florida licensed professional engineer, installed in accordance with all applicable codes, ordinances and regulations, and approved by the city engineer.
- (2) *Streets and drainage facilities* . Applicants shall assume all costs of construction, including engineering fees, of all streets and roads and storm drainage systems within the PUD. All streets, roads, and storm drainage systems shall be of the type and size required by the city and shall meet the minimum design requirements established in the subdivision design standards and the city standard details. All streets, road, and storm drainage systems shall be designed by a Florida licensed professional engineer, installed in accordance with all applicable codes, ordinances and regulations, and approved by the city engineer.
- (3) *Designation of public and private facilities* . The comprehensive and detailed plans, as required by this division, shall indicate which of the utilities and streets and roads are to be public and which are to remain under private ownership.
- (4) All infrastructure and common use improvements regulated by the city standard details must meet the minimum design requirements established in the subdivision design standards and the city standard details.
- (5) *Dedication to city* . Upon completion, and acceptance by the city, of those improvements designated to be public, the applicant shall dedicate such improvements to the city, together with necessary rights-of-way and easements therefor, whereupon the city shall thereafter maintain such improvements. Dedication or turnover of improvements shall comply with city standard details requirements and all applicable codes, ordinances, and regulations. Record drawings shall be approved by the city engineer prior to acceptance of improvements. All dedications and turnovers must be approved by city council.
- (6) *Payment of plant capacity charges and tap fees* . The applicant shall pay all plant capacity charges and tap fees as provided in ordinances and resolutions in that regard.
- (7) *Payment of other charges* . Payment of other charges deemed to be the responsibility of the applicant may be a condition imposed by the city so as not to impose undue economic hardships on the city.
- (n) *Physical character of site* . The site of a PUD shall be suitable for development in the manner proposed, without hazards to person or property, on or off the tract, from probability of flooding, erosion or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to both the kind and pattern of use intended.
- (o) *Access* . Every dwelling unit or other use permitted in a PUD shall have access to a public street, either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses are not required to front on a dedicated public road.
- (p) *Lot size; yards* . Within the boundaries of the PUD, no minimum lot size or minimum yards shall be

required; provided, however, that no structure shall be located closer to any perimeter property line than two times the height of such structure.

- (q) *Off-street parking* . Except as may be specified in this division, all off-street parking within a PUD area shall conform in all respects to the provisions of this chapter.
- (r) *Commercial uses* . Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.
- (s) *Underground installation of utilities* . Within a PUD, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Appurtenances to these systems which require aboveground installation must be effectively screened and thereby may be excepted from this requirement. Primary facilities providing service to the site of the PUD may be excepted.
- (t) *Procedure for rezoning to PUD classification* .
  - (1) *Preapplication conference* . Prior to initiating a petition for a PUD, a preapplication conference with the zoning administrator, city engineer and any other agency as deemed appropriate is required. The purpose of such preapplication conference shall be to assist in bringing the overall petition as nearly as possible into conformity with this chapter or other regulations applying generally to the property involved and/or to define specifically those variations from the application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.
  - (2) *Submission of application; referral to planning commission* . Applications for PUD zoning shall be submitted to the zoning administrator and shall thereafter be certified to the planning commission for study and recommendation as provided in this subsection.
  - (3) *Materials to be submitted* . In addition to information required for application for rezoning, the applicant shall submit the following materials or data:
    - a. Evidence of unified control of the proposed PUD and the agreements required by this chapter.
    - b. A statement of the land use intensity sought for the PUD and supporting evidence or documentation as the applicant may feel is pertinent to enable the planning commission and city council to determine whether or not the land use intensity rating requested is reasonable and proper.
    - c. A master plan containing the following:
      - 1. The title of the project and the names of the professional project planner and the developer.
      - 2. Scale, date, north arrow and general location map.
      - 3. Boundaries of the property involved, and all existing streets, buildings, watercourses, easements, section lines and other existing important physical features in and adjoining the project.
      - 4. Master plan locations of the different uses proposed, by dwelling types, open space designations, recreational facilities, commercial uses, other permitted uses, and off-street parking and off-street loading locations.
      - 5. Master plan showing access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
      - 6. Tabulations of total gross acreage in the development and the percentages thereof proposed to be devoted to the several dwelling types, other permitted uses, recreational facilities, streets, parks and other reservations.
      - 7. Tabulations demonstrating the relationship of the development to proposed land use intensity and proposed numbers and types of dwelling units.
      - 8. Where required by the planning commission, an ecological survey in accordance with the standards of the state department of environmental protection and the water and navigation control act of the county, as they may from time to time be amended.
  - (4) *Prehearing conference; hearing before planning commission* . Upon certification of a request for a PUD to the planning commission, the commission shall meet with the applicant or his agent to review the application, including all plans, maps and documents submitted by the applicant. In the course of such prehearing conferences, recommendations for changes shall

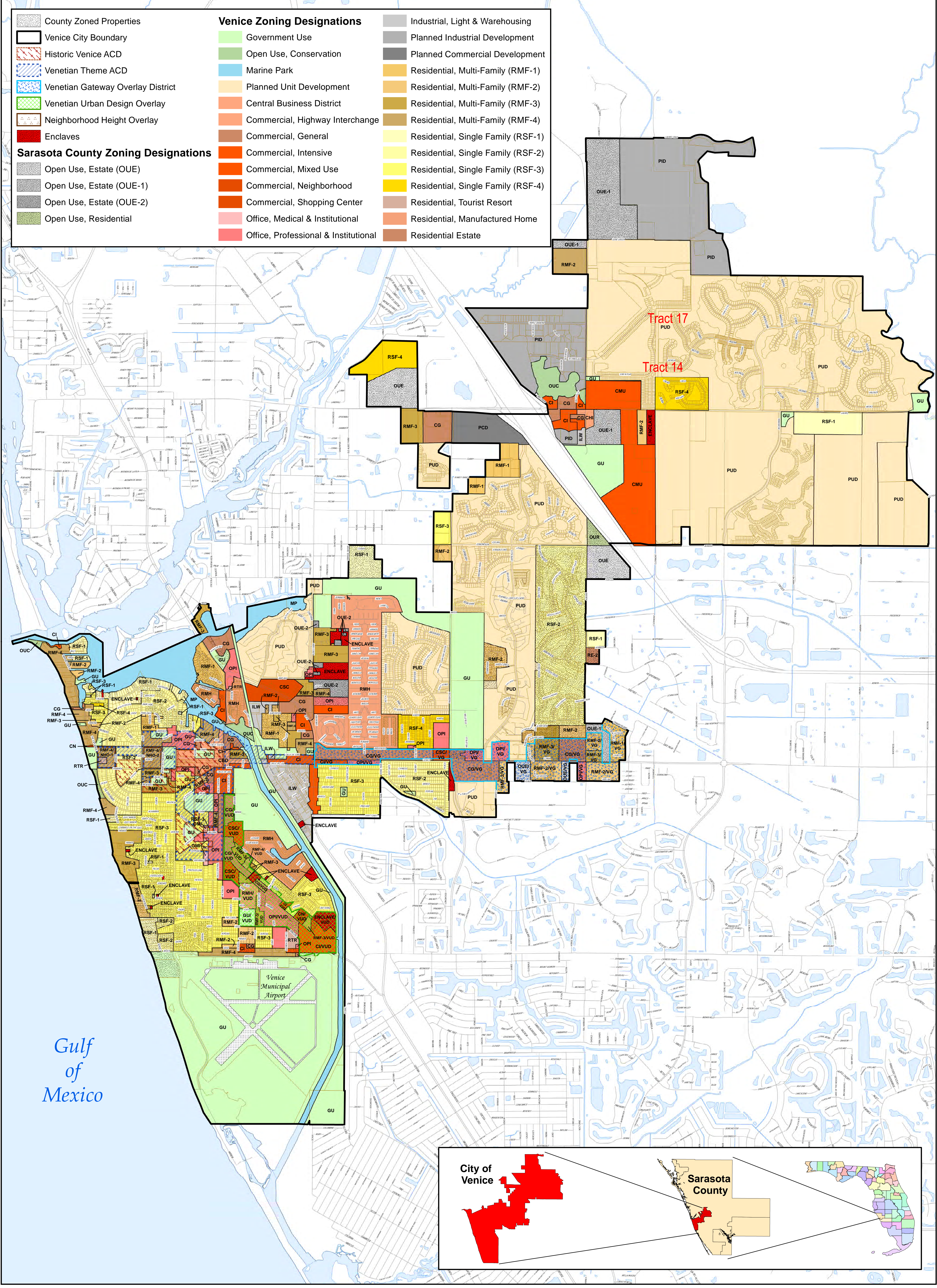
be recorded in writing and shall become part of the record of the application. All such recommendations shall be supported by stated reasons for the proposal for change. The applicant shall state in writing his agreement to such recommendations, or his disagreement, and if there is disagreement, shall in writing indicate his reasons therefor, and such responses by the applicant shall be included in the record.

- (5) *Recommendation by planning commission; hearing before city council* . After a public hearing, the planning commission may recommend to city council that the PUD application be granted, subject to stated stipulations and conditions, or disapproved. In making its recommendation, the planning commission shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements for a PUD. City council shall thereafter give public notice and shall hold a public hearing to consider and act upon the recommendation of the planning commission and the rezoning application.
  - (6) *Approval of rezoning and adoption of development standards* . If city council shall approve the rezoning of land to PUD, the plan of development and all information and materials formally submitted with the application, together with any conditions, safeguards and stipulations made at the time of rezoning, shall be adopted by reference as an amendment to this chapter and shall become the standards of development for the subject planned unit development.
- (u) *Approval of final development plans* .
- (1) Plans for development of land rezoned to PUD shall be processed in accordance with procedures established by the city subdivision design standards and the city standard details. The same information and data shall be furnished at each stage of plan approval as is required for standard subdivision development. Such plans required and submitted shall be in substantial compliance with the site development plan submitted as a part of the application for rezoning to PUD.
  - (2) Final development plans submitted for approval shall include the following:
    - a. A subdivision plat in recordable form.
    - b. A site plan, drawn to scale, showing building locations and elevations of all proposed structures.
    - c. A master landscaping plan depicting existing and proposed vegetation, fences and walls, and planting screen locations, heights and materials.
    - d. Tabulations analyzing the number of total gross acres in the project and the percentages thereof proposed to be devoted to the several dwelling types, other nonresidential uses, off-street parking and off-street loading, streets, recreation areas, parks and other reservations. Tabulations shall be made of the total number of dwelling units in the project by type and overall project density.
    - e. A legally constituted maintenance agreement for improving, perpetually operating and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities that are to remain private, or such documents as are necessary to show how the common areas are to be improved, operated and maintained. Such documents shall be subject to approval of the city attorney.
  - (3) The applicant may proceed with the development only after approval of the final development plans, construction plans, and site preparation permit, and after certification by the building official that the submitted items required in this subsection are in substantial conformance with all documents submitted and approved at the time of zoning to PUD.
- (v) *Changes in plans* . Changes in plans approved as a part of the rezoning to PUD may be permitted by city council upon application by the developer or his successors in interest, and after a recommendation from the planning commission, but only upon a finding that any such changes are in accord with all regulations in effect when the changes are requested and the intent and purpose of the comprehensive plan in effect at the time of the proposed change. Changes other than those indicated shall be processed as for a new application for PUD rezoning.
- (w) *Issuance of building and occupancy permits* . No building permit may be issued until the final plat has met the requirements of the subdivision design standard regulations and all applicable state codes. No building permit or certificate of occupancy shall be issued in or for development in a PUD district except in conformity with all provisions of the rezoning to PUD classification and plans submitted under this division. No occupancy permit shall be issued until all improvements have been completed for the approved phase of the project and the turnover of applicable improvements

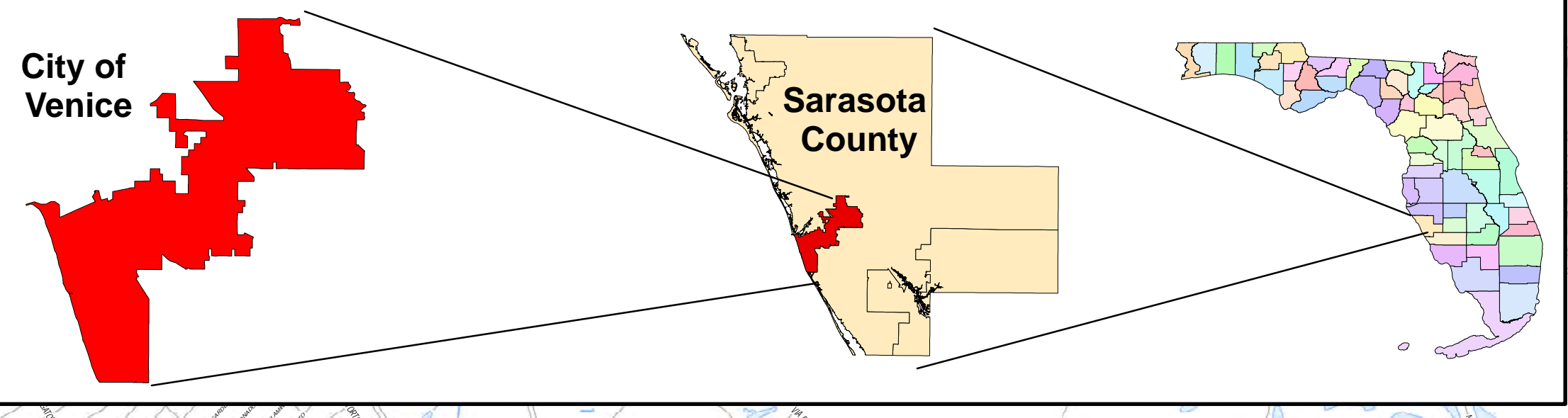
have been accepted by city council. If the project requires a final plat be recorded, no occupancy permit shall be issued until the final plat has been approved by the engineering department, accepted by city council, and recorded with the county clerk.

- (x) *Previously approved developments* . Where, on the effective date of the ordinance from which this chapter is derived, there exists an annexation agreement between a property owner and the city establishing the right for certain development, and where the property which is the subject of the agreement is thereafter classified PUD, then the sections of the agreement delineating the physical development of the property shall be construed as meeting the requirements for an application for PUD zoning. Final development plans in accordance with this Code and applicable subdivision design standard regulations shall be required for all phases not approved for construction prior to the effective date of the ordinance from which this chapter is derived.

(Code 1982, §§ 20-6.1, 20-9.1—20-9.6, 20-9.8—20-9.20; Ord. No. 99-8, § 2, 4-13-99; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-27, § 10, 6-14-05; Ord. No. 2006-34, § 8, 8-22-06; Ord. No. 2013-03, § 8, 2-12-13; Ord. No. 2014-05, § 8, 2-11-14; Ord. No. 2015-04, § 11, 3-24-15; Ord. No. [2016-19](#), § 7, 10-25-16)



Gulf of Mexico



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### City of Venice Zoning Map May 2018

