



APPLICATION FOR REZONING TO A PLANNED UNIT DEVELOPMENT

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)	Name(s):			
	Mailing Address:			
	City:	State:	Zip:	
	Telephone Number		Fax Number	

APPLICANT / AGENT	Name(s):			
	Mailing Address:			
	City:	State:	Zip:	
	Telephone Number		Fax Number	
	Email Address			

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):	
	LEGAL DESCRIPTION:	
	Parcel # (<i>tax ID #</i>):	
	Parcel Size:	

ZONING	PRESENT Zoning Classification:	
	Present Future Land Use Designation:	
	PROPOSED ZONING CLASSIFICATION	

Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 03/06

REQUIRED ATTACHMENTS:

1. Copy of Owner's recorded Warranty Deed;
2. Owner's Affidavit, if applicable;
3. Boundary survey of area to be classified as PUD'
4. All items specified at Section 3.04.02, Flagler County Land Development Code;
5. Application fee in the amount of \$720.00 + \$25.00/acre.
Fee amount per Resolution 2008-31.

Fee is subject to cost of newspaper ad(s) and postage at prevailing rates, and \$50 for each notification of public hearings (posting of signs).

Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

3.04.02. Reclassification procedure.

A. *Application for reclassification to a PUD.* A PUD shall be initiated by a land use amendment reclassifying the subject areas as a planned unit development, pursuant to the provisions of subsections 3.05.05A and 3.05.05B of this article. The application for reclassification to a PUD shall require the following:

1. Boundary survey of the area to be classified as a PUD;
2. The name and address of the owner(s) and, if applicable, evidence of the assignment of an agent who represents the owner(s);
3. Evidence of unified control of the entire area within the PUD with all owners within the area of same identified;
4. An agreement by all owners within the PUD which includes their commitment to:
 - (a) Proceed with the proposed development in accordance with the adopted PUD ordinance as advertised and approved by the Flagler County Commission; and,
 - (b) Provide a written statement of a proposal for completion of such development according to plans approved by such ordinance, and for continuing operating and maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained by Flagler County pursuant to written agreement; and,
 - (c) Bind their successors to title to any commitments made in their application.

B. *Materials to accompany petition.* An application for reclassification to or development of a PUD shall be accompanied by the following in sufficient copies as deemed necessary by the Flagler County Commission for referrals and recommendations:

1. A written description of the intended plan of development, clearly indicating where approval of the PUD will benefit the future occupants of the proposed development and Flagler County in general.
2. A sketch plan at an appropriate scale supporting the above statement illustrating:
 - (a) The conceptual location of all uses; and,
 - (b) The number and type of residential units proposed and their general site distribution; and,
 - (c) Vehicular and pedestrian circulation diagram; and,
 - (d) A plan for open space and recreational uses, with estimates of approximate acreage to be dedicated and that to be retained in common or private ownership; and,
 - (e) A topographic map at an appropriate scale showing existing contour lines, including all existing buildings, wooded areas, and unique natural features.

3. General statement indicating how the maintenance and ownership of common facilities will be handled.
4. Conceptual development phasing including:
 - (a) Areas to be developed; and,
 - (b) Streets, utilities and other improvements necessary to serve the proposed development; and,
 - (c) The dedication of land to public use.

C. *Pre-application conference.* The applicant shall meet with the development administrator, county engineer and county attorney to review the proposal prior to the submittal of all application materials. The development administrator, county engineer and county attorney may request additional plans, maps, studies, and reports as they may reasonably require to make a recommendation on the proposal to the county commission.

D. *Simultaneous DRI and PUD application review (optional).* In cases where a proposed PUD must also obtain approval as a Development of Regional Impact (DRI) under the provisions of Chapter 380.06 Florida Statutes, the developer may opt for simultaneous review by the Flagler County Commission. When the developer, with the concurrence of the land owner(s), requests simultaneous PUD and DRI review, the public hearing required for the DRI application shall also serve as the public hearing provided under subsection 3.05.05C of this article. The time limits set by Florida Statutes for the review of a DRI shall be applicable and those set by this article for the review of land use amendments shall be waived. The developer may submit copies of the completed DRI application for development approval, including maps and exhibits, in fulfillment of the PUD reclassification application requirements, where applicable. All requirements of subsection 3.04.02A and 3.04.02B, however, shall be met.

E. *Density of development.* The density of the PUD shall comply with the Flagler County Comprehensive Land Use Plan and these regulations.

F. *Action by the planning board and board of county commissioners.* Pursuant to the requirements of subsection 3.05.05, the Flagler County Planning Board may recommend and the Flagler County Commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

1. The proposed PUD does not affect adversely the orderly development of Flagler County and complies with the comprehensive plan adopted by the Flagler County Board of County Commissioners.
2. The proposed PUD will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.
3. If the board of county commissioners shall enact an ordinance creating a PUD district, the district shall be indicated on the official land use district map. All maps, plans, documents, agreements, stipulations, conditions, and safeguards constituting the development plan as finally approved shall be placed on file, within thirty (30) days of approval, in the office of the clerk of the circuit court and shall constitute the regulations for the specific PUD district that has been approved. All development within the boundaries of the PUD district as approved shall take place in accord with such regulations. Any unapproved deviation from

the PUD ordinance shall constitute a violation of the Flagler County Land Development Code.

4. Approval of a PUD application by the board of county commissioners shall be contingent upon acceptance by the applicant within thirty (30) days.
5. The county shall not be responsible for approving or enforcing any covenants and restrictions related in any PUD project.

G. *Deviations from ordinance creating a PUD.* In order to facilitate minor adjustments to the plans approved as part of the Ordinance creating a PUD, the Development Administrator may approve changes in such plans which comply with the following criteria:

1. There are the same or fewer number of dwelling units and/or floor area; or,
2. The open space is in the same general amount, or a greater amount; or,
3. The roads follow approximately the same course, have the same or greater width, have the same public or private rights therein.

H. *Expiration of time limits provided in ordinance creating a PUD.*

1. Development actions required by the ordinance creating a PUD shall be taken within one (1) year of the date of enactment, or, due to the project's size and complexity, other time limits set by the Flagler County Commission. If such time limits expire, the approval of the PUD shall become invalid and the area shall revert back to the previous land use classification. The applicant may request and the commission may grant extensions to the time limits.
2. The applicant must begin and substantially complete the development of the planned unit within two (2) years from the time of its final approval. If the planned unit is to be developed in stages, the applicant shall submit a development schedule for commencement and completion of each phase for approval by the county commission with his application for development approval.
3. The applicant must begin and complete the development of each phase according to the approved development schedule.
4. No time extension will be granted by the county commission if the project is considered not to be an ongoing PUD. An ongoing PUD is one in which substantial and good faith progress has been shown by conducting construction activities in a regular continuing and orderly manner designed to meet the approved development schedule dates.
5. Determination by the county commission that the PUD is not ongoing will be considered cause for revocation of the PUD approval for development.

APPENDIX A

ZONING AMENDMENT

A development order for a rezoning will require the following information for any project.

1. Present land use classification;
2. Proposed land use classification;
3. Proposed occupancy;
4. Names of abutting property owners;
5. Legal description of property;
6. Boundary survey and location of all existing streets and the distance from building of abutting property owners;
7. Owner of the property.

This information shall be submitted to the Development Administrator for review, as required by Section 3.07.05 of this Ordinance.