DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case_____

Date_____

*Tel. (239) 574-0553*
*Fax (239) 574-0591*
*P.O. Box 150027*
*Cape Coral, FL 33915-0027*

# PLANNED UNIT DEVELOPMENT (PUD) APPLICATION

**NOTE:** All applications must include a request to rezone along with Master Concept Plan approval for sites less than 10 acres. Applications involving sites 10 acres or greater may request a rezone only.

***Pre-Application Meeting Date:* _____, 20____.**

## *PUD APPLICATION REQUIREMENTS*

***For items 1 - 9 below, please include as a separate exhibit as part of your application***

1. **Letter of Intent including the following:**
   - Request to rezone.
   - General description of the project.
   - Explain why a PUD is more desirable than a conventional plan.
   - General site description including acreages, and general project description.
2. **A PUD Master Concept Plan indicating the following:**
   - Location of the uses within the site.
   - Dimensional standards such as height, setbacks, and lot sizes.
   - Vehicle circulation patterns, parking areas, and points of access.
   - Pedestrian and bicycle circulation with links to other external path systems.
   - Open space plan.
   - Landscape and buffer plans.
   - Location and extent of off-site improvements.
3. **Phasing plan (if applicable).**
4. **Sample formation of HOA or other organization to operate and maintain open space and other on-site public or private improvements.**
5. **Type of PUD Requested:**
   - ☐ RPUD – Residential PUD
   - ☐ CPUD – Commercial PUD
   - ☐ IPUD – Industrial PUD
   - ☐ MXPUD – Mixed use PUD
   - ☐ PFPUD – Public Facilities PUD

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6. **Is the property within a platted subdivision recorded in the official plat book of Lee County?**
   - ☐ Yes. The property is in a platted subdivision. If yes, provide legal description.
   - ☐ No. Attach a copy of the legal description and a certified survey of the site. An electronic copy of the legal description of the site must also be provided in WORD format.
7. **Traffic Impact Statement:**
   Estimate of peak P.M. hour vehicle trips generated by the project, based on the most recent edition of the ITE Trip Generation Manual. **If the estimated number of P.M. hours trips exceeds 300, a Traffic Impact Study (TIS) is needed and the applicant is required to contact DCD to schedule a methodology meeting.**
8. **Proposed use and dimensional requirements to include the following:**
   - Table or schedule of all proposed uses, including accessory uses and structures.
   - Density of residential development.
   - Areas in sq. ft. for each nonresidential use (list each separately).
   - Proposed dimensional standards for the project such as setbacks and building height.
   - Number of habitable floors.
9. **Environmental survey of the site.**

**FEES: Administrative Review Fee PUD $2,629.00 plus $55.00 per acre for each acre or portion thereof in excess of then (10) acres up to a maximum filling fee of $3,625.00. Administrative Review Zoning - $1,450.00. Public Hearing Fee PUD/Rezone $1,265.00. Advertising cost will be billed and must be paid prior to hearing.**

**Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificate of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.**

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# PLANNED UNIT DEVELOPMENT (PUD) APPLICATION

## *PROPERTY INFORMATION*

Project Name: _____

Location/Address_____

Strap Number_____ Unit____ Block _____Lot (s)_____

Plat Book_____ Page_____ Future Land Use_____ Current Zoning_____

## *PROPERTY OWNER (S) INFORMATION*

Owner_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

Owner_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

## *APPLICANT INFORMATION (If different from owner)*

Applicant _____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

## *AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)*

Representative_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

***(ALL SIGNATURE MUST BE NOTARIZED)***

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

_____
CORPORATION/COMPANY NAME (IF APPLICABLE)

_____ _____
OWNER'S NAME (TYPE OR PRINT) OWNER'S SIGNATURE

_____ _____
OWNER'S NAME (TYPE OR PRINT) OWNER'S SIGNATURE

_____ _____
APPLICANT NAME (TYPE OR PRINT) APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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## ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the_____ Day of_____, 20_____.

_____ CORPORATION/COMPANY NAME

_____ OWNER'S NAME (TYPE or PRINT)

_____ OWNER'S SIGNATURE

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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## AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT _____
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER AND CITY COUNCIL.

UNIT_____ BLOCK_____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION _____

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

_____ _____
PROPERTY OWNER (Please Print) PROPERTY OWNER (Signature & title)

_____ _____
PROPERTY OWNER (Please Print) PROPERTY OWNER (Signature & title)

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

Note: Please list all owners. If a corporation, please supply the City Planning Division with a copy of corporation papers.

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## DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

_____ _____

OWNER/APPLICANT
*(PLEASE TYPE OR PRINT)*

OWNER/APPLICANT SIGNATURE

***(SIGNATURE MUST BE NOTARIZED)***

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of Notary Public: _____

Printed Name of Notary Public: _____

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# PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

**Section 3.4.7. Planned Unit Development (PUD)**

A. General.
   1. A Planned Unit Development (PUD) is an area designed for development as a cohesive unit, where uses and innovations in design and layout of the development provide public benefits when compared to standard zoning or uniform lot and block subdivision patterns and design features.
   2. In a PUD, the various land use elements are designed so that they interrelate with each other. The boundary between a PUD and adjacent land area(s) requires particular attention to ensure transition and that land use patterns are compatible.
   3. Permitted uses in a PUD must be consistent with the Comprehensive Plan future land use classification for the site(s) in question.

B. Proposed and Intent. The purpose and intent of a PUD are to:
   1. Innovation in Design. To encourage innovations in residential, commercial, mixed-use, and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of the space.
   2. Appropriate Land Use. To promote the most appropriate use(s) of the land.
   3. High Quality Development. To improve the design, character, and quality of new development.
   4. Infrastructure. To facilitate the adequate and efficient provisions of roads and utilities.
   5. Increased Compatibility. To achieve compatibility with surrounding neighborhoods and developments.
   6. Provision of Open Space. To preserve open space as development occurs.
   7. Clustering of Uses. To provide for necessary commercial, recreational, and public facilities that are conveniently located to housing.
   8. Increased Flexibility. To provide for flexibility in design for new development and future redevelopment.
   9. Comprehensive Plan. To achieve the goals of the Comprehensive Plan.
   10. To provide a method for previously approved Planned Development Projects to continue to develop under the terms of an approved PDP Development Order and to allow modification to existing PDP approvals under the PUD procedures.

C. Minimum Parcel Size. The minimum parcel size for a PUD is:
   1. Non-residential or mixed-use PUD. One acre.
   2. All other PUDs. Three acres.

D. PUD approval steps. The PUD review and approval process includes:

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1. A rezone to the PUD zoning district, which establishes the densities, intensities, and permitted uses within the PUD; and
2. A Master Concept Plan (MCP), which establishes the design, layout, and dimensional standards of the PUD.

E. Application and submittal requirements. Application and submittal requirements for a PUD are established in Sections 3.1.4 through 3.1.8 of this Article. In addition, a PUD requires:
   1. An application for a rezone to the PUD zoning district; and
   2. A Master Concept Plan application.
   3. Submittal of the specific PUD application requirements listed in subsection G., below.

A PUD application for parcels 10 acres or larger may apply for a rezone to the PUD zoning district without submitting an MCP for concurrent review and processing.

F. Preapplication conference required. A pre-application conference shall be held with the Community Development Department prior to the submittal of a PUD. The applicant shall indicate the requested PUD zoning district and a sketch of the PUD Master Concept Plan, if applicable.

G. Specific PUD Submittal Requirements. A PUD application shall include the following:
   1. A Letter of Intent, including:
      a. Reasons the PUD procedure is more desirable than a conventional plan;
      b. General site description including acreages; and
      c. General project description.
   2. A PUD Master Concept Plan indicating:
      a. Location of the uses within the site;
      b. Dimensional standards such as height, setbacks, and lot sizes;
      c. Vehicle circulation patterns, parking areas, and points of access;
      d. Pedestrian and bicycle circulation with links to other external path systems;
      e. Open space plan; and
      f. Landscape and buffer plans.
   3. Sample formation of HOA or other organization to operate and maintain open space and other on-site public or private improvements.
   4. Phasing plan, if applicable.

H. PUD Zoning Districts. Each PUD shall be rezoned to one of the following designations, based on proposed development:
   RPUD - Residential PUD
   CPUD - Commercial PUD
   IPUD - Industrial PUD

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MXPUD - Mixed Use PUD
PFPUD - Public Facilities PUD

the proposed PUD zoning district must meet the criteria for rezones as set forth by this Code.

I. Review Standards and Criteria.
   1. Every PUD shall be in conformance with the City Comprehensive Plan. The maximum density or intensity within any PUD shall be consistent with the future land use designation of the site as determined by the Comprehensive Plan.
   2. Specific uses, densities, and intensities for each PUD are established in the PUD rezone ordinance. The approved uses, densities, and intensities for a PUD shall take precedence over other standards and requirements in these regulations. The uses approved in a PUD shall be permitted uses.
   3. Specific bulk, area, and dimensional standards for each PUD are approved in the MCP for a PUD and shall take precedence over the standards and requirements in these regulations for development that is not within an approved PUD. Elements to be evaluated for a PUD shall include:
      a. Appropriateness of the proposed or density or intensity of the development;
      b. Internal and external compatibility of the development and surrounding uses;
      c. Transition and separation between surrounding uses;
      d. Vehicular and pedestrian circulation patterns;
      e. Arrangement and functionality of open space;
      f. Access points;
      g. Public amenities, if applicable;
      h. Additional amenities that will serve the project; and
      i. Details and design of internal and external buffers.
   4. Open Space.
      a. For all PUDs except for IPUDs, a minimum of twenty-five percent of the total land area shall consist of common open space. The City may consider a request by the applicant for less than twenty-five percent common open space when deemed appropriate because of size, location, or nature of the proposed development.
      b. The amenities or off-site improvements shall be utilized by the City or developed by the applicant to mitigate the reduction of open space or to fulfill the recreational needs of the City.
      c. Areas that Do Not Count as Open Space. Parking and loading areas, streets, and rights-of-way shall not count toward usable open space.
      d. Areas that Count as Open Space. Water bodies, surface water retention areas, preservation areas, and riparian areas that are preserved as open space shall count towards this minimum standard, even when they are not usable by or

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P.O. Box 150027
Cape Coral, FL 33915-0027

accessible to the residents of the PUD. All other open space shall be conveniently accessible from all occupied structures in the PUD.

e. Improvements Required. All common open space and recreational facilities shall be shown on the PUD Plan and shall be constructed and fully improved according to the development schedule established for each development phase of the PUD.
f. Landscaping along Sidewalks. All sidewalks within a PUD must be shaded by canopy trees. The area used for shading the sidewalks can be considered as part of the minimum open space requirement.
g. Maintenance of Open Space. All open space shall continue to conform to its intended use, as specified on the PUD Master Concept Plan. To ensure that public open space identified in the PUD will be used as open space, restrictions, easements, or covenants shall be recorded in deeds or the open space areas may be dedicated to the public to ensure their maintenance and to prohibit the division of any public open space. Any subdivision of land will require a Property Owners Association (POA) or Home Owners Association (HOA) to ensure that open spaces within a PUD are maintained. The City is not required to accept dedication of open space areas.

5. PUD Perimeter Buffers. The boundary between a PUD and adjacent land uses shall be landscaped with a buffer that has sufficient width and shall include screening to ensure a proper transition and increase compatibility between land uses. The buffer shall be approved by City Council.
6. Street Standards. All streets, roads, and drive aisles shall be designed and constructed in conformance with the City Engineering and Design Standards.
7. Phasing. When a PUD is developed in phases, a proportional amount of the open space and recreations areas shall be included in each phase, in order to comply with the open space requirements of this chapter at the completion of each phase of the development.

J. Master Concept Plan and concurrent Preliminary Subdivision Plan review. The approved Master Concept Plan may be used for Preliminary Subdivision Plan approval, as defined in Article 10, provided required details and information for PSP review are included in the MCP.
K. Amendments to Planned Unit Developments.
   1. Administrative Amendments. Amendments to an approved PUD may be approved administratively if they meet the following criteria:
      a. Density or intensity is increased by less than ten percent.
      b. Open space is not decreased by more than five percent.
      c. There are no changes to any condition of approval.
      d. There is no change in permitted uses or types of structures.
      e. Dimensional standards are changed by no more than ten percent.
   2. Review Standards for amendments. An approved PUD Master Concept Plan may be amended if the applicant demonstrates that the proposed modification:

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a. Is consistent with the efficient development and preservation of the entire PUD;
b. Does not affect in a substantially adverse manner either the enjoyment of the land abutting upon, adjoining or across a street from the planned unit development;
c. Is not granted solely to confer a special benefit upon any person;
d. Does not contain proposed uses that detract from other uses approved in the PUD;
e. Does not contain an open space plan that differs substantially in quantity or quality from the
originally approved plan; and
f. Contains streets and utilities that are coordinated with planned and existing street and utilities for the remainder of the PUD
OR

3. Amendments that require City Council Approval. Any amendment to a PUD that does not meet the criteria in subsection 1 through 2, above must be approved by the City Council.

L. Effect of PUD approvals.
1. PUD zoning. A rezone to a PUD zoning district shall run with the land.
2. Master Concept Plans. A MCP shall be valid for any time period established in the conditions of approval for the MCP. If a specific time period is not specified then the MCP shall run with the land.
OR
3. If a Site Development Plan, a building permit for vertical construction, or a subdivision plat has not been approved within 10 years, the Master Concept Plan shall be null and void, unless an extension has been approved by City Council.

LI. Extensions. A PUD may receive one extension that is valid for two years. Upon expiration of the extension, the Master Concept Plan shall be null and void.