



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Ordinance**

MEETING DATE: September 12, 2022
FROM: Brian Walker
SUBJECT: **FIRST READING - an Ordinance of the City of Holly Hill, Florida, Regulating Planned Unit Developments; Amending Chapter 114 Titled Zoning, Section 114-771 Titled Planned Unit Development Regulations, of the Land Development Regulations, to Add Definitions and Reduce the Percentage of Required Open Space; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.**

NUMBER: 2022-O-3057
APPLICANT: Brian Walker
PLANNER:

INTRODUCTION

Consider adoption of an Ordinance of the City of Holly Hill, Florida, amending the land development regulations by amending Chapter 114 (Zoning), Section 114-771 (e) and (e)(1), concerning Planned Unit Developments.

BACKGROUND

The proposed ordinance amends section 114-771(e) and (e)(1) of the land development regulations which address open space requirements for residentially based planned unit developments (RPUD), and the residential portion of a mixed-use planned unit development (MPUD). The current regulations state that 60% of an RPUD and the residential portion of a MPUD shall be open space. *Open space* is defined in the land development regulations as that portion of land or water not used for buildings, street rights-of-way or off-street parking and loading areas.

The code further requires that a minimum of 35% of the open space shall be designated as common open space. *Common open space* means a commonly owned area of land reserved primarily for the leisure or recreational use of the owners of a residential development. In this respect, common open space is a subset of open space.

It is staff's opinion that the percentage of required open space for residential planned unit developments and the residential portion of an MPUD, is unnecessarily high. Based on staff's experience, such a high open space requirement is very restrictive for the types and sizes of parcels available for such developments within the City of Holly Hill. For example, the minimum parcel size required to develop an RPUD within the City is 2 acres. A 60% open space requirement for a parcel of this size means that only .8 acres can be used for any previous

development. Staff has also reviewed the residential PUD open space requirements of several other jurisdictions in the area, and found that most are at about 35%. The proposed Ordinance reduces the amount of required open space for residentially based planned unit developments (RPUD), and the residential portion of an MPUD from 60% to 25%. It also requires that if retention ponds are to be counted toward the open space requirement, that they be amenitized. A definition of what amenitized means is also provided.

Current regulations require that 35% of the required open space be dedicated to common open space that can be used by all residents. The proposed Ordinance reduces this type of required open space to 15%, and removes it as a subset of general open space. It further adds language to specifically allow community pools, pool houses, or other recreational facilities such as a fitness center, excluding the office areas of such facilities, to be counted as common open space.

In summary, the Ordinance reduces total open space from 60% of the site, to 40% of the site; requires that retention ponds counted as open space be amenitized, and allows that 15% of that open space contain recreational structures.

BOARD OF PLANNING AND APPEALS RECOMMENDATION

At its meeting on August 22, 2022, the Board of Planning and Appeals voted unanimously to recommend approval of the Ordinance.

STAFF RECOMMENDATION

Adopt an Ordinance of the City of Holly Hill, Florida, enacting an amendment to the land development regulations by amending Chapter 114 titled Zoning, Section 114-771, titled Planned Unit Development Regulations, of the land development regulations, to add definitions and reduce the percentage of required open space; providing for codification; providing for conflicting ordinances; providing for severability; and providing an effective date.

ATTACHMENTS:

- Current Regulations (PDF)
- Proposed Regulations (PDF)

Ordinance No. 2022-3057

FIRST READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING PLANNED UNIT DEVELOPMENTS; AMENDING CHAPTER 114 TITLED ZONING, SECTION 114-771 TITLED PLANNED UNIT DEVELOPMENT REGULATIONS, OF THE LAND DEVELOPMENT REGULATIONS, TO ADD DEFINITIONS AND REDUCE THE PERCENTAGE OF REQUIRED OPEN SPACE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING PLANNED UNIT DEVELOPMENTS; AMENDING CHAPTER 114 TITLED ZONING, SECTION 114-771 TITLED PLANNED UNIT DEVELOPMENT REGULATIONS OF THE LAND DEVELOPMENT REGULATIONS TO ADD DEFINITIONS AND REDUCE THE PERCENTAGE OF REQUIRED OPEN SPACE FOR AN RPUD; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds it necessary to update regulations concerning of the required percentage of open space for an RPUD; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendment to the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL that Section 114-771(e) and (e)(1) of Chapter 114 - Zoning, is amended as set forth in the following amendment, as shown in ~~striketrough~~ and underline format.

SECTION 1. AMENDMENT TO CHAPTER 14 SECTION 114-771 (e) and

(e)(1)

- e) *Open space requirements.* ~~Sixty~~ A minimum of twenty-five percent (25%) of an RPUD project or the residential portion of a [an] MPUD containing residential uses shall be open

space. Retention ponds must be amenitized in order to count toward the open space requirement. An amenitized pond means a pond that has a fountain or is surrounded by an area such as a walking trail, accessible benches or picnic area. A minimum of ~~35~~ fifteen percent (15%) of the ~~open space~~ gross site area shall be designated as common open space which shall not be counted toward the open space requirement but is in addition to such requirement. Common open space shall meet the following standards:

- (1) It shall be dedicated to and usable by all residents of the RPUD/MPUD and can include community pools, pool houses, or other recreational facilities such as fitness center, however excludes the office areas of such facilities. Its location, shape, size and character ~~shall need to be~~ illustrated on the ~~master development~~ preliminary plan.

SECTION 2. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 3. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 4. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 12th day of SEPTEMBER, 2022 for first reading.

Current Regulations

Sec. 114-771. Planned unit development regulations.

- (a) *Application of regulations.* The following regulations apply to all planned unit developments (PUD's) unless the specific type (i.e., APUD, RPUD, MPUD, BPUD, or IPUD) is otherwise referenced.
- (b) *Unified ownership.* All land within the PUD shall be under the ownership of one person, either by deed, agreement for deed or contract for purchase. PUD applicants shall present either an opinion of title by an attorney licensed in Florida or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of initial application, unified ownership of the entire area within the proposed PUD is in the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the master development plan or final plat.
- (c) *Commercial uses in an MPUD.* Commercial uses and structures shall be located and designed primarily to serve the needs of the MPUD residents. Commercial areas should normally be located in an area accessible only from streets within the MPUD. When commercial uses or structures are approved as part of a [an] MPUD, the commercial operation shall not begin until certificates of occupancy have been issued for all dwelling units in the total project, unless otherwise provided in the development agreement.
- (d) *Utility distribution lines.* All utility distribution lines within the PUD shall be located underground; however, those appurtenances requiring above ground installations may be exempted by the city commission.
- (e) ***Open space requirements.* Sixty percent of an RPUD project or the residential portion of a [an] MPUD containing residential uses shall be open space. A minimum of 35 percent of the open space shall be designated as common open space. Common open space shall meet the following standards:**
 - (1) **It shall be dedicated to and usable by all residents of the RPUD/MPUD. Its location, shape, size and character shall be illustrated on the master development plan.**
 - (2) Maintenance guarantees shall be approved by the city commission.

PROPOSED REGULATIONS

Sec. 114-771. Planned unit development regulations.

- (a) *Application of regulations.* The following regulations apply to all planned unit developments (PUD's) unless the specific type (i.e., APUD, RPUD, MPUD, BPUD, or IPUD) is otherwise referenced.
- (b) *Unified ownership.* All land within the PUD shall be under the ownership of one person, either by deed, agreement for deed or contract for purchase. PUD applicants shall present either an opinion of title by an attorney licensed in Florida or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of initial application, unified ownership of the entire area within the proposed PUD is in the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the master development plan or final plat.
- (c) *Commercial uses in an MPUD.* Commercial uses and structures shall be located and designed primarily to serve the needs of the MPUD residents. Commercial areas should normally be located in an area accessible only from streets within the MPUD. When commercial uses or structures are approved as part of a [an] MPUD, the commercial operation shall not begin until certificates of occupancy have been issued for all dwelling units in the total project, unless otherwise provided in the development agreement.
- (d) *Utility distribution lines.* All utility distribution lines within the PUD shall be located underground; however, those appurtenances requiring above ground installations may be exempted by the city commission.
- (e) *Open space requirements.* ~~Sixty~~ A minimum of twenty-five percent (25%) of an RPUD project or the residential portion of a [an] MPUD containing residential uses shall be open space. Retention ponds must be amenitized in order to count toward the open space requirement. An amenitized pond means a pond that has a fountain or is surrounded by an area such as a walking trail, accessible benches or picnic area. A ~~minimum of 35~~ fifteen percent (15%) of the open-space gross site area shall be designated as common open space which shall not be counted toward the open space requirement but is in addition to such requirement. Common open space shall meet the following standards:
- (1) It shall be dedicated to and usable by all residents of the RPUD/MPUD and can include community pools, pool houses, or other recreational facilities such as fitness center, however excludes the office areas of such facilities. Its location, shape, size and character shall need to be illustrated on the master development preliminary plan.
 - (2) Maintenance guarantees shall be approved by the city commission.