

Chapter 11.12 Planned Development

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11.12.010 Purpose

The purposes of the Planned Development (PD) District are to:

- A. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zoning district regulations. It is the intent of this process to ensure compliance with the General Plan and to provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development.
- B. Promote creativity in building design and innovation in development concepts.
- C. Planned unit development may be residential, commercial or industrial and may permit mixed uses under certain circumstances.

11.12.020 Applicability

The procedures in this chapter shall apply to all proposals to establish a PD District.

11.12.030 Zoning Map Designation

A PD district shall be noted on the zoning map by the designation “PD,” followed by the number of the Planned Development or Specific Plan based on order of adoption.

11.12.040 Land Use Regulations

No use other than an existing use is permitted in a PD district except in accord with a valid PD Plan or Specific Plan. Any permitted or conditional use authorized by this chapter may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.

11.12.050 Development Regulations

- A. **Minimum Area.** The minimum area of a PD district shall be four contiguous acres. The Board of Supervisors may approve a PD district that contains less than four acres, upon a finding that special site characteristics exist.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with the County's density bonus regulations for affordable housing and childcare (Chapter 11.30, Density Bonus Incentive Program), the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the base zone density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.
- C. **Performance Standards.** The Performance Standards prescribed by Chapter 11.26 apply.
- D. **Sewage Disposal/Potable Water.** Parcels one acre or smaller in size shall provide both a public sewer and public water supply. Parcels between one acre and 2.5 acres in size shall provide either a public sewer or public water supply as determined by the Environmental Health Director
- E. **Other Development Regulations.** Other development regulations shall be as prescribed by the PD Plan.

11.12.060 Procedures

- A. **Decision-Making Authority.** A PD District must be adopted by the Board of Supervisors. A public hearing before the Planning Commission is required prior to Board of Supervisors review, and the Planning Commission shall make a recommendation to the Board of Supervisors.
- B. **Review Procedures.**
 - 1. **Rezoning.** An application for rezoning to a PD District shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 11.61, Amendments to Development Code and Official Zoning Map, and shall include a Specific Plan processed according to Chapter 11.64, Specific Plans and Amendments, or a PD Plan.
 - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently with the rezoning, in the same manner as a Conditional Use Permit application, pursuant to Chapter 11.53, Common Procedures, and Chapter 11.57, Use Permits except that the Board of Supervisors is the decision-making authority and additional information is required to be submitted in order to determine that the intent of this Code and the General Plan will be fulfilled.
 - 3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An amendment to reclassify property to PD shall be initiated by a property owner or authorized agent or a motion of the Planning Commission or the Board of Supervisors. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** An application for a PD, made on the prescribed form, shall be filed with the Planning Department, accompanied by the required fee. Applications shall contain all of the following:

1. **Legal Description.** A legal description of the site and a statement of the number of acres, or square feet if less than one acre, contained therein.
2. **Title Report.** A title report verifying the description and the ownership of the property.
3. **Ownership Declaration.** A declaration as to whether the site is to remain under the same ownership and control or to be divided into small units during or after development and the manner and method of the division.
4. **Project Narrative.** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, development standards, architectural design guidelines, proposed residential densities if appropriate, and physical land alterations required by the development; and the relation of the proposed PD to the Yuba County General Plan.
5. **Development Schedule.** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.
6. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space.
7. **Open Space and Landscaping Plan.** An existing and proposed open space and landscaping plan including landscape concepts and type of plant materials, recreation area, parking, service and other public area used in common on the property and a description of intended improvements to and maintenance of the open area of the property.
8. **Other Information.** Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a PD Plan and re-zoning.

11.12.070 Required Findings

A PD Plan and re-zoning shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. The project is in compliance with any applicable Overlay Districts;
- C. The subject site is physically suitable for the type and intensity of the land use being proposed;
- D. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of PD plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- E. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

- F. The development generally complies with applicable adopted design guidelines; and
- G. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors shall be considered:
 - 1. Appropriateness of the use(s) at the proposed location.
 - 2. The mix of uses and housing types.
 - 3. Provision of units affordable to persons and families of low and moderate income or to lower income households.
 - 4. Provision of infrastructure improvements.
 - 5. Provision of open space.
 - 6. Compatibility of uses within the development area.
 - 7. Creativity in design and use of land.
 - 8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
 - 9. Overall contribution to the enhancement of neighborhood character and the environment of Yuba County in the long term.

11.12.080 Conditions

In approving a PD Plan and re-zoning, the Board of Supervisors may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant aspects with the General Plan and with any other applicable plans or policies that the County has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

The Board of Supervisors may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

11.12.090 Expiration and Renewal

A. Expiration.

- 1. ***PD Plan.*** A PD Plan shall expire on the same date as the associated tentative map for the project. In instances where a tentative map is not required, the PD shall expire two years after the effective date of the ordinance creating the PD unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging

program exceeding two years. The official zoning map shall not be changed to reflect the PD designation until such time as the PD has been effectuated.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
 3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the Board of Supervisors approves phased development, the PD Plan shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase, unless a longer period is approved by the Board of Supervisors.
- B. **Renewal.** An approved PD Plan that has not been exercised may be renewed for a two-year period approved by the Board of Supervisors after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The Board of Supervisors may renew a PD Plan if it finds the renewal consistent with the purposes of this chapter.

11.12.100 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a PD District or PD Plan or Specific Plan may be requested by the applicant or its successors. Amendments to the approved PD District or PD Plan or Specific Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved PD District or PD Plan or Specific Plan shall be considered by the Board of Supervisors at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
1. A change in the boundary of the PD District;
 2. An increase or decrease in the number of dwelling units for the PD District that is greater than the maximum or less than the minimum stated in the PD Plan or Specific Plan;
 3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan or Specific Plan by 10 percent or more;
 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the County Engineer;
 5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD District or to the overall major street system, as determined by the County Engineer; or
 6. Any other proposed change to the PD Plan or Specific Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection B above shall be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Planning Director. The Planning Director may, at his/her discretion, refer any request for an amendment to a PD Plan that may generate substantial public interest to the Planning Commission for a decision rather than acting on it himself/herself.

11.12.110 Status of Specific Plan

A Specific Plan adopted by resolution of the Board of Supervisors shall be administered as prescribed by the Supervisors, consistent with Government Code Section 65450.

11.12.120 Development Plan Review

Plans for a project in a PD District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan or Specific Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan or Specific Plan.