

SECTION 18.8: PLANNED COMMUNITY ZONE

(Added by Ord. No. 3348, effective 9-25-07)

PURPOSE A.

The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the planned community ordinances in other counties and cities. The Board of Supervisors believes in certain instances, the objectives of the Tulare County General Plan (General Plan) and Zoning Ordinance are best achieved by the development of large tracts of land in a coordinated and comprehensive fashion with individualized comprehensive planning and development strategies, so as to take advantage of the superior environment which can result from large scale community planning and coordinated implementation. The purposes of the Planned Community (PC) Zone are to:

1. Provide for the orderly preplanning and long-term development of large tracts of land which may contain a variety of land uses, but are under unified ownership or development control.
2. Enable the County to adopt measures providing for the development of the area(s) compatible with the established PC Zone.

DEFINITIONS B.

The following definitions shall be applicable to this section of the Zone Ordinance. If any of these definitions conflict with the definitions in this or any other county ordinance, the definition set forth herein shall prevail in so far as they apply to this section.

For purposes of this section, the words and terms shall have the following meanings, unless it is clearly apparent from the context that another meaning is intended:

1. Area Design Plan (DP): The design guidelines for the physical site, building and landscape design within the planning area to ensure that high quality urban design and architectural concepts, along with the thematic design elements of the MDP are implemented within the planning area. The DP shall also include guidelines for energy conservation practices. The DP may identify a theme for the area and delineate that identity through streetscape and landscape design, signage programs and architectural and lighting guidelines.
2. Area Development Plan (ADP): In addition to the requirements in subsection I of this Section, at a minimum,
3. Master Development Plan (MDP): Pursuant to Subsection C of this Section the MDP shall consist of the contents described in Paragraphs 1 and 2, and must satisfy the requirements of the General Plan. Unless otherwise determined by the Planning Director an MDP shall cover the same subjects or elements required for general plans in Section 65302 and 65302.1 of the Government Code. The MDP is a legislative action and shall be adopted by the same procedure as required for a General Plan.
4. Sustainable Community: A community that maintains or enhances economic opportunity and community well-being while protecting the natural environment upon which people and economies depend.
5. Specific Plan: As defined by Section 65451 of the Government Code.

APPLICATION C.

1. Before an application to establish a PC Zone on the zoning map may be accepted, authorization to file such a request shall be secured from the Board of Supervisors in accordance with the procedures set forth for General Plan amendment requests pursuant to the Board of Supervisors Resolution No. 83-1693 as amended.
2. All applications for a change of zone to place property in the PC Zone must be accompanied by a MDP in accordance with Section D of this Ordinance. The MDP shall be subject to approval by the Tulare County Planning Commission and the adoption by the Tulare County Board of Supervisors in accordance with Subsection D, E and F of this Section.
3. The PC Zone shall be established on the County Zoning Map in the same manner as other zones created and established under this Ordinance. The PC Zone may not be approved and/or established on the Zoning Map unless a MDP in accordance with Section D is concurrently adopted defining uses and development standards within the PC Zone.
 - a. All applications for a PC Zone shall be accompanied by the appropriate fees adopted by resolution of the Board of Supervisors pursuant to Section 18.
 - b. PC Zones may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with General Plan and the purposes of this section. No PC zone shall include less than two hundred (200) contiguous acres of land.
 - c. All land in each PC Zone, or approved sub-area thereof, shall be held in one ownership or under unified control, unless otherwise authorized by the Board of Supervisors. For the purposes of this section, the written consent or agreement of all owners in a PC Zone to the proposed MDP shall be deemed to indicate unified control.
 - d. Development and/or construction shall not occur in PC Zone prior to the adoption of the ADP by the Board of Supervisors.

MASTER DEVELOPMENT PLAN (MDP) D.

1. Any application to establish a PC Zone shall include a proposed MDP which shall consist of a map and text. The MDP is a legislative action and shall be adopted by the same procedure as required for a General Plan Amendment. The application shall be accompanied by the required fee(s), and shall show the following:
 - a. The natural topographic character of the land;
 - b. A concept grading and drainage plan showing the extent of grading and drainage, and statements describing the proposed concepts;
 - c. The general location of all existing and proposed uses of the land by their equivalent General Plan land use designations;
 - d. The approximate location of all major streets, roads and other circulation system components on or accessing the site; and,
 - e. The conceptual location of public uses and quasi- public uses, such as schools, parks, fire stations, major utility or infrastructure improvements, open space and undisturbed natural land.
2. The application shall include a text that provides:

- a. A description of the project, including the boundaries and names of proposed planning areas;
- b. The anticipated phasing and sequence of development by planning area;
- c. Land use statistics for the overall planned community and for each planning sub-area such as housing densities, size of commercial buildings, and types of public/recreational facilities;
- d. A description of the private and public open space and how such areas will be maintained.
- e. A Preliminary Financial Plan (PFP) that shall ensure that the proposed development is consistent with providing adequate public facilities and services concurrent with the need created by new development. The PFP shall include an analysis of infrastructure, public facilities and services, including but not limited to; sewer and water service, streets and storm drains, law enforcement, fire protection, libraries, schools, and public parks.
- f. For residential development areas the application shall include text that provides:
 - (1) The approximate number of dwelling units proposed by type of dwelling within each sub-area and for the planned community as a whole.
 - (2) The approximate total population factor anticipated in the entire community and in each planning sub-area.
 - (3) Descriptions of the development standards including (density, height, parking, etc.) for each type of proposed residential development in sufficient detail to understand the development concept.
- g. For commercial or industrial areas of any proposed PC Zone:
 - (1) Types of uses proposed in the entire community and each sub-area.
 - (2) Anticipated building square footage and employment by land use category in the entire community and in each sub-area. This may be stated as a range.
 - (3) Descriptions of the general development standards (intensity, height, bulk, parking, landscaping, and any buffering or performance standards required, etc.) for each type of proposed commercial or industrial development in sufficient detail to understand the development concept and determine that the proposed uses are appropriate within the community and at the proposed location.
- h. For institutional, recreational, open space and other public/quasi-public uses within a proposed PC Zone:
 - (1) Types of uses proposed in the entire community and each sub-area.
 - (2) A detailed description and sufficient information with respect to activities, participants or other features or characteristics of the use(s) to understand the development concept.
 - (3) Descriptions of the development standards including (intensity, height, bulk, parking, landscaping, and any buffering or performance standards required, etc.) for each type of proposed development in sufficient detail to understand the development concept and determine that the proposed uses are appropriate within the community and at the proposed location.

MDP FINDINGS E.

The Planning Commission, after a public hearing as provided in Section 18 of this Ordinance, may recommend the establishment of a PC Zone; provided it finds that:

1. The proposed development as described by the MDP is in conformity with the provisions of the General Plan.
2. In the case of residential or mixed uses including residential development, that such development will constitute an environment of sustainability that will be compatible with the character of the site and surrounding area, and that adequate public facilities, such as schools, parks, and public services to serve the anticipated population can be provided.
3. In the case of industrial and commercial uses, that such development will be appropriate in area, location, and overall design to the purpose intended; that the design and development standards are such as to create a commercial or industrial environment of sustainability that will be able to meet the performance standards required for the General Plan.
4. In the case of institutional, recreational, open space and other public/quasi-public uses, that such development will be appropriate in area, location and overall planning to the purpose proposed, and that surrounding areas are protected from any adverse effects from such development.
5. The streets and other transportation system components proposed are suitable and adequate to meet the needs of the community and surrounding area(s).
6. Any proposed commercial development can be justified economically at the location(s) proposed and will provide adequate commercial facilities of the types needed at such proposed location(s).

PLANNING COMMISSION ACTION F.

Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the Board of Supervisors for approval or modified approval of a proposed PC Zone, and shall also adopt a resolution recommending that the Board of Supervisors adopt the MDP as submitted or as modified. The recommendation and the recommended MDP shall be forwarded to the Board of Supervisors for its consideration. If unable to make the required findings, the Planning Commission shall deny the application. An appeal from the action of the Planning Commission may be filed in accordance with Section 18 of this Ordinance.

BOARD OF SUPERVISORS ACTION G.

Upon receipt of a recommendation by the Planning Commission for approval or modified approval of any PC Zone and associated MDP, the Board of Supervisors shall hold a public hearing on the matter as provided by Section 65350 et seq. of the Government Code.

1. At the time of adoption of a PC Zone, the Board of Supervisors shall adopt, by resolution, the associated MDP recommended by the Planning Commission or as modified by the Board of Supervisors, provided that any substantial modification shall first be referenced to the Planning Commission as provided in Section 65356 of the California Government Code.
2. Following the adoption of the PC Zone amendment and the MDP, all development

within the zone shall thereafter be in substantial conformity with the adopted MDP and the General Plan, as both may be amended or modified.

MDP MODIFICATIONS H.

1. From time to time it may be necessary and desirable to modify the approved MDP. Modification of such a plan may be initiated by the property owner, authorized agent, developer, County Planning Commission and/or Board of Supervisors.
2. Requests for modifications shall be submitted to the Planning Commission on a prescribed form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification along with the required fee(s).
3. The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the Board of Supervisors, which shall conduct a separate public hearing.
4. Modification to an approved MDP shall be made only by resolution of the Board of Supervisors. Within thirty (30) days after receipt of a recommendation from the Planning Commission, the Board of Supervisors shall act on the proposed modification.
5. Minor modifications of the MDP that do not substantially change or alter the project may be processed in accordance with Section 18 of the Zoning Ordinance.

AREA DEVELOPMENT PLAN (ADP) I.

1. All PC Zones shall be divided into one or more planning sub-areas. These sub-areas or sub-communities shall be depicted on the map of the MDP of a PC Zone and addressed in the accompanying text.
2. Planning sub-areas shall be composed of identifiable planning units, within which common services and facilities, strong internal unity, and an integrated pattern of land use, circulation, and community planning are readily achievable. Planning sub-areas shall have discernible physical boundaries.
3. Prior to any development within a planning sub-area, an ADP or Specific Plan shall be approved.
4. If a Specific Plan is proposed it shall be processed in accordance with the content requirements set forth in Section 65451 of the Government Code and any optional subjects as may be required pursuant to Section 65452.
5. If an ADP is proposed pursuant to Section 65450 et seq. it shall be considered a legislative action and shall be adopted by the same procedure as required for a Specific Plan. Pursuant to Section 65450 et seq. To obtain approval, the applicant shall submit a proposed ADP, along with an application and the required fee(s). The proposed ADP shall at a minimum include the contents of a Specific Plan and/or the following information:
 - a. A site utilization plan of the planning sub-area at a scale of one inch equals two hundred feet minimum or as determined by the Planning Director. The plan shall extend a minimum of three hundred feet beyond the boundaries of the sub-planning area and show the following:

- (1) The boundaries of the planning area;
 - (2) North arrow and scale;
 - (3) Any significant natural or existing physical features of the site;
 - (4) Preliminary grading and drainage plan (including slope ratios and spot elevations where appropriate);
 - (5) Existing and proposed circulation routes with typical sections. The names of existing streets shall be indicated;
 - (6) Existing and proposed easements (identify);
 - (7) Existing and proposed on- and off-street trails;
 - (8) Proposed land uses (include the acreage of each) for;
 - (a) Parks, schools and public facilities (indicate type),
 - (b) Institutional, recreational and other public/quasi-public uses,
 - (c) Open space,
 - (d) For residential uses: Dwelling type (i.e., single family, duplex, attached, etc.), Lot sizes, Number of units (indicate density for each dwelling type), Parking (covered or open parking and parking ratio)
 - (9) Commercial and/or industrial: Location and proposed use of each commercial and/or industrial planning area.
 - (10) Employment Centers: Location and proposed use of each center with consideration to the ratio of new jobs to the number of housing units.
- b. The ADP regulations which shall be applicable within the sub-planning area. The regulations shall establish districts consistent with the MDP and standards to classify, regulate, restrict and separate the uses of land; provisions for density transfers, buildings and structures; and regulate and limit the type, height and bulk of buildings and structures in the various districts.
- c. An Area Design Plan (DP) which will guide the site, building and landscape design within the planning sub-area to ensure that high quality urban design and architectural concepts, along with the thematic design elements of the MDP, are implemented within the planning sub-area. The DP may identify a theme for the area and delineate that identity through streetscape and landscape design, signage programs and architectural and lighting guidelines graphically illustrated. The DP shall use a variety of illustrative techniques such as rendering, cross sections and photos.
 The DP shall include: prototypical building envelopes for each residential product type and guidelines for energy conservation. For single family detached residential planning sub-areas a conceptual site plan shall be provided that includes sufficient detail to determine the relationship of driveways, landscaping, sidewalks, buildings, etc., on site. For non-residential uses and multi-family residential planning sub-areas, the DP shall include guidelines for the arrangement of development components (buildings, parking, landscaping, etc.) on each site, as well as architectural and urban design guidelines buildings and structures.
- d. A Financial Plan (FP) which shall ensure that the phased development of the project is consistent with providing adequate public facilities and services concurrent with the need created by new development. The FP shall include an

analysis of infrastructure, public facilities and services, including sewer and water service, streets and storm drains, law enforcement, fire protection, libraries, school's, and public parks. The FP shall specifically address the following issues:

- (1) Provisions for public services, ongoing operations and maintenance required for the development;
 - (2) Sources of funding for all public services and improvements required for the development;
 - (3) Requirements for incremental phasing of public improvements to meet the needs of the development, and its sustainability; and,
 - (4) An open space management program for the provision and maintenance of public open spaces and natural environmental resources.
- e. Any other information or topics as determined appropriate by the Planning Director which are necessary or desirable for implementation of the General Plan.

ADP FINDINGS, ACTIONS J.

1. The Planning Commission, after a public hearing, may recommend the approval of an ADP; provided it finds that the facts submitted with the plan and presented at the hearing establish that:
 - a. The proposed ADP is in conformity with the MDP of the PC Zone and the General Plan.
 - b. The proposed ADP would promote the orderly, sequential development of the involved sub-planning area.
2. If, from the facts presented, the Planning Commission is unable to make the findings set forth in Paragraph 1 above, it shall recommend disapproval of the application or approval of the plan subject to specified modifications.
3. The Board of Supervisors, upon receipt of the recommendation of the Planning Commission on a submitted ADP, shall conduct a public hearing. The Board of Supervisors may approve, deny, or approve the plan with modifications.
4. Following the adoption of the ADP, all development within the affected planning area shall thereafter be in substantial conformity with the adopted ADP and all its components, or as it may be amended.

ADP EXPIRATION/ EXTENSION K.

The ADP shall automatically expire and become null in void 10 years from the date of adoption unless the applicant or successor has actually commenced the use authorized within the 10 year period. As used herein the use shall have been considered if final maps and the final site plan have been approved by the Board of Supervisors for 10 percent of the ADP area. Extensions of time may be granted as provided in Section 18.

ADP MODIFICATIONS L.

1. From time to time, it may be necessary and desirable to modify the approved ADP. Modification of such plan may be initiated by the property owner, authorized agent or developer.

2. Requests for modifications shall be submitted to the Planning Commission on a prescribed form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification, and the required fee.
3. The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the Board of Supervisors which shall also conduct a public hearing.
4. Modification to an approved ADP shall be made only by resolution of the Board of Supervisors. Within thirty days after receipt of a recommendation from the Planning Commission, the Board of Supervisors shall take action on the proposed modification.
5. Minor modifications to an adopted ADP may be approved by the planning director as an administrative matter, subject to the following findings:
 - a. That the modification will not change the essential character of the adopted plan;
 - b. That the modification will not create an environmental impact above those addressed in the certified environmental impact report for the adopted plan;
 - c. That the modification does not increase the number of dwelling units by greater than 1 percent or reduce the amount of open space in the adopted plan.

SITE PLAN REVIEW M.

Unless otherwise specified in the ADP, no building or relocation permit shall be issued or special use permit approved, nor shall any final surveys for building construction be approved until a final site plan has been reviewed and approved or recommended for approval by the Site Plan Review Committee in accordance with the procedures set forth in Section 16.2 of this Ordinance.