

Chapter 29.47-15. Planned District P. ¹

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29.47-15.010. Purposes.

- A. To encourage and provide a means for effectuating desirable development through the use of variations in siting, mixed land uses, and/or varied dwelling or other buildings.
- B. To preserve the amenities and compatibility of P Districts by adoption of a general development plan, showing proper orientation, desirable design character, and compatible land uses.
- C. To provide for the orderly pre-planning and long-term development for a variety of uses of large tracts of land which are under unified ownership or development control, so as to ensure that the entire tract will provide an environment of stable and desirable character.
- D. To give the developer reasonable assurance that sectional development plans prepared in accordance with an approved general development plan will be acceptable to the local jurisdiction. Sectional development plans shall include subdivision plans and/or planned unit development plans as provided for in this Chapter.
- E. To enable the adoption of measures providing for development of the surrounding area in character compatible with the Planned District.

29.47-15.020. Standards and Requirements.

The following provisions shall apply in a P District, which District shall also be subject to other provisions of the Zoning Ordinance, except that where conflict in regulations occurs, the regulations specified in this Chapter, or on a development plan approved pursuant to this Chapter, shall apply.

- A. P Districts 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 the purposes and objectives of this Chapter. No P District shall include less than five (5) acres of contiguous land.
- B. No ordinance establishing a P District shall be adopted unless and until there is on file with the local jurisdiction written consent of every property owner within such District at the time of adoption of the Ordinance, agreeing:
 - 1. That the owner will be bound by the conditions and regulations proposed and which will be effective within the District, and
 - 2. To record such written agreement with the County Recorder.
- C. Before detailed studies of any P District development plans shall be undertaken by the planning staff or the planning commission, there shall be on file with the local jurisdiction the written request of all property owners within the proposed District that such detailed studies be made.
- D. Standards for area, coverage, density, yard requirements, parking and screening for P District uses shall be governed by the standards of the residential, commercial, or industrial zoning districts most similar in nature and function to the proposed P District use(s), as determined by the Planning Commission, and as modified by the approved general development plan. Standards for public improvements shall be governed by applicable ordinances and laws. Exceptions to these standards by the Planning Commission and by the governing body are possible, when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.

29.47-15.030. Preliminary Development Plan Approval.

Procedure and Applications. Prior to the filing of a formal P District rezoning application, the applicant shall submit a preliminary development plan for an approval in principle thereof by the planning commission and the governing body.

¹ *Numbering changed with Ordinance No. 07-13, dated 7/19/07*

The preliminary development plan and text shall be prepared and endorsed by a qualified urban planner, with other professional assistance as required, and shall include the following information presented in a general schematic fashion:

- A. The topographic character of the land, and any major grading intended;
- B. Proposed land uses, population densities, and building intensities;
- C. Proposed circulation pattern indicating both public and private streets;
- D. Proposed parks, playgrounds, school sites, and other open spaces;
- E. A market analysis of proposed uses, if required by the Planning Commission, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;
- F. Delineation of the units to be constructed in progression, if any; and
- G. Relation of the proposed development to future land use in surrounding area(s) and as shown on the master plan.

29.47-15.040. Public Hearing - Optional.

A public hearing on the preliminary development plan may be held by the Planning Commission and governing body. Approval in principle of the preliminary development plan shall be limited to the general acceptability of the land uses proposed and their interrelationships, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility, and such approval shall not be construed as or deemed to be in any form or sense a commitment to approve any subsequent formal rezoning application.

29.47-15.050. General Development Plan and Schedule Approval.

Together with the application for rezoning classification, the applicant shall submit the following general development plan consisting of documents and supporting evidence, prepared and endorsed by a qualified professional team, as required by the Planning Commission.

- A. A sepia map with ten (10) prints of a survey of the property, showing existing features of the property including specimen trees, structures, streets, easements, drainage channels, utility lines, and existing land uses;
- B. A sepia map with ten (10) prints of a general development plan which shall be in reasonable conformance with the approved preliminary plan, showing as appropriate, all the information required on the preliminary development plan; the approximate location and proposed density of dwelling units; non-residential building uses and intensities; and land use considered suitable for adjacent properties;
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of total number of acres in the proposed project and the per cent thereof designated for the various uses; the number of dwelling units proposed by type of dwelling unit of the P District; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for construction of each unit; and standards for height, open space, building intensity, population density, and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other ordinance regulations governing development;
- D. Evidence that the applicant has sufficient control over the land to effectuate the proposed plan;
- E. Engineering and other feasibility studies, as necessary; and
- F. If the development or plan is to be approved in stages, each stage of development shall be completed prior to proceeding to the next stage, or adequate performance guaranties be posted to insure completion of each approved stage.

29.47-15.060. Findings Required.

The Planning Commission, after public hearing, may recommend the establishment of a P District, and the governing body, after public hearings, may by ordinance establish a P District, provided that both find that the facts submitted with the application and presented at the hearings establish that:

- A. The proposed P District or a given unit thereof, can be substantially completed within two (2) years of the establishment of the P District.
- B. That each individual unit of development as well as the total development, can exist as an independent unit capable creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;

C. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P District;

D. That commercial development can be justified economically at the locations proposed to provide commercial facilities;

E. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;

F. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the general development plan, in accordance with adopted policy of the Planning Commission and the governing body;

G. That the P District is in conformance with the Master Plan; and,

H. That existing or proposed utility services are adequate for the population and use densities proposed.

29.47-15.070. Planning Commission and Governing Body's Action.

A. If, from the facts presented, the Planning Commission, or the governing body is unable to make the necessary findings, the application shall be denied.

B. In taking action, the Planning Commission may deny the general development plan and general development schedule as submitted, or may recommend approval of said plan and schedule to the governing body, subject to specified amendments.

C. Upon application for rezoning of an area to a P District and recommendation of such rezoning by the Planning Commission, the governing body shall hold a public hearing thereon as required by other amendments to the zoning ordinance.

D. Changes of use or density of an approved general development plan shall be considered the same as a change in the zoning map, and shall be made in accordance with the provisions for amendments of the zoning ordinance.

E. If no development has occurred to effectuate a P District development within two (2) years after the District is created, the Planning Commission shall review the action and determine whether or not the continuation of a given P District is in the public interest. If the Planning Commission so recommends, the governing body may order the area reverted to the original district from which it was created, without a public hearing.

F. At the time of adoption of any ordinance establishing a P District, the governing body shall make appropriate arrangements with the applicant to insure the accomplishment, at the scheduled times, of the public improvements, public dedications, and grants of easement shown on the approved general development plan. The P District shall be given an appropriate name, number of letter to identify it; and the approved general development plan shall be adopted by reference and become a part of the zoning ordinance.