



Community and Economic Development Planning Division

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PLANNING COMMISSION DATE: August 6, 2019

AGENDA ITEM: #7

CZ	#2019-003	Amendment to the County Code, Title 18, Planned
APN	Countywide	Development Districts
CEQA	EXEMPT	Applicant: Madera County
		Section 15061.B.3

REQUEST:

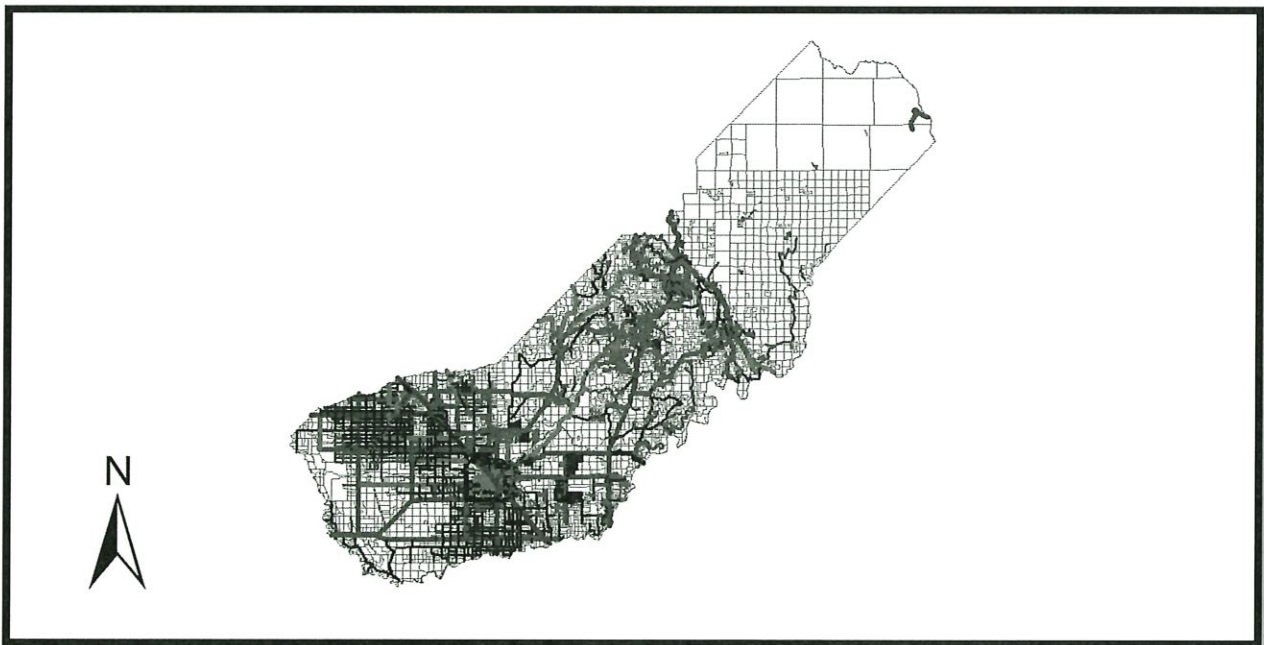
This is a proposal by the County of Madera for a Zoning Ordinance Text Change to amend the classifications within Madera County Ordinance, Title 18, Planned Development Districts.

LOCATION:

The proposed amendments will affect all Planned Development zone districts in Madera County.

ENVIRONMENTAL ASSESSMENT:

This project is exempt from the California Environmental Quality Act, Section 15061.B.3.



RECOMMENDATION: Recommend approval of Zoning Ordinance Text Change (CZ #2019-003).

BACKGROUND AND PRIOR ACTIONS:

CZ #2011-006 was approved in 2011 which combined all of the Planned Districts (PRD, PCD, PID, etc.) into one Planned Development District (PDD).

PROJECT DESCRIPTION:

Staff is proposing amendments to the PDD to allow for more clarity and to streamline application processing.

ORDINANCES/POLICIES:

Madera County Code Title 18.

ANALYSIS:

Staff has become aware that it is becoming increasingly difficult and confusing for the public when processing development within the Planned Development District. The purpose of the PDD is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of other parts of this title. When the ordinance was amended in 2011 it was very difficult and unclear on how development was to be permitted in this zone district. Under permitted uses it read that no uses are allowed with a Conditional Use Permit (CUP), which is contrary to how this code is supposed to be interpreted. Also, it made making very minor changes within the district very difficult. There are also requirements for both Site Plan Reviews and CUPs within this section of the code, which are two different types of entitlements.

The proposed changes are meant to clarify these sections. The changes will also allow the public to refer back to existing sections of the Zoning Ordinance which describe application materials needed, processing, and amendments which will eliminate redundancies and/or confusion.

GENERAL PLAN CONSISTENCY STATEMENT:

Uses must be consistent with the Madera County general plan land use category applicable to the area and uses that will not be in conflict with the public health, safety, and welfare.

RECOMMENDATION:

The analysis contained in this report supports approval of the Zoning Ordinance Text Change (CZ #2019-003), CEQA Exempt per GC §15061.B.3.

ATTACHMENTS:

1. Exhibit A – Redlined Ordinance

CHAPTER 18.87
PDD – PLANNED DEVELOPMENT DISTRICT

Sections:

- 18.67.010 - Purpose and application.
- 18.67.020 - Permitted uses.
- ~~18.67.030 – Conditional Use Permit.~~
- 18.67.040 - Prohibited uses.
- 18.67.050 - Minimum lot size.
- 18.67.060 - Minimum lot area per dwelling unit.
- 18.67.070 - Yards and setbacks.
- 18.67.080 - Height limits.
- 18.67.090 - Minimum distance between structures.
- 18.67.100 - Parking.
- 18.67.110 - Signs.
- 18.67.120 - Landscaping.
- 18.67.130 - Special review procedures and development standards.
- 18.67.140 - ~~Site development plan review~~ Conditional Use Permit application contents.
- 18.67.150 - Development standards and conditions.
- ~~18.67.160 – Adoption by ordinance.~~
- 18.67.170 - Time limit on development approval.
- 18.67.180 – Minor/Major plan modifications.
- ~~18.67.190 – Major plan modifications.~~

18.67.010 - Purpose and application. The purpose of the planned development (PDD) district is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of other parts of this title. The PDD district is designed to allow diversity in the relationship between buildings and open spaces so as to create unique, interesting physical environments that maximize usable open space, while at the same time to preserve the public health, safety and welfare. All development in the PDD district shall be consistent with the county general plan. Development within the PDD district shall conform to the standards specified elsewhere in this title for similar uses except to the extent that benefits will accrue to the public by deviation from such standards. The application of the PDD district to land may only be initiated by application of the landowner or his/her representative. (Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.020 - Permitted uses. ~~Any-u~~Uses consistent with the Madera County general plan land use category applicable to the subject property and which will not be in conflict with the public health, safety and welfare ~~are~~ may be permitted in the PDD district , subject to a Conditional Use Permit approved in accordance with the procedures set out in Chapter 18.92 of this title and in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.190 of this chapter. (Ord. No. 658, § 2 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

~~18.67.030 – Conditional Use Permit. 18.67.030—A Conditional Use Permit is required to establish the use in the PDD Zone District. Uses permitted with a conditional use permit. No uses are permitted with a conditional use permit in the PDD district.~~ All uses are subject to approval in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.190 of this chapter. (Ord. No. 658, § 3 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.040 - Prohibited uses. Uses inconsistent with the Madera County general plan land use category applicable to the area and uses that would be in conflict with the public health, safety, and welfare. (Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.050 - Minimum lot size. Minimum lot size requirements in the PDD district are as established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 4 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.060 - Minimum lot area per dwelling unit. Requirements for minimum lot area per dwelling unit in the PDD district are as established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 5 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.070 - Yards and setbacks. Yard and setback requirements in the PDD district are as established in accordance with the standards and procedures set out in Section 18.67.130 through 18.67.170 of this chapter. (Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.080 - Height limits. Height limit requirements in the PDD district are as established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 6 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.090 - Minimum distance between structures. Requirements for minimum distance between structures in the PDD district are as established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 7 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.100 - Parking. Parking requirements in the PDD district are as established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 8 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.110 - Signs. The following signs are permitted in the PDD district unless otherwise specified in the required Conditional Use Permit:

- A. Temporary real estate signs advertising the property for sale or rent, not to exceed six square feet each, excluding the area of any vertical and/or horizontal support members;
- B. Temporary subdivision signs;

- C. Permanent subdivision identification signs;
- D. Temporary construction signs;
- E. As established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 9 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.120 - Landscaping. Landscaping requirements in the PDD district are as established in accordance with the standards and procedures set out in Sections 18.67.130 through 18.67.1970 of this chapter. (Ord. No. 658, § 10 (Exh. B), 8-14-12; Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

18.67.130 - Special review procedures and development standards. The PDD district may only be initiated by the property owner or his/her authorized representative. An PDD district shall be established in accordance with the procedures set out in Chapter 18.110 of this title and in conjunction with ~~review and approval of a site development plan a Conditional Use Permit~~ in accordance with the procedures set out in Chapter 18.962 of this title.

18.67.140 - ~~Site development plan review~~ Conditional Use Permit application contents. An application for a ~~site development plan review~~ Conditional Use Permit in the PDD district shall include the following:

- A. Name and address of applicant;
- B. Name(s) and address(es) of property owner(s);
- C. Assessor's parcel number(s);
- D. Legal description of the property;
- E. A site ~~development~~ plan drawn at the to scale, which includes the following information:
 - 1. Topography of the lot(s),
 - 2. Proposed street system and parking areas,
 - 3. Lot design,
 - 4. Location of buildings,
 - 5. Location of other proposed uses,
 - 6. Proposed setbacks,
 - 7. Areas to be reserved for parks, schools or public or quasi-public buildings,
 - 8. Proposed landscaping,
 - 9. Water supply and distribution,
 - 10. Sewage disposal system,
 - 11. Drainage system,
 - 12. North arrow;
- F. Acres of each proposed land use;

- G. Number of dwelling units per acre, if applicable;
- H. A narrative description of the proposed development and/or planned uses, including:
 - 1. An explanation of the proposed deviations from the standards that would otherwise apply to the proposed uses and why the deviations are necessary or desirable,
 - 2. Phasing or development schedule.

18.67.150 - Development standards and conditions. Development within the PDD district shall comply with conditions of the Conditional Use Permit and the following standards:

- A. All development shall be consistent with the goals and policies of the Madera County general plan and with the uses and density or intensity standards of the general plan land use category applicable to the area in which the property is located.
- B. Development within the PDD district shall be ~~demonstratively superior unique~~ to the development that could occur under any other zoning district or combination of zoning districts authorized by this title that are consistent with the general plan land use category applicable to the subject property. In making this determination, the following factors shall be considered:
 - 1. Appropriateness of the use at the proposed location;
 - 2. The mix of housing styles and costs;
 - 3. Provision of infrastructure improvements, including community water distribution and sewage collection and treatment systems;
 - 4. Provision of open space;
 - 5. Compatibility of uses within the development area;
 - 6. Use of innovative technology and materials;
 - 7. Overall contribution to the enhancement of the environment of the county;
 - 8. Creativity in design and use of land. (Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).

~~18.67.160 - Adoption by ordinance. - Each PDD district shall be adopted by ordinance and shall include all standards and conditions approved in connection with the review of the site development plan application. (Ord. No. 525QQ, § 1 (Exh. A), 2-7-11).~~

18.67.170 - Time limit on development approval.

- A. Time limits for development, extension requirements, and procedures for time extensions and revocation for non-use for any Conditional Use Permit authorized in the PDD district shall be in If development approved pursuant to this chapter has not commenced within two years of the approval, the board of supervisors shall initiate a reclassification of the property in accordance with the procedures, unless: in accordance with the procedures set out in Chapter 18.92.060(B) of this title.

- ~~1.— Building permits for approved development have been issued;~~
- ~~2.— A tentative subdivision or parcel map for proposed development has been approved; or~~
- ~~3.— A written request for an extension has been filed with and approved by the planning director before the expiration of the two year period. Such extension shall not exceed two years from the expiration of the initial two year period; or~~
- ~~4.— A development agreement has been approved.~~

~~In any event, development approved in accordance with this chapter shall be commenced or necessary final subdivision maps recorded within six years of the original approval or such other time as may be allowed by a tentative subdivision or parcel map or development agreement.~~

~~B.— If the time limits specified in subsection A of this section are not met, the board of supervisors shall initiate reclassification of the property to a zoning district or districts consistent with the county general plan.~~

~~18.67.180 — Minor/Major plan modifications. — The planning director may approve minor plan modifications (less than fifteen percent change) to an approved PDD site development plan, if the planning director determines that the modification(s) does not constitute a substantial change in the approved project. (Ord. No. 525QQ, § 1 (Exh. A), 2-7-11). Minor or Major modifications shall require an amendment to the Conditional Use Permit in accordance with the procedures set out in Chapter 18.92.055 of this title.~~

~~18.67.190 — Major plan modifications. If modifications in land use or site plan are proposed, the applicant must submit an application for a conditional use permit which includes requirements as listed in Section 18.67.140 and 18.67.150, to be heard by the planning commission.~~

Chapter 18.68 - RESERVED^[22]

Footnotes:

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Editor's note— Ord. No. 525QQ, § 2, adopted February 7, 2011, repealed Chapter 18.68, §§ 18.68.010—18.68.060, which pertained to PRA—Planned recreation district and derived from Ord. No. 525, 1989.