

## ARTICLE 15

### SEC. 21-15 REGULATIONS FOR THE PLANNED DEVELOPMENT COMMERCIAL OR "PDC" DISTRICT.

**15.1 Purpose:** The intent and purposes of the "PDC" district are:

- (a) To provide a means for encouraging creative and innovative commercial or industrial developments that are environmentally pleasing through the application of imaginative land planning techniques not permitted within other zones with fixed standards;
- (b) To provide for an orderly and cohesive growth and physical development pattern and the efficient delivery of County or community service;
- (c) To assure conformance of the project with the Lake County General Plan with respect to use, intensity, circulation, public facilities, and the preservation of natural features;
- (d) To encourage the design of commercial planned developments for compatibility with both existing and potential land uses, including a proper functional relationship with such adjacent areas;
- (e) To assess the development's impacts on public and private services through cost-benefit analyses and on other commercial trade areas through market analyses;
- (f) To promote equitable distribution of public facilities by encouraging developers to provide recreational facilities, community centers, streets, water and wastewater, fire protection and other public services in order to avoid the overcrowding of existing facilities used by established residents and provide for a balance of community services.

The following regulations shall apply in all "PDC" districts.

**15.2 Applicability:** Applications for "PDC" zoning shall be for a parcel or contiguous parcels of one (1) acre or more.

**15.3 Performance Standards:** All uses permitted within this district shall be subject to the performance standards set forth in Article 41 unless alternative standards are adopted according to the provisions of Section 15.27. (Ord. No. 1749, 7/7/1988)

**15.4 Plans required:**

- (a) A rezoning application to "PDC" shall be accompanied by a general plan of development for the entire parcel(s) unless the rezoning is publicly initiated and implements language included in an approved general or community plan. (See requirements of Section 15.9.)
- (b) A use permit for specific plan of development shall be required for the portion of the parcel(s) to be developed. (See requirements of Section 15.10.)

- (c) General plans and use permits for specific plans of development shall be approved prior to any development.
- (d) Ministerial permits such as grading, Building and Health department permits shall not be issued prior to approval of a use permit for specific plan of development.

**15.5.1 Uses permitted:** Notwithstanding Section 15.4, the following uses are permitted in any “PDC” district provided that such uses are not inconsistent with an approved general or specific plan of development: **(Ord. No. 1749, 7/7/1988)**

- (a) Crop and tree farming.
- (b) Agricultural and residential accessory uses and accessory structures.
- (c) Those uses permitted in the “PDC” district with a zoning permit in Table A, Article 27. **(Ord. No. 1749, 7/7/1988)**

**15.5.2 Uses permitted by general and specific plans of development in the “PDC” district:**

- (a) All those uses permitted in the “CR”, “C2”, “C3”, “MI”, and “M2” districts.
- (b) Day care centers, gymnasiums, and health care facilities.
- (c) Recreation facilities including but not limited to tennis courts, fitness trails, swimming pools, boat docks, marinas, playgrounds, and parks.
- (d) Those uses generally permitted in the “CR”, “C2”, “C3”, “MI”, and “M2” districts in Tables A and B, Article 27.

**15.6 Application procedure for rezoning to “PDC” district and the general plan of development:**

- (a) Pre-application meeting(s): Prior to preparation of the application for rezoning and the general plan of development, the applicant shall attend a pre-application meeting(s) with the Planning Department staff. Purposes to be served include:
  - 1. To explain the purpose of the Planned Development Commercial district.
  - 2. To review the project’s consistency with the Lake County General Plan.
  - 3. To review the Lake County Code requirements.
  - 4. To provide a review of the applicant’s conceptual design and development objectives.
- (b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans

required by this Article. No applications shall be accepted until the applicant has complied with Subsection (a) above.

**15.7 Application procedure for the Use Permit for Specific Plan of Development:**

- (a) Pre-application meeting(s): Applicants for a use permit for specific plan of development shall attend a pre-application meeting(s) with the Planning Department staff. In addition to the review purposes for the general plan of development, the following shall be reviewed:
  - 1. Consistency of the specific plan of development with the approved general plan of development.
  - 2. Review of the development standards applicable to the project.
- (b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans required by this district or the Subdivision Ordinance. No applications shall be accepted until the applicant has complied with Subsection (a) above.

**15.8 Phasing:** “PDC”s may be phased if phasing is approved as part of the general plan of development. Specific plans of development and tentative and final map proposals shall conform to the phasing of the approved general plan of development.

**15.9 Application requirements for the Rezoning and General Plan of Development:**

- (a) For pre-application meeting(s), the applicant shall provide enough materials to solicit useful comments or feedback from the Planning Department.
- (b) The rezoning application shall include:
  - 1. Completed application form filed in the name(s) of the owner(s).
  - 2. Applicable fees.
  - 3. A sectional district map(s) which shall:
    - i. Be prepared according to the requirements of the County Surveyor;
    - ii. Indicate the proposed boundaries of the “PDC” zone.
- (c) The general plan of development shall be a graphic and written representation of the applicant’s intended development including:
  - 1. A graphic section consisting of maps, site plans, drawings, sketches or models at a scale agreed upon by the applicant and department at the pre-application meeting(s) showing: **(Ord. No. 1749, 7/7/1988)**
    - i. The entire proposed planned commercial development and site.

- ii. The locations and sizes of all proposed commercial and industrial land uses.
  - iii. Intended phasing of development. (**Ord. No. 1749, 7/7/1988**)
  - iv. The location and approximate size of all areas to be reserved in open space.
  - v. The preliminary circulation pattern.
  - vi. The type and location of proposed public facilities.
  - vii. The existing site conditions showing all topographic features such as natural drainage ways, streams, creeks, shorelines, vernal pools or ponds, significant rock outcroppings, slides and depressions; location and types of all on-site trees; and general areas of historic or archaeological value.
  - viii. Topography at contour intervals determined by the Planning Director.
  - ix. Enough information on land areas adjacent to the proposed “PDC” to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, parcel sizes, ownership patterns, mineral leaseholds, planning and zoning classifications, densities, traffic circulation systems, public facilities, and major physiographic features such as lakes, streams, shorelines, drainage patterns, ridgelines, tree clusters and other prominent features.
2. The written documents shall support the graphic representations and shall, at a minimum, include:
- i. A project description.
  - ii. A statement of present and proposed ownership and present and proposed zoning.
  - iii. A list and description of all uses shown on the proposed general plan of development.
  - iv. A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project; including the permit phase.

- v. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the project, and whether the applicant intends to sell lots or lots with structures.
  - vi. A statement of the applicant's proposal for utilities and services including sewage disposal; water supply; police and fire protection; schools; solid waste disposal; power/electricity; cable; telephone; and storm water runoff.
  - vii. Quantitative data for the development including but not limited to: gross and net acreage; the approximate dimensions and location of structures for each district or area; employee statistics; support services required; traffic generation data based on anticipated uses; parking and loading requirements; and outdoor storage requirements based on anticipated uses. **(Ord. No. 1749, 7/7/1988)**
3. An itemized list of any requested alternative performance and development standards, and any deviations from the standards of the subdivision ordinance (Chapter 17).

**15.10 Application requirements for the Use Permit for the Specific Plan of Development:**

- (a) For pre-application meeting(s) the applicant shall provide in advance of actual use permit application all required plans and written statements of the specific plan of development for review by the Planning Department.
- (b) The specific plan of development shall be a precise graphic and written representation of the applicant's intended development including:
  - 1. All the application requirements of a general plan of development, excepting those describing existing conditions. All other general plan of development application requirements shall be submitted in their finalized form.
  - 2. A specific plan of development that is in substantial conformity with the previously approved general plan of development.
  - 3. Any required agreements, plans, modifications, mitigations or conditions of approval of the general plan of development shall be included.
  - 4. The specific plan of development shall include a graphic representation of:
    - i. The entire proposed planned commercial development including the precise locations and dimensions of all proposed uses and structures.
    - ii. All lots or leaseholds within the project area including: lot dimensions; building setbacks, height, coverage and separation (spacing); gross floor area for each use; location and dimensions of

outdoor sales, display or storage areas for each use; location of all walls, hedges and fences; parking lot locations; common and public open space areas; lighting locations; and all on-site sign locations.

- iii. Sketches, drawings, models or architectural renderings of typical structures and improvements showing design features, materials and elevations.
  - iv. The existing and proposed circulation system of arterial, collector, and local streets (if applicable) including the location and dimensions of all off-street parking areas including but not limited to, aisles, parking spaces, service areas, loading areas, and points of access to public rights-of-way (including all points of ingress and egress to the development); pedestrian walkways, bicycle paths and parking facilities, handicap parking facilities, and public transit loading areas; and notations of proposed ownership, public or private, where appropriate.
  - v. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, cable and telephone lines.
  - vi. A landscape plan, generally indicating the treatment of existing landscapes and proposals for building pads, roads, parking areas, open spaces, walkways and other affected areas on-site; including maintenance provisions.
  - vii. A grading permit.
  - viii. A drainage plan.
  - ix. A sign plan as provided in Section 15.31.
  - x. Other pertinent information as required by the Planning Director. **(Ord. No. 2128, 1/14/1993)**
- (c) An itemized list of any requested alternative performance and development standards, and any deviations from the standards of the Subdivision Ordinance (Chapter 17).
- (d) The written documents shall include a plan for permanent maintenance of common or public open space, and commonly-owned facilities. The plan shall include all contracts, conveyances or other legal documents necessary to implement the plan. No legal documents shall be accepted unless accompanied by a letter from the applicant's attorney certifying that the legal document(s) will effectively and adequately accomplish the purpose for which it is intended. No instrument shall be acceptable until approved by the commission as to suitability

for the proposed use of the common open spaces. If common open space is to be maintained by a property owner's association, such legal instrument may take the form of a declaration of the conditions, covenants and restriction (C.C.& R.'s).

The legal document(s) shall include a copy of the articles of incorporation and by-laws of the property owner's association including conditions, covenants, and restrictions that will govern the association. Required provisions shall include but are not limited to the following:

1. The property owner's association shall be established before lots, or lots and structures are sold or leased.
2. Membership shall be mandatory for each buyer or lessee, and any successive buyer or lessee.
3. The association shall be responsible for property taxes, and maintenance of common open space and recreational and other common facilities unless the Planning Commission approves another entity other than a property owners association.
4. Association members shall pay their pro rata share of all costs of the association. The assessment levied by the association can become a lien on the delinquent association member's property.
5. The association shall be able to adjust the assessment to meet changed needs.

## **SEC. 21-15.20. DEVELOPMENT STANDARDS.**

**15.21 Development standards:** All uses shall be subject to the development standards set forth herein, unless alternative development standards are adopted according to the provisions of Section 15.27. **(Ord. No. 1749, 7/7/1988)**

- (a) Each proposed use shall be subject to the development standards of the zoning district where the use is permitted; or
- (b) When more than one zoning district permits a proposed use, the applicant shall identify which of those zoning district's development standards the proposed use shall be subject to. **(Ord. No. 1749, 7/7/1988)**

### **15.22 Minimum yards:**

- (a) Front yard: Twenty (20) feet from front lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.
- (b) Rear yard: Twenty (20) feet from rear lot line; except as provided below:
  1. Where the rear lot line of a lot abuts a residential zone, the minimum rear yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the

rear lot line shall be landscaped and permanently maintained and a six-foot high solid masonry wall shall be required ten (10) feet from the rear lot line.

2. Where abutting or combined with the Scenic Combining district, the minimum rear yard setback shall be fifty (50) feet.

(c) Side yard: Ten (10) feet from side lot lines; except as provided below:

1. Where the side lot line of a lot abuts a residential zone, the minimum side yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the side lot line shall be landscaped and permanently maintained. A six (6) foot masonry wall shall also be required ten (10) feet from the side lot line and shall not exceed three (3) feet in height when extending into any required front yard.

**15.23 Open space:** All developments proposed under the “PDC” district may include a proportionate amount of open space for active and passive use by the occupants of the development, whether they be merchants, employees, or the general public. The amount to be provided shall be determined as follows:

(a) Common open space: Each planned commercial development may contain one or more large areas of land permanently reserved primarily for the leisure and recreational use of all the development’s occupants or public and owned and maintained in common by the occupants.

1. Common open space may include:

i. Land area of the site not covered by buildings, parking structures, or accessory structures.

ii. Land which is accessible and available to all occupants of structures for whose use the space is intended unless such land is in a category listed below.

iii. Commonly owned recreational structures and facilities including but not limited to gymnasiums, tennis courts, swimming pools, picnic areas, and parks.

(b) Public open space: As an alternative to, or in addition to, common open space in Subsection (b) above, each planned commercial development may propose one or more parcels of land which would be permanently dedicated in fee to the County or other public or private agency. Such areas will be for the use of the development’s occupants in addition to the use by all county residents or for the protection of environmentally sensitive areas.



- (c) Required open space: The County may require public and/or common open space in a planned commercial development at the time of approval of the general plan of development.

**15.24 Traffic circulation:**

- (a) Internal access: All commercial planned development proposals shall ensure that internal circulation systems are properly designed to serve the different types of proposed land uses, accommodate expected traffic flows, provide adequate emergency access to all buildings and structures, and provide for safe and convenient pedestrian access, whether the project is partially or fully implemented. In addition, the following access requirements shall apply:
  - 1. At least two (2) different routes of entrance and exit for emergency vehicles shall be provided where streets are longer than eight hundred (800) feet;
  - 2. Cul-de-sacs shall be limited to one thousand (1,000) feet in length and shall be terminated by a turnaround not less than eighty (80) feet in diameter.
- (b) External access: The Planning Commission shall review development applications to ensure that projected traffic increases resulting from the project, when partially and fully implemented, will not significantly impact connecting streets, roads and existing and proposed land uses outside the project perimeter. The applicant shall propose measures acceptable to the County to reduce significant impacts to existing road networks or land uses outside the development itself.

**15.25 Streets:**

- (a) All internal streets, roads and drives serving the development shall be designed and constructed to County road improvement and design standards unless the optional design and improvement standards of the Subdivision Ordinance (Chapter 17) are utilized.
- (b) The use of private streets within planned commercial developments may be permitted.
- (c) Public and private streets, roads and drives need not meet the requirements of this Article which would otherwise be applicable if the Planning Commission finds that the design of the proposed streets and common vehicular ways is adequate to protect the public health, safety and welfare and will promote the purposes and intent of this Article.
- (d) When private roads are utilized, a statement or statements shall be included within the legal documents required under Section 15.10 (d) which outlines the rights and responsibilities of the property owners to provide private streets, for maintenance of these facilities, and concerning any public utility rights-of-way

utilizing private streets. In addition, the document shall spell out any possible intention and agreement including conditions should the property owners association ever request that the private streets be changed to public streets, including expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance.

**15.26 Signs:** As provided in Article 45; and

- (a) There shall be a common theme to the signing of the development. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the development shall be integral components of the common theme.

**15.27 Alternative performance and development standards:** The development standards of those districts identified in Section 15.5; the performance standards of Section 15.3; or the development standards of this district, Section 15.21 through 15.26, may be amended as set forth herein. **(Ord. No. 1749, 7/7/1988)**

- (a) The approval of any general plan of development which proposes alternative performance or development standards shall be recommended by not less than a majority vote of the total membership of the Planning Commission and approved by the Board of Supervisors with a finding that such alternative performance or development standards will produce one or more of the results set forth in Subsection (c).
- (b) The approval of any specific plan which proposes alternative performance or development standards shall require a majority vote of the total membership of the Review Authority with a finding that such alternative performance or development standards in compliance with those alternative standards as provided in Subsection (a) and will produce one or more of the results set forth in Subsection (c).
- (c) Results of implementing alternative standards:
  - 1. Reduces the area and unsightliness of cut and fill banks;
  - 2. Reduces the danger of erosion;
  - 3. Creates improvements or permits the use of techniques which will produce a more desirable and accessible development than can be obtained by strict compliance with said minimum requirements.
  - 4. Provides cost-effective services and/or energy efficient development.
  - 5. Establishes compatibility with surrounding residential, commercial, or other development.

6. Provides for a circulation system which is suitable and adequate to serve the proposed uses.

**SEC. 21-15.30. ADMINISTRATION.**

**15.31 Adoption of plans:**

- (a) Rezoning to “PDC” shall be noticed and heard simultaneously with the adoption of general plans of development. Decisions on the rezoning shall precede action on the general plan of development. Use permits for specific plans of development may be noticed and heard simultaneously with rezoning and general plans of development. Decisions on use permits for specific plans of development shall follow action on the general plan of development. **(Ord. No. 1749, 7/7/1988)**
- (b) General plans of development shall be presented to the Planning Commission for approval and shall be noticed in the same manner as provided for rezoning. Said Commission shall act upon the plans within ninety (90) days from the date that the project’s environmental document is certified unless said time period is extended by mutual consent between the Planning Commission and developer. The Planning Commission may approve, conditionally approve or disapprove the general plan of development, and shall promptly report that recommendation to the Board of Supervisors and to the developer.
- (c) The general plans of development shall be noticed before the Board of Supervisors in the same manner as provided for rezoning. The Board shall schedule the general plan of development within sixty (60) days of the date of the Planning Commission recommendation. The Board shall act upon the recommendation of the Planning Commission within a reasonable time and may approve, disapprove or modify the general plan of development in any way deemed to be in the best interest of the peace, comfort, health, convenience and general welfare of the County and of the persons residing and working in the area, except that if any modification is recommended which was not previously considered by the Planning Commission, the proposed plans shall be referred back to the Planning Commission for report and recommendation. Failure by the Planning Commission to respond within forty (40) days shall be presumed to indicate concurrence with the Board of Supervisors’ recommendations.
- (d) Upon final approval by the Board of Supervisors of the general plan of development as presented or as modified, the plans shall be transmitted back to the Planning Commission together with a minute order stating the approval or any modifications finally determined by said Board of Supervisors.
- (e) Upon approval of the general plan of development by the Board of Supervisors, a use permit for a specific plan of development in conformity with the general plan of development may be presented to the Planning Commission for approval; or a use permit for a specific plan of development may be presented concurrently with a general plan of development, provided that any approval by the Planning

Commission be conditioned so that the use permit for the specific plan of development shall be of no force or effect until approval of the general plan of development by the Board of Supervisors, nor until the effective date of any applicable rezoning to “PDC”. The use permit for a specific plan shall be noticed, presented, considered and approved in the manner prescribed in Article 51. The Planning Commission may then approve, conditionally approve, disapprove or modify the use permit for specific plan of development in any manner deemed to be in the best interest of the peace, general welfare of the County and of persons living or working in the area. **(Ord. No. 1749, 7/7/1988)**

- (f) General plans and use permits for specific plans of development may be amended or extended in the same manner as they are adopted, provided, however, that no use permit for specific plan of development may be amended which also requires an amendment to the sectional district map or general plan of development, until the sectional district map or general plan are amended.
- (g) All “PDC” rezoning, general plans of development, specific plans of development and use permits shall only be approved if found to be consistent with the Lake County General Plan.

### **15.32 Lapse of approval:**

- (a) General plan of development shall expire two (2) years after its date of approval unless: 1) an application has been filed with the Planning Department for a use permit for a specific plan of development that implements part or all of the general plan of development prior to plan expiration; or 2) a time extension has been approved prior to the date of general plan of development expiration. The Planning Commission or Board of Supervisors may, upon good cause shown, grant a time extension for one (1) year. **(Ord. No. 2128, 1/14/1993)**

The filing of an application for a specific plan of development automatically extends the general plan of development for a period of one (1) year. The approval of a specific plan of development that implements part of a general plan of development shall extend the remainder of the general plan of development for a period of five (5) years. **(Ord. No. 2128, 1/14/1993)**

- (b) The use permit for a specific plan of development shall expire five (5) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been approved. The Planning Commission or Board of Supervisors may, upon good cause shown, grant or conditionally approve a time extension for one (1) year. **(Ord. No. 2128, 1/14/1993)**
- (c) A general plan of development for which a specific plan of development has expired pursuant to (b) above, shall expire one (1) year following the date of expiration of the specific plan of development unless extended pursuant to Subsection (a) above. **(Ord. No. 2128, 1/14/93)**

**15.33 Resubmittal following expiration:** After a general plan or use permit for specific plan of development expires, a new general plan or use permit for a specific plan of development application and fee must be submitted for reconsideration. The new application shall be subject to the same procedures and approval as the original application.

**15.34 Existing “PD” zoning districts:**

- (a) All parcels bearing the zoning district designation Planned Development (“PD”) under ordinances adopted prior to the effective date of this Ordinance, without an approved general plan of development will henceforward be subject to the provisions of this Article or Article 13.
- (b) All parcels bearing the zoning district designation Planned Development (“PD”) under ordinances adopted prior to the effective date of this Ordinance with an approved general plan of development for commercial or industrial purposes, will henceforward be governed by the provisions of Section 15.32 and this Article. However, the “date of approval” as provided for in Section 15.32(a) for general plans of development approved prior to the effective date of this Ordinance shall be the effective date of this Ordinance. **(Ord. No. 1749, 7/7/1988)**
- (c) A general plan of development approved for any parcel described in Subsection (b) of this Section prior to the effective date of this Ordinance shall be deemed to be an approved general plan of development hereunder, and any specific plan of development previously issued in connection therewith shall be valid to the same extent as though issued pursuant to this Article. Any use permitted under such a plan shall be deemed to be a conforming use under this Ordinance.
- (d) If no specific plan of development has been approved prior to the effective date of this Ordinance, for a parcel described in Subsection (b) of this Section, the specific plan of development requirements of this Article shall apply.