

§ 154.152 PLANNED DEVELOPMENT DISTRICT (PD).

(A) *Purpose and scope.* The purpose of the Planned Development District (PD) is to allow and encourage:

- (1) Comprehensive development rather than traditional parcel-by-parcel development;
- (2) A more flexible and creative approach to the development of land which will result in an efficient, aesthetic and desirable use of open area, while maintaining the same population density and area coverage permitted in the zoning district in which the project is located;
- (3) Flexibility in the design and placement of buildings, open spaces, circulation facilities and off-street parking areas to best utilize the site potential and characteristics of geography, topography, parcel size and shape;
- (4) Development which will provide an attractive and stable setting in harmony with development in the surrounding area and the environment in general; and
- (5) To allow for mixed residential and neighborhood and community commercial uses, including light industrial uses were appropriate.

(B) *Area of application.*

- (1) In the PD District, neighborhood commercial uses and community commercial uses may be combined and shall be permitted with residential uses.
- (2) All subdivision master plans that designate particular uses within the area subdivided shall be designated as PD, and the designated uses shall be incorporated herein as the permitted uses pursuant to this chapter.
- (3) Any planned developments for which an application is submitted after the effective date of this chapter shall comply with the provisions of this chapter.

(C) *General development standards and requirements.*

(1) *Development acreage; dwellings.* The minimum parcel size of any PD shall be 6,500 square feet for residential uses.

(2) *Dwelling density.*

(a) The maximum overall residential lot or parcel density of a PD shall not be increased by more than 20% and shall be computed by dividing the residential acreage of the PD allowed (i.e., 6,500 square feet) by the number of residential parcels.

(b) The total residential acreage shall include street dedications.

1. For the division of any contiguous lands under the same ownership or under a common promotional plan, parcel sizes may be averaged if the tract to be averaged under this division is at least 30 acres, and provided that the maximum overall net density of the applicable PD District is not exceeded, and provided that no parcel or density shall be below the applicable minimum parcel size established by divisions (a) and (b). In the case of parcel-size averaging, the landowner shall record an affidavit with the County Clerk specifying the imposed conditions which are applicable to the newly-created parcels, including overall development density, open space, and conservation easements, and the like.

2. For purposes of divisions (a) and (b), lot or parcel density shall not be calculated using commercial or industrial uses or their respective land areas in the PD.

(3) *Site adaptation.* To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.

(4) *Setbacks.* Yard setbacks for parcels on the perimeter of a PD shall be appropriate for the proposed use. In modifying setback requirements for any parcels within a PD, the decision-making body shall consider factors as public safety, ease of emergency vehicle access, solar access, environmental and scenic feature and compatibility with adjacent uses.

(5) *Circulation.*

(a) *Access.*

1. Planned Developments shall be appropriately designed to provide direct access onto a county road or other public road. If the scale of the PD is that more than 1 access is necessary to provide safe and efficient circulation, the access shall be required.

2. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated heavy flows of passing traffic or traffic to or from the PD indicate the need for these lanes.

(b) *Internal circulation.* Roads, pedestrian and bikeway paths shall be integrated into a system designed to provide efficient, safe circulation to all uses. Developments should be designed to minimize the length of roadway. Pedestrian paths/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

(c) *Siting of roadways and parking areas.* The siting of roadways and parking areas shall be consistent with the character of the property, avoiding excessive cuts and fills, and the like.

(d) *Parking.* The following requirements shall apply to off-street parking in a PD:

1. Off-street parking may be provided on each parcel or clustered in parking pads in proximity to any dwelling units they serve.

2. On mixed use developments, parking spaces may be required for visitors and/or customers, and storage of residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with surrounding land uses. If an RV parking space is located along the perimeter of the PD, it shall be adequately screened from adjacent properties outside the PD.

(6) *Building height.* The decision-making body may limit height requirements as defined in the preliminary plans of the applicant as follows:

(a) Along the outer fringe of the PD; and

(b) To protect scenic vistas from encroachments.

(7) *Utilities.*

(a) All utilities and sewer and water facilities shall be approved by the appropriate agencies before the plans are approved by the decision-making body.

(b) All utility services shall be placed underground unless otherwise required.

(c) Provision shall be made for fire prevention, including service waterlines and free emergency access for firefighting equipment around buildings.

(d) Provision shall be made for control of site stormwater drainage.

(8) *Land owners and homeowners association; alternatives.* In the PD Districts, an incorporated landowners and homeowners association shall be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including agricultural lands, open space, roads, parking areas and recreation areas. An alternative to a homeowners or landowners association may include deed restrictions or conservation easements, if the decision-making body determines the restrictions or easements will protect the intent and purpose of this chapter and will be in the public interest.

(D) *Review criteria.* In addition to the development standards and requirements specified in this section, the applicant shall demonstrate and the decision-making body shall determine that the following criteria have been met prior to approval of a Planned Development:

(1) The proposed development is consistent with the comprehensive plan and with the intent and purpose of the underlying zoning district.

(2) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the basic zoning district requirements.

(3) The proposed development can be well integrated with its surroundings in substantial harmony with adjacent and surrounding lands.

(4) The roads within the proposed development will be adequate to support the anticipated traffic and traffic generated by the development will not adversely impact adjacent roads.

(5) Adequate provision is made for the preservation of natural resources such as bodies of water, significant vegetation and special terrain features.

(6) The proposed water supply, sewerage, utility and drainage facilities are adequate for the population, residential densities and types of development proposed.

(7) The development can be financed and completed within a reasonable period of time.

(E) *Application procedure.* There shall be a 3-stage review process for a PD proposal, consisting of a pre-application conference (stage 1), preliminary approval (stage 2) and final approval (stage 3).

(1) *Pre-application conference (stage 1).*

(a) The applicant, or the applicant's authorized representative, shall meet with the Department and the County Planner in a pre-application conference to review requirements and concerns pertaining to the applicant's proposal.

(b) An outline plan of the proposal shall be submitted for determination of compliance with the minimum applicable standards of this section.

(2) *Preliminary approval (stage 2).*

(a) The applicant shall submit a conceptual development plan together with the appropriate application form and fee as prescribed by the Department. Upon submission of a complete application form and the preliminary plan as described below, the proposal shall be reviewed pursuant to the Type C application procedure set forth in § 154.077 and subject to compliance with the review criteria listed in division (D) above.

(b) The conceptual development plan shall include maps and a written statement setting forth the nature of the proposed development, as follows:

1. *Maps.* The maps shall show the entire PD area, including all adjacent roads and connections in the area, and shall contain the following information:

a. Site topography, drainage, tree and ground cover, existing access and services, known areas of flood, soil or geologic hazard, and an inventory and classification of the soil types within the

PD;

- b. Existing land uses, ownerships, property lines, and plan and zoning district designations;
- c. Proposed land uses, buildings and structures, access, urban services, residential densities and design population;
- d. A plan for pedestrian and vehicular circulation showing the general locations and widths of all roads, bikeways and pedestrian paths;
- e. Proposed park, recreation and open space uses;
- f. Proposed site grading, drainage and landscaping plan;
- g. Proposed method of water supply and sewage disposal;
- h. Legal description of the entire proposed site;
- i. Proposed densities of residential uses pursuant to division (C) above;
- j. Anticipated population in the PD by phases if applicable;
- k. Traffic impact analysis on all local roads and intersections within 1 mile of the proposed site boundaries.

2. *Written statement.* The written statement shall contain an explanation of:

- a. The character of the proposed development and the manner in which it has been designed to take advantage of the PD regulations;
- b. The present ownership of all land included within the proposed PD;
- c. The method proposed to maintain private common open areas, roads and other facilities;
- d. The anticipated schedule of development, including proposed dates for commencement of construction on all phases of the PD; and
- e. How the review criteria of division (D) above are satisfied by the proposal.

(3) *Final approval (stage 3).*

(a) Within 18 months of preliminary approval, the applicant shall file a final plan for the entire development with the Department. If the development is to be phased, the final plan for the first phase of development shall be filed within 12 months of preliminary approval. Final plans for approved subsequent phases shall be filed at least 90 days prior to the construction date set forth in the applicant's timetable. The final plan shall conform in all substantial respects with the approved preliminary plan.

(b) Within 90 days of receipt of the final plan, the Department shall present the plan to the Commission. The Commission shall examine the plan and determine whether it conforms in all substantial respects to the previously approved proposal. The decision of the Commission shall be final unless appealed as provided in § 154.062.

(F) *Conditions of approval.*

(1) In approving a proposal for a PD, the Commission may impose conditions as it determines are necessary to carry out the purpose of this section, this chapter and the comprehensive plan.

(2) These conditions may include a requirement that the applicant enter into a performance agreement with the county and furnish the county with an appropriate financial guarantee to ensure

that the PD is completed and that all services are provided in accordance with the standards and requirements imposed pursuant to this chapter and all other county ordinances.

(G) *Additional requirements; conflict of laws.* Any PD authorized pursuant to this chapter shall be subject to the following additional requirements:

(1) Building permits issued in connection with any part of a Planned Development shall be issued only on the basis of the plan approved by the Commission.

(2) Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures prescribed under this section.

(3) (a) Preliminary plans may be rescinded by the Commission if final plans for the development, or if phased final plans, have not been filed pursuant to division (E) above.

(b) If no application for building permits relating to an approved PD have been received within 4 years of the date of final approval of the PD, or any phase thereof, the approval shall be rescinded and the PD District designation repealed in respect to the area affected.

(4) Wherever the requirements of this section are at variance with the requirements of the County of Valencia, New Mexico, Comprehensive Subdivision Chapter (Recorded Book 327, Page 2046 on 5-4-2000) as the same may be amended from time to time, or any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the more restrictive or that imposing the higher standard shall govern.

(Ord. 2004-05, passed 9-15-2004) Penalty, see § 154.999