

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO AMENDING CHAPTER 25.19 OF THE SAN BENITO COUNTY CODE RELATING TO THE REGULATIONS AND DEVELOPMENT STANDARDS OF THE PLANNED UNIT DEVELOPMENT (PUD) COMBINING DISTRICT AS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION

ORDINANCE No. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

SECTION 1: Chapter 25.19 of the San Benito County Code, Planned Unit Development (PUD) District, is hereby amended in its entirety to read:

§ 25.19.001 INTENT AND PURPOSE.

(A) The PUD district shall act as a combining district primarily for, but not limited to, use with the Single Family Residential (R1) or Residential Mixed (RM) District as the base zoning district. The following regulations shall modify the regulations of the base zone with which the PUD district is combined. Except as modified herein, the base zone regulations apply.

(B) The purposes of a PUD district are as follows:

(1) To further the public health, safety and general welfare in a time of increasing urbanization and of growing demand for housing of a variety of types and design;

(2) To encourage innovations in residential and mixed-use development so that the growing demands for housing may be met by a greater variety in type, design and layout of dwellings and by the more efficient use of open space ancillary to the dwellings;

(3) To create greater opportunities for better housing, commercial activities and recreation;

(4) To encourage more efficient use of land, public services and to safeguard open space;

(5) To provide an alternative procedure which can relate the type, design and layout of residential and mixed-use development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of the property values within established residential areas; and

(6) To provide an alternative procedure under which a developer of real property may elect to proceed to develop his or her property by transfer of permitted dwelling units to contiguous or noncontiguous locations which are appropriate to carry out the purposes of this section.

§ 25.19.002 DEFINITIONS FOR THE PUD DISTRICT.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED ENTITY. A public or private entity assuming responsibility and ownership of facilities and infrastructure intended in whole or in part to serve the PUD and with certain guarantees of providing services to the owners of the lots created by the PUD.

COMMON IMPROVEMENTS. Ponds, drainage facilities, private streets, street lighting, street trees, common area landscaping, utilities, and other infrastructure required for the orderly development of the PUD. The open space within the PUD may or may not be included in the definition of common improvements.

COMMON OPEN SPACE. Land within the site designated for a planned unit development and designated and intended in whole or in part for the use or enjoyment of residents of the planned unit development. The area may contain recreational amenities, complementary structures and improvement as are necessary and appropriate. Fee title to common open space may be held by a homeowner's association or by another approved entity.

HOMEOWNER ASSOCIATION. An incorporated homeowner association, assuming responsibility and ownership of facilities and infrastructure intended, in whole or in part, to serve the PUD.

LIVE-WORK DEVELOPMENT. A particular type of mixed-use development that includes live-work floor plans for residents who desire office, commercial, or studio space adjacent to their living space.

MIXED-USE DEVELOPMENT. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building (vertical) or on a single site (horizontal) in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

OWNER. The legal or beneficial owner or owners of all the land proposed to be included in the PUD. The holder of an option or contract to purchase, lessee having a remaining term of not less than 20 years, or other person having an enforceable proprietary interest in such land shall be deemed to be the owner for the purposes of these provisions.

PLANNED UNIT DEVELOPMENT. An area of land controlled by an owner to be developed with a number or mix of dwelling units or mixed-use development the plan for which may not correspond to lot size, bulk or type of dwelling, density, lot coverage, street widths, setbacks, and/or required open space to the regulations established in any one residential district created from time to time under the provisions of this title.

RESIDENTIAL AREA TO BE DEVELOPED. The area of land to be developed for residential lots and associated recreation and subdivision improvements.

§ 25.19.003 STANDARDS FOR PUD PROJECTS.

(A) The minimum number of units for the proposed PUD project shall not be less than two units.

(B) Standards for lot size, lot coverage, setbacks, access, streets, parking spaces, open space and building ratios shall be determined pursuant to resolution of the County Planning Commission.

(C) Where public sewer and public water supplies are available, mixed residential development types shall be provided with an average parcel size and a density consistent with the General Plan.

(D) A recreational amenity shall be provided in a PUD consistent with the Natural and Cultural Resources element of the General Plan, which requires a ratio of five acres of parkland per 1,000 persons. The Planning Commission may allow the applicant to substitute the recreational amenity with contribution to a regional park account under the supervision of the Parks and Recreation Commission. The funding shall be consistent with § 23.15.008(D)(2).

§ 25.19.004 PERMITTED USES.

The following uses shall be permitted in an area containing a PUD combining district designation:

- (A) Any use permitted in the base zone classification;
- (B) Two-family dwellings, single-family dwellings;
- (C) Multiple- (three or more) family dwellings, recreation uses; and
- (D) Buildings and accessory uses to those in divisions (A), (B) and (C) of this section.
- (E) Mix of neighborhood commercial uses with residential uses to be specified in PUD.
- (F) Live-Work.

§ 25.19.005 DESIGN CRITERIA.

Design criteria for the PUD district shall be as follows:

(A) *Building.* Building design should reflect the following factors.

(1) Harmonious variations in materials, textures and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit.

(2) Each building site should have ready access to common areas and facilities.

(B) *Street design.* Street design should reflect the following factors.

(1) Dwelling areas shall only have limited access to major traffic arteries.

(2) Discourage use of cul-de-sacs Demonstrate multi-modal connectivity and provide interconnectedness that enhances the neighborhood character.

(3) Minimizes visual impacts in hillside areas.

(4) Rights of way shall be no less than 56 feet with road widths of 36 feet from curb to curb unless narrower widths are allowed for street type or district in which the planned unit development is combined.

(5) Build complete streets with sidewalks, street trees, pedestrian and bicycle access and facilities.

(C) *Parking*. Parking shall reflect the following factors.

(1) Occupant and guest car parking should be located so home sites are conveniently served.

(2) Parking areas should be designed so that on the average not more than five spaces shall adjoin each other without intervening landscaped areas.

(D) *Walks*. Walks should be designed so as to provide convenient access to recreation, service, parking and other common areas.

(E) *Setbacks*. Front, side and rear setback requirements for structures may be different from those required in the base district with which the planned unit development is combined.

(F) *Open space areas*. Open space areas should be situated in such a manner as to avoid the crowding together of building uses and parking areas.

§ 25.19.006 LEGAL REQUIREMENTS.

A planned unit development is not required to have areas of common ownership. In a planned unit development that does contain areas of common ownership, the subdivision plat, dedication, covenants and other recorded legal agreements must:

(A) Legally create an automatic membership in a nonprofit homeowners association or another approved entity for the purpose of maintaining common improvements for which title is held by the homeowner's association or approved entity which is legally obligated to provide designated services to the owners of the lots created by the PUD;

(B) Place title to the common improvements areas in the homeowner's association or other approved entity, which gives each owner of the lots created by the PUD the right to use and enjoyment of the common improvements;

(C) Appropriately and permanently govern the use of common open space and improvements;

(D) Give each owner of the lots created by the PUD the right to use and enjoyment of the common improvements subject to division (F) of this section;

(E) Give the homeowner's association or other approved entity responsibility for operation and maintenance of the common property;

(F) Place association charges on each lot created by the PUD so that sufficient funds are assured for maintenance and operation of common improvements and which charges shall be a lien on the property and provide adequate safeguards for the owners of lots created by the PUD against undesirable high charges. Where title to common open space is held by an approved entity other than the homeowner's association, each owner of lots created by the PUD may elect to use and enjoy such common property subject to the charges levied by the approved entity responsible for the ownership, maintenance and operation of the common property;

(G) Where any of the foregoing are not applicable, the developer may substitute alternative proposals. Property not contiguous to property where the residential component is located may be allowed to be described as a separate parcel for purposes of sale, lease or financing but the

owner shall grant and cause to be recorded a permanent open space easement in favor of the county regarding such separate parcel. Under this circumstance, the recorded map shall include a statement that the density from a non- contiguous parcel was used and describe its location. The permanent open space easement on the non- contiguous parcel shall state that the subject parcel shall be restricted from further subdivision and shall state any other restriction imposed as a condition of project approval. All legal documents required under this section must be approved as to legal form by the County Counsel. All deed restrictions and association rules and regulations shall be enforceable by the county as well as by the homeowner's association or other approved entity; and

(H) The owner of open space may enter into various agreements or leases related to the open space in furtherance of the objectives of the PUD as specified in this title.

§ 25.19.007 PHASED DEVELOPMENT.

(A) If the sequence of the construction of various portions of the development is to occur in phases, then the open spaces and the recreational facilities proposed for the entire development shall be developed in proportion to the number of dwelling units constructed.

(B) (1) The open space that is created by a PUD zone change and a recorded map may be subdivided in order to encourage the designation of more open space or to facilitate the utilization of the open space.

(2) The open space of a PUD shall not be subdivided to create residential lots.

(3) At no time during the construction of the PUD project shall the number of constructed dwelling units per acres of developed land exceed the overall density per acre established herein or by resolution of the Planning Commission.

§ 25.19.008 PROCEDURE FOR APPROVAL.

(A) The procedure for obtaining approval of a planned unit development shall be in part governed by the provisions of this title relative to applications for zone changes.

(B) In addition to the procedures set forth relating to the zone changes, the applicant shall furnish at the time of submitting the zone change petition, the following information:

- (1) The types of residences and commercial development to be constructed;
- (2) Proposed phasing of construction if applicable;
- (3) Location and proposed uses of open space;
- (4) Legal requirements and documents required by § 25.19.006;
- (5) Location and layout of parking areas, if any; and
- (6) Location of all existing vegetation and geological features to be retained.
- (7) Confirmation of the intended base zoning district.

(C) In granting or denying the planned unit development request, the Planning Commission shall make findings on the following:

(1) In what respects the plan is or is not consistent with the purposes of planned unit development as specified herein;

(2) The extent to which the plan departs from the base zoning district and subdivision regulations and the reasons why the departures are or are not deemed to be in the public interest; and

(3) The physical design of the plan and whether the design does or does not make adequate provisions for public services, vehicular traffic, complete streets and recreational amenities.

(D) In the event that approval is granted, the Planning Commission shall specify the drawings, specifications and form of performance bond that shall accompany the approval.

(E) In the event that approval is granted subject to conditions, the land owner shall within 15 days after receiving a copy of the notice from the Planning Commission, notify the Planning Commission in writing of acceptance or refusal to accept all of the conditions.

(F) If the tentative map for the planned unit development has expired and cannot be renewed, the PUD combining district shall be deemed expired no longer in effect and revert to only the base zoning district for the area shall be applicable.

SECTION 2: If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3: The Board of Supervisors hereby finds that this Ordinance is subject to review under the California Environmental Quality Act (CEQA). An Initial Study, Final Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program have been prepared for the code amendment pursuant to the CEQA Guidelines and adopted by Board of Supervisors Resolution 2020-____. The adoption of the Ordinance does not cause any disturbance to the physical environment and will not result in any significant environmental impacts. Subsequent development projects that require discretionary review and approval of permits will be subject to project level environmental review and analysis.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito, adopted the 3RD day of November 2020 on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Jaime De La Cruz,
Chair, Board of Supervisors


ATTEST:

Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel
Barbara J. Thompson

By: _____
Clerk of the Board

By:  _____
Joel Ellinwood, Assistant County Counsel