

## Planned Development District and Permit Modifications

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*As directed by the Sub Committee on April 8<sup>th</sup> and 15<sup>th</sup>, the Project Team has prepared the following amendments with regard to the existing Planned Development District and corresponding Planned Development Permit regulations (shown in track changes). The changes are intended to recognize this planning tool of the past, identify ways to amend previously approved PDs, and to identify that the Comprehensive Design Review or Specific Plan are the preferred planning tool for flexibility to development standards.*

### **Article I Zoning Code Establishment, Administration, and Entitlements**

#### **17.12.145 Planned Development Process**

- A. **Purpose.** The purpose of the Planned Development process is to establish a mechanism to allow for flexibility in the citywide development standards where the project site includes unique physical or environmental conditions or the proposed project includes unique design features and provides a public benefit. The Planned Development process for certain sites preceded the Comprehensive Zoning Code Update and the Three Corridor Specific Plan, which now allow for consideration of similar flexibility to the citywide development standards.
- B. **Applicability.** A Planned Development (or amendment thereto) can only be requested for those sites designated on the Zoning Map as Planned Development District. See Chapter 17.29.030 (Planned Development District) in Article II.
- C. **Previously Approved Planned Developments.** Prior to the adoption of this Title, the City approved several rezone requests for Planned Development District and adopted corresponding Planned Development regulations unique to the subject parcel(s). Those previously approved Planned Developments are listed in Section 17.29.030 (Planned Development District). While the City will continue to recognize the vested rights of previously approved Planned Developments and allow for subsequent amendment thereto, the City will not approve new Planned Developments after the effective date of this Ordinance. Rather, the City will utilize the Comprehensive Design Review or the Specific Plan entitlements to achieve the Planned Development objectives of allowing flexibility to citywide development standards.
- D. **Approving Authority.** The designated Approving Authority for Planned Developments is the City Council. The Planning Commission shall review Planned Developments and make recommendations to the City Council to approve, conditionally approve, deny, or amend the Planned Development request.
- E. **Approval (and Amendment) Findings.** A Planned Development or any modification thereto shall be granted only when the designated Approving Authority makes all of the following findings:
1. The proposed project is consistent with the objectives of the General Plan and complies with applicable zoning regulations, improvement standards, and other applicable standards and regulations adopted by the City;
  2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

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3. The proposed project site layout including orientation and placement of buildings and parking areas, as well as the landscaping, lighting, and other development features, are compatible with, complement, and enhance the existing surrounding environment and ultimate character of the area under the General Plan.
- F. **Conditions/Guarantees.** The Approving Authority may impose conditions and/or require guarantees for Planned Developments to ensure compliance with this Section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood.
- G. **Adoption.** Adoption of the Planned Development by ordinance of the City Council shall constitute final action and approval of the Planned Development. Authorization for construction in accordance with the Specific Plan may only be granted after the effective date of the adoption.
- H. **Appeals.** Appeal of the Approving Authority's action on the request for a Planned Development Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- I. **Delineation of Planned Development District Areas.** On the Zoning Map, a Planned Development Zoning District shall be delineated in a manner similar to that of any other Zoning District except that each Planned Development-zoned area shall also bear a number, text, or other symbol which distinguishes it from other Zoning Districts. See Section 17.29 (Special Purpose Districts/Specific Plan Districts).

## Article II Zoning Code Establishment, Administration, and Entitlements

### 17.18.040 Zoning Map

The City Council hereby adopts the City of Pinole Zoning Map (hereafter referred to as the "Zoning Map") as the official designation of Zoning District boundaries on real property within the City. The Zoning Map shall be regulated as set forth:

- A. **Incorporated by Reference.** The Zoning Map is hereby incorporated into this Zoning Ordinance by reference.
- B. **Relationship to the General Plan.** The Zoning Map shall implement and shall be consistent with the City's adopted General Plan. Specifically, the Zoning Map shall be consistent with the General Plan Land Use Map.
- C. **Relationship to Specific Plans.** The Specific Plans adopted in the City of Pinole establish special zoning regulations and other design and development provisions in designated portions of the City. As such, the Specific Plans essentially replace the citywide zoning regulations in those areas and are shown on the Zoning Map with the adopted Specific Plan name and/or number, referring the reader to the adopted Specific Plan document to govern subsequent land development within the plan area. The Zoning Ordinance shall be relied upon for development topics not included within the Specific Plan. In the event of a conflict between the Specific Plan and the Zoning Ordinance, the Specific Plan shall prevail.
- D. **Planned Developments.** These designations are encouraged~~have been applied~~ in situations where customizations of a specific project's development standards offer

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public benefit. Planned Developments do not allow for derivations of the stated density of the underlying [Zoning Districts](#) and General Plan designations.

E. **Zoning District Symbol.** Zoning Districts shall be illustrated on the Zoning Map as follows:

1. Each Base Zoning District shall be described on the Zoning Map by use of its identified Zoning District Symbol, as listed in Table 17.18.020-1 or by a color that corresponds to the Zoning Map Legend.
2. Special Purpose Zoning Districts shall be delineated with a name, number, symbol, or other delineation, as determined by the Community Development Director, which distinguishes it from other Special Purpose Zones or Base Zoning Districts. The assignment of the Special Purpose designation serves to provide a reference to the corresponding Special Purpose Zoning document (e.g. Specific Plan, Planned Development) adopted by Ordinance of the City Council.

F. **Zoning Map Interpretation.** (previously 17.32.020) If there is uncertainty about the location of any Zoning District Boundary shown on the Zoning Map, the precise location of the boundary shall be determined by the Community Development Director as follows:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
3. In case any uncertainty exists, the Planning Commission shall determine the location of boundaries.
4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley.
5. Where any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property.

### 17.29.030 Planned Development (PD) Zoning Districts

A. **Purpose of the Planned Development District.** The purpose of the Planned Development Zoning District is to establish the requirement for a Planned Development ~~Permit~~ process for areas that warrant special planning consideration and to allow for flexibility from traditional development standards of the underlying base zoning district. The contents, requirements, and adoption and amendment procedures for Planned Developments are listed in section 17.12.[145](#) (Planned Developments).

B. **Designation.** Planned Development Zoning Districts shall be delineated on the Zoning Map in a manner similar to that of any other Zoning District except that each Planned Development-zoned area shall also bear a name, number, symbol, or other delineation, as determined by the Community Development Director, which [distinguishes it from Base Zoning Districts](#). The assignment of the Planned Development Zone designation serves to

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provide a reference to the corresponding Planned Development Zoning document adopted by Ordinance of the City Council. Applicable zoning regulations and standards applicable to the land area shall be provided in the Planned Development document, and shall be adopted by reference in this Title. The following Planned Developments have been adopted and designated on the Zoning Map under the following ordinances:

1. (Name) Planned Development (Ordinance XX-X)
2. (Name) Planned Development (Ordinance XX-X)

B.C. **Allowed Uses.** Allowed uses within a Planned Development area are those listed uses in the adopted Planned Development document or as conditionally permitted as part of the rezoning to Planned Development. A Planned Development may reference the allowed use provisions of a concurrent Base Zoning District contained in this Title; however in the event that there are conflicts between the provisions of the Planned Development and this Title, the Planned Development shall prevail.

1. When a Planned Development is not established as part of the establishment of a PD Zone (e.g., when a request for the zone change to PD and for a use permit for all proposed developments was approved) and a use is proposed that was not covered in the previous approval, a Conditional Use Permit shall be required for all subsequent development and uses or a Planned Development providing for a range of uses shall prepared and considered. The Planned Development shall be prepared consistent with the provisions of Section 17.12.14550.

E.D. **Development Standards.** Development standards within the Planned Development area are those standards listed in the adopted Planned Development ~~Master Plan~~. A Planned Development may reference the development standards of this Title, in which case the standards of this Title shall apply. Where a Planned Development is silent regarding a City-wide standard (e.g., sign regulations), the City standard shall apply. Where a Planned Development establishes unique standards that are in conflict with the standards of this Title, the Planned Development standards shall prevail. When a Planned Development does not establish development standards, the standards for the equivalent Base Zoning District shall apply as determined and formally interpreted by the Community Development Director.