

ARTICLE XVII
PLANNED UNIT DEVELOPMENT

17.1 Purpose.

17.1.1 The City recognizes that strict adherence to the Development standards set forth in this Ordinance on a lot-by-lot basis is not always the most effective manner in which to carry out the intent of this Ordinance and the goals and objectives of the Comprehensive Plan. The planned unit development (PUD) process encourages flexibility and creativity in the development of land in order to improve the design, character, and quality of new development in projects that provide certain benefits to the public. Planned Unit Developments are permitted in all zone districts.

17.1.2 The regulations and procedures set forth in this Article pertain to applications for a PUD in the City of Donnelly. Applications for a PUD in the Impact Area and contiguous to the City Limits may file application for annexation and a PUD in conjunction with the City of Donnelly.

Applications for a PUD in the Impact Area shall be filed with the Valley County Zoning Administrator. The City of Donnelly will receive copies of such applications and will have the opportunity to make written comments to the Valley County Planning and Zoning Commission for their consideration in making a decision. When the Applicant's property becomes contiguous with the City Limits, the applicant may pre-agree to annexation of properties into the City of Donnelly. All public infrastructures shall meet current City Standards at the time of annexation.

17.1.3 Specific purposes of the planned unit development process include:

- a. Promoting flexibility in the type, design, and siting of structures to preserve and take advantage of the site's unique natural resources or scenic features, and to avoid or mitigate any hazardous areas, thereby improving the character and quality of new development.
- b. Encouraging more efficient use of land, public streets, alternative transportation modes, utilities, and government services.
- c. Preserving green space for the benefit of residents or employees of planned unit developments, as well as the community in general. Green space is planned and preserved open land, an interconnected system of open land, and determined to have cultural, ecological, and/or recreational value
- d. Achieving a compatible relationship between the uses in the planned unit developments, as well as the community in general.
- e. Encouraging the use of renewable resources and energy conservation measures.

17.1.4 Density shall be as established in the standard zoning regulations, except the Council, upon recommendation of the Commission, may grant additional density according to Subsection 17.4, Density Bonus.

17.1.5 Any permitted, conditional or accessory uses allowed in the zoning district may also be allowed in the PUD (Conditional uses subject to Conditional Use Permit review as set forth in Article 11 of this Ordinance).

17.2 General Requirements.

17.2.1 If the property for which a PUD is proposed is located in both the City and the Impact Area, the property shall first be annexed into the City limits.

17.2.2 The minimum gross size for properties that may be developed as a Planned Unit Development is one (1) acre in residential districts. The minimum gross size for the Central Business District, Commercial and Industrial districts shall be 15,600 square feet. All land within the development shall be contiguous except for intervening streets and waterways.

17.2.3 A tract or parcel of land proposed for PUD development must be in one (1) ownership or the subject of an application filed jointly by all owners of all property included.

17.2.4 Buildings may not be so arranged that any structure is inaccessible to emergency vehicles.

17.2.5 Underground utilities, including telephone and electrical systems, shall be required within the limits of all PUDs.

17.2.6 In each case where a PUD project is located adjacent to public lands, a public easement to those lands shall be provided. All existing public accesses to public lands must be preserved.

17.2.7 In each case where a PUD project encompasses, or connects to a non-vehicular pathway as depicted on the City's Comprehensive Plan, a pathway constructed to City of Donnelly Master Transportation Plan standards shall be provided.

17.2.8 Each PUD shall provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:

- a. Common Usable Green space. All common, usable green space shall be granted in perpetuity and the PUD agreement shall contain restrictions against any encroachment into the common green space area. Where a subdivision is involved as part of the PUD approval process, green space shall be identified as such on the plat. A long-term maintenance plan shall be provided. The PUD agreement shall contain provisions requiring that property owners shall be responsible for maintaining the common usable green space for the benefit of the residents or employees of the PUD or by the public. Green space shall be set aside in accordance with the following formulas:

For residential PUDs: a minimum of .05 acres per residential unit.

For non-residential PUDs: a minimum of 10% of the gross area of the proposed PUD.

- b. Active recreational facilities, such as a swimming pool, tennis courts, or playing fields, of a size appropriate to the needs of the development. The PUD agreement

shall contain provisions requiring that such facilities be maintained in perpetuity, or replaced with another similar recreation facility.

- c. Preservation of significant existing vegetation on the site, to include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.
- d. Protection of significant wetlands area, constituting at least 10% of the gross area of the proposed PUD.
- e. Enhancement of water frontages, to include streambank and/or lakeshore restoration and public access to or along the waterways.

17.3 Developer Benefits.

The Council may grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent of this Article and Ordinance and the land use policies of the City.

17.4 Density Bonus/Transfer.

17.4.1 The following maximum increases in density may be granted singularly or cumulatively only if the accompanying conditions are met;

- a. Ten percent (10%): Provision of two (2) or more of the amenities listed in 17.2.8 above
- b. Ten percent (10%): At least twenty five percent (25%) of the property included in the PUD is located in the floodplain and no development occurs within the floodplain.

Density bonuses for project amenities and benefits to the community other than those listed here may be granted by unanimous vote of the Council, following a recommendation by the Commission, in order to carry out the purpose and intent of this Article and the land use policies of the City.

17.4.2 Density Transfer. Densities may be transferred between zoning districts within a PUD provided the resulting density shall be not greater than the aggregate overall allowable density of units and uses allowed in the zoning districts in which the development is located.

17.5 Development Standards.

The development standards shall be the same as in Article 16 of this Ordinance except that modifications may be permitted in minimum front, side and/or rear yard setbacks, minimum lot size, and/or minimum lot width, provided the proposal creates a superior design resulting in clustering of units for the purpose of creating common usable open space or other common amenities.

17.6 Off-street Parking Modification. The number of off-street parking spaces required by this Ordinance may be increased or decreased in consideration of the following factors:

- a. Proximity to Central Business District or other employment center.

- b. The actual parking needs of any non-residential uses as clearly shown by the applicant.
- c. The varying time periods of use, whenever joint use of common parking is proposed.

17.7 Phased Development Allowed.

The development of the PUD may be planned in phases provided that as part of the general submission, a development schedule is approved which describes:

- a. The parcels that are to be constructed upon in each phase and the date of each phase submission.
- b. The number of units to be built in each submission.
- c. Each stage within the PUD shall be so planned and related to existing and/or planned services and facilities, including commercial space, such that each phase is self-sufficient and not dependent on later phases and so that failure to proceed to the subsequent stages will not have any adverse impacts on the PUD, its surroundings, or the community in general. Each stage shall also be planned so as to insure that green space and any other amenities will be provided along with proposed construction at each phase of construction.

17.8 Application/Approval Procedure

Any person proposing to develop a PUD shall obtain PUD approval, as herein provided, prior to any construction, or sale, or offering for sale of any units, structures, or land within the subject property. Pre-application conferences with the Administrator are encouraged in order to acquaint the applicant with the PUD process and allow Staff to informally review the proposed project. Once the application is deemed complete, the Administrator shall work closely with the applicant and other City staff members to bring the required information before the Commission in a timely manner.

17.8.1 Application.

An application for a proposed PUD in the City of Donnelly shall be filed with the Clerk. The Administrator shall certify the date when an application is deemed complete for the purpose of beginning the review process and the time limitations set forth herein. The original application shall be kept on file at City Hall.

17.8.2 The application shall contain the following information and exhibits:

- a. Name, address and telephone number of applicant.
- b. Name, address and telephone number of registered surveyor and/or registered engineer assisting in the preparation of the Preliminary Development Plan.
- c. Legal description of the property.
- d. A vicinity map at a scale approved by the Administrator, showing property lines, streets, existing and proposed zoning and such other items as the Administrator

may require showing the relationship of the PUD to the Comprehensive Plan.

- e. A Preliminary Development Plan at an appropriate scale showing location and type of proposed land uses; layout dimensions and names of existing and proposed streets, rights-of-way, utility easements, community green space, layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Administrator deems necessary.
- f. Conceptual architectural drawings showing the street-side elevations of primary buildings.
- g. A drainage plan showing the location, size, and direction of all water courses and drainage flows, all drainage canals, and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed development.
- h. A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and showing the location, size and type of proposed landscaping of the project.
- i. An exterior lighting plan shall be provided, and shall comply with the provisions of paragraphs 5.2.5 and 8.2.7 of this ordinance.
- j. A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at a maximum interval of five (5) feet to show the existing and proposed configuration of the land together with the documentation upon which said contour maps were prepared.
- k. Proof of legal interest in the property. Withdrawal of consent of an owner of record shall be deemed withdrawal of the application.
- l. Location of on-site parking spaces and access thereto, including the dimensions of the spaces and the width and length of access.
- m. Proposed schedule for the development of the site.
- n. Studies may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal, traffic, or environmental effects of the proposed development. Traffic studies shall identify transportation demands created by the proposed development during the construction phase, intermediate phases, and at build out. The developer shall propose methods of managing those demands.
- o. Additional information as reasonably required at the discretion of the Commission, prior to or during the review process. I.E. housing and emergency services for the temporary work force.
- p. Proposed draft PUD agreement.
- q. An analysis of the project's compliance with the Comprehensive Plan, and an

explanation and analysis of waivers or modifications requested under paragraph 17.5, or chapter 12 of this Ordinance..

- r. Eight (8) copies of the above information. The Administrator may request additional copies.
- s. List of names and address of the owners of each parcel within three hundred (300) feet of the subject property. The list shall be typed on mailing labels.
- t. A letter of agreement from the Valley Adams Regional Housing Authority, (VARHA) signed by the applicant and VARHA, specifying how the project will comply with the community housing requirements for the City of Donnelly.
- u. An Application Fee established by City Council by Resolution.

17.8.3 Concurrent Submission. A Planned Unit Development Permit Application may be submitted and reviewed concurrently with other applications affecting the same piece of property with the approval of the Administrator. Concurrent submissions shall be voted on separately.

17.8.4 Planning and Zoning Commission Action.

- a. The Commission shall conduct a public hearing and review the application, all supporting documents and plans, and recommendations of City staff, in accordance with the provisions of Article 14 of this Ordinance.
- b. Findings required:
 - 1. The proposed development can be completed within one (1) year of the date of approval or phased according to a development schedule; and
 - 2. The streets proposed are suitable and adequate to carry anticipated traffic; and
 - 3. The PUD will not create excessive additional requirements at public cost for public facilities and services; and
 - 4. The PUD is in general conformance with the Comprehensive Plan; and
 - 5. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed; and
 - 6. The development plan incorporates the site's significant natural features; and
 - 7. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner; and
 - 8. One or more amenities as set forth in Subsection 17.2.8 shall be provided to ensure a public benefit; and
 - 9. All exterior lighting shall comply with the standards set forth in paragraph 5.2.5 and paragraph 8.2.7 of this Ordinance; and
 - 10. The proposed PUD Agreement is acceptable to the applicant and the City.
- c. Conditions of Approval. The Commission may attach conditions to a PUD as it

deems necessary to mitigate potential adverse impacts to the City's infrastructure system, or to promote the City's land use policies as established in the Comprehensive Plan, or to ensure that the benefits derived from the development justify a departure from the standard zoning regulations. Such conditions may include, but are not limited to, those which will:

1. Minimize adverse impact on surrounding properties, developments, or public services, facilities or utilities.
2. Describe the sequence and time of development.
3. Describe the duration of development.
4. Assure that development is maintained properly.
5. Require the provision for on-site or off-site public improvements, facilities, or services when the proposed development is found to create a significant adverse impact on off-site public streets, facilities, utilities, or services, including but not limited to bridges, intersections, road, traffic control devices, water mains, sewer mains, fire equipment, and recreational facilities.
6. Require methods or manner of construction to minimize impact on adjacent properties or to prevent erosion or runoff and similar environmental impacts.
7. Require dedications of land for streets, parks, or similar uses.
8. Require additional plans or engineering revision for any aspect of the development plan.
9. Require provision of adequate employee housing.
10. Require written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval including, but not limited to, development, services, or annexation agreements.
11. Require submission of a revised development plan to incorporate changes made therein during the review process.
12. Require recordation of documents with the Valley County Recorder including, but not limited to, Declarations of Covenants and Restrictions, PUD Agreement, deed restrictions, easements, restrictive covenants, management agreements and similar documents establishing and guaranteeing the creation, operation, and maintenance of the project, including, but not limited to provisions that such documents may not be amended without the prior written consent of the City Council.
13. Require that utility lines be placed underground.

17.8.5 City Council Action.

The City Council shall consider the recommendation of the Commission and after review of the application, all supporting documentation, and plans, shall either approve, approve with supplementary conditions, or deny the application pursuant to Article 14 of this Ordinance.

17.9 Notification by the Administrator.

The Administrator shall give the applicant written notice of the Council's decision by mail within ten (10) days after the Council has reached a decision.

17.10 PUD Agreement.

An agreement to be executed by the applicant and the City shall be drafted by the

applicant for all PUD developments, which addresses pertinent components of the development, including but not limited to description of property, the development schedule, provisions for maintenance of common areas, restrictions to development, all development plans, and all conditions of approval set forth by the City. Upon PUD approval, City staff shall review and finalize the PUD agreement and place on the Council's agenda for acceptance prior to the Council's approval. The final approved PUD Agreement shall be executed by the applicant and the City, and recorded with the Valley County Recorder.

17.11 Expiration and Extension of Approval Period.

- 17.11.1 Upon receiving Preliminary PUD approval by the Commission, and Council, the Applicant shall have one year from the date of approval thereof to submit a final development plan for City Council approval in accordance with 16.4.3, 16.4.4, and 16.4.5. Failure to file the appropriate application within said one year period shall cause the PUD approval to be null and void.
- 17.11.2 If a project is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the City Council. Further, if construction on any PUD or phase of any PUD ceases or is not diligently pursued for a period of one (1) year without the prior consent of the City Council, the PUD permit shall at that time become null and void.
- 17.11.3 For good cause shown by the applicant in writing prior to the expiration of said one year period, or prior to time limits imposed by the development schedule, the City Council may grant an extension of time not to exceed one year. A fee set by City Council Resolution shall be imposed for such an application.

17.12 Changes in Development Plan.

Minor changes in the location, siting, or character of buildings and structures may be authorized by the Administrator, if required by engineering or other circumstances not foreseen at the time of PUD approval. All such requests shall be in writing supported by such documentation as reasonably required by the Administrator. No change shall be authorized except in writing and shall not increase the size of any building or structure, nor increase the overall density of the development. If the Administrator determines any proposed change may have a significant impact on the approved project, the administrator shall forward the request to the City Council for consideration.

17.13 Bonding Requirements.

- 17.13.1 The applicant may, in lieu of actual construction of required improvements, provide to the City a performance or completion bond as set forth in the performance agreement written by a surety company authorized to do business in the State of Idaho, or other such security as may be acceptable to the City, in an amount equal to the cost of the engineering and improvements not previously installed by the developer, plus fifty percent (50%), which bond or other security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date said bond or other security is issued. The surety amount is subject to approval by the City Engineer. If any extension of said one year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original bond or other security originally provided.

17.13.2 The City Council may require the applicant, as a condition of PUD approval, to post a performance bond as described above, for basic landscaping of future phases within a phased PUD project. This surety would provide adequate funding to install landscaping in the area of any future phase, should that phase not be completed.