

## **Chapter 9 PLANNED UNIT DEVELOPMENTS (PUDs):**

### Section 1 Purpose:

The purposes of the PUD process are:

- A. To encourage careful consideration and coordinated planning of commercial, industrial and larger residential developments consistent with the policies and objectives of the comprehensive plan.
- B. To encourage innovative designs and the application of sound design principles.
- C. To preserve quality open space in meaningful amounts and in desirable locations.
- D. To permit clustering and similar design solutions which encourage protection of scenic areas and wildlife habitats and migration routes.
- E. To permit developments to be planned so as to cause the least possible disruption of farming, ranching or other established and ongoing land use activities.
- F. To encourage compact rather than scattered developments.
- G. To provide opportunity for development where site constraints or other similar factors make the PUD approach more reasonable and desirable than the standard subdivision design.
- H. To permit developments that protect and comply with generally accepted standards of public health, public safety and the general welfare of the county.

### Section 2 Height, Setback, Lot Size and Density:

In the interest of promoting flexibility and achieving goals of this ordinance, a PUD application may depart from applicable height, setback, lot size, and density restrictions when recommended by the Commission and approved by the Board. Within the PUD, the building height, architecture and land coverage shall be designed and arranged to enhance the livability and attractiveness of adjacent land uses. The yard and height requirements of the adjacent zone may be required on the periphery of the PUD. Any departures from the height, setback, and lot sizes required in Table 2 of this code must be recorded and justified as not compromising the health, safety and general welfare of the county. A 10% density bonus will be given to encourage cluster housing.

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### Section 3 Incidental Land Uses:

PUDs may contain incidental components which are inconsistent with the underlying land use zones, upon the following findings:

- A. The uses permitted are incidental, necessary or desirable and appropriate with respect to the primary purpose of the PUD;
- B. No more than two percent (2%) of the developed acreage within the PUD (not including land set aside as open space) is devoted to uses that are inconsistent with the underlying land use zones.

### Section 4 Minimum Size:

The minimum size shall be twenty (20) acres, except for RV Parks which shall be a minimum of five (5) acres.

### Section 5 Clustering:

In a PUD, housing units shall be clustered in higher density groups, allowing the undeveloped land within the PUD to be set aside as open space.

### Section 6 Open Space Requirements:

- A. The protection of open space is a central feature of all types of PUDs. The minimum land dedicated to open space shall be twenty percent (20%) of the gross acreage of the PUD.
- B. Types Of Open Space Allowed:
  1. Open space may take a variety of forms, including, irrigated and dryland agriculture, natural habitat, a trail system, athletic fields, public or private parks or a golf course, common areas maintained by a homeowner's association, and forest land, wetlands, and desert land with viable, beneficial, and aesthetically pleasing ecological units.
  2. Lawns and other land which is part of the individual lots, land within required setback, roads and road easements, driveways, and parking areas shall not qualify as open space.
- C. Deeding or Dedication of Open Space: The land designated as open space within a PUD must be dedicated as open space by one or more recorded instruments.

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- D. **Contiguous Lands:** Open space must be contiguous with and integral to the remainder of the PUD and not remote from the area to be developed, with the exception of land which is exceptionally well suited to the use of the proposed development and is adequately buffered so as to protect surrounding property uses.

### Section 7 Compliance with Zoning Overlays:

The applicant must comply with all procedural and substantive requirements of any applicable overlay provision of this title.

### Section 8 Phased Developments:

Phasing of a PUD may be permitted pursuant to a development agreement submitted with the final plat and approved by the Board. Failure to comply with terms of the development agreement may result in the revocation of the PUD permit. When the phasing is completely planned and approved with the original application, the fees required would be paid as the various phases are developed. When the phasing is done as a separate application independently of the original application, the fees required would be the same as for a new application.

### Section 9 PUD Procedures:

- A. **Application:** The applicant shall submit to the administrator a completed application on the forms adopted by the Commission, together with a non-refundable filing fee. The application shall be accompanied by the following:
1. A copy of the most recent deed to the property for the proposed PUD, showing the name of the property owner and the legal description of the property.
  2. A complete plat, if combined with a subdivision application.
  3. A drawing of the proposed PUD, including total acreage, open spaces, date of preparation, scale of drawings, and north arrow.
  4. A map which shows the neighboring property boundaries and owners within three hundred feet (300') of the property line of the proposed PUD.
  5. A contour map, a map showing soil types, a map showing flood hazard areas, and a map showing potential geological hazards.
  6. The name of the developer, if other than the owner, and engineer or designer of the PUD.
  7. Design plan for the PUD, including the approximate number of lots and sizes, the street layout, including the width and name of existing streets within two hundred feet (200') of the PUD, water and sewer systems proposed, description of all water rights and permit associated with the land, description of natural drainage channels and proposed storm and surface water drainage, description of easements for all public utilities, including cable television, open space management, and plans for phasing of development.
  8. Present zoning and any proposed zoning change.

- B. Commission Review Process: Following review of the application by the administrator and a determination that the application is complete, a copy of the completed application and accompanying documents will be provided to all applicable governmental jurisdictions for review and comment; including the county attorney, fire marshal, District Six Health Department, and Corps of Army Engineers, and a public hearing will be set before the Commission.
1. Publication of Notice: The administrator or staff shall cause notice of the public hearing to be published in the county's official newspaper at least fifteen (15) days prior to the scheduled public hearing.
  3. Notice by Mail: The applicant shall provide a list prepared by a title company licensed to do business in the state of Idaho. This list shall include the name and address of each property owner who owns property within three hundred feet (300') of the exterior boundaries of the property involved in the application for the proposed PUD. If any lot within a subdivision falls within this area, all lot owners in that subdivision must be included on the list and must receive notice as provided herein. Notice must be mailed at least fifteen (15) days prior to the public hearing and shall include the date, time and place of the hearing and shall be at the applicant's expense.
  3. Requirements before approval: Each development will be required to make the necessary arrangements to provide sewage removal, culinary water, and three-phase power to the development. No approval will be granted until such time as these requirements are satisfied.
  4. Additional Information Requested: At any time during the application process, the commission or board may request additional information from the applicant and set deadlines for its submission. Failure to submit the information requested will not result in automatic rejection of the application, but may be grounds for denial of the application.
  5. PUD Hearing Process: The PUD hearing will follow the procedure outlined in this ordinance with regard to submission of information for the concept plan, preliminary plat and final plat. The commission may modify or waive specifications in order to maximize efficiency and avoid repetition, provided public health; safety and the general welfare of the county are not diminished.
  6. Commission's Recommended Decision: The Commission shall forward its recommendation to the Board.