

1.1 Planned Unit Development (PUD)

- a. **Purpose.** It is the purpose of this section to allow residential planned unit developments in several residential zones to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and natural resources and minimize development costs. The planned unit development approach, however, is not intended to allow uses on land within a planned unit development other than uses permitted within the zone that is applicable to the land, unless otherwise stated in this ordinance.
- b. **Planning and Zoning Commission and City Council Authority.** The Planning and Zoning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section. The City Council shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section.
- c. **Pre-Application Conference.** Prior to filing an application for a planned unit development, the applicant shall review the preliminary master plan with the Planning and Zoning Commission and one person from, the City Council, the Mayor or designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.
- d. **Uses Permitted.** All uses that are permitted within the underlying zoning, also, up to ten percent (10%) of gross land area may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the land use district; provided, that there is a favorable finding by the Commission:
 - i. That the uses are appropriate with the residential uses;
 - ii. That the uses are intended to serve principally the residents of the PUD;
 - iii. That the uses are planned as an integral part of the PUD;
 - iv. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and
 - v. That a minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial uses.
- e. **Minimum Area.** A PUD for the following principal uses shall contain an area not less than:
 - i. One (1) acre for residential development.
 - ii. One (1) acre for residential use with subordinate commercial or industrial uses.
 - iii. Ten (10) acres for commercial use.
 - iv. Ten (10) acres for industrial use.
- f. **Variations to Underlying Zone Permitted.**
 - i. Upon combining the PUD zone with an appropriate existing zone, variations from the development standards of said underlying zone may be permitted provided the variations are specifically adopted as part of the approved project plan or approved supporting documents. Variations, however, shall not

include changes in the permitted uses allowed by the zone with which the PUD zone has been combined, except to the extent set forth herein.

1. **Base Density.** The maximum number of residential units allowed per developable acre in a PUD which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:

Zone	Lot Area per Dwelling
LDR1	1 Unit per 12,000 square feet
LDR2	1 Unit per 5,000 square feet
LDR3	1 Unit per 4,000 square feet
MDR1	1 Unit per 2,723 square feet
MDR2	1 Unit per 1,815 square feet

- g. Development proposal must adhere to currently adopted street and right-of-way cross section standards.
- h. **Density Determination.** Density in PUD shall be determined by using the “developable land” of the entire proposed development. Developable land is land under 30% slope and that is capable of being improved with landscaping, recreational facilities, buildings, or parking. Land devoted to Rexburg dedicated street usage in PUD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density, as well as areas designated for the use of churches, schools, and public buildings.
- i. **Minimum Performance Standards.** A planned unit development established under the provisions of this ordinance shall conform to the standards and requirements of this section.
 - i. **General Standards.**
 1. **Single Ownership or Control.** Unless agreed upon by the Planning and Zoning Commission, the area proposed for a planned unit development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.
 2. **Scope of Plan.** A plan for the development of a planned unit development shall cover the entire area proposed for development. Upon approval the development shall be strictly in accordance with the plan. Areas not proposed for development shall be designated as open space and shall conform to minimum landscaping requirements of this Chapter.
 3. **Natural Features.** Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
 4. **Utilities.** All utilities shall be placed underground, including telephone, electrical, and television cables. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Public Works Department.
 5. **Phasing.** If the project is to be done in phases, no remnant parcels shall be created. Any land not proposed for development shall be designated as open space.
 - ii. **Water Conservation.** Low volume irrigation systems with automatic controllers shall be used. Such an

irrigation system includes, but is not limited to, low volume sprinkler heads, drip emitters, and bubbler emitters.

iii. Compatibility Standards

1. Refuse Bins. Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development. Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement or parking.
2. Glare Reduction. Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.

j. Common Open Space.

- i. Required Common Open Space. A minimum of ten percent (10%) of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- ii. Dedication of Land for Public Use. A required amount of common open space land reserved under a PUD shall either be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements or right-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.
- iii. Maintenance. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final master plan.
- iv. Clustering. Property developed under the PUD approach should be designed to abut common open space or similar areas. A clustering of dwellings is encouraged.
- v. Hardscape. Such common open spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed 35% of the required open green space.
- vi. Common Activity Areas. At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
- vii. Landscaping Per Unit. A minimum of three (3), one and one-half (1.5) inch caliper deciduous trees or four (4) foot tall evergreen trees, and four (4) shrubs shall be planted for each lot in a PUD subdivision, as well as building foundation planting of appropriate shrubs, flowers, or ground covers. Landscaping in the park strip in the street right-of-way shall have a unified design theme in PUD subdivisions. Multiple family PUD's shall provide a minimum of one (1) deciduous or evergreen tree per two (2) units, and two (2) shrubs per unit. The intent is to have a variety of plant materials to give color and texture; to direct traffic; to frame views; and to screen undesirable views. Applicant may provide a landscape plan that varies from these requirements to the Planning and Zoning Commission for approval as meeting the "spirit" of the requirements.

The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as windbreaks, screening, and accent plantings.

- viii. Water Conservation. The majority of new plant material used for landscaping the development should be water conserving plants. The landscaping design shall locate plant materials in similar water usage demand zones to insure proper irrigation coverage and reduce wasteful irrigation coverage and reduce

wasteful watering. Native plants are preferred.

- k. Density Bonuses.** Density in excess of the base density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of Bonus Density Design Requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density (per net developable acre NDA) allowed for the zone in which the development occurs according to the following chart:

ZONE	BASE DENSITY	MAX. DENSITY
LDR1	3.63 Units/NDA	4.84 Units/NDA
LDR2	8.71 Units/NDA	10.89 Units/NDA
LDR3	10.89 Units/NDA	13.20 Units/NDA
MDR1	16.00 Units/NDA	22.00 Units/NDA
MDR2	20.00 Units/NDA	26.00 Units/NDA

- l. Density Bonus Calculation.** For applicants requesting a density greater than the base density, the Planning and Zoning Commission and City Council shall determine whether the applicant has complied with the necessary design components as provided in this Chapter and shall assign density points as applicable. The additional units per acre allowed above the base density for the PUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the base density. This number when added to the base density will determine the total density per acre for the project; provided that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an LDR1 zone and the design is awarded 75 bonus points. $75 \times .0121 = 0.91$ additional units per acre. $0.91 + 3.63$ (base density) = 4.54 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

ZONE	DENSITY COEFFICIENT	MAX. DENSITY POINTS
LDR1	.0121	100
LDR2	.0218	100
LDR3	.0231	100
MDR1	.06	100
MDR2	.06	100

- m. Density Bonus Design Requirements.** If greater density is requested above the base density, a PUD development shall comply with one or more of the following bonus density design requirements depending upon the desired density increase. The Planning and Zoning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive a density bonus, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency, building design, design theme, parking areas, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The density bonus design requirements are as follows:

- i. Energy Efficiency

1. Insulation. All dwellings and main buildings shall have wall and ceiling insulation that exceeds the requirements of the International Energy Conservation Code (IECC). Exceeding the requirements for doors and window energy efficiency can also be taken in consideration for density bonus. (Up to 10 points)
 2. Solar Design. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning and Zoning Commission. (Single feature per unit throughout the entire project, up to 20 points. Combination features per unit throughout the entire project, up to 30 points)
 3. Development achieves a Leadership in Energy and Environmental Design (LEED) certification for Neighborhood Development through the U.S. Green Building Council (USGBC). (Up to 40 points)
- ii. Building Design.
1. Materials. All facades of each dwelling structure, exclusive of windows or doors, are clad in long-lasting, high quality materials as appropriate for the approved architectural style. Examples of such materials are stone, brick, stucco, horizontal wood siding, wood board and batten siding, wood shingles, etc. Facsimiles such as cementitious hardboard (for horizontal siding) and faux stone (for real stone) will be considered on a case by case basis. (Up to 20 points)
 2. Roof Materials. Roof materials should also be appropriate to the style. All roofs of main buildings are clad with wood shingles, tile, high profile asphalt shingles or slate shingles. Other high quality products may be considered on a case by case basis. (Up to 15 points)
- iii. Design Theme
1. Installed Landscaping. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest. (Up to 20 points)
 2. Theme Lighting. Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances, and building exteriors. (Up to 15 points)
 3. Fencing. Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to 10 points)
 4. Special Features. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (Up to 20 points)
 5. Shared Theme. Wide range of housing, e.g. apartments, condos, medium density, low density, and mixed use share an architectural and landscaped theme. (Up to 20 points).
- iv. Parking Areas
1. Screening. Parking lots of 20 or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (Up to 20 points)
 2. Landscaped Islands. Parking lots of 20 or more stalls or a continuous row of parking over 90 feet in length has a landscaped island(s) which provides landscaping at a ratio of 1 square foot of landscaping per 13 square feet of hard surface. (Up to 15 points)
 3. Shade Trees. Areas with 5 or more uncovered parking stalls are designed to include minimum 2-

inch caliper trees located in such a manner as to shade 50% of the parking area upon maturation of the trees. (Up to 15 points)

4. Permeable Surfaces. Surfaces for parking and maneuvering other than the public right-of-way using materials such as grasscrete, or similar are utilized in appropriate locations. Material and installation details must be reviewed and approved by the City Engineer. (Up to 15 points)
 5. Locate all off street parking at the side or rear of buildings, leaving building frontages and streetscapes free of parking facilities. (Up to 10 points)
 6. For any non-residential buildings or multi-family residential buildings that are part of the proposal, provide bicycle parking spaces, equivalent to 10% of the total automobile parking on site. Bicycle parking must be within 50 feet of the entrance to the building that it services. (Up to 10 points)
Sheltered bicycle parking. (Up to 20 points)
- v. Recreational Amenities
1. Active Recreation. The PUD includes a recreational amenity primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning and Zoning Commission. The Planning and Zoning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (Between 5 to 35 points)
 2. Common Building or Facilities. Development of a common building which shall be used for meetings, indoor recreation, day care, or other common uses as approved by the Planning and Zoning Commission. RV parking facilities may also be considered with this design feature. (Up to 20 points)
 3. Park Dedication. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access up to 15 points. Public Park up to 40 points)
 4. Construction of Trail or Park. Construction according to City standards of trail or park which has been dedicated to the City according to item number (c) above. (Trail 15 points, public park 40 points)
 5. Riparian Areas. Riparian areas along rivers and streams are preserved with natural and native landscaping to encourage continued use of these areas as wildlife corridors. (Up to 15 points)
- vi. Landscaping
1. Extra Trees. Design and planting more than the minimum number of trees, shrubs, and perennials per dwelling unit in the development. (Up to 20 points)
 2. Soften Fence Appearance. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees. (Up to 15 points)
- vii. Open Green Space
1. Designed Plan. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities. (Up to 25

points)

2. Multiple Use. Storm water detention facilities are designed and used for multiple purposes which blend with the overall theme of the open space design i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (Up to 20 points)
 3. Native Plants. Native plants are used for common open space elements. (Up to 15 points)
 4. Drought Tolerant Plants. Drought tolerant plants are used for common open space elements. (Up to 10 points)
- viii. Public Streets. All streets within the development (except the streets required by the City to be dedicated) are open to public use, but privately maintained. (Up to 25 points)
- ix. Housing. Mixed housing types, e.g. apartments, condos, medium density, low density, and mixed use are incorporated in the development with the intent to allow aging in place and appropriate mixes of socioeconomic groups. (Up to 40 points)
- n. Preliminary Master Plan Application.** Following a pre-application conference, an applicant may submit a preliminary master plan to the City for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information:
- i. Proposed name of the planned unit development;
 - ii. Date, north point and scale of drawing;
 - iii. Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;
 - iv. Location of the planned unit development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned unit development tract; and the tract designation or other description according to the real estate records of the county assessor;
 - v. A vicinity sketch map at a scale of one inch equals four hundred feet showing adjacent property boundaries and land uses;
 - vi. Names and addresses of legal owners of properties within five hundred feet of the tentative planned unit development boundaries, excluding streets, unless the City is able to provide this information;
 - vii. The following:
 1. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development,
 2. Contour lines having the following minimum intervals:
 - a. Two-foot contour intervals for ground slopes less than ten percent, and
 - b. Five-foot contour intervals for ground slopes ten percent or greater.
 - c. Contours shall be based on contour maps provided by the city or other data approved by the city engineer,
 3. Location of at least one temporary bench mark within the planned unit development boundaries or

the source of the contour line data shown (source and accuracy subject to city engineer's approval).

4. Location and direction of all water courses and natural features such as rock outcroppings, marshes, wetlands, and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately twenty-five inches in circumference) or more measured at a point fifty-four inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed.
 5. A vicinity sketch map at a scale of one inch equals four hundred feet showing adjacent property boundaries and land uses;
 6. Names and addresses of legal owners of properties within five hundred feet of the tentative planned unit development boundaries, excluding streets, unless the City is able to provide this information;
 7. The following:
 - a. Proposed streets, including location, widths and approximate radii or curves,
 - b. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement,
 - c. The types of housing proposed within the PUD, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location,
 - d. Sites, if any, allocated for:
 - i. Churches,
 - ii. Parks, schools, playgrounds,
 - iii. Public buildings,
 - iv. Open space,
 - e. Area coverage of existing and proposed structures, lots, streets or other development.
- o. Supplemental Preliminary Master Plan Information**

The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

- i. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and home owners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally, who will have authority to enforce the restrictions; specifically, which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;
- ii. Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains;
- iii. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pre-

- treatment facilities and the water distribution system;
- iv. A general description of property intended to be dedicated to the city or public, other than street right-of-ways, including proposed dedication restrictions;
 - v. Maximum potential number of residential units, calculated as follows:
 - 1. Determine residential development area as follows: subtract from gross area any area allocated for churches, schools, and public buildings,
 - 2. Divide residential development area (excluding public and private streets and areas with slopes of 30 percent or greater) by the minimum residential lot size permitted in the underlying zone. This is the maximum potential number of residential units without incorporating any density bonuses;
 - vi. Proposed number of residential units;
 - vii. An approximate tabulation of all dwelling units by type;
 - viii. A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection A of this section;
 - ix. A statement describing the present and proposed ownership;
 - x. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be re-landscaped;
 - xi. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.
- p. Determination that Preliminary Master Plan is Complete.** Following submission or resubmission of a preliminary master plan, Community Development Director or Designee shall determine whether the plan is complete pursuant to the submittal requirements of subsections M and N of this section. The determination of Community Development Director or Designee shall be in writing and, if the application is determined to be incomplete, shall be provided to the applicant with a description of the additional material required to make the application complete.
- q. Review of Complete Preliminary Master Plan.** Following submission of a complete preliminary master plan, Community Development Director or Designee shall review the preliminary master plan, shall seek comments on the plan from potentially affected governmental units and agencies, and shall report to the Planning and Zoning Commission the comments of the committee members and of those governmental units and agencies that submit comments.
- r. Planning and Zoning Commission and City Council Consideration of Preliminary Master Plan.** Following receipt of comments on the preliminary master plan from Community Development Director or Designee, Development Review Committee and other affected governmental agencies, the Planning and Zoning Commission shall review the plan and comments in public hearings following the procedures the same as conditional use permit and shall commend to the City Council either approval with conditions, or disapproval of the preliminary master plan. The Planning and Zoning Commission shall state its decision and its reasons in writing. The Planning and Zoning Commission's consideration of the preliminary master plan shall be subject to the following:
- i. The commission shall recommend and the Council shall approve, or approve with conditions, the plan

if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The commission shall recommend and the Council shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria.

1. The proposed planned unit development is in compliance with the City's comprehensive plan and will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development. Where a PUD is located over more than one zone, the plan is allowed to have a weighted balance of the densities for each zone (including density bonuses). Like zoning buffers should be provided at borders of other properties not included in the PUD. As an example, if a PUD was created that consisted of a LDR3 zone and a MDR2 zone, then six-plex housing units should not be placed directly adjacent to the adjoining LDR3 zone. A buffer of twin homes (allowed in LDR3) or open space should be used as a buffer. Rear yards of six-plex units might be considered as sufficient buffering if fenced and landscaped with trees.
2. The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the city over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the city at the time of approval of a final master plan, the Planning and Zoning Commission shall recommend and the Council shall establish an expiration date for the preliminary master plan approval, not sooner than two years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan; or may impose conditions requiring commission and Council re-evaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five years after approval of the preliminary master plan, and at such periodic intervals of not less than five years thereafter as the commission and Council deems appropriate to ensure conformity.
3. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the Planning and Zoning Commission and Council may impose conditions including but not limited to:
 - a. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;
 - b. Prohibitions of open burning on the site during construction;
 - c. Restrictions on construction noise; and
 - d. Restrictions on construction traffic.
4. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the Planning and Zoning Commission may require the filing of restrictions in the county deed records including but not limited to restrictions:
 - a. Prohibiting the removal of specified landscaping; and
 - b. Prohibiting open burning during construction.

5. Street, water, sewer, drainage and drainage pre-treatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.
 6. Street, water, sewer, drainage and drainage pre-treatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.
 7. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least twenty percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.
- ii. The Planning and Zoning Commission, in recommending, and the Council in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.
- s. **Extension of Approved Preliminary Master Plan.** Prior to expiration of an approved preliminary master plan, the Planning and Zoning Commission may recommend and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date provided that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for an extension shall be subject to all of the procedures set out in subsections C through P of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension will meet the criterion for an extension established by this subsection.
- t. **Modification of Approved Preliminary Master Plan.** The Planning and Zoning Commission may recommend, and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, approve a modification to an approved preliminary master plan provided that the modifications will be consistent with the then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for modifications shall be subject to all of the procedures set out in subsections C through P of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission and consideration by the City Council, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed modifications and to demonstrate that the modifications will meet the criterion for modifications established by this subsection.
- u. **Procedure Following Expiration of Preliminary Master Plan.** If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as yet unbuilt portions of the development, then a complete new application must be submitted prior to reconsideration. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures set out in subsections C through P of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission and consideration by the City Council.
- v. **Submission of Preliminary Subdivision Plat.** If an approved preliminary planned unit development master plan provides for the subdivision of land within the planned unit development, then within such period or periods of time as required by the preliminary planned unit development master plan approval, an applicant shall file a preliminary subdivision plat for the planned unit development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the preliminary subdivision plat shall be as set out in City of Rexburg subdivision code.
- w. **Planning and Zoning Commission and City Council Consideration of Final Master Plan.**

- i. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the Planning and Zoning Commission. The final master plan may be submitted in development phases; provided, that:
 1. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or
 2. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county recorder's office, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned unit development not yet proposed for development, and shall be sufficient to assure that:
 - a. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards,
 - b. The phase has met any applicable re-evaluation requirement imposed during the preliminary master plan approval process, and
 - c. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.
- ii. The final master plan must be in sufficient detail to allow the Planning and Zoning Commission to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:
 1. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;
 2. Detailed water, sewer, drainage and drainage pre-treatment, storm water detention and street system plans, including:
 - a. Central line profiles showing finished grades of all streets,
 - b. Cross sections of proposed streets showing widths of roadway, curbs, locations and width of sidewalks and location and size of utility mains,
 - c. Profiles of sanitary sewer, street drainage, drainage pre-treatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city and state standards,
 - d. The estimated cost of street, sewer, drainage and drainage pre-treatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.
- iii. The Planning and Zoning Commission shall make a recommendation to, and the Council shall approve, or approve with conditions, the final master plan if it is determined that the plan meets all of the following criteria. The commission shall disapprove the final master plan if it finds that the plan, either as submitted or with conditions, does not meet one or more of the following criteria:
 1. The plan is consistent with the preliminary master plan and all conditions applicable to it;

2. All utility systems and landscaping conform to city and state standards or are approved by the city engineer; and
3. If the final master plan is for a phase of the total planned unit development, the criteria for phasing stated in subsection of this section will be met.

x. Requirements Following Final Master Plan Approval.

- i. A certified print of the approved final planned unit development master plan shall be provided by the applicant without charge to the office of the city recorder.
- ii. Except as provided in subsection Q of this section, proposals to make changes in the final master plan after it has been approved shall be considered the same as a new PUD application and shall be permitted only in accordance with all of the procedures set out in this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed changes and to demonstrate that the changed planned unit development will meet the criteria established by this section.
- iii. Proposals to make minor changes in the final master plan after it has been approved may be approved by the Planning and Zoning Commission or designee. Minor changes consist only of changes that will not have public visibility and that:
 1. Do not increase densities;
 2. Do not change boundaries;
 3. Do not change any use, specific or general, described in the final master plan; and
 4. Do not change the location or amount of land devoted to specific land uses.
- iv. A final PUD subdivision plat shall be filed with and approved by the City in accordance with the final platting requirements of City of Rexburg subdivision code and recorded with Madison County, within one year of the approval of a final master plan. One extension of time may be granted, for good cause, by the Planning and Zoning Commission if such extension is authorized by the commission prior to the expiration of the one-year period, and provided such extension not exceed one additional year. No additional extensions may be granted. If a final PUD plat is not filed, approved and recorded as required by this section, then the planned unit development approval shall become void as of the date the filing requirement no longer can be met.
- v. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in the City of Rexburg subdivision ordinance and shall obtain a development permit.