



SUMMARY OF ORDINANCE NO. 991

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR THE ADDITION OF SECTION 4.15 "PLANNED UNIT DEVELOPMENT" TO THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

**AMENDING THE DEVELOPMENT CODE
OF THE**

CITY OF REXBURG, IDAHO

(ADOPTED FEBRUARY 16th, 2005)

Amended 7/06/05; 5/07/2007; 7-03-2007

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: It is hereby found and determined that Ordinance No. 926, of the City of Rexburg, Idaho, shall be and are hereby amended by adding Section 4.15 "Planned Unit Development". Amended Ordinance 926 reflects the new land use districts in accordance with the revised Comprehensive Plan.

SECTION II: 4.15 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 Commission and City Council Authority

The planning 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 City Council 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:

City of Rexburg Amending Development Code

Ordinance 926 with Summary Ordinance 991

- a. That the uses are appropriate with the residential uses;
- b. That the uses are intended to serve principally the residents of the PUD;
- c. That the uses are planned as an integral part of the PUD;
- d. 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
- e. 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:

- a. Three (3) acres for residential development.
- b. Five (5) acres for residential use with subordinate commercial or industrial uses.
- c. Ten (10) acres for commercial use.
- d. Ten (10) acres for industrial use.

F. Variations to Underlying Zone Permitted

- a. 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. *(See Ordinance 991 for full text)*
- b. Development proposal must adhere to currently adopted street and right-of-way cross section standards.

G. 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 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.

H. Minimum Performance Standards

A planned unit development established under the provisions of this ordinance shall conform to the standards and requirements of this section.

(See Ordinance 991 for full text)

I. Common Open Space

- a. 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. *(See Ordinance 991 for full text)*

J. Density Bonuses

Density in excess of the base density for the underlying zone maybe 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: *(See Ordinance 991 for full text)*

K. Density Bonus Calculation

For applicants requesting a density greater than the base density, the Planning 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 LDR2 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: *(See Ordinance 991 for full text)*

L. 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 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:

- a. Public Streets. All streets within the development are open to public use, but privately maintained. (Up to 25 points) *(See Ordinance 991 for full text)*

M. 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: *(See Ordinance 991 for full text)*

N. 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: *(See Ordinance 991 for full text)*

O. Determination that Preliminary Master Plan is Complete

Following submission or resubmission of a preliminary master plan, City staff shall determine whether the plan is complete pursuant to the submittal requirements of subsections M and N of this section. The determination of staff 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.

P. Review of Complete Preliminary Master Plan

Following submission of a complete preliminary master plan, City staff 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 commission the comments of the committee members and of those governmental units and agencies that submit comments.

Q. Planning Commission and City Council Consideration of Preliminary Master Plan

Following receipt of comments on the preliminary master plan from City staff and other affected governmental agencies, the planning 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 commission shall state its decision and its reasons in writing. The planning commission's consideration of the preliminary master plan shall be subject to the following:

R. Extension of Approved Preliminary Master Plan

Prior to expiration of an approved preliminary master plan, the planning commission may recommend and the Council may, on receipt of an application applying to the as yet un-built 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 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.

S. Modification of Approved Preliminary Master Plan

The planning commission may recommend, and the Council may, on receipt of an application applying to the as yet un-built 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 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.

T. 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 un-built 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 commission and consideration by the City Council.

U. 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.

V. Planning Commission and City Council Consideration of Final Master Plan

- a. 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 commission. The final master plan may be submitted in development phases; provided, that: *(See Ordinance 991 for full text)*

W. Requirements Following Final Master Plan Approval

- a. 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. *(See Ordinance 991 for full text)*

Blair D. Kay, City Clerk

(SEAL)

City of Rexburg Amending Development Code
Ordinance 926 with Summary Ordinance 991