

**ARTICLE X
PLANNED UNIT DEVELOPMENTS**

10.1 Purpose.

In some limited circumstances, the City of Hailey recognizes that strict adherence to the bulk and use regulations 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. 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, 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.
- 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.

10.2 Applicability.

PUD’s are permitted in all zoning districts. Density shall be as established in the standard zoning regulations, except the Council may grant additional density according to Section 10.4.1 of this Ordinance. Any permitted, conditional or accessory uses allowed in the zoning district may also be allowed in the PUD (Conditional uses in a PUD are still subject to Conditional Use Permit review as set forth in Article XI of this Ordinance).

10.3 General Requirements.

10.3.1 The minimum gross size for properties that may be developed as a PUD is one (1) acre, except in the Business and Limited Business zoning districts within the Central Business District, the minimum gross size shall be 18,000 square feet. All land within the development shall be contiguous except for intervening streets and waterways.

10.3.2 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 the owners of all property included.

10.3.2.1 When the owner of Contiguous Parcels is required to obtain PUD approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. The Commission and Council shall evaluate the following basic site criteria and make appropriate findings of fact:

- a. Streets, whether public or private, shall provide an interconnected system and be adequate to accommodate anticipated vehicular and pedestrian traffic.

- b. Non-vehicular circulation routes shall provide safe pedestrian and bicycle ways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.
- c. Water main lines and sewer main lines shall be designed in the most effective layout feasible.
- d. Other utilities including power, telephone, cable, and gas shall be designed in the most effective layout feasible.
- e. Park land shall be most appropriately located on the Contiguous Parcels.
- f. Grading and drainage shall be appropriate to the Contiguous Parcels.
- g. Development shall avoid easements and hazardous or sensitive natural resource areas.

Upon any approval of the PUD application, the Owner shall be required as a condition of approval to record the Area Development Plan or a PUD agreement depicting and/or detailing the approved Area Development Plan. The Area Development Plan shall bind the Owner and Owner's successors.

- 10.3.3 Street and lot orientation, landscaping and placement of structures shall provide for solar access to all south roofs and walls to the maximum extent feasible in order to promote energy efficiency.
- 10.3.4 Access shall be provided in accordance with standards set forth in Section 4, Development Standards, of the Subdivision Ordinance. Buildings may not be so arranged that any structure is inaccessible to emergency vehicles.
- 10.3.5 Underground utilities, including telephone and electrical systems, shall be required within the limits of all PUD's.
- 10.3.6 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.
- 10.3.7 In each case where a PUD project encompasses a non-vehicular pathway as depicted on the Master Plan, a pathway constructed to City standards shall be provided.
- 10.3.8 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. Green Space. All Green Space shall be granted in perpetuity and the PUD agreement shall contain restrictions against any encroachment into the Green Space. 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. Unless otherwise agreed to by the City, the PUD agreement shall contain provisions requiring that property owners within the PUD shall be responsible for maintaining the Green Space for the benefit of the residents or employees of the PUD and/or by the public. Green space shall be set aside in accordance with the following formulas:
 - 1. For residential PUD's: a minimum of .05 acres per residential unit.
 - 2. For non-residential PUD's: a minimum of 15% of the gross area of the proposed PUD.
 - b. Active recreational facilities. Active recreational facilities include amenities 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. Public transit facilities. Public transit facilities include a weather-protected transit stop or transit station, and must be located on a designated transit route.
 - d. Preservation of Vegetation. Preservation of significant existing vegetation on the site must include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.
 - e. Wetlands. Protection of significant wetlands area must constitute at least 10% of the gross area of the proposed PUD.
 - f. River enhancement. Enhancement of the Big Wood River and its tributaries, must include stream bank restoration and public access to or along the waterway.
 - g. Community Housing. For residential PUD's, the provision of at least thirty percent (30%) of the approved number of dwelling units or lots as Community Housing Units affordable to households earning between 50% and 120% of the Area Median Income, or the provision of at least twenty percent (20%) as Community Housing Units affordable to households earning less than 50% of the Area Median Income.
 - h. Real Property. Dedication or conveyance of real property or an interest in real property to the City.
 - i. Sidewalks. Off-site sidewalk improvements shall be constructed according to City Standard Improvement Drawings and provided (in addition to sidewalk improvements that are required by ordinance adjacent to the subject property) in accordance with the following formulas:
 - For residential PUD's: a minimum of 100 linear feet per residential unit.
 - For non-residential or mixed-use PUD's: a minimum of 100 linear feet per 1000 square feet of gross floor area.
 - j. Underground Parking. Underground parking must be provided for at least 50% of the required number of parking spaces in the PUD.
 - k. Energy Conservation. All principal buildings within the PUD must comply with sustainable building practices, as follows:
 - For residential PUD's: buildings comply with local "Built Green" standards for certification, federal EPA "Energy Star" program, or Leadership in Energy and Environmental Design - Homes (LEED-H) standards for basic certification.
 - For non-residential or mixed-use PUD's: buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.
 - l. Other Amenities. Other project amenities and/or benefits to the community that are found, by recommendation of the Commission and approval of the Council, to promote the purpose of this Article and the goals and objectives of the Comprehensive Plan.
- (Ord. 1072 §1-2,4-5, 2010)

10.4 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.

10.4.1 Density Bonus. The following maximum increases in density may be granted only if one of the following conditions are met, and if no other density increase has been granted:

- a. Ten percent (10%): Solar, wind, geothermal, or other alternative renewable energy source

- will provide at least fifty percent (50%) of the total energy needs of the PUD.
- 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.
 - c. Ten percent (10%): The developer of the PUD provides or contributes to significant off-site infrastructure benefiting the City, (e.g., water tank, fire station).
 - d. Twenty percent (20%): The developer of the PUD provides or contributes to significant multi-modal infrastructure providing both vehicular and non-vehicular amenities benefiting the City and Wood River Valley.
 - e. Ten percent (10%): The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Silver certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
 - f. Fifteen percent (15%): The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Gold certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
 - g. Twenty percent (20%): The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Platinum certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
 - h. 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.

(Ord. 1072 §1-2,4-5, 2010)

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

10.4.3 Bulk Requirements Modifications.

- a. Setbacks, Lot Size and Width. 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 Green Space or other common amenities.
- b. Height. In order to provide flexibility in the type and design of structures, the maximum height or size of buildings and structures may be varied in consideration of the following factors:
 1. Geographic location.
 2. The probable effect on surrounding slopes and terrain.
 3. The visual effect on adjacent sites or other areas in the immediate vicinity; potential problems for adjacent sites caused by shadows, loss of circulation or loss of view.
 4. The integration, or lack thereof, of the proposed building or structure with surrounding buildings, structures or other man made or natural features.
 5. Uses within the building or structure requiring additional height as clearly shown by the applicant.

6. Applicable IFC, IBC and IRC requirements.

10.4.4 Off-street Parking Modification. The number and/or dimensions 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 shared parking is proposed; provided shared parking is approved in accordance with Section 9.4.8 of this Ordinance.
- d. Available public transit.

The dimensions of spaces may be modified in consideration of the following factors:

- a. Whether spaces will be primarily utilized by residents/employees of a development, or by public/customers.
- b. The actual parking needs of any non-residential users as clearly shown by the applicant.
- c. The spaces are located underground or within a parking structure.

10.4.5 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. A schedule for making contributions (if any) for the completion of project amenities and public improvements, for posting of security pursuant to Section 10.5.8 of this Ordinance, for dedication of Green Space, for conveyance of community housing and/or provision of employee housing.
- d. 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.

10.4.6 Modifications to the Subdivision Standards. Standards in the Subdivision Ordinance for streets, sidewalks, alleys and easements, lots and blocks, and parks may be allowed. The requirements for sidewalks set forth in Section 4.2.1 of the Subdivision Ordinance shall not be waived.

10.5 Application/Approval Procedure.

Any person proposing to develop a PUD shall obtain PUD approval, as herein provided, prior to any construction, subdivision, 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 certified as complete by the Administrator, 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.

10.5.1 Application.

An application for approval of a proposed PUD shall follow the procedures and be subject to the requirements established by Section 3.8 of this Ordinance, shall be made by at least one (1) holder of any interest in the real property for which the PUD is proposed, and shall be reviewed by the Commission and Council.

An application for a proposed PUD 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 principal 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 as required by Article VIII B 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 the contour maps were prepared.
- k. A current title report together with a copy of the owner's recorded deed to the property. A copy of the applicant's option to purchase or unrecorded contract of sale for the property together with the written notarized consent of the owner(s) of record to the PUD shall be sufficient evidence of ownership to allow processing of the application. 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; the developer shall propose methods of managing those demands.

- o. Additional information as reasonably required at the discretion of the Commission or Council, prior to or during the review process.
- p. List of names and address of the owners of each parcel within three hundred (300) feet of the subject property.
- q. A fee established in a separate ordinance adopted by the Council.
- r. Proposed draft PUD agreement.
- s. Explanation and analysis of waivers or modifications requested under Section 10.4 of this Ordinance, and an analysis of compliance with the Comprehensive Plan.
- t. Area Development Plan, if applicable, pursuant to Section 10.3.2.1 of this Ordinance.

10.5.2 Concurrent Submission. A PUD 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.

10.5.3 Commission Action.

- a. Upon the filing of an application, the Administrator shall submit it for review and comment to all City departments, and shall, at the expense of the person submitting the application, publish a Public Notice of a hearing before the Commission, which notice must be published once in a local newspaper of general circulation at least fifteen (15) days prior to the hearing. Mailed notice shall be provided to property owners within three hundred (300) feet of the subject property. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.
- b. Review and recommendation by the Local Housing Authority shall be requested for any PUD application utilizing the Community Housing option for qualification.
- c. The Commission shall conduct a public hearing, review the application, all supporting documents and plans, and recommendations of City staff, make findings of fact for the standards of evaluation required in Section 10.5.4(c) of this Ordinance and make their recommendation to the Council to approve, conditionally approve or deny the application.
- d. In any public hearing on a PUD application, the Commission may continue the hearing, in which case no further published notice shall be required.

10.5.4 Council Action.

- a. Following Commission recommendation and prior to notice of public hearing before the Council, the applicant shall submit the following:
 - 1. All the information included as part of the preliminary development plan for the PUD, as recommended by the Commission.
 - 2. Deed restrictions, protective covenants and other legal documents or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
- b. The Council shall hold a public hearing noticed according to the procedure set forth in Section 10.5.3(a) of this Ordinance. After hearing and review of the application, all

supporting documentation and plans, and the recommendation of the Commission, the Council shall approve, conditionally approve or deny the application

- c. Standards of Evaluation:
1. The proposed development can be completed within one (1) year of the date of approval or phased according to a development schedule as submitted in accordance with Section 10.4.5 of this Ordinance and approved by the City; and
 2. The streets and thoroughfares 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 existing and proposed utility services are adequate for the population densities and non-residential uses proposed; and
 5. The development plan incorporates the site's significant natural features; and
 6. 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
 7. One or more amenities as set forth in Section 10.3.8 of this Ordinance shall be provided to ensure a public benefit; and
 8. All exterior lighting shall comply with the standards set forth in Article VIII B of this Ordinance; and
 9. The proposed PUD Agreement is acceptable to the applicant and the City.
- d. Conditions of Approval. The Council may attach conditions to a PUD as it deems necessary to mitigate potential adverse impacts to the City's infrastructure, further the City's land use policies as established in the Comprehensive Plan, or 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, transit system 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, transit or similar uses.
 8. Require additional plans or engineering revision for any aspect of the development plan.
 9. Require provision of adequate community 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 Blaine County Recorder including, but not limited to, Declarations of Covenants and Restrictions, PUD Agreement, deed restrictions, easements, restrictive covenants, construction 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 Council.

13. Require that utility lines be placed underground. (Ord. 1067 §1-3, 2010)

10.5.5 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 and ownership of property, a description of modifications granted and amenities to be provided, the development schedule, provisions for maintenance of common areas, restrictions to development, all development plans, and appropriate conditions of approval set forth by the City. The final approved PUD Agreement shall be executed by the applicant and the City, and recorded with the Blaine County Recorder.

10.5.6 Expiration and Extension of Approval Period.

- a. Upon receiving PUD approval, an applicant shall have one year from the date of approval thereof to submit an application for Design Review, if applicable, pursuant to Article VIA of this Ordinance. Failure to file the appropriate application within the one year period shall cause the PUD approval to be null and void.
- b. 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 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 Council, the PUD permit shall at that time become null and void.
- c. For good cause shown by the applicant in writing prior to the expiration of the one year period, or prior to time limits imposed by the development schedule, the Council may grant an extension of time limitation.

10.5.7 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. If the Administrator determines any proposed change may have a significant impact on the approved project, the administrator shall forward the request to the Council for consideration.

10.5.8 Security.

- a. 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, such as cash, letter of credit or set aside agreement, 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 twenty percent (20%), 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 the bond or other security is issued. The amount of security is subject to approval by the City Engineer. If any extension of the 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.
- b. The Council may require the applicant, as a condition of PUD approval, to post a performance bond or other security, as described above, for basic landscaping of future phases within a phased PUD project. This surety would provide adequate funding to install landscaping and irrigation for two growing seasons in the area of any future phase, should that phase not be completed.