

**TITLE 6  
ELMORE COUNTY  
ZONING and DEVELOPMENT ORDINANCE**

**CHAPTER 31– PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE**

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**Section 6-31-1: Title:**

- A. This Chapter shall be known as the Planned Unit Development Zoning Ordinance of Elmore County, Idaho. The title "Board" refers to the Elmore County Board of County Commissioners. The title "Commission" refers to the Elmore County Planning and Zoning Commission.

**Section 6-31-2: Authority:**

- A. This Planned Unit Development Standards is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

**Section 6-31-3: Provisions of Ordinance Declared to be Minimum Requirements:**

- A. In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance conflict with the requirements of lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or those imposing the higher standards shall govern.

**Section 6-31-4: Purpose:**

- A. The purpose of this Chapter is to provide standards for the review of Planned Unit Development applications, and the applicant's request, to allow for flexibility in land use, site design and dimensional standards to develop residential, commercial, office and/or light industrial uses not allowed individually within a specific zoning or overlay district. The proposed development shall comply with the specific goals and policies of the Comprehensive Plan and the goals and policies set forth herein.

**Section 6-31-5: Regulations Establishing Permitted Uses, Applicability, Work Sessions and Application Requirements:**

- A. Permitted Uses: Permitted uses are restricted to the following standards:
  - 1. Uses within the PUD shall be compatible with existing and proposed land uses and shall provide more efficient, aesthetic and desirable use of open space and recreational opportunities.
  - 2. A PUD application shall be required for any development or subdivision proposal that meet the requirements of this Chapter and where the applicant is requesting one or more of the following:
    - a. A mix of land uses that are not allowed as principal permitted or conditional uses in the same base district.
    - b. Clustering of land uses to achieve density transfer of residential units away from physical constraints or hazardous areas. Such constraints include, but

are not limited to, the following: flood hazards, unstable geologic conditions, soil conditions, topography, identified high ground water areas, and other characteristics that could threaten public health and/or safety.

- c. Modifications of dimensional standards to achieve dedicated open space and provide for amenities not found in traditional subdivisions.
3. All uses that may be allowed within the zoning district are permitted within the PUD. Use Exceptions of up to twenty (20%) percent of the gross land area may be directed to commercial, office, industrial, public and quasi-public uses that are not allowed within the zoning district with Board approval.
4. Residential development shall be considered compatible regardless of density or dwelling type. All types of residential development shall be allowed within a PUD, including but not limited to detached, semi-detached, attached, and multifamily or any combination thereof. Protection of residential development adjacent to non-compatible uses shall require buffering. Buffering techniques shall include but not limited to screen planting, open space and landscaping.
5. Planned Unit Developments are required to provide a minimum net density of six to eight (6 to 8) dwelling units per acre (DU/A). Higher density residential development greater than eight (8) DU/A and senior housing options are encouraged within the PUD. Densities greater than eight (8) DU/A are encouraged and shall be reviewed and approved based on their flexibility, imaginative and creative use and design, harmonious variety of housing opportunities proposed, and the level of urban amenities coupled with the conservation of open space and developed parks.
6. A combination of residential, commercial, office and industrial uses within the PUD are encouraged.
7. Non-residential uses permitted pursuant to Use Exception should serve primarily the residents of the PUD, the surrounding area, and shall be compatible and harmoniously incorporated into the design of the PUD.
8. All permitted uses shall be in conformance with the PUD Development Plan, PUD Development Standards, and Elmore County Zoning and Development Ordinance pursuant to the procedural and regulatory provisions of this Chapter.
9. The PUD shall be served by a central wastewater collection and treatment facility and a community water system.
10. All roads shall be paved; all roadway sections shall include sidewalks as well as bike lanes/paths. Variations to roadway sections may be allowed with Director

approval.

11. All utilities shall be installed underground including but not limited to telephone, cable and electrical systems. Exceptions to this requirement may be granted for aboveground water storage reservoirs or other similar uses with Director approval.
12. Dedicated open space, developed parks and trails shall be either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public and retained as common open space for public safety, parks, recreation, and related public uses in compliance with this Chapter. Dedication to the public shall require Board approval with specific development timelines for parks and trails. In any event, the developer shall be responsible for the development or funding and maintenance of all required developed parks, open space and trail systems as required by this Chapter. Agreements may be considered by the Board to assign management and/or maintenance to a public municipality.
13. Heavy Industrial uses shall be prohibited in a PUD.
14. Joint parking facilities for commercial, office or industrial uses shall be provided and shall provide common access points to public streets. Sufficient landscaping shall be provided for all parking, loading and outdoor storage areas.
15. Commercial, office and industrial structures shall not exceed a gross floor area of twenty thousand (20,000') total square feet in any one building unless authorized by the Board. Sufficient landscaping, setbacks and buffering shall be provided when located adjacent to residential uses.
16. Commercial, office and industrial structures shall have common design themes and elements and shall be developed in a park-like setting, clustered wherever possible to preserve open space, reduce thoroughfares, and through traffic.

**Section 6-31-6: Applicability:**

- A. These regulations shall apply to applications for Planned Unit Development that meet the following standards:
  1. The PUD shall contain under one ownership or control a minimum of ten (10) contiguous acres, but shall be less than one hundred sixty (160) contiguous acres.
  2. The PUD shall be located within an existing area of city impact. The jurisdictional municipality shall be notified of all meetings, work sessions and any other activities concerning the PUD. The City representatives will be encouraged to become active participants in the process. The PUD may be located within

multiple areas of city impacts provided the PUD boundary is contiguous. A portion of a contiguous PUD boundary may be outside an area of city impact within Elmore County provided that the portion outside the area of impact is contained within an existing legal parcel of record boundary or involves less than thirty-three (33%) percent of the gross acreage being proposed by the PUD.

3. The PUD shall not be located within the Air Base Hazard Zone (ABHZ), or Air Base Commercial Zone (ACZ) zoning classifications on the Comprehensive Plan Land Use Map.
4. An application for a PUD shall be signed by the property owner(s) having a legal interest in the property to be included in the PUD or his/her/their representative(s). Permission to make an application may be granted by the property owner(s) to a representative by providing Elmore County with signed affidavits of legal interest giving such permission.

**Section 6-31-7: Work Session and Noticing Requirements:**

- A. Work Session and Noticing Requirements. The applicant shall complete a minimum of two (2) pre-application work sessions with planning staff, or more as required by the Director. The Director encourages multiple work sessions with City officials, identified agencies, and landowners located within one thousand (1,000') feet of the proposed PUD boundary, or a greater distance determined by the Director, prior to submittal of an application for a PUD.
  1. Prior to holding the first pre-application work session with the County, the applicant shall meet with the Director and City officials to discuss the proposed PUD. Pre-application work sessions shall not commence until the applicant or owner submits the pre-application work session form and fee as recommended by the Director and thereafter adopted by the Board. The pre-application work session fee for a PUD application shall include estimates for the amount of Elmore County administrative time required for work sessions, the costs of copying and mailing and fees for the county's consultants that the county deems necessary to process and consider the application.
  2. The purpose of the required pre-application work sessions with planning staff and identified agencies and neighboring landowners is to develop communication between staff, city officials, identified agencies, neighboring landowners and the applicant regarding existing site conditions, project design, current zoning regulations, potential environmental impacts, potential mitigation measures, general consistency with local, state and federal regulations and the Comprehensive Plan, and any other relevant issues raised by the proposed project. One of the work sessions shall include a site visit with planning staff, city officials and the applicant.

3. The applicant shall hold a minimum of one (1) neighborhood meeting where all property owners within one thousand (1,000) feet of the proposed boundary, or a greater distance determined by the Director, are invited. The pre-application neighborhood meeting(s) shall comply with the requirements of this Chapter.

**Section 6-31-8: Application Requirements:**

A PUD application shall be submitted to the Director with the appropriate fees, and shall contain all elements and sub-elements required by this section and Chapter. The Director shall determine the number of application copies required for submittal as well as the printed and electronic formats required.

- A. Element A, Fees: The applicant or owner shall submit the fee for the PUD as recommended by the Director and adopted by the Board. The fee shall estimate the amount of Elmore County administrative time required to process the application, the costs of copying and mailing, and the fees required for the County's consultants to conduct independent studies including all experts that the county determines to be necessary to process and evaluate the application.
- B. Element B, Conceptual Densities and Intensities Map: The applicant shall submit a plan that includes elements 1-6 as listed, hereafter referred to as the "The PUD Intensities and Densities Map". This document shall provide sufficient information to evaluate development within the PUB.
  1. A conceptual densities and intensities map showing the proposed land use within the PUD boundary by neighborhood and district in sufficient detail to be used as a conceptual development map. The applicable Comprehensive Plan Land Use Map should be considered in developing this map. The map shall include:
    - a. The circulation systems within the PUD boundary including proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands.
    - b. Trails, paths and open space.
  2. A conceptual transportation and mobility plan demonstrating internal and external community connectivity. Illustrations depicting all proposed street, trail and path cross-sections including the size and design proposed for each section. A key map indicating where each proposed arterial and collector street sections and trail and path sections would be used. The plan shall also address alternative transportation options for the PUD.
- C. Element C, Zoning Ordinance Map: The applicant shall submit a zoning ordinance map amendment to identify the PUD boundaries and designation of the area as

“PUD”. The map amendment application shall include a legal description of the PUD exterior boundaries.

1. A Draft Development Agreement that meets the requirements of this Chapter and Title shall be submitted with the zoning ordinance map amendment. To the extent the provisions of this Chapter conflict with the provisions of Elmore County ordinances, the provisions of this Chapter shall control.
2. The Planned Unit Development Conceptual Densities and Intensities Map. This map shall govern the land use and development patterns within the PUD zoning ordinance map amendment.

D. Element D, Development Standards (Exceptions/Modifications): The applicant may request exceptions and/or modifications to the Elmore County Zoning and Development Ordinance. All exceptions and/or modifications for the PUD shall be submitted for review and approval. Exceptions and/or modifications shall be limited to those elements listed in 1-9 of this section. The adopted development standards (Exceptions/Modifications) shall be used to review and guide development within the PUD:

1. Applicability (regulations that apply in areas identified on the official Planned Unit Development Densities and Intensities Map.
2. Setback areas.
3. Structure height and bulk.
4. Structure and impervious surface coverage.
5. Property/Lot size.
6. Landscaping requirements, including but not limited to standards for beautification along state highways, arterials and collector streets, and local streets.
7. Street frontage and access requirements.
8. On and off-street parking requirements.
9. Standards for energy and water conservation.

E. Element E, Planned Unit Development Plan: The applicant shall submit a development plan that includes sub-elements 1- 10 as listed below, hereafter referred to as the applicant’s “Planned Unit Development Plan.” These documents shall provide sufficient information to evaluate development within the PUD.

1. A natural features analysis as set forth in this Chapter. All technical reports and studies shall be prepared and signed by qualified experts as defined in this Chapter in each relevant field. The analysis shall include:
  - a. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas and seasonal high ground water areas throughout the site.
  - b. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion and soils suitable for development. The analysis of soils shall be based on a soils survey, reports completed by the United States Department of Agriculture, Natural Resources Conservation Service or any other qualified agency; or other Elmore County soils report.
  - c. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty-five (25%) percent, between fifteen (15%) percent and twenty-five (25%) percent, between eight (8%) percent and fifteen (15%) percent, and less than eight (8%) percent. Contour lines shall be based on USGS datum of 1988 with intervals of not more than five (5') feet for properties with a general slope of greater than five (5%) percent, or intervals of not more than two (2') feet for properties with a general slope of less than or equal to five (5%) percent. Contour lines shall extend a minimum of three hundred (300') feet beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility, as determined by the Director or County Engineer.
  - d. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant and ground cover species.
  - e. Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho Conservation Data Center sponsored by the of Idaho Department of Fish and Game.
  - f. Historic/Cultural Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory or other available sources including, but not limited to, the State Historic Preservation Office (SHPO).



- g. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines or other similar conditions likely to be encountered.
  - h. Map Features: The map shall show important features including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries and section lines.
  - i. Geological Reconnaissance: A map showing the basic geological conditions, features, opportunities and constraints of the site.
  - j. Preliminary wetland delineation, if applicable.
- 2. A narrative describing the proposed land uses and the design of the subject site. The plan shall provide for a variety of housing options at a variety of price points, including, but not limited to, single family detached, multifamily, condominiums, apartments, live/work, or mixed use. The plan shall describe the proposed quantity of building types and designs, including proposed price points. The plan shall also identify one or more commercial nodes, community gathering areas and developed parks designed and sized to meet the needs of PUD residents. The narrative shall include an explanation of how the proposed uses are compatible. If Use Exceptions are requested, a narrative shall be required describing the proposed Use Exceptions and, if granted, how they would provide flexible, imaginative and creative land use and design that would benefit the PUD and surrounding community.
  - 3. A map showing existing land uses and current zoning for all parcels abutting the PUD perimeter.
  - 4. A narrative assessment of the public services available, proposed private services, and environmental/transportation impacts associated with the proposed PUD.
  - 5. A narrative describing the anticipated population and household demography of the PUD at build-out.
  - 6. Design Concepts:
    - a. Narrative and illustrative or pictorial examples of proposed central design concepts for all proposed development, including residential, commercial and institutional development, in sufficient detail to guide land use development and integrate the proposed mixture of land uses.

- b. Narrative describing predevelopment site conditions with careful attention to the current placement of public and quasi-public land uses, open space areas, developed parks and landscaping.
  - c. Narrative of construction and placement of all improvements indicating how it will utilize on-site materials to balance the fills and cuts thereby limiting the need to truck material to the site from off-site locations.
  - d. Narrative demonstrating how the development footprint meets the existing grade, how visual impacts and natural features of the development will be enhanced by rounding finished grade contours to blend with the existing slopes, requiring that building pads be designed to follow the natural contours by requiring contour or landform designs, ensuring grading practices are designed to minimize visual impacts, and requiring hillside and ridge side building foundations and designs to be stepped with the natural grade contours by minimizing cuts to improve visual aesthetics.
7. Community services and utilities plan:
- a. Narrative describing the routing and the proposed points of connection for electric service, natural gas service, storm drainage and flood control systems, central wastewater treatment and collection facilities, community water system, irrigation, telephone, internet, television cable, public safety services and public transportation services.
  - b. Wastewater Collection Systems and Community Water Systems may be developed by the PUD; however the PUD would be encouraged to connect to existing city services whenever possible.
  - c. Wastewater Collection Systems supplied by the PUD shall prohibit lagoon waste treatment facilities or systems, septic tanks and/or septic systems. Only MBR, SBR or existing municipal sewer systems shall be allowed when developed by the PUD. The community services and utilities plan shall also how the proposed wastewater collection system and community water system will be managed, identify a professional company that will operate and manage the wastewater and community water systems and be accompanied by a financial plan that includes, at a minimum, the initial construction costs, funding source, ongoing maintenance costs, operational costs, projected profit and loss. The Commission and Board may also consider wastewater treatment systems other than MBR or SBR systems provided the proposed systems are similar in design, water quality output or further advance wastewater treatment systems through technological advances.
  - d. Community Water System supplied by the PUD shall be accompanied by a plan describing how the proposed Community Water System will be managed

by a professional company with specific details regarding the operation and management, accompanied by a financial plan that includes the initial construction costs, funding source, ongoing maintenance costs, operational costs, projected profit and loss.

8. An open space, parks and trail plan: Open space, parks, and trails are required. Alternative options may be considered, such as but not limited to contributing funds or land to enhance or further develop an existing regional park or a city park system or plan. Alternative options may be proposed for up to a fifty (50%) percent of the amount of open space or developed parks required by this Chapter and Title. Alternative options shall be submitted to the Director for review and approval. The Director's decision shall be submitted to the applicant in writing within forty-five (45) days of receipt of said request. Appeals of the Director's decision by the PUD applicant shall suspend the PUD application review process until the appeal process has been exhausted. The plan shall demonstrate how the open space, developed parks and trails would be managed and maintained and how they will be protected from development into perpetuity. The plan shall include:
  - a. A minimum of ten (10%) percent of the total gross area within the PUD shall be dedicated to natural open space, with additional natural open space adequate to address the protection of unique natural features.
  - b. A minimum of ten (10) acres per one thousand (1,000) population of developed parks based on the proposed demographics per dwelling unit within the PUD at build-out.
  - c. A narrative describing how dedicated open space, natural open space, developed parks and trails meet the intent of this Chapter and the needs of the PUD.
  - d. A description and map containing the types, sizes and locations of proposed parks. The plan shall ensure that the parks are located to provide a reasonable walking distance from residences.
  - e. A trails plan that provides connectivity between neighborhoods, parks and commercial centers. The plan shall also demonstrate connectivity with nearby public trails and public lands.
9. Phasing plan: Adequate essential public services shall be provided for each Final Plat within the proposed phase prior to the issuance of any building permits, except those building permits required for the direct development of infrastructure, essential public services and associated grading.

- a. A phasing plan shall include a narrative describing the sequence of development, anticipated commencement and completion times of each phase. The plan shall identify land use type(s), total area within each phase, anticipated population levels by phase and essential public services required by each phase.
- b. The applicant shall also provide a narrative explaining why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Director and the applicant and/or owner.
- c. Narrative explaining how the proposed phasing shall be accomplished so that the integrity of the PUD is maintained at the end of any single phase.
- d. The phasing plan shall demonstrate how phased non-residential uses and recreational opportunities will keep pace with residential uses and community needs.

10. Storm Water Management:

- a. The applicant shall provide a narrative describing how the PUD will maintain natural runoff rates, reduce erosion and flood hazard, and maintain the area's water quality and recharge capabilities. Specific storm water management plans and details shall be required with each preliminary plat.

F. Element F, Additional Information Technical Reports: The applicant shall submit technical reports, signed and completed by qualified experts as defined by this Chapter, and any other information necessary to support the purposes of this chapter as determined by the Director, Commission or Board, as applicable.

**Section 6-31-9: General Provisions and Process:**

A. Neighborhood Meeting Requirements: The purpose of the neighborhood meeting shall be to review the proposed Planned Unit Development:

1. The meeting shall be held on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
2. The meeting shall be held at one of the following locations:
  - a. On the subject property;

- b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
    - c. At an office or commercial space with suitable meeting facilities if such facilities are within five (5) miles of the nearest public meeting place, or other location as approved by the Director.
  - 3. The neighborhood meeting shall be conducted prior to initial application acceptance. The neighborhood meeting shall not be conducted more than six (6) months prior to initial application acceptance; and
  - 4. The application materials shall include a written verification of the neighborhood meeting.
- B. Application Acceptance:**
- 1. **Initial-Application Acceptance:** The date of Elmore County's letter to the applicant indicating that all required elements are substantially complete in form, but not necessarily in compliance with this ordinance, shall be the date of initial-application acceptance. Initial-application acceptance shall be the date that establishes the applicable ordinance and Comprehensive Plan. Initial application acceptance does not indicate that the application requirements are approved or that positive findings can be made based on the application as submitted.
  - 2. **Final Application Acceptance:** The date of Elmore County's letter to the applicant indicating that all required elements are deemed substantially complete for form and content and all fees have been paid shall be the date of final-application acceptance. Final application acceptance does not indicate the application requirements are approved or that the application will be granted approval in the future based on the application as submitted.
  - 3. Upon final-application acceptance, a complete copy of the application shall be transmitted by the Growth and Development to the appropriate agencies and service providers as determined by the Director. Elmore County shall ask those agencies and service providers to review the proposed PUD application and to provide comment to Elmore County regarding the proposed use.
- C. Agency Workshop and Review:** Within thirty (30) calendar days of receiving final-application acceptance, the applicant shall hold a workshop with the transmitted agencies and service providers as determined by the Director where the applicant shall provide a complete overview of the proposed PUD and have sufficient staff present to answer specific questions regarding the proposed PUD. Notice shall be sent to all agencies and service providers ten (10) calendar days prior to the workshop. Agencies and service providers are encouraged to attend but not required.

Agencies are encouraged to comment within ninety (90) days. Agencies may provide written comment or oral testimony at anytime.

- D. Action by the Commission: The Commission shall conduct a public hearing for a Comprehensive Plan amendment, zoning ordinance map amendment, zoning ordinance text amendment and development agreement. The hearing shall be scheduled after the initial ninety (90) day agency review period.

**Section 6-31-10: Action by the Board and Amendments:**

- A. Action by the Board: After receipt of the final recommendation of the Commission, the Board shall after reviewing application materials and agency submittals, conduct a public hearing for a Comprehensive Plan amendment, zoning ordinance map amendment, zoning ordinance text amendment and development agreement. Following such hearings the Board may approve, approve with conditions, deny the application, send the application back to the Commission for more information, and stay the proceedings to obtain more information from the applicant, agency or others, conduct additional hearings or take such other actions as to be determined by the Board. Upon granting or denying the application, the Board shall specify:
1. The Ordinance and standards used in evaluating the application.
  2. The reasons for approval or denial.
  3. The actions, if any, that the applicant could take to obtain approval.
- B. Re-submittal: No application that has been denied by the Director, the Commission, or the Board shall be resubmitted, in the same form for the same use, within one year from the date of denial. The Director may waive the one-year requirement and accept a new application where the subject property is affected by amendments to the applicable Comprehensive Plan or to this Title or as specified in this Chapter and Title.
- C. PUD Development Standards: The PUD Intensities and Densities Map, the Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan, if approved, shall be by resolution of the Board, subsequent to a recommendation from the Commission and shall be used to guide and review development applications for the PUD.
- D. Amendments to Zoning Ordinance Map: The zoning ordinance map amendment, if recommended by the Commission, shall be adopted by the Board as an amendment to the Elmore County Zoning Ordinance.
- E. Amendments to a PUD:

1. Applications for amendment to the PUD Intensities and Densities Map, the Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan, shall be processed substantially in the same manner as the original application and may be initiated by:
  - a. The original applicant, owner, or the owner's successors and/or assignees; or
  - b. Property owners owning eighty (80%) percent or more of the land area within the PUD.

**Section 6-31-11: Approval and Platting Timelines:**

- A. Approval; Reversal of Action: If the Board approves a zoning ordinance map amendment pursuant to a request from a PUD, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in I.C. § 67-6511(d).
- B. There shall be no time limit placed on the final platting of approved PUD preliminary plats as long as the applicant/developer shows progress by submitting a final plat for a portion of the approved preliminary plat every twelve (12) months and at least 80% of the approved preliminary plat must be finally platted within five (5) years. When less than 80% of the approved preliminary plat has not been finally platted within five (5) years, the non-final platted portion of the preliminary plat shall become null and void.

**Section 6-31-12: Incorporation, Annexation, or Inclusion:**

- A. Any incorporation, annexation or inclusion of a PUD by a city shall be processed in accord with applicable state law.

**Section 6-31-13: Process for Subsequent Development:**

- A. Development within an approved PUD shall be governed by the regulations and requirements of the PUD Intensities and Densities Map, the approved Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan. Where zoning issues arise that are not addressed in the PUD Development Standards (Exceptions/Modifications), this Chapter shall apply and govern. This Chapter shall only be repealed or amended by a specific ordinance repealing or amending this Chapter or specific amendment to other Elmore County ordinances required to enforce compliance with this Chapter.
- B. Each phase of the PUD shall comply with the general requirements of the approved PUD Intensities and Densities Map, the Development Standards (Exceptions/Modifications), the Planned Unit Development Plan and the specific regulations adopted by the Board for that phase.

- C. Each phase shall not be approved unless all necessary essential public services for each phase are/have been provided, as specified in the approved PUD Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan.
- D. No development shall be allowed prior to application, review and approval of the final plat for the specific phase in which the development is located except as allowed by this Chapter.

**Section 6-31-14: Zoning Ordinance Map Amendment and Development Standards (Exceptions/Modifications):**

- A. Process: Zoning Ordinance Map Amendment and/or Development Standards (Exceptions/Modifications) initiated by a PUD application.
  - 1. Zoning Ordinance Amendments Initiated by the Board: The Board may propose to amend this Chapter, as provided herein.
  - 2. The applicant/owner shall complete all work sessions as required by this Chapter prior to submittal of an application for a zoning ordinance map amendment or Development Standards (Exceptions/Modifications).
  - 3. Application; Review: The Board shall apply the standards listed in this Chapter for map amendments and Development Standards (Exceptions/Modifications).
- B. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the PUD application. In order to grant a Planned Unit Development Map Amendment and adopt Development Standards (Exceptions/Modifications) the Board shall make the following findings:
  - 1. Findings to approve a zoning ordinance map amendment:
    - a. The zoning ordinance map amendment, PUD District complies with the regulations outlined for this Chapter.
    - b. The zoning ordinance map amendment, PUD District is not materially detrimental to the public health, safety and welfare.
    - c. The development agreement meets the requirements of this Chapter.
  - 2. Findings to approve Development Standards (Exceptions/Modifications):
    - a. The Development Standards complies with the regulations outlined in this Chapter.



- b. The Development Standards are not materially detrimental to the public health, safety and welfare.

**Section 6-31-15: Development Agreement:**

A. Purpose.

1. Provide for the creation and administration of development agreements, as provided in I.C. § 67-6511A.
2. Provide for the application of conditions on zoning ordinance map amendments where such conditions shall satisfy the findings of fact and conclusions of law for zoning ordinance map amendments required by this Chapter.

B. Applicability and process.

1. All applications for a zoning ordinance map amendment for a PUD district shall require a concurrent submission of a development agreement application in compliance with this Chapter and this Title 6, Chapter 29, Development Agreement (DA) Standards and Requirements.
2. Process: An application on forms provided by the Growth and Development Department, together with any applicable fees, shall be submitted to the Director. The application shall include, but is not limited to the following materials:
  - a. An affidavit by the property owner(s) agreeing to the submission of the development agreement.
  - b. A legal description for the PUD property boundary subject to the development agreement.
  - c. A project description containing the proposed uses for the property subject to the development agreement, including the following:
    - i. The specific uses for the property.
    - ii. The form and name of the organization proposed to own and maintain any dedicated open space.
    - iii. The proposed systems for water supply, sewage systems and storm water management.
    - iv. The substance of any covenants, grants, easements or other restrictions proposed to be imposed upon the use of property and structures, including any proposed easements for public utilities.
    - v. A project schedule and phasing plan showing the proposed times when all other applications subject to the development agreement are intended to be

filed, or in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each phase is intended to be filed.

- vi. Proposed financing of necessary public facilities with or without subsequent reimbursement over time.
- vii. Other terms and conditions related to the proposed project.

- d. A draft of the development agreement prepared by the applicant in conformance with a model agreement provided by the Director. The Director shall review the draft development agreement before submission to the Commission.
- e. The Commission shall make a recommendation on the draft development agreement and attach conditions of approval as deemed necessary.
- f. The Director shall forward the development agreement with the conditions of approval imposed by the Commission, if any, and the recommendation of the Commission, for review by the attorney for Elmore County before the Board acts on the final development agreement.

C. Recordation: Upon approval by the Board, the development agreement shall be recorded in the office of the Elmore County Recorder in compliance with this Title, and Chapter 29, Development Agreement (DA) Standards and Requirements, and the PUD Conceptual Densities and Intensities Map, Development Standards (Exceptions/Modifications) and Planned Unit Development Plan shall be included as addenda to the Development Agreement.

D. Final Approval: Approval of the zoning Ordinance map amendment by the Board shall be contingent upon approval and recordation of the final development agreement.

E. General Regulations.

- 1. The Board is hereby authorized to adopt, by resolution, rules governing the creation, form, recording, modification, enforcement and termination of development agreements.
- 2. The applicable ordinance and Comprehensive Plan shall be those in effect at the date of Elmore County's initial-acceptance letter to the applicant.
- 3. A development agreement shall not prevent the Board, in subsequent actions applicable to the PUD, from adopting new ordinances, resolutions and regulations that conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the Board shall

not prevent the development of the PUD as set forth in the approved development agreement.

4. The Board may suspend the issuance of any permits after a duly noticed public hearing if it finds that a clear and imminent danger to the public health, safety or welfare requires the suspension of any permits.
5. In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more regulations of the development agreement, such agreement may be amended or terminated pursuant to this Chapter, as may be necessary to comply with the new state or federal laws or regulations.

F. Required Findings.

1. In order to approve the development agreement application, the Board shall find that the proposed development agreement complies with the regulations of this Article.

G. Periodic Review. The Director shall periodically monitor the terms and conditions of the final development agreement. The time for review lies in the Director's discretion or as directed by the Board.

1. As part of the review, the applicant, owner or successor in interest shall submit a written report demonstrating good faith compliance with the final development agreement.
2. If the Director finds that the applicant or owner has failed to perform or comply with the terms of the development agreement, the Director shall notify the applicant or owner of the failure of performance or compliance. If after ninety (90) days, the applicant or owner has not made a good faith effort towards compliance with the terms of the development agreement, the Director shall forward a notice of default in the conditions of the development agreement to the Board for review and action.
3. If the Board finds, on the basis of substantial evidence, that the applicant, owner or successor in interest has not complied in good faith with the terms and/or conditions of the development agreement, action may be taken to terminate the agreement by the Board.

H. Amendment or Termination of a Development Agreement.

1. A development agreement may be amended or terminated in whole or in part, by either a request of the parties to the agreement, or their successors in interest, with

approval by the Board or by action initiated by the Board as set forth in this section.

2. Notice of intention to amend or terminate any portion of the final development agreement shall be in accord with this section.
3. To amend a development agreement, the Board shall make the required finding as specified in this Article and Chapter for approval of an amendment to the development agreement.
4. The Board may terminate a development agreement if one of the following applies:
  - a. The termination is requested by the parties to the agreement or their successors in interest, and the Board determines that the termination would not be materially detrimental to the general public, health, safety, and welfare of the county.
  - b. The Board determines that the parties to the agreement, or their successors in interest, have failed to comply with the terms of the development agreement.
  - c. The termination of a development agreement shall result in the reversal of the zoning ordinance map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the base district classification in effect prior to approval of the development agreement.
  - d. The Clerk of the Board shall record any action by the Board to amend or terminate a previously recorded development agreement in the office of the Elmore County Recorder.

**Section 6-31-16: Subdivision Applications:**

- A. Preliminary Plat Applications: The first preliminary plat application of a proposed PUD may be submitted and shall be reviewed concurrently with the PUD application provided the applicant meets the following requirements:
  1. The applicant shall submit a preliminary plat application with the applicable fees, subject to the fee schedule contained in this Chapter, prior to the PUD application receiving Final Application Acceptance.
  2. The preliminary plat and required findings shall be reviewed for compliance using the proposed PUD Development Standards (Exceptions/Modifications) and applicable subdivision ordinance.
  3. Final approval of the preliminary plat application shall be subject to the applicant receiving final approval by the Board of the PUD application.

- B. Subsequent Preliminary Plat, or Final Plat Applications or Final Plat Applications: Subsequent Preliminary Plat or Final Plat Applications shall be subject to the provisions of the applicable PUD Development Standards (Exceptions/Modifications) and applicable subdivision ordinance.
1. Subsequent Preliminary or Final Plat Applications shall be subject to the fee schedule contained in this Chapter.

**Section 6-31-17: Additional Required or Concurrent Applications:**

- A. Additional Required or Concurrent Applications. Any additional required application(s) may be submitted and shall be reviewed concurrently with the PUD application, provided the submitted application(s) meet the following requirements:
1. The applicant shall submit any additional application material(s) as required by Elmore County Ordinance with fees as shown on the fee schedule contained in this Chapter, prior to the PUD application receiving Final Application Acceptance.
  2. Final approval of additional required applications shall be contingent upon final approval of the PUD application, and execution of all development agreements.
  3. Subsequent preliminary plat or subdivision applications shall be subject to the provisions of the applicable PUD Ordinance and fee schedule contained in this Chapter.

**Section 6-31-18: Planned Unit Development Required Findings:**

- A. Required Findings: In order to approve a PUD application, the Board shall make the findings:
1. The PUD complies with the Comprehensive Plan, with special attention to the Land Use Section, titled PUD and also complies with all other applicable local, state and federal laws and regulations.
  2. The PUD provides for a variety of housing types and designs, including single family attached and detached, and multi-family.
  3. The PUD provides for all essential public services which will be created and financed by the PUD or other agency or jurisdiction.
  4. The PUD provides for uses that will be served by a central wastewater collection and treatment facility and a community water system.

5. The PUD provides for open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population.
6. The PUD provides for path and trail linkages between parks, schools, neighborhoods and commercial centers; and provides connectivity with nearby public trails and public lands where appropriate.
7. The phasing plan ensures the integrity of the PUD is maintained at the end of each phase.
8. The PUD complies with all applicable county, state, and federal plans and regulations.
9. The PUD sets forth sufficient and adequate mitigation for the identified impacts on municipalities and other agencies and/or districts.
10. The PUD provides land development and uses that will accommodate population growth within Elmore County.
11. The PUD design and arrangement of uses conforms to the natural features analysis and identified constraints and opportunities.
12. The PUD conforms to the requirements and standards of this Chapter.
13. The proposed PUD is compatible with abutting land uses.
14. The PUD design includes clustering of land uses to achieve density transfer of residential units away from physical constraints or hazardous areas while providing for aesthetic and desirable use of open space and recreational opportunities.
15. The PUD contains appropriate modifications of dimensional standards to achieve dedicated open space, providing for amenities not found in traditional subdivisions.
16. The PUD provides a variety of housing options at a variety of pricing points with a minimum net density of six to eight (6 to 8) dwelling units per acre.
17. The PUD non-residential uses allowed through a Use Exception were designed to serve primarily the residents of the PUD or the surrounding area, and are compatible and harmoniously incorporated into the design of the PUD.
18. The proposed roads within the PUD will be paved and roadway sections include sidewalks, bike lanes/paths in compliance with this Chapter.

19. All utilities are designed to be installed underground including but not limited to telephone, cable and electrical systems in compliance with this Chapter.
20. Dedicated open space, developed parks and trails are either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public in compliance with this Chapter.
21. Heavy Industrial uses are not proposed.
22. The PUD provides for joint parking facilities for commercial, office or industrial uses with sufficient landscaping and screening and common access points to public streets.
23. The PUD provides sufficient landscaping for all parking, loading and outdoor storage areas.
24. Commercial, office and industrial structures do not exceed a gross floor area of twenty thousand (20,000) total square feet in any one building unless authorized by the Board, and sufficient landscaping, setbacks and buffering is provided when located adjacent to residential uses.
25. Commercial, office and industrial structures shall have common design themes and elements and are developed in a park-like setting, clustered wherever possible to preserve open space, and reduce thoroughfares and through traffic.

**Section 6-31-19: Fees:**

- A. Fees: The Board shall, by resolution, establish fees for all zoning applications or petitions authorized by this Chapter.
  1. All persons making application for permits and other items herein referred in this Chapter shall be required to submit to the Director an application on forms provided by the Growth and Development Department and accompanied by an application fee as set forth in this Chapter. No application shall be considered as accepted by the Director unless it is complete with all required information and fees.
  2. The date of final acceptance shall be the date of the PUD final application acceptance letter sent by the Growth and Development Department notifying the applicant that the Director has received payment of the required fee and all of the required submittal information pursuant to this Chapter.
  3. Fees for pre-application work session and PUD applications shall be negotiated by the Director with the Board, and approved by the Board pursuant to the provisions of this Chapter.

4. Additional fees shall be established for Floodplain Development, Vacations, Subdivisions (Preliminary/Final Plats), Appeals, Subsequent Zoning Ordinance Map Amendments and Subsequent Development Agreement(s) or Modification(s).
5. Fees shall be reviewed by the Director periodically to ensure that the fees charged adequately cover department expenses, salaries and cost of living increases.