

CHAPTER 3 PLANNED UNIT DEVELOPMENTS

10-3-1: Purpose:

Planned unit development (PUD) is a [special land use approval achieved through the permitting process set forth in this chapter for](#) development of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land ~~in conformance with an approved planned unit development permit~~ which accentuates usable open space, recreational uses, public amenities, community housing, and harmonious development with surrounding properties and the city at large, [as envisioned in the City's Comprehensive Plan](#).

The purpose of the provisions of this chapter shall be to guide a major development of land and construction by encouraging planned unit developments so as to achieve the following:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of neighborhood commercial uses, recreational uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land than is generally achieved through conventional development, thus resulting in substantial savings through shorter utilities and streets, while encouraging connectivity.
- E. A development pattern in harmony with land use density, multimodal transportation facilities, and community facilities objects of the comprehensive plan.

(Ord. 1162, 12-20-2006)

10-3-2: Application:

- A. [A PUD is comprised of two components, a Preliminary Development Plan \(PDP\) and a Final Development Plan \(FDP\), which may, at the discretion of the applicant be processed separately, or combined and processed together.](#)
- AB. Contents of Application for Approval of [a Preliminary Development Plan](#): An application for preliminary PUD [development plan](#) shall be filed with the planning department by a property owner or person having an equitable interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information:
 - 1. Name, address and phone number of applicant.
 - 2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
 - 3. Legal description of property.
 - 4. Description of existing use.
 - 5. Zoning districts.

-
6. A vicinity map at a scale approved by the commission, showing property lines, streets, existing and proposed zoning and such other items as the commission may require to show the relationship of the PUD to the comprehensive plan and to existing schools and other community facilities and services.
 7. A preliminary development plan at a scale approved by the commission showing topography at two foot (2') intervals; location and type of residential, neighborhood commercial and recreational land uses; layout, dimensions and names of existing and proposed streets; rights-of-way; utility easements; parks and community spaces; layouts and dimensions of lots and building setback lines; preliminary improvement drawings showing water, fire hydrants, sidewalks, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the commission deems necessary.
 8. Tentative landscaping plans and tentative architecture styles of buildings, showing elevations, interior layout, construction materials, and site orientation.
 9. Proposed schedule for the development of the site.
 10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.
 11. The application for [a preliminary PUD development plan](#) shall be accompanied by a written statement by the developer setting forth the reasons why it is believed the PUD would be in the public interest.
- B.C.** Contents of Application for ~~Approval of a~~ Final Development Plan: Upon approval in principle of a preliminary development plan, [or if processed as a combined PDP/FDP application](#), an application for approval of the [a](#) final development plan may be filed with the planning department by at least one property owner or person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the owner or ~~lessee~~ [interested person](#), attesting to the truth and exactness of all information supplied on the application for final development plan. ~~Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. For larger projects, a developer may propose development occur incrementally in two (2) year phases.~~ At a minimum, the application shall contain the following information:
1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses.
 2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties.
 3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
 4. Preliminary studies and plans showing, as necessary, water, sewer, drainage, streetlight, electricity, telephone and natural gas installations; waste disposal facilities; street improvements including sidewalk and bicycle accommodation and nature and extent of earthwork required for site preparation and development.
 5. Site plan, showing buildings, various functional use areas, circulation and their relationship.
 6. Preliminary building plans, including floor plans and exterior elevations.
 7. Landscaping plans.

-
8. Deed restrictions, protective covenants and other legal statements 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.
 9. A traffic analysis as provided for in section 10-1-6 of this title may be required which may result in requirements for off site improvements to mitigate impacts.
- ~~€D.~~ Ownership Requirements: ~~The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property.~~ Before approval is granted to the a final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.

(Ord. 1162, 12-20-2006)

10-3-3: Minimum Area:

A planned unit development for the following principal uses shall contain an area of not less than:

- A. Two (2) acres for residential development.
- B. Five (5) acres for residential use with subordinate neighborhood commercial or recreational uses.

(Ord. 1162, 12-20-2006)

10-3-4: Uses Permitted:

- A. All uses that may be allowed within the ~~land use~~ zoning district are permitted within a PUD.
- B. Uses not allowed in the underlying zoning district may be allowed where appropriate. PUDs seeking multi-family residential buildings in ~~residence A and B zones~~ Residential Single Family and Residential Multifamily zones shall be limited to no more than six (6) dwelling units in any one building. Such units must reflect the style and character of surrounding residences.
- C. Commercial, professional office, recreational, public or quasi-public uses that are not allowed within the land use district, may utilize up to twenty percent (20%) of the gross land area in a PUD.

Such uses may be allowed provided there is a favorable finding by the ~~commission~~ City Council that:

1. Any nonresidential uses are compatible with the residential uses in and surrounding the PUD.
2. The uses are planned as an integral part of the PUD.
3. Commercial/professional uses are to be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards.
4. A minimum of fifty percent (50%) of the residential development occurs prior to the development of the related neighborhood commercial or recreational uses.

(Ord. 1162, 12-20-2006)

10-3-5: Increased Residential Density:

~~To provide an incentive for quality PUD,~~ The commission Council may authorize an increased in residential density, based on the single-family lot size for the zone, of up to forty percent (40%) above of the allowable number of dwelling units. ~~Character, identity, architectural and siting variations incorporated in a development~~

shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD, which are as follows for projects that dedicate 40% of units as workforce/affordable housing as defined by resolution of the City of Sandpoint.

- A. ~~Landscaping, a maximum increase of ten percent (10%); streetscape; open spaces and plazas; use of existing landscaping; pedestrian way treatment; and recreational areas.~~
- B. ~~Siting, a maximum increase of ten percent (10%); visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern; physical environment; variation in building setbacks; and building grouping, such as clustering.~~
- C. ~~Design features, a maximum increase of ten percent (10%); street sections; architectural styles; harmonious use of materials; parking areas broken by landscaping features; and varied use of housing types.~~
- D. Workforce/affordable housing, a maximum increase of ten percent (10%) for those projects providing workforce/affordable housing as defined by resolution of the City of Sandpoint.

(Ord. 1162, 12-20-2006)

10-3-6: Common Open Space:

A minimum of ten percent (10%) of the gross land area developed in any residential planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation, and related uses. Public utility and similar easements and rights-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the ~~commission~~ Council.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than six (6) townhouse units in any contiguous group. Due consideration shall be given to the provisions of suitable sites for parks, playgrounds and schools for the community.

(Ord. 1162, 12-20-2006)

10-3-7: Performance Standards:

- A. The PUD shall be designed to be compatible with the surrounding area.
- B. There shall be a twenty-five foot (25') building line setback from all exterior boundaries of the property.
- C. All parking and driveways shall not be within ten feet (10') of the exterior boundaries.
- D. All public improvements required for subdivisions may be required for a PUD.
- E. Exterior boundary setback requirements set forth above may be reduced by the ~~commission~~ Council where such reduction can be shown to be compatible with surrounding development.

(Ord. 1162, 12-20-2006)

10-3-8: Utility Requirements:

Fire hydrants, sidewalks, curbs, public safety signs and storm drainage shall be provided as required to adequately service the site. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the ~~commission~~ Council finds that such exemption will not violate the intent or character of the proposed planned unit development. All utilities should be placed behind the curb line.

(Ord. 1162, 12-20-2006)

10-3-9: Arrangement of Neighborhood Commercial and Recreational Uses:

When planned unit development districts may include neighborhood commercial and recreational uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planning screens or fences may be required to be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation for all modes, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat orderly manner.

(Ord. 1162, 12-20-2006)

10-3-10: Approval Procedure:

- A. Approval of A Planned Unit Development: Approval of a PUD by the ~~commission or~~ city council is purely discretionary and not a matter of right.
- B. Submission of Planned Unit Development Plan: When the PUD also ~~qualifies as~~ involves a subdivision, the processing of the PUD permit and subdivision application shall occur at the same time. The granting of a permit for a PUD shall require a preapplication meeting, ~~the submission approval~~ of a preliminary development plan and approval of a final development plan. Such approvals are at the discretion of by the city council ~~of a final development plan as specified within this chapter~~ upon recommendation by the Planning and Zoning Commission.
- C. Preapplication Meeting: The developer shall meet with the city planner prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, zoning ordinance, subdivision ordinance and such other plans and ordinances as deemed appropriate.
- D. Procedure for Public Notice: The same provision for public hearing and legal notification as required for conditional use permits shall be followed.
- E. ~~Approval in Principle~~ Recommendation by the Commission: ~~Within sixty (60) days after the public hearing~~ The commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this chapter; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the

interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The commission's approval ~~in principle~~ shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

- ~~F.~~ ~~Consideration of General Standards Applicable:~~ The commission shall consider the general standards applicable to conditional use permits and criteria for PUD permits before approving in principle a preliminary development plan (see section 9-9-9 of this code.)
- ~~G.F.~~ Approval at Hearing: If it is determined to meet the provisions hereafter set forth, the commission may act on a developer's request for final development plan approval at the same hearing as a preliminary development plan.
- ~~H.G.~~ Recommendation by Commission: Within sixty (60) days after receipt ~~of submitting a~~ of the final development plan ~~to the City~~, the commission shall recommend to the city council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The commission shall then transmit all papers constituting the record and the recommendations to the city council.

The commission shall find that the facts submitted with the application and presented to them establish that:

1. The proposed development can be initiated within two (2) years of the date of approval.
 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard zoning regulations.
 3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated multimodal traffic, that increased densities will not generate vehicular traffic in such amounts as to overload the street network outside the PUD, and that any impacts have been adequately mitigated.
 4. Any proposed commercial development can be justified at the locations proposed.
 5. Any exception from standard zoning requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with this chapter and the adopted policy of the city council.
 6. The PUD is in general conformance with the comprehensive plan.
 7. The existing and proposed ~~utilities~~ services, roadway network, pedestrian and bicycle facilities are adequate for the population densities and nonresidential uses proposed.
- ~~H.~~ Action by the City Council: Within sixty (60) days after receipt of the final recommendation of the commission, the city council shall either approve, approve with supplementary conditions, or disapprove the application as presented. Upon granting or denying the application, the council 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 a permit.
- ~~H.~~ Approval of Application: If the application is either approved or approved with conditions, a PUD permit shall be issued in writing. The issuance thereof shall not be considered a binding precedent for the issuance of other PUD permits. A PUD permit is not transferable from one parcel of land to another. When applicable, a developer may be required to enter into an agreement setting forth all commitments made by the developer.

If a PUD is being processed in conjunction with a subdivision, approval of construction plans for public improvements shall proceed as noted in subsection 10-1-1.D of this title. If not a subdivision, approval of final utility plans shall be required prior to issuance of a final PUD permit.

- ~~K.~~ Failure to Comply: Failure to comply with any condition or term of ~~said a~~ PUD permit shall cause ~~said the~~ permit ~~PUD~~ to be void. A PUD permit may be revoked at any time for violation of the permit ~~PUD~~ or any condition thereof by ~~motion~~ action of, the city council after a due process hearing upon ten (10) days' written notice to the holder ~~er~~ of the PUD permit.
- ~~L.~~ Design Review Approval Consistency: All building permits issued for property developed within a PUD shall be in substantial compliance with the PUD, to the satisfaction of the Director of Planning and Community Development. ~~projects receiving a PUD permit, as a condition of said permit, shall be required to submit and receive design review approval for each structure to be constructed within the project in accordance with the approved final development plan and the supplementary conditions attached thereto prior to making application for a building permit irrespective of what zoning district or districts within which the project is located.~~
- ~~M.~~ Expiration and Extension of Approval Period: Preliminary development plans approval shall be valid for a period not to exceed eighteen (18) months. ~~The approval of a fFinal development plans for a PUD shall be~~ valid for a period not to exceed two (2) years to allow for preparation and recording of ~~the required a~~ subdivision plan, if any, and the development of the project. If no construction has begun within two (2) years after approval is granted and no current building permit exists, the approved ~~final development plan~~ PUD shall be void. An extension of the time limit, revision of phasing schedule, or modification of the final development plan may be approved if the request is submitted to the City prior to the expiration date of the PUD and ~~the commission~~ Council finds that such extension, revision, or modification is not in conflict with the public interest.
- N. Development of Property Consistent with Application: All development and subdivision of the property must be consistent with the ~~application and any commitments made by the developer to the commission or city council~~ approved PUD. The developer may be required to sign a development agreement setting forth the conditions of approval.

The certificate of compliance shall not be issued for any part of the project until all of the specified improvements have been completed, or unless a letter of credit, performance bond, or other sufficient security acceptable to the city attorney is posted for one hundred fifty percent (150%) of the estimated construction costs of the improvements, as provided for in section 10-1-3 of this title.

(Ord. 1162, 12-20-2006)