

Chapter 26

PLANNED UNIT DEVELOPMENTS AND MASTER PLANNED COMMUNITIES

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10-26-1: PURPOSE

Planned Unit Development (PUD): The intent of PUD overlay district regulations is to permit greater but limited flexibility to bulk requirements, setbacks, building height, and placement of structures that are typically required in zoning districts, and consequently, more creative design for development than generally is possible under conventional zoning regulations or subdivision regulations as affected by zoning regulations. It is further intended to promote more economical and efficient use of land while facilitating a harmonious variety of neighborhood development, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

Master Planned Community (MPC): MPCs encompass a large geographic area (at least 40 acres) and contain multiple zones, uses, densities and housing types. They are required to meet standard building requirements (building code, fire code and other regulatory requirements). MPCs are allowed generous alterations to bulk requirements, setbacks, building height, and placement of structures that are typically required in zoning districts. Density allowance is increased by 20% over standard subdivision development. The intent is to allow a developer to use creativity and successful design principles that bring together multiple elements in a cohesive design utilizing Smart Growth principles that may otherwise not be permitted in the Nampa City Code.

10-26-2: USE REQUIREMENTS

10-26-2.A: Zoning Districts Allowed in a PUD: All zoning districts are allowed to be in a PUD.

10-26-2.B: MPC Comprehensive Plan Locations Permitted: MPCs are allowed in a Residential Mixed-Use or Community Mixed-Use land use setting as designated by the Comprehensive Plan Future Land Use Map.

10-26-2.C: Zoning Districts Allowed in a MPC: Zoning districts allowed in a MPC include medium-density single-family residential zones (RS4, RS6, RS7, RS8.5 and RD); high density residential zones (RML and RMH); neighborhood-oriented commercial, professional offices, service establishments (BC, IP, BN); and mixed use (RP, GB1 and GB2 depending on location). Some light industrial (IL) zoning is allowed with restrictions on nuisance land uses to be determined by the Commission.

10-26-2.D: PUD and MPC Ratio of Land Uses in a Mixed Use Development: Ratio of Land Uses for MPC's, PUD's that are larger than 5 acres in a Mixed Use Land Use Setting: In the Residential Mixed-Use land use setting on the Future Land Use Map, the primary land use shall be residential with no less than 5% of the land use as commercial. In the Community Mixed-Use land use setting on the Future Land Use Map, the primary land use shall be commercial with no less than 5% of the land use as High-Density Residential and/or light industrial.

10-26-2.E: Local Land Uses Controls: Proposed land uses shall be subject to architectural controls as administered by a homeowners' association using their CCR's and any related policies

10-26-3: AREA REQUIREMENTS

10-26-3.A: Entire Development: Unless otherwise approved by the Commission, no PUD shall be for an area less than two (2) acres in size, and no MPC shall be for an area less than forty (40) acres in size.

10-26-3-B: Residential Lot Size and Density: All PUD and MPC developments shall adhere to the PUD/MPC minimum and maximum residential lot size, and minimum and maximum density, unless stated otherwise in a development agreement that is approved by action of the City Council.

10-26-3.C: Connectivity Requirements: Any PUD or MPC with multiple zoning designations shall provide pedestrian and bicycle access through and between land uses.

10-26-4: EXCEPTIONS TO DISTRICT REGULATIONS

Individual uses and structures in PUDs and MPC's shall comply with the specific zoning-based regulations of the underlying districts with the following exceptions:

10-26-4.A: Detached Building Spacing:

10-26-4.A.1: Wall Separation: Where two (2) walls oppose each other, minimum separation shall be as required by City Fire regulations.

10-26-4.A.2: Privacy: Where windows are placed in only one of two (2) facing walls or there are no windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing may be reduced.

10-26-4.A.3: Light and Air: Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction.

10-26-4.A.4: Use: When areas between buildings are to be used for utility purposes a reduction of building spacing shall be permitted. Where this use is similar for both houses, a reduction of building space permitting effective design of a utility space shall be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards.

10-26-4.A.5: Building Configuration: Where building configuration is irregular, so the needs expressed in subsections A2, A3 and A4 of this section are met by the building configuration, reduced building spacing is permissible, as determined by the average spacing or by measuring spacing where rooms open toward adjacent buildings.

10-26-4.B: Bulk Requirements (i.e., Setbacks, Property Depth, Property Width, Building Height, Density, and Street Frontage): Bulk requirements that would otherwise be applicable to a project developed in a given zone wherein a PUD or MPC is proposed/allowed may be altered by the Commission as part of a PUDs or MPCs review and approval process. The Commission may allow deviations from the setback, property depth, property width, building height, and street frontage requirements without one or more variance application permits being required provided that they conclude that any code required bulk requirement exceptions allowed comply with the following standards by assuring that:

10-26-4.B.1: Building Separation: Any detached structures shall be set at least eight feet (8') apart;

10-26-4.B.2: Parking Space Clearance: Garages and carports shall be no closer to the street or alley than 20'. Off street parking pads and driveways shall be paved for 2 vehicles and at least 20' deep. All other parking shall comply with parking requirements as stated in chapter 10-22 'Off Street Parking.'

10-26-4.B.3: Access: Access to a public street is assured to each and every building lot/parcel by direct access, recorded easement or shared parking/cross-access agreement.

10-26-4.B.4: Setback: Shall conform to the zoning district setback requirements wherein the structures are placed. RS and RD side and rear yard setbacks may be reduced to 4' or from the easement, whichever is greater, or to a distance required by building and fire codes. Structures that are 4' from the property line shall be allowed a one-foot (1') maximum eve encroachment into the setback.

10-26-4.B.5: Height of Buildings: Building Heights in a PUD and MPC development may extend up to two stories above the limitation of the zone in which it is located only when the zone does not abut a single-family residence, residential subdivision, residential

zoning district or the Low-or Medium-Density Residential land use setting designation of in the city of Nampa’s Comprehensive Plan on the side(s) of the PUD or MPC. Structures on the PUD property adjacent to residential land uses, zones and land use settings shall not exceed the height limitation of those residential zones, or 30’ if undefined, extending 100’ into the PUD or MPC.

10-26-4.C: Density and Lot Size:

10-26-4.C.1: Planned Unit Developments shall adhere to the applicable residential zoning district density and lot size limitations as follows:

Residential Zoning Districts - Lot Size and Density for PUD's Only							
Zoning District	Min Lot Size Requirement per DU	Max Lot Size Requirement per DU	Min NET Density (DU/acre)	Max NET Density (DU/acre)	Min GROSS Density (DU/acre)	Max GROSS Density (DU/acre)	Assumed % in lots (for Gross Density Calculation) - this percentage is variable
RA	30,000					1.00	72%
RS-22	17,600	32,000	1.36	2.48	1.01	1.78	72%
RS-18	14,400	22,000	1.98	3.03	1.42	2.18	72%
RS-15	12,000	18,000	2.42	3.63	1.74	2.61	72%
RS-12	9,600	15,000	2.90	4.54	2.03	3.18	70%
RS-8.5	6,800	12,000	3.63	6.41	2.51	4.42	69%
RS-7	5,600	10,000	4.36	7.78	2.92	5.21	67%
RS-6	4,800	9,000	4.84	9.08	3.24	6.08	67%
RS-4	3,200	7,000	6.22	13.61	4.17	9.12	67%
RD	5,000*	10,000	4.36	8.71	2.92	5.84	67%
RD-0 lot line	2,500	5,000	8.71	17.42	5.58	11.15	64%
RML (limited)	1,350**	3,500	12.45		8.01		
RMH (high)	500**	3,500	12.45				
GB	1,350**	3,500	12.45				
RP (Mixed Use)	1,350**	3,500	12.45				

*The first 2 dwelling units per structure require a minimum of 5,000 sq. ft. of parcel total. For every additional dwelling unit, 2,500 square feet of lot is required.

**The first 2 lots of any building require a minimum of 6,000 sq. ft. of parcel. The minimum lot size is the minimum amount of lot square footage required for each dwelling unit.

DU = One (1) dwelling unit

10-26-4.C.2: Master Planned Communities shall adhere to the applicable residential zoning district density and lot size limitation as follows:

Residential Zoning Districts - Lot Size and Density MPC's Only							
Zoning District	Min Lot Size Requirement per DU	Max Lot Size Requirement per DU	Min NET Density (DU/acre)	Max NET Density (DU/acre)	Min GROSS Density (DU/acre)	Max GROSS Density (DU/acre)	Assumed % in lots (for Gross Density Calculation) - this percentage is variable
RS-8.5	6,800	12,000	3.63	6.41	2.51	4.42	69%
RS-7	5,600	10,000	4.36	7.78	2.92	5.21	67%
RS-6	4,800	9,000	4.84	9.08	3.24	6.08	67%
RS-4	3,200	7,000	6.22	13.61	4.17	9.12	67%
RD	5,000*	10,000	4.36	8.71	2.92	5.84	67%
RD-0 lot line	2,500	5,000	8.71	17.42	5.58	11.15	64%
RML (limited)	1,350**	3,500	12.45		8.01		
RMH (high)	500**	3,500	12.45				
GB	1,350**	3,500	12.45				
RP (Mixed Use)	1,350**	3,500	12.45				

*The first 2 dwelling units per structure require a minimum of 5,000 sq. ft. of parcel total. For every additional dwelling unit, 2,500 square feet of lot is required.

**The first 2 lots of any building require a minimum of 6,000 sq. ft. of parcel. The minimum lot size is the minimum amount of lot square footage required for each dwelling unit.

DU = One (1) dwelling unit

10-26-4.D: Zero Lot Line Structure Placement(s):

Buildings may be placed close to, or on the lot line by common wall construction. Zero lot line units shall be allowed in PUDs and MPC's provided the following requirements are met:

10-26-4.D.1: In the case of common wall construction all applicable city, state and federal building regulations shall be complied with.

10-26-4.D.2: Sites shall be selected to avoid drainage problems since it becomes more difficult for each lot to drain on its own with one side yard eliminated.

10-26-4.D.3: In the case of buildings which are to be placed close to or on the lot line the following shall apply:

10-26-4.D.3.a: The adjoining lot shall provide a five-foot (5') maintenance easement on the zero-lot line side.

10-26-4.D.3.b: The use of maintenance easements shall be restricted to daylight hours and the total number of days per year the easement may be used shall be agreed upon.

10-26-4.D.3.c: The owner(s) of the adjacent lot shall not make any attachments to lot line walls, alter it in any way, or use it as a playing surface for any sport.

10-26-5: OPEN SPACE REQUIREMENTS

10-26-5.A: Qualified Open Space:

10-26-5.A.1: PUDs:

10-26-5.A.1.a: For developments with a gross acreage of 2-4.99 acres: At least ten percent (10%) of the total net area of all buildable residential lots that have an average lot size of 32,000 square feet or less shall be retained as Qualified Open Space.

10-26-5.A.1.b: For developments with a gross acreage of 5 acres or greater: At least fifteen percent (15%) of the total net area of all buildable residential lots that have an average lot size of 32,000 square feet or less shall be retained as Qualified Open Space.

10-26-5.A.2: MPCs: At least fifteen percent (15%) of the total net area of all buildable residential lots shall be retained as Qualified Open Space.

10-26-5.A.3: Qualified Open Space shall include land area that:

10-26-5.A.3.a: Is not covered by buildings, parking structures, or accessory structures (except commonly held recreational structures);

10-26-5.A.3.b: Is not enclaved inside individual, privately held building lots;

10-26-5.A.3.c: Is not art of any proposed or existing street, common driveway, private driveway or parking pad, alley, or exclusive easement;

10-26-5.A.3.d: Is not proposed to be platted into lots arranged in such oddly dimensioned, unusable shapes, as to be considered realistically unusable, as determined by the Director or his/her designee;

10-26-5.A.3.e: Is not unsuitable land or in an inaccessible easement;

10-26-5.A.3.f: Is not sloped such that it creates a dangerous or hazardous condition.

10-26-5.A.4: All open space areas with active recreational elements shall be sloped per industry standards for those activities and shall provide accommodation for ADA access.

10-26-5.B: Qualified Open Space Calculation:

10-26-5.B.1: Drainage Basins as Qualified Open Space:

10-26-5.B.1.a: Drainage basins or portions thereof that meet the “Multi-Use” facility standards identified in Nampa Engineering Drainage and Stormwater Policy and have a surface suitable for recreational use shall count towards the total

percentage of qualified open space. Suitable surfaces include turf, hardscape, and others as approved by the Nampa Engineering Division and Planning Department. Filter sand is generally not considered a suitable surface. Vegetation (plants, grasses, shrubs, trees) shall be selected appropriately to withstand the periodic or frequent inundation with water. Mulch if used shall be a non-floatable material.

10-26-5.B.1.b: Multi-use facilities that provide other benefits beyond active recreation and that integrate into the character of the planned development and compliment the surrounding open space and corresponding amenities may also count towards the total percentage of qualified open space. Inclusion of these areas are subject to the review and approval of the Nampa Engineering Division and Planning Department. Examples include, but are not limited to:

- Permanent pools for active/passive recreation
- Constructed wetland/wildlife habitat areas
- Other landscape features designed to mimic natural spaces

10-26-5.B.2: Natural Areas as Qualified Open Space: Natural areas that have water features, forested areas, wetlands and other natural landform landscapes may be considered Qualified Open Space. Access must be provided to these features via a paved or compacted natural trail. Areas that are not accessible must be able to be enjoyed visually by the residents of the development.

10-26-5.B.3: Park Credit Towards Qualified Open Space: Up to a 5% reduction in the qualified open space requirement may be granted for developments of 2 or more acres that border a public park on one side or more that is 2 acres or larger and has at least one recreational element (playground, picnic area, athletic fields, looped trail system of at least ¼ mile, courts for basketball or tennis, swimming pool, splash pad, community garden, or another active recreational element). If a reduction of qualified open space is granted by the Commission, the developer shall contribute land, or funding in the amount of the value of a fully developed parcel of parkland (irrigation, turf, trees and 6' wide pathway circumventing the parcel), equaling the percentage of the reduction to the Parks Department to be used towards the construction of the adjacent public park.

10-26-5.B.4: Landscape Buffer Credit Towards Qualified Open Space:

50% of a landscape buffer that has a pathway meandering through it may be used as Qualified Open Space

10-26-5.B.5: Community Plazas Credit towards Qualified Open Space: The area of a community plaza that is open to the elements, including covered walkways, gazebos, trellis-covered areas, landscaping planters, fountains, and sitting areas may count towards Qualified Open Space. Any areas of a community plaza covered by buildings, accessory buildings, parking and loading facilities for these areas is not considered Qualified Open Space.

10-26-5.C: Distribution of Qualified Open Space:

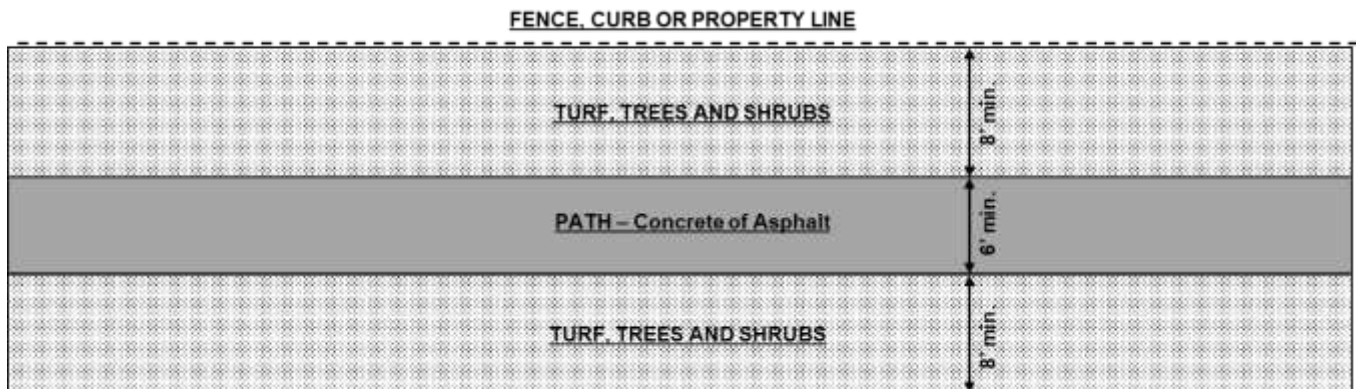
Qualified Open Space shall contain a larger recreational element that is centralized within the subdivision and the remainder shall be distributed throughout the subdivision.

10-26-5.D: MPC Qualified Open Space Elements Requirement:

Each Master Planned Community shall contain at least two (2) Qualified Open Space elements from the following list:

10-26-5.D.1: Large Play/Picnic Area: Large play area with a tot lot (0-5 yr.), youth (5-12 yr.) play equipment; and splash pad or shelter for a minimum of three picnic tables. The play areas shall include a drinking fountain, an adjacent grassy area of at least 1 acre in size with at least five (5) Class II Trees.

10-26-5.D.2: Walking Path: 1 mile of 6' wide paved looped walking trail with 8' shoulders of turf, trees and shrubs, seating every 1,000', ¼ mile markers for every 200 dwelling units. Trees shall be Class I or Class II deciduous with no more than 25% evergreen. The total number of trees required equals 1 tree for every 50 linear feet of trail. Trees and shrubs may be linear or grouped in clusters that are evenly distributed along the trail corridor, or some combination thereof (see below). Exceptions to the width of the 8' shoulders may be granted by the Commission as part of the conceptual plan approval process.



10-26-5.D.3: Community Swimming Pool: Community Swimming Pool with landscaping and pool house with restrooms/changing rooms and gathering area.

10-26-5.D.4: Recreational Field: 2 acres of turf field area for recreational activities and twenty (20) (2") caliper Class II trees for every 100 dwelling units.

10-26-5.D.5: Basketball and Tennis Courts: 1 full-size concrete-edged, paved and surfaced basketball court and (two) 2 fenced tennis courts for every 200 dwelling units (1 tennis court can be replaced with 4 pickle ball courts).

10-26-5.D.6: Community Garden: A Community Garden with garden building containing a gathering room and restrooms. The Community Garden area shall be 2 acres for every 150 dwelling units.

10-26-5.D.7: Outdoor Amphitheater: An Amphitheater with stage, grass seating area – with space for 2 lawn chairs (or seat wall seats) for every dwelling unit.

10-26-5.D.8: Community Plaza: Large Community Plaza in decorative paving, fountain, seating, lighting and elements for public gatherings/farmer's market with neighborhood-scale commercial, live-work units, apartments, multi-family, condominiums or townhomes surrounding.

10-26-5.D.9: Additional Embellishment: Such as significantly enhanced streetscaping with added trees and vegetation; community entrance with iconic wayfinding or artistic features throughout the development; ample street furnishings; etc.

10-26-5.D.10: Other Open Space Elements: As proposed by the applicant and approved by the Planning Commission and City Council.

10-26-5.E: Common Open Space: Open space and landscaped areas which is not Qualified Open Space and held in common and maintained by all property owners in the PUD or MPC.

10-26-5.F: Maintenance: The maintenance of such qualified and common open space area reservations shall be assured by establishment of appropriate management organization for the project (HOA) . The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

10-26-7.G: Ownership: Ownership and tax liability of private qualified and common open space area reservation shall be established in a manner acceptable to the city and made a part of the conditions of the plan approval.

10-26-6: PRIVATE STREETS

Private streets shall be allowed in PUDs and MPCs in accordance with city of Nampa standards as noted in the city's adopted subdivision process policy manual and the standard construction specifications manual.

10-26-7: CRITERIA FOR APPROVAL

The Commission in making its determination shall consider the following:

10-26-7.A - Proposed Development:

The proposed development is consistent in all respects to the spirit and intent of this chapter, is in general conformance with the comprehensive plan, that the area surrounding the development can be planned and zoned in coordination and substantial compatibility with the PUD or MPC and that the benefits and improved design of the development will have a beneficial effect which would not be achieved under standard district regulations.

10-26-7.B - Project Design:

10-26-7.B.1: MPC Design to Follow Smart Growth Principles: Master Planned Communities are to be designed utilizing Smart Growth principles that provide opportunities for residences to live, work and recreate within walking/biking distance of their homes. MPCs are to be designed to integrate with the greater Nampa community.

10-26-7.B.2: No Periphery Requirements: PUDs and MPCs shall be exempt from the subdivision periphery lot compatibility requirements stated in subsection 10-27-6.F of this title.

10-26-7.B.3: Project Design Elements: for PUDs and MPCs:

10-26-7.B.3.a: Landscaping: Streetscape, open spaces, plazas, use of existing landscape, pedestrian way and recreational areas.

10-26-7.B.3.b: Siting: Visual focal points, use of existing physical features such as topography, view, solar access orientation according to the provisions of the specifications in chapter 27 of this title, sun and wind orientation, circulation patterns, physical environment, variation in building setbacks and building grouping.

10-26-7.B.3.c: Design Features: Street sections, architectural styles, harmonious use of materials, varied use of building types and parking areas broken by landscaping.

10-26-7.B.4: Commercial Area Site Development: The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area creating an effect upon the property values of the surrounding neighborhood compatible with that anticipated under the comprehensive plan.

10-26-7.B.4.a: Commercial Area Planned Groups: Commercial uses, commercial buildings and establishments are planned as groups having common parking areas and common entrance and exit points.

10-26-7.B.4.b: Commercial Area Landscaping: Planting screens or fences shall be provided on the perimeter of any commercial areas/properties abutting residential areas.

10-26-7.B.4.c: All areas designed for future expansion or not intended for immediate development shall be landscaped or otherwise maintained in a neat and orderly manner.

10-26-7.B.4.d: All intervening spaces between rights of way and building lines, and between buildings, drives, parking areas and improved areas shall be landscaped with trees and shrubs and properly maintained.

10-26-7.B.5: Industrial Uses: Light Industrial uses shall be permitted in PUD and MPC development and shall be limited to those uses that are compatible with surrounding development. No industrial land uses that create a nuisance of any kind are permitted.

10-26-7.B.5.a: Industrial Area Site Development: The operational character, physical plant arrangement and architectural design of buildings shall be compatible with contemporary performance standards and industrial development design and will not produce an effect upon the property values of the surrounding neighborhood incompatible with that anticipated under the comprehensive plan.

10-26-7.B.5.b: Industrial Area Planned Groups: There will be harmony of buildings and a compact grouping in order to economize the provision of such utilities as are required.

10-26-7.B.5.c: Industrial Area Landscaping: Industrial uses and parcels shall be developed in parklike surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or storage of raw materials and products.

10-26-7.B.5.d: All intervening spaces between rights of way and building lines, and between buildings, drives, parking areas and improved areas shall be landscaped with fences and shrubs and properly maintained at all times.

10-26-8: PROCEDURE FOR PUD AND MPC PLAN APPROVALS

10-26-8.A: Planned Unit Development Approval Process:

10-26-8.A.1: PUD Permit: A PUD requires a PUD permit. A PUD permit is tied to the project and is valid for 18 months from the date that the PUD is approved by the Planning & Zoning Commission. If a preliminary plat under that PUD is not submitted within the 18-month timeframe, the PUD expires. If a final plat under the preliminary plat is not submitted within 18 months, the preliminary plat and PUD expire.

10-26-8.A.2: Preapplication Meeting: The developer shall meet with the Planning Director or his/her designated staff prior to submission of an application. The purpose of this meeting is to discuss 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 items as deemed appropriate.

10-26-8.A.3: Application for a PUD Permit:

10-26-8.A.3.a: An application for a PUD permit shall be filed with the planning director or his/her designee by a property owner or person having existing interest in the property.

10-26-8.A.3.b: The application shall be on a form as prescribed by the planning director and shall be accompanied by a nonrefundable fee as established by resolution of the Council.

10-26-8.A.3.c: The application for a PUD permit shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest.

10-26-8.A.4: PUD Development Plan Details: An applicant shall incorporate all PUD design elements into one preliminary development plan for presentation to the Commission. The preliminary development plan shall be presented in the same form and contain the same information as outlined for preliminary subdivision plats under chapter 27 of this title. In addition, the development plan shall contain the following information:

10-26-8.A.4.a: Location and type of land uses.

10-26-8.A.4.b: Parks and community or open spaces.

10-26-8.A.4.c: Notation(s) regarding proposed ownership of streets, public or private.

10-26-8.A.4.d: A landscape plan identifying materials and elements used for private and common open spaces, intervening spaces between rights of way and building lines, and between buildings, drives and parking areas.

10-26-8.A.4.e: A description of the design principles for buildings and streetscapes; tabulation of the number of acres in the residential population by type of housing; estimated nonresidential population; standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposed an exception from standard zoning districts or other ordinances governing development.

10-26-8.A.4.f: 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.

10-26-8.A.4.g: General outline of intended organizational structure related to property owners' association, deed restrictions and provisions of services.

10-26-8.A.4.h: A copy of the legal title to the property or proof of a legally binding sales agreement ensuring the entire project area is under single ownership or control.

10-26-8.A.4.i: Existing features of the development site including major wooded areas and structures.

10-26-8.A.4.j: The pattern of public and private roads, driveways, parking facilities, pedestrian ways and intended design standards.

10-26-8.A.4.k: The size arrangement and location of lots or of proposed building groups.

10-26-8.A.4.l: The type, size and location of structures.

10-26-8.A.4.m: The type, size and location of recreational and open space areas and areas reserved or dedicated for public uses such as schools, parks, etc.

10-26-8.A.4.n: Site plan, showing building(s), various functional use areas, circulation and their relationship.

10-26-8.A.4.o: Preliminary building elevation renderings/pictures/etc.

10-26-8.A.4 Neighborhood Meeting: A neighborhood meeting shall be conducted as outlined in § 10-2-2.B: *Planning Application Neighborhood Meeting* of this title.

10-26-8.A.5: Public Hearing Procedures: When a public hearing is required by this chapter the same procedures for public hearing and legal notification, as required by chapter 25 of this title for conditional use permits, shall be followed.

10-26-8.A.6: Design Review Required: Multi-family residential and commercial development shall be subject to Design Review.

10-26-8.A.7: Commission Action: Following application for PUD development plan approval, the Commission shall review the development plan in accordance with the approval criteria set forth in this chapter.

Approval of the Commission along with any pertinent conditions of approval shall cause the Planning Director or his/her designee to issue a PUD permit in accordance with the approved development plan and the supplementary conditions attached thereto.

10-26-8.A.8: Plat in lieu of a Development Plan and PUD Permit: See § 10-27-4.A.1 of this title.

10-26-8.A.9: Amendments: Any subsequent amendment to the approved development plan; changing location; positioning; and height of buildings and structures may be authorized by the Commission as a business item without additional public hearings, if required, by engineering or other circumstances not foreseen at the time the development plan was approved. In no case shall the Commission authorize changes which may, by reasonable judgment, expectedly cause any of the following:

10-26-8.A.9.a: A substantial change in the use or character of the development.

10-26-8.A.9.b: A decrease in common open space below that required in the project (e.g., via increase in overall coverage of structures).

10-26-8.A.9.c: An increase in the intensity of any afore identified use(s) (e.g., via operating hours, trip traffic, building area increase, signage display, etc.) beyond that presented to the Commission.

10-26-8.A.9.d: An increase in the problems of traffic circulation and public utilities.

All other changes in use, rearrangement of lots, blocks, travel distances and building tracts, or in the provision of common open spaces and changes other than those listed above which constitute substantial alteration of the original plan, shall require a new public hearing before the Commission.

10-26-8.B: Master Planned Community Approval Process:

10-26-8.B.1: Required Approvals: An MPC requires an approved Conceptual Plan, approved Annexation/Rezone, and an approved Development Agreement.

10-26-8.B.2: Preapplication Meeting: The developer shall meet with the Planning Director or his/her designated staff prior to submission of the application. The purpose of this meeting is to discuss 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 items as deemed appropriate.

10-26-8.B.3: Application for an MPC:

10-26-8.B.3.a: An application for an annexation/rezone and MPC shall be filed with the Planning Director or his/her designee by a property owner or person(s) having existing interest in the property.

10-26-8.B.3.b: The application shall be on a form as prescribed by the planning director and shall be accompanied by a nonrefundable fee as established by resolution of the Council.

10-26-8.B.3.c: The application shall be accompanied by a statement by the owner/developer setting forth the reasons why, in his or her opinion, the MPC would be in the public interest.

10-26-8.B.4: Conceptual Plan: A conceptual plan approval is required prior to any preliminary plat approval. A preliminary plat may not be approved in lieu of a conceptual plan.

10-26-8.B.4.a: Conceptual Plan Content: A Master Planned Community Conceptual Plan for the entire MPC shall include the following information:

10-26-8.B.4.a.i: "Bubble" diagram of the zoning, location, acreage and type of land uses.

10-26-8.B.4.a.ii: Proposed densities and housing types for residential land uses for each area of the development.

10-26-8.B.4.a.iii: The type, size and location of qualified and common open space areas with proposed recreational amenities and areas reserved or dedicated for public uses such as schools, parks, etc.

10-26-8.B.4.a.iv: Notation(s) regarding proposed ownership of streets, public or private.

10-26-8.B.4.a.v: The pattern of public and private roads, driveways, parking facilities, pedestrian ways and intended design standards.

10-26-8.B.4.a.vi: General landscaping concepts with graphics showing landscape, street and central gathering area theme(s)

10-26-8.B.4.a.vii: Existing features of the development site including major wooded areas, significant slopes, geological features and structures.

10-26-8.B.4.a.viii: A statement or graphic drawing showing how special features of the site are to be highlighted or utilized.

10-26-8.B.4.a.ix: Conceptual building elevation renderings/pictures/etc.

10-26-8.B.4.a.x: A description of the smart growth principles that the MPC introduces into the plat design and how the plan integrates into the surrounding area and greater Nampa community.

10-26-8.B.4.a.xi: A summary of the nature of the variations from zoning standards.

10-26-8.B.5: MPC Development Agreement: See § 10-2-5.B of this title.

10-26-8.B.6: Neighborhood Meeting: Applicant shall hold one neighborhood meeting with all property owners who reside within a 300' buffer area surrounding the project. The addresses of the invitees will be provided by the Planning and Zoning Department (see § 10-2-3.B.1).

10-26-8.B.6.a: Neighborhood Meeting Logistics:

10-26-8.B.6.a.i: The applicant shall organize and conduct a neighborhood meeting regarding the project. The meeting shall be held after work hours, during the weekend or during a time when the greatest number of residents and interested parties can attend. The meeting shall be held at a location on site or within the 300' buffer area.

10-26-8.B.6.a.ii: The applicant shall advertise the meeting at least 10 calendar days in advance.

10-26-8.B.6.a.iii: The meeting shall consist of a presentation about the conceptual plan, proposed land uses, residential density levels and features of the proposed development.

10-26-8.B.6.a.vi: The applicant shall indicate to the residents the timing and logistics (phasing) of the project.

10-26-8.B.6.a.v: The applicant shall address any concerns that the attendees may have.

10-26-8.B.7: Public Hearing Procedures:

10-26-8.B.7.a: An applicant shall submit a conceptual plan for review and recommendation by the Commission, and approval by the Council. If approved, the conceptual plan shall be included in a development agreement.

10-26-8.B.7.b: The same procedures for public hearing for an annexation or rezone and development agreement in chapter 2 of this title shall be followed. An applicant may submit a preliminary plat or preliminary plats to the Commission for approval as outlined in chapter 27 of this title concurrently with the

annexation/rezone, and development agreement after the conceptual plan is approved.

10-26-8.B.8: Commission/Council Action - Annexation/Zoning and Conceptual Plan: Following application for an annexation/rezone and MPC, the Commission shall review and make a recommendation to the Council to approve or deny the annexation/zoning and MPC Conceptual Plan with any supplemental conditions in accordance with the approval criteria set forth in this chapter and the provisions outlined in chapter 2 of this title.

10-26-8.B.9: Cause to Enter into a Development Agreement: Approval of the City Council of the annexation/rezone and MPC conceptual plan with any supplemental conditions attached thereto shall cause the City to enter into a development agreement for an MPC with the property owner/developer in accordance with the provisions outlined in chapter 2 of this title.

10-26-8.B.10: Commission/Council Action - Preliminary Plat Approval:

10-26-8.B.10.a: Following conceptual plan approval and completion of a Development Agreement, preliminary plats may be submitted for approval for specific development areas within the MPC (such as residential, commercial or industrial), or a preliminary plat may be submitted for the entire MPC development.

10-26-8.B.10.b: Any preliminary plat submitted for a specific development area within an MPC, or for the entire MPC shall include a copy of the approved conceptual plan and a statement from the applicant indicating how the preliminary plan(s) meet(s) the conditions and features of the approved conceptual plan and associated development agreement. All preliminary plats are subject to the review and approval process outlined in Sections 10-27-2 and 10-27-3 of this title.

10-26-8.B.10.c: The Commission shall review and approve or deny a/the preliminary plat(s) for the MPC in accordance with the approval criteria set forth and provisions outlined in chapter 27 of this title.

10-26-8.B.11: Amendments: Any subsequent amendment to the final development agreement shall be subject to the provisions in chapter 2 § 5.D of this title.

10-26-9: SUBDIVISION REGULATIONS

In addition to those sections of chapter 27 of this title which have been specifically referred to within this chapter, the following sections of this title shall also be applicable and considered a part of this chapter or affect PUDs and MPC's just like they do residential subdivisions, unless specific exceptions have otherwise been granted by the Commission based on positive recommendation(s) from the City's Engineering and Zoning Departments as part of the PUD review and approval process:

10-26-9.A: § 10-27-6, "General Development And Improvements; Requirements."

10-26-9.B: § 10-27-7, "Construction Observation."

10-26-9.C: § 10-27-8, "Subdivision Improvement Agreement."

10-26-9.D: § 10-27-10, "Financial Security And Guarantee."

10-26-9.E: § 10-27-11, "Dedications."

10-26-9.F: § 10-27-12, "Correcting/Vacating/Amending Plats."

10-26-10: EXPIRATION AND EXTENSION OF APPROVAL PERIODS

If the applicant: a) fails to apply for final development plan approval within two (2) years of approval of the preliminary development plan; or b) fails to record an associated subdivision plat and begin project development within two (2) years of approval of the final development plan, the preliminary and/or final development plans shall be rendered/considered null and void. Extensions of time beyond the two (2) year validity period of approved preliminary and/or final plans may be granted by the Commission, in/for up to one-year increments, if the Commission determines such extensions are in the public interest.

10-26-11: CONFLICT WITH OTHER LAWS

Whenever there is a conflict or difference between the provisions of this chapter and those of other chapters of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this title.

10-26-12: FEES

Persons making application for a PUD or MPC permit/approval shall submit requisite materials as determined by the Planning Director or his/her designee and shall pay to the City a nonrefundable office checking fee in an amount to be established by the Council.