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Chapter 10
PLANNED UNIT DEVELOPMENT (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20Ci

3.10.01: PURPOSE:
3.10.02: PLANNED UNIT DEVELOPMENTS PERMITTED:
3.10.021: PERMITTED IN ALL ZONES:
3.10.022: DENSITY ESTABLISHED:
3.10.023: USES ALLOWED:
3.10.024: DENSITY BONUS:
3.10.03: OWNERSHIP:
3.10.04: APPROVAL CRITERIA AND CONFORMANCE WITH ZONING AND TITLE IX:
3.10.05: USE REGULATIONS:
3.10.06: USE EXCEPTIONS:
3.10.07: DEVELOPER BENEFITS:
3.10.08: DEVELOPMENT STANDARDS:
3.10.09: APPLICATION PROCEDURE:
3.10.10: IMPROVEMENT GUARANTEES:
3.10.11: EXTENSION OF PRELIMINARY DEVELOPMENT PLAN APPROVAL:
3.10.12: AMENDMENTS TO FINAL DEVELOPMENT PLAN:

3.10.01: PURPOSE: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

The planned unit development (PUD) process provides an opportunity for land development that preserves natural features, allows efficient provision of services, and provides common open spaces or other amenities not found in traditional lot by lot development. The procedure may allow a combination or variety of residential, commercial, office, technical, business park and industrial land uses. It also provides for the consistent application of conditions of approval for the various phases of the planned unit development. A planned unit development is intended to:

(A) Permit greater flexibility and, consequently, more creative design for development than generally is possible under conventional zoning regulations.

(B) Retain and preserve natural scenic qualities and topographic features of open spaces; promote aesthetics; prevent disruption of natural drainage patterns.

(C) Promote the creation and efficient use of open space and park area.

(D) Provide a harmonious variety of neighborhood development and a higher level of urban amenities. (Ord. 885, 3-24-2011)

3.10.02: PLANNED UNIT DEVELOPMENTS PERMITTED: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

3.10.021: PERMITTED IN ALL ZONES: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

Planned unit developments are permitted in all zones. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.022: DENSITY ESTABLISHED: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

Density shall be as established in the zone in which the PUD is permitted except that the commission or council may grant additional density according to

section 3.10.024 (?ft=3&find=3.10.024) of this chapter. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.023: USES ALLOWED: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

Any permitted, conditional or accessory uses allowed in the zone may also be allowed in the PUD, with conditional uses not requiring a conditional use permit; see chapter 13 (?ft=2&find=13), "Permits And Applications", of this title. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.024: DENSITY BONUS: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

The following maximum increases in density may be granted singularly or cumulatively only if the accompanying conditions are met:

(A) Ten percent (10%): Solar, wind, geothermal, or other alternative renewable energy source will provide at least fifty percent (50%) of the total energy needs of the PUD.

(B) Ten percent (10%): At least twenty five percent (25%) of the property included in the PUD is located in the floodplain and no development occurs within the floodplain, except that the PUD shall provide public access to the floodplain for passive open space use.

(C) Twenty percent (20%): At least fifty percent (50%) of the units are community housing units as defined within this title.

(D) Density bonuses exceeding those listed above, and for project amenities and benefits to the community other than those listed may be granted by unanimous vote of the council, following a recommendation by the commission, in order to carry out the purpose and intent of this section 3.10.02 (?ft=3&find=3.10.02) and the land use policies of the city.

(E) Twenty percent (20%): The developer incorporates into the subdivision a facility for approved treatment of sewage and disposal of the treated effluent on site, and which is approved by the state of Idaho. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.03: OWNERSHIP: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

(A) An application for approval of a PUD may be filed by anyone meeting the definition of "applicant" in chapter 2 (?ft=2&find=2) of this title.

(B) Before approval is granted to the final development plan, the entire project shall be under single or corporate ownership or control and proof of legal title must be presented with the final development plan.

(C) If single or corporate ownership of any portion or the entirety of the development is transferred to another entity, the new entity must agree to adhere to all plans, easements, agreements, and other pertinent or applicable documents, including this title and title IX of this code; such agreement shall be obtained in writing, be submitted to, and approved by the commission and the city council in accordance with chapter 15 (?ft=2&find=15) of this title, with scheduled public hearings. This transfer restriction does not apply to the sale and transfer of individual properties as denoted in the final approved development plan and subsequent detailed plat, if applicable. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.04: APPROVAL CRITERIA AND CONFORMANCE WITH ZONING AND TITLE IX: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

A PUD may be allowed in any in any zone; provided, that the decision body makes the following findings:

(A) The underlying zoning, title IX of this code, and other applicable regulations under this title and title IX of this code are met, except as the applicant has specifically requested modifications to the standards as part of the PUD.

(B) The proposed uses shall not be detrimental to present and potential surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public. The physical features of the site, public facilities, and existing adjacent developments and uses shall be considered.

(C) The density of the planned unit development considered as a whole shall be in substantial conformity with the density of the underlying zone.

(D) Any variation from the basic zone requirements must be warranted by the design and amenities incorporated in the preliminary and final development plan.

(E) The final development plan must be in conformance with the preliminary plan.

(F) The planned unit development must meet the general objectives of the McCall area comprehensive plan.

(G) Existing and proposed streets and utility services must be suitable and adequate for the proposed development.

(H) A development agreement is required between the developer and the city which delineates commitments of the developer to the city and of the city to the developer including, but not limited to, assurances for public and private improvements and maintenance of the same.

(I) A PUD may be proposed in conjunction with an application to amend the zoning map and the comprehensive plan. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.05: USE REGULATIONS: (mailto:?

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Any permitted or conditional uses allowed in the underlying zone may also be allowed in the planned unit development. Such a conditional use may be permitted through a planned unit development approval without the need for a separate conditional use application. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.06: USE EXCEPTIONS: (mailto:?

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In the case of planned unit developments greater than two (2) acres in size, the commission may authorize specified uses not permitted or conditionally permitted by the use regulations of the zone in which the development is located, provided the commission shall find that:

(A) The uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.

(B) The uses permitted by such exception are of such a nature or so located as to have minimum impact to the surrounding neighborhood as determined by the preparation of a community impact review (see chapter 13 (?ft=2&find=13) of this title).

(C) The development is phased so that the approval to construct the exceptional use or uses is coordinated with the construction of all or a proportionate phase of the permitted use.

(D) No more than twenty percent (20%) of the total area of the planned unit development shall be devoted to the uses permitted by the exception.

(E) The uses permitted by such exception are shown to contribute to a coherent living style and sense of community.

(F) The PUD contains public improvements (streets, water, sewer, streetlights, etc.) for the proposed use. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.07: DEVELOPER BENEFITS: (mailto:?

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The purpose of planned unit developments is to provide certain benefits to the public and to the developer. The installation of public improvements (streets, water, sewer, streetlights, etc.) and two (2) or more of the amenities set forth herein ensure a public benefit. To provide the developer with an incentive to utilize the planned unit development process, the following allowances may be incorporated into the proposal:

(A) A variety of housing types may be included in residential projects, including attached units, detached units, single-family units, multi-family units and multi-ownership units.

(B) The minimum lot size of the zone may be reduced within the density limits of the zone. "Density limits" is defined as the gross area less all unbuildable area divided by the minimum lot size for the zone in which the site is located.

(C) Private streets may be utilized within the project, subject to the standards of title IX, chapter 6, "Subdivision And Development Improvement Requirements", of this code, and the approval of the city. When private streets are so approved, they shall be considered public improvements for the purposes of this chapter.

(D) Setbacks for buildings within the interior of the project may be less than required in the zone. A minimum distance of ten feet (10') shall be maintained between all detached buildings unless greater separation is required by fire or building codes.

(E) The conditions of approval applied to a planned unit development concept plan shall be applied consistently to each subsequent phase and the final development plan unless otherwise agreed to by both the applicant and the council as specified in the development agreement. (Ord. 821, 2-23-2006, eff. 3-16-2006)

(F) Buildings may be clustered to preserve open space. Clustering of dwelling units, commercial, business park and industrial uses are encouraged as long as buffer yards, open space and emergency access are adequately planned. Buffer yards shall be required to separate different uses in order to eliminate or minimize potential interference and nuisances on adjacent properties. The city may require clustering to avoid development in river areas, floodways, foothills, wetlands, or other environmentally sensitive areas, or to preserve tree groves. (Ord. 885, 3-24-2011)

(G) Uses which are not allowed within the zone may be allowed as part of the planned development, as described in this section. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.08: DEVELOPMENT STANDARDS: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

The development proposal shall be preplanned in its entirety and be characterized by a unified site design. Approval of a PUD shall substantially conform to the zone in which the development is located, except that a zoning standard may be modified as part of the PUD request. In addition, the following development standards apply to PUDs:

(A) Residential Density: The number of dwelling units allowed in a PUD shall be calculated by taking the gross area, less the area set aside for nonresidential excepted uses, less open spaces, churches, schools, and public roadways, and dividing by the minimum lot area per dwelling unit required by the zone in which the site is located. An increase in the computed allowable maximum may be permitted in conformance with section 3.10.024 (?ft=3&find=3.10.024) of this chapter.

(B) Yards: Along the periphery of the PUD, yards shall be provided as required by regulation of the zone in which the development is located, unless an exception is provided. Where development already exists within one hundred feet (100') of the PUD boundary at the periphery, the yards shall be matched, where practical; e.g., side yards should be provided adjacent to side yards, rear yards adjacent to rear yards and front yards opposite front yards.

(C) Off Street Parking: Off street parking shall comply with the parking requirements of the underlying zone. No common parking or maneuvering areas shall be allowed within twenty feet (20') of the boundary of the PUD, except where the PUD is designed to be connected and integrated with an adjoining development; otherwise, all common parking or maneuvering areas shall be buffered from adjacent properties. The buffer area must be landscaped, screened, or protected by natural features with the objective of minimizing adverse impacts to surrounding properties. In addition to the above requirements, where on street parking is prohibited, at least one-half ($^1/_2$) additional parking space per dwelling unit shall be provided either in approved parking bays along the street or in an off street parking area. In addition, parking space shall be planned for the many types of recreational vehicles common to the McCall area, such as trailers for snowmobiles, large motor homes, etc.

(D) Signs: Signs shall conform to the requirements of chapter 9 (?ft=2&find=9) of this title.

(E) Storm Water Management: The management of storm water shall conform to the requirements of title IX, chapter 6 of this code.

(F) Open Space; Common Areas; Amenities:

1. Unless otherwise approved, not less than ten percent (10%) of the total gross area of a residential PUD shall be retained as permanent open space and shall not include strips of less than fifteen feet (15') in width, unless designed to accommodate a pedestrian accessway, pedestrian amenity, or a water feature such as a pond or stream. Where a PUD contains more than twenty (20) multi-family dwellings, a minimum of twenty percent (20%) of land area of the PUD shall consist of open space. Of this required open space, portions may be "common area" used for recreational or other collective enjoyment by occupants of the development, privately owned properties dedicated by easements to assure that open space will be permanent, and lands developed as active recreational areas or preserved in their natural state when such areas contain unique natural assets such as groves of trees, ponds, rivers or streambeds. If ponds are to be considered as part of the required open space, no more than twenty five percent (25%) of the surface area of the ponds shall be used to fulfill this requirement.
2. In order to be functionally usable, open space should exist in quantities of some minimum dimension. Therefore, the areas of each parcel of open space to be used for active recreational use shall have a size and shape consistent with the planned use.
3. Open spaces shall be distributed within projects in locations near the dwelling units of the people they are intended to serve.
4. Land indicated as open space, common areas, amenities (tennis courts, playgrounds, swimming pools, etc.), streets and sidewalks shall be shown on the preliminary plan, and shall state on the plan that they be permanently maintained as such either by a homeowners' association which provides private covenants, an agreement with the developer, or if suitable and mutually agreeable, by public dedications.
5. Amenities shall be provided as a part of each PUD. The number of amenities (minimum of 2) shall be proportionate to the size of the development and may include, but not be limited to, any of the following:

   (a) Private recreational facilities such as a swimming pool, tennis court, barbecue area or playground of a size appropriate to meet needs of the development.

   (b) Provision for public access to any public open space, park or river greenbelt.

   (c) Publicly dedicated land in a PUD for facilities such as school, fire station, well site, public park, public recreational facility.

   (d) Additional open space, above and beyond city standards, for parkways, boulevards, or other features designed to mitigate vehicle/traffic impact.

   (e) Other amenities as approved by the commission and council.

(G) Residential PUDs: Except in the CBD zone, all residential PUDs shall provide each dwelling unit with a minimum of one hundred (100) square feet of private, landscaped, open space. The commission should evaluate each project on its own merits and allow variations to the open space standard where it can be shown that the provided space meets the intent and purpose of this title.

(H) Required Setbacks: Attached structures may be permitted in PUDs. The minimum separation between detached buildings shall be ten feet (10'), unless greater separation is required by fire or building codes. (Ord. 821, 2-23-2006, eff. 3-16-2006)

(I) Landscaping: Industrial, business park, commercial, and technological uses shall be developed in parklike surroundings including landscape as buffers to screen lighting and parking areas. (Ord. 885, 3-24-2011)

(J) Private Streets: Private streets may be utilized within the project, subject to the requirements of title IX, chapter 6 of this code, when the following requirements are met:

1. The commission, after recommendation from city staff and the fire chief, finds that the design of the proposed streets, pedestrianways and off street parking is adequate to protect public health, safety and welfare and will adequately accommodate anticipated uses within the development, as well as appropriately contribute to the city's need for a connected street network.

2. Private streets shall be owned by a homeowners' association and all future repair and maintenance costs, including reconstruction, shall be borne by the homeowners.

3. If the owners in the future should request that the private streets be changed to public streets and no lots are rendered substandard as a result, the owners do fully agree that, before acceptance of such streets, the owners will bear full expense of reconstruction in making such streets conform to the requirements applicable at that time.

(K) Lighting Plan: An exterior lighting plan shall be provided as required by chapter 14 (?ft=2&find=14), "Outdoor Lighting", of this title. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.09: APPLICATION PROCEDURE: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

(A) Preapplication: Prior to the filing of an application for approval of a PUD, the developer shall submit to the city a conceptual plan of the development proposal to enable review and comment. Such plan may be generalized in content and such submission shall not require the official filing of an application and fee. The conceptual plan shall include the following:

1. The general layout of the development showing at a minimum the location of buildings, open space, types of landscaping, proposed uses.

2. The existing conditions and characteristics of the land on and adjacent to the proposed development site.

3. Information on plans for water, sewer, streets, drainage, and other major components of infrastructure.

(B) Preapplication Review: The city staff and fire chief shall review said plans and data as submitted and advise the developer as to the general conformance or nonconformance of the proposed development with title IX, chapter 2, "Subdivision Plats And Procedures", of this code.

(C) Preliminary Development Plan: Upon completion of the preapplication review, if the developer elects to proceed with the PUD process, he shall pay all fees and file with the city an application for a preliminary development plan and any other required application with the following required information:

1. All necessary information as specified for the PUD preliminary development plan.

2. Fifteen (15) copies of preliminary development plan which shall consist of drawings and supplementary written material adequate to provide the following information:

(a) Statement of how the purpose and intent of section 3.10.01 (?ft=3&find=3.10.01) of this chapter will be achieved by the PUD, including sketches or illustrations of the proposed character of the development, a description of how the PUD will relate to surrounding land uses and identified key neighborhood features, if any, and whether a zone change, zone map changes, comprehensive plan amendment, variance, floodplain permit, and/or preliminary plat is also requested. Include a description of each phase, if more than one. (Ord. 821, 2-23-2006, eff. 3-16-2006)

(b) An outline of the proposed PUD stating: 1) land use allocation by type, including the amount of land for housing, density, open spaces, roadways and parking; 2) the number and type of housing units, commercial, business park or industrial uses; 3) how necessary services will be provided; and 4) whether services are publicly or privately owned and operated. (Ord. 885, 3-24-2011)

(c) Preliminary drawings at a scale of one inch equals one hundred feet (1" = 100'). The preliminary drawings (15 copies are required) shall display the following:

(1) The name of the proposed PUD.

(2) Date, north point and scale of drawing.

(3) Legal description of the PUD other than metes and bounds, sufficient to define its location and boundaries.

(4) Names, addresses and telephone numbers of the owners, designer of the PUD, and engineer, planner and surveyor, if any, and the date of the survey.

(5) Appropriate identification of the drawing as a preliminary plan.

3. Fifteen (15) copies of a natural features map showing an inventory of existing site features including:

(a) Ground elevations shown by contour lines at two foot (2') intervals or less; five foot (5') intervals may be accepted for slopes greater than ten percent (10%).

(b) General soil types as documented by a soils engineer or engineering geologist, if necessary.

(c) Fish and wildlife habitats, if any.

(d) Proposed and existing stormwater facilities.

(e) Water features, such as ponds, wetlands and permanent or intermittent watercourses.

(f) Areas subject to flooding.

(g) Natural features, such as trees, historic sites, major rock outcroppings, and similar irreplaceable amenities.

(h) Existing on site or abutting sanitary sewer, storm drainage and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest such facilities.

(i) Width, location and purpose of all existing easements of record on and abutting the site.

(j) Information on land areas contiguous and adjacent to the proposed PUD and existing adjacent areas, including zoning classifications, land uses, densities, circulation systems, public facilities, unique natural features of the landscape, and approximate locations of nearby structures. This map can be displayed on an aerial photograph of the site, or the photo can be provided separately.

4. Fifteen (15) copies of a proposed site plan showing:

(a) The locations of dwelling units and/or individual lots.

(b) Location of major streets.

(c) The proposed yard requirements or locations of single-family homes for individual lots, if any.

(d) The existing and proposed traffic circulation system serving the PUD including: 1) off street parking and maneuvering; 2) points of access to existing public rights of way; and 3) a plan notation or descriptive narrative outlining ownership of streets and parking areas.

(e) The existing and proposed pedestrian and bicycle circulation system.

(f) Conceptual plans for all necessary services including their location and whether the services will be publicly or privately owned and maintained, including the location of utilities as would tie into the project.

(g) Proposed location and treatment of any public or private common areas or structures including open spaces, park or recreation areas, and school sites.

(h) The general treatment proposed for the periphery of the site.

(i) The approximate amount, location and type of buffering and/or landscaping.

(j) Proposed architectural styles.

(k) The subdivider shall submit proposed restrictive covenants, in outline form, as are required to ensure continuing conformance with the standards set forth in this title, including, but not limited to, building setback lines. The covenants shall also include other conditions or restrictions that shall be applied to the subdivision, including architectural or design controls, organization of a homeowners' association, assessments, various homeowners' committees, easements, and a legal description of the property.

5. Environmental assessment, traffic study, grading plan or other study necessary for the proposed site.

6. If the applicant is requesting preliminary subdivision plat approval concurrently with the preliminary PUD approval, a preliminary subdivision plat shall be submitted.

7. A development schedule indicating to the best of applicant's knowledge the approximate date on which construction of all phases of the entire project can be expected to begin, the anticipated rate of development, and completion date. The schedule, if approved by the commission, shall become a part of the final development plan and shall be adhered to by the owner of the property in the PUD and his successors in interest.

8. Any additional information required by the city staff or commission.

(D) Combined Procedures: This application procedure, including the above requirements, are intended to be combined with those in chapter 15 (?ft=2&find=15) of this title.

(E) Planning And Zoning Commission Review: The commission shall review the plans for conformance with this chapter and set the date for a public hearing. When a preliminary plat is to be considered as a part of the PUD, the public hearings may be combined to fulfill the requirements of title IX, "Subdivision And Development", of this code. After the public hearing, the commission shall recommend to the city council approval, approval with conditions, or disapproval of the PUD preliminary plat, if applicable.

(F) Council Review: The council shall hold a second public hearing and shall approve, approve with conditions, or disapprove the PUD application. The council shall also approve, approve with conditions, or disapprove a preliminary plat at this time, where applicable. Council's approval of the plan shall be subject to the findings of this section. (Ord. 821, 2-23-2006, eff. 3-16-2006)

(G) Final Development Plan: Within eighteen (18) months after approval of the preliminary development plan, the applicant shall submit to the city a final development plan for the entire PUD or a final development plan for the first phase of development if the PUD has been approved for phased development. The applicant shall submit final development plans for any subsequent phases within the time limit specified in the approval of the preliminary development plan. (Ord. 883, 11-4-2010)

1. The final development plan may be submitted to the commission upon approval by the city of detailed improvement plans, including private street construction, utility locations, drainage, dedications of easements and public facilities, along with a proposed schedule for phasing. Any necessary agreements for maintenance, etc., shall be prepared and submitted for review and approval at this time.

2. Items that shall be included in the final development plan are:

(a) Drawings And Information: The final development plan shall be drawn in clear and legible form on good quality tracing paper or Mylar® drafting film at a reasonable size and scale to clearly show all required information. Ten (10) prints of the plan made from this drawing shall accompany the application.

(b) Information Required On The Plan: In addition to that required by the preliminary development plan, or otherwise specified by law, the following information shall be shown on the plan:

(1) Reference points of identified existing surveys related to the PUD plan by distances and bearings and referenced to field book or map, including stakes, monuments or other evidence found on the ground and used to determine the boundaries of the PUD.

(2) The location and width of streets and easements intercepting the boundary of the tract.

(3) Easements and stormwater drainage facilities clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the PUD shall be shown. If the easement is being dedicated by the plan, it shall be properly referenced in the owner's certificates of dedication.

(4) Identification of land to be dedicated for any purpose, public or private.

(5) Other plans and studies as required at preliminary approval such as a grading plan, soils engineer report, traffic study, detailed landscaping and buffering plans where required.

(c) Additional Certificates Or Drawings: The following may be combined where appropriate:

(1) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the PUD.

(2) A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.

(3) A certificate with the seal of and signed by the surveyor responsible for the survey.

(4) A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.

(5) A copy of any deed restrictions applicable to the PUD.

(d) Design Plan: A detailed design plan for the PUD site including:

(1) The location of proposed buildings and structures, parking and maneuvering areas and/or the location of allowable building areas of individual lots, if any.

(2) Building setback lines, if any, that are to be made part of the PUD restrictions.

(3) The location and type of proposed buildings, structures or improvements in common open space areas.

(4) The location and detailed information for all proposed streets, with approval by the city for public streets and fire marshal for private streets.

(5) A plan for water mains approved by the city and fire hydrants approved by the fire chief.

(6) A plan for sanitary sewer approved by the city.

(7) A plan for stormwater drainage with approval by the city.

(8) Plans for additional improvements such as pedestrianways, street lighting, public utilities, street trees, etc. (Ord. 821, 2-23-2006, eff. 3-16-2006)

(9) The applicant shall provide the data as required by the digital data submittal standards policy. (Ord. 899, 5-24-2012)

(e) Landscaping And Buffering Plan: A landscaping and buffering plan for common open space areas, the periphery of the PUD and other required locations. The plan shall show area to remain in natural vegetation; and, in a clear manner, the area, sizes, numbers and general types of plant and other materials to be used. Revegetation of common open space areas and periphery areas disturbed during the construction of services, dwellings or other facilities proposed during the construction schedule, if cannot be completed prior to occupancy of dwellings or as otherwise required by the conditions of approval, an improvement guarantee of a sufficient amount shall be required to assure timely completion.

(f) Restrictive Covenants Or Conditions: The subdivider shall submit in final form any restrictive covenants or conditions that shall be applied to the subdivision, including architectural or design controls, organization of a homeowners' association, assessments, various homeowners' committees, easements, and a legal description of the property. Also to be submitted, if required, are the final bylaws and articles of incorporation of the homeowners' association.

(H) Commission Recommendations On Final Plan: The commission shall recommend to the council approval, approval with modifications, or disapproval of the final development plan. The commission shall base an approval on evidence that the final development plan fulfills the requirements of the preliminary PUD approval and all applicable requirements of this title and title IX of this code have been met.

(I) Council Action On Final Plan: The council shall approve, approve with modifications, or disapprove the final PUD plan and the final subdivision plat or phasing proposal, where applicable. Approval of the final plan shall constitute the requirements for the land in the PUD. Any subsequent changes from the final plan shall be subject to approval by the commission and the city council. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.10: IMPROVEMENT GUARANTEES: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

(A) Building Permits: Prior to issuance of building permits for structures, the applicant shall either install and complete all private service improvements, including streets, pedestrianways, utilities, landscaping and buffering, or file an improvement guarantee for these items.

(B) Schedule Specified: The improvement guarantee is an agreement between the applicant and city specifying a development schedule setting forth when service improvements will be made.

(C) Attorney Approval: The agreement shall be in a form satisfactory to the city attorney, and shall be filed with the city clerk.

(D) Performance Guarantee: The applicant shall file with the agreement one of the following to assure his full and faithful performance:

1. A certified check or checks.
2. A surety bond executed by a surety company authorized to transact business in the state of Idaho.
3. An irrevocable letter of credit issued by a financial institution authorized to do business in the state of Idaho.

4. Other surety acceptable to the city.

(E) Performance Bond: The developer may elect to provide a surety bond from a company authorized to do such business in the state of Idaho. The bond shall be in an amount equal to one hundred twenty five percent (125%) of the estimated cost of all unaccepted public improvements. The bond shall be payable to the city in the event that any required public improvements are not finally accepted in accordance with the provisions of this title and shall be posted by no person other than the developer.

(F) Deposit In Escrow: The developer may elect to deposit a cash sum equal to one hundred twenty five percent (125%) of the estimated cost of all unaccepted public improvements either with the city or in escrow with a responsible financial institution authorized to do such business in Idaho. In the case of an escrow account, the developer shall file with the city an escrow agreement which includes the following terms:

1. Funds of the escrow account shall be held in trust until released by the city and may not be used or pledged by the subdivider as security in any manner during that period other than as provided in this subsection. The funds may be used for payment of improvements as made, except that the escrow holder shall withhold from disbursement so much of the funds as is estimated by the city to be necessary to complete the construction and installation of such improvements, plus an overrun allowance as provided above.
2. In the case of the failure of the developer to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the city for use in the completion of those improvements.

(G) City Discretion: At the discretion of the city, the improvement guarantee may be in the form of separate bonds or checks covering individual portions or specific types of improvements, rather than one bond or check covering all required improvements.

(H) Occupancy Permit: Occupancy permits shall not be issued unless all improvements and conditions of approval have been fulfilled to the satisfaction of the building official or the applicant has filed an improvement guarantee for all such items.

(I) Release Of Guarantee: The administrator shall not authorize the city clerk to return the improvement guarantee or guarantees until the improvements related to the guarantee are completed to the satisfaction of the administrator. (Ord. 821, 2-23-2006, eff. 3-16-2006)

3.10.11: EXTENSION OF PRELIMINARY DEVELOPMENT PLAN APPROVAL: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

For good cause shown, the eighteen (18) month deadline for submittal of the final development plan may be extended by the commission, upon application filed not later than thirty (30) days prior to the expiration of the eighteen (18) month time limit of the preliminary development plan. The duration of the extension is at the discretion of the commission. (Ord. 883, 11-4-2010)

3.10.12: AMENDMENTS TO FINAL DEVELOPMENT PLAN: (mailto:?subject=McCall%20Code%20Regulations&body=Below%20is%20a%20link%20to%20the%20City%20code%20which%20contains%20the%20information%20you%

(A) Subsequent Amendments:

1. Any subsequent amendment to the final development plan changing location, siting, and height of buildings and structures may be authorized by the commission, without additional public hearings, if required by engineering or other circumstances not foreseen at the time the final plan was approved.
2. In no case shall the commission authorize changes which may cause any of the following:

   (a) A change in the use or character of the development, including ownership.

   (b) An increase in overall coverage of structures or significant changes in types of structures.

   (c) An increase of the intensity of use or types of usage.

   (d) An increase in the problems of traffic circulation and public utilities.

   (e) A reduction of off street parking and loading space.

   (f) A reduction in required pavement widths.

(B) Change Requiring Public Hearing: All other changes in use, rearrangement of lots, blocks and building tracts, or in the provision of common open spaces and changes in addition to those listed above which constitute substantial alteration of the original plan shall require a public hearing before the commission and approval by the council.

(C) Expiration:

1. On the anniversary year after general development plan and program approval, until the project is complete, the applicants or applicants' successors, shall file a progress report. If substantial construction or development has not taken place within four (4) years from the date of approval of the general development plan and program, the commission shall review the PUD program at a public hearing to determine whether or not its continuation, in whole or in part, is in the public interest, and, if found not to be, shall recommend to the council that the PUD approval be revoked.
2. After action by the commission, the council shall consider the matter and by resolution accept or reject it or return it to the commission for further action. Notice and hearing shall be provided according to the same procedures as are then applicable to a new application, with the present owner of the property being sent notice by certified mail, return receipt requested; the city is entitled to rely on the county tax assessor's records and a title company title search for the name and address of the current owner(s). (Ord. 821, 2-23-2006, eff. 3-16-2006)

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