

RESOLUTION 892

A RESOLUTION AMENDING SECTION 6 TO CREATE ITEM (f) PLANNED UNIT DEVELOPMENT OF THE CITY OF LANDER SUBDIVISION REGULATIONS

WHEREAS, the Governing Body of the City of Lander needs to amend the City of Lander Subdivision Rules and Regulations; and

WHEREAS, the City of Lander has a need for low income/high density housing developments; and

WHEREAS, the City of Lander has a need for supportive commercial facilities conveniently located to house and to create functional and attractive development.

NOW, THEREFORE, BE IT RESOLVED the by Governing Body of the City of Lander to add Section 6 (f) Planned Unit Development as follows:

SECTION 1:

Section 6: Procedures and Requirements for Platting

(f) - Planned Unit Development (PUD)

1. **Intent - This chapter for planned unit developments (PUD) is intended to provide for the growing demand for housing of all types and designs and for necessary supportive commercial facilities conveniently located to such housing, to create functional and attractive development, to minimize adverse impacts, and to ensure that projects will be assets to the community. It is the purpose of this chapter:**

- (a) **To promote and permit flexibility that will encourage innovative and Imaginative approaches in land development and renewal which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations and policies of the city;**
- (b) **To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension;**
- (c) **To promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size and proximity;**
- (d) **To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, flood plains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures;**
- (e) **To provide for compatibility with the area surrounding the project site;**
- (f) **To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;**
- (g) **To minimize adverse environmental impacts of development;**
- (h) **To improve the design, quality and character of new development.**

(2) **General - A planned unit development shall be consistent with the statement of purpose for planned unit development and the following criteria:**

Density -

- (a) The maximum gross density of the PUD is based on the zone in which it is located. Actual gross density shall be computed by dividing the total acreage of the planned unit development by the number of dwelling units. The density for portions of the PUD may exceed the maximum gross density for the underlying zone as long as the maximum gross density for the entire PUD does not exceed the maximum gross density allowed in that zone. The net density of a particular phase of the PUD shall be computed by dividing the acreage of the phase by the number of dwelling units. The total acreage shall be that area contained in the planned development application and include all proposed streets, common area, public parks and dwelling sites and similar areas within the proposed development. When such computation ends with more than 0.5 of a dwelling unit, the maximum density will be increased to the next whole number;**
- (b) The maximum density shall be based on the applicable zoning designation as follows:**

Zone	Maximum Density
R-1	4 residential units per gross acre.
R-2	10 residential units per gross acre.
R-3	18 residential units per gross acre.
R-5	44 residential units per gross acre.

For PUDs in the General Commercial District, the maximum density allowed would be the same as the R-3 zone: eighteen residential units per acre;

- (c) Density bonuses may be awarded as set forth in Section 4-12-10(l).**

 - i. Ownership. Each application shall be signed by the owners of all the property to be included in the planned unit development. At the time of filing any final development plan under this chapter, the owner shall file a recordable agreement between the owner and the city in the office of the county clerk providing for a mandatory homeowners association when ownership of the property is divided. When used in this chapter, the term "developer" means the same as "owner."**
 - ii. Common Areas. Before final plan approval, the developers shall specify the manner of holding title to common areas or facilities of joint use. Such areas and facilities shall be retained in title by the developers of the planned unit development or deeded to an organization composed of all owners in the development. The method used by the developers is subject to approval by the city attorney.**

Standards. Planned unit developments shall meet the use and development standards in Sections 4-12-10(m)(i) to 4-12-10(m)(ix) of this chapter and all use and development standards and requirements in this code. Where the standards and requirements of this chapter

conflict with the requirements of other earlier enacted sections of this code, the provisions of this chapter shall apply.

Permitted Uses. Except as otherwise permitted or restricted, all uses permitted in the R-1, R-2, R-3 and R-5 districts are permitted in a PUD provided that any commercial uses proposed for the PUD must meet the satisfaction of the department of planning and that such uses, if any, shall not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD.

(3) Procedures.

(a) Conceptual development plan.

(i) The developer may request an informal review of a conceptual plan for a development by representatives of the department of planning-city clerk's office, public works department, water/wastewater department, fire department and building division.

(ii) Developers seeking a conceptual plan review shall submit the items required in Section 4-12-10 (i) no less than fourteen days before the developer wishes to have a conceptual plan meeting.

(iii) Neither the developer nor the city is bound by any conceptual plan review.

(b) The preliminary development plan.

(i) Not less than 21 days before the regular planning commission meeting at which the developer wants a preliminary development plan to be considered, the developer shall file a preliminary development plan with the city clerk's office. The preliminary development plan shall be considered as filed with the planning commission on the date of the planning commission meeting at which it is presented.

(ii) Before the planning commission makes a recommendation on a preliminary development plan, it shall hold a public hearing giving the same notice as required for a preliminary plat as defined in the City of Lander Subdivision Rules and Regulations.

(iii) After the hearing on the preliminary development plan, the planning commission shall either recommend to the city council (1) preliminary approval of the plan as submitted; (2) preliminary approval subject to specified conditions not included in the plan submitted, or (3) denial of preliminary approval. At the developer's request, action may be postponed.

(iv) Before taking action the city council shall hold a public hearing on the preliminary plan. The city council shall cause notice of such hearing to be given at least fifteen days in advance of the hearing in a newspaper of general circulation in the city. The owner of the property for which the PUD is sought, and all owners of property located within 140 feet of the subject property, excluding streets and alleys, shall be sent a notice of the public hearing by first class mail using either the street address or the address of record in the office of the county assessor.

(v) Following the public hearing, the city council shall act on the recommendation of the planning commission concerning the preliminary development plan within thirty days after the plan is formally presented to the council. The city council shall determine whether the preliminary development plan shall be approved, approved with conditions or disapproved and shall cause notice of its decision to be given to the developer. At the developer's request, action may be postponed.

(vi) If a final plan has not been recorded, as provided by Section (f)(vii), five years after the date of approval of the preliminary plan and plat by the city council, or from the recording date of the last final plan, whichever is later, the preliminary plan and plat shall become null and void and of no further force and effect.

(4) Status of preliminary plan after approval.

- (a) **An approved preliminary plan shall operate as a plat of the planned unit development for recording purposes. A plan which city council has given preliminary approval as submitted, or which has been preliminarily approved with conditions (and provided that the developer has not defaulted nor violated any of the conditions of preliminary approval) shall not be modified or revoked nor otherwise impaired by action of the city council pending an application or applications for final approval, without the consent of the developer; provided that an application for final approval is filed, or in the case of phased development, provided that applications are filed within the time or times specified in the granting of preliminary approval.**
 - (b) **If a developer chooses to abandon a plan that has been given preliminary approval he or she may do so before final approval by a signed notice delivered to the city clerk's office in writing. If the developer fails to file an application or applications for final approval within the required time period, the approval shall be deemed to be revoked, and the preliminary development plan shall be null and void.**
 - (c) **Substantial or significant changes in the planned unit development as determined by the department of planning shall be made only after rehearing and reapproval of the preliminary plan. The department of planning shall not approve an increase of more than five percent in the approved residential density of the proposed development nor shall the department of planning approve an increase of more than five percent in the total number of bedrooms of the proposed development.**
- (5) **Filing of statement.**
 - (a) **Within fifteen days after approval of a preliminary development plan by the city council, the developer shall file in the office of the county clerk a statement that such a plan has been filed with the planning commission and has been approved and that such planned unit development is applicable to certain specified legally described land and that copies of the plan are on file with the city clerk. Such statement filed in the office of the county clerk shall specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan. The recorded statement shall specify that the preliminary development plan shall become binding upon all successors and assigns unless amended in conformance with this ordinance. The recorded statement shall also state that substantial or significant changes in the planned unit development shall be made only after rehearing and reapproval of the preliminary plan. The developer shall be responsible for all costs incurred in filing the statement.**
 - (b) **Before filing an application for final approval the developer shall provide the city clerk with a copy of such recorded statement.**
- (6) **The final development plan.**
 - (a) **At the risk of the developer, the preliminary and final development plans may be filed concurrently for review.**
 - (b) **After receiving notice of the action of the city council approving the preliminary development plan, if a developer desires to proceed, he or she shall file the final development plan with the city clerk's office not less than 21 days before the regular planning commission meeting at which the developer**

wants a final development plan to be considered. The final development plan shall be considered officially filed with the planning commission on the date of the planning commission meeting at which such plan is presented.

- (c) A public hearing on the application for final approval of the plan or part thereof shall not be required provided that the plan or part thereof submitted for final approval is in substantial compliance with the plan given preliminary approval as determined by the city clerk's office. The burden shall be upon the developer to show the planning commission good cause for any variation between the plan as preliminarily approved and the plan as submitted for final approval.
- (d) The planning commission shall act on the final development plan within thirty days after official filing, unless the time is extended by agreement with the developer.
- (e) The planning commission shall recommend to the city council whether the final development plan shall be approved, approved with conditions or disapproved. If recommended for approval, the chairman of the planning commission shall affix his or her signature to the plan. If disapproved, the planning commission shall cause the reason for the refusal to be given to the developer in writing within 30 days of the decision.
- (f) The city council shall act on the recommendation of the planning commission concerning the final development plan within thirty days after the planning commission recommendation is formally presented to the city council. If a final development plan is not in substantial compliance with the plan which received preliminary approval, the city council may refuse, after meeting with the developer, to grant final approval if the city council finds that the final plan is not in the public interest. The city council shall advise the developer in writing of the refusal, setting forth the reasons why one or more of the variations are not in the public interest.
- (g) A plan or any part thereof which has been given final approval by the city council, shall be so certified upon the face of the final development plan by the mayor and filed in the office of the county clerk. If the developer chooses to abandon a plan or portion thereof after it has been given final approval, he or she shall so notify the city council in writing. In the event the developer shall fail to commence the planned unit development within eighteen months after final approval has been granted, then such final approval shall terminate and shall be deemed null and void unless the time period is extended by the city council upon written application by the developer.
- (h) The filing of a final development plan for a planned unit development in the office of the county clerk shall not constitute the effective dedication of easements, rights-of-way or access control, nor shall the filed plan be the equivalent of nor substitute for the final platting of land.
- (i) The developer shall record the approved final development plan, as signed by the mayor, in the office of the county clerk within thirty days after the date of approval; otherwise, the approval of the city council shall be deemed to have been withdrawn and the approval shall be null and void.

(7) Alterations of the final development plan - The final development plan, as passed by the council, shall not be altered during the construction of the planned unit development, except as hereinafter set forth:

- (a) Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or character of structures, an increase by no more than five percent in the approved residential density of

the proposed development, an increase by no more than five percent in the total number of bedrooms of the proposed development or other similar alterations may be authorized by the Planning Commission.

- (b) All other alterations in use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, or any other alterations that, in the discretion of the city clerk's office substantially change the planned unit development must be approved by the planning commission and passed by the council at public meetings for which public notice as required for the preliminary development plan is given. The same type and quality of data shall be required as is necessary for the original final approval and passage.
- (8) Fees and advertisement.
- (a) Conceptual Plan – None
 - (b) Preliminary Plan - \$200.00
 - (c) Final Plan - \$1,000 per phase
- (9) Conceptual plan submittal - The conceptual plan submittal shall include:
- (a) A drawing showing the proposed location of the boundaries of the planned unit development, uses of land, major streets, and significant features such as drainages, easements, steep slopes, floodplain, etc.
 - (b) A written statement regarding the developer's intent, the site conditions and characteristics, surrounding land uses, available community facilities and utilities.
- (10) Preliminary development plan submittal - The preliminary development plan shall include one set and 12 copies of the plat sheet(s) of all of the information required on and filed with a preliminary plat as set forth in the City of Lander Subdivision Rules and Regulations, except lot lines. The preliminary plan shall constitute a preliminary plat. In addition, the preliminary development plan shall include three sets of the following:
- (a) Written Documents.
 1. Application forms;
 2. A list of the names and addresses of all owners of record of real property within 140 feet of the property lines of the parcel or land for which the planned unit development is proposed, exclusive of rights-of-way;
 3. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the planned unit development are intended to be filed. The development phases as shown on the schedule shall also be indicated on the plan. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of dwelling units, the acreage devoted to residential, nonresidential, commercial, recreation, open space, common space non-encroachable area, streets (both public and private), off-street parking, and other major land uses, density, public lands (existing and proposed), and the total number of acres contained in each development phase;
 4. A summary of the total number of units of each type of use, number of dwelling units, the number of bedrooms per each type of use, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public ownership, the acreage of the total area proposed to be developed, and the overall net density of the development;

5. A statement as to the form of ownership proposed to own and maintain the common open space, recreation facilities, non-encroachable area and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessees and owners of the planned unit development;
6. A statement as to the substance of the covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities;
7. A statement specifying any variances, modifications, reductions and waivers of this code being requested as part of the plan approval and setting forth reasons why, in the opinion of the developer, such should be allowed.

(b) Site Plan.

1. Existing zoning;
2. The type and location of all existing structures including historically significant structures or sites, as listed on federal or state lists of historic places;
3. The location, dimension and capacity of all proposed off-street parking areas in the area to be developed;
4. The location, dimension, acreage, and ownership of all proposed public and private recreation areas, open space and non-encroachable areas;
5. Significant natural features including wildlife areas and vegetative cover;
6. Dimensions and notes adequate to show compliance with the development standards of this chapter;
7. Proposed signs and locations;
8. Snow removal site;
9. Storage of association equipment, such as snow removal equipment, lawn mowers, etc.;
10. Surrounding land uses and zoning within one hundred forty feet of the PUD boundary, exclusive of rights-of-way;
11. Storm water detention areas indicating location and capacity.

(c) Preliminary Landscape Plan.

(d) One rendered set (not folded) each of site plan and landscape drawings shall be submitted following the staff review.

(e) Eight and one-half inch by eleven inch reduction of all plans and architectural drawings shall be submitted following the staff review.

(f) Any other information or studies that the planning commission or city council may deem necessary.

(11) Final development plan submittals. The final site plan and supporting information shall include one set of the following information:

(a) Written Documents.

- (i) Application forms;**
- (ii) A summary of the total number of units of each type of use, number of dwelling units, the number of bedrooms per each type of use. the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public ownership, the acreage of the total area proposed to be developed, and the overall net density of the development;**
- (iii) Proof of the establishment of an entity to own, manage and maintain the common open space, recreation areas, recreation facilities, non-encroachable areas, private streets and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and owners;**
- (iv) Copies of all restrictions or covenants that are to be applied to the development area;**

- (v) A copy of proposed articles of incorporation and bylaws of any landowners' organization or similar corporation to be organized;
 - (vi) Drawings and/or text showing scale, bulk, and architectural character of structures;
 - (vii) A statement specifying any variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the developer, such should be allowed, and,
 - (viii) A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the planned unit development are intended to be filed. The development phases as shown on the time schedule shall also be indicated on the plan. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of dwelling units, the acreage devoted to residential, nonresidential, commercial, recreation, open space, non-encroachable area, streets (both public and private), off-street parking, and other major land uses, density, public lands (existing and proposed), and the total number of acres contained in each development phase.
 - (ix) A performance and payment bond, an irrevocable letter of credit, funds in escrow or other appropriate commitment to guarantee the complete and timely development of any facilities or improvements which are the developer's responsibility. The commitment shall be on one hundred twenty five (125) percent of the cost of improvements as estimated by the subdivider's licensed professional engineer and approved by the city engineer or public works director.
 - (x) Building permits shall not be issued until all public improvements have been installed, approved by the City Engineer and/or Public Works Director and accepted by the City Council. However, the developer may appeal to the City Council to allow the issuance of building permits only if the developer can demonstrate that he is proceeding in good faith and has, at a minimum, installed sewer and water lines as well as has a suitable temporary street surface as determined by the City Engineer and/or Public Works Director. Certificates of occupancy shall not be issued until all public improvements have been installed, approved by the City Engineer and/or Public Works Director and accepted by the City Council.
- (b) **Final Site Plan.** The site plan submitted by the developer as part of his or her application for final approval shall be prepared at a scale no smaller than one inch to one hundred feet on one or more twenty-four by thirty-six inch sheets which include the following information:
- (i) All information required on the preliminary site plan except contours;
 - (ii) Lot lines, easements, public rights-of-way per final subdivision plat;
 - (iii) The location of each outdoor trash storage facility;
 - (iv) Location, width, surfacing and layout of all streets, parking areas and pedestrian walks;
 - (v) Area lighting plan;
 - (vi) Location, size, height, and orientation of all signs in excess of one hundred forty-four square inches; and
 - (vii) Location, height and material of all screening walls, fences, and screen plantings.
- (c) **Final Landscape Plan.**
- (d) A typical lot site plan shall be provided for each type of land use (e.g. single-family, multifamily, patio home, etc.).
- (e) **Final plat.**

- (f) All documents included in the site plan shall include space for certification of approval in accordance with the form used for subdivision platting including the following statement: "We hereby dedicate to the city of Lander the right to regulate any construction over the area designated as common space, open air recreation area, and non-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the public interest."
- (g) One rendered set (not folded) each of site plan and landscape drawings which shall be submitted following staff review.
- (h) Eight and one-half inch by eleven inch reduction of all plans and architectural drawings which shall be submitted following staff review.
- (i) Any other information or studies that the planning commission or city council may deem necessary.

(12) Density bonuses - Subject to the limitation in subsection (vi) of this section, a residential density bonus shall be given as follows:

- (a) If the developer commits to the provision of low income housing units, per HUD Section 8 guidelines (eighty percent of median county income), by assurances submitted to the department of planning and approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for low income housing shall be granted;
- (b) If the developer commits to the provision of accessible housing as defined by American National Standards Institute (ANSI) Section A117.1, by assurances submitted to the department of planning and approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for handicapped accessible housing shall be granted;
- (c) If the developer installs automatic fire extinguishing systems in each dwelling unit a bonus of fifteen percent of the total number of dwelling units shall be granted;
- (f) If the developer provides additional open space, public or private, over and above the minimum required, a bonus equivalent to the percentage provided above the minimum shall be granted;
- (g) A bonus of five percent for every fifty acres included in the development shall be granted;
- (h) The total density bonus given by the city shall not exceed fifteen percent of the maximum total density as calculated per Section (b) for the development.

(13) Development standards - The planned unit development shall conform to the following standards:

- (a) Minimum Lot Standards. Minimum lot area, width, and yard requirements of other districts do not apply in the PUD.
- (b) Open Space.
 - (i) A minimum of twenty percent of the total land area shall be retained as usable open space. Open space shall be defined as an open area designed and developed primarily for the use and benefit of the residents of the development to include but not be limited to, recreation, whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to required yards, streets and parking for residential and nonresidential uses;
 - (ii) The city may accept or refuse for any reason the dedication of land or any interest therein for public use and maintenance.
- (c) Open Space Maintenance and Guarantee.
 - (i) The developer shall establish an entity for the ownership and maintenance of recreation areas and common open spaces where such are to be retained in private ownership. The developer shall submit to the department of planning and approved by the city attorney a contract providing for the permanent care and maintenance of open spaces, recreational areas and communally

owned facilities and parking lots. The final development plan shall not be accepted until the agreement required by this subsection is approved as to legal form and effect. If the common open space is deeded to a homeowners' association, the developer shall file the proposed documents governing the association. Such documents shall meet the following requirements:

- a. The homeowners' association must be established before any lots or residences are sold,
- b. Membership in the association must be mandatory for each residence owner,
- c. Open space restrictions must be permanent and not for a period of years,
- d. The homeowners' association must be made responsible for liability insurance, taxes and maintenance of recreational and other facilities,
- e. The association must have the power to levy assessments which can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities, and
- f. The governing board of any such association shall consist of at least five members who shall be owners of property in the planned unit development;

(ii) If the entity established to own and maintain the common open space and recreation areas or any successor entity shall at any time fail to fulfill any obligation imposed on such entity as a condition of approval of the planned unit development, the city may give written notice to the entity or to the residents and owners of the planned unit development or both, setting forth the manner in which the entity has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the city, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space and recreation areas from becoming a public nuisance, may enter upon the common open space and recreation areas and maintain the same and perform the other duties of the entity until the entity shall again resume its obligations. All costs incurred by the city in carrying out the obligations of the entity shall be assessed against the properties within the planned unit development and shall become a tax lien on the properties;

(iii) Open space shown on the approved final plan shall not be used for the construction of any structures not shown on the final plan.

(d) **Access.** Each PUD shall have at least two direct accesses to a collector or arterial street as designated on the major street and highway plan. No individual residential building lot shall be created that has direct access to a collector or arterial street. Each individual residential lot must have access to a street, public or private, which has been constructed to the public street standards of the city.

(e) **Sidewalks.** Sidewalks built to city specifications shall be required along one side of all streets, public or private or other approved pedestrian friendly walkway or pathway.

(f) **Building Requirements.**

(i) The maximum building height shall be the same as for the zone district in which the PUD is located, except that a greater height may be approved if surrounding open space within the PUD, building setbacks, and other design features are used to avoid any adverse impact due to the greater height;

(ii) All individual buildings or structures shall be separated by a minimum distance of ten feet. A waiver from this minimum distance to permit zero lot line developments may be permitted if the

structures are designed and constructed to meet more stringent building and fire code requirements as adopted by the city council;

(iii) The front of a dwelling structure shall not face upon the rear of another, unless approved by the city council as part of the plan.

(g) Landscaping.

(i) The landscape plan shall be prepared by a certified landscape architect and shall identify existing and proposed trees, shrubs and ground covers; natural features such as rock outcroppings; and other landscaping elements. Where existing plantings are to be retained, the plan shall include proposed methods of protecting them during construction. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required may vary with type of development. All areas not used for buildings, structures, parking, streets, or access-ways shall be landscaped with a sufficient mixture of grass, trees, and shrubs, except those areas designated to be left natural;

(ii) Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture. Trees shall have at least a one and three quarter inch caliper at planting;

(iii) The landscape plan shall be approved by the Planning Commission.

(h) Signs.

(i) Signs within the residential portion of a planned unit development shall be permitted as follows:

a. One ground sign which identifies the development is allowed at each entrance to the development provided such sign does not exceed twenty-four square feet in area, is not located in, or projecting over, a required yard, and is no more than six feet in height,

b. Development identification signs shall follow a design theme that is related and complementary to other elements of the overall site design, as determined by the Planning Commission or his designated representative;

(ii) Signs within the commercial portion of the planned unit development shall be permitted at a location, size and height that is determined by the city council to be appropriate in relation to the residential character of the development.

(i) **Perimeter.** If topographical or other barriers within thirty-five feet of the boundaries of a planned unit development do not provide reasonable privacy for existing uses adjacent to the development, the city council shall impose either of the following requirements or both:

(i) Structures located along the boundary must be set back from the boundary a distance which is approved by the city council; and

(ii) Structures located along the boundary must be well screened in a manner which is approved by the city council.

(j) Commercial Requirements.

(i) Commercial development shall be deemed to include commercial buildings and associated parking, required yard areas, and all other areas accessory to such commercial usage;

(ii) The developer must show to the satisfaction of the city council that nonresidential uses of a commercial character, if any, shall not change, injure, or destroy, temporarily or permanently, the predominately residential character of the PUD;

(iii) No commercial facilities shall be permitted in any planned residential development which has a gross acreage of less than fifteen

acres, or less than one hundred dwelling units, except with prior approval of council;

(iv) Unless approved by the unanimous vote of the city council, no building permit shall be issued for an approved commercial use until fifty percent of the dwelling units have been constructed and are ready for occupancy.

(l) Off-Street Parking.

(i) Off-street parking shall be provided 2 spaces for residential dwellings in accordance with the requirements of Chapter 17.40 of this code unless the reduced street standards for a PUD are used for the development in which case the one family dwelling off-street parking requirements shall be: 1 - 3 bedroom
4 - 5 bedroom 3 spaces

(ii) Off-street parking spaces for all commercial uses and all nonresidential uses of an educational, cultural, recreational or religious nature shall be the same as set forth for such uses in Section 4-11-10 of this code, unless a reduction is approved by the city as part of the plan.

(m) Buffering standards - Buffering is required with the following factors to be considered in determining the buffer, adequacy of the type and extent of the buffer:

(i) The purpose of the buffer, for example, to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier or to gradually change the residential density from the existing density abutting the PUD to the proposed density of the development.

(ii) The size of the buffer needed in terms of width and height to achieve the purpose.

(iii) The location of the buffer.

PASSED, APPROVED AND ADOPTED the 28th day of October, 2008

THE CITY OF LANDER
A Municipal Corporation

ATTEST:

By _____
Mick Wolfe, Mayor

Robin Griffin, City Clerk

CERTIFICATE

I, Robin Griffin, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Lander at a regular meeting held on October 28, 2008 and that the meeting was held according to law; and that the said Resolution has been duly entered in the minute book of the City of Lander.

Robin Griffin, City Clerk