

## CHAPTER 8

PLANNED UNIT DEVELOPMENTS

## SECTION

14-801. Purpose

14-802. General provisions

14-803. Administrative procedure

14-804. Residential planned unit developments

14-805. Commercial planned unit developments

**14-801. Purpose.** Planned unit developments districts are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities; to preserve, as much as possible, existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. (as added by Ord. #00-2152, Oct. 2000; and replaced by Ord. # 05-2722, June 2005)

**14-802. General provisions.** This chapter is intended to provide the means and guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment. PUDs may be permitted in all zoning districts except the B-2 (Central Business) district.

The planning commission may consider, and the city council may adopt by ordinance, a PUD preliminary master plan satisfying the following criteria:

(1) The proposed development will not unduly injure or damage the use, value or enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and long-range development plans for the City of Lebanon.

(2) An approved water supply, community wastewater treatment and disposal and storm water drainage system is available or will be provided by the developer, at their expense, to serve the proposed development.

(3) The design of any PUD should reflect an effort by the developer to plan land uses within the PUD so as to blend harmoniously with adjacent land uses. The location and arrangement of structures, parking areas, pedestrian walkways, lighting and other service facilities shall be compatible with the surrounding land uses.

(4) Screening consisting of fences, walls and/or vegetative materials shall be provided along the edges of PUDs where needed to protect the development from undesirable views, lighting, noise or other off-site influences

or to protect occupants of adjoining property from similar adverse influences within the PUD.

(5) Any part of the proposed development not used for structures, parking or other service facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

(6) Any modification of the zoning ordinance, sign ordinance or subdivision regulations that would otherwise be applicable to the site are warranted by the design of the preliminary master plan and the amenities incorporated therein, and are not inconsistent with the public interest.

(7) Homeowner associations or some other responsible party shall be required to maintain any and all common open space and/or common elements, unless conveyed to a public body which agrees to maintain such features.

(a) Modification of zoning district regulations. The uniqueness of each PUD may require that bulk regulations within the zoning ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the bulk regulations contained in the zoning ordinance may be permitted when such proposed modification will result in:

- (i) Inadequate or unsafe access to the PUD;
- (ii) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;
- (iii) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or
- (iv) A development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting zoning ordinance restrictions; however, in no case shall the use or densities be varied except as herein provided and all setbacks along the boundary of the PUD shall be a minimum of twenty-five feet or as required by the adjoining zoning district, whichever is greater. The property within the required setback may either be part of the individual lots or common open space.

(b) Modification of sign ordinance regulations. The uniqueness of each PUD may require that regulations within the sign ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and

have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the sign ordinance may be permitted when such proposed modification will result in:

- (i) Inadequate or unsafe access or visibility to or within the PUD; or
- (ii) Development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting sign ordinance regulations.

(c) Relationship to subdivision regulations. The uniqueness of each PUD may require that regulations within the subdivision regulations be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the subdivision regulations may be permitted when such proposed modification will result in:

- (i) Inadequate or unsafe access to the PUD;
- (ii) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;
- (iii) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or
- (iv) A development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting subdivision regulations.

(d) Relationship to zoning districts. PUDs shall be permitted in all zoning districts with the exception of the B-2 (Central Business District). Uses within a PUD shall be as permitted by the underlying zoning regulations. The number of dwelling units in the PUD shall be calculated by dividing the gross acreage by the minimum lot size of the underlying zoning district.

(e) Development period, staging schedule. The expeditious construction of all PUDs shall be undertaken to ensure completion of the development in accordance with the approved preliminary master plan.

(i) Start of development. Within one year after approval of the preliminary master plan by city council, by ordinance after a public hearing, a final site plan or final subdivision plat shall be acted upon by the planning commission. Within one year of approval of a final site plan actual construction shall have commenced. Within two years of approval of a final subdivision plat actual construction shall have commenced.

In the event that a final site plan or final subdivision plat is not acted upon within one or two years of approval of the preliminary master plan respectively, the planning commission may, after an official meeting with notice to the developer, cancel the preliminary master plan. Such cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related base rezoning being considered.

(ii) Time extension. The developer may request an extension of the preliminary master plan in one year increments. Approval of any time extension is at the discretion of the planning commission, however, the total time extension shall not exceed two years without re-approval being granted by the city council. When considering approval of a time extension, the planning commission may recommend the preliminary master plan be modified to comply with regulations adopted since the PUD was approved and/or changes to the surrounding properties. Any modifications to the adopted PUD, either as requested by the developer or recommended by the planning commission, shall comply with the regulations for amending a PUD as outlined in section 11-803 of this chapter.

(iii) Phasing of development. The planning commission may permit the development to be constructed in phases so that completion is achieved in a logical manner. Each phase shall be so planned and relate to existing surroundings that failure to proceed to subsequent phases will not have an adverse impact on the PUD or its surroundings.

(iv) Completion of development. If the planning commission and city council elect to permit the phasing of development the following provisions shall be complied with:

(A) The phasing plan shall include information regarding the construction of improvements such as streets, drainage facilities, water lines, sewer lines, landscaping, etc.

(B) The phasing plan shall include information regarding what will be included in each phase, the order in which phases will be constructed and an approximate date that construction will begin and end.

(C) From time to time it may be necessary to modify the approved phasing plan. Any request to modify the phasing plan shall be submitted in writing by the landowner and/or developer and will be considered as an amendment to the preliminary master plan.

(f) Dedication of and relation to public facilities. (i) The planning commission may recommend, and the city council may require, that suitable areas for streets, utilities, public rights-of-way, schools, parks or other public areas be set aside and/or dedicated to the city.

(ii) PUDs shall be so located in relation to sanitary sewers, water lines, storm and drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required by the city. If any such improvements are required as part of the proposed development, it shall be the responsibility of the developer/landowner to install and pay for such improvements.

(g) Buffer and screening. Minimum landscape buffer depths and related improvements are outlined for residential and commercial PUDs in sections 14-804 and 14-805 of this chapter. These minimum buffer depths are required in order to provide a buffer between existing development and the proposed PUD and ensure that the proposed PUD complements its surroundings. The minimum buffer requirements shall be measured from the property lines and may consist of either common open space or be included as part of individual lots. If the minimum buffer is provided as common open space, a specific minimum building setback for the individual lots shall be stated in the preliminary master plan.

(h) Landscaping. Landscaping requirements are outlined for residential and commercial PUDs in sections 14-804 and 14-805 of this chapter. Landscaping may be provided within the public right-of-way so long as such request is specifically made by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding the provision of landscaping in the public right-of-way prior to city council considering approval of the preliminary master plan. If landscaping is proposed to be provided in the public right-of-way, city council shall, as part of their consideration, approve an agreement allowing for the placement of landscaping within the public right-of-way. When considering such request, the planning commission and city council should take the following into account:

(i) Provisions shall be stated for the maintenance of any landscaping by a homeowners' or property owners' association of all landscaping within the right-of-way; and

(ii) It shall be clearly understood and stated that the City of Lebanon shall not incur any expense related to the installation, maintenance, upkeep, and/or removal of the proposed landscaping; and

(iii) Any proposed landscaping shall be placed in a manner which takes into consideration the safety of drivers and pedestrians; and

(iv) The city shall not be held liable for any claims arising out of the installation of the proposed landscaping.

(i) Waiver of board of zoning appeals action. No action of the board of zoning appeals shall be required in the approval of a PUD with the exception of those activities, which would otherwise require use on appeal permits under other \_\_\_\_\_ of this \_\_\_\_\_. With respect to the approval of a PUD, the action of the planning commission and city council shall be final. After approval of a preliminary master plan, requests for Variances for issues such as setback violations, special use permits and the like shall follow the regulations found in chapter 11 of the zoning ordinance. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005)

**14-803. Administrative procedure.** (1) Steps of approval process. Development plans submitted as part of a PUD shall be submitted in a form that will satisfy the requirements of the subdivision regulations for subdivision plats or zoning ordinance requirements for site plan. Review of the subdivision plat or site plan shall be carried out simultaneously with other review of the PUD.

(2) Application for approval of the preliminary master plan and zoning request. Prior to submitting a PUD application, the developer/landowner shall have a pre-application conference with members of the planning and engineering departments. Requirements of the zoning ordinance and subdivision regulations shall apply to all PUDs unless otherwise granted a waiver as part of the preliminary master plan. An application shall be submitted to the planning commission, along with all documentation as required in these regulations. Any consideration of the preliminary master plan by city council shall be based upon a recommendation by the planning commission. Upon the planning commission making a recommendation, city council will consider approval of the preliminary master plan by ordinance.

(3) Application for final subdivision plat/site plan approval. After a PUD preliminary master plan has been approved, the landowner may make application to the planning commission for approval of a Final Subdivision Plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary master plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the

requirements and review procedure for a site plan or final subdivision plat. final plat/plan approval may be requested and granted in phases.

The final subdivision plat/site plan application shall include a copy of the preliminary master plan showing the overall development, any applicable covenants and/or restrictions, and other required drawings, specifications, easements, conditions and forms of bonds as were set forth by the planning commission's approval of the preliminary master plan. Copies of all legal documents required for dedication or reservation of common open space and/or for the creation of a non-profit association shall also be submitted. Any deviations from the preliminary master plan and/or phasing plan shall be provided in writing.

As part of the submission requirements for site plan approval of all commercial PUDs, architectural drawings and material samples for the proposed buildings, landscaping plans and information relative to the proposed signage and light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(4) Amendments to the PUD. The terms, conditions, and the preliminary master plan of a PUD may be changed from time to time by official action of the city council and/or planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and shall not modify the mix of uses or increase the overall density. No changes in the type of structures proposed in the preliminary master plan and approved by city council by ordinance shall be made without returning to city council for approval of an amendment. If a request is made to modify a contingency required as a condition of approval by the city council such request for modification shall be required to be considered by city council regardless of what the scope of the requested modification .

The landowner, residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the preliminary master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and height of buildings, may be authorized by the planning commission based on a recommendation from the planning and engineering departments or other city staff. Changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change shall also require approval of city council and must be justified by changes in conditions or markets since the preliminary master plan was approved.

Minor amendments, such as modifying landscape plats or building elevations, may be approved by the planning commission without consideration being provided by city council. The determination regarding an amendment being minor or major will be determined by planning staff with endorsement of the planning commission.

(5) Cancellation of an adopted PUD. In the event that a final site plan or final subdivision plat is not acted upon within one year of approval of the preliminary master plan or the phasing plan approved as part of the preliminary master plan is not being followed, the planning commission may, after an official meeting with notice to the landowner and/or developer, cancel the preliminary master plan. The preliminary master plan may also be cancelled at any time upon written request by the landowner and/or developer. Any cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related rezoning being considered. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005)

**14-804. Residential planned unit developments.** (1) Purpose. The purpose of the residential planned unit development is to permit the clustering of lots in order to allow the creative design of residential property that is harmonious to the surrounding landscape while maintaining the equity of surrounding property owners. A limited amount of commercial development may be permitted within a residential planned unit development, subject to the regulations outlined within this section. It shall be the burden of the applicant to demonstrate the advantages of the planned unit development over the existing underlying zoning district.

(2) Minimum size. There is no minimum size for a residential PUD.

(3) Permitted activities. The following activities may be permitted in a residential PUD only when deemed appropriate by the planning commission and city council as approved with the preliminary master plan. Other activities not listed below are prohibited.

(a) Residential structures.

- (i) Dwelling one-family attached
- (ii) Dwelling one-family detached
- (iii) Dwelling two-family attached
- (iv) Dwelling multi-family

(b) Commercial activities

- (i) Retail uses as permitted within the underlying zoning
- (ii) Other commercial uses as permitted by the planning commission and city council

Retail uses shall be limited to a maximum of four percent (4%) of the total amount of property within the PUD.

Any commercial development proposed within a residential PUD shall provide development information relative to bulk regulations, building design, screening, off-street parking, loading and vehicular access, signage, and lighting in accordance with the requirements of commercial PUDs.

(4) Density and bulk regulations. (a) The maximum overall density shall be based on the number of single-family dwellings allowed by the underlying zoning district. This will be calculated by dividing the gross

acreage by the minimum lot square footage required by the underlying zoning district. The resulting number will indicate the total number of units to be allowed within the RPUD.

(b) Density bonuses, defined as the granting of additional density, up to a maximum of sixteen percent (16%), in a development in exchange for the provision by the developer of amenities as outlined below, may be granted at the discretion of the planning commission and city council for incorporating any combination of the following elements into the planned unit development. Each element may be eligible for a maximum density bonus of four percent (4%), for a total of no more than sixteen percent (16%) for the entire development.

(i). For the donation of land for a future public use such as a school, park, police or fire station, etc.

(ii) For incorporating a connection to an existing stretch of the City of Lebanon or Wilson County bicycle and pedestrian plan.

(iii). For the introduction of street trees and/or ornamental trees above the current City of Lebanon requirements.

(iv) For designating a portion of the property, currently used as a farming operation, to remain as a permanent agricultural easement.

(c) All buildings within the Residential PUD shall be setback a minimum of fifty (50) feet from periphery side and rear property lines of the site as a whole. Land provided along the perimeter as a landscape buffer may be included in the required fifty foot setback requirement. No principal structures may be placed within this required setback.

(d) All accessory structures, excluding fences, detention basin structures, subdivision walls, retaining walls, and certain utility structures, shall comply with the setback requirements for the underlying zoning district or as approved as part of the preliminary master plan. Electrical substations or any other utility building or structure shall comply with the front yard setback requirements of the underlying zoning district.

(e) There shall be a minimum distance of twenty (20) feet between all principal buildings consisting of two or more attached units.

(f) No structures within the residential PUD shall have a maximum height greater than three (3) stories.

(5) Streets. All streets, public and private, shall be built to the standards set forth by the City of Lebanon.

(6) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or screening walls.

(7) Landscape buffers. The planning commission or city council when considering the preliminary master plan may require landscape buffers. In the event that such buffers are required the following criteria shall apply:

(a) The landscape buffer shall consist of both land and plant materials.

(b) The landscape buffer shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(c) The landscape buffer shall be a minimum of twenty-five (25) feet in depth and may be located within the peripheral building setback or may be designated as common open space or a combination thereof.

(d) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a final subdivision plat being signed by the appropriate city staff. In the case of townhomes or other multi-family developments, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

(e) All existing mature vegetation within the peripheral building setback should be preserved and incorporated into the landscape buffer to the greatest extent possible.

(f) Maintenance of the landscape buffer shall be the responsibility of the homeowner's association if part of the common open space or the responsibility of individual homeowners with enforcement of such maintenance by the homeowner's association.

(8) Common open space. (a) A minimum of thirty (30) percent of the total property shall be utilized as common open space, which may include land for public use.

(b) Common open space is an essential element of all residential PUDs and every effort shall be made to conserve natural and historic features on the site, including but not limited to:

(i) Mature stands of trees

(ii) The regulatory 100-year floodplain

(iii) Wet weather conveyances, springs, and streams

(iv) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the clean water act

(v) Sinkholes

(vi) Slopes above twenty five percent (25%) of at least five thousand (5,000) square feet of contiguous area

(vii) Unique topographic features, and endangered species habitat

(c) In order to provide common open space that may be usable and enjoyed by residents in the PUD, a majority of the common open

space shall be in a contiguous tract. A system of trails and/or sidewalks should be used to connect the common open space areas.

(d) Common open space shall be suitably improved for its intended use. Common open space containing natural features worthy of preservation, steep slopes or floodplains may remain in their natural state.

(e) Whenever possible, the common open space should adjoin neighboring areas of common open space or otherwise protected lands.

(f) Buildings may be constructed in the common open space if they relate to, and are accessory to, the intended use of the common open space. Large areas of impervious surface shall be excluded from the common open space calculations.

(g) Common open space shall be directly accessible to the largest practicable number of residential lots within the development. Non-adjointing lots shall be provided with safe, convenient pedestrian access to the common open space.

(h) Common open space shall be pedestrian friendly.

(i) Recreation fields and related facilities are allowed within the required common open space.

(j) Agricultural easements may be used to meet the required percentage of common open space. In such an easement, the existing property owner, as well as any subsequent lessee or property owner, will be allowed to continue the current agricultural practices on the property. The agricultural easement agreement shall be shown on the preliminary master plan as well as described in detail within the covenants and restrictions of the residential PUD's homeowners association.

(9) Ownership and management of common open space. (a) The preliminary master plan shall state, or graphically show, the common open space that is proposed to be constructed with each phase of development. The common open space shall be phased and constructed, so that failure to proceed with subsequent phases will not negatively impact the overall development.

(b) Prior to a final subdivision plat being signed by the appropriate city staff or building permits being issued in the case of townhome or other multi-family development, the developer shall provide a bond or other adequate assurance acceptable to the city that any proposed improvements within the common open space will be completed in a timely manner.

(c) The applicant shall identify the owner of the common open space who is responsible for maintaining the common open space and any facilities located thereon. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners in the development and their successors. If a homeowners association is the owner, the homeowners association shall have lien

authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and any facilities located thereon in accordance with the approved final plans/plats shall be borne by the owner unless dedicated to a public agency who has agreed to maintain and otherwise be responsible for the property.

(d) In the event that the party responsible for the maintenance of the common open space fails to maintain all or any portion of the common open space in reasonable order and condition, the city of Lebanon may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the owner, homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all properties.

(10) Legal instrument for permanent protection of common open space.

The common open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

(a) A permanent conservation or agricultural easement in favor of either:

(i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for the retransfer in the event the organization becomes unable to carry out its functions; or

(ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Lebanon, then a third right of enforcement favoring the City of Lebanon shall be included in the easement.

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Lebanon.

The instrument for permanent protection shall include clear restrictions on the use of the common open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the common open space. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005)

**14-805. Commercial planned unit developments.** (1) Purpose. The general purpose of a commercial PUD is to allow for the construction of a quality, holistic development using a general design theme creating a sense of place while continuing to allow for a wide range of activities and uses.

(2) Feasibility study. The planning commission and/or city council, as part of its deliberations, may require a feasibility study/market analysis for any proposed commercial PUD. The study shall provide information to assist the Planning commission and/or city council to better understand how the proposed development serves the public interest. At a minimum, it shall elaborate on the impact the proposed development will have on the long-range development of commercial land in the city, specifically in and around the subject area. The study shall provide information regarding the developer's financial capability to complete the proposed development, take into consideration the impact of any proposed phasing schedule, and provide any other information as may reasonably be requested by the planning commission and/or city council.

(3) Minimum size. There is no minimum size for a commercial PUD.

(4) Permitted activities. Uses permitted in a commercial PUD shall be as regulated by the underlying zoning district unless otherwise permitted by the planning commission and city council as approved with the preliminary master plan. There are no percentage breakdowns for commercial versus residential uses if residential uses are permitted by the underlying zoning district. If residential uses are proposed as part of a commercial PUD, the residential portion of the PUD shall comply with section 14-804 of this chapter with the following exceptions:

(a). The minimum percentage of common open space shall be twenty percent (20%); and

(b) The minimum percentage of open space for commercial developments shall be twenty percent (20%).

(5) Bulk regulations. Unless modified as part of the preliminary master plan, regulations such as the minimum setbacks, maximum height, etc. shall be governed by the underlying zoning district.

(6) Building design. As part of the preliminary master plan, information such as architectural drawings, photographs, and/or material samples shall be provided to demonstrate the architectural style of proposed building within the PUD. Throughout the PUD, there shall be a consistent theme with respect to architectural style and building materials.

After the preliminary master plan has been approved, and with the submission of site plan applications, architectural drawings and material samples shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(7) Screening and buffering. When structures or uses in a commercial PUD abut residentially zoned property or uses, whether part of the same PUD

or adjacent to the PUD, screening and buffering shall be provided. In the event that screening and/or buffering is required, the following criteria shall apply:

(a) A landscape buffer shall consist of both land and plant materials.

(b) A screen shall consist of sight-proof fencing or walls of an appropriate height and materials to provide an adequate screen for the subject development and/or the surroundings.

(c) The landscape buffer and/or screen shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(d) The landscape buffer shall be a minimum width of twenty-five (25) feet in depth and may be located within the building setback.

(e) Existing mature vegetation within the buffer area shall be preserved and incorporated into the landscape screening to the greatest extent possible.

(f) Maintenance of the landscape buffer and/or screening shall be the responsibility of the property owners' association if part of the common open space or the responsibility of individual property owners with enforcement of such maintenance by the property owners' association.

(g) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

As part of the preliminary master plan, preliminary landscape plans and/or plates shall be provided to demonstrate the plants and/or other landscape materials to be used throughout the development. Information regarding the spacing of plants and the installation of a fence/wall shall be provided to demonstrate how any necessary screening will be achieved.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD.

(8) Off-street parking, off-street loading, and vehicular access.

(a) Unless otherwise stated in the preliminary master plan, off-street parking and loading spaces shall be provided at each particular phase of development in accordance with the provisions for off-street parking for those particular uses, as contained in the zoning ordinance. As part of the preliminary master plan, the planning commission may recommend and city council may approve off-street parking regulations that do not meet the full extent of the zoning ordinance if justification is provided to substantiate the request. Such justification may include, but

is not limited to, information regarding industry standards and/or other municipalities' regulations.

(b) Locations for vehicular access, off-street parking and off-street loading shall be located as to not create conflict with existing and/or proposed vehicular access points. A physical separation such as landscaping and/or fencing shall be provided along the entire street frontage except where access drives are located.

(9) Signage. As part of the preliminary master plan submittal, a comprehensive sign plan shall be provided. The comprehensive sign plan shall consist of information such as drawings, photographs, and/or material samples demonstrating the style of proposed signage within the PUD. Throughout the PUD, there shall be a consistent theme with respect to materials, type of signage and illumination.

As part of the submission requirements for site plan approval of all commercial PUDs, drawings and material samples for the proposed signage shall be provided to ensure that the proposed signage complies and is compatible with the overall style and general design theme of the PUD.

(10) Lighting. As part of the preliminary master plan, information such as specification sheets, photographs, and/or material samples shall be provided to demonstrate the style of proposed pole and building mounted lighting within the PUD. Throughout the PUD, there shall be a consistent theme with respect to fixture styles and/or materials.

As part of the submission requirements for site plan approval of all commercial PUDs, information relative to the proposed light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. In addition, a photometric plan shall be submitted to staff for review and approval. The maximum illumination level provided at all property lines shall be 0.5 foot-candles.

(11) Landscaping. As part of the preliminary master plan, general landscape plates shall be provided to demonstrate the landscaping design and proposed buffers within the PUD. Throughout the PUD, there shall be a consistent theme with respect to use of landscape materials and provision of landscaping.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. (as added by Ord. #01-2181, Feb. 2001, amended by Ord. # 02-2407, Oct. 2002; and replaced by Ord. #05-2722, June 2005)