

VII. PLANNED UNIT DEVELOPMENTS AND CLUSTER DEVELOPMENTS

VII-A. Planned Unit Developments

A Planned Unit Development (PUD) is defined as:

“a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which consists of a planned mixture of land uses built in a prearranged relationship and having open space and community facilities in a common ownership or use.” (76-3-103, MCA)

VII-A-1. Qualifying as a PUD

The Planned Unit Development must do one or more of the following:

- a. Preserve to the maximum extent possible the natural characteristics of the land including topography, vegetation, streams, and other bodies of water.
- b. Provide economies in the provision of public improvements that are funded or used by the public at large (rather than just those owning tracts in the Planned Unit Development).
- c. Preserve productive agricultural land, open space, or riparian areas
- d. Protect areas of important wildlife habitat or important historic sites or structures.
- e. Provide developed facilities for public recreational purposes.

The development must be in compliance with PUD provisions in local zoning regulations. Where such provisions do not exist, the proposed subdivision must be designated as a PUD by the governing body before being reviewed as a PUD. To obtain designation of a subdivision as a PUD, the subdivider, before submitting a preliminary plat application, shall submit to the Subdivision Administrator the following:

- a. A written request that the proposed subdivision be reviewed as a PUD.
- b. A layout plan showing the proposed location and use of lots and structures, and the location and number of parking spaces, if appropriate.
- c. A sketch plan of the proposed subdivision, containing all information requested in Section 4.3, “Pre-application Procedures.”
- d. A description of open space, recreational facilities, roads, and other facilities proposed to be under common ownership.
- e. Proposed restrictive covenants, if any.
- f. A description of proposed forms for property ownership within the development.
- g. A statement describing measures to be taken to assure permanence and maintenance of open space and other facilities to be held in common ownership.

- h. A schedule showing street and utility improvement completion dates.
- i. A description of all proposed modifications from the Design and Improvement Standards, described in Chapter 5.

The planning board will make a recommendation to the governing body regarding the designation of the proposed subdivision as a PUD. If the governing body designates the proposed subdivision as a PUD, the preliminary plat may be submitted for review.

VII-A-2. PUD Review Requirements

Review requirements are based on the number of lots. Applicants with proposed subdivisions with five or fewer lots of land for rent or lease must comply with be reviewed according to Section IV for "Minor Subdivisions." Subdivisions with five or fewer lots that do not meet criteria for minor subdivisions above or with six or more lots of land for rent or lease will be reviewed pursuant to Section III of these regulations. Regardless of the number of lots in the proposed subdivision, the subdivision will be reviewed according to the design criteria in Section V and the following will also apply:

1. The governing body may approve a proposed modification of the design and improvement standards contained in Section 5.7, "Lots," Section 5.8, "Blocks," Section 5.9, "Streets and Roads," and Section 5.17, "Parkland Dedication," upon request of the subdivider. No application for a variance under Section 7.2, "Variances," of these regulations is necessary for a subdivision qualifying as a Planned Unit Development.

In order to qualify for modification, the proposed subdivision must:

- i. Be designed so that the arrangement, type, extent, width, grade and location of all streets are considered in their relation to existing and planned streets, and to public convenience and safety.
 - ii. Identify and dedicate open space according to 76-3-621, MCA to be:
 - 1) owned and maintained by a property owners' association; or
 - 2) dedicated to public use, if acceptable to the governing body; or
 - 3) a combination of "(1)" and "(2)" above.
2. The applicant must specify in writing any request for modifications of design and improvements standards (as described in item 1, above) and submit the request with the preliminary plat application.
 3. No final plat will be approved until the state has certified the subdivision meets state commercial building codes, and other state regulations, as applicable.

VII-B. Cluster Developments

A cluster development is defined as:

“A subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.” (76-3-103, MCA)

VII-B-1. Qualifying as a Cluster Development

Cluster developments must meet the following requirements:

1. Maximum size of each parcel in a cluster development is 5 acres.
2. Unless the subdivision will be provided with community sewer or water, each lot in the cluster must be a minimum of one acre of useable land to support development of water, wastewater, storm water drainage systems as required by the Montana Department of Environmental Quality.
3. Not exceed the maximum number of parcels authorized by the administrative rules adopted by the Montana Department of Environmental Quality under Title 76, Chapter 4, MCA.
4. Open space must be preserved through an irrevocable conservation easement, granted in perpetuity as provided in Title 76, Chapter 6, prohibiting further subdivision of the parcel.
5. An area of open space must be preserved that is at least as large as the area that will be developed.

VII-A-2. Cluster Development Review Requirements

Review requirements are based on the number of lots. Applicants with proposed subdivisions with five or fewer lots of land for rent or lease must comply with be reviewed according to Section IV for “Minor Subdivisions.” Subdivisions with five or fewer lots that do not meet criteria for minor subdivisions above or with six or more lots of land for rent or lease will be reviewed pursuant to Section III of these regulations. Regardless of the number of lots in the proposed subdivision, the subdivision will be reviewed according to the design criteria in Section V and the following will also apply:

1. Park dedication requirements are waived.
2. Multiple adjacent tracts of record may be aggregated to create a single parcel for the purpose of creating a cluster development.

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