

IX. PLANNED UNIT AND CLUSTER DEVELOPMENTS

The intent of this chapter is to provide flexibility in certain subdivision standards, allowing the subdivider greater design creativity. The planned unit development (P.U.D.) and cluster concepts group development to promote economies in service provision, while providing open space, natural features, and/or community facilities for common enjoyment and use. Under this concept, lots may be smaller than in a conventional subdivision, and lots and units are concentrated in order to provide open space. The P.U.D. concept, in particular, promotes careful, integrated planning, allowing for individual or mixed uses.

A. Designation as a P.U.D.

1. The development shall be in compliance with P.U.D. provisions in local zoning regulations. Where such provisions do not exist, the proposed subdivision must be designated as a P.U.D. by the planning staff before being reviewed under this section. To obtain designation of a subdivision as a P.U.D., the applicant, before submitting a preliminary plat application, must submit to the planning staff the following:
 - a. A written request that the plan of the proposed subdivision is to be reviewed as a P.U.D.;
 - 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 Chapter III, section B.1 or Chapter IV, section B.1 or Chapter IV, section D.1 (pre-application procedures);
 - d. Proposed restrictive covenants, if any;
 - e. Proposed forms of ownership of property within the development;
 - f. A schedule showing street and utility improvement completion dates; and
 - g. A description of all proposed modifications from Chapter XI, (Design and Improvement Standards).

2. The planning staff shall review the proposed plan and, before designating the subdivision a P.U.D., determine that the development plan promotes the clustering of individual building sites, conforms to the definition and intent of this section, and does one or more of the following:
 - a. Preserves to the maximum extent possible, the natural characteristics of the land including topography, vegetation, streams, and other bodies of water;
 - b. Provides economies in the provision of roads and other public improvements;
 - c. Preserves productive agricultural land;
 - d. Protects important historic sites or structures, or areas of important wildlife habitat;
 - e. Provides developed facilities for recreational purposes; and/or
 - f. Supports reasonable but not excessive trail development that would help sustain wildlife on the landscape as a whole.
3. The planning staff shall review the plan and within ten (10) working days of the submittal, write a letter to the applicant stating that the plan has or has not been designated a P.U.D. If the plan is disapproved, the reasons for disapproval shall be stated in the letter. If approved, the letter shall state the approval and the Applicant may submit a subdivision application to the Planning Department.
4. Designation as a P.U.D. does not constitute approval of the specific details or modifications proposed by the plan.

B. P.U.D Procedures

If the planning staff designates the development plan a P.U.D., the preliminary plat may be submitted for review under this process. The submittal shall comply with the applicable requirements contained in Chapter III (Major Subdivision) or IV (Minor Subdivision) of these regulations.

All common areas must be identified on the plat during the first phase of development, and developed as scheduled.

C. P.U.D Standards

1. Planned unit developments shall comply with the standards contained in Chapter XI, GENERAL DESIGN AND IMPROVEMENT STANDARDS. These standards may be modified by the governing body upon request of the applicant in cases where the plan for a P.U.D. includes provisions for efficient traffic circulation, adequate light, air and open space, and where such standards are not practical or reasonable in respect to the overall P.U.D. design.
2. In those areas where no zoning exists, the planning staff, in consultation with the applicant, shall determine the overall dwelling unit density.
3. The arrangement, type, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety.
4. The open space in any P.U.D. must be:
 - a. Held in common ownership by a property owners' association; or
 - b. Dedicated to public use, if acceptable to the governing body; or
 - c. A combination of "a" or "b" above. If the open space is not open to the public, it will not satisfy the parkland dedication requirement.

The governing body may waive dedication or cash donation requirements when the applicant agrees to create a property owners' association for the proposed subdivision and the deed to the association land to be held in perpetuity for use as parks or playgrounds.

D. Cluster Development

If the governing body has adopted a growth policy that meets the requirements of 76-1-601, MCA the governing body may adopt regulations to promote cluster development and preserve open space, pursuant to 76-3-509, MCA.

1. As authorized by 76-3-509, MCA, the following apply to
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subdivisions proposed under this section:

- a. An area of open space must be preserved that is at least as large as the area that will be developed.
 - b. 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.
 - c. Unless the subdivision will be provided with community sewer or water, each lot in the cluster must be a minimum of one acre.
 - d. Multiple adjacent tracts of record may be aggregated to create a single parcel for the purpose of creating a cluster development.
 - e. The maximum number of parcels permissible in a cluster development is the maximum number of parcels that are authorized by the administrative rules adopted by the Montana Department of Environmental Quality under Title 76, Chapter 4, MCA.
 - f. The maximum size of parcels, not designated as open space, allowed within a cluster development is five (5) acres.
2. Park dedication requirements for clustered subdivisions created under this section are waived.