

FZTA-20-01 EXHIBIT A

SECTION 3.45 PUD PLANNED UNIT DEVELOPMENT

3.45.010 General Description.

A Planned Unit Development (PUD) is an overlay district which integrates design for development of residential, commercial, or industrial, including mixed use developments, which allows for flexibility and creativity in site and building design and location in a manner which is consistent with the goals and policies of the Flathead County Growth Policy.

3.45.020 Purpose and Intent.

The purpose of a PUD is to allow diversification in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of a PUD overlay is intended to:

1. Allow for and encourage a variety of housing types and environments;
2. Allow for greater flexibility and a more creative and imaginative approach to the design of residential, commercial, industrial, and mixed use developments and open space, while ensuring substantial conformance with these regulations and the Growth Policy;
3. Encourage more functional, efficient and economical use of land, resulting in smaller networks of utilities, streets and other infrastructure features, and maximizing the allocation of fiscal and natural resources;
4. Ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land best physically suited to construction;
5. Encourage land development that, to the greatest extent possible, preserves valuable natural areas, respects natural topographic and geologic features, scenic vistas, vegetation and natural drainage patterns, and that creates more usable open space and recreational amenities;
6. Encourage more convenience in the location of commercial and industrial uses and services.

3.45.030 Coordination with Other Regulations

1. Approval of a PUD allow the normally applicable standards of these regulations to be replaced with alternative standards unique to the PUD. For example, a mix of residential and commercial uses, different property line setbacks, alternative minimum lot sizes, or increased building height may be approved as a PUD. The PUD must meet the requirements of these regulations not expressly varied through the PUD approval process.
2. If land is being subdivided in conjunction with a PUD, the subdivision must also meet the requirements of the Flathead County Subdivision Regulations. A subdivision application associated with a PUD must be

FZTA-20-01 EXHIBIT A

submitted and will be processed concurrently with the underlying PUD application. Both the subdivision and PUD applications must comply with their respective applications requirements.

3. A PUD may provide for phased development of the subdivision proposed within the PUD. For such PUDs, the subdivision application submitted concurrently with the PUD application may be for the first phase of the subdivision development within the PUD. Phasing shall comply with Section 4.4.2 of the Flathead County Subdivision Regulations.
4. If there is a conflict or inconsistency between the provisions of this section and another section of these regulations, the provisions of this section shall take precedence. Subjects not covered in this section shall be governed by the applicable provisions of these regulations.

3.45.040 Ownership, Control, and Maintenance

1. All parcels to be developed under a PUD must be under single ownership or control, and must remain under single ownership or control until final approval of the PUD and any associated subdivisions are issued.
2. If components of the project will be under separate ownership, a cooperative corporation or similar organization must be established to provide oversight and control of the entire property included within the PUD in perpetuity. The documents establishing this organization must include procedures allowing corporation officers to submit applications for amendment of the PUD or any associated subdivisions, and to take other action on behalf of the owners in the development as necessary.
3. All improvements and land within a PUD, including common areas and private roadways shall be operated and maintained by the owner in accordance with applicable best management practices and approved plans, and in a manner that is visually appealing. If the development will not remain under single ownership or control, an organization must be established to operate and maintain shared land, improvements, and infrastructure in perpetuity. Organizational options typically include cooperative entities such as a homeowners' association.

3.45.050 General Design Requirements

1. The proposed uses and design of a PUD must be compatible with existing homes, businesses, neighborhoods, and the natural characteristics of the area. PUDs shall minimize grading, road construction and disturbance of the terrain, vegetation, soils, and drainageways, and shall prevent soil erosion. To achieve this, conditions of approval may include design features such as building envelopes, no-disturbance zones, height restrictions or planting or retention of vegetation.
2. The development must be planned as a cohesive, integrated whole, consistent with the intent of this section.

FZTA-20-01 EXHIBIT A

3. The inclusion of open spaces within the PUD is to be encouraged to the greatest extent possible. Open space shall be distinguished as common (for use by all property owners within the PUD) or public (open to all members of the general public).

3.45.060 Standards of Planned Unit Development District (PUD)

1. Location of PUD – A PUD district shall be located in an area where public and private facilities and services are available or are to become available by the time development reaches the stage where they will be required.
2. Land Area Requirements – The minimum land area required for a change to or designation as a PUD shall be one (1) acre and shall be under single ownership. In determining whether minimum area requirements for a PUD district have been met, computations shall include the entire area within the boundaries of the district proposed, including the area of streets. Lands in such districts may be divided into streets, but shall be so located, dimensioned and arranged as to permit unified planning and development to meet all requirements for PUD districts and to provide adequate protection for uses within the district and surrounding areas.
3. Establishment of PUD Districts – The following locational criteria shall govern the type of planned unit developments that may be reviewed and approved by the County Commissioners:
 - A. Residential PUD Districts – Residential PUD districts may be established only in R-2.5 through R-5, RA-1, RR-1, SAG-10, SAG-5, BM-1, LS use districts or in any area designated as “residential” in the Flathead County Growth Policy.
 - B. Commercial PUD Districts – A commercial PUD district may be established in the B-1 through B-6, BR-4, BS, or CVR use districts.
 - C. Industrial PUD Districts – An industrial PUD may be established in the I-1, I-1H, or I-2 use districts.
 - D. Mixed-use PUD Districts – Based on a site plan review, and after establishing compatibility with the adjoining land uses and determining that the adverse environmental impacts shall only be minimal, the County Commissioners may allow a mixed-use PUD in any district which qualifies for a residential, commercial or industrial PUD.
4. Use Regulations and Densities – The following regulations shall apply to permitted uses and densities in various types of Planned Unit Developments:
 - A. Residential PUD District – Within a residential PUD District, the uses and structures permitted or conditional permitted, or as modified by the PUD request and approved by the County

FZTA-20-01 EXHIBIT A

Commissioners, in the underlying R-2.5, R-1, R-2, R-3, R-4, R-5, RA-1, RR-1, BM-1, and LS use districts shall be allowed. Residential dwelling unit densities within a proposed residential PUD district shall be as follows:

<u>Residential PUD Created</u>	<u>Maximum Permissible Density</u>
SAG-5 District	2 dwelling units/5 acres
SAG-10 District	2 dwelling units/10 acres
R-2.5 District	2 dwelling units/2.5 acres
R-1 District	2 dwelling units/acre
R-2 District	3 dwelling units/acre
R-3 District	7 dwelling units/acre
R-4 District	15 dwelling units/acre
R-5 District	15 dwelling units/acre
RA-1 District	33 dwelling units/acre
RR-1 District	20 dwelling units/acres
BM-1 District	25 dwelling units/acres

A residential PUD may request limited commercial uses provided;

- 1) Such establishments and their parking areas shall not occupy more than twenty percent (20%) of the land area of the PUD district with a gross area 5.0 acres or more. For those PUDs under 5.0 acres in area, the permissible gross commercial area shall be subject to approval by the County Commissioners up to a maximum of 15% percent of the total area of the PUD.
 - 2) Industrial and non-compatible commercial uses are not permitted in a residential PUD. The commercial uses that may be permitted are those uses that are requested in the PUD application and approved by the County Commissioners.
 - 3) Such approved commercial uses shall be so located, designed, and operated as to serve the needs of persons within the immediate vicinity of the PUD district.
- B. Commercial PUD District – The uses permitted in a commercial PUD district shall be the same as those allowed as permitted or conditional uses, or as modified by the PUD application and approved by the County Commissioners in the B, BR, and CVR use districts.
- C. Industrial PUD District – The uses permitted in an industrial PUD district shall be the same as those allowed as permitted or conditional uses, or a modified by the PUD application and approved by the County Commissioners, in the I-1, I-1H, or I-2 use district.

FZTA-20-01 EXHIBIT A

D. Mixed-use PUD District

- 1) A mixed use commercial/industrial PUD may be located in any district which qualifies for a commercial or industrial PUD.
- 2) The uses proposed for a commercial/industrial PUD shall be included in the PUD application and will be approved by the County Commissioners on the basis of:
 - a) Their compatibility with the surrounding land uses;
 - b) Their compatibility with one another.
- 3) Residential Mixed-use – A mixed-use PUD proposed in a residential district may be permitted with both residential and commercial uses per the following criteria:

Mixed-use PUD Zoning District	Maximum Permissible Density
SAG-5 District	2 dwelling units/5 acres
SAG-10 District	2 dwelling units/10 acres
R-2.5 District	2 dwelling units/2.5 acres
R-1 District	2 dwelling units/acre
R-2 District	3 dwelling units/acre
R-3 District	7 dwelling units/acre
R-4 District	15 dwelling units/acre
R-5 District	15 dwelling units/acre
RA-1 District	33 dwelling units/acre
RR-1 District	20 dwelling units/acres
BM-1 District	25 dwelling units/acres

- a) The minimum land area for a mixed-use PUD in a residential district is ten (10) acres.
- b) The predominant land use character of the district must be residential.
- c) The residential uses appropriate to a mixed-use PUD in a residential district shall be the same as those allowed as permitted or conditional uses in a residential PUD, or as modified by the PUD request and approved by the County Commissioners.
- d) The maximum permissible building height shall be 35 feet unless modified by the PUD request and approved by the County Commissioners.

FZTA-20-01 EXHIBIT A

- e) Commercial uses shall not exceed 35% of the gross area in the PUD.
- f) The maximum permissible ground coverage including all roads, buildings, and other areas of impervious coverage must be less than 70%.
- g) Vehicular access to all uses and/or activities of the mixed-use PUD shall be limited to the internal road system of the mixed-use PUD.

3.45.070 PUD Preliminary Plan

1. The property owner applying for a PUD district shall submit sixteen (16) copies of the PUD preliminary plan which shall contain all the elements necessary to render a decision regarding the request. If a PUD also involves a subdivision, the PUD submittal shall also include the information and documents required for a subdivision application as outlined in the Flathead County Subdivision Regulations. The preliminary PUD application shall contain the following:
 - A. An application form which is completed and signed by the applicant or property owner. The signature of an applicant other than the property owner must be accompanied by a signed letter from the property owner, authorizing the applicant to sign and file the application.
 - B. Fees as adopted by the County Commissioners.
 - C. The legal description of the property.
 - D. A title report or similar document containing the legal description, ownership and easements for the property.
 - E. A large preliminary plan which meets the requirements outlined in Table 1 of this section.
 - F. A small preliminary plan which shall be an 11" X 17" copy of the large preliminary plan.
 - G. Proposed locations, areas, densities, and types of residential and non-residential uses and structures within the area proposed to be developed and maximum height of buildings or structures.
 - H. Proposed plans for handling vehicular traffic, parking, sewage disposal, drainage, water supply, landscaping, berming, fencing, signage, and other pertinent site development features.
 - I. Elevation drawings which demonstrate visually the general architectural features of each proposed buildings or architecturally distinct group or type of buildings and the site perimeter treatment.

FZTA-20-01 EXHIBIT A

- J. A map of adjoining subdivisions and the surrounding area showing the site of the proposed PUD and adjoining lots, parcels, and subdivisions. The map shall show the layout of streets and parcels in a manner which may demonstrate how the proposed PUD is compatible with the surrounding area. The map must be to scale which shall not be less than one inch per 400 feet.
- K. Conceptual stormwater plan.
- L. A narrative which provides a detailed description of the following:
- 1) The general character of the proposed PUD, including the design principles for buildings and streetscapes.
 - 2) The ways in which the PUD district deviates from the permitted and conditional uses and the bulk and dimensional requirements of the underlying zone.
 - 3) The acreage, number of proposed lots, and number and type of dwelling units in the proposed PUD.
 - 4) Non-residential structures and uses that are proposed.
 - 5) Existing zones and uses as well as the existing characteristics of the site, including vegetation, slopes, wildlife, and environmental hazards.
 - 6) Proposed methods for providing water, sewer, electrical, natural gas and other utilities along with proposed roads, trails, parking, landscaping, and other improvements.
 - 7) Plans for recreation facilities and common open space, if requested.
 - 8) Proposed methods of ownership and control of the project, and proposed maintenance agreements for common areas and shared infrastructure and improvements, including roads, the water system, and the sewage system.
 - 9) A statement explaining the reasons the PUD will be in the public interest.
- M. Any other information, plans, or details which the Planning Board or County Commissioners may require to fully evaluate the development proposal and its impact.

FZTA-20-01 EXHIBIT A

**Table 1
Form and Content of PUD Plans**

PLAN COMPONENT	PRELIM PLAN	FINAL PLAN
1. Size and Format. Size 18" x 27". Plan must encompass all land included in the PUD, including open space that will not be used for building sites. Must also include north arrow, date, legend, vicinity map and scale. Scale must be suitable to ensure clarity.		X
2. Proposed dimensional layout plan superimposed on a two to five foot interval topographic map of the area drawn to scale not less than one inch equals two hundred feet showing all streets, buildings, open space, lots and other elements basic to the development.	X	
3. PUD Name. If a previously approved PUD is being amended, the name must include the word "amended."	X	X
4. Location. Section, quarter section, township, range, meridian, county, and state.	X	X
5. The final, approved layout showing dimensions, lot lines and the exterior boundary of the PUD by distance and bearing; area of each lot in acres; the location and type of approved land uses, including landscaping, parks, residential, commercial and public uses; the approved location, use, height, dimensions and setbacks of structures and signs; and approved density and number of dwelling units for each area.		X
6. Roads, trails, parking and loading areas within and adjacent to the PUD	X	X
7. Easements – the location, dimensions, and purpose of existing or proposed easements.	X	X
8. Hydrography – drainages, water courses, water bodies and wetlands and associated protection areas.	X	
9. Topographic Elevations – contours shown at vertical intervals of not more than 5 feet, at a scale between 1"=40' and 1"=100'. And identifying the following slope zones: ≥ 0% and < 15% ≥ 15% and < 35% ≥ 35% Contours shall be generated from field surveys or aerial photography and may not be interpolated from USGS maps. Contours are not required for lots designated as open space that will not be used for roads, driveways, or structures.	X	
10. Physical Features – the location of significant physical features such as ridges, rock outcrops, or wooded areas.	X	
11. Special Flood Hazard Areas (SFHA) – the location of any special flood hazard areas on and adjacent to the PUD.	X	
12. Existing built features, including structures, wells, sewage systems, and roads.	X	
13. Building envelopes, if required by the Planning Director or the County Commissioners.		X
14. Conceptual stormwater plan	X	

FZTA-20-01 EXHIBIT A

3.45.080 Preliminary PUD Plan Approval Procedure

1. The Planning Board shall review the PUD application and shall hold a public hearing pursuant to Section 2.02.040. Within thirty (30) days after the public hearing, the Planning Board shall submit its recommendation to the County Commissioners. The Planning Board may recommend approval in whole or in part, with or without modifications and conditions of approval, or recommend disapproval. Such recommendations shall include, but not necessarily be limited to lot area, permitted and conditional uses, landscaping and buffering, buildable area, open space, setbacks, density, height of structures, signs, off-street parking, loading areas, and design standards.
2. The Planning Board shall make the following findings in support of a recommendation:
 - A. The extent to which the plan departs from the zoning regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - B. The nature and extent of the common open space in the planned development project, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and function of the open space in terms of the land use, densities and dwelling types proposed in the plan.
 - C. The manner in which the plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light or air, recreation and visual enjoyment.
 - D. The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established.
 - E. Conformity with all other provisions of this section.
3. Action by the County Commissioners – The County Commissioners shall consider the recommendation of the Planning Board and, pursuant to a public hearing called by them, may affirm, modify, or deny the PUD plan. If the PUD is approved, the applicant shall submit a final plan in accordance with the approval of the County Commissioners. When the County Commissioners approve the final plan, the area of land involved shall be redesignated as a PUD district by resolution which shall incorporate the final plan, including any conditions or restrictions that may be imposed by the County Commissioners.
4. Duration and Effect of Approval – The final plan as approved, together with the conditions and restrictions imposed, shall constitute the zoning

FZTA-20-01 EXHIBIT A

for the district. Approval of a preliminary PUD plan shall expire if a complete application for approval of the final PUD plan is not submitted within one (1) year from the date of preliminary approval.

3.45.090 Extension of Preliminary PUD Approval

1. The Board of Commissioners may, at the request of the property owner, extend its approval for a mutually agreed upon period of time, not to exceed one (1) year. Such an extension must be in writing and dated and signed by the members of the Board of Commissioners and the property owner or the property owner’s agent. The Board of Commissioners may issue more than one extension. The property owner, or the property owner’s agent must give written notice to the Planning and Zoning Department requesting an extension at least 30 working days prior to the end of the one year period. The Planning Director has discretion to waive the minimum 30 working day requirement.

3.45.100 PUD Final Plan

1. Upon application for final approval of a PUD, the following shall constitute a complete application:
 - A. An application form which is completed and signed by the applicant or property owner. The signature of an applicant other than the property owner must be accompanied by a signed letter from the property owner authorizing the applicant to sign and file the application.
 - B. Fees, as adopted by the County Commissioners.
 - C. A large plan which meets the requirements outlined in Table 1 of this section.
 - 1) The final plan shall have the following certification on the face of the plan:
 - a) I, _____, owner and developer of the property set forth above, do hereby agree that I will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan.

Signature
Property Owner/Developer

Approved this _____ day of _____, 20 __, by the Flathead County Commissioners.

FZTA-20-01 EXHIBIT A

Attest:

Clerk & Recorder

- D. A small final plan which shall be an 11” x 17” copy of the large plan.
 - E. A narrative explaining how each of the conditions of approval of the preliminary plan have been met.
 - F. The final enumeration of how the final PUD plan deviates from the requirements of the underlying zone, including permitted and conditional uses, density, and setbacks.
 - G. If the PUD is a mixed-use PUD, the final plan shall show the locations of the commercial uses and the residential uses.
 - H. Copies of any documents, such as deed restrictions, restrictive covenants, or homeowners’ association articles of incorporation or bylaws that are associated with the PUD or that will be used to control the use, development, operation or maintenance of the property and improvements.
2. Final Approval Procedure – After review of the complete application of the final PUD plan, the Flathead County Planning & Zoning Department shall make a recommendation approving or denying the request to the County Commissioners. In making a decision to approve a final PUD plan, the County Commissioners shall make the following findings:
- A. All applicable conditions of preliminary PUD approval have been, or are being met.
 - B. The final PUD is compatible with the surrounding area.
3. Filing and Maintenance of the Final Plan – The applicant shall submit four (4) signed copies of the PUD, final plan, and related documents. Upon approval of the final plan by the County Commissioners, one signed copy of the final plan shall be returned to the applicant, a signed copy shall be retained on file in the Clerk and Recorder’s Office, and one signed copy each shall be forwarded to the Flathead County Planning & Zoning Department and the County Commissioners.
4. Abandonment – Upon the abandonment of the development authorized under this section, the project area shall revert back to the underlying use district that was in place prior to the approval of the Planned Unit Development. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved development plan for a period of three (3) years. Improvements as used in this section shall mean those activities, excluding design and obtaining financing, necessary for the orderly development of property, including installation of private and public roads, sidewalks and curbs, public and private utilities, street

FZTA-20-01 EXHIBIT A

lighting, construction of buildings and landscaping and other changes in the property described in the approved development plan.

3.45.110 Amendments to an Approved PUD

1. A minor modification or amendment to a previously approved PUD may be granted by the Zoning Administrator if it is determined that the requested modification or amendment would not constitute a substantial change to the findings of fact in the original approval, and that the proposed modification or amendment and the original conditions of approval would not be altered or be detrimental to the public health, safety, or general welfare.
2. The Zoning Administrator shall deny the requested modification or amendment upon finding the request constitutes a substantial change. In such cases, the applicant may apply for approval of a modification, amendment, or condition modification, as appropriate, in accordance with the procedures for PUD approval set forth in this section.

DRAFT

FZTA-20-01 EXHIBIT A

SECTION 3.32 SC SCENIC CORRIDOR

3.32.010

Definition.

An overlay or standing district intended to protect the scenic vistas and provide greater traffic safety along the highway corridors by restricting the number, size and location of signage and regulating cellular towers. This district can function as a standing district or can be applied to zoned areas. If an overlay district, the Scenic Corridor would regulate signage and cellular towers. No other land use restrictions apply in this district.

3.32.020

Cellular towers: Cellular towers are a permitted use in this district and subject to the performance standards found in Section 5.12 of these regulations.

3.32.030

Off-premise signs, including billboards are prohibited in this district.

3.32.040

Permitted signs in conjunction with residential use shall be as follows:

1. Exempt signs;
2. One sign not exceeding six (6) square feet in area, in connection with a nonresidential permitted or conditionally permitted use and a freestanding or ground sign shall not exceed eight (8) feet above ground elevation.

3.32.050

Permitted signs in conjunction with a commercial or industrial use shall be as follows:

1. Exempt signs;
2. One or the combination of the following signs provided the singular or combined square footage does not exceed the allowed square footage found in Chapter 7:
 - A. Free-standing and ground signs;
 - B. Building signs;
 - C. Portable signs;
3. If the lot contains a drive-thru window:
 - A. One sign that does not exceed eight (8) square feet in size, four (4) feet in height and within six (6) feet from a curb cut;
 - B. One sign that does not exceed thirty-two (32) square feet in size, eight (8) feet in height and within ten (10) feet from the building;
4. One portable sign per establishment.

3.32.060

Permitted signs when the property is vacant shall be as follows:

1. Exempt signs.

FZTA-20-01 EXHIBIT A

CHAPTER VIII - DEFINITIONS

- ~~8.02.100 Apartment House — A building or a portion of a building arranged or designed to be occupied by three or more families living separately from each other and containing three or more apartments.~~
- ~~8.03.080 Building Area or Footprint — The total horizontal area covered by enclosed building space including the total area of all covered open space except for open space covered by eaves and normal overhang of roofs, but not including uncovered entrance platforms, uncovered terraces, or uncovered steps where such features do not themselves constitute enclosures for building areas below them.~~
- ~~8.13.060 Mean Ground Level — The average of the finished ground level at the center of all exposed walls of the building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.~~
- ~~8.17.130 Rooming House — See “Boarding House”.~~
- 8.18.080 Sign – Any medium or visual communication, including its supporting structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction, or informational purposes.
- 11. Off-premise – A sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign.**
- ~~8.18.100 Solid Planting — The planting of evergreen trees and shrubs which will prevent a thorough or unobscured penetration of light and sight.~~