

SECTION 13 **PLANNED UNIT DEVELOPMENT (PUD)**

13.1 Purpose.

The planned unit development (PUD) designation is intended to provide for alternative forms of development which may include an increase in Density bonus in exchange for development quality that is of significant community benefit. An increase in Density through a PUD is not an entitlement and is only allowed by the decision of the Planning and Zoning Commission after a public hearing has been held.

If a requested PUD is approved by the Planning and Zoning Commission, this development will then be subject to the subdivision review procedures and requirements. The subdivision review procedure addresses the division of land into lots and related public improvements. Subdivision review will require additional approval of the septic and water systems by the State Department of Environmental Quality; the determination that the physical availability of water is sufficient to meet the water supply needs of the PUD and is legally authorized by the State Department of Natural Resources and Conservation; phasing of development improvements; review of internal road design/improvements and access to the development; provisions of utilities; floodplain impacts; and, consideration of impacts on local services, wildlife habitat, the natural environment, agriculture, and public health and safety.

An applicant for PUD designation is reminded that any development shall take account of the stated purpose of the General Plan, "to protect the natural beauty and agricultural open space character of the area." The following provisions of the General Plan shall be the paramount objectives of any development:

- a. To secure increased citizen participation in the planning process and, if necessary, to work for legislation which will offer protection from the adverse effects of urbanization and to preserve and protect those environmental qualities that are resources of the zoned area.
- b. To insist on attention to vegetation, sanitation, wildlife habitat, erosion, and public safety concerns for new development.
- c. Elements of community design (roads, utilities, etc.) should be planned to include environmental factors in addition to usual safety and engineering considerations.
- d. New residential development will be encouraged in low density tracts or clusters.
- e. Residences, commercial facilities, public buildings, street signs, etc., shall be designed to fit the rural character of the area.
- f. The County shall determine methods to keep a healthy agricultural and residential atmosphere in Bridger Canyon, encourage cluster developments, preserve open space, and strictly enforce the Zoning Regulation to ensure land subdivision in

conformity with the General Plan, and encourage use of the Design Standards set forth in the General Plan.

g. The purposes of ~~this district~~ PUD include the following:

- ia. Enhance and preserve Open Sspace and unique natural features.
- iib. Preserve to the maximum extent possible the natural characteristics of the land, including topography, vegetation, streams, meadows, wetlands, and tree cover.
- iiie. Protect areas of important wildlife habitat, such as fawning areas and migration / wildlife movement corridors.
- ivd. Prevent soil erosion by permitting development according to the nature of the terrain.
- ve. Encourage the development of more attractive site design.
- vif. Reduce the cost and physical impact of public and private services.
- viig. Lessen the visual impact of development and preserve the scenic vistas, ridge lines, and the natural appearance of hillsides. ~~rural atmosphere.~~
- viiih. Preserve agricultural lands and rural atmosphere.
- ~~i. Provide economies in the provision of public services.~~

13.2 Special Definitions:

- ~~a. Common Open Space: A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a Planned Unit Development and designated and intended for the use or enjoyment of residents of the Planned Unit Development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Development.~~
- ~~b. Development Rights: The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.~~
- ~~c. Landowner: The legal or beneficial owner or owners of all of the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than twenty (20) years or other persons having an enforceable proprietary interest in such land, shall be deemed to be a Landowner for the purposes of these provisions.~~

- ~~d. Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural or agricultural state is necessary for the enhancement of living conditions in Planned Unit Developments.~~
- ~~e. Plan: The provisions for development of a Planned Unit Development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, and a general layout of water and sanitary facilities. The phrase "provisions of the plan", when used in these provisions, shall mean the written and graphic materials referred to in this definition.~~
- ~~f. Planned Unit Development: An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in the underlying zone. Multiple parcels within a Planned Unit Development must be contiguous or share a common boundary.~~

~~(Amended: County Commission Resolution No. 1997-34).~~

- ~~g. Residential: Single family dwelling units, condominiums, and town houses.~~
- ~~h. Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument, authorized by the Bridger Canyon Zoning Regulation, to another parcel of land and the recording of that conveyance at the Office of the Gallatin County Clerk and Recorder.~~

13.23 Uses Permitted.

Any use permitted or conditionally permitted in the underlying zone classification, ~~including single family dwelling units, condominiums and townhouses.~~

13.4 Land Use Intensity Factor.

~~The land use intensity factor for each district shall be as shown following the PUD symbol on the official Bridger Canyon Zoning Map.~~

13.3 Calculation of Development Rights

- ~~a. The maximum Density allowed for a PUD anywhere in the District other than the Bridger Bowl Base Area shall be one per 20 acres (1-in-20). This maximum Density allowed in a PUD is not an entitlement, but shall be available subject to this Regulation, application review, and the discretion of the Planning and Zoning Commission.~~
- ~~b. The number of Development Rights available in any PUD shall be the sum of (i) the underlying Density of the district, (ii) Transfers of Development Rights to the PUD, and~~

(iii) Density Bonuses, if any, as determined in accordance with Section 13.10. In no event shall Transfers or Density Bonuses cause the actual Density to exceed the maximum Density allowed.

c. Example: for a 357 acre parcel not in the Bridger Bowl Base Area:

<u>i. Source</u>	<u>Development Rights</u>
<u>357 acres at 1-in-40 underlying Density, including rounding for one 37 acre parcel</u>	<u>9</u>
<u>Transfer from 90 acres at 1-in-40 underlying Density (40 + 40; ten acres remainder not sufficient to add a third 40-acre parcel)</u>	<u>2</u>
<u>Density Bonus from 60 acres of Density Bonus Space</u>	<u>2</u>
<u>Total</u>	<u>13</u>

ii. Total Density is (357 acres)/(13 units) or 1-in-27.5, which would be possible since it is less than 1-in-20.

13.54 Standards for Development.

a. General: In approving an area for a ~~planned unit development~~PUD, the ~~Planning and Zoning Commission shall find the PUD meets the purpose of the PUD regulation, as provided in Section 13.1~~at least one (1) of the following conditions shall exist:

- ~~(1) The parcel is situated such that the planned unit development will allow flexibility of design for the protection of scenic vistas or will lessen the visual impact of development.~~
- ~~(2) The planned unit development will result in the preservation of agricultural land and/or open space.~~
- ~~(3) The parcel contains natural assets which will be preserved through the use of the planned unit development. Such natural assets include vegetation, stands of large trees, land which serves as a natural habitat for wildlife, and streams.~~
- ~~(4) The parcel contains topography that is suitable for minimizing the visual impact of development. The planned unit development shall prevent erosion and result in development more suitable to the nature of the terrain.~~

b. Specific: In approving a site for a ~~Planned Unit Development~~PUD, the ~~Planning and Zoning Commission shall find that all of the~~ following specific standards ~~shall have been~~met:

- (1) Minimum contiguous acreage of the PUD is 80 acres.

~~(2) Open Space: Areas not designated as Building Lots or infrastructure shall be protected as Open Space. Open Space shall not include areas devoted to roads, parking, driveways, Building Lots or other Structures. Open Space may include natural or agricultural ground, landscaped areas, recreational areas, and water surfaces. Open Space may be held in private, public, or common ownership.~~

~~(3) Continuous boundaries for multiple parcels: The boundary to be shared by multiple parcels in a PUD shall be functionally contiguous and serve the purpose of the PUD.~~

~~Determination of Density: Interpolation is permitted by rounding off to the nearest dwelling unit permitted (due to size of whole parcel.) Example:~~

~~minimum = 1 DU/20 acres~~

~~actual property survey = 389 acres~~

~~maximum number of dwelling units permitted would equal 20 units (by rounding off to the nearest unit.)~~

~~(2) Parking and Open Space: Parking and open space requirements are set forth in the following table. Open space shall not include areas devoted to public or private streets, parking, or areas covered by buildings. Open space may include natural or agricultural ground, landscaped areas, recreational areas, and water surfaces.~~

LAND USE INTENSITY (ACRES/DWELLING UNIT)	OFF-STREET PARKING REQUIRED/DWELLING UNIT	OPEN SPACE REQUIRED AS % OF LAND
80	2.0	99
40	2.0	98
20	2.0	95
10	2.0	90
5	2.0	90
2	2.0	85
1	1.5	80
0.5	1.5	75
0.3	1.5	70

~~(3) Continuous boundaries for multiple parcels: The minimum continuous boundary length to be shared by multiple parcels in a PUD shall be equal to the minimum parcel width contained in 6.5(a).~~

~~(Amended: County Commission Resolution No. 1997-34).~~

~~c. Dwelling Unit Design: Harmonious variations in materials, textures, and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit.~~

~~cd. Common Area Access: Each Building Lot site shall have ready access to any common areas and facilities.~~

~~de. Building Lots: Residential development shall be restricted to designated Building Lots. Building Lots may also be designated for common infrastructure or recreational facilities, such as barns.~~

~~Building Lots shall be designated as separate parcels of 2 acres or less. Each Building Lot requires one Development Right.~~

~~e. Car Circulation and Access: Road design ~~should~~ shall reflect the following factors:~~

~~(i) Roads shall meet the design standards contained in the Gallatin County Subdivision Regulations. Dwelling areas shall only have limited access to major traffic arteries. Common access roads should be used when possible.~~

~~(ii) Roads shall not be constructed on lands having slopes in excess of 30% cross slopes. Collector roads of ample width and flowing alignment shall feed traffic between the arterial streets and to a network of minor access streets on which most of the homesites are located. Streets and roads shall meet the design standards contained in the Gallatin County Subdivision Regulations.~~

~~(iii) All cuts and fills associated with road and driveway access shall be 2 to 1 with all backslope areas to be vegetated. Where terrain permits short loop streets and cul-de-sacs should be used for minor streets.~~

~~f. Parking: Parking shall reflect the following factors:~~

~~(i) Occupant and guest car parking should be located so homesites are conveniently served.~~

~~(ii) Parking areas should be designed so that not more than an average of five (5) spaces shall adjoin each other without intervening landscaped areas, except in the Base Area where snow removal necessitates alternative landscape schemes.~~

~~g. Walks and Service Circulation: Walks and service circulation should reflect the following factors:~~

~~(1) Walks should be designed to provide convenient access to recreation, service, parking and other common areas.~~

~~fh. Setbacks: Front, side and rearAll setback requirements for Structures shall be those of the district in with which the Planned Unit DevelopmentPUD is containedecombined, or as established by the approved plan. Minimum setbacks may be increased by the Planning and Zoning Commission to mitigate impacts of the PUD. Setbacks shall be established as part of the approved Plan.~~

~~i. Open Space Areas: Open space areas should be situated in such a manner as to avoid the crowding together of building uses and parking uses or to enhance visual or recreational pursuits of residents.~~

~~gj. Sanitary and Water Facilities: The general layout of sanitary and water facilities shall reflect that it is the intent of the Plan to protect the environment, encourage the efficient use of land in the general area, and comply with the requirements of County subdivision and State health requirements. Sanitary and water facilities shall also meet all required setbacks for Structures in accordance with the underlying zoning. The determination that the physical availability of water is sufficient to meet the water supply needs of the PUD and is legally authorized by the State Department of Natural Resources and Conservation shall be considered in pursuing PUD approval.~~

~~k. All condominium and townhouse planned unit developments shall have and use bear-proof refuse containers.~~

~~h. Continuity of Open Space: Open Space shall provide continuity and links with the Open Space area(s) of other adjoining developments and with public Open Space(s), whenever feasible.~~

~~i. Cluster Development: Clustering of Building Lots to maximize Open Space is encouraged. To ensure that clusters remain consistent with the rural character of the district:~~

~~a. Siting shall provide for visual screening of clusters from Arterial Roads.~~

~~b. Clusters shall be limited in scale, such that no 10-acre area contains more than 10 Dwelling Units.~~

~~c. Clusters shall be separated from one another and from PUD boundaries by at least 600 feet.~~

~~The Planning and Zoning Commission may, at its discretion, relax the scale and separation requirements, upon a showing that an alternative design will provide improved compliance with the purposes of the PUD as set forth in Section 13.1.~~

~~j. All development within a PUD shall also meet the General Standards set forth in Section 15.~~

~~13.56 Procedure.~~

~~a. Required Information: The developer-Applicant shall submit to the Gallatin County Planning Department Zoning Office ten (10) copies all of the following information,[;] which, should the application be approved, shall be incorporated into the Plan. Any of~~

the below required information may be used in conjunction with a Subdivision Preliminary Plat application.

- (1) Number and types of proposed Building Lots and Dwelling Units, including:
 - (a) A calculation of Development Rights, according to Sections 13.3, 13.8, and 13.9;
 - (b) Documentation of Transfers of Development Rights, according to Section 13.8.
- (2) Number of off-street parking spaces.
- (3) Amount of Open Space and Density Bonus Space, or land to be left in agricultural production, by acreage.
- (4) Weed Management / Revegetation Plan.
- (5) Amount of land, by acreage, to be covered by impervious surface and areas of compaction such as gravel roads and parking areas, buildings.
- (6) Architecture design materials, textures and colors of Structures, if proposed.
- (7) A location map showing the project in relation to the surrounding area.
- (8) Wildlife study / plan that includes:
 - Description of species of fish and wildlife that use the area affected by the proposed PUD.
 - Identified areas of known critical or “key” wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, migration corridors, and Wetlands.
 - Proposed mitigation measures on impacts on wildlife and wildlife habitat.
- (9) A Geotechnical Study for the proposed developed areas of the PUD in excess of 15 percent slope.
- (10) Traffic Impact Analysis
- (11) A site plan legibly drawn at the horizontal scale of not less than 200 feet to the inch on one or more sheets of (24”x36”) showing:
 - (a) Property lines and easements, with dimensions and area;
 - (b) Building Lots, with dimensions and area;
 - (c) Location, size, spacing, setbacks, and dimensions of all existing and proposed Buildings, Structures, improvements and utilities and proposed common Structures;
 - (d) Topographic information showing existing features and any proposed grading;
 - (e) Existing vegetation, wildlife habitat, and ~~water courses;~~ Watercourses floodplain, and any proposed alterations;
 - (f) Existing land use;
 - (g) Existing access to the project, proposed roads, and parking layout, all with dimensions;
 - (h) Soil types, Wetlands, and natural drainages.

(i) Surrounding property existing land uses and zoning.

(128) Legal requirements: All Planned Unit Developments which contain areas of common ownership or access shall submit covenants and other legal documents which:

- (a) Legally create automatic-membership, non-profit ~~homes-property~~ owner association (POA) or similar instrument.
- (b) Place title to any common property in the ~~homes-association~~ POA, and limit title to residual lands so that residential use in excess of that permitted in this Regulation may not be made thereon.
- (c) Permanently rRestrict title to ~~required-Open~~ Sspace (whether held in common or not) so that ~~residential-no~~ buildings or ~~uses~~ detrimental uses to ~~the residential portion of~~ the Planned Unit Development may not be conducted thereon. See Section 13.9.
- (d) Appropriately and permanently limit the uses of ~~the common property, Open~~ Sspace, ~~and residual agricultural lands.~~
- (e) Give each lot owner the right to use and enjoyment ~~of~~ the common property.
- (f) Place responsibility for operation and maintenance of the common property and roads in the ~~home-property owner~~ association.
- (g) Place ~~an-association~~ POA charge on each Building Lot which will:
 - (1) Be a lien on the property;
 - (2) Assure sufficient funds for maintenance of common property;
 - (3) Provide safeguards against unreasonably high charges and a method to adjust assessments.
- (h) Provide for weed control in accordance with Gallatin County Regulations.

All legal documents required under this section shall not be acceptable until approved by the County Attorney when required by the County Commission; all deed restrictions and association rules and regulations may be enforceable by the County of Gallatin as well as by the ~~association~~ POA.

13.67 Staged-Phased Development.

If the sequence of construction of various portions of the development is to occur in ~~stages~~ phases, then the ~~Open~~ Sspaces and the recreational facilities ~~or other community amenities~~ proposed for the entire development shall be developed, or committed thereto, in proportion to the number of ~~Dwelling~~ Units constructed. Each stage of development must adhere to all applicable design standards independently of any subsequent phases. At no time during the construction of the project shall the number of constructed ~~Dwelling~~ Units exceed the overall ~~Density~~ per acre established by ~~the Land Use Intensity Factor~~ this Regulation.

13.78 Procedure for Approval.

- a. ~~The method for considering a Planned Unit Development shall be the Conditional Use Permit procedure.~~ All PUD applications shall be filed with the Gallatin County Planning Office, accompanied with the appropriate filing fee.
- b. Whenever an application for a PUD is filed, a public hearing before the Planning and Zoning Commission shall be held within sixty (60) working days after the filing of the application. At least thirty (30) days before such hearing the Planning and Zoning Commission shall give:
- Certified Mail notice to all persons owning property within 1,500 feet of the exterior boundaries of the property of which the PUD is proposed.
 - Published notice of hearing two (2) times in a newspaper of general circulation in Gallatin County.
 - Posted notice that is visible from the nearest public road.
 - Posted notice on the Gallatin County website.
- c. Conditional Approval. Conditions may be attached to the approval of any PUD, provided that those conditions are designed to ensure compliance with one or more requirements of this Regulation, and/or to meet the PUD criteria for approval. A list of all conditions imposed shall be sent to the Applicant with the notice of the decision.
- d. Decision: After completion of the public hearing, the Planning and Zoning Commission shall make its decision in writing, which decision shall include written findings of fact as to whether the criteria established for the issuance of a PUD are satisfied.
- ~~eb.~~ If the ~~Planned Unit Development~~ PUD is considered a subdivision according to the definitions contained in 76-3-101 et seq., M.C.A., the development shall also be subject to review as set forth in the Gallatin County Subdivision Regulations.

13.89 Transfer of Development Rights.

- a. Purpose: To provide a procedure under which land may be developed by transfer of permitted ~~dwelling units~~ Development Rights to locations suited for such development.
- b. Mechanism: Development Rights shall be transferred from a parcel outside the PUD from which a transfer is made (the "Sending Parcel") to the PUD to which the transfer is made (the "Receiving PUD"). The transferred Development Rights are added to the Receiving PUD and the corresponding Development Rights available in respect to the Sending Parcel are permanently retired.
- ~~cb.~~ Assignment of ~~Density Rights~~ Development Rights: Development Rights may be transferred according to the underlying Density of the district in which the Sending Parcel resides, not at the maximum potential Density of the Receiving PUD.
- ~~(4) Bridger Canyon, AE and RF Districts: Density rights are as officially designated on the Bridger Canyon Zoning Map, adopted February 23, 1989.~~

~~Bridger Bowl Base Area: Density rights are as originally designated in the Bridger Bowl Base Area Conceptual Plan, adopted May 22, 1979, and include subsequent transfers of development rights as approved by the Bridger Canyon Planning and Zoning Commission.~~

~~Base area owner density rights amended by Resolution 1999-01 on January 26, 1999.~~

~~de. Record: A current record of available and transferred Development Rights shall be maintained by the Gallatin County Subdivision Review Planning Office. Any transfer of Development Rights shall be recorded with the Office of the Gallatin County Clerk and Recorder and notification shall be provided to the Subdivision Review Gallatin County Planning Office.~~

~~ed. General: Base Area Development Rights shall only be transferred within the boundaries of the Bridger Bowl Base Area. In the remainder of the Zoning District, Development Rights may be transferred between and among the AE and RF districts. Development Rights are valued by the private market, and may be conveyed and re-conveyed, subject to the restrictions in the preceding two sentences. The use of Development Rights is subject to the procedures set forth in Section 13.89(de) and (f).~~

~~fe. Procedure. Application shall be made to the Bridger Canyon Planning and Zoning Commission for the use of the transferred Development Rights. The application shall consist of a document indicating the ownership or contract to purchase Development Rights and the necessary submittals for review as a Planned Unit Development PUD, as required by this Bridger Canyon Zoning Regulation and Gallatin County Subdivision Regulations.~~

~~Upon approval of the transfer of Development rights and preliminary approval of the Planned Unit Development, the Rights the Applicant shall record:~~

- ~~i. The approved Development Rights transfer document with the Office of the Gallatin County Clerk and Recorder.~~
- ~~ii. The corresponding encumbrance on the Sending Parcel.~~

~~The recorded document shall protect the Sending Parcel from development corresponding with the transferred Development Rights and restrict its uses to Open Space and Agriculture, in perpetuity.~~

~~g. Limitation. No transfer of Development Rights may create Development Rights in excess of the maximum Density allowed in a PUD in accordance with Section 13.3(a).~~

~~h. Documentation, as prescribed by the County, shall be recorded with the Gallatin County Clerk & Recorder indicating the following:~~

- ~~i. The name(s) of the owner (grantor) of the Sending Parcel(s) where each Development Right is being severed or transferred, along with the legal description and acreage of the Parcel(s).~~

ii. Description of the existing permitted Development Right totals for each transferred, and the total number of retained Development Rights on each Sending Parcel.

i. The Gallatin County Attorney's Office shall review all required documents for adequacy prior to recordation.

13.9 Density Bonus and Density Bonus Space.

a. In connection with any PUD Plan the Commission may, at its discretion, grant a Density Bonus in exchange for development quality that is of significant community benefit through the clustering of development to preserve Open Space, agricultural land, the rural and natural resources of the district, but only as provided in this Section. A Density Bonus may not create Development Rights in excess of the maximum Density allowed in a PUD in accordance with Section 13.3(a).

b. Qualification. One Development Right shall only be available for each 30 acres of Open Space within the PUD that meets the criteria in clause (1) and avoids the exclusions in clause (2) below ("Density Bonus Space"). Density Bonus Space may include natural or agricultural ground, landscaped areas, recreational areas, and water surfaces. Density Bonus Space may be held in private, public, or common ownership.

(1) Criteria. Area included in the Density Bonus calculation shall meet one or more of the following requirements:

(a) Such Area is (i) more than 660 feet from any Building Lot, public or private road or driveway, and (ii) 330 feet from any exterior boundary of the PUD.

(b) Such Area is contiguous with and within 330 feet of adjoining land that is any of (i) designated Density Bonus Space in an existing PUD, (ii) otherwise protected from development by conservation easement or deed restriction, or (iii) public land.

(c) Such Area is within 300 feet of a Watercourse, Wetland, or trail or park dedicated to the public.

(2) Exclusions. Land within a parcel from which Development Rights have previously been transferred shall be excluded from the area qualifying for the Density Bonus calculation.

13.10 Post-Approval Modification after PUD Approval

The purpose of the PUD process is to allow reasonable development that avoids or minimizes adverse impact on the District and furthers the purposes of the District set forth in Section 13.1. As PUD approval establishes expectations in property owners and is made taking account of the interests of the District and the public, changes in PUD applications made subsequently to approval

by the Planning & Zoning Commission shall be allowed sparingly and only following the Commission's determination that the purposes of and significant community benefit to the District and the general public will not be degraded by the change.

a. Principles Applicable to All Post-Approval Modifications. In addition to the showing required by the preamble, last sentence, the following principles shall govern any post-approval application to modify an approved PUD

(1) For any modification affecting the property of a single owner:

(A) A post-approval modification shall be made only because of special circumstances applicable to the property in question that substantially deprives the applicant's property of privileges enjoyed by other property owners within the PUD. Such special circumstances shall ordinarily arise from a discrete event or series of events (x) that occurs subsequently to the PUD approval and (y) as to which the applicant had no hand in creating. Financial hardship shall not be deemed special circumstances or otherwise be deemed relevant to any application. A restriction on a property or properties contained in the original PUD approval shall not be deemed special circumstances.

(B) An individual property owner's personal preferences shall not be deemed relevant to any application.

(C) The proposed change shall have no material detrimental impact on view shed, access, or other identifiable amenity of other property owners within the PUD or of the general public.

(D) Any proposed modification not made prior to commencement of construction that, but for the change applied for, would violate this ordinance, shall not be granted absent a demonstration of extraordinary hardship.

(E) Any modification allowed by the Planning & Zoning Commission shall be the minimum necessary to relieve the applicant of the hardship upon which the application is based.

(F) All setbacks and similar restrictions must be met by the requested change.

(2) For any modification affecting the property of more than a single owner, the approved PUD as a whole, or a substantial modification of the PUD the applicant (which may be a property owner affected by the proposed change, the PUD's HOA, or the PUD's developer) shall re-apply for PUD approval in accordance with this Chapter. Any such application shall be considered *de novo* by the Planning & Zoning Commission.

b. Procedure. Post-approval PUD changes pursuant to subdivision a. shall be made only upon approval of the Planning & Zoning Commission, based upon an application made by the person or entity requesting the change. The applicant shall submit an application containing the information set forth in Section 13.6 in accordance with the procedures set forth in Section 13.8. The application shall include a description and diagram of the PUD before and after the proposed change and each material change to the information submitted with the original designation that

would obtain should the modification application be granted. Such description and diagram shall specifically indicate any proposed change to any Open Space or Building Envelope.

c. Open Space. An area designated as Open Space as part of a PUD application that has been approved by the Planning and Zoning Commission may not lose such designation absent a showing of all of the following. These requirements are in addition to and not in lieu of the requirements listed in the preamble and subsection a.

(1) That substitution of other land designated in the application as Open Space maintains (A) the density created in the approved PUD application and (B) each significant community benefit associated with or identified in the original PUD approval.

(2) The applicant has obtained the unqualified consent of all adjacent landowners or other owner with new Open Space.

(3) The applicant has obtained the unqualified consent of the HOA, if the PUD has an HOA;

(4) If the originally designated Open Space is held in common, the applicant has obtained the unanimous consent of all owners of the land held in common, and

(5) If the originally designated Open Space is publicly owned, the applicant has obtained the unqualified consent of each public entity that owns such land.

d. Building Envelope. A Building Envelope designated within a parcel in a PUD that has been approved by the Planning & Zoning Commission may be moved within such parcel by approval of the Planning & Zoning Commission upon the parcel owner's showing that he has obtained the unqualified consent of the HOA, if the PUD has an HOA. This requirement is in addition to and not in lieu of the requirements listed in the preamble and subsection a.

e. Discretion of the Commission. Any modification requested pursuant to this Section 13.10 is not an entitlement and satisfaction of the criteria established in this Section 13.10 does not require the Planning & Zoning Commission to approve an application. The Planning & Zoning Commission retains discretion to deny an application if it determines that the purpose of this chapter as set forth in Section -13.1 is not served by the proposed modification.

13.11 Approval Time Period and Extensions.

a. All conditions of approval for a PUD, or any amendment to a PUD, shall be completed or fulfilled within three (3) years, from the date of the Planning and Zoning Commission approval.

b. A single extension of the PUD approval, not to exceed (3) years, may be granted by the Planning and Zoning Commission if:

i. Not more than 45 days prior to the date of completion of the required conditions of the PUD, a written request for an extension shall be submitted to the Planning Department.

The written request shall stipulate the requested time of extension and reasons for the request; and

ii. The Planning and Zoning Commission finds that there has been no change of conditions or circumstances that would have ground for denying the original or amended PUD.

13.1~~20~~ Base Area Planned Unit Development.

It is the intent of the Base Area Planned Unit Development to allow for a variety of overnight accommodations and recreational housing in the Base Area, and to require the most-dense development near the ~~s~~Ski ~~b~~Base facilities. It is further the intent of this section to ensure that water, sewer, and land capabilities are adequate for proposed uses. The following additional standards apply only to planned unit developments in those areas zoned B-2, B-3 or B-4.

13.1~~20~~.1 Uses Permitted. The following uses shall be permitted.

- a. Any use permitted in the basic zone classification, subject to the following criteria:
 - (1) All overnight accommodations and recreational housing shall be clustered and include either ski-in/ski-out trails or other transportation to the ski hill.
 - (2) Trash receptacles shall be bear-proof and screened.
 - (3) Parking lots and streets for overnight accommodations and attached recreational housing shall be built to County gravel standards. Parking lots shall be screened from view or located to the rear of structures.
 - (4) Sewage shall be disposed of through a central system or on site.
 - (5) Water conservation methods shall be encouraged.
 - (6) Adequate fire protection is provided.
- b. 1.5 motel/hotel units are permitted for each allowable ~~D~~dwelling ~~U~~unit where all of the following conditions apply:
 - (1) There exists at least 2,000 square feet of retail commercial floor area within one mile;
 - (2) Recreation facilities on-site including a swimming pool with a surface area of at least 800 sq.ft. or a game room of comparable size; and,
 - (3) No such unit shall have cooking facilities unless said unit including the cooking facility is less than 500 sq.ft. in gross floor area.
- c. In addition to the requirements set forth in Section 13.~~65~~(a), the developers shall submit ten (10) copies of the following information:

- (1) Drainage and stormwater runoff plans.
- (2) Floodplain delineation.
- (3) Traffic circulation and trip generation data.
- (4) Development time-table, not to exceed the time limits provided for in the Gallatin County Subdivision Regulations.
- (5) For overnight accommodations:
 - (a) number of rooms and estimated ultimate guest capacity shall be supplied. The rationale for estimating the ultimate guest capacity shall also be provided.
 - (b) Information as to how the reservations and check-in will be managed.
- (6) For recreational housing, the estimated ultimate population and number of bedrooms shall be supplied. The demographic information and rationale for estimating the ultimate population shall be supplied.
- (7) Fire protection measures.
- (8) Number and type of ~~D~~development ~~R~~ights to be used.

13.1~~20~~.2 Locational Requirements. The following separation of uses is required. These distances are not setbacks of ~~S~~structures from lot lines, but are minimum distances- of the following uses from one another. All principal ~~S~~structures and related facilities, such as garages, parking lots, swimming pools, etc., must meet the requirements for minimum separation of uses.

	Overnight Accommodations	Attached Recreational Housing	Detached Recreational Housing
Adjacent to B-2	None	200 ft; 10% of which is vegetated	500 ft; 20% of which is vegetated
Adjacent to RF and AE	500 ft; 25% of which is vegetated	250 ft; 25% of which is vegetated	100 ft; 20% of which is vegetated

13.1~~20~~.3 Use of Reserve Development Rights. To use reserve ~~D~~development ~~R~~ights, the following information must be submitted:

- (a) Plans which prove an adequate water supply and sewage disposal system.
- (b) Land capability testing and analysis which details slope and soil conditions.
- (c) Information to show that all recreational housing and overnight ~~D~~development ~~R~~ights for that particular property have been used.

- (d) Analysis of the use of recreational housing ~~D~~development ~~R~~rights. The analysis shall include the population and number of units used on a temporary basis and the number used as year round residences.

13.1~~20~~.4 Allocation of Development Rights.

Section 9 establishes the Base Area Business District (B-2). A conditional use ~~of~~~~in~~ the B-2 District is overnight accommodations and attached recreational housing. Section 10 establishes the Recreational Business District (B-3). A conditional use of the B-3 District is overnight accommodations and attached recreational housing, subject to the requirements of Section 13.1~~24~~0. Section 11 establishes the Base Area Recreation and Forestry District (B-4). A permitted use in the B-4 District is one dwelling unit per forty (40) acres. A conditional use of the B-4 District is overnight accommodations and detached and attached recreational housing subject to the requirements of Section 13.1~~20~~. Regardless of basic ~~D~~development ~~R~~rights or permitted uses in the Base Area, recreational housing and overnight accommodations may be permitted through the PUD process of this Regulation subject to the following allocation:

DEVELOPMENT RIGHTS ALLOCATION

<u>OWNERSHIP</u>	<u>APPROX ACRES</u>	<u>UNITS UNDER BASIC ZONING</u>	<u>REC. HOUSING</u>	<u>OVERNIGHT UNITS</u>	<u>RESERVE OVERNIGHT</u>
360 Ranch					
Tract 1	32.5	1	50****	23	26
Financial Dev. Corp.					
Tract 2					
Crosscut Ranch	61.5	1	****	5	6
Tract 3					
Simkins & Haggerty	80.0	4	****	90	103
Tract 4					
Montana Blesco North	20.0	1	****	52	59
Tract 5					
Montana Blesco South	65.5	1	****	41	47
Bridger Bowl**	87.0	1	16	23	25
Hepburn	3.5	1	2	2	3
Lachenmaier	25.0	1	13	17	20
Bridger Pines***	29.0	1	--	--	--

** Ownership of two separate parcels

*** Previously developed for 60 units

**** The 50 Recreational Housing Development Rights granted to the 360 Ranch Corporation owned properties can be used within Tracts 1-5.

(Amended: County Commission Resolution No. 1996-4).

(Amended: County Commission Resolution No. 1999-1 on January 26, 1999).

Public lands shown on any map as being in the Base Area do not have any ~~D~~development ~~R~~rights of one (1) dwelling unit per one-half (0.5) acre. Public lands shown on any map as being in the Base Area are classified as RF and have a basic ~~D~~development ~~R~~right of one dwelling unit per forty (40) acres as allowed in the Regulation.

(Amended: County Commission Resolution No. 1995-25).