



Livingston Zoning Commission Agenda

A meeting of the Livingston Zoning Commission has been scheduled for April 11, 2023 at 5:30 PM in the Community Room of the City/County Building at 414 E. Callender Street. This meeting will be facilitated by Chair Jim Baerg.

A virtual option will also be available:

Join Zoom Meeting

<https://us02web.zoom.us/j/81702811900?pwd=NzFwNi9tSGExNUpVckNBZzJWWThCUT09>

Meeting ID: 817 0281 1900

Passcode: 977595

Call in: (669) 900-9128

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - A. Approve March 20, 2023 minutes
- 4. General Public Comments**
- 5. New Business**
 - A. Review and Discussion of Draft PUD Ordinance
- 6. Old Business**
- 7. Board Comments**
- 8. Adjournment**

File Attachments for Item:**A. LZC Mtg Minutes March 20, 2023**



Livingston Zoning Commission Agenda

A meeting of the Livingston Zoning Commission was held March 20, 2023 at 5:30 PM in the Community Room of the City/County Building at 414 E. Callender Street. This meeting was facilitated by Chair Jim Baerg.

1. Call to Order (5:32 pm)

2. Roll Call (Recording 1:08 mins)

In attendance: Jim Baerg, Deborah Monaghan, Michael Wojdylak, (via zoom) Michal DeChellis (via zoom). Staff: Planning Director Jennifer Severson and City Manager Grant Gager.

3. Approval of February 14, 2023 Minutes (Recording 5:36 mins)

A. Approve February 14, 2023 minutes

- Baerg asked question
- Severson responded
- Baerg commented
- Baerg called for motion
- **Motion to approve by Monaghan; second by Wojdylak**
Motion passes 4-0

4. General Public Comments (Recording 6:05 mins)

- NONE

5. New Business (Recording 7:00 mins)

A. Recommendation on Zoning Chapter 30 'Housekeeping' Text Amendment

- Severson presented proposed text amendments
- Monaghan questioned
- Severson responded
- Baerg questioned
- Severson responded
- Monaghan questioned
- Severson responded
- Monaghan commented
- Severson responded
- Baerg commented
- Monaghan commented

Livingston Zoning Commission Agenda

- Baerg commented
- Severson responded
- Gager comments on technology errors
- Monaghan commented
- Severson responded
- Baerg questioned
- Severson responded
- Baerg question
- Monaghan commented
- Severson responded
- Baerg questioned
- Severson responded
- Gager commented
- Severson responded
- Baerg commented
- Severson responded
- Baerg commented
- Severson responded
- Wojdylak commented
- Baerg commented
- Severson commented
- Baerg question
- Severson responded
- Baerg question
- Severson responded
- Baerg commented
- Severson responded
- Baerg comments & questions
- Severson responded
- Baerg question & comments
- Severson responded
- Baerg commented
- Wojdylak comments
- Severson responded
- Wojdylak commented
- Baerg commented

Livingston Zoning Commission Agenda

- Wojdylak commented
- Monaghan commented
- Wojdylak commented
- Baerg commented
- Wojdylak commented
- Gager responded
- Baerg commented
- Wojdylak commented
- Severson commented on chat
- Wojdylak commented
- Severson responded
- Wojdylak responded
- Severson responded & question
- Gager responded
- Monaghan commented
- Baerg commented
- Severson commented
- Baerg responded & commented
- Severson commented
- Wojdylak commented
- Severson responded
- Wojdylak responded
- Severson responded & question
- Wojdylak responded
- Severson responded & question
- Wojdylak responded
- Monaghan commented
- Severson responded
- Baerg question
- Severson responded
- Baerg responded
- Wojdylak commented
- Baerg responded
- Wojdylak to make motion
- Severson made recommendation on motion

Livingston Zoning Commission Agenda

- Gager made recommendation on motion (move to approve the ordinance as recommended with the changes stated by the zoning administrator)
- **Wojdylak made motion to move to approve the ordinance as recommended with the changes stated by the zoning administrator, Monaghan seconded**
- **Motion passed 4-0**

6. Old Business

- NONE

7. Board Comments (Recording 1:40:53 mins)

- Severson commented
- Baerg responded
- Severson responded

8. Adjournment (7:17 pm)

File Attachments for Item:

A. DRAFT PUD Ordinance

CHAPTER 30
SECTION 30.XX PLANNED UNIT DEVELOPMENT (PUD)

Intent

The Planned Unit Development is a zoning district designed to encourage more efficient use of land and public services than is generally attainable under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. PUD zoning will provide flexibility of design and density as well as provide the option to mix land uses while preserving and enhancing the usability and convenience of the area.

In order to achieve the stated intent, a PUD shall further the following objectives:

1. Preserve natural and cultural resources
2. Provide usable open space and recreational areas beyond min. subdivision requirements
3. Promote a more efficient use of land than base zoning would allow, resulting in clustered development and a smaller network of utilities and streets
4. Reduce vehicular trip generation thru mixed use development
5. Supports the 2021 Growth Policy

Evaluation Criteria for PUD Districts

- A. Location:
 1. Connectivity with existing transportation network
 2. Benefit to the public
- B. Development Area:
 1. PUD- minimum 1 acre
- C. Permitted Uses: PUD zoning replaces base zoning district; allowed uses determined with regards to compatibility with surrounds
- D. Intensity of use (density, traffic, noise impacts on surrounds):
 - a. Height
 - b. Viewshed impacts; environmental factors
 - c. Buffers between uses and b/t PUD and surrounds
 - d. Incentives
 - i. Open space plans that exceed the minimum 11% as required per subdivision code may be used to justify density bonuses (active OS? Passive OS? % of total OS?)

- ii. Higher density allowed for affordable/ workforce housing inclusion (deed restricted, formula TBD by staff)
- iii. Up to 50% reduced impact fee for affordable/ workforce housing units (formula TBD by staff)
- e. Density or height bonus for general public amenities and facilities

F. Ownership:

- 1. all land must be under single ownership/ entity at time of application submittal

G: Consistency with Growth Policy

Application Procedures

1. Pre-application meeting- (applicant, staff: Fire, Pub Works, Bldg, Planning)
2. Require Applicant to hold Public Outreach/ Meeting before Application is submitted
3. Submittal requirements- each application for PUD zoning shall contain the following material:
 - a. Completed City of Livingston Planned Unit Development Application form
 - b. A summary list of each deviation or class of deviation from the current/ base zoning district and a justification for the deviation.
 - c. A listing of each deviation or class of deviation from the city subdivision regulations design standards and a justification for the deviation.
 - d. A topo map showing existing structures and significant natural features
 - e. A topo map showing proposed topography using one to five foot intervals drawn to a scale not less than one inch equals 200 feet showing all proposed streets, lots, buildings, open space, wetlands, floodplain, environmental hazards, stormwater facilities and other elements basic to the development.
 - f. Proposed locations, areas, densities and types of prooposed uses and structures within the area proposed to be developed and maximum height of each building or structure.
 - g. Proposed plans for handling:
 - (a) Vehicular, bicycle and pedestrian traffic;
 - (b) Sewage disposal; conceptual storm water drainage and water supply;
 - (c) Parks and open space;
 - (d) Public amenities/ facilities
 - (e) Parking;
 - (f) Prominent landscaping buffering treatments;
 - (g) Retaining walls in excess of 4 feet in height (measured from bottom of footer to top of wall);
 - (h) Common fencing designs and locations where proposed;

- (i) Street, parking lot and common area lighting treatments and locations;
 - (j) Any other significant site development features.
- h. Elevation drawings which illustrate the general architectural features of each proposed building or architecturally distinct group or type of buildings.
 - i. The PUD plan shall show the boundary lines of adjacent subdivided or un-subdivided land and the existing zoning of the area proposed for the PUD zoning district;
 - j. A timeline expressing the order in which the development shall occur and estimated time for completing key components or phases;
 - k. Adequate provision for a homeowners association (HOA) or other public or private management organization to provide for the operation and maintenance of all private (non-governmental) common facilities including any private streets or alley ways, homeowners parks, club houses, sales offices, open space, trails, recreational facilities and amenities, shared parking facilities, private lighting systems, subdivision entrance signage and common mail receptacles;
 - l. Adequate provisions shall be made for maintenance of all public common facilities (e.g., a trail or park) which are developed on public land, but intended to be maintained by a private organization or homeowners association;
 - m. Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Livingston Subdivision Regulations and the Montana Subdivision and Platting Act at the time the preliminary plat is submitted;

Review Process

The review procedure for PUD zoning will follow the process called out in Sec. 30.71 of the Livingston Municipal Code. The City Zoning Commission will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve as modified or deny the application. Zoning Commission review will be based on the statutory provisions of 76-2-304, MCA and the following:

- a. The compliance of the proposed PUD with the Growth Policy.
- b. The extent to which the PUD departs from the underlying zoning and how these departures are deemed to be in the public interest and the mitigating conditions that the PUD provides.
- c. Commercial development within PUD may require additional administrative review prior to issuance of a BP (i.e. Site Plan Review)

Review of Application. Upon submission of the application the Zoning Commission shall review such application based on the following:

- (a) The compliance of the proposed PUD with the Growth Policy and in particular the density and use policies of the plan;

(b) The extent to which the PUD departs from the underlying zoning and the reasons why such departures are or are not deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

(c) The extent to which the PUD departs from the subdivision regulations (if subdivision is anticipated) and the public works standards for design and construction applicable to the subject property, the reasons why such departures are deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

(d) The overall internal integrity of the PUD including the appropriate use of internal design elements, the use of buffers between different land uses, the use of transitions between uses of greater and lesser intensity, the use of enhanced design features to provide connectedness for both vehicle and pedestrian traffic throughout the PUD and the use of innovative and traditional design to foster more livable neighborhoods;

(e) The nature and extent of the public parks and common open space in the PUD, the reliability of the proposal for maintenance and conservation of these areas and the adequacy or inadequacy of the amount and function of the parks and open space in terms of the land use, densities and dwelling types proposed in the PUD;

(f) The manner in which the PUD plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of recreation and visual enjoyment;

(g) The relationship, beneficial or adverse, of the PUD plan upon the neighborhood in which it is proposed to be established in concert with the underlying zone;

(h) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the PUD; and

(i) Conformity with all applicable provisions of this chapter.

(5) Action by the Zoning Commission

(a) The Zoning Commission shall hold one work session on a proposed PUD plan prior to any public hearing. The work session is intended for information purposes only to inform both the public and the Planning Board and City Commission about the various aspects of the project. It is not intended to be a public hearing and the commission shall take no formal action on the application. As a courtesy, all adjoining property owners shall be invited to at least one work session. This invitation may be included within the formal public hearing notice or it may be sent separately.

(b) The Zoning Commission shall hold a public hearing on the application pursuant to Section 27.28.030. The Zoning Commission shall submit its recommendations to the City Commission regarding the rezoning. The Zoning Commission may recommend approval in whole or in part, may recommend modification and can impose conditions which will clarify facets of the

PUD, implement city standards, regulations or policy, or serve to mitigate potential negative impacts, or the commission may recommend disapproval.

(6) Action by the Planning Board

- (a) Where a Planned Unit Development also necessitates a subdivision of land, The City Planning Board will review the Preliminary Plat and, after holding a public hearing, make a recommendation to the City Commission to approve, conditionally approve or deny the subdivision. Subdivision Review will be as directed by Chapter 28 of Livingston Municipal Code.
- (b) Any deviations from the Subdivision Regulations or the City’s Design and Improvement Standards and Specifications will only be allowed through the variance process contained in Chapter 28 of the Livingston Municipal Code.

(7) Action by the City Commission

- (a) Upon receiving recommendation from the Zoning Commission (rezoning) and Planning Board (subdivision), if required, the City Commission will review and approve, approve as modified/conditioned, or deny the Planned Unit Development application and any applicable Preliminary Plat.
- (b) The City Commission may conduct the first reading of the PUD zoning ordinance at the same meeting at which the application was approved.