



Planning Board Agenda

The regular meeting of the Livingston Planning Board has been scheduled for March 15, 2023 at 5:30 PM in the commission chambers of the City/County Building at 414 E. Callender Street. This meeting will be facilitated by Chair Stacy Jovick.

A virtual option will also be available:

Join Zoom Meeting

<https://us02web.zoom.us/j/87632477488?pwd=TIlnWEFyTmRtRmNyRHVuY0pSYjNUdz09>

Meeting ID: 876 3247 7488

Passcode: 093578

Call in: (669) 900-9128

1. Call to Order

2. Roll Call

3. Approval of Minutes

- A. Approve February 15, 2023 minutes

4. General Public Comments

5. New Business

- A. Draft Scope of Work for the Downtown Master Plan- staff will present a draft scope of work for a consultant RFP; request board comment and feedback

6. Old Business

- A. Planned Unit Development – Example ordinances from other Montana communities discussed at 2/15/23 meeting (Kalispell, Columbia Falls and Hardin)

7. Board Comments

8. Adjournment

File Attachments for Item:

A. February 15 Meeting Minutes



Planning Board Agenda

The regular meeting of the Livingston Planning Board was held February 15, 2023 at 5:30 PM in the commission chambers of the City/County Building at 414 E. Callender Street. This meeting was facilitated by the Board Chair Stacy Jovick.

- **Call to Order (5:40 pm)**

- **Roll Call (recording 0:23 mins.)**
In attendance: Stacy Jovick, Mija Hamilton, Amy Schilling, Johnathan Hettinger, Jim Barrett, Jessie Wilcox, and Torrey Lyons and Shannon Holmes (via Zoom). Staff: City Manager Grant Gager, Planning Director Jennifer Severson.

- **Approval of January 18, 2023 Minutes (recording 1:26 mins.)**
 - Jovick commented
 - **Motion to approve by Barrett second by Hettinger**
 - **Motion passes 8-0**

- **General Public Comments**
 - none

- **New Business (2:58 mins.)**
 - Jovick commented, asked question
 - Gager responded
 - Jovick commented

- **A. Review and Approve Planning Board 2022 Annual Report to be presented to the City Commission (5:02 mins.)**
 - Jovick introduced
 - Wilcox commented
 - **Motion to approve by Barrett second by Hettinger**
 - Hettinger commented
 - Jovick asked question
 - Severson responded
 - **Motion passes 8-0**

Planning Board Agenda

- Jovick commented on purpose of the Planning Board
- B. Planned Unit Development – Introduction and Role of Planning Board in the Process, presented by Staff (10:05 mins.)**
 - Severson presented
 - Wilcox asked question
 - Severson responded
 - Jovick commented
 - Severson commented
 - Gager commented
 - Jovick asked question
 - Gager responded
 - Jovick asked question
 - Severson responded
 - Barrett and Jovick asked questions
 - Severson responded
 - Jovick commented
 - Hettinger asked question
 - Severson responded
 - Wilcox asked question
 - Severson responded
 - Hettinger asked question
 - Severson responded
 - Hettinger asked question
 - Gager responded
 - Barrett asked question
 - Gager responded
 - Severson commented
 - Wilcox commented
 - Lyons asked question
 - Severson responded
 - Gager commented
 - Jovick commented
 - Lyons commented
 - Gager commented
 - Wilcox asked question
 - Hamilton asked question

Planning Board Agenda

- Severson responded
- Jovick asked question
- Severson responded
- Hettinger asked question
- Severson responded
- Jovick asked question
- Severson responded
- Barrett asked question
- Gager responded
- Jovick asked questions
- Severson responded
- Gager responded
- Wilcox commented
- Gager commented

C. Planning Board Upcoming Work Plan (1:22:02 mins.)

- Severson commented
- Gager commented
- Severson commented
- Jovick commented
- Severson responded
- Gager commented

- **Old Business**

A. Staff Clarification of What Requires Site Plan Review (1:27:27 mins.)

- Severson provided comments

- **Board Comments (1:30:15 mins.)**

- Hamilton commented
- Lyons commented
- Jovick commented

- **Adjournment (7:12 pm)**

File Attachments for Item:

A. Draft SOW - Downtown Master Plan

SCOPE OF WORK

DOWNTOWN MASTER PLAN

**Professional Consultant Services for the
City of Livingston, MT**

DRAFT

Vision Statement

The City of Livingston Downtown Master Plan will create a guiding vision focused on a holistic approach to promoting high-quality development, economic vitality and activities in the downtown area that encourage responsible growth while preserving the historic charm Livingston is known for.

The City of Livingston adopted a Growth Policy in 2021 that involved considerable public outreach and involvement. The Growth Policy created a common vision for Livingston’s future by providing guidance for responsible growth yet preserve its unique sense of place. The following downtown-specific strategies were identified in the Growth Policy:

Encourage additional residential density within the downtown area of the City. (Strategy 3.1.1.1)

Plan for and attract new investment into the downtown district to support local businesses. (Objective 6.1.5)

Develop effective wayfinding signage for locals and tourists to easily find destinations and parking. (Strategy 6.1.5.1)

Develop a parking strategy and consider removing parking space minimums from downtown coding. (Strategy 6.1.5.2)

Explore creating a downtown master plan focused on the Urban Renewal District. (Strategy 6.1.5.3)

Explore mechanisms to strengthen and enhance the effectiveness of the Urban Renewal Agency to encourage redevelopment of underutilized properties in the downtown area. (Strategy 6.1.5.4)

Utilize and partner with local and state organizations like Prospera Business Network, Montana Department of Commerce, Montana Historic Preservation Grant Program (MHPC), and Montana Procurement Technical Assistance Center (PTAC), etc. to assist with economic development expertise and funding opportunities.

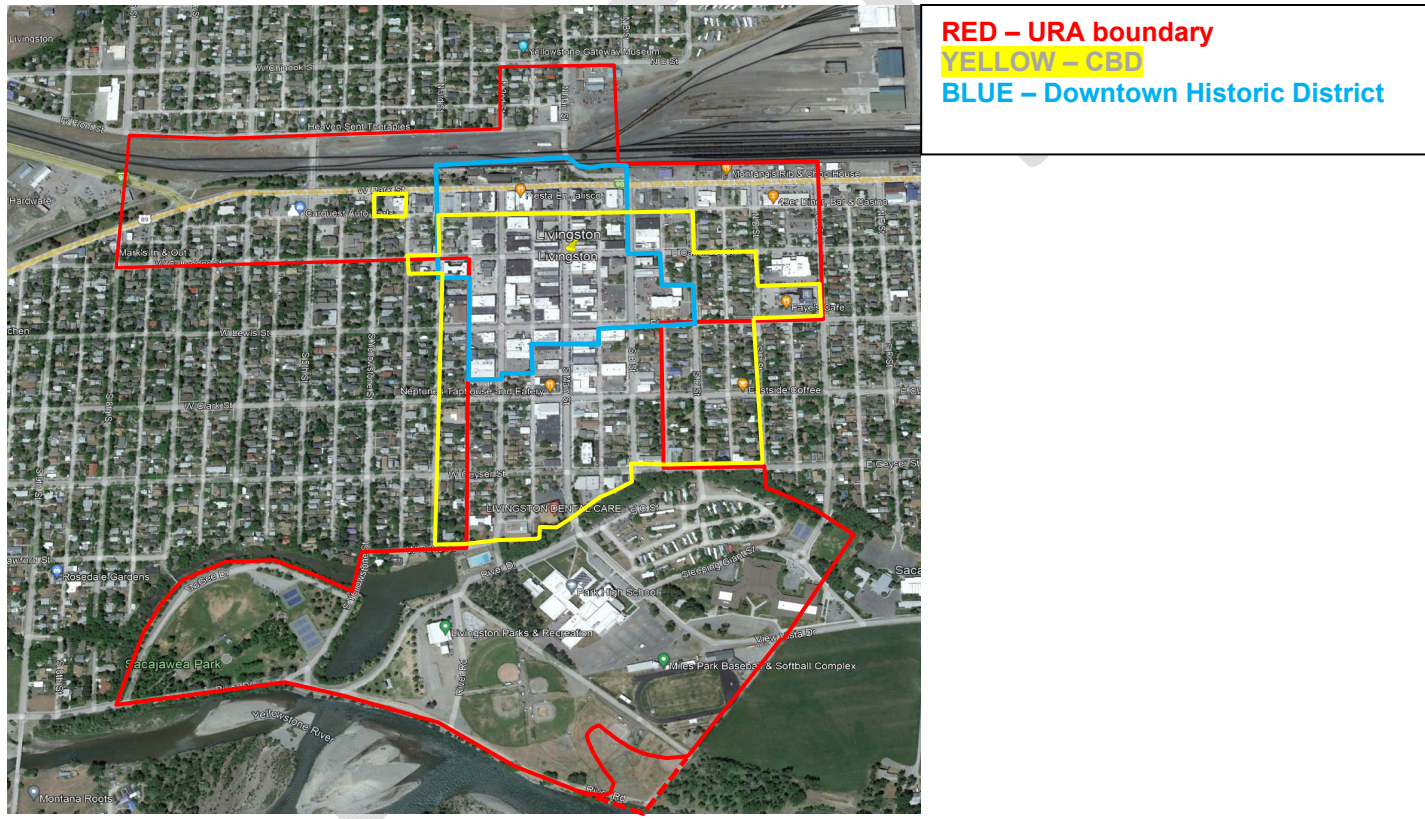
(Strategy 6.1.5.5)

Identify and implement a “Buy Local” procurement policy that greatly incentivizes the City of Livingston to support local businesses. (Strategy 6.1.5.6)

Support expansion of current and emerging infrastructure technologies including fiber optic service and other communication infrastructure. (Strategy 6.1.5.7)

Dedicate resources to strategies designed to help the local economy by investing in local businesses. (Strategy 6.1.5.8)

The map below identifies the project area:



Scope of Work

The proposed City of Livingston Downtown Master Plan will include:

1. Conduct existing conditions and background analysis and produce a map of community assets and concerns.

2. Create a Wayfinding Plan for the downtown planning area that includes sign, content and installation locations.
3. Create a comprehensive Streetscape Improvement Plan that identifies streetscape improvements and projects such as public art displays, street furniture, and locations throughout the downtown planning area where these projects could suitably be implemented.
4. Recommendations for plan implementation that encompass both long range and “early-win” opportunities, including identification of key partners and their roles in implementation.
5. Identify priority catalyzing development/ redevelopment projects and create an implementation strategy including budget and timeline estimates and project phasing if necessary, with an emphasis on rehabilitating existing housing units, historic preservation, parking and potential improvements to multi-modal transportation access and movement within the downtown area.
6. Summary of funding resources available for creating and sustaining revitalization and economic development as identified in the Plan. This summary shall include an overview of grants, loans, and opportunities through private funding sources and local, state and federal grant opportunities.

Additional Scope of Work – dependent on funding

7. A combined Housing and Parking Study that identifies vacant/ underutilized housing units in the project area, particularly abandoned upper floor units above ground floor commercial spaces. Parking must be evaluated for existing needs and availability as well as for future needs based on the results of the housing study to ensure there will be adequate parking for additional future residential units and commercial uses in the project area.

Proposal Review Criteria

Consultant selection will be based on the following criteria:

- Professional qualifications of key personnel assigned to the project.....
- History of the team having worked together on similar projects

- Approach to public involvement.....
- Project methodology and timeline
- Reference responses.....

DRAFT

File Attachments for Item:

A. PUD Example MT Ordinances

Follow up information from the Feb 15, 2023 Planning Board meeting re: the PUD presentation, PUD Ordinance guidance in the Growth Policy, and example PUD Ordinances from elsewhere in Montana.

Below are links to PUD Ordinances I mentioned in my presentation from other MT cities with the same type of government (General Powers) as Livingston has:

Hardin, MT - https://codelibrary.amlegal.com/codes/hardinmt/latest/hardin_mt/0-0-0-3507

Columbia Falls, MT-
[https://columbiafalls.municipalcodeonline.com/book?type=ordinances#name=Chapter 18.348 CPUD PLANNED UNIT DEVELOPMENT](https://columbiafalls.municipalcodeonline.com/book?type=ordinances#name=Chapter_18.348_CPUD_PLANNED_UNIT_DEVELOPMENT)

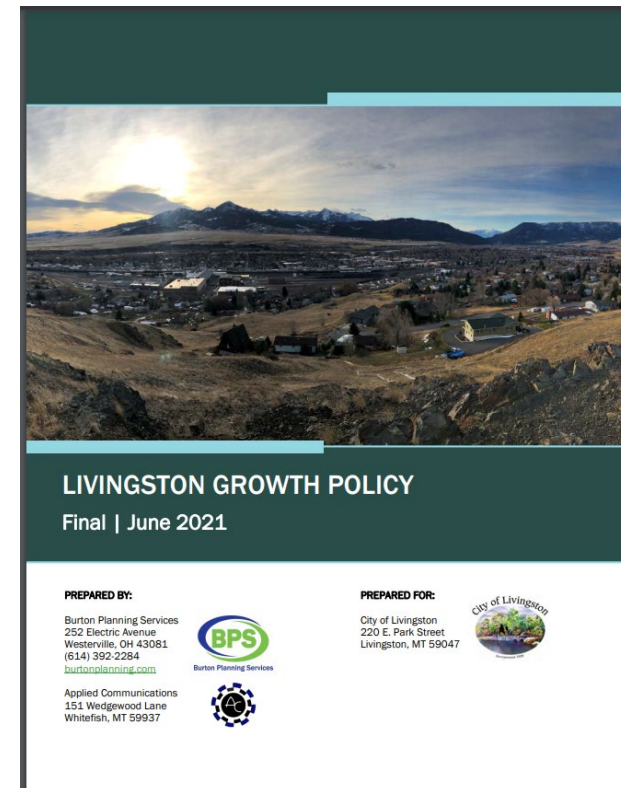
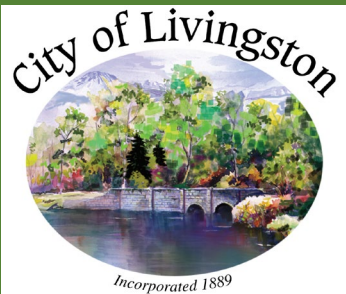
Kalispell, MT- [https://library.qcode.us/lib/kalispell_mt/pub/city_code/item/chapter 27-chapter 27 19?view=all](https://library.qcode.us/lib/kalispell_mt/pub/city_code/item/chapter_27-chapter_27_19?view=all)

Kalispell’s PUD application form-
<https://www.kalispell.com/DocumentCenter/View/446/Planned-Unit-Development-PDF>

Planned Unit Development

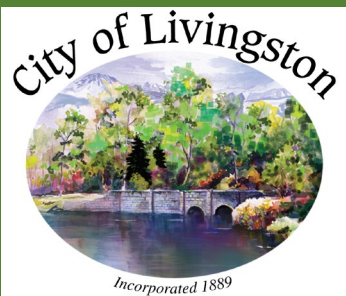
Introduction and Background

February 15, 2023



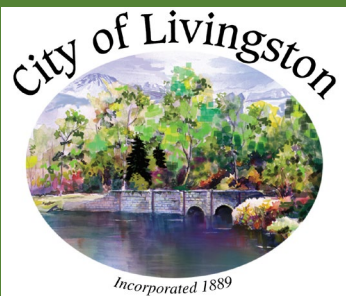
Agenda

- Planned Unit Development Basics
- PUDs in the Growth Policy
- Ordinance Creation and Adoption Process
- PUD Application Review Process



Agenda

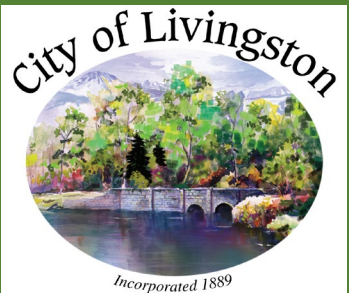
- Planned Unit Development Basics
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Planned Unit Development (PUD) 17

The purpose of a PUD is to allow greater flexibility in the configuration of buildings and/or uses on a site than would typically be allowed under the standard zoning ordinance.

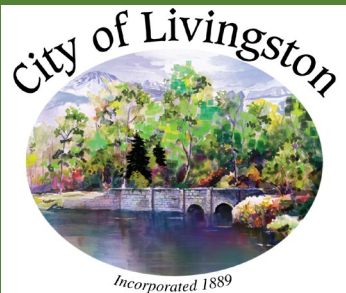
PUDs often include multiple uses such as residential, commercial and recreational and can include different housing types and densities such as single-family residences, townhomes, multi-family apartments, etc.



Planned Unit Development

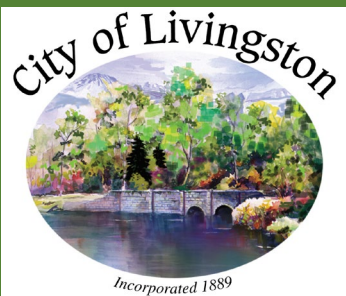
The PUD Process Promotes:

1. Protection of Natural Areas
2. Mixed-use Development
3. Traditional City of Livingston Land Use Patterns
4. Variety of Housing Types, Sizes and Affordability



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Initial Work Plan

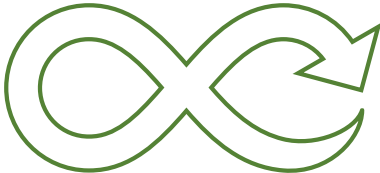
4 Focus Areas



Land Use
Recommendations



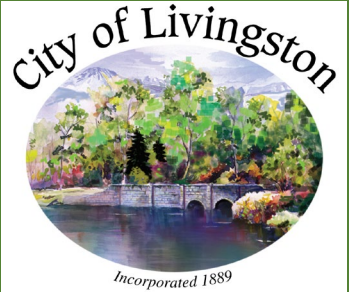
Housing

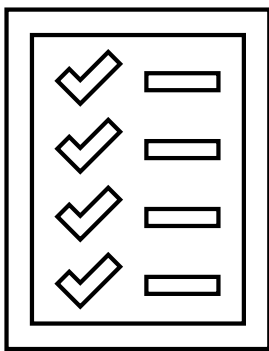


Resiliency



Place-making and
Community Character

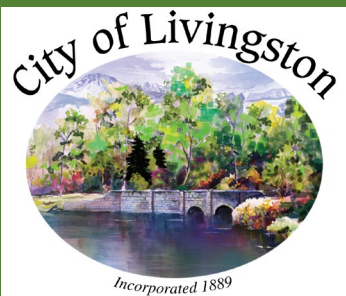




Land Use Recommendations

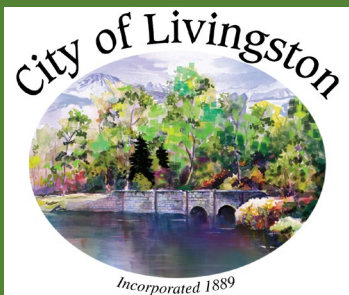
Implementing Recommendations in Chapter 11

- Zoning Ordinance Update
- Subdivision Regulation Review
- Future Land Use Map
- **Planned Unit Development (PUD) Zoning District**



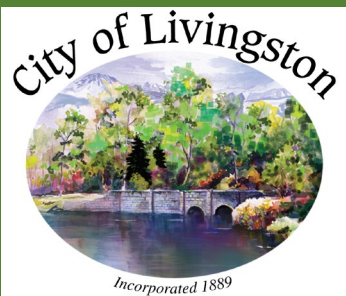
Growth Policy Strategies that Support PUDs

Strategy #	Description
2.1.2.3	Update codes to promote traditional neighborhood designs that are compatible with existing neighborhoods.
2.1.2.4	Update codes to encourage following Livingston's historic block and alley development pattern.
3.1.1.2	Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.
3.1.1.4	Promote any growth that maintains the compact, historic development patterns found in the historic city center.
3.1.1.5	Evaluate and amend the zoning and subdivision ordinances to prohibit the development of large lot subdivisions inconsistent with Livingston's historic development pattern
3.1.1.6	Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.
3.2.1.2	Partner with developers to include community facilities to serve new residential, commercial, and mixed-use developments.



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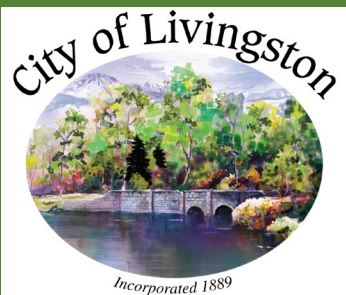
Creating a PUD Ordinance

Regulatory Action Workflow



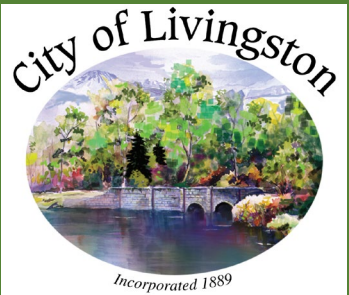
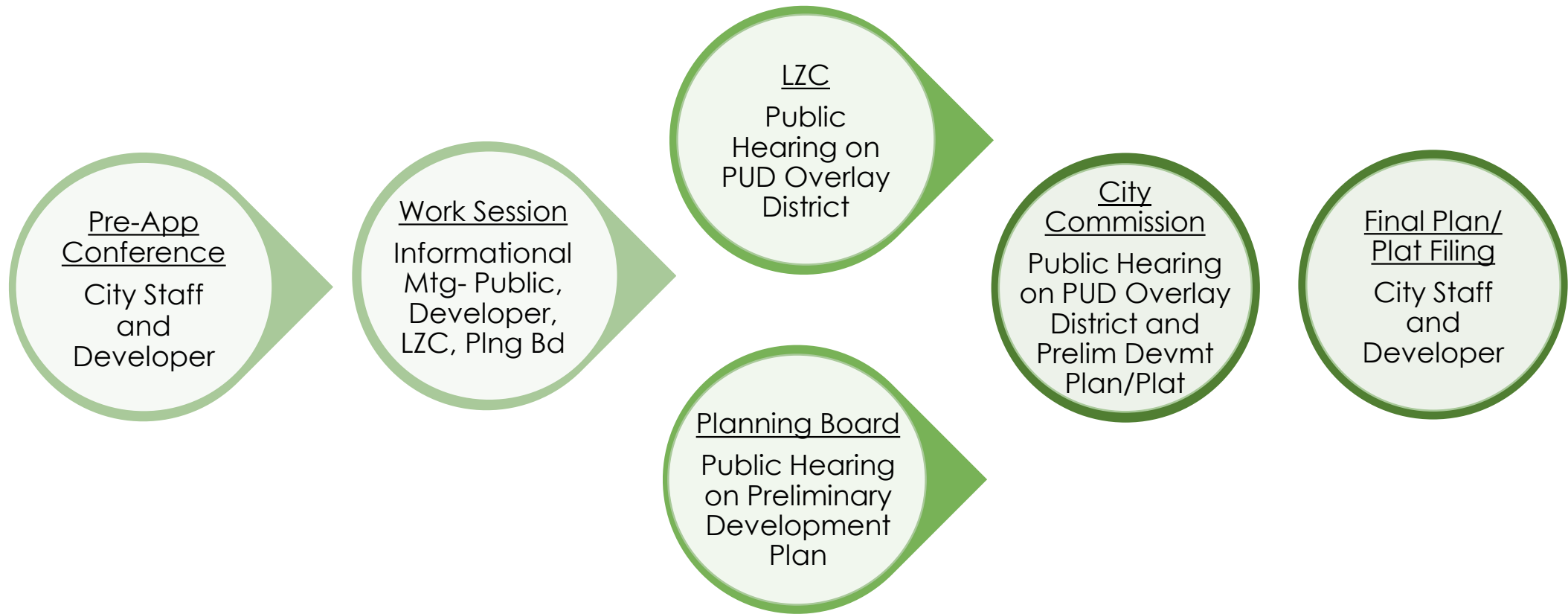
Agenda

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PUD Review Process

Application Review Workflow



Elements of PUD Ordinance

Application Process



Pre-Application Process

- ✓ Meeting(s) with Staff including Planning, Fire, Public Works and Building



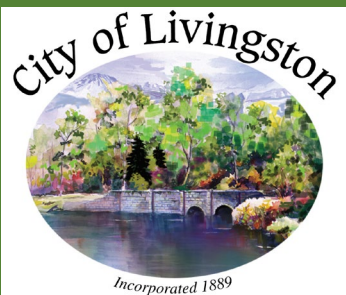
Application Materials

- ✓ Deviations from base zoning
- ✓ Locations and types of uses, densities, structures and max heights
- ✓ Handling of Traffic, parking, utilities, parks and open space, pedestrian movement, landscaping, maintenance
 - ✓ Architectural elevations
 - ✓ Development phasing



Proposed PUD District Review and Approval

- ✓ Supports Growth Policy
- ✓ Demonstrates public benefit of PUD vs base zoning
- ✓ Approval of PUD District Overlay Zone (LZD) and Subdivision (Planning Board) contingent on each other



Elements of PUD Ordinance

Project Components



Size

- ✓ Different PUD types/ sizes
- ✓ Density & Height Bonuses



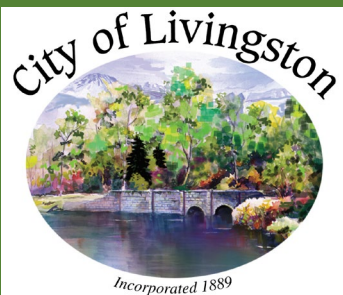
Location

- ✓ Mixed Uses
- ✓ Compact/ Clustered Development
 - ✓ Vehicle, pedestrian, bicycle connectivity
- ✓ Buffers between uses and from surrounding neighborhoods

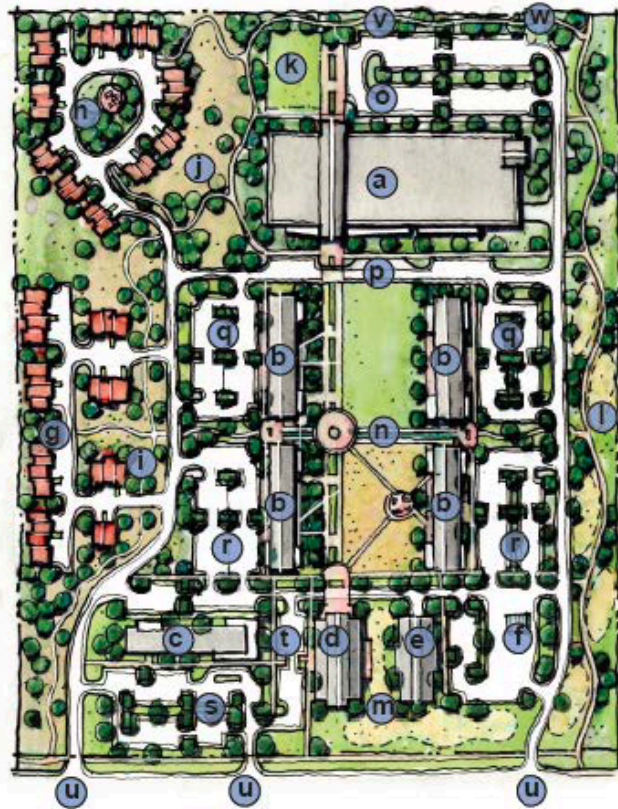


Public Benefits

- ✓ Natural Resource Protection
 - ✓ Open Space
 - ✓ Community Amenities
- ✓ Reduced Traffic Generation
- ✓ Affordable/ Workforce Housing Incentives
- ✓ Joint-Use Amenities shared with General Public



EX. Farm District PUD - Kalispell



LEGEND

- a Youth Center
- b Commercial/Residential
- c Boutique Hotel
- d Brewpub
- e Country Market. Parking ~35 stalls
- f Fuel pumps
- g Workforce housing. Pod A
- h Workforce housing. Pod B
- i Pathway - Loop.
- j Landscape buffer area
- k Youth Center activity area
- l Highway landscape buffer. Path/stormwater detention south
- m Stormwater detention area. Natural. No fencing
- n Central Green. Lawn/rec area. Outdoor market. Plazas/ potential farming/garden area
- o Youth Center north parking. ~130 stalls
- p Youth Center drop-off/additional parking ~ 20 stalls
- q Parking area at ~85 stalls
- r Parking area at ~110 stalls west, ~00 east
- s Parking area at ~70 stalls
- t Parking area at ~40 stalls. Fire/service access
- u Access points aligned with Silverbrook roadways
- v Landscape buffer/screen of north neighbors
- w Future connection to north neighbors (gated)

Parking requirements

- Youth Center - 150 stalls
- Commercial/Residential - 59 stalls
- Hotel - 85 stalls
- Brewpub - *120 stalls
- C Store - 33 stalls

37.6 acres

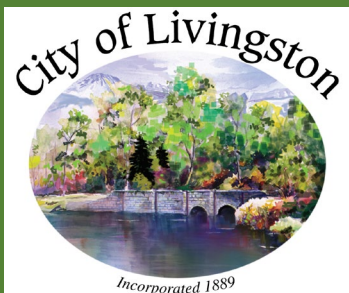
Base zoning- B-2 (commercial)

- Min. lot size = 7000 sq. ft.
- Min. lot width = 70 ft

PUD proposed

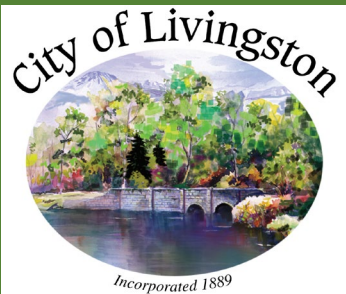
- Min. lot size = 2500 sq. ft.
- Min. lot width = 25=35 feet

- Multiple uses
 - Commercial- incl. youth athletic/ arts center, boutique hotel, small gas station, restaurant, other neighborhood scale retail, offices, small grocery store
 - Residential – 99 townhomes
 - Parks and Open Space- 11 acres incl. central green, outdoor common area, landscape buffers, paths



Questions

Thank you



The cover of the Livingston Growth Policy report features a wide-angle landscape photograph of a town nestled in a valley with mountains in the distance under a bright sky. The title "LIVINGSTON GROWTH POLICY" is prominently displayed in white text on a dark green background, with "Final | June 2021" below it. At the bottom, there are two columns of text and logos. The left column lists the preparer, Burton Planning Services, with their address and contact information, along with their logo. The right column lists the client, the City of Livingston, with their address and the city's logo. A small logo for Applied Communications is also present at the bottom center.

PREPARED BY:

Burton Planning Services
252 Electric Avenue
Westerville, OH 43081
(614) 392-2284
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Burton Planning Services

Applied Communications
151 Wedgewood Lane
Whitefish, MT 59937



PREPARED FOR:

City of Livingston
220 E. Park Street
Livingston, MT 59047



PUD, Planned Unit Development Overlay

Planned Unit Development (PUD) applications are for those subdivision projects that require additional flexibility from subdivision design standards and zoning ordinance requirements, allowing for additional creativity in design of a subdivision project. In exchange for the added flexibility, the PUD must provide for additional community benefit over a standard development. Projects that may benefit from PUD regulations include enhancement or protection of natural areas, traditional urban development, mixed-use developments, affordable housing, and other projects that might be constrained by site-specific conditions.

Recommendations

1. As a first step toward codifying a Planned Unit Development Overlay, investigate PUDs to consider lifetime cost to the taxpayer, tax revenue projections, greenhouse-gas emissions, water use reduction, solid waste reduction, reuse of current resources, and coordination of project work to reduce disruption and waste.
2. Adapt the following example code language and structure to Livingston's codified ordinances.

A. Purpose

General

The PUD, Planned Unit Development Overlay district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. Examples of the types of development that may benefit from the PUD overlay district include the following:

- ▶ **Enhanced Protection of Natural Resource Areas:** Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats and native plant communities.
- ▶ **Traditional Urban Development:** Developments characterized by parcel configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.
- ▶ **Mixed-use Development:** Developments that contain a complementary mix of residential and non-residential uses.
- ▶ **Affordable Housing:** Developments in which at least 20 percent of the total number of dwelling units are affordable to households earning 80 percent or less of the median income, as determined by the U.S. Department of Housing and Urban Development (HUD).

B. Objectives

Different types of PUDs will promote different planning goals. In general, however, PUDs are intended to promote the following objectives:

- ▶ Implementation of and consistency with the City's adopted plans and policies;
- ▶ Flexibility and creativity in responding to changing social, economic and market conditions allowing greater public benefits than could be achieved using conventional zoning and development regulations;
- ▶ Efficient and economical provision of public facilities and services;
- ▶ Communities that provide economic opportunity and environmental and social equity for residents;
- ▶ Variety in housing types and sizes to accommodate households of all ages, sizes, incomes, and lifestyle choices;
- ▶ Compact, mixed-use development patterns where residential, commercial, civic, and open spaces are located in close proximity to one another;
- ▶ A coordinated transportation system that includes an inter-connected hierarchy of facilities for pedestrians, bicycles, and vehicles;
- ▶ Compatibility of buildings and other improvements as determined by their arrangement, massing, form, character, and landscaping;

- ▶ The incorporation of open space amenities and natural resource features into the development design;
- ▶ Low-impact development (LID) practices; and
- ▶ Attractive, high-quality landscaping, lighting, architecture, and signage that reflect the unique character of the development.

C. Unified Control

No application for PUD zoning approval will be accepted or approved unless all of the property included in the application is under unified ownership or a single entity's control.

D. Procedure

PUDs must be reviewed and approved in accordance with the procedures of Section I.

E. Zoning Map

Approved PUDs must be identified on the zoning map by appending the map symbol "/PUD" as a suffix to the base zoning district classification, as in "R80/PUD."

F. Developer's Statement of Intent

Each PUD application must include a written explanation from the applicant describing the community benefits of the proposed development and how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district and the submittal information necessary for a Preliminary Development Plan (see Section X).

G. Approval Criteria

A PUD overlay zoning district may be approved only when the City Commission determines that the proposed PUD would result in a greater benefit to the City as a whole than would development under conventional zoning district regulations. Such greater benefit may include implementation of adopted planning policies, natural resource preservation, urban design, neighborhood/community amenities or an overall level of development quality.

H. Standards Eligible for Modification

Unless otherwise expressly approved by the City Commission as part of the PUD approval process, PUDs are subject to all applicable standards of this zoning ordinance. The City Commission is authorized to approve PUDs that deviate from strict compliance with specified standards if they determine that the resulting development satisfies the approval criteria of Section X.

Allowed Uses

A list of uses to be allowed in a PUD must be approved as part of the PUD approval process. Regardless of the underlying zoning, the City Commission may approve a mix of use types within a PUD as a means of accommodating mixed-use developments and developments with a broader range of housing types and affordable housing options than allowed by the underlying zoning district.

Parcel Size

Minimum parcel area and width standards of the base zoning district may be reduced as part of the PUD approval, provided that parcel sizes are adequate to safely accommodate all proposed buildings and site features.

Residential Density

The maximum allowable residential density of the base zoning district may be increased if the City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development and such density increase can be supported by existing and planned public facilities and services.

Setbacks

The minimum setback standards of the base zoning district may be reduced as part of the PUD approval.

Height

The City Commission may allow an increase in allowable building heights if it determines that such an increase is warranted to support the public benefit likely to result from the proposed development.

Parking and Loading

Off-street parking and loading requirements may be modified when the City Commission determines that modified requirements are in keeping with projected parking and loading demand of the proposed development, that other means of meeting access demand will be provided or that the requested modifications will better meet the purpose of the PUD overlay. The City engineer must review and make a recommendation on requests for modification of parking and loading requirements.

Streets

Alternatives to otherwise "standard" street cross-sections and designs may be approved when the City Commission determines that such alternative designs would better meet the purpose of the PUD overlay, while still providing a safe and efficient traffic circulation system. The City engineer and fire chief must review and make recommendations on requests for alternative street standards.

I. Planned Unit Development Procedure

Overview

PUD, Planned Unit Development overlay zoning districts are established through the approval of a zoning amendment in accordance with the zoning amendment procedures of Section X. PUD zoning amendments must be processed concurrently with a preliminary development plan application. Final development plan approval is required after approval of the zoning amendment and preliminary development plan. This section describes the required review and approval procedures for PUD preliminary and final development plans.

Preliminary and Final Development Plan Approval Required

Approval of PUD preliminary and final development plans must occur before any building permit is issued and before any development takes place in a PUD overlay district. Permits may be issued for a development phase if a preliminary development plan has been approved for the entire PUD and a final development plan has been approved for the subject phase.

Preliminary Development Plans

At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the Planning Board's public hearing and if the plans include all information required for preliminary plats and preliminary development plans.

- ▶ **Description:** Each PUD application must include the following: a vicinity map showing relationships to surrounding properties, detailed information about the project, proposed and existing transportation systems within and surrounding the project, lot configurations (if applicable), proposed building groups, information about the structures including types, size and location, utility locations, architectural drawings showing the design of each structure, location of recreational space, open space, or other public areas, general landscape treatments, and description of organizational structure to address management, provision of services, and any other restrictions.
- ▶ **Preapplication Consultation:** A preapplication consultation is required before filing of a PUD preliminary development plan application, in accordance with Section X.

- ▶ **Application Filing:** Complete applications for preliminary development plan approval must be filed with appropriate personnel in Development Services while the PUD zoning amendment application is filed. Preliminary development applications may be filed only by the subject landowner or the landowner's authorized agent.
- ▶ **Review and Report—Zoning Officer:** The zoning officer must review the proposed preliminary development plan in light of the PUD overlay district provisions of Section X and the review criteria of Section X. The zoning officer must prepare a report and recommendation for the Planning Board based on the zoning officer's review.
- ▶ **Hearing and Recommendation—Planning Board:** The Planning Board must hold a public hearing on the proposed PUD zoning amendment and the preliminary development plan. Following the close of the hearing, the Planning Board must act by simple majority vote to recommend that the proposed PUD zoning amendment and preliminary development plan be approved, approved with modifications, or denied.
- ▶ **Hearing and Final Action—City Commission:** After action by the Planning Board, the City Commission must convene its own public hearing on the proposed PUD zoning amendment and preliminary development plan.
 - Following the close of the public hearing, the City Commission may act to approve the proposed PUD zoning amendment and preliminary development plan, approve the proposed PUD zoning amendment and preliminary development plan with modifications or deny the proposed PUD zoning amendment and preliminary development plan. The City Commission may also return the application to the Planning Board for further consideration, together with a written explanation of the reasons for doing so.
 - The Commission may act by a simple majority vote of those City Commission members present and voting, except when a valid protest petition has been submitted in accordance with Section X approval or approval with modifications requires a two-thirds majority vote of those City Commission members present and voting.

Review Criteria

- ▶ In reviewing and making decisions on proposed PUD rezoning and preliminary development plans, review and decision-making bodies must consider at least the following factors:
 - ▶ The rezoning criteria of Section X;
 - ▶ The preliminary development plan's consistency with the any adopted plans for the area;
 - ▶ The preliminary development plan's consistency with the PUD district provisions of Section X; and
 - ▶ The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a long period of time.

J. Lapse of Approval

- ▶ If the landowner fails to file an application for final development plan approval within two years of the date of preliminary development plan approval, the approval will be deemed to have lapsed and the preliminary development plan will lapse and be of no further effect.
- ▶ For projects to be developed in phases, phase limits must be shown on the preliminary development plan. Decision-making bodies may impose conditions upon the phasing plan as deemed necessary to ensure the orderly development of the subdivision, including requirements for financial guarantees ensuring construction of all required improvements.

K. Filing of Statement

- ▶ Within 30 days of approval of a preliminary development plan by the City Commission, the zoning officer must file with the office of the County Clerk and Recorder a statement that such a plan: (1) has been approved by the City Commission; (2) that the PUD preliminary development plan is applicable to certain specified legally-described land; and (3) that copies of the plan are on file in Development Services. The statement recorded with the office of the County Clerk and Recorder must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan.
- ▶ The recorded statement must specify that the preliminary development plan will become binding upon all successors and assigns unless amended in conformance with this section. Major changes in the approved

preliminary development plan may be made only after rehearing and re-approval of the preliminary development plan.

- ▶ The landowner is responsible for all costs incurred in filing the statement.
- ▶ No final development plan application will be considered complete and ready for processing until the landowner has provided the zoning officer with a copy of the recorded statement required by this subsection. Such copy must show the date of the filing and include the signature of the County Clerk and Recorder.

L. Final Development Plans

Application Filing

Final development plan applications must be filed with Development Services after approval of and before the lapse of a preliminary development plan.

Consistency with Preliminary Development Plan; Major Changes:

- ▶ A final development plan will not be considered complete and ready for processing if all approved conditions of approval have not been met or if the final development plan constitutes a major change from the approved preliminary development plan.
- ▶ A final development plan will be considered a major change from (and therefore inconsistent with) the approved preliminary development plan if it:
 - Increases the number of dwelling units;
 - Increases the total floor area;
 - Increases the total building coverage;
 - Reduces the amount of land area set aside as open space, recreation area or natural resource conservation area;
 - Increases the height of buildings; or
 - Represents a material change to the preliminary development plan that creates a substantial adverse impact on surrounding property owners.

M. Processing of Major Changes

- ▶ If a final development plan is submitted that constitutes a major change to an approved preliminary development plan, no further processing of the final development plan may occur. The zoning officer must notify the landowner that major changes may be made only after rehearing and re-approval of the preliminary development plan, including payment of fees, all notices, and hearings.

N. Review and Action by Planning Department; Appeals

- ▶ The zoning officer must review and take action on the final development plan. The zoning officer must approve the final development plan if it complies with the approved preliminary development plan, all conditions of the preliminary development plan approval and all applicable standards of this zoning ordinance.
- ▶ If the submitted final development plan does not comply with the approved preliminary development plan, any conditions imposed on that plan or any applicable standards of this zoning ordinance, the zoning officer must disapprove the final development plan and advise the landowner in writing of the specific reason for disapproval.
- ▶ In the event that the zoning officer does not approve the final development plan, the landowner may either: (1) resubmit the final development plan to correct the plan's inconsistencies and deficiencies; or (2) within 30 days of the date of notice of disapproval, appeal the decision of the zoning officer following the same procedures as required for PUD rezoning and preliminary development plan approval.

O. Effect of Approval

- ▶ A final development plan or any part thereof that has received final approval by the zoning officer or, upon appeal, by the City Commission, must be so certified by the zoning officer, and must be filed with the office of the County Clerk and Recorder immediately upon compliance with all conditions of approval. If the landowner chooses to abandon a final development plan or portion thereof after it has been given final approval, they must notify the zoning officer.
- ▶ The filing of a final development plan with the office of the County Clerk and Recorder does not constitute the effective dedication of easements, rights-of-way, or access control, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD.

P. Lapse of Approval

- ▶ In the event the landowner fails to commence development shown on the final development plan within two years after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended by the City Commission upon written application by the landowner.
- ▶ Requests for extensions must be submitted to the zoning officer before the final development plan approval expires and must be processed in accordance with the procedures for approval of a PUD preliminary development plan, including applicable filing fees (for time extension), notices and hearings.
- ▶ In the event of lapse of approval, approved PUD plans have no further effect.

Future Land Use Map

A. Introduction

Land use categories are used to identify the desired primary use for existing and future areas for development. Although general in nature, these designations will provide guidance for any changes to the more specific zoning regulations and zoning district locations and boundaries that implement the Growth Policy.

Where land is developed, proposed land uses are generally consistent with the existing uses. In some cases, however, the designation may be different from what is physically on the ground today, indicating that the City expects the current use to change. For example, a parcel that is vacant today but designated for residential use on the map would be expected to be developed with housing during the next twenty years. Similarly, a parcel that is in industrial use today but designated as mixed use on the map would be expected to redevelop with a mixture of uses, e.g., commercial and residential uses.

The Future Land Use Map is largely implemented through the City's zoning regulations. Each color-coded category on the Future Land Use Map has a corresponding set of compatible zoning districts. Many of the Future Land Use Map categories have more than one corresponding zoning district, permitting an interpretation of the map based on existing uses and local conditions.

Whereas the Future Land Use Map categories are intentionally broad, the zoning designations are more prescriptive and address qualities such as building heights, setbacks, permitted and conditional uses, allowable lot coverage, and parking requirements.

While the Future Land Use Map guides zoning, it is not the same as the Zoning Map. By definition, the Future Land Use Map is intended to be general and does not necessarily have to follow parcel boundaries. Moreover, the designation of an area with a particular Map category does not mean that the most intense zoning district consistent with that category is "automatically" permitted. That is particularly true in the residential areas, where there is a range of zoning densities within each category. In most cases, developing a property with a use that is not consistent with what is shown on the Land Use Map would require an amendment to the Growth Policy. The definitions below are intended to guide the determination of consistency. Requests to amend the Plan are subject to a public process involving the City Planning Board and City Commission.