

Title 20.

Updated as of Ordinance 3583 approved October 3, 2016

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20.01.010 Official Name (Title)

The official name of this title (Title 20) is the “Zoning Ordinance of the City of Missoula, Montana.” For convenience, it is referred to throughout this chapter as the “zoning ordinance.”

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.020 Effective Date

The provisions of this zoning ordinance become effective on and compliance with its provisions is mandatory beginning November 4, 2009, except as otherwise expressly stated.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.030 Authority

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by Montana law and the City of Missoula’s home-rule authority.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.040 Applicability

The regulations of this zoning ordinance apply to all development, public or private, within the corporate limits of the City of Missoula unless otherwise expressly stated.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.050 Purposes

This zoning ordinance is adopted for the purposes of:

- A. conforming with §76-2-304(1), MCA;
- B. protecting and promoting the public health, safety and general welfare;
- C. implementing the policies and goals contained in the officially adopted Growth Policy and other adopted plans;
- D. establishing clear and efficient development review and approval procedures; and
- E. accommodating the orderly and beneficial development in accordance with the preceding purposes.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.060 Minimum Requirements; Compliance with other Applicable Regulations

- A. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purpose and intent.
- B. In addition to the requirements of the zoning ordinance, all uses and development must comply with all other applicable city, state and federal regulations.
- C. All references in the zoning ordinance to other city, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce state or federal regulations.

([Ord. 3511](#), 2013; [Ord. 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.070 Compliance Required

Except as otherwise expressly provided in this zoning ordinance:

- A. A building or structure may not be erected, moved, reconstructed, extended or structurally altered for any purpose other than one that is permitted in the subject zoning district.
- B. Land may not be used for any purpose other than one that is permitted in the subject zoning district.
- C. Buildings, structures and land may be used and arranged only in compliance with the requirements specified in this zoning ordinance.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.080 Conflicting Provisions**A. Conflict with State or Federal Regulations**

If the provisions of this zoning ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes more stringent controls.

B. Conflict with Other City Regulations

If the provisions of this zoning ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision will control unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

C. Conflict with Private Agreements and Covenants

This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement or covenant, the provisions of this zoning ordinance control.

Commentary: The city does not maintain a record of and is not responsible for enforcement of private agreements.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.090 Rules of Language and Ordinance Construction**A. Meanings and Intent**

The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in Chapter 20.100 or other sections of this ordinance have the specific meanings assigned, unless the context expressly indicates another meaning. Words that are not expressly defined in this ordinance have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

B. Computation of Time

1. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City of Missoula, excluding Saturdays, Sundays and holidays observed by the City of Missoula.
2. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the city, that day is excluded.
3. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be considered to be have been received the following day.

C. Tenses and Usage

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.

3. The words “must,” “will,” “shall” and “may not” are mandatory.
4. The word “may” is permissive, and “should” is advisory, not mandatory or required.
5. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”

D. Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

1. “and” indicates that all connected items or provisions apply; and
2. “or” indicates that the connected items or provisions may apply singularly or in combination.

E. Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure, or illustration, the text controls.

F. Current Versions and Citations

All references to other city, county, state, or federal regulations in the zoning ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

G. Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

H. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such a delegation.

I. Public Officials and Agencies

All employees, public officials, bodies and agencies to which references are made are those of the City of Missoula unless otherwise expressly stated.

J. Commentaries

Commentaries are sometimes included in this zoning ordinance as a means of clarifying certain provisions or providing supplemental information thought to be useful for ordinance users. Text marked as “commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public.

Commentary: When commentaries are provided, they will appear in this manner.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.100 Zoning Map

A. Establishment

The location and boundaries of the zoning districts established by this zoning ordinance are shown on a geographic coverage layer entitled “Zoning” that is maintained as part of the city’s geographic information system (GIS) under the direction of the director of Development Services. This “Zoning” geographic coverage layer constitutes the City of Missoula’s official zoning map. The official zoning map—together with all notations, references, data and other information shown on the map— is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as if actually depicted within its pages.

B. Maintenance and Updates

The director of Development Services is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning amendments (rezonings.) No unauthorized person may alter or modify the official zoning map. The director of Development Services may authorize printed copies of the official zoning map to be produced and maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

C. District Boundaries

When the zoning map shows a zoning district boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists.

D. Interpretations of District Boundaries

Where any uncertainty exists about a zoning boundary, the actual location of the boundary will be determined by the director of Development Services using the following rules of interpretation:

1. A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse will be construed as following the actual centerline of the watercourse. If, subsequent to the establishment of the boundary, the centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the centerline of the watercourse.
2. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line will be construed as following the actual ridge line or contour line. If, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result of natural processes (erosion, slippage, subsidence, etc.), the boundary will be construed as moving with the ridge line or contour line.

3. A boundary shown on the zoning map as approximately following a parcel boundary will be construed as following the parcel boundary as it actually existed at the time the zoning boundary was established.
4. A boundary shown on the zoning map as approximately following a street or railroad line will be construed as following the centerline of the street or railroad right-of-way.
5. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.
6. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.
7. Zoning boundaries that do not coincide with a property line, parcel boundary, landmark or particular feature will be determined with a scale.

E. Split-Zoned Parcels

1. The zoning map may not be amended to classify a single parcel into two or more base zoning districts. This provision does not apply to overlay zoning districts.
2. The split zoning of any newly created parcel (into more than one base zoning district classification) is prohibited. This provision does not apply to overlay zoning districts.
3. The following regulations apply to existing parcels that are classified in two or more base zoning classifications:
 - a. For existing and proposed uses and structures, the more restrictive provisions of the applicable zoning districts apply to the entire parcel except when one base zoning district applies to at least 75% of the total parcel area and the remainder of the parcel is less than 5,000 square feet in area. The regulations of the zoning district that applies to the larger portion of

the parcel applies to the entire parcel.

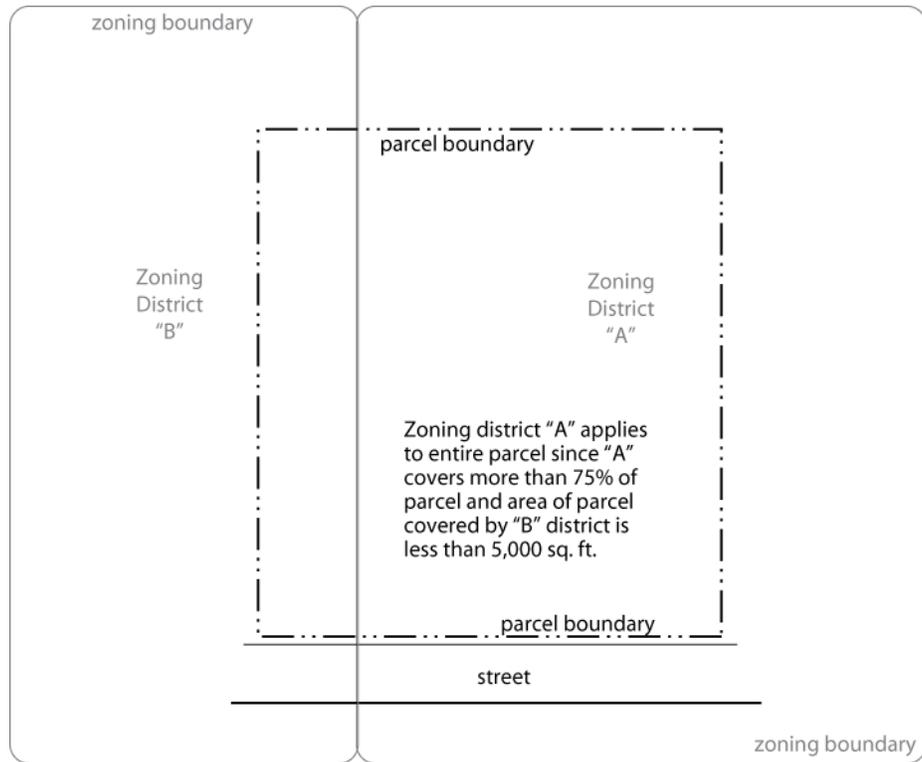


Figure 20.01-1 Split Zone Parcels

- b. Building setbacks do not apply along base zoning district boundary lines that split a parcel under single ownership.
- c. If any use, building or structure rendered nonconforming by the split-zoned parcel provisions of this section is accidentally damaged or destroyed it may be reestablished, as long as the reestablishment does not increase the extent of nonconformity.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.110 Transitional Provisions

The provisions of this section address the transition from the previous zoning ordinance (the one in effect before the effective date specified in [20.01.020](#)) and this zoning ordinance.

A. Applications Submitted Before November 4, 2009

Development applications that were submitted in complete form and are pending approval on the effective date specified in [20.01.020](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately before the effective date specified in [20.01.020](#).

B. Site-Specific Development Plans Approved Before November 4, 2009

1. Permits may be issued for previously approved, unexpired site-specific development plans in accordance with the approved plan. Site-specific development plans approved before November 4, 2009 will remain valid until November 4, 2011 unless a phasing plan or different lapse of approval date is approved.
2. The zoning officer is authorized to grant up to a one time extension for no more than one additional year if the zoning officer determines that the extension is necessary to address delays beyond the reasonable control of the applicant. After the lapse of approval date, no permits or other approvals may be issued except in accordance with the standards and procedures of this zoning ordinance.
3. For purposes of this section, "site-specific development plans" are plans or plats submitted by a landowner or a landowner's authorized representative describing with reasonable certainty the type and intensity of development to be carried out on a specific parcel and that have been approved by Development Services, Design Review Board, or City Council. Such plans may be in the form of planned unit developments, planned neighborhood clusters, conditional uses, or other similar development plans, as determined by the zoning officer.

C. Permits Issued Before November 4, 2009

Any building, development or structure for which a permit number was accepted for processing before November 4, 2009 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the original permit or any extension granted, then the building, development or structure may be constructed, completed and occupied only if it complies with the standards of this zoning ordinance.

D. Violations Continue

1. Any violation of the previous zoning ordinance will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under [Chapter 20.01](#).
2. If the use, development, construction or other activity that was a violation under the previous ordinance complies with the express terms of this zoning ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in [20.01.020](#).
3. The adoption of this zoning ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in [20.01.020](#).

E. Nonconformities

1. Any nonconformity under the previous zoning ordinance will also be a nonconformity under this zoning ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist.

2. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity.
3. A situation that did not constitute a (lawful) nonconforming situation under the previously adopted zoning ordinance does not achieve (lawful) nonconforming status under this zoning ordinance merely by repeal of the previous zoning ordinance.

F. Existing Uses

1. When a use classified as a conditional use under this zoning ordinance exists as a conditional use or permitted use on the effective dates specified in [20.01.020](#), such use will be considered a lawfully established conditional use.
2. When any amendment to this zoning ordinance changes the classification of a permitted use to a conditional use, any use lawfully established before such amendment will be considered a lawfully established conditional use after the effective date of such amendment.

Commentary: Paragraphs F.1 and F.2. are intended to clarify that lawful, existing uses are not rendered nonconforming (or illegal) merely because they were not approved through the conditional use process.

3. A lawfully established existing use that is not allowed as a conditional use or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of [Chapter 20.80](#).

G. Zoning District Name Conversions

The zoning district names and map symbols in effect before November 4, 2009, will be converted as follows:

Table 20.01—1 Zoning District Name Conversions

Previous Name (Title 19)	New Name (Title 20)
RESIDENTIAL	
SRR	R215
LSR	R80
RLD-1	R40
RLD-2	R20
RLD-4	RT10
RR-I	R8
A	R5.4
R-I	R5.4
R-VIII	RT5.4
No existing equivalent	R3
R-II	RT2.7
R-XII	RM2.7
MU	RM2.7
R-III	RM1-35
R-IV	RM1-35
B	RM1-45

Previous Name (Title 19)	New Name (Title 20)
No existing equivalent	RM1.5
RH	RM0.5
R-VI	RMH
COMMERCIAL	
BN	B1-1
R-V	B2-1
BC	B2-2
C-I	C1-4
C	C1-4
C-II	C2-4
CBD	CBD-4
SC	C1-1
INDUSTRIAL	
D	M1R-2
I-I	M1-2
I-II	M2-4
OPEN SPACE/PUBLIC	
P-I	OP1
OR	OP2
P-II	OP3

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.120 Special Districts/Overlay Districts established under Title 19

Special zoning districts or Overlay Districts approved before November 4, 2009 will continue to be governed by the adopted special zoning district or overlay district regulations according to the last archived version of Title 19 unless the regulations of Title 20 explicitly state otherwise or the districts have been incorporated as a Neighborhood character Overlay district per Title 20, and unless and until such time as the subject property is rezoned to another zoning classification in accordance with the zoning amendment procedures of [20.85.040](#). When development standards in a Special district or an “Overlay District Established under Title 19” refer to Title 19, the “Missoula Zoning Ordinance” (or similar phrase), or are silent regarding additional standards, the standards of the last archived version of Title 19 will apply.

Commentary: Regulations and standards that apply in special zoning districts can be found in Development Services.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.01.130 Severability

If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning ordinance and in no way affects the validity of the remainder of the zoning ordinance.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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Chapter 20.02 Reserved

Chapter 20.03 Reserved

Chapter 20.04 Reserved

Chapter 20.05 Residential Districts

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20.05.010 General

A. Districts

1. List

The city's residential zoning districts are listed below. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to these districts.

Map Symbol	District Name
R215	Residential 215
R80	Residential 80
R40	Residential 40
R20	Residential 20
RT10	Residential 10 (two-unit/townhouse)
R8	Residential 8
R5.4	Residential 5.4
RT5.4	Residential 5.4 (two-unit/townhouse)
R3	Residential 3
RT2.7	Residential 2.7 (two-unit/townhouse)
RM2.7	Residential 2.7 (multi-dwelling)
RM1.5	Residential 1.5 (multi-dwelling)
RM1	Residential 1 (multi-dwelling)
RM0.5	Residential 0.5 (multi-dwelling)
RMH	Residential Manufactured Housing Park

[1] There are two versions of the RM1 district: RM1-35 and RM1-45. Whenever this ordinance refers to the "RM1" district, the reference is referring to both the RM1-35 and RM1-45 districts.

2. Deciphering the District Names and Map Symbols

The "R" district names and map symbols are intended to provide a general indication of what is allowed in the district. The first letter, "R," denotes the residential orientation of the district. When a second letter following the "R" is present, that is an indication of a residential district that allows building types in addition to detached houses. "RT" districts allow two-unit and townhouse buildings, while "RM" districts allow multi-dwelling buildings in addition to other building types. The numeral following the "R," "RT," or "RM" is a shorthand reference to the allowed density, expressed in terms of the required minimum land area per dwelling unit (in thousands of square feet.) The R5.4 district, for example, refers to a residential (detached

house) zoning district that generally allows one dwelling unit per 5,400 square feet of parcel area.

B. Purposes

Missoula’s residential (R) zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. The R district standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the city’s many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.05.020 Allowed Uses

A. Use Table

Principal uses are allowed in “R” zoning districts in accordance with [Table 20.05—1](#), below. See [Chapter 20.44](#) for regulations governing accessory uses, such as home occupations.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into “use groups,” “use categories,” and “specific use types.” These are described and defined in [Chapter 20.105](#). Uses are identified in the first column of [Table 20.05—1](#).

C. Permitted Uses

Uses identified with a “P” in [Table 20.05—1](#) are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a “C” in [Table 20.05—1](#) may be allowed if reviewed and approved in accordance with the conditional use procedures [20.85.070](#). Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a “-” are expressly prohibited.

F. Use Standards

The “use standards” column of [Table 20.05—1](#) identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.05—1 Uses Allowed in Residential Districts

Use Category ↳specific use type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1	RM0.5	RMH	Standards
RESIDENTIAL																
Household Living (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.05.030
↳Manufactured Housing Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Title 16
Group Living (except as noted below)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	20.40.070
↳Community Res. Facility (8 or fewer)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳Community Residential Facility (9+)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	20.40.070
↳Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	20.40.070
PUBLIC/CIVIC																
College/University	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	
Day Care																
↳Residential Day Care (1-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳Day Care Center (13+)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Library/Cultural Exhibit	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	
Park/Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Preschool																
↳Preschool (1-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳Preschool Center (13+)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Religious Assembly	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
School	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utilities and Services																
↳Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
↳Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
COMMERCIAL																
Lodging																
↳Bed and Breakfast	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	20.40.030
↳Tourist Home	P	P	P	P	P	P	P	P	P	P	P	P	P			20.40.135
Office	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Parking, Non-accessory	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Personal Improvement Service	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Residential Support Services	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-	20.40.120
INDUSTRIAL																
Residential Storage Warehouse	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	20.40.110

Use Category ↳specific use type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1	RM0.5	RMH	Standards
OTHER																
Agriculture, Animal	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water Testing Laboratory	-	-	-	-	-	-	-	-	-	-	-	C	C [1]	-	-	
Wireless Communication Facility																
↳Ground mounted support structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	20.40.160
↳ Roof-mounted & structure mounted support structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.160

[1] Allowed (as conditional use) in RM1-35 district only.

([Ord. 3583](#), 2016; [Ord. 3549](#), 2015; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
[\[Chapter 20.01\]](#)
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20.05.030 Residential Building Types

A. Allowed

Residential uses allowed in R districts must be located in residential buildings. The following residential building types are allowed in R districts. All residential buildings are subject to the parcel and building standards of [20.05.050 \(Table 20.05—3\)](#) except as modified or supplemented by the building type-specific standards referenced in the final column of [Table 20.05—2](#).

Table 20.05—2 Building Types Allowed in Residential Districts

Building Type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1	RM0.5	RMH	Additional Standards
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Lot line house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.080
Townhouse																
↳2-unit townhouse	P/C	P/C	P/C	P/C	P	-	-	P	-	P	P	P	P	P	P	0
↳3+-unit townhouse	P/C	P/C	P/C	P/C	P/C	-	-	-	-	-	P	P	P	P	P	0
Two-unit house	-	-	-	-	P	-	-	P	-	P	P	P	P	P	P	
Multi-dwelling house	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	20.40.100
Multi-dwelling building	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	20.40.090

P = permitted; P/C = permitted in cluster/conservation development (see [20.05.040B](#)); and
 - = prohibited

B. Described

Descriptions of the residential building types and references to applicable regulations follow:

1. Detached House

A detached house is a principal residential building containing one dwelling unit located on a single parcel with private yards on all sides. Detached houses are subject to the parcel and building standards of [20.05.050](#) ([Table 20.05-3](#).) More than one detached house may be located on a single parcel, subject to compliance with all parcel and building standards, including minimum-parcel-area-per-dwelling-unit and building setback/separation standards.



Figure 20.05-1 Detached House

2. Lot Line (Detached) House

A lot line house is a principal residential building containing one dwelling unit located on a single parcel that is not attached to any other dwelling units. The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the house and very little or no private yard on the other side. Lot line houses are subject to the parcel and building standards of [20.05.050](#) ([Table 20.05-3](#)) except as modified or supplemented by the lot line house standards of [20.40.080](#). No more than one lot line house may be located on a single parcel.

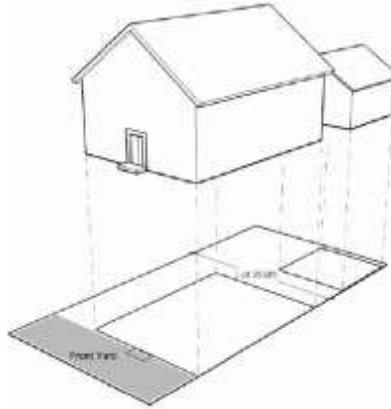


Figure 20.05-2 Lot Line (Detached) House

3. Townhouse

A residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared parcel lines. Each dwelling unit has its own external entrance. Townhouses are subject to the parcel and building standards of [20.05.050 \(Table 20.05—3\)](#) except as modified or supplemented by the townhouse standards of [0](#). No more than one dwelling unit may be located on a single parcel. There are two types of townhouses: two-unit townhouses and three+-unit townhouses.

- a. A two-unit townhouse is a townhouse building containing no more than 2 dwelling units.

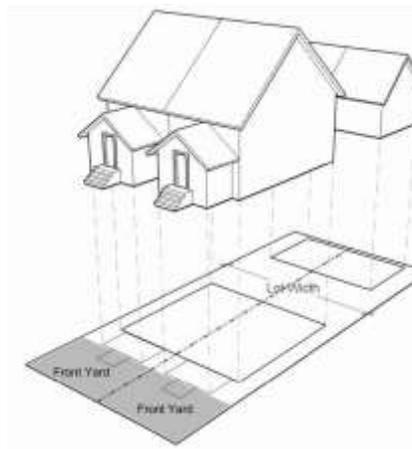


Figure 20.05-3 Two-unit townhouse

- b. A three+-unit townhouse is a townhouse building containing three or more dwelling units.

4. Two-unit House

A two-unit house is a residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex” or “two-flat”.) The dwelling units are attached and may be located on separate floors or side-by-side.

Two-unit houses are subject to the parcel and building standards of [20.05.050 \(Table 20.05-3\)](#). More than one two-unit house may be located on a single parcel, subject to compliance with all parcel and building standards, including minimum-parcel-area-per-dwelling-unit and building setback/separation standards and multi-dwelling building standards. ([20.40.090A.2](#).)



Figure 20.05-4 Two Unit House

5. Multi-dwelling House

A multi-dwelling house is a residential building containing three to six dwelling units located on a single parcel. Multi-dwelling houses appear as large detached houses and have only one entrance visible from the street. Multi-dwelling houses are subject to the parcel and building standards of [20.05.050 \(Table 20.05-3\)](#) except as modified or supplemented by the multi-dwelling house standards of [20.40.100](#). More than one multi-dwelling house may be located on a single parcel, subject to compliance with all applicable parcel and building standards.



Figure 20.05-5 Multi-dwelling House

6. Multi-dwelling Building

A multi-dwelling building is a residential building containing three or more dwelling units (other than a multi-dwelling house) that share common walls and/or common

floors/ceilings. Multi-dwelling buildings are typically served by more than one common building entrance. Multi-dwelling buildings are subject to the parcel and building standards of [20.05.050](#) (Table [20.05—3](#)) except as modified or supplemented by the multi-dwelling building standards of [20.40.100](#). More than one multi-dwelling building may be located on a single parcel, subject to compliance with all applicable parcel and building standards.

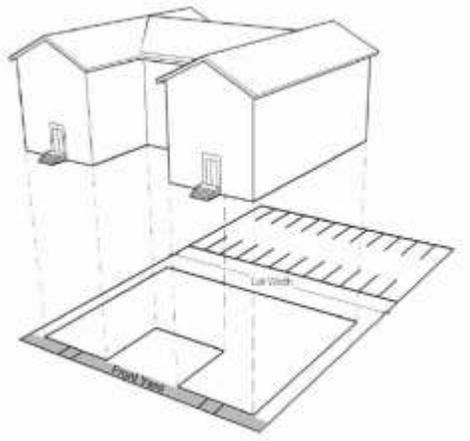


Figure 20.05-6 Multi-dwelling Building

([Ord. 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
[Chapter 20.05](#)
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20.05.040 Development Options

Different development options are offered in many of the R districts as a way of promoting a wide variety of community and lifestyle choices and to promote conservation of natural resources, including agricultural lands. Not all development options are allowed in all districts (see Table 20.05-3 to determine which options are allowed in each district.) Where allowed, the development options described in this section may be used at the property owner's election.

A. Conventional Development

"Conventional development" is any development that is not part of an approved cluster development or conservation development. Parcel and building standards for conventional development can be found in [20.05.050](#) (Table 20.05—3.)

B. Cluster and Conservation Development

1. Intent

The cluster and conservation development options are intended to encourage development designs—whether approved through the subdivision plat, condominium plat or planned unit development review process—that are more efficient and provide more open space and greater natural resource protection than conventional development designs. Cluster development and conservation development designs

allow more compact and less costly networks of roads and utilities. They can also help reduce stormwater runoff and non-point source pollutant loading rates and can be used to preserve an area's semi-rural character. Cluster developments and conservation developments are intended to reduce stormwater runoff and flooding, preserve natural resources, protect water quality and encourage the provision of needed open space and recreational amenities for residents.

2. General Description

- a.** The cluster development and conservation development standards of this chapter require that a specified portion of each development be set aside and permanently preserved as open space.
- b.** The primary difference between "cluster" developments and "conservation" developments is the amount of open space that must be preserved.
- c.** Cluster and conservation developments must be reviewed in accordance with the city's subdivision plat, condominium plat or planned unit development review process.
- d.** Additional information on cluster and conservation development can be found in [Chapter 20.55](#).

3. Cluster Development

The cluster development option is available in the R215, R80, R40, R20 and RT10 districts. It allows smaller parcels and other flexible parcel and building standards in exchange for the provision of common open space that is not typically provided in a conventional development. Parcel and building standards for cluster development can be found in [20.05.050 \(Table 20.05—3.\)](#) Additional cluster development standards are included in [Chapter 20.55](#).

4. Conservation Development

The conservation development option is available in the R215, R80, R40, and R20 districts. It requires more common open space than the cluster development option. In return, the conservation development option allows the flexibility offered by the cluster development option and a moderate density bonus (approximately 20%.) Parcel and building standards for conservation development can be found in [20.05.050 \(Table 20.05—3.\)](#) Additional conservation development standards are included in [Chapter 20.55](#).

C. Permanently Affordable Development (three or more dwelling unit project)

The permanently affordable development option is available in the RM2.7, RM1.5, RM1-45, RM1-35, RMH and RM0.5 districts. It allows smaller parcel size and other modified building standards in exchange for up to 50% (based on an adjusted ratio scale) of the project developed as permanently affordable for residents whose incomes fall below 80% of the area median income as determined by HUD. In return, the permanently affordable development option allows a moderate density bonus based on an adjusted ratio scale, see table below. This option only applies to parcels that contain or will contain detached residential units

meeting the building type descriptions of detached house (20.05.030B.1), or lot line detached house (20.05.030B.2) and townhomes (20.05.030B.3.) Parcel and building standards for permanently affordable development can be found in 20.05.050 (Table 20.05—3.)

1. Adjusted ratio scale:

	% of PERMANENTLY AFFORDABLE HOUSING:	DENSITY BONUS:
a.	30%	10%
b.	40%	15%
c.	50%	20%

D. Townhome Exemption Development

1. Intent

The Townhome Exemption Development Option is intended to encourage affordable fee simple single dwelling, two-unit, and multi-unit development without subdivision review in accordance with City zoning regulations including public notice and City Council approval of a conditional use if the development contains more than five units in districts that only allow detached or two-unit houses, or more than nine units in districts that allow multi dwelling buildings.

2. General Description

- a. Townhome Exemption Development building types must comply with 20.05.030.
- b. Townhome Exemption Developments must meet all City zoning regulations (see Figure 20-05-7)

Zoning District	One to Five Total Units	Six to Nine Total Units	Ten or More Total Units
Single Dwelling Districts R3, R5.4, R8, R20, R40, R80, R215	Administrative Approval Meet Zoning 15 day neighborhood notice (20.05.040 D 4)	Conditional Use Approval (20.85.070) + Building Specific Standards (20.40.180)	
Two-Unit Districts RT2.7, RT5.4, RT10	Administrative Approval Meet Zoning 15 day neighborhood notice (20.05.040 D 4)	Conditional Use Approval (20.85.070) + Building Specific Standards (20.40.180)	
Multi-Dwelling Districts RM0.5, RM1, RM1.5, RM2.7, All B, C Districts M1R	Administrative Approval Meet Zoning		Conditional Use Approval (20.85.070) + Building Specific Standards (20.40.180)

Figure 20.05-7 Townhome Exemption Development Requirements

- c. All surface infrastructure shall meet the standards in Title 12 and be approved by Development Services Engineering Division.

3. Condominium Conversion to Townhome

Conversion of condominium projects constructed prior to May 18, 2016, to Townhome Exemption Development (TED) are not subject to the provisions of TED regulations unless dwelling units are added.

4. Notice to Neighboring Property Owners

Notice of the application for a zoning compliance permit for Townhome Exemption Developments of one (1) to five (5) units in the R2.7, RT2.7, R3, R5.4, RT5.4, R8, RT10, R20, R40, R80, and R215 zoning districts must be mailed to all owners of property within 150 feet of the subject parcel at least 15 days before a permit is issued. (Mailed notice for projects of six (6) or more TED units in those districts and ten or more TED units in RM0.5, RM1, RM1.5, RM2.7, M1R, B, and C districts is required within the Conditional Use process.)

([Ord. 3570](#), 2016; [Ord 3442](#), 2010; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
[\[Chapter 20.05\]](#)
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20.05.050 Parcel and Building Standards

A. General

This section establishes basic parcel and building standards for all development in R districts. The standards that apply may vary based on the zoning classification, building type and development type. These standards are not to be interpreted as a guarantee that allowed densities and development yields can be achieved on every parcel. Other factors, such as off-street parking requirements, central water and wastewater service availability, and other factors may work to further limit development potential on some sites.

B. Basic Standards

All residential and nonresidential development in R districts must comply with the parcel and building standards of [Table 20.05-3](#), except as otherwise expressly provided. Nonresidential development in R districts must comply with the “conventional” development standards of [Table 20.05-3](#). General exceptions to parcel and building standards and rules for measuring compliance can be found in [Chapter 20.110](#).

Commentary: Existing parcels and buildings are subject to the conventional development standards, below. Only new developments that comply with the cluster/conservation development standards listed below and in [Chapter 20.55](#) are eligible to use the following cluster or conservation standards.

Table 20.05—3 Parcel and Building Standards (Residential Districts)

Standards	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1-35	RM1-45 RMH [1]	RM0.5	
CONVENTIONAL DEV'T																
Min. District Area (sq. ft.)	None	None	None	None	None	None	None	None	30,000	None	None	None	None	None	None	
Minimum Parcel Size																
^L Area (square feet)	215,000	80,000	40,000	20,000	10,000	8,000	5,400	5,400	3,000	3,000	3,000	3,000	3,000	3,000	3,000	
^L Area per unit (sq. ft.)	215,000	80,000	40,000	20,000	10,000	8,000	5,400	5,400	3,000	2,700	2,700	1,500	1,000	1,000	500	
Minimum Setbacks (feet)																
^L Front	25	25	25	25	20	20	20	20	10[3]	20	20	20	20	20	20	
^L Side (interior)	25	25	15	15	7.5 [4]	7.5 [4]	7.5 [4]	7.5 [4]	3	5	5	5	5	5	7.5	
^L Side (street)	12.5	12.5	12.5	12.5	10	10	10	10	10	10	10	10	10	10	10	
^L Rear	25	25	25	25	20	20	20	20	10[3]	20	20	20	20	20	20	
Max. Building Height (feet) [5]	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	30/35	45	30/35	45	125	
CLUSTER DEV'T																
Overall Site																
^L Min. open space (% site)	30	30	30	30	30	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Min. area per unit (sq. ft.)	215,000	80,000	40,000	20,000	10,000	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Minimum Parcel Area (sq. ft.)	None	None	None	None	None	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Minimum Setbacks (feet)																
^L Front [2]	25	25	25	25	20	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Side (interior)	20	15	10	10	7.5	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Side (street)	12.5	12.5	12.5	12.5	10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Rear	25	25	25	25	20	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Max. Building Height (feet) [5]	30/35	30/35	30/35	30/35	30/35	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
CONSERVATION DEV'T																
Overall Site																
^L Min. area (acres, gross)	100	40	20	10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Min. open space (% site)	60	60	60	60	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Min. area per unit (sq. ft.)	177,000	66,000	33,000	16,500	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Minimum Parcel Area (sq. ft.)	None	None	None	None	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Minimum Setbacks (feet)																
^L Front [2]	25	25	25	25	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Side (interior)	20	15	10	10	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Side (street)	12.5	12.5	12.5	12.5	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
^L Rear	25	25	25	25	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Max. Building Height (feet) [5]	30/35	30/35	30/35	30/35	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PERMANENTLY AFFORDABLE DEV'T [6]																
Minimum Parcel Size																
^L Area (sq. ft.)											None	None	None	None	None	

Standards	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM1.5	RM1-35	RM1-45 RMH [1]	RM0.5
Area per unit (sq. ft.) [7]											2,160	1,200	800	800	400
Minimum Setbacks (feet)															
Front											20	20	20	20	20
Side (interior)											3	3	3	3	3
Side (street)											10	10	10	10	10
Rear											20	20	20	20	20
Max. Building Height (feet) [5]											30/35	45	30/35	45	125
TOWNHOUSE EXEMPTION DEVELOPMENT															
Townhouse Exemption Development	Minimum parcel area, minimum area per unit, and building standards will be based on the zoning designation of the TED parcel found under Conventional Development in Table 20.05-3 above. Minimum setbacks for Townhome Exemption Development dwellings are measured to the nearest property line or public circulation system such as a street, roadway, sidewalk, or trail in the case of front or street side setbacks, whichever is closer. Rear and side setbacks are measured to the nearest dwelling or parcel line, whichever is closer. When measuring to the nearest dwelling multiply the minimum setback number in the table by two. For B, C, and M1R districts refer to standards in chapter 20.10.030 and 20.15.040.														

- [1] RMH standards do not apply to manufactured housing parks. Manufactured housing parks are subject to Title 16.
- [2] In a cluster or conservation development, when a contiguous set of parcels is served by a rear alley and no building line has been established by existing buildings on the subject block face, the minimum front setback requirement is 10 feet.
- [3] Combined total front and rear setback depths must equal at least 30 feet (e.g., 10' front and 20' rear or 15' each.)
- [4] Minimum interior side setbacks for principal buildings must equal at least 33% of the height of the subject building.
- [5] Maximum height limit is 30 feet for buildings with primary roof pitch of less than 8 in 12 and 35 feet for buildings with primary roof pitch of 8 in 12 or greater.
- [6] Only applies per Section [20.05.040C](#)
- [7] Area per unit calculation may include a density bonus up to 20% when a project meets the criteria in Section [20.05.040C](#).

([Ord 3570](#), 2016; [Ord. 3442](#), 2010; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.05.060 Other Regulations

Uses and development in R districts may be subject to other provisions of this zoning ordinance, including the following:

A. Accessory Uses and Structures

(e.g., home occupations, detached garages, gazebos, and sheds) See [Chapter 20.45](#).

B. Natural Resource Protection

See [Chapter 20.50](#).

C. Parking and Access

See [Chapter 20.60](#).

D. Landscaping

See [Chapter 20.65](#).

E. Overlay Districts

See [Chapter 20.25](#).

F. Signs

See [Chapter 20.75](#).

G. Nonconformities

See [Chapter 20.80](#).

1. RM2.7 District**a. Expansion of Existing Commercial and Industrial Uses**

Any commercial or industrial use lawfully established in the RM2.7 district before November 4, 2009 may be expanded if the (conventional development) parcel and building standards of [20.05.050](#), the parking and access standards of [Chapter 20.60](#), and the landscaping standards of [Chapter 20.65](#) are met.

b. Substitution of Commercial and Industrial Uses

Any commercial or industrial use lawfully established in the RM2.7 district may be replaced by a use of similar or less intensity. If a less intensive use is established, the use may not later revert back to the previous intensity.

c. Replacement of Commercial and Industrial Buildings

Any commercial or industrial building lawfully established in the RM2.7 district before November 4, 2009 may be replaced or expanded if the (conventional development) parcel and building standards of [20.05.050](#), the parking and access standards of [Chapter 20.60](#), and the landscaping standards of [Chapter 20.65](#) are met.

d. New Commercial and Industrial Uses

Except as expressly allowed by this zoning ordinance, no additional parcels may be committed to commercial or industrial use in the RM2.7 district and no more intensive commercial or industrial use may be established after November 4, 2009.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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Chapter 20.10 Business and Commercial Districts

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20.10.010 General

A. Districts

1. List

The city's business and commercial zoning districts are listed below. When this zoning ordinance refers to "business," "B," "commercial" or "C" zoning districts, it is referring to these districts.

Map Symbol	District Name
B1	Neighborhood Business
B2	Community Business
C1	Neighborhood Commercial
C2	Community Commercial
CBD	Central Business District

2. Deciphering the District Names and Map Symbols

The B and C district names and map symbols shown above provide only a general, relative indication of the types and scale of uses allowed within respective B and C districts. On the zoning map these districts include at least one other essential information component: an intensity designator, which is identified by a dash and a numeral following the initial letter-number combination, as in B2-2 (B2 dash 2.) The intensity designator establishes the allowable intensity of development and applicable parcel and building standards.

B. Purposes

Missoula's business and commercial zoning districts are primarily intended to accommodate and promote neighborhood and community-serving business and commercial uses (e.g., retail, service, office), as well as mixed-use development consisting of business uses and residential uses in the same building or on the same site. Encouraging true mixed-use development can help reduce vehicle travel demand and provide increased housing choice and transit-oriented densities.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[[Chapter 20.10](#)]

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20.10.020 Allowed Uses

A. Use Table

Uses are allowed in B and C zoning districts in accordance with [Table 20.10—1](#), below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into “use groups,” “use categories,” and “specific use types.” These are described and defined in [Chapter 20.105](#). Uses are identified in the first column of [Table 20.10—1](#).

C. Permitted Uses

Uses identified with a “P” in [Table 20.10—1](#) are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a “C” in [Table 20.10—1](#) may be allowed if reviewed and approved in accordance with the conditional use procedures of [20.85.070](#). Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a “-” are expressly prohibited.

F. Use Standards

The “use standards” column of [Table 20.10—1](#) identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.10—1 Uses Allowed in Business and Commercial Districts

Use Category ↳specific use type	B1	B2	C1	C2	CBD	Standards
RESIDENTIAL						
Household Living						
↳In Vertical Mixed-use Building	P	P	P	P	P	
↳In Single-purpose Residential Building	P	P	P	P	P	
↳In Mixed-use Building	P	P	P	P	P	
Group Living (except as noted below)	C	C	C	C	C	20.40.070
↳Community Residential Facility (8 or fewer)	P	P	P	P	P	
↳Community Residential Facility (9+)	P	P	P	P	P	20.40.070
↳Health Care Facility	P	P	P	P	P	
PUBLIC/CIVIC						
Fraternal Organization	-	C	C	P	P	

Use Category ↳specific use type	B1	B2	C1	C2	CBD	Standards
College/University	P	P	P	P	P	
Day Care (except as noted below)	P	P	P	P	P	
↳Day Care Center (13+)	C	P	P	P	P	
Emergency Homeless Shelter	C	C	C	C	C	20.40.045
Hospital	–	C	P	P	P	
Library/Cultural Exhibit	P	P	P	P	P	
Meal Center	C	C	C	C	C	20.40.085
Park/Recreation	P	P	P	P	P	
Preschool (except as noted below)	P	P	P	P	P	
↳Preschool Center (13+)	C	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Services	P	P	P	P	P	
School	P	P	P	P	P	
Utilities and Services						
↳Minor	P	P	P	P	P	
↳Major	C	C	C	C	C	
COMMERCIAL						
Animal Services						
↳Sales and Grooming	C	C	P	P	C	20.40.020
↳Shelter or Boarding Kennel	–	–	C	C	C	
↳Veterinary	C	C	P	P	C	
Artist Work or Sales Space	P	P	P	P	P	20.40.170
Building Maintenance Service	–	C	P	P	C	
Business Equipment Sales and Service	P	P	P	P	P	20.40.170
Business Support Service	–	P	P	P	P	20.40.170
Communication Service Establishments	–	P	P	P	P	20.40.170
Construction Sales and Service	–	–	P	P	–	
Day Labor Employment Agency	–	–	C	C	C	20.40.170
Eating and Drinking Establishments						
↳Restaurant	P	P	P	P	P	20.40.170
↳Tavern or Nightclub	–	C	C	C	C	20.40.040 20.40.170
Enterprise Commercial Use	–	–	C	C	P	20.40.050
Entertainment and Spectator Sports						
↳Small Venue	–	P	P	P	P	
↳Medium Venue	–	–	P	P	P	
↳Large Venue	–	–	P	P	P	
Financial Services (except as noted below)	–	P	P	P	P	20.40.170
↳Check cashing/loan service	–	–	C	C	–	20.40.170
↳Pawn Shop	–	–	–	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	P	P	20.40.170
Funeral and Interment Services						
↳Cemetery/Columbarium/Mausoleum	–	–	–	–	–	
↳Cremating	–	–	–	–	–	
↳Undertaking	–	P	P	P	–	
Gasoline and Fuel Sales (except as noted below)	–	–	C	C	C	20.40.060
↳Truck Stop/Travel Plaza	–	–	C	C	–	20.40.150

Use Category ↳specific use type	B1	B2	C1	C2	CBD	Standards
Lodging						
↳Bed and Breakfast	P	P	P	P	P	20.40.030 20.40.170
↳Hostel	-	-	P	P	P	20.40.170
↳Hotel/Motel	-	-	P	P	P	20.40.170
↳Recreational Vehicle Park	-	-	-	-	-	
↳Tourist Homes	P	P	P	P	P	20.40.135
Office						
↳Administrative, Professional or General Office	P	P	P	P	P	20.40.170
↳Medical Office	P	P	P	P	P	20.40.170
Parking, Non-Accessory	-	C	P	P	P	
Personal Improvement Service	P	P	P	P	P	20.40.170
Repair or Laundry Service, Consumer	P	P	P	P	P	20.40.170
Research Service	-	P	P	P	P	20.40.170
Retail Sales	P	P	P	P	P	20.40.170
Sports and Recreation, Participant (except as noted below)	-	-	P	P	P	
↳Casino	-	-	C	C	C	20.40.040 20.40.170
Vehicle Sales and Service						
↳Car Wash/Cleaning Service	-	-	C	P	-	
↳Heavy Equipment Sales/Rentals	-	-	C	C	-	
↳Light Equipment Sales/Rentals	-	-	P	P	P	
↳Motor Vehicle Repair, Limited	-	-	P	P	P	
↳Motor Vehicle Repair, General	-	-	-	P	-	
↳Vehicle Storage and Towing	-	-	-	C	-	
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
↳Artisan	C	C	P	P	P	
↳Limited	-	-	P	P	P	
Microbrewery/Microdistillery	-	C	C	C	C	
Recycling Service						
↳Limited	-	-	-	P	-	
↳General	-	-	-	-	-	
Residential Storage Warehouse	-	-	C	C	-	20.40.110
Warehousing, Wholesaling and Freight Movement						
↳Limited	-	-	P	P	P	
↳General	-	-	P	P	-	
Winery	-	C	C	C	C	

Use Category ↳specific use type	B1	B2	C1	C2	CBD	Standards
OTHER						
Agriculture, Crop	P	P	P	P	P	
Community Garden	P	P	P	P	P	
Transportation Terminals	-	-	-	-	P	
Wireless Communication Facility						
↳Ground mounted support structure	P	P	P	P	P	20.40.160
↳Roof-mounted & structure mounted support structures	P	P	P	P	P	20.40.160

([Ord 3583](#), 2016; [Ord. 3559](#), 2015; [Ord. 3549](#), 2015; [Ord. 3519](#), 2014; [Ord. 3511](#), 2013; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.10.025 Building with Residential Use

Mixed-use Buildings, vertical mixed-use buildings and the types of residential buildings permitted in the RM1 district (See [20.05.030](#)) are permitted as-of-right.

([Ord 3471](#), 2011)

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20.10.030 Parcel and Building Standards

A. General

This section establishes basic parcel and building standards for all development in B and C districts. The standards that apply vary according to the intensity designator that is attached to the zoning map symbol. These intensity designators are identified by the numeral following the dash (-) in the district name, as in “B1-2” (B1 dash 2.)

B. Basic Standards

All residential and nonresidential development in B and C districts must comply with the parcel and building standards of [Table 20.10—2](#), except as otherwise expressly provided. General exceptions to parcel and building standards and rules for measuring compliance can be found in [Chapter 20.110](#).

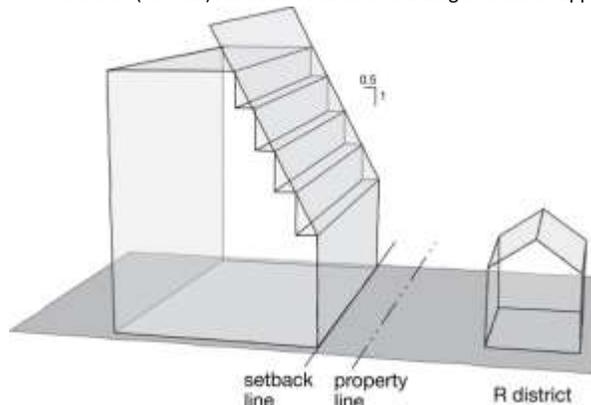
Table 20.10—2 Parcel and Building Standards (B and C Districts)

Standard	-1	-2	-3	-4
Parcel Size				
↳Minimum parcel area (sq. feet)	None	None	None	None
↳Minimum parcel area per unit (sq. ft.)				
↳Vertical Mixed-use Building	None	None	None	None
↳Single-Purpose Residential Building/Mixed Use Building	Minimum parcel area: 3,000 square feet; minimum parcel area per unit: 1,000 square feet[1]			
Minimum Front Setback [2]				
↳Abutting residential district	[2]	[2]	[2]	[2]
↳Not abutting R district	None	None	None	None
Minimum Rear Setback				

Standard	-1	-2	-3	-4
Abutting R district				
↳ % of parcel depth	25	25	25	25
↳ Maximum required (feet)	20	20	20	20
Not abutting R district				
	None	None	None	None
Minimum Interior Side Setback				
↳ Abutting residential district	[3]	[3]	[3]	[3]
↳ Not abutting R district	None	None	None	None
Minimum Street Side Setback				
↳ Abutting residential district	[2]	[2]	[2]	[2]
↳ Not abutting R district	None	None	None	None
Maximum Building Height (feet)	40 [4]	50 [4]	65 [4]	125 [4]

Notes to Table 20.10-2

- [1] Single-purpose residential buildings and mixed-use buildings in the CBD district are not subject to minimum parcel area or minimum parcel area per unit standards.
- [2] Front and street side setbacks are required only when a B- or C-zoned parcel abuts an R-zoned parcel with frontage on the same street. In such cases, the B- or C-zoned parcel must match the actual front or street side setback of the building that exists on the abutting R-zoned parcel, but no greater than the required setback for the abutting R-zoned parcel, or if no building exists on the abutting R-zoned parcel, the B- or C-zoned parcel must provide at least 50% of the front setback that applies to the abutting R-zoned parcel.
- [3] Interior side setbacks are required only when a B- or C-zoned parcel abuts an R-zoned parcel. In such cases, the B- or C-zoned parcel must provide the same interior side setback as required for the abutting R-zoned parcel.
- [4] For parcels abutting R districts that have a maximum allowed building height of 35 feet or less, the maximum building height at the point of the required minimum setback line is 35 feet. Height may be increased above 35 feet by up to one foot (vertical) for each 6 inches of building setback or upper floor step-back.



([Ord 3471](#), 2011; [Ord 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.10.040 Site, Design and Operational Standards

A. Enterprise Commercial Uses

Enterprise commercial uses are prohibited in B zoning districts. Enterprise commercial uses in C districts are subject to the standards of [20.40.050](#).

B. Floodplain Setbacks for CBD District

Within the CBD zoning district, no building may be located within 50 feet of the 100 year floodplain. This minimum floodplain setback area may contain pedestrian plazas, walkways, bikeways and other pedestrian-oriented facilities, but it may not be used for parking lots, driveways or other vehicular uses.

C. Indoor/Outdoor Operations**1. B and CBD Districts**

All allowed office, business, service and commercial activities in B zoning districts and the CBD district must be conducted within completely enclosed buildings unless otherwise expressly stated. This requirement does not apply to off-street parking or loading areas, automated teller machines, outdoor dining areas or any drive-through facilities allowed in such districts. It is also not intended to prohibit the outdoor display of plants, flowers, produce or similar goods intended for retail sale when such outdoor display areas do not exceed 800 square feet in area.

2. C Districts

Outdoor storage and display is allowed in C districts, subject to the buffer and screening standards of [Chapter 20.65](#).

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.10.050 Other Regulations

Uses and development in B and C districts may be subject to other provisions of this zoning ordinance, including the following:

A. Accessory Uses and Structures

See [Chapter 20.45](#).

B. Natural Resource Protection

See [Chapter 20.50](#).

C. Parking and Access

See [Chapter 20.60](#).

D. Landscaping

See [Chapter 20.65](#).

E. Overlay Districts

See [Chapter 20.25](#).

F. Signs

See [Chapter 20.75](#).

G. Nonconformities

See [Chapter 20.80](#).

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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Chapter 20.15 Industrial and Manufacturing Districts

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20.15.010 General

A. Districts

1. List

The city's industrial and manufacturing zoning districts are listed below. Except as otherwise expressly stated, when this zoning ordinance refers to "industrial" or "manufacturing" zoning districts or "M" districts, it is referring to these districts.

Map Symbol	District Name
M1R	Limited Industrial-Residential
M1	Limited Industrial
M2	Heavy Industrial

2. Deciphering the District Names and Map Symbols

The M district names and map symbols are intended to provide only a general, relative indication of what is allowed in the district. On the zoning map these districts include at least one other essential information component; an intensity designator, which is identified by a dash (-) and a numeral following the initial letter-number combination, as in M1-2 (M1 dash 2.) The intensity designator establishes the allowable intensity of development and applicable parcel and building standards.

B. Purposes

Missoula's industrial (M) zoning districts are primarily intended to accommodate manufacturing, warehousing, wholesale and industrial uses. The regulations are intended to promote the economic viability of manufacturing and industrial uses, encourage employment growth, allow residential uses in the M1R district, and limit the encroachment of unplanned residential and other non-industrial development into M1- and M2-zoned areas.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.15\]](#)

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20.15.020 Allowed Uses

A. Use Table

Uses are allowed in M zoning districts in accordance with [Table 20.15—1](#) below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into “use groups,” “use categories,” and “specific use types.” These are described and defined in [Chapter 20.105](#). Uses are identified in the first column of [Table 20.15—1](#).

C. Permitted Uses

Uses identified with a “P” in [Table 20.15—1](#) are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a “C” in [Table 20.15—1](#) may be allowed if reviewed and approved in accordance with the conditional use procedures of [20.85.070](#). Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a “-” are expressly prohibited.

F. Use Standards

The “use standards” column of [Table 20.15—1](#) identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.15—1 Uses Allowed in Industrial Districts

Use Category ↳specific use type	M1R	M1	M2	Standards
RESIDENTIAL				
Household Living				
↳In Vertical Mixed-use Building	P	-	-	
↳In Single-purpose Residential Building	P	-	-	
↳In Mixed-use Building	P	-	-	
Group Living	P	-	-	20.40.070
PUBLIC/CIVIC				
Fraternal Organization	C	-	-	
College/University	P	-	-	
Day Care	P	-	-	
Detention and Correctional Facilities	-	C	C	
Emergency Homeless Shelter	C	C	-	20.40.045
Hospital	P	-	-	
Library/Cultural Exhibit	P	-	-	
Meal Center	C	C	-	20.40.085
Park/Recreation	P	-	-	
Preschool	P	-	-	
Religious Assembly	P	-	-	

Use Category ↳specific use type	M1R	M1	M2	Standards
Safety Services	P	P	P	
School	P	–	–	
Utilities and Services				
↳Minor	P	P	P	
↳Major	C	C	P	
COMMERCIAL				
Animal Services				
↳Sales and Grooming	P	P	P	
↳Shelter or Boarding Kennel	C	P	P	
↳Veterinary	P	P	P	
↳Stable	–	–	P	
Artist Work or Sales Space	P	P	P	20.40.170
Building Maintenance Service	P	P	P	
Business Equipment Sales and Service	P	P	P	20.40.170
Business Support Service	P	P	P	20.40.170
Communication Service Establishments	P	P	P	20.40.170
Construction Sales and Service	C	P	P	
Day Labor Employment Agency	P	P	P	20.40.170
Eating and Drinking Establishments				
↳Restaurant	P	P	P	20.40.170
↳Tavern or Nightclub	C	C	C	20.40.040 20.40.170
Enterprise Commercial Use	C	C	C	20.40.050
Entertainment and Spectator Sports	P	P	P	
Financial Services (except as noted below)	P	P	P	20.40.170
↳Check Cashing/Loan Service	C	C	C	20.40.170
↳Pawn Shop	P	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	20.40.170
Funeral and Interment Services				
↳Cemetery/Columbarium/Mausoleum	–	–	–	
↳Cremating	P	P	P	
↳Undertaking	P	P	P	
Gasoline and Fuel Sales (except as noted below)	P	P	P	20.40.060
↳Truck Stop/Travel Plaza	–	P	P	20.40.150
Lodging	P	P	P	20.40.170
↳Tourist Homes	P	–	–	20.40.135
Office	P	P	P	20.40.170
Parking, Non-accessory	P	P	P	
Personal Improvement Service	P	P	P	20.40.170
Repair or Laundry Service, Consumer	P	P	P	20.40.170
Research Service	P	P	P	20.40.170
Retail Sales	P	P	P	20.40.170
Sports and Recreation, Participant (except as noted below)	P	P	P	
↳Casino	C	C	C	20.40.040 20.40.170
Vehicle Sales and Service				
↳Car Wash/Cleaning Service	C	P	P	

Use Category ↳specific use type	M1R	M1	M2	Standards
↳Heavy Equipment Sales/Rentals	C	P	P	
↳Light Equipment Sales/Rentals	P	P	P	
↳Motor Vehicle Repair, Limited	P	P	P	
↳Motor Vehicle Repair, General	P	P	P	
↳Vehicle Storage and Towing	C	P	P	
INDUSTRIAL				
Junk/Salvage Yard	–	C	P	
Auto Wrecking	–	C	P	
Manufacturing, Production and Industrial Service				
↳Artisan	P	P	P	
↳Limited	P	P	P	
↳General	–	P	P	
↳Intensive	–	–	P	
Microbrewery/Microdistillery	P	P	P	
Mining/Quarrying	–	–	P	
Recycling Service				
↳Limited	P	P	P	
↳General	–	C	P	
Residential Storage Warehouse	P	P	P	
Warehousing, Wholesaling and Freight Movement	P	P	P	
Waste-Related Use (except as noted below)	–	C	P	
↳Demolition Debris Landfill	–	P	P	
↳Sanitary Landfill	–	P	P	
↳Solid Waste Separation Facility	–	P	P	
↳Transfer Station	–	P	P	
Winery	P	P	P	
OTHER				
Agriculture, Crop	P	P	P	
Community Garden	P	P	P	
Wireless Communication Facility				
↳Ground Mounted support structure	P	P	P	20.40.160
↳Roof-mounted & Structure mounted support structures	P	P	P	20.40.160

([Ord 3583](#), 2016; [Ord. 3559](#), 2015; [Ord. 3549](#), 2015; [Ord. 3519](#), 2014; [Ord. 3471](#); 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.15.030 Residential Building Types

In the M1R district, mixed-use buildings, vertical mixed-use buildings and the types of residential buildings permitted in the RM1 district (See [20.05.030](#)) are permitted as-of-right.

([Ord. 3471](#); 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.15\]](#)

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20.15.040 Parcel and Building Standards**A. General**

This section establishes basic parcel and building standards for all development in M districts. The standards that apply vary according to the intensity designator that is attached to the zoning map symbol. These intensity designators are identified by the numeral following the dash (-) in the district name, as in “M1-2” (M1 dash 2.)

B. Basic Standards

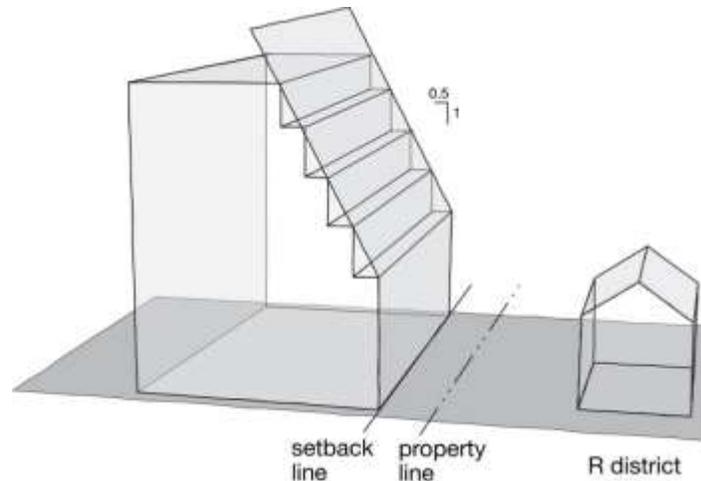
All development in M districts must comply with the parcel and building standards of [Table 20.15—2](#) except as otherwise expressly provided. General exceptions to parcel and building standards and rules for measuring compliance can be found in [Chapter 20.110](#).

Table 20.15—2 Parcel and Building Standards (M Districts)

Standard	-1	-2	-3	-4
Parcel Size				
↳Minimum parcel area (sq. ft.)	5,000	5,000	5,000	5,000
↳Vertical Mixed-use Building	None	None	None	None
↳Single-purpose Residential Building/Mixed Use Building	Minimum parcel area: 3,000 sq. ft.; minimum parcel area per unit: 1,000 sq. ft.			
↳Minimum parcel width (feet)	None	None	None	None
Minimum Front Setback [1]				
↳Abutting residential district	[1]	[1]	[1]	[1]
↳Not abutting R district	None	None	None	None
Minimum Rear Setback				
↳Abutting R district				
↳% of parcel depth	25	25	25	25
↳Maximum required (feet)	20	20	20	20
↳Not abutting R district	None	None	None	None
Minimum Interior Side Setback				
↳Abutting residential district	[3]	[3]	[3]	[3]
↳Not abutting R district	None	None	None	None
Minimum Street Side Setback				
↳Abutting residential district	[1]	[1]	[1]	[1]
↳Not abutting R district	None	None	None	None
Maximum Building Height (feet)	40 [4]	50 [4]	65 [4]	125 [4]

Notes to Table 20.15-2

- [1] Front and street side setbacks are required only when an M-zoned parcel abuts an R-zoned parcel with frontage on the same street. In such cases, the M-zoned parcel must match the actual front or street side setback of the building that exists on the abutting R-zoned parcel, or if no building exists on the abutting R-zoned parcel, the M-zoned parcel must provide at least 50% of the front setback that applies to the abutting R-zoned parcel.
- [2] Rear setbacks are required only when the rear of an M-zoned parcel abuts the rear of an R-zoned parcel.
- [3] Interior side setback required only when an M-zoned parcel abuts R-zoned parcel. In such cases, the M-zoned parcel must provide the same interior side setback as required for the abutting R-zoned parcel.
- [4] For parcels abutting R districts that have a maximum allowed building height of 35 feet or less, the maximum building height at the point of the required minimum setback line is 35 feet. Height may be increased above 35 feet by up to 1 foot (vertical) for each 6 inches of building setback or upper floor step-back..



([Ord. 3483](#), 2012; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.15.050 Site, Design and Operational Standards

A. Enterprise Commercial Uses

Enterprise commercial uses in M1 and M1R districts are subject to the standards of [20.40.050](#).

B. Screening and Buffering of Multi-Dwelling Uses

New multi-dwelling buildings must provide buffers in side and rear setbacks abutting existing industrial uses in accordance with the buffer standards of [Chapter 20.65](#).

C. Outdoor Work Areas

Outdoor work areas are allowed in M1 and M2 districts but not in the M1R district. Out-door work areas are subject to the buffer and screening standards of [Chapter 20.65](#).

D. Outdoor Storage and Display Areas

Outdoor storage and display is allowed as an accessory use in all M districts if such storage or display is a customary accessory use to an allowed principal use of the site. Outdoor storage and display is allowed as a principal use in M1 and M2 but not the M1R district. Outdoor storage and display areas are subject to the buffer and screening standards of [Chapter 20.65](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.15\]](#)

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20.15.060 Other Regulations

Uses and development in M districts may be subject to other provisions of this zoning ordinance, including the following:

A. Accessory Uses and Structures

See [Chapter 20.45](#)

B. Natural Resource Protection

See [Chapter 20.50](#).

- C. Parking and Access**
See [Chapter 20.60](#).
- D. Landscaping**
See [Chapter 20.65](#).
- E. Overlay Districts**
See [Chapter 20.25](#).
- F. Signs**
See [Chapter 20.75](#).
- G. Nonconformities**
See [Chapter 20.80](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.20.010 General

A. District List

The city's open space and public (OP) zoning districts are listed below. When this zoning ordinance refers to "open space and public" zoning districts or "OP" districts, it is referring to these districts.

Map Symbol	District Name
OP1	Open Space
OP2	Open and Resource Lands
OP3	Public Lands and Institutional

B. Purposes

1. OP1

The OP1 district is primarily intended to preserve open space and sensitive natural resource areas, including environmentally sensitive and agricultural areas.

2. OP2

The OP2 district is primarily intended to preserve open space and sensitive natural resource areas, while also allowing very low-density residential use, ideally in the form of cluster development. The district is further intended to:

- a. encourage the continuing use of land for agricultural and natural resource protection;
- b. protect open lands not capable of supporting urbanized development due to biologic, physiographic or hydrologic constraints; and
- c. protect open and scenic lands from untimely urbanized development that tends to increase expenditures of public funds for supplying public services.

3. OP3

The OP3 district is primarily intended to accommodate public, quasi-public and institutional uses.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.20\]](#)

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20.20.020 Allowed Uses**A. Use Table**

Uses are allowed in OP zoning districts in accordance with [Table 20.20—1](#), below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into “use groups,” “use categories,” and “specific use types.” These are described and defined in [Chapter 20.105](#). Uses are identified in the first column of [Table 20.20—1](#).

C. Permitted Uses

Uses identified with a “P” in [Table 20.20—1](#) are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a “C” in [Table 20.20—1](#) may be allowed if reviewed and approved in accordance with the conditional use procedures of [20.85.070](#). Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a “–” are expressly prohibited.

F. Use Standards

The “use standards” column of [Table 20.20—1](#) identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.20—1 Uses Allowed in Open Space and Public Districts

Use Category ↳specific use type	OP1	OP2	OP3	Standards
RESIDENTIAL				
Household Living	–		–	
↳Townhouses (in cluster developments)	–	P	–	20.40.040
↳Detached Houses	–	P	–	
Group Living (except as noted below)	–	C		
↳Community Residential Facility (8 or fewer)	–	P	–	
↳Community Residential Facility (9+)	–	C	–	20.40.070
↳Health Care Facility	–	–	P	
PUBLIC/CIVIC				
College/University	–	–	P	
Day Care				
↳Residential Day Care (1–12)	–	P	–	
↳Day Care Center (13+)	–	C	–	
Detention and Correctional Facilities	–	–	P	
Emergency Homeless Shelter	–	–	C	20.40.045

Use Category ↳specific use type	OP1	OP2	OP3	Standards
Hospital	-	-	P	
Library/Cultural Exhibit	-	-	P	
Meal Center	-	-	C	20.40.085
Park/Recreation	P	P	P	
School	-	-	P	
Utilities and Services				
↳Minor	P	P	P	
↳Major	C	-	P	
COMMERCIAL				
Entertainment and Spectator Sports	-	-	P	
Funeral and Interment Services	-	-	P	
Office (except as noted below)	-	-	-	
↳Medical or Government	-	-	P	
OTHER				
Agriculture, Animal	-	P	-	
Agriculture, Crop	P	P	P	
Community Garden	P	P	P	
Airports and Landing Fields	-	-	P	
Wireless Communication Facility				
↳Ground mounted support structure	C	C	P	
↳Roof mounted & Structure mounted support structures	P	P	P	

([Ord. 3549](#); 2015; [Ord. 3519](#), 2014; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.20\]](#)

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20.20.030 Development Options

Two development options—conventional and cluster—are offered in the OP2 district as a way of promoting conservation of natural resources, including agricultural lands. Either of the development options may be used at the property owner’s election.

A. Conventional Development

“Conventional development” is any development that is not part of an approved cluster development. Parcel and building standards for conventional development can be found in [20.20.040 \(Table 20.20—2\)](#)

B. Cluster Development

1. Intent

The cluster development option in the OP2 district is intended to encourage development designs that are more efficient and provide more open space and greater natural resource protection than conventional development designs.

2. General Description

- a. The cluster development standards of this chapter require that a specified portion of each development be set aside and permanently preserved as

open space.

- b. Cluster developments must be reviewed in accordance with the city's subdivision plat, condominium plat or planned unit development review process.
- c. Additional information on cluster and conservation development can be found in [Chapter 20.55](#).

3. Regulations

The cluster development option is available in the OP2 district. It allows smaller parcels and other flexible parcel and building standards in exchange for the provision of common open space that is not typically provided in a conventional development. Parcel and building standards for cluster development can be found in [20.20.040 \(Table 20.20—2\)](#). Additional cluster development standards are included in [Chapter 20.55](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.20\]](#)

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20.20.040 Parcel and Building Standards

All development in OP districts must comply with the parcel and building standards of [Table 20.20—2](#), except as otherwise expressly provided. General exceptions to parcel and building standards and rules for measuring compliance can be found in [Chapter 20.110](#).

Table 20.20—2 Parcel and Building Standards (Open Space and Public Districts)

Standards	OP1	OP2	OP3
CONVENTIONAL DEVELOPMENT			
Minimum Parcel Size			
^L Area (square feet)	None	None	None
^L Area per unit (acres)	None	40	None
^L Width (feet)	None	None	None
Minimum Setbacks (feet)			
^L Front	None	25	30
^L Side (interior)	None	50	10
^L Side (street)	None	12.5	15
^L Rear	None	50	20
Maximum Building Height (feet)	35	35	100
Max. Building Coverage (% of parcel area)	None	None	45
CLUSTER DEVELOPMENT			
Overall Site			
^L Min. open space (% site)	NA	30	NA
^L Min. area per unit (acres)	NA	40	NA
Minimum Parcel Area	NA	None	NA
Minimum Setbacks (feet)			
^L Front [1]	NA	25	NA
^L Side, interior	NA	15	NA
^L Rear	NA	20	NA
Maximum Building Height (feet)	NA	35	NA

[1] Setback also applies on street side.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
[\[Chapter 20.20\]](#)
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20.20.050 Other Regulations

Uses and development in OP districts may be subject to other provisions of this zoning ordinance, including the following:

- A. Accessory Uses and Structures**
See [Chapter 20.45](#).
- B. Natural Resource Protection**
See [Chapter 20.50](#).
- C. Parking and Access**
See [Chapter 20.60](#).
- D. Landscaping**
See [Chapter 20.65](#).
- E. Overlay Districts**
See [Chapter 20.25](#).
- F. Signs**
See [Chapter 20.75](#).
- G. Nonconformities**
See [Chapter 20.80](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.25.010 General

A. Establishment

1. Overlay district regulations may be established or amended only in accordance with the amendment procedures of [20.85.040](#).
2. Overlay zoning district boundaries may be established, amended or removed only in accordance with the zoning amendment procedures of [20.85.040](#).

B. Interpretation

Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of this zoning ordinance. When overlay district standards conflict with standards that would otherwise apply under this zoning ordinance, the regulations of the overlay zoning district govern. Otherwise, all applicable regulations of this zoning ordinance apply in overlay districts.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[\[Chapter 20.25\]](#)

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20.25.020 /P, Pedestrian Overlay

A. Purpose

The /P, Pedestrian Overlay district is primarily intended to preserve and enhance the character of pedestrian-oriented streets and, in turn, to promote street-level activity, economic vitality and pedestrian safety and comfort.

B. Applicability

The standards of this section apply to all development in /P overlay districts unless otherwise expressly stated. Single-purpose residential buildings must comply with the driveway and vehicle access provisions of [20.25.020H](#); they are exempt from all other /P overlay district regulations.

C. Building Placement

1. Buildings must abut the sidewalk or be located within 5 feet of the sidewalk for at least 60% of the property line along the primary street frontage and for at least 40%

of the property line along the secondary (side) street frontage. For the purpose of this provision, the “primary street frontage” is the frontage abutting the street that has the longest length of street frontage classified in the /P overlay district. “Secondary street frontages” exist along those streets that intersect the primary street.

2. On a corner parcel, the building must “hold the corner.” In other words, the minimum building frontage requirements of [20.25.020C.1](#) must be measured from the intersection of the street side and front property lines except in cases when intersection visibility requirements impose greater building setback requirements.

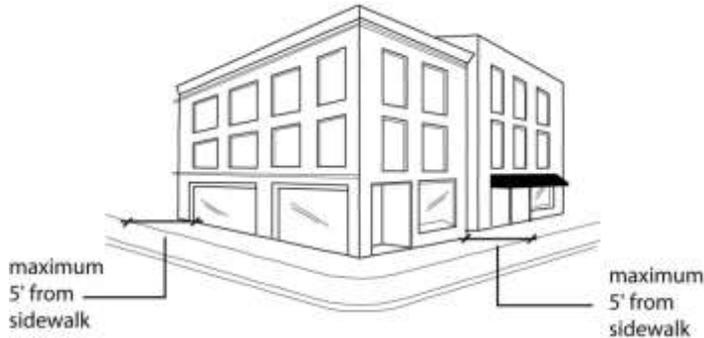


Figure 20.25-1 /P, Pedestrian Overlay, Building Placement, Corner Parcels

3. These building placement standards do not apply to outdoor seating or dining areas, permitted arcades, public plazas, parks or recessed entries that accommodate useable pedestrian gathering spaces abutting primary and secondary frontages.
4. The zoning officer is authorized to approve an administrative adjustment to the building placement standards of this subsection in accordance with the procedures of [20.85.110](#).

D. Ground-Floor Glazed Area

1. Windows or other glazed area must cover at least 60% of the public street-facing ground floor building wall. Darkly tinted, mirrored or highly reflective glazing may not be counted toward minimum glazed area requirements. On corner parcels, this 60% glazed area requirement applies only along the primary street. In the event that these minimum glazed area requirements conflict with city building (energy) code requirements, the building (energy) code governs.
2. Glazed area requirements shall apply to that area of the ground floor building wall facing a public street up to the finished ceiling height of the first floor building space.

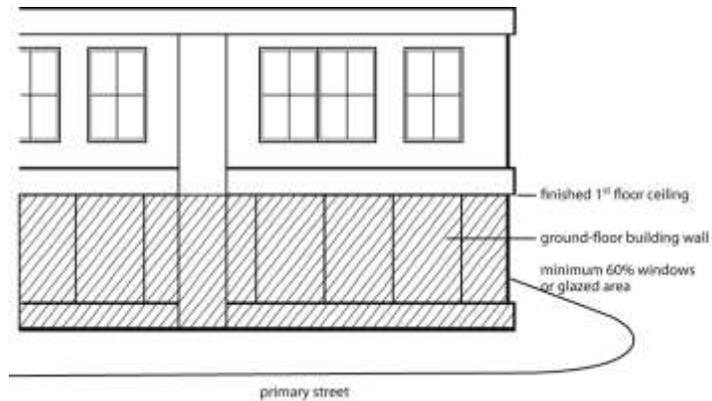


Figure 20.25-2 /P, Pedestrian Overlay, Ground-floor Glazed Area

3. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50% of the minimum glazed area requirements, provided that they are internally illuminated and are at least 2 feet in depth.
4. The bottom of any window or product display window used to satisfy these glazed area requirements may not be more than 30 inches above the finished grade of the first floor building space.
5. The zoning officer is authorized to approve an administrative adjustment to the ground-floor glazed area standards of this subsection in accordance with [20.85.110](#).

E. Doors and Entrances

1. Buildings must have a working public entrance facing the primary street. Entrances at building corners may be used to satisfy this requirement.
2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of shops or businesses.
3. The zoning officer is authorized to approve an administrative adjustment to the door and entrance standards of this subsection in accordance with [20.85.110](#).

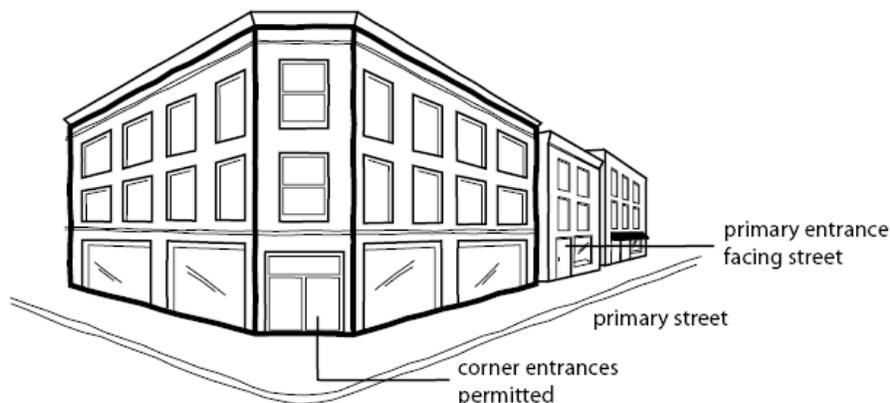


Figure 20.25-3 /P, Pedestrian Overlay, Doors and Entrances

F. Ground-Floor Commercial Floor Space

1. The minimum floor-to-ceiling height of all ground floor space, other than allowed parking areas, must be at least 13 feet.
2. Ground floor space must contain the following minimum floor area:
 - a. at least 800 square feet or 25% of the parcel area (whichever is greater) on parcels with street frontage of less than 50 feet (as measured along the shorter street frontage on parcels containing multiple street frontages); or
 - b. at least 20% of the parcel area on parcels with 50 feet of street frontage or more (as measured along the shorter street frontage on parcels containing multiple street frontages.)
3. Only the following uses are allowed on the ground floor of buildings within 50 feet of primary street property (ROW) line:
 - a. Artist Work or Sales Space;
 - b. Eating and Drinking Establishments;
 - c. Food and Beverage Retail Sales;
 - d. Retail Sales; or
 - e. Personal Improvement Service.

Commentary: This provision is intended to promote pedestrian-oriented uses along the ground floor street frontage, but does allow other uses to be located on the ground floor if they are located 50 feet or more from the primary street property line.

G. Parking

1. Any off-street parking that is provided must be located behind the building or within or under the building.
2. When the depth of the parcel is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it does not occupy more than 40% of the street frontage and it is separated from the sidewalk by perimeter parking lot landscaping in accordance with [20.65.050](#). If the parking lot perimeter landscaping requirements of [20.65.050](#) do not apply, the parking must be separated from the sidewalk by a solid wall between 36 and 42 inches in height.

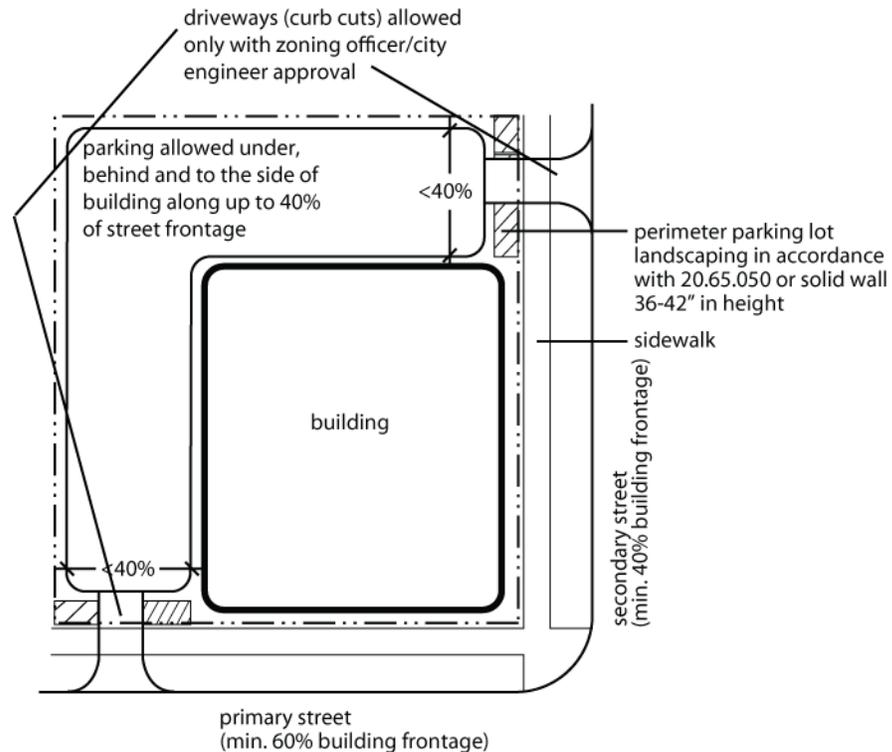


Figure 20.25-4 /P, Pedestrian Overlay, Parking

H. Driveways and Vehicle Access

No curb cuts may be made unless no other means of access is available, in which case the zoning officer is authorized to permit up to one curb cut, subject to approval by the city engineer. The city engineer is authorized to approve an administrative adjustment to the driveway and vehicle access standards of this subsection in accordance with [20.85.110](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

[[Chapter 20.25](#)]

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20.25.030 /PUD, Planned Unit Development Overlay

A. Purpose

1. 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:

a. 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.

b. 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.

c. Mixed-use Development

Developments that contain a complementary mix of residential and non-residential uses.

d. Affordable Housing

Developments in which at least 20% of the total number of dwelling units are affordable to households earning 80% or less of the Missoula County median income, as determined by the U.S. Department of Housing and Urban Development (HUD.)

2. Objectives

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

- a. implementation of and consistency with the city's adopted plans and policies;
- b. 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;
- c. efficient and economical provision of public facilities and services;
- d. communities that provide economic opportunity and environmental and social equity for residents;
- e. variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
- f. compact, mixed-use development patterns where residential, commercial, civic, and open spaces are located in close proximity to one another;
- g. a coordinated transportation system that includes an inter-connected hierarchy of facilities for pedestrians, bicycles, and vehicles;
- h. compatibility of buildings and other improvements as determined by their arrangement, massing, form, character and landscaping;
- i. the incorporation of open space amenities and natural resource features into the development design;
- j. low-impact development (LID) practices; and
- k. attractive, high-quality landscaping, lighting, architecture and signage that reflect the unique character of the development.

B. 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.

C. Procedure

PUDs must be reviewed and approved in accordance with the procedures of [20.85.060](#).

D. 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.”

E. 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 [20.85.060C.1](#).)

F. Approval Criteria

A /PUD overlay zoning district may be approved only when the City Council 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.

G. Standards Eligible for Modification

Unless otherwise expressly approved by the City Council as part of the PUD approval process, PUDs are subject to all applicable standards of this zoning ordinance. The City Council 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 [20.25.030E](#).

1. 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 Council 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.

2. 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.

3. Residential Density

The maximum allowable residential density of the base zoning district may be increased if the City Council 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.

4. Setbacks

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

5. Height

The City Council 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.

6. Parking and Loading

Off-street parking and loading requirements may be modified when the City Council 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.

7. Streets

Alternatives to otherwise “standard” street cross-sections and designs may be approved when the City Council 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.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.25.040 /NC, Neighborhood Character Overlays Generally**A. Purpose**

This section established the general authority and procedure for establishment of /NC, Neighborhood Character Overlay district regulations. /NC districts are intended to:

1. recognize and protect the physical character of neighborhoods that exhibit unique development and building patterns;
2. encourage neighborhood investment in the form of construction and development that conform to the size, orientation and setting of existing buildings in the neighborhood;
3. implement adopted neighborhood plans;
4. foster development and redevelopment that are compatible with the scale and physical character of original buildings in the neighborhood through the use of development/design standards;
5. ensure a stabilized tax base; and
6. promote natural and cultural assets.

B. Selection Criteria

An /NC district must be a geographically defined area that has a significant concentration, linkage or continuity of sites that are united by physical development or architecture. To be eligible for /NC zoning, the area must comply with all of the following criteria

1. the area must possess urban design, architectural or other physical development characteristics that create an identifiable setting, character and association; and
2. the designated area must be a contiguous area of at least 5 acres. Areas of less than 5 acres may be designated if they abut and extend an existing /NC overlay district, or if deemed necessary by the City Council to address specific circumstances.

C. Uses

Uses allowed by the underlying zoning district are allowed in all /NC Overlay districts unless expressly modified when the specific neighborhood character overlay district is adopted.

D. Development/Design Standards

In establishing an /NC district, the City Council is authorized to adopt district-specific development and design standards to guide development and redevelopment within the subject /NC district. When development and design standards have been approved, each application for new construction or structural alteration of an existing building within the designated /NC must comply with those standards.

E. Establishment of District

/NC zoning districts are established in accordance with the zoning amendment procedures of [20.85.040](#), except that an application to establish an /NC district may be initiated only by the City Council or by a petition signed either by the owners of 35% of the area within the proposed /NC district or by at least 35% of the property owners within the proposed district.

F. Procedure

1. /NC district regulations must be established in accordance with the zoning ordinance amendment procedures of [20.85.040](#).
 - a. Once created, an /NC district may be applied to property in accordance with the zoning amendment procedures of [20.85.040](#). The Planning Board's recommendation to apply an /NC district must be accompanied by a report containing the following information:
 - (1) a map showing the recommended boundaries of the /NC district;
 - (2) an explanation of how the area meets the selection criteria of [20.25.040B](#);
 - (3) in the case of an area found to meet the criteria in [20.25.040B](#), a description of the general pattern of development, including streets, parcels and buildings in the area;
 - (4) any recommended district-specific development and design standards applicable to development and redevelopment within the district; and

- (5) an explanation of the planning and zoning implications related to the designation of the proposed area and application of the district-specific development and design standards.

G. Districts Established

The city's /NC overlay districts are listed below.

Map Symbol	District Name	Regulations
/NC-B	Boulevard Neighborhood Character Overlay	20.25.050
/NC-SR	Southside Riverfront Neighborhood Character Overlay	20.25.060
/NC-HFM	Historic Fort Missoula Neighborhood Character Overlay	20.25.070

Commentary: A neighborhood conservation overlay district has been prepared for the Rattlesnake Valley area, but it has not been adopted (as a zoning district) or applied to property in the city. See [Appendix B](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.25.050 /NC-B, Boulevard Neighborhood Character Overlay

A. Purpose

The /NC-B, Boulevard Neighborhood Character Overlay district is primarily intended to preserve and enhance the appearance and civic value of boulevards that:

1. are bordered by mature trees regularly placed;
2. contain a landscaped plaisance or mall along the sides or down the center; or
3. are otherwise arranged or landscaped so as to be of particular scenic, aesthetic, or recreational value.

B. Applicability

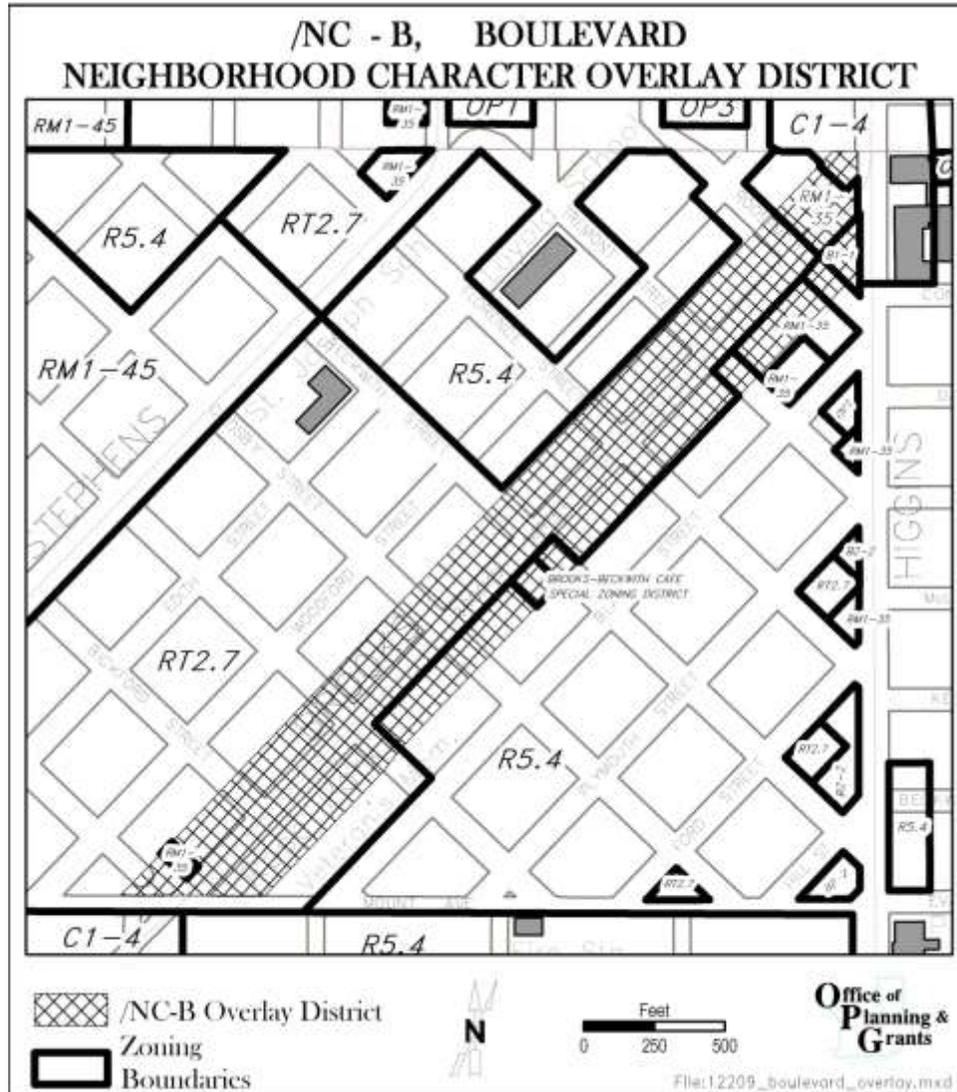
The standards of this section apply to all development in /NC-B overlay districts unless otherwise expressly stated. Boulevard Neighborhood Character overlay districts must be designated through the zoning amendment procedure of [20.85.040](#). Such districts may consist of:

1. boulevards or portions of boulevards;
2. all parcels immediately abutting the designated boulevard or boulevard segment; and
3. other parcels within 150 feet of the designated boulevard or boulevard segment.

Commentary: There is currently only one Boulevard Overlay district in Missoula, along a portion of Brooks Street.

C. Location

A map of the /NC-B Overlay follows:



Map 20.25-1 /NC-B Overlay

Note: A full-size map is available for viewing in Development Services.

D. Alterations and Improvements within the Right-of-Way

The city may not make or permit to be made any alterations in the public right-of-way in any boulevard overlay district that would degrade the aesthetic values of the boulevard.

E. Alterations and Improvement of Private Property

The regulations of this subsection apply to all new development and expansions of existing development that result in an increase in floor area by more than 10%.

1. No off-street parking may be constructed that would be visible from the boulevard.
2. No curb cuts may be made along the boulevard unless no other means of access is available, in which case the zoning officer is authorized to permit up to one curb cut, subject to approval by the city engineer.

3. No boulevard trees may be removed or harmed and no boulevard landscaping may be damaged, destroyed or otherwise impaired.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.25.060 /NC-SR, Southside Riverfront Neighborhood Character Overlay

A. Purpose

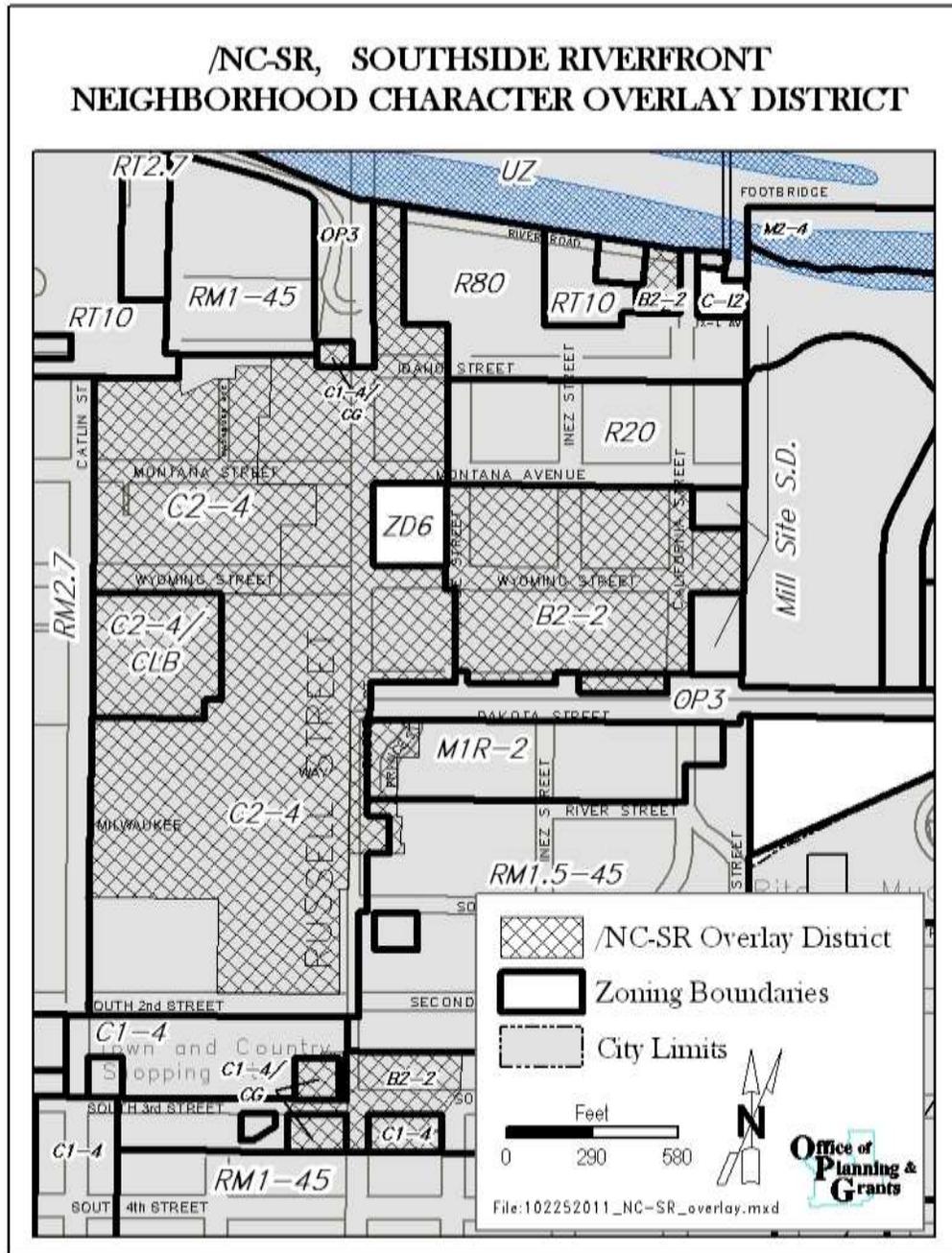
The /NC-SR, Southside Riverfront Neighborhood Character Overlay district is intended to accommodate the commercial and residential needs of the Southside Riverfront commercial neighborhoods by permitting a mixture of residential and neighborhood-serving commercial uses. This district allows existing uses to remain while encouraging a mix of residential and commercial uses. The overlay district classifies existing parcels and existing uses as permitted. New development and new uses must address all design standards contained within the /NC-SR overlay district when development is proposed. The /NC-SR overlay district further defines allowed uses in the B2, C1, C2 and M1R districts, and establishes additional design standards.

B. Applicability

1. 1. The /NC-SR overlay district regulations apply only to areas within underlying base zoning of B2, C1, C2 or M1R.
2. 2. Rezoning to accommodate development of a neighborhood commercial use when not part of a neighborhood or community-wide planning process should be done through a /PUD rezoning rather than the /NC-SR district.
3. 3. The /NC-SR overlay district does not apply to areas within the designated 100-year floodplain.

C. Location

A map of the /NC-SR Overlay follows:



Map 20.25-2 /NC-SR Overlay

Note: A full-size map is available for viewing in Development Services.

D. Parcel and Building Standards

1. Parcel Area

The minimum parcel area is 3,500 square feet, except that this minimum parcel area requirement does not apply to parcels in lawful existence on July 13, 2011.

2. Setbacks

- a. The minimum setback requirements of the underlying zoning district apply, except that a minimum rear setback of 10 feet is required for C2-zoned parcels.
- b. Front setbacks may not exceed 40 feet in depth.

3. Impervious Coverage

No parcel used for commercial or mixed-use purposes may be more than 85% covered with impervious surfaces.

4. Height

Building heights for development on parcels adjacent to Russell Street may not exceed the maximum height limit of the underlying zoning district or 65 feet, whichever is less. Buildings heights for construction in all other areas of the overlay may not exceed the maximum height limit of the underlying zoning district or 45 feet, whichever is less.

E. Allowed Uses

1. The following uses are allowed in the /NC-SR overlay district:
 - a. uses allowed by the underlying zoning; and
 - b. uses in lawful existence on July 13, 2011.
 - c. Commercial and industrial uses that are listed as prohibited uses per Section F below but were in lawful existence on July 13, 2011 are considered permitted uses at their existing intensity, density and location, regardless of changes in ownership or tenancy. Such uses may be reestablished to their pre-existing density and intensity in the event of natural damage or destruction. They may be expanded on their existing parcel if all applicable base district and overlay district standards are met.
2. Commercial and industrial uses in lawful existence on July 13, 2011 may be replaced by a use of similar or less intensity, as determined by the zoning officer. If a less intensive commercial or industrial use is established, the use may not later revert back to the previous intensity.

F. Prohibited Uses

The following uses may not be established in the /NC-SR district:

1. drive-in and drive-through restaurants
2. gasoline and fuel sales
3. general motor vehicle repair
4. taxidermy shops
5. pawnshops
6. non-accessory parking
7. light and heavy equipment sales/rentals

8. residential storage warehouse
9. casinos, except as an accessory use to a principal use for which the State Department of Revenue, pursuant to Montana law, has granted an on-premise beer and wine sales license that includes gambling or an on-premise liquor, beer, and wine sales license.

G. Parking

1. Location

- a. For multi-dwelling and nonresidential uses, off-street parking and vehicular use areas must be located behind the building or within or under the building.
- b. When the depth of the parcel is insufficient to permit required nonresidential or multi-dwelling parking to the rear of the building, parking may be located to the side of the building, provided that it does not occupy more than 50% of the street frontage and it is separated from the sidewalk by perimeter parking lot landscaping in accordance with 20.65.050. If the parking lot perimeter landscaping requirements of 20.65.050 do not apply, the parking must be separated from the sidewalk by a solid wall between 36 and 42 inches in height.
- c. On a corner parcel, parking may not be located within 50 feet of the intersection of the front and street side property lines.

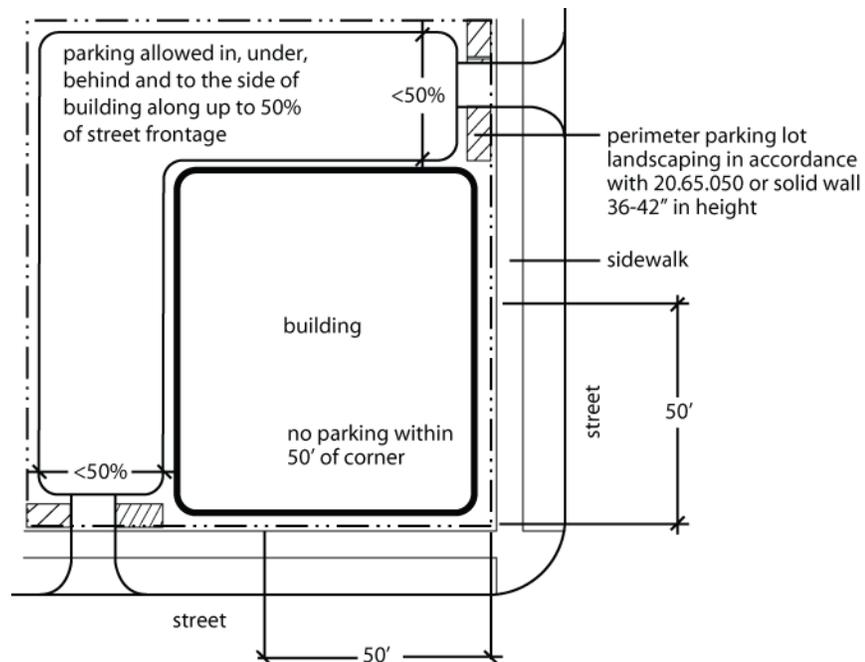


Figure 20.25-5 /NC-SR Overlay, Parking, Location , Corner Parcel

2. Special Parking Requirements for B2-Zoned Parcels

- a. On B2-zoned parcels, off-street parking space requirements are reduced

from the minimums established in [Chapter 20.60](#) if the parcel has frontage on and direct access to a street improved to city specifications that provides on-street parking along the entire block face. In such cases, the minimum parking requirements are as follows:

- (1) Minimum parking spaces permitted for commercial uses: 50% of the minimum parking ratios established in [Chapter 20.60](#).
 - (2) Maximum parking spaces permitted for commercial uses: 75% of the minimum parking ratios established in [Chapter 20.60](#).
- b. The parking reductions authorized in [20.25.060G.2a](#) do not apply to situations in which programmed street improvements or modifications included in adopted planning documents would eliminate the requisite on-street parking, as determined by the zoning officer in consultation with the city engineer.

H. Building Design

1. Entryways

- a. Principal entryways to detached houses must be clearly visible from a public street or right-of-way, other than an alley.
- b. Non-residential uses must have a working public entrance located on the building façade that faces the primary street or right-of-way. Buildings on any corner lot may have an entrance that is angled towards the intersection if that entrance will be visible from both streets

2. Glazed Area

Commercial and vertical mixed-use buildings must include windows or other glazed area on at least 20% of all street-facing ground floor building walls, measured and placed between finished grade and 12 feet above grade. Darkly tinted, mirrored or highly reflective glazing may not be counted toward minimum glazed area requirements.

3. Exterior Walls

Exterior walls on commercial and residential buildings may not have a flat, monolithic uninterrupted façade of more than 30 linear feet. This standard may be met by providing at least one of the following options:

- a. offsetting planes of at least one foot;
- b. bay windows;
- c. indented or recessed windows and entries;
- d. porches and balconies;
- e. overhanging awnings and space frames; or
- f. other architectural form that causes at least one foot of relief in the façade.

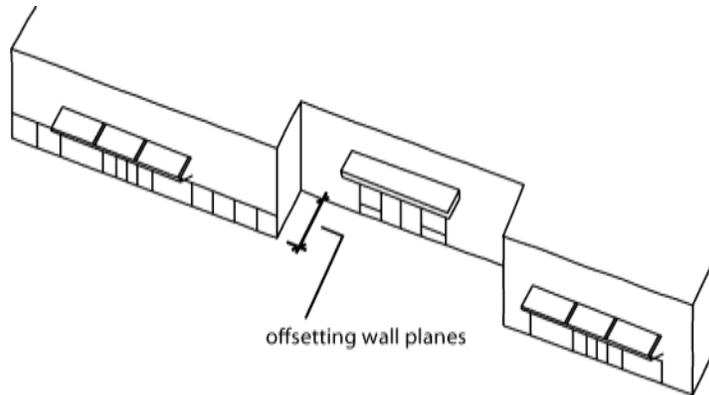


Figure 20.25-6 /NC-SR Overlay, Building Design, Exterior Walls

4. Exceptions

The Design Review Board is authorized to approve exceptions to the building design standards of [20.25.060H](#) in accordance with the design review procedures of [20.85.080](#).

I. Signs

B2-zoned properties are limited to one wall sign per business per street frontage, with a maximum sign area of 12 square feet. In the case of multiple businesses within one building using a common entrance, one wall sign per commercial structure per street frontage is allowed with a maximum sign area of 18 square feet. Only indirect illumination is allowed for signs in the B2 district.

J. Hours of Operation

All uses in the B2 district are limited to hours of operation between 7:00 a.m. and 10:00 p.m., with the exception of residential uses, lodging uses and property approved for use as a casino, tavern or nightclub.

([Ord. 3531](#), 2014; [Ord. 3471](#), 2011; [Ord. 3465](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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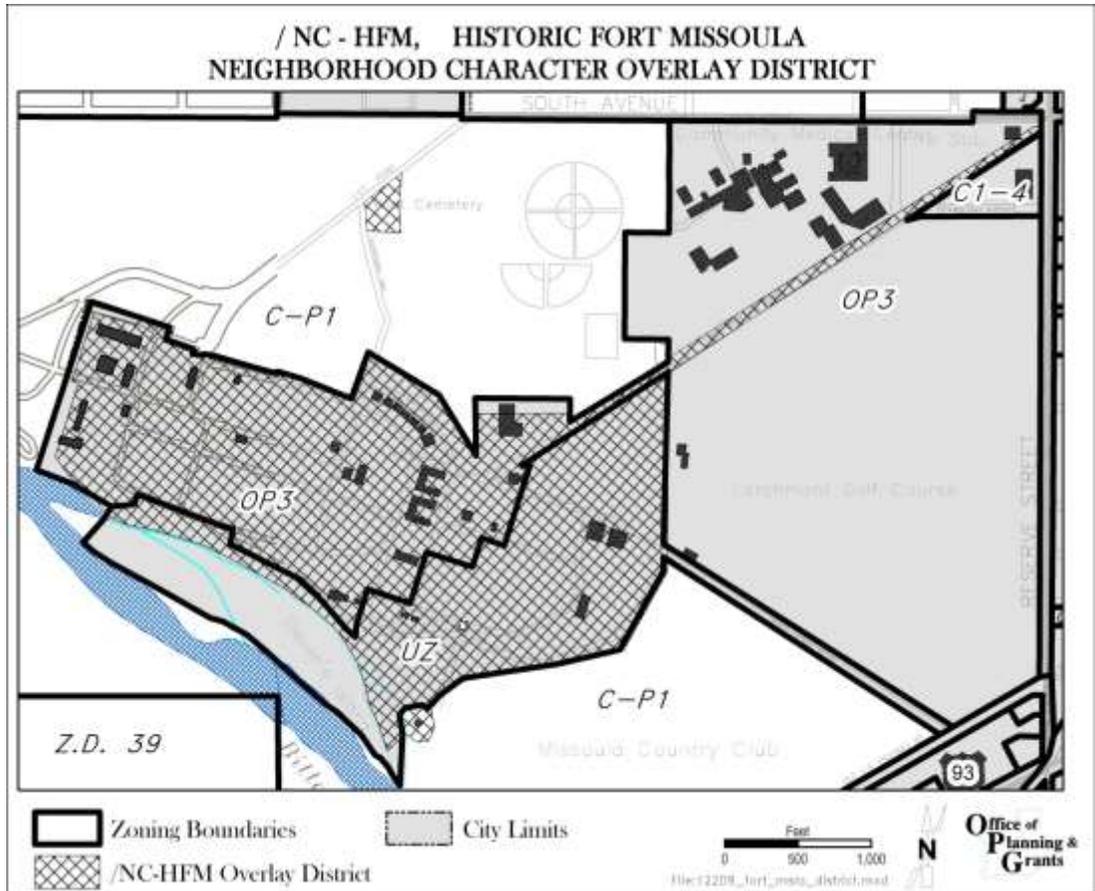
20.25.070 /NC-HFM, Historic Fort Missoula Neighborhood Character Overlay

A. Purpose

The /NC-HFM, Historic Fort Missoula Neighborhood Character Overlay district is intended to protect buildings and grounds in the Fort Missoula area from modifications that obscure or eradicate significant features of their historic character; to promote restoration and continued maintenance, and to protect the district from the effects of incompatible development.

B. Location

A map of the /NC-HFM Overlay follows:

**C. Applicability**

The regulatory area is that area on the National Register of Historic Sites, including the cemetery.

D. Permitted and Prohibited Uses

Uses allowed by the underlying zoning district are allowed in the regulatory area of the /NC-HFM overlay district unless expressly prohibited in this section.

1. Prohibited uses include the following:
 - a. sewage treatment plants;
 - b. public or private zoos;
 - c. crematories;
 - d. airports and landing fields; and
 - e. establishments that sell liquor, beer or wine, or provide gambling facilities.
2. Permitted uses include the following:
 - a. Planned Unit Developments;

- b. medical offices; and
- c. community residential facilities serving 8 or fewer residents.

E. Historic Preservation Commission

A Historic Preservation Commission is established to implement the purposes of the Historic Fort Missoula Neighborhood Character Overlay district. The Historic Preservation Commission is authorized to perform those duties that are otherwise assigned to the Design Review Board in [20.90.020](#).

F. Historic Preservation Permits

1. Procedure

In order to preserve the historical integrity of the fort environs, any development or structural alteration requiring a building permit within the /NC-HFM overlay district must be reviewed by the historic preservation officer for a historic preservation permit. A historic preservation permit is required for any activity that requires a zoning compliance permit. The historic preservation officer must forward a recommendation to the Historic Preservation Commission. Appeals of decisions of the Historic Preservation Commission may be made to the Board of Adjustment.

2. Submittal Requirements

- a. Information must be provided to the zoning officer to review prior to granting or denying a historic preservation permit. All materials to be submitted must be prepared on 8½" x 11" paper and packaged or bound to fit a standard letter-size file. Applications that involve more voluminous architectural plans and specifications may be accompanied by simplified sketches, details and supporting documentation, on letter-size paper, that synthesize the detailed design documents.

The extent of documentation to be submitted on any project will be dictated by the scope of the planned alteration and the information reasonably necessary for the zoning officer to make a determination. At a minimum, the following items must be included in the submission.

- (1) Completed application form provided by Development Services.
- (2) One current picture of each elevation of each structure planned to be altered and such additional pictures of the specific elements of the structure or property to be altered that will clearly express the nature and extent of change planned. Except when otherwise recommended, no more than eight pictures should be submitted and all pictures must be mounted on letter-size sheets and clearly annotated with the property address, elevation direction and relevant information.
- (3) Site sketch (oriented with north at the top of the page and approximately to scale) showing site boundaries, street and alley frontages and names, and location of all structures and distances (to the nearest foot) between buildings and from buildings to property lines.

- (4) Historical information, including available data such as pictures, plans, authenticated verbal records and similar research documentation that may be relevant to the planned alteration.
- (5) Plans, sketches, pictures, specifications and other data that clearly express the applicant's proposed alterations.
- (6) A schedule of planned actions that will lead to the completed alterations.
- (7) Such other information as may be required by Development Services in order to ensure a complete and competent review of the proposal.

G. Review Criteria

All structures must be built with the consideration that they are in a historic district. In addition to the review criteria that apply for all historic resources ([20.85.085 Historic Preservation Permit procedures](#)), proposals in the Historic Fort Missoula Neighborhood Character Overlay district must be reviewed for compliance with the *Development Guidelines and Standards for the Fort Missoula Historic District*, which are on file and available for public inspection in Development Services.

H. Designated Cultural Resources

Designated cultural resources in the Historic Fort Missoula Neighborhood Character Overlay district, including contributing elements, are on file and available for public inspection in Development Services.

I. Related Plans and Guidelines

The *Fort Missoula Plan* and the application for the National Register of Historic Places Inventory provide information about the nature of the site and buildings in the area. In addition, the area is discussed in the Missoula Urban Comprehensive Plan and the Report to Missoula: \$16,000 Pilot Project, Park/Open Space/Resource Planning and Management.

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.25.080 /D, Downtown Overlay

RESERVED

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.25.090 /TO, Transit-Oriented Overlay

RESERVED

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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Chapter 20.30 Historic Preservation

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20.30.010 Purpose.

The City recognizes that our community contains irreplaceable Historic Resources that significantly enhance our sense of place and cultural heritage. Furthermore, these regulations and standards are established to:

- A. Promote and safeguard the City's heritage;
- B. Enhance the City's ability to visually convey its history;
- C. Stimulate revitalization and enhance property values in the City;
- D. Increase economic and financial benefits to the City and its inhabitants;
- E. Attract tourists and visitors to the City; and
- F. Promote civic and neighborhood pride and a sense of identity.

[\(Ord. 3423, 2010\)](#)

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20.30.020 Relationship to Other Provisions.

The designation of a resource as an Historic Resource does not change the underlying zone classification of the Historic Resource and does not exempt Historic Resource owners from complying with other city building and zoning regulations. A designation may place further restrictions upon the Historic Resource than the building or zoning regulation requires. Actions subject to review require an historic preservation permit and shall follow the review procedures described in Chapter [20.85.085](#).

[\(Ord. 3423, 2010\)](#)

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20.30.030 Definitions

- A. Actions Subject to Review are development activities that require review by the Historic Preservation Commission and/or the Historic Preservation Officer prior to the issuance of a zoning compliance permit. Ordinary maintenance that does not require zoning compliance permit, like painting, repairing siding or window repair, does not require review. Per State of Montana codes, public development activity on government owned property is not subject to compliance under this ordinance. Those reviewable development activities are:

1. Alteration to an Historic Resource, which includes any addition, removal, reconfiguration or modification to the Historic Resource that changes the design, material, or character defining features, and changes to or removes character defining architectural features;
 2. New Construction in Historic Overlay Districts where the standards apply, which includes any free standing building, structure, object or feature that was not a part of an Historic Resource at the time of designation;
 3. Relocation of an Historic Resource, which includes the removal of an Historic Resource from its historic context; and
 4. Demolition of an Historic Resource, which includes the razing, destruction, or dismantling of an Historic Resource to the degree that its character defining features are substantially obliterated.
- B.** Alternative Compliance is a manner in which an Historic Resource owner may, in cases of exceptional practical difficulty or undue hardship, alternatively comply with the provisions of this Chapter when seeking an Historic Preservation Permit for Alteration or New Construction.
- C.** Contributing Resources are Historic Resources that reflect the unique elements of the Historic District's architectural, artistic, cultural, engineering, aesthetic, historical, political, economic, social, or other heritage features, and which have been identified as such pursuant to the Designation.
- D.** Commissioner is a person duly appointed to the Historic Preservation Commission.
- E.** Historic American Building Survey/Historic American Engineering Record Documentation ("HABS/HAER") is archival level documentation, which may include large-or-medium format, black and white photographs, measured drawings, or written historical reports pursuant to Secretary of the Interior standards for architectural and engineering documentation.
- F.** Historic District is a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or development and which collectively contribute to and reflect the unique elements of the architectural, artistic, cultural, engineering, aesthetic, historical, political, economic, social, or other heritage features of the City.
- G.** Historic Overlay District is a zoning designation adopted by City Council and applied to a geographic area wherein some or all of the standards of this chapter and 20.85.085 apply.

[Codifier's note: A typo in the definition of Historic District Overlay was corrected and updated on November 3, 2016. The original record establishing this definition (Ord. 3423) clearly indicates the cross reference in the definition should be 20.85.085. Prior to the correction, the cross reference incorrectly read "20.85.080A."

- H.** Historic Preservation Commission ("Commission") is the board appointed by the City Council to carry out the purposes of this Chapter.
- I.** Historic Preservation Officer ("Officer") is the staff person appointed by Development Services to carry out the purposes of this Chapter and obligations of the City as a Certified Local Government.
- J.** Historic Resource is a property designated under [Section 20.30.040](#).

- K.** Historic Preservation Permit (“HPP”) is a permit issued by the Officer or the Commission on an Action Subject to Review that complies with this ordinance
- L.** Interested Party means a party whose rights and interests are affected by an action taken under this Chapter, and whose interests are immediate and substantial and not nominal or remote.
- M.** Landmark is an exceptional place designation that may be applied to an Historic Resource that possesses regionally significant characteristics like integrity, association, location, design, materials, and workmanship.
- N.** Missoula Inventory of Historic Resources (“Local Inventory”) is a list of all Historic Resources designated pursuant to this chapter, which is found at Development Services.
- O.** National Register of Historic Places (“National Register”) is the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture under the National Historic Preservation Act and 36 C.F.R. 60.
- P.** Non-Contributing Resources are all resources located within the boundaries of a Historic District that do not qualify as Contributing Resources. Upon Demolition of the primary building or structure, a Non-Contributing Resource becomes an Unimproved Resource.
- Q.** Ordinary Repair and Maintenance is an action that does not change the design, material, or outward appearance of the Historic Resource. Actions to prevent deterioration, decay or damage, or to restore the resource, as nearly as practicable, to the condition prior to the occurrence of deterioration, decay, or damage are ordinary repair and maintenance.
- R.** Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
- S.** The Secretary of the Interior’s Standards for rehabilitation are intended to promote responsible preservation practices that help protect our Nation’s irreplaceable cultural resources.
- T.** Unimproved Resource is a lot with no primary buildings or structures, and is subject to this Chapter when New Construction in a Historic District is proposed.

[\(Ord. 3423, 2010\)](#)

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20.30.040 Designation Criteria for an Historic Resource.

The City recognizes that within its jurisdiction there exists significant Historic Resources that should be protected. Accordingly, any property individually listed in the National Register of Historic Places (NRHP) is automatically classified as an Historic Resource that is subject to this Chapter and included in the Local Inventory. The City also recognizes that the federal process of listing a property in the National Register does not require that the property be protected, thus creating the need for local protection of Historic Resources.

The City may also choose to classify any contributing or non-contributing property in an Historic District listed in the NRHP as an Historic Resource through adoption of a Neighborhood Character Overlay per [20.25.040](#).

The federal criteria for evaluating whether a resource is an Historic Resource are the following:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in prehistory or history.

[\(Ord. 3423, 2010\)](#)

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20.30.050 City Agencies.

All City agencies shall consult the Local Inventory before commencing or permitting any action that might adversely affect an Historic Resource.

[\(Ord. 3423, 2010\)](#)

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20.30.060 Delisting of Historic Resources.

The City Council may initiate the removal of an Historic Resource from the Local Inventory if the Historic Resource no longer satisfies the criteria set forth in this Chapter.

[\(Ord. 3423, 2010\)](#)

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20.30.070 Design Guidelines.

The City Council may adopt Design Guidelines applicable to specific Historic Resources that are consistent with and in addition to the General Criteria for Review of HPP as set forth in Sections [20.85.085H](#) and [20.85.085J](#). The existing Design Guidelines for the Fort Missoula Historic District and the Roosevelt Block/University Apartments shall remain in effect.

[\(Ord. 3423, 2010\)](#)

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20.40.010 Applicability

- A. Unless otherwise expressly stated, compliance with the use- and building-specific standards of this chapter is required regardless of whether the use is permitted as-of-right or requires conditional use approval.
- B. Unless otherwise expressly stated, the standards of this chapter apply in all districts in which the listed use is allowed.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.020 Animal Sales and Grooming

Animal sales and grooming uses are subject to the following standards in B1 and B2 districts:

- A. outdoor storage of equipment, materials or supplies is prohibited;
- B. indoor or outdoor kennels are prohibited; and
- C. the maximum gross floor area is 2,500 square feet.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.030 Bed and Breakfast

Bed and Breakfast establishments are subject to the following standards in R and B1 districts:

- A. the establishment must be operated by the owner of the dwelling unit, who must live on the property;
- B. the bed and breakfast may not contain more than four guest rooms in R215, R80, R40, R20, RT10, R8 or R5.4 districts or more than eight guest rooms in any other R or B1 district;
- C. food service may be provided for resident guests only;
- D. bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space or other similar events open to non-resident guests;
- E. a maximum of one non-illuminated wall sign, not exceeding 2 square feet in area, may be displayed; and
- F. if the parcel abuts an alley, access to guest parking spaces must come from the alley.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.040 Casinos, Taverns and Nightclubs

Commentary: While existing CLB/CLB1 overlay zoning districts (approved prior to November 4, 2009) may be shown on the zoning maps, no new CLB/CLB1 overlay districts or expansions of existing CLB/CLB1 overlay districts may be approved after November 4, 2009.

Casinos must be located on parcels with frontage on an arterial street. The requirement for frontage on an arterial street does not, however, apply to casinos in the CBD district.

([Ord. 3549](#), 2015; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.045 Emergency Homeless Shelter**A. Location**

1. Shall be located a minimum distance of 1,000 feet from schools as measured from property line to property line.
2. Shall be located a minimum distance of 1,500 feet from other Emergency Homeless Shelters or Meal Centers as measured from property line to property line.
3. Shall be located a minimum distance of 300 feet from residential zoning districts as measured from property line to closest residential zoning district boundary line.
4. Should be located within 1,500 feet of a public transportation route.

B. Management Plan

The operator of an Emergency Homeless Shelter shall provide a written management plan that should address the following factors:

1. Provision for continuous on-site management from an employee or volunteer during all hours of operation

2. Staff Training
3. Intake screening of clients to insure compatibility with services provided at the facility.
4. Client code of conduct addressing alcohol/drug use, loitering, trespassing, etc.
5. Neighborhood relations plan. The plan shall establish a staff liaison to coordinate with the City, Police, School District officials, local businesses, neighborhood association or neighborhood council representatives, and residents on issues related to the operation of the facility. The plan shall outline a process to receive, and record efforts to resolve complaints or issues from neighbors and record any municipal code violations.

C. Design

1. Storage Lockers—Provide one locker with a minimum of 9 cubic feet of storage space with lock per bed.
2. Lighting—External lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas and maintain compliance with the Missoula Outdoor Lighting Ordinance.
3. Waiting Areas—Provide adequate onsite inside and outside waiting/communal/gathering areas adequate to prevent the anticipated number of clients from queuing into or otherwise waiting outside the facility or in the public right of way.
4. Security Cameras—Provide security cameras sufficient to monitor all outdoor areas on the property.

[\(Ord 3519, 2014\)](#)

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20.40.050 Enterprise Commercial Uses

Commentary: While existing EC overlay zoning districts (approved prior to November 4, 2009) may be shown on zoning maps, no new EC overlay districts or expansions of existing EC overlay districts may be approved after November 4, 2009.

- A. The standards of this section apply in C1, C2, M1R, M1, and M2 zoning districts when a new enterprise commercial use is established or an existing enterprise commercial use is expanded by more than 20% of its existing gross floor area over the gross floor area that existed on November 4, 2009. Enterprise commercial uses standards do not apply to vertical mixed-use buildings or to residential buildings.
- B. Enterprise commercial uses must be located on parcels that abut an arterial street, or if the parcel does not abut an arterial street, the applicant must supply a traffic impact analysis to verify that the capacity of the infrastructure meets the demand of the proposed site development, including warrants for traffic signals as approved by the city engineer.
- C. All business, servicing, manufacturing or processing of materials, goods or products must be conducted within completely enclosed buildings. Outdoor storage of materials is permitted only if visually screened by walls, fences, or landscape plantings so that such materials are

not visible from a public right-of-way or R zoning districts. Street vending is permitted only in accordance with Chapter 5.56 Missoula Municipal Code (pertaining to Street Vendors)

- D.** Outdoor display areas and outdoor sales areas are allowed on the site of an enterprise commercial use, provided that any products sold, displayed or stored outdoors may not impede vehicle, bicycle or pedestrian access, as determined by the city engineer and zoning officer.
- E.** At least one of the following alternatives must be incorporated into the site to reduce the visual impact of the parking lot:
 - 1.** locate at least 50% of the parking to the side or rear of the building;
 - 2.** provide a 3-foot tall hedge, decorative wall or fence within parking lot perimeter buffer;
 - 3.** provide a 2.5- to 3-foot tall berm within parking lot perimeter buffer, with side slopes not exceeding 25% for turf areas or 50% for vegetative groundcover areas;
 - 4.** locate the parking lot at least 2.5 feet lower in elevation than the adjacent right-of-way with the embankment planted with vegetative groundcover, low shrubs, and shade or ornamental trees; or
 - 5.** provide a centrally located, useable outdoor space that is hard-surfaced (concrete or pavers, not asphalt) and incorporates landscaping. Such outdoor areas must be of a size equal to at least 5% of the site's total gross floor area, include seating, and incorporate visual points of interest, such as public art, fountains, landscape plazas, public gathering space, etc. Outdoor plazas may be counted toward the site's overall general landscaping requirement.
- F.** An internal pedestrian circulation plan must be provided that demonstrates clear separation of vehicular and pedestrian traffic that is safe and convenient and that fully interconnects pedestrian walkways within the site and to perimeter sidewalks. A minimum 6-foot wide area must be maintained free and clear of obstacles on all pedestrian walkways.
- G.** Sidewalks, no less than 8 feet in width, must be provided along the full length of the building along any façade featuring customer entrances, and along any façade abutting public parking stalls. In other locations, buildings must be separated from drives and parking areas by a distance of at least 6 feet, except where buildings are adjacent to service drives that do not access any public parking or use area. This 6-foot setback area must be maintained as a walkway and/or landscaped area.
- H.** All crosswalks must be striped or colored and include partial or full texturing to provide a clear visual differentiation between pedestrian walkways and vehicle driving surfaces. The cross color, grade and surface must be continued across any intersection with roads, driving corridors, parking areas, loading areas and driveways.
- I.** The developer must petition the property into the Missoula Urban Transportation District, and a bus turnout area, bus shelter, and bus stop signs may be required on or adjacent to the site.
- J.** Alternatives must be incorporated into the building to reduce its apparent bulk and its visual impact. This requirement applies to all new construction and when the floor area of an existing building is expanded by 50% or more. Building walls that contain public building entrances must contain at least four of the following alternative features. Other building walls

that face public rights-of-way must incorporate at least three of the following alternative features:

1. color variation in the building façade, including building trim and accent areas;
 2. exterior building materials that are varied in texture and color (dominant exterior building materials may not include smooth faced concrete block, tilt up concrete panels, or prefabricated steel panels);
 3. building façade modulation, such as projections, recesses, off-set planes, overhangs, arcades, and/or clearly defined, highly visible pedestrian entrances encompassing at least 75% of the ground-floor building façade (no uninterrupted [un-modulated] length of façade may exceed 100 feet in length);
 4. building foundation landscaping, including trees, adjacent to the building along a minimum of 75% of the building's street-facing façade;
 5. windows, doors and other transparent features that encompass at least 20% of the building's ground floor façade; and/or
 6. varied roof lines and multiple roof planes, with at least three or more roof slope planes.
- K. The City Council is expressly authorized to impose conditions on the conditional use approval that:
1. prevent the property owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other uses allowed in the subject zoning district;
 2. help ensure long-term maintenance of the property if the building is vacated;
 3. require the preparation of an adaptive reuse plan or a demolition plan once the enterprise commercial use is discontinued or abandoned; and
 4. address other particular issues or circumstances related to the project.

([Ord. 3549](#), 2015; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.060 Gasoline and Fuel Sales

Gasoline and fuel sales uses, other than truck stops and travel plazas (see [20.40.150](#)), are subject to the following standards:

- A. Gasoline and fuel sales uses must be located on parcels with frontage on an arterial street.
- B. Gas pumps must be set back at least 50 feet from property lines abutting R zoning districts or parcels occupied by residential dwelling units. Gas pumps must be set back at least 30 feet from any other property line.
- C. No restroom entrance doors may be located on the exterior of the building.
- D. Pump island canopies may not exceed 22 feet in height.

Commentary: See Chapter 8.64 of the Municipal Code for lighting standards, including specific standards for canopy lighting. While existing CG overlay zoning districts (approved prior to November 4, 2009) may be shown on the zoning maps, no new CG overlay districts or expansions of existing CG overlay districts may be approved after November 4, 2009.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.070 Group Living

A. Applicability

All group living uses (see “group living” use category description in [20.105.020B](#)) except for health care facilities and community residential facilities with eight or fewer residents are subject to the standards of this section.

B. Density

1. The density of residents in a group living use is limited to generally approximate and reinforce the density limits that apply in residential zoning districts. Such limits also help address public facility and service demands and prevent overcrowding.
2. For the purpose of these regulations, “residents” include all people living at the site, including children, except that people who provide support services, building maintenance, care, and supervision, are not considered residents.
3. A community residential facility with eight or fewer residents may be established on any parcel on which a household living use (e.g., a detached house) is allowed regardless of the size of the parcel. Other group living uses are limited to the following number of residents:

Zoning District	Maximum Number of Residents (per 1,000 sq. ft. of parcel area)
R215	0.04
R80	0.10
R40	0.20
R20	0.40
RT10	0.80
R8	1.00
R5.4	1.50
RT5.4	1.50
R3	2.70
RT2.7	2.70
RM2.7	2.70
RM1.5	2.70
RM1	2.70
RM0.5	2.70
RMH	2.70
All other	2.70

Note: Building code, health regulations and other requirements may further limit resident density

C. On-site Service and Facilities

In R districts, on-site services and facilities may be provided only to residents of the group living use.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.080 Lot Line House

- A.** Lot line houses must comply with the parcel and building standards of the subject zoning district, except as expressly modified by the lot line house standards of this section.
- B.** A lot line house development must consist of at least three contiguous parcels with frontage on the same street.
- C.** Lot line house developments require that the planning for all house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site planning is possible, while ensuring that neighborhood character is maintained.
- D.** The interior side setback on one side of the parcel containing a lot line house may be reduced to as little as zero. The zero- or reduced setback side of a lot line house may not abut a street and may not abut a lot that is not part of the lot line house development. On the “non-zero” side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject zoning district, as specified in [20.05.050](#) ([Table 20.05—3.](#))
- E.** Driveways may not be located in the required side setback.
- F.** Eaves on the side of a house with a reduced setback may not project over the property line.
- G.** When the lot line house’s exterior wall or eaves are set back less than 2 feet from the abutting property line, a perpetual maintenance easement at least 5 feet in width must be provided on the parcel abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be shown on the plat and incorporated into each deed transferring title to the property. This provision is intended to ensure the ability to conduct maintenance on the lot line house.
- H.** Windows, doors or other openings that allow for visibility into the side yard of the parcel abutting the reduced or zero setback side of the lot line house are prohibited. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

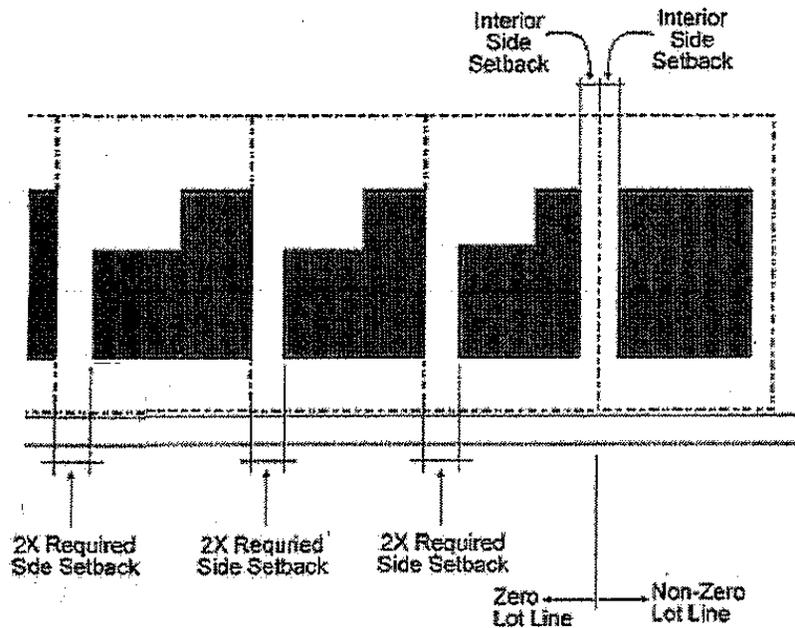


Figure 20.40-1 Lot Line House Setbacks

([Ord. 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.085 Meal Center

A. Location

1. Shall be located a minimum distance of 1,000 feet from schools as measured from property line to property line.
2. Shall be located a minimum distance of 1,500 feet from other Emergency Homeless Shelters or Meal Centers as measured from property line to property line.
3. Shall be located a minimum distance of 300 feet from residential zoning districts as measured from property line to closest residential zoning district boundary line.
4. Should be located within 1,500 feet of a public transportation route.

B. Management Plan

The operator of a Meal Center shall provide a written management plan that should address the following factors:

1. Provision for continuous on-site management from an employee or volunteer during all hours of operation including one before and after opening and closing times.
2. Staff Training
3. Intake screening of clients to insure compatibility with services provided at the facility.

4. Client code of conduct addressing alcohol/drug use, loitering, trespassing, etc.
5. Neighborhood relations plan. The plan shall establish a staff liaison to coordinate with the City, Police, School District officials, local businesses, neighborhood association or neighborhood council representatives, and residents on issues related to the operation of the facility. The plan shall outline a process to receive and record efforts to resolve complaints or issues from neighbors and record any municipal code violations.

C. Design

1. Lighting—External lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas and maintain compliance with the Missoula Outdoor Lighting Ordinance.
2. Waiting Areas—Provide adequate onsite inside and outside waiting/communal/gathering areas adequate to prevent the anticipated number of clients from queuing into or otherwise waiting outside the facility or in the public right of way.
3. Security Cameras—Provide security cameras sufficient to monitor all outdoor areas on the property

[\[Ord. 3519, 2014\]](#)

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20.40.090 Multi-dwelling Building

A. Applicability

1. Multi-dwelling buildings are subject to all applicable regulations of this zoning ordinance except as modified or supplemented by the multi-dwelling buildings standards of this section.
2. The standards of this section apply to multi-dwelling buildings, including apartments, condominiums and retirement homes. They also apply when a single parcel holds either multiple two-unit houses or a combination of multi-dwelling buildings and two-unit buildings.
3. The standards of this section apply to zoned and unzoned land for new construction and for expansions of existing buildings that result in an increase in the number of dwelling units.
4. The multi-dwelling buildings standards of this section do not apply in the CBD district, to mixed-use buildings, or to vertical mixed-use buildings.

B. Building Height

For parcels abutting R districts that have a maximum allowed building height of 35 feet or less, the maximum building height at the point of the required minimum setback is 35 feet. In zoning districts that allow maximum building heights above 35 feet, the height of a multi-dwelling building may be increased above 35 feet by up to one foot (vertical) for each 6 inches of building setback or upper floor step-back up to the maximum height limit of the underlying zoning district.

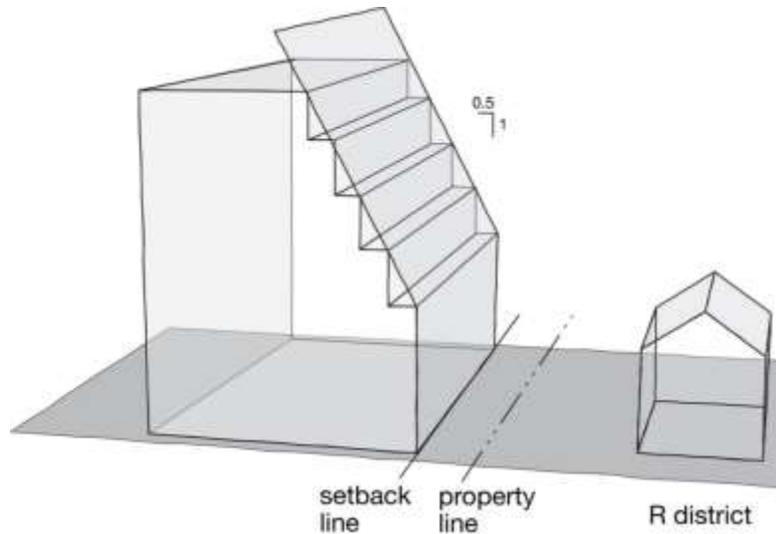


Figure 20.40-2 Multi-dwelling Building, Building Height

C. Pedestrian Access

Multi-dwelling developments must provide a system of walkways connecting each multi-dwelling building to the following: adjacent public sidewalks, on-site parking lots or parking structures, other on-site multi-dwelling buildings, garages, disposal and recycling containers, mail boxes, recreation areas and bicycle storage areas.

Commentary: Required walkways must be designed and constructed in accordance with city engineering standards (Title 12.)

D. Parking and Access

1. Outdoor (surface) parking areas may not be located between the principal building and the street or within any required side setback.

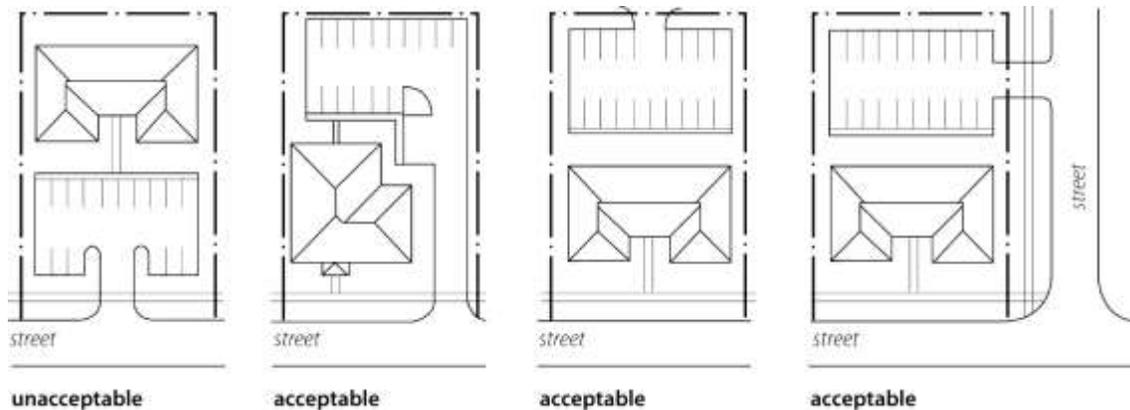


Figure 20.40-3 Multi-dwelling Building, Parking and Access

2. Access to parking spaces must be from the alley for all parcels abutting an alley.

Commentary: The city engineer must review and approve the site plan for traffic circulation, including arrangement of parking spaces, driveway approaches and drive aisles; traffic control devices within the off-street parking area; and drainage.

E. Building Design

These building design standards apply to new construction and/or areas of building expansion.

1. Entry Treatment

- a. Each multi-dwelling building must have a ground-floor building entrance that is clearly defined and highly visible on the front building façade or other building façade that faces a public street or a right-of-way other than an alley. Patio-style doors, such as sliding glass doors, may not be used for entrance doors on building façades that face a public street.
- b. The entrance must be in the form of a porch, deck, or covered entry that is at least 8 feet in width and 6 feet in depth. A door that leads directly into a garage does not qualify as a primary entrance.
- c. Required ground-floor building entrances may face an alley if topographic constraints prevent reasonable access to an adjacent public street or right-of-way.

2. Glazing

Each multi-dwelling building must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements.

3. Storage

Each dwelling unit must be provided with an enclosed area that is not located within an individual dwelling unit. The storage space must be a minimum of 7 feet in height and 25 square feet in floor area, with no minimum interior dimension of less than 4 feet. Access doors for storage areas may not directly face a public street. This storage space may be combined with the required long term bicycle storage space found in Section 20.60.090; the total combined area must be a minimum 35 square feet.

4. Other Design Features

In addition to the requirements of [20.40.090E.1](#), [20.40.090E.2](#) and [20.40.090E.3](#), buildings must incorporate at least three of the following six features, which apply to the building as a whole unless otherwise expressly stated:

- a. Modulate building wall planes on the front façade that directly faces a public street other than an alley. Required modulation may be achieved by recessing or projecting portions of a building façade through the use of projections, recesses, and offset planes with a minimum depth of 2 feet.
- b. Provide balconies or bay windows on the front building façade that faces a public street or right-of-way, other than an alley. Qualifying balconies must be at least 6 feet in depth and at least 6 feet in width.
- c. Provide varied rooflines with a pitch that is no flatter than 4/12 pitch. Incorporate at least two of the following:

- (1) a primary roof with a minimum 4/12 pitch gable end facing the public street or (non-alley) right-of-way;
 - (2) a porch roof with a minimum 4/12 pitch facing the public street or (non-alley) right-of-way; and/or
 - (3) provide roof dormers facing the adjacent public street or (non-alley) right-of-way modulated to break up the roof plane for every 500 square feet of roof plane area. The roof dormers must have a minimum 4/12 pitch and must be located at least 3 feet from all the side building walls.
- d. Provide visual diversity on all building façades by varying materials, texture, or color. Variations in building trim or color variation alone will not comply with this alternative.
 - e. Incorporate landscaping adjacent to the building that includes at least one tree and five shrubs per each 25 linear feet of building façade that faces a public street or (non-alley) right-of-way. Trees and shrubs must comply with the landscape material standards of [20.65.080](#).
 - f. Provide windows or glazed area equal to at 15% of the combined total of all the building's façades. The glazing does not have to be distributed evenly among building walls. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements. The glazing required in [20.40.090E.2](#) may be counted toward meeting this standard.

F. Landscaping

Multi-dwelling buildings are subject to landscaping regulations in [Chapter 20.65](#), including the special multi-dwelling and multi-dwelling house landscaping regulations of [20.65.020C](#).

G. Location in Missoula Urban Transportation District

Multi-dwelling developments must be located within the Missoula Urban Transportation District, or the developer must petition for annexation into the Missoula Urban Transportation District.

H. Exceptions; Alternative Compliance

1. The zoning officer, in consultation with the historic preservation officer, is authorized to approve exceptions to the multi-dwelling building standards of this section when strict application of the multi-dwelling building standards would result in buildings that are incompatible with adjacent structures that are recognized as contributing structures in an historic overlay or national register historic district.
2. The Design Review Board is authorized to approve exceptions to the building design standards of [20.40.090E](#) in accordance with the design review procedures of [20.85.080](#).

([Ord 3511](#), 2013; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.100 Multi-dwelling House

Multi-dwelling houses are subject to the standards of [20.05.050](#) (Table 20.05—3.), except as expressly modified or supplemented by the following standards.

- A. The street-facing façade of a multi-dwelling house may have only one visible building entrance. If the building is located on a corner parcel, one building entrance may be visible from each street. Patio-style doors, such as sliding glass doors, may not be used for entrance doors on building façades that face a public street.
- B. The front façade of new multi-dwelling houses established after November 4, 2009 may not exceed 60 feet in width.
- C. Outdoor (surface) parking areas may not be located between the principal building and the street or within any required side setback area.

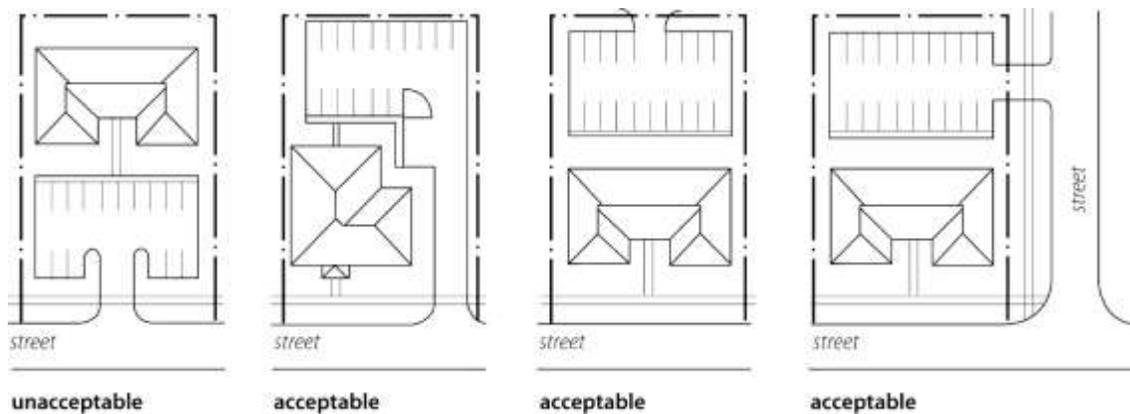


Figure 20.40-4 Multi-dwelling House, Parking

- D. Multi-dwelling houses are subject to landscaping regulations in [Chapter 20.65](#), including the special multi-dwelling and multi-dwelling house landscaping regulations of [20.65.020C](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.110 Residential Storage Warehouse

Residential storage warehouses are subject to the following standards in zoning districts when allowed as a conditional use:

- A. Access doors to storage lockers or cubicles may not open directly onto a public street or alley.
- B. A residential storage warehouse must front on and have direct vehicle access to a collector or higher classification street.
- C. All driveways, interior aisles, and walkways must be paved.
- D. No cubicle may be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
- E. Only storage uses are allowed. No portion of the site may be used for retail sales, service, manufacturing or any similar use.

([Ord 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.120 Residential Support Services

A. Where Allowed

Residential support services are allowed in RM1.5, RM1 and RM0.5 zoning districts in conjunction with nursing homes, health care facilities, and multi-dwelling buildings containing 40 or more dwelling units.

B. Standards

1. Residential support services must be located in the same building as the principal residential use, and occupy, in aggregate, no more than 3,000 square feet or 10% of the floor area of the principal residential use, whichever is less.
2. Residential support services uses are limited to a maximum of one wall sign per business or one ground sign per building. Wall signs may not exceed 8 square feet in area. Ground signs may not exceed 24 square feet in area or 6 feet in height.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.130 Temporary Uses

A. Description and Purpose

1. A temporary use is the use of property conducted from an area or structure (e.g., parking lots, lawns, trucks, tents, or other temporary structures) that does not require a building permit and that may or may not comply with the use or parcel and building standards of the zoning district in which the temporary use is located.
2. The temporary use regulations of this section are intended to permit such occasional, temporary uses and activities when consistent with the overall purposes of this zoning ordinance and when the operation of the temporary use will not be detrimental to the public health, safety or general welfare.

B. Authority to Approve

1. Except as expressly stated in [20.40.130C](#), all temporary uses are subject to all city permits and requirements.
2. The zoning officer is authorized to approve temporary uses that comply with the provisions of this section and to impose conditions on the operation of temporary uses that will help to ensure that they do not create unreasonable adverse impacts on surrounding uses and that they operate safely, consistent with the general purposes of this zoning ordinance.
3. The zoning officer is also authorized to require that individual temporary use requests be processed as conditional uses in accordance with [20.85.070](#).

C. Exemptions

The following are permitted as temporary uses without complying with the permit requirements of this section:

1. garage sales conducted in R districts or on parcels occupied by residential dwelling units for no more than 12 days total in any calendar year; and
2. temporary uses of no more than three days duration conducted on city parkland or public property, provided such uses have been approved by the City Council or other duly authorized city official.

D. Authorized Uses

The following may be approved as temporary uses when the zoning officer determines that the operation of such use will be generally compatible with surrounding uses and will not be detrimental to public safety:

1. Christmas tree and similar holiday sales lots;
2. outdoor carnivals;
3. outdoor concerts, festivals and similar events;
4. temporary sales offices;
5. temporary portable storage containers, subject to [20.40.130F](#);
6. auctions; and
7. similar uses and activities.

E. Conditions of Approval

In approving a temporary use, the zoning officer is authorized to impose conditions on the operation of temporary uses that will help to ensure that they do not create unreasonable adverse impacts on surrounding uses and that they operate safely, consistent with the general purposes of this zoning ordinance. Such conditions may include the following:

1. requirements for vehicle access and parking, subject to review and approval by the city engineer;
2. restrictions on hours of operation;
3. limitations on signs and outdoor lighting;
4. requirements for financial guarantees for cleanup and/or removal of structures or equipment; and
5. other conditions necessary to carry out the general purposes of this zoning ordinance.

F. Special Regulations for Temporary Portable Storage Containers

Temporary portable storage containers are an allowed temporary, accessory use. The following regulations apply to parcels containing a dwelling unit.

1. Temporary portable storage containers are permitted for a period not to exceed a total of 30 days within any consecutive 6-month period. However, in cases where a

dwelling has been damaged by natural disaster or casualty, the zoning officer is authorized to allow a temporary portable storage container for a longer period.

2. Temporary portable storage containers may not exceed 8.5 feet in height or more than 260 square feet in floor area.
3. Temporary portable storage containers may not be located in the public right-of-way or within visibility obstruction triangles (see 12.28.110 of the Municipal Code.)
4. Temporary portable storage containers may not be located in a front or street side setback unless located on a driveway or other paved surface.
5. Rail cars, semi-trailers, and similar structures may not be used for temporary or permanent storage on parcels containing a dwelling.
6. Signs on temporary portable storage containers must comply with all applicable sign regulations of this zoning ordinance.

G. Time Limit

1. In residential (R) zoning districts temporary uses may be permitted up to four times per calendar year per parcel for a maximum of ten days per occurrence. Upon expiration of a temporary use permit, another permit for the same premises may not be obtained for at least 30 days.
2. In nonresidential zoning districts temporary uses may be permitted for up to 90 days per calendar year per parcel. There is no limit on the number of occurrences or events as long as the 90-day cumulative limit is not exceeded.
3. The applicant must submit a written explanation of the length of time needed for a proposed temporary use.

H. Procedure

Upon receipt of a complete application for a temporary use, the zoning officer must review the proposed use for its likely effects on surrounding properties and its compliance with the provisions of this section. The zoning officer may impose conditions of approval necessary to ensure compliance with this section and consistency with the overall purpose of this zoning ordinance.

[\(Ord. 3439, 2010; Ord. 3410, 2009\)](#)

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20.40.135 Tourist Homes

A. Tourist Homes

The tourist home regulations are intended to promote short term rental lodging, preserve neighborhood character and provide predictability for established neighborhoods, encourage efficient use of housing and infrastructure, and promote public health, safety, and welfare. Short term rental lodging is a temporary occupancy that is not a residency of the dwelling unit governed by "THE MONTANA RESIDENTIAL LANDLORD TENANT ACT OF 1977."

Additionally, hotel taxes from short term rentals can be used to promote travel and tourism and to support the local tourism industry; and the needs of long term residents should be balanced with the allowance of short term rentals.

B. Applicability

Tourist homes are permitted within lawfully established dwelling units in zoned and unzoned areas.

The tourist home regulations are not intended to interfere with, abrogate, or annul any legal or lawful private homeowner association covenants that are in effect in any specific subdivision in accordance with [20.01.080.C](#).

C. Registration Requirement

1. Tourist home registration is required for all tourist homes and shall be renewed annually. Prior to approval of the tourist home registration, the applicant must:
 - a. Provide the name, telephone number, address, and email address of the owner and of a person or business (“responsible party”) that is responsible for addressing all maintenance and safety concerns. If the applicant is a business, the name(s) and contact information of all business owners must be provided.
 - b. Notify all property owner(s) within 150 feet of the subject property prior to filing the application.
2. Tourist home registration shall automatically expire whenever the applicant ceases to own the building or unit in which the tourist home is operated.

D. Denial or Revocation of Registration

If Development Services determines that three violations of any City ordinance or law occurs at tourist home rental, including other provisions of Title 20 or Title 9 within 12 months, the registration to operate a tourist home rental shall be revoked at that location for a period of one year. Appeals of revocations shall be made to the Board of Adjustment.

E. Establishment

A tourist home shall only be established in a legal existing dwelling unit.

F. Presence of Accessory Dwelling Unit

If a tourist home is operated on a parcel containing an accessory dwelling unit, all provisions of section [20.45.060](#) shall apply.

G. Number

1. No more than one tourist home unit is permitted per parcel in R215, R80, R40, R20, R8, R5.4, and R3 zoning districts.
2. No more than two units per building may be used as a tourist home in RT2.7, RT10, RT5.4, RM2.7, RM1.5, RM1, RM0.5, RMH zoning districts, and unzoned lands.
3. Townhomes that are attached shall be treated as in Section [20.40.135.G.2](#).
4. No individual shall register more than two tourist homes in residential districts.

H. Maximum Occupancy

The maximum number of paying guests shall not exceed more than one guest per 150 square feet of floor area. The maximum occupancy shall be conspicuously posted.

I. Responsible Party

The name and telephone number of the local responsible party, along with regulatory agency contact information, shall be conspicuously posted within the tourist home unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems associated with the tourist home rental.

J. Compliance with Applicable Building Code

Tourist homes shall meet all applicable building codes which may include requirements for safe sleeping rooms such as egress windows, smoke detectors and carbon monoxide detectors. See applicable building code (Building Division, Development Services) for more information.

K. Signage

Signs are prohibited.

[\(Ord. 3583, 2016\)](#)

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20.40.140 Townhouse**A. Applicability**

Townhouses are subject to all applicable regulations of this zoning ordinance except as modified or supplemented by the townhouse building standards of this section.

B. Minimum Parcel Size

No minimum parcel area is required.

C. Side Setbacks

No side setback is required for common or abutting walls. Otherwise, the minimum side setback requirements of the subject zoning district apply.

D. Building Separation

All detached buildings on a single parcel must be separated by a minimum distance of 10 feet.

E. Number of Units

In zoning districts that allow three+-unit townhouses, buildings may not contain more than eight attached townhouse units.

F. Parking and Access

1. Access to parking spaces and garages must be from the alley for all parcels abutting an alley.
2. For parcels without alley access, driveways, parking and other vehicular use areas may not be located between the porch (or covered building entrance) and the street.

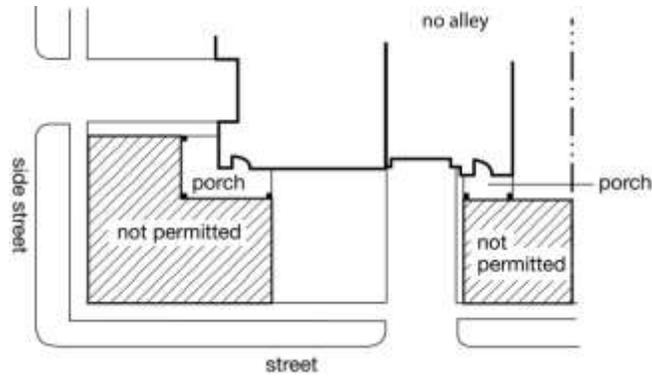
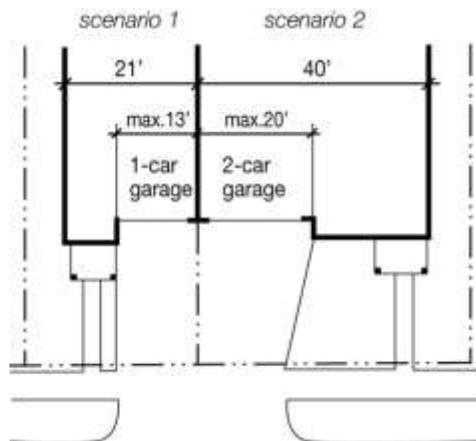


Figure 20.40-5 Townhouse, Parking and Access, Parcels Without Alley Access

3. When parking is provided in a garage or carport that faces a street, the following standards must be met:
 - a. The garage or carport width may not exceed 50% of the street facing façade of each attached dwelling unit or 13 linear feet, whichever is greater (see diagram.)



Scenario 1: single-car garage: $21' \text{ façade} \times 0.5 = 10'6''$
 $10'6'' < 13'$
 maximum garage width = 13'

Scenario 2: 2-car garage: $40' \text{ façade} \times 0.5 = 20'$
 $20' > 13'$
 maximum garage width = 20'

Figure 20.40-6 Townhouse, Parking and Access, Width of Garages or Carports Facing the Street

- b. A townhouse structure may have no more than two individual garage doors or carport entrances in succession on a street-facing façade.
- c. Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed as least 2 feet from the street facing façade of the building.

- d. When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the city engineer (see diagram.)

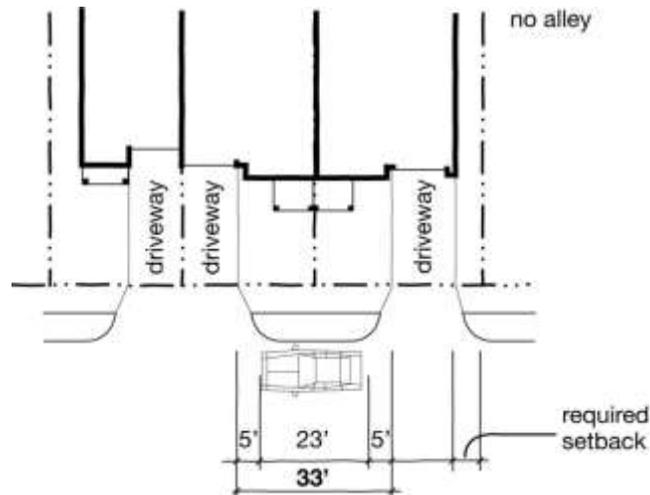


Figure 20.40-7 Townhouse, Parking and Access, Location of Garages or Carports

- e. The width of all driveway approaches must meet city engineering department standards (Municipal Code 12.12.180), as reviewed and determined by the city engineer.

G. Building Design

1. Entry Treatment

- a. Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within 8 feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met.

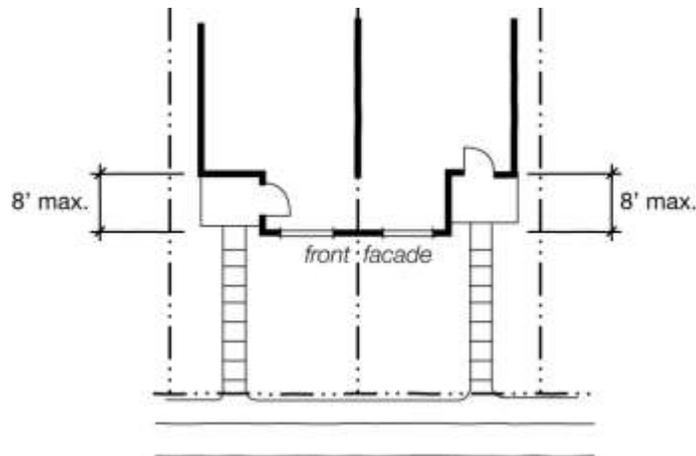


Figure 20.40-8 Townhouse, Building Design, Entry Treatment

- b.** Each townhouse dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements.

2. Glazing

Each townhouse dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements.

3. Building Modulation

- a.** Building façade modulation must be provided on the front façade of all townhouse buildings containing three or more dwelling units when such buildings directly face a public street (other than an alley), as follows:
 - (1)** Exterior walls may not exceed 32 feet in (horizontal) length without modulation; and
 - (2)** The modulation depth must be at least 2 feet.
- b.** Modulation may be achieved through such techniques and features as:
 - (1)** recessed or projecting wall offsets;
 - (2)** entryways;
 - (3)** porch or canopy structures including columns or piers;
 - (4)** balconies;
 - (5)** dormers; or
 - (6)** other prominent architectural features that serve to provide dimension and break up large expanses of wall area.

H. Landscaping

Townhouses are subject to landscaping regulations in [20.65.020B](#).

I. Exceptions; Alternative Compliance

1. The zoning officer, in consultation with the historic preservation officer, is authorized to approve exceptions to the townhouse standards of this section when strict application of the townhouse standards would result in buildings that are incompatible with adjacent structures that are recognized as contributing structures in a national register historic district.
2. The Design Review Board is authorized to approve exceptions to the garage/carport width standards of [20.40.140F3](#) and the building design standards of [20.40.140G](#) in accordance with the design review procedures of [20.85.080](#).

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.150 Truck Stop/Travel Plaza**A. Applicability**

The standards of this section apply to all truck stops and travel plazas.

B. Minimum Parcel Area

The minimum parcel area for establishment of a new truck stop or travel plaza is ten acres.

C. Location

The parcel on which the truck stop/travel plaza is located must have frontage on an arterial street and be within 2,000 feet of the centerline of the nearest interstate highway exit/entry ramp.

D. Pump Island Canopies

Pump island canopies may not exceed 22 feet in height.

E. Indoor Operation

All vehicle service and/or repair activities must be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires or other materials must be screened from abutting streets and property.

F. Noise

If the parcel on which the truck stop/travel plaza is located is within 1,320 feet of an R zoning district, the applicant must provide a noise impact study prepared by a qualified acoustical consultant and must propose necessary mitigation measures to ensure that noise levels at the boundary of the nearest R zoning districts will not exceed 60 dB(A) between the hours of 10 p.m. and 7 a.m. The applicant must also propose idling time restrictions and means of ensuring compliance with such restrictions. The purpose of such restrictions is to reduce noise and air quality-related impacts.

G. Other Uses

Other business activities which are customarily accessory and clearly incidental and subordinate to the truck stop/travel plaza may include scales, truck wash, tire repair and sales, barber shop, restaurant, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), laundry, chain rental, and gasoline and propane dispensing.

Commentary: See Chapter 8.64 of the Municipal Code for lighting standards, including specific standards for canopy lighting.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.160 Wireless Communication Facilities**A. Purpose**

1. It is the duty of the city to protect the public health, safety and welfare of all residents. The city has authority to regulate the placement, construction and modification of personal wireless service facilities in the advancement of that duty. The city recognizes the need to respond to the policies in the Telecommunications Act of 1996 and has constructed these regulations to ensure adequate provision of personal wireless services while respecting the need to protect the natural beauty, community appearance and visual quality of its historic, residential, and commercial neighborhoods. Nothing in these regulations is intended to contravene the Telecommunications Act of 1996. The regulations of this section are specifically intended to:
 - a. regulate the location and height of personal wireless services support structures and facilities;
 - b. protect residential areas from potential adverse impact of personal wireless services support structures and facilities;
 - c. minimize adverse visual impact of personal wireless services support structures and facilities through careful design, siting, landscaping, and innovative design techniques;
 - d. promote and encourage co-location of wireless service facilities on existing support structures as a primary option rather than construction of additional single use personal wireless service facility support structures;
 - e. promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new ground-mounted support structures;
 - f. avoid potential physical damage to property caused by personal wireless services support structures and facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound;
 - g. ensure that personal wireless services structures and facilities are compatible with surrounding land uses;

- h.** support the ability of personal wireless service providers to deliver services in the city in a manner consistent with adopted goals and objectives for community development;
- i.** ensure adequate and effective personal wireless services to the citizens of Missoula and its environs; and
- j.** Provide for the efficient modification and upgrading of existing facilities to accommodate changing technologies.

B. Applicability

- 1.** 1. This section applies to all personal wireless service facilities, except that those associated solely with the following are exempt:
 - a.** public safety services (e.g., police and fire);
 - b.** amateur radio stations;
 - c.** land mobile radio; and
 - d.** radio and television.
 - e.** Distributed Antenna Systems (DAS), small cell networks, or wireless facilities located within a building, stadium or similar structure; not visible from outside the building, stadium or similar structure; and intended primarily to provide wireless coverage within that building, stadium or similar structure
- 2.** The public lands and agencies exemption from compliance with zoning in state law does not apply to private entities utilizing publicly owned lands.

C. Prohibited Locations and Support Structure Types

The following locations and support structures are not permitted:

- 1.** personal wireless service facilities in the public right-of-way or on unzoned land; and
- 2.** lattice and guyed tower support structures for personal wireless services.

D. Permitted Locations**1. Existing Facilities**

Modifications to existing personal wireless service facilities are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

2. Roof-Mounted Support Structures

Personal wireless service facilities located on roof-mounted support structures are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

3. Structure-Mounted Support Structures

Personal wireless service facilities located on structure-mounted support structures are permitted in all zoning districts, subject to compliance with other applicable standards of this section.

4. Ground-Mounted Support Structures (Tower)

Ground-mounted support structures for personal wireless service facilities are permitted in OP3, B1, B2, C1, C2, CBD, M1R, M1 and M2 zoning districts, subject to compliance with other applicable standards of this section.

5. Distributed Antenna System (DAS) and Small Cell Networks

DAS and small cell networks, not otherwise exempt per 20.40.160(B)(1)(e), are permitted in all zoning districts and subject to compliance with Section 20.40.160I. This includes new facilities, major modifications, and minor modifications.

E. Historic District Overlay Zones (/NC-H)

In addition to compliance with applicable standards contained in this section, proposed development located in or within 300 feet of an /NC-H overlay district must be reviewed by the historic preservation officer for consistency with applicable overlay district regulations and applicable requirements of 20.85.085, when a Historic Preservation Permit is required. Minor modifications approved through Section 20.40.160I are exempt from Historic Preservation review.

F. Development Standards

Development standards are based on the activity pursued. They are addressed in the form of minor or major modification to existing facilities, or new facilities.

1. Minor Modifications

Improvements to existing facilities (conforming and non-conforming) that result in some material change to the facility or support structure but of a level, quality or intensity that is less than a substantial change per section 20.40.160(G). Minor modifications include collocation of new transmission equipment, replacement of support structure, and removal or replacement of transmission equipment. Meeting this definition allows the facility to be eligible for a stream lined process in accordance with Section 20.40.160I.

2. Major Modifications

Improvements to existing facilities that result in a substantial change to the existing facilities as described in Section 20.40.160G.

3. Schedule

The following standards apply to wireless communication facility supports:

Support Type	Permitted Location	Support Structure Height	Antenna Height	Setback	Buffering & Screening	Visual Impact Mitigation	Refer to section	
Existing Facilities - Minor Modifications	Existing location	20.40.160G2	20.40.160G.2.	20.40.160G.2.	Cannot exceed/defeat existing	Cannot exceed/defeat existing	20.40.160.G.2	
Existing Facilities - Major Modifications	Existing location	Depending on support type. Refer to support systems below.						20.40.160G.3.

Support Type	Permitted Location	Support Structure Height	Antenna Height	Setback	Buffering & Screening	Visual Impact Mitigation	Refer to section
Roof-mounted support structure – New or Major Modification	All zoning districts	Not to exceed the height of the tallest element of the building to which it is attached	Not to exceed the building's tallest element; or 10 ft. above the building's tallest element if total surface area of each antenna does not exceed 10 sq. ft.	N/A	Not required	Required	
Structure-mounted support structure – New or Major Modification	All zoning districts	Support structure + antenna may not exceed 8 ft., not including host structure height	Included in height of support structure	N/A	Not required	Required	
Ground-mounted support structure – New or Major Modification	B1, B2, C1, C2, CBD, M1R, OP3,*	Support structure + antenna together may not exceed 50 ft. or height of existing utility and telephone poles within 300 ft. of the proposed site	Included in height of support structure	From property line: 100% of structure height for support; 20 ft. for equipment enclosure	Required	Required	
	M1, M2	Support structure + antenna may not exceed the zoning district height limit	Included in height of support structure	From property line: 50% of structure height for support; 10 ft. for equipment enclosure	Required	Required	
Distributed Antenna System (DAS) and Small Cell Networks	All Zoning Districts	Support structure + antenna may not exceed 8 ft., not including host structure height	Included in height of support structure	N/A	Not required	Required	20.40.160!

*Allowed as conditional use in all residential zoning districts and subject to residential height limits.

Figure 20.40-9 Standards for Wireless Communication Facility Supports

4. Buffering and Screening

Where required, buffers and screening must be provided in accordance with [20.65.060](#) and [20.65.070](#).

5. Visual Impact Mitigation

a. Roof-mounted Facilities

Facilities mounted on the roof of buildings must be visually incorporated into the building or background by the use of architectural elements, color, screening or other methods. Antennas not exceeding 10 square feet in total surface area atop a single support structure are not required to meet this requirement.

b. Structure-mounted Support Structure

(1) Wireless communication structures mounted on other structures not constructed for the primary purpose of supporting wireless communication services must be either fully concealed within the host structure or camouflaged to appear to be an integral part of the host structure.

(2) The surface area of the antenna may not exceed 10 square feet in total antenna surface area. The antenna must be either fully concealed within the support structure or camouflaged to appear to be an integrated part of the structure. An antenna that is not flush mounted on the side of the structure must be set back from all sides of the structure to which it is attached and camouflaged or disguised.

c. Above Ground Equipment Enclosures

Above ground equipment enclosures that are used in or adjacent to residential zones must be designed with exterior façade materials of masonry, stucco, or beveled siding and have rooflines of a minimum 4/12 pitch with roofing materials generally used in residential construction.

d. Lighting

Support structures may not be artificially illuminated except as required by FAA regulations. All other outdoor lighting must meet the following standards:

(1) Lighting used to illuminate driving and parking areas must be arranged, designed or shielded so that all light is confined to the subject property.

(2) Exterior building lighting must be arranged, designed, or shielded so that direct light falls upon the surface of the structure to be illuminated and within the subject property boundary.

(3) Lighting must be arranged so as to deflect lighting down and away from any residential district and may not detract from driver visibility on streets. Lighting may not cause glare on any property used or zoned for residential purposes.

(4) All lighting, except for security purposes, must be turned off between 11:00 p.m. and 6:00 a.m.

e. Signage

Identification and contact information is permitted on one wall- or fence-mounted sign not exceeding 4 square feet in area per provider per site. Other signage may not be located on wireless facilities, unless required by the FCC or FAA.

f. Safety

The structural design for all support structures greater than 10 feet in height must be certified by a professional structural engineer licensed to practice in the State of Montana. A building permit, if required by the building department, must be obtained prior to the installation of a wireless communication facility.

G. Existing Facilities Maintenance, Modification, and Removal

1. Ordinary Maintenance of existing Personal Wireless Service Facilities

Ordinary maintenance of existing facilities and support structures shall be exempt from zoning requirements.

Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, and aesthetic integrity. Ordinary maintenance includes (i) replacing existing antennas with antennas of a similar size and color, (ii) replacing accessory equipment with equivalent accessory equipment within an existing facility, and (iii) relocating the antennas of approved facilities to different height levels on an existing support structure upon which they are currently located. Ordinary maintenance does not include minor and major modifications.

2. Minor Modifications

Minor modifications can only occur to an existing facility that has been previously permitted and is not considered a substantial change as noted below. Each existing facility can use the minor modification process for an increase in height only once. Further modification will be considered a major modification and will require compliance with all applicable sections.

3. Major Modifications

A proposed modification will be considered a major modification and substantial change if it meets the following criteria:

- a.** It increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- b.** It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

- c. For any support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It involves excavation outside the current existing facility site, defined as the current boundaries of the leased or owned property surrounding the existing structure and any access or utility easements currently related to the site;
- e. The proposed antenna would defeat the concealment elements of the current existing facility site; or
- f. The proposed antenna does not comply with the conditions associated with the prior approval of the existing structure unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed corresponding substantial change thresholds.

4. Modification of Nonconforming Facilities and Support Structures

Ordinary maintenance is subject to 20.40.160G.1.

Minor modification of nonconforming facilities and support structures is subject to compliance with section 20.40.160F.

Major modification to nonconforming facilities is subject to Chapter 20.80 Nonconformities.

5. Removal and Abandonment of Personal Wireless Service Facilities

- a. Providers must notify the city in writing when a personal wireless service facility is no longer being utilized. Any facilities that are not utilized for the provision of personal wireless services for a continuous period of 6 months or more will be considered abandoned. All abandoned facilities must be removed within 6 months of the cessation of operations. If a facility is not removed within 6 months, the city is authorized to remove the facility at the facility owner's or land owner's expense.
- b. Where multiple users share a support structure, the non-operational antenna and equipment enclosure must be removed. Any necessary shared

facilities may be retained until all users have terminated the utilization of the support structure.

- c. Providers must apply for a demolition permit from the city when a personal wireless service facility, other than a DAS or small cell network, is being removed.
- d. Providers must notify the city in writing when a DAS or small cell network system is abandoned or removed.

H. Submittal Requirements for New Facilities and Major Modifications

1. A zoning compliance permit must be obtained in accordance with [20.85.120](#) before construction or erection of any new personal wireless service facilities, or major modification to existing facilities.
2. In addition to any other information required for a zoning compliance permit, a permit application for a new wireless communication facility, or major modification to an existing facility must also include:
 - a. An application containing ownership, applicant's representative or contact, and lease terms.
 - b. A site plan drawn to scale showing the following:
 - (1) North point;
 - (2) Boundaries, easements and ownership as set forth in the legal description;
 - (3) Topography at 2-foot contour intervals;
 - (4) Existing structures and improvements;
 - (5) Location of existing vegetation including trees over 10 inches in diameter (DBH) that might be impacted by the proposal, watercourses, other natural features and areas of slope greater than 25%;
 - (6) Proposed improvements, if any;
 - (7) Utilities;
 - (8) All adjacent streets and rights-of-way; and
 - (9) Elevation drawings and/or photographs of all existing and proposed structures with documentation prepared by a professional structural engineer licensed to practice in the State of Montana establishing the structural integrity of the wireless communications support structure; including documented loading calculations for wind, snow and seismic forces under circumstances of maximum capacity loading, and the equipment enclosures capacity. Loading criteria, as required by the building inspection division, are those set forth in the edition of the applicable building code most recently adopted by the city.

- c.** Documents containing the following written information:
 - (1)** A detailed explanation of how the support structure and its personal wireless service facilities will be maintained and how the maintenance and operations of the structure and facilities will be transferred to a third party in the event the applicant ceases to retain ownership. Unless otherwise approved by the city, the responsibility of maintenance and operations transfer to the owner of the underlying property; and
 - (2)** An explanation of how the applicant will provide a financial security for the removal of the support structure in the event that it no longer serves telecommunications carriers or service providers. The amount of the financial guarantee must be 150% of the estimated cost of facility removal and must be acceptable to the city.
 - (3)** An agreement stating that the provider will submit an annual report listing all their facilities, the locations, and whether they are operational on October 1st of each year.
- d.** Visual impact demonstrations including mock-ups and/or photomontages and visual impact analyses for the specific location.
- e.** If proposing a new ground-mounted support structure, applicants must provide, in addition to the above submittal requirements, the following:
 - (1)** A list of all existing personal wireless service facilities operated by the applicant and the service area of the existing and proposed facilities;
 - (2)** Evidence that no existing buildings, structures or other ground-mounted support structures within the same geographic service area of the proposed structure could be used as alternative locations. Evidence must include a map of the area to be served by the facility, its relationship to other sites in the applicant's network, a list and evaluation of all existing buildings, structures and ground-mounted support structures reviewed by the applicant within the same geographic service area of the proposed site, demonstration that the provider contacted the landowners or owners of the alternative sites listed, asked permission to locate on the site, and was denied;
 - (3)** Evidence demonstrating a genuine effort to solicit co-location by other users/providers on the proposed ground-mounted support structure; copies of notice sent by certified mail, return receipt requested, to all other providers of personal wireless services in the city advising of the intent to construct a new ground-mounted support structure, identifying the location, inviting the joint use and sharing of costs and requesting a written response in 15 business days; and
 - (4)** An agreement, subject to review and approval of the city attorney, to encourage and promote future joint use of support structures within the city and to commit no act or omission that would have the effect of excluding, obstructing or delaying the joint use of any support structure where fair and

reasonable compensation is offered for such use.

- f. Permit fees, as required.

I. Submittal requirements for minor modifications

1. A zoning compliance permit must be obtained before any minor modification of any personal wireless service facility or tower.
2. A zoning compliance permit for a minor modification must contain:
 - a. An application containing ownership, applicant's representative or contact, and lease terms.
 - b. A written statement explaining how the request qualifies for a minor modification review process.
 - c. A site plan drawn to scale showing the following:
 - (1) North point;
 - (2) Boundaries, easements and ownership as set forth in the legal description;
 - (3) Existing structures and improvements;
 - (4) Location of existing vegetation including trees over 10 inches in diameter (DBH) that might be impacted by the proposal, water-courses, other natural features and areas of slope greater than 25%;
 - (5) Proposed improvements, if any;
 - (6) Utilities;
 - (7) All adjacent streets and rights-of-way; and
 - (8) Elevation drawings and/or photographs of all existing and proposed equipment with documentation prepared by a professional structural engineer licensed to practice in the State of Montana establishing the structural integrity of the wireless communications support structure; including documented loading calculations for wind, snow and seismic forces under circumstances of maximum capacity loading, and the equipment enclosures capacity. Loading criteria, as required by the building inspection division, are those set forth in the edition of the applicable building code most recently adopted by the city.
 - d. Permit fees, as required
3. The Zoning Officer may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the minor modification criteria.

J. Third Party Review

Adequate review of applications, particularly for new ground-mounted support structures, may require the city to retain consultants or other third party assistance to review an application. In such an event, the applicant must reimburse the city for the reasonable actual costs incurred by the city for retention of consultants or other third parties prior to issuance of a building or zoning compliance permit. The city must provide a written scope and cost proposal to the provider for approval prior to the city entering into an agreement with a third party.

K. Exceptions**1. Applicability**

In the event that standards of this section cannot be met by an applicant, and there exists no feasible alternative to providing adequate service by any provider for a particular geographic area, the applicant may apply for conditional use approval in accordance with [20.85.080H](#).

2. Review and Submittal Requirements

Prior to submitting an application for conditional use approval in accordance with 20.85.070H, the applicant must request in writing a pre-application conference with Development Services. The purpose of the pre-application conference is to acquaint the participants with the applicable requirements of this section. A conditional use application must include all information required by [20.40.160](#) and must provide documentation demonstrating evidence of all the following:

- a. wireless telecommunications services by any provider are not available within a specific geographic area, and cannot be made available unless a new support structure is built or erected in a manner or location contrary to the standards of this section;
- b. location on buildings or other structures is not possible because:
 - (1) no existing or proposed structures adequate to support the proposed antenna are located within the geographic area required to meet the applicant's engineering and service requirements; or
 - (2) property owners or owners of existing structures for smaller scale installations are unwilling to accommodate the applicant's needs; or
 - (3) the applicant demonstrates that there are other factual and verifiable limiting factors that render rooftops and other sites or monuments unsuitable for location of structural supports; and
 - (4) co-location on existing support structures is not possible because:
 - (5) existing or approved support structures are not of sufficient height to meet the applicant's engineering and service requirements and a combination of smaller scale facilities will not enable adequate service delivery; or
 - (6) existing or approved support structures do not have sufficient

structural strength to support the proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength; or

- (7) the proposed antenna would cause electromagnetic interference with antenna on existing or approved support structures, or the antenna on existing or approved support structures would cause interference with the proposed antenna; or
- (8) the applicant demonstrates that there are other factual and verifiable limiting factors that render existing or approved structural supports for wireless facilities unsuitable for co-location.

([Ord. 3574](#), 2016; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.40.170 Commercial Uses Not Exceeding 30,000 Square Feet

The purpose and intent of these site and building design standards is to ensure that commercial buildings are oriented to face public and private streets, visual impacts of surface parking areas are minimized and building facades feature some level of architectural detail. Standardized corporate architecture is discouraged to the extent that architecture and applied color schemes are a clear representation of corporate identity. The intent is not to dictate design or limit architectural expression but to establish some minimum standards for certain commercial development to enhance the appearance and economic vitality of our commercial corridors, enhance quality of life for citizens and encourage large chain stores and restaurants to design buildings that respect and reflect the unique character of Missoula.

A. Applicability

1. This section establishes site and building design standards for lodging, retail, office, restaurant and certain other commercial uses in B1, B2, C1, C2 and CBD commercial zoning districts (see [Table 20.10—1](#)) and M1R and M1 industrial zoning districts (see [Table 20.15—1](#)) that comprise no more than 30,000 square feet of gross floor area and therefore do not meet the size threshold to be considered Enterprise Commercial Uses (see [20.40.050](#) Enterprise Commercial Uses.)
2. These site and building design standards apply only to new construction.
3. Exceptions to these standards may be granted by the Zoning Officer in consultation with the Historic Preservation Officer, where strict application of these standards would result in site or building designs deemed inconsistent with nationally or locally designated historic sites, buildings or districts.
4. Exceptions to these standards may be granted by the Zoning Officer where strict application of these design standards is impractical due to physical constraints and topographic conditions of the site.

B. Zoning Compliance Permit

A Zoning Compliance Permit may be applied for prior to, or concurrent with, the submittal of building plans. Compliance with the provisions of this section shall be determined from inspection of site plans, building elevations and a signage plan at the time of zoning compliance review. The Zoning Compliance Permit may contain conditions of approval.

C. Building Facades

A primary façade is a side of a building that faces a public or private street, faces residential development or contains a primary customer entrance. A secondary façade is a side of a building that is not a primary façade but is visible from a public or private street.

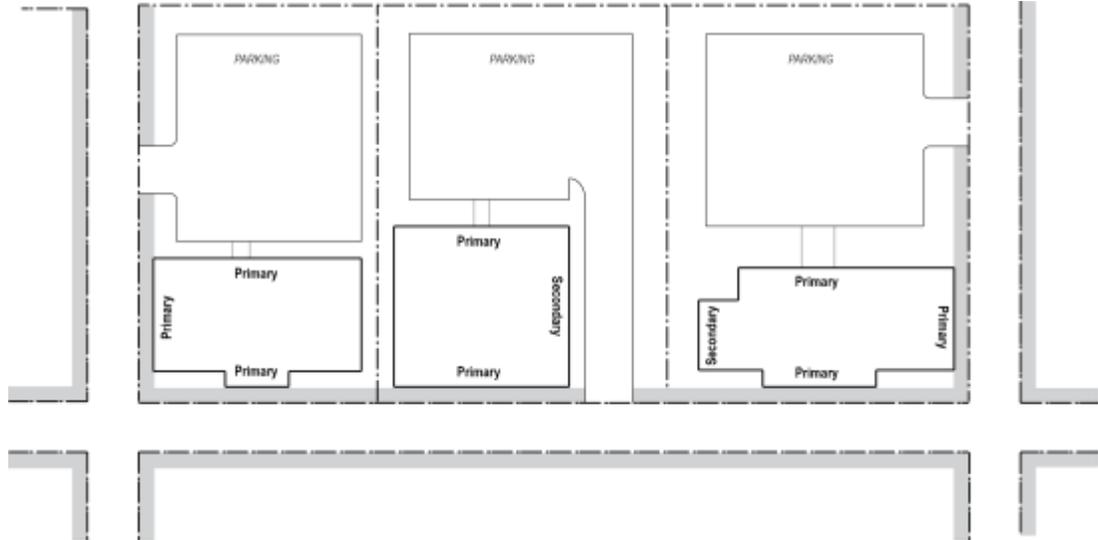


Figure 20.40-10 Primary and Secondary Facades

D. Building Orientation

Buildings shall be oriented to face public and private streets. Mid-block buildings shall be oriented to face the street. Corner-lot buildings shall “hold the corner” meaning at, or close to, the front and street side property lines, unless it is shown that there are compelling site conditions that necessitate a different orientation.

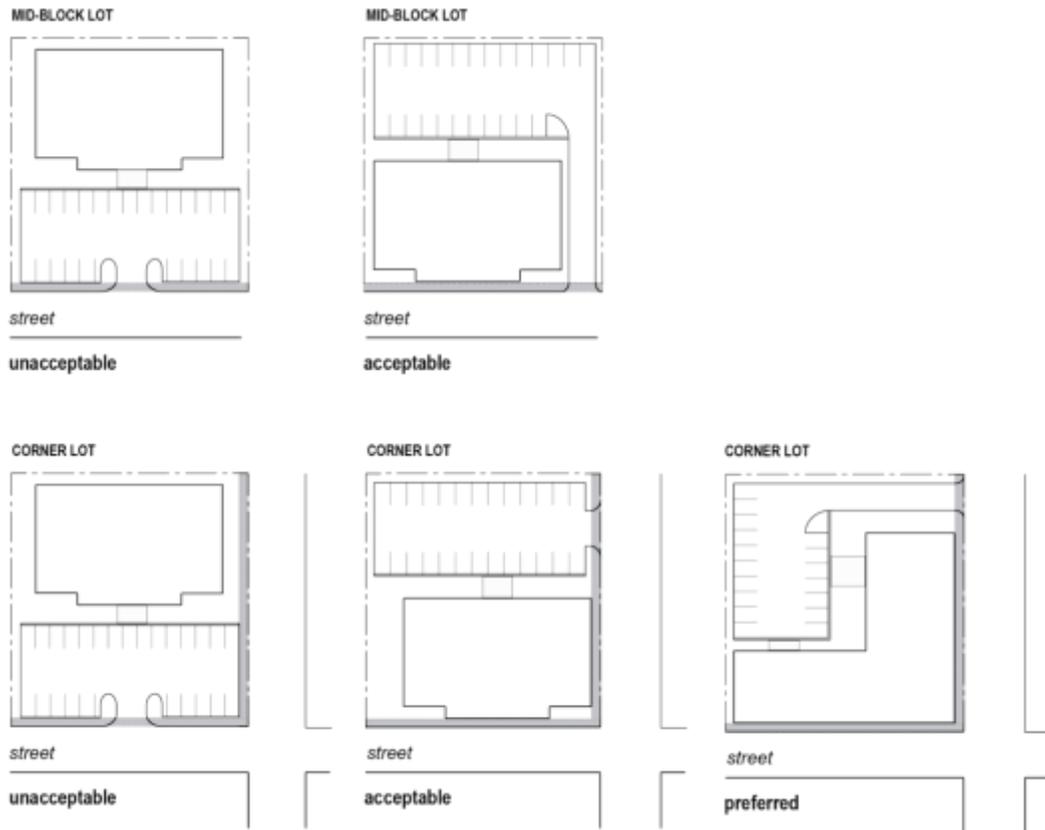


Figure 20.40-11 Building Orientation Standards

E. Customer Entrance

Buildings shall have at least one customer entrance which is clearly defined and highly visible facing the street or public right-of-way.

F. Mechanical Equipment and Utilities

Ground- or wall-mounted mechanical equipment, utility cabinets, junction boxes, valve boxes, utility meters and the like shall not be placed on, or in front of, primary facades.

G. Trash Receptacles

Trash receptacles shall be contained and screened from view (see standards contained in [20.65.070B.3](#)).

H. Parking

Parking areas shall not be located between the building and a public or private street. Surface parking must be located behind the building or within or under the building. When the depth of the parcel is insufficient to permit required parking behind the building, parking may be located to the side of the building provided that it does not occupy more than 50% of the street frontage and is separated from the sidewalk by perimeter parking lot landscaping in accordance with [20.65.050](#). If the parking lot perimeter landscaping requirements of [20.65.050](#) do not apply, the parking must be separated from the sidewalk by a solid wall between 36 and 42 inches in height. [Chapter 12.22](#) contains parking facility standards.

I. Neighborhood Commercial

These standards shall apply to certain non-residential uses in the B1 and B2 zoning districts. In order to enhance the visual appearance of commercial development, primary facades shall incorporate at least four design alternatives and secondary facades shall incorporate at least three design alternatives. The design alternatives are:

1. Provide color variation in the building façade, including building trim or accent areas;
2. Provide building façade modulation, such as projections, recesses, off-set planes, overhangs, arcades and/or clearly defined, highly visible pedestrian entrances encompassing at least 75% of the first story of the building façade. No uninterrupted (un-modulated) length of the façade shall exceed 60 feet in length. The break in the facade shall be at least 6 feet in length and a minimum 2 feet in depth;
3. Provide exterior materials that are clearly visibly texturally diverse. Predominant exterior building materials may not include smooth faced concrete block, tilt up concrete panels or prefabricated steel panels. This is not intended to exclude the use of architectural metal wall systems;
4. Incorporate windows, doors and other transparencies to encompass at least 30% of the first story of the building façade between finished grade and 12 feet above grade. Darkly tinted, mirrored or highly reflective glazing or doors with less than 50% glass may not be counted toward minimum glazed area requirements;
5. Provide varied roof lines and multiple roof planes, with three or more roof slope planes, or a rooftop garden or rooftop deck; varied roof lines should not preclude the installation of renewable energy systems;
6. Provide a primary customer entrance which is clearly defined and highly visible facing the street or public right-of-way. Where a customer entrance is provided to meet the requirement in [20.40.170E](#), it shall be counted as meeting one of the design alternatives for that façade;
7. Provide a ground-level covered entryway a minimum of 8 feet wide and 6 feet deep.

J. General Commercial

These standards shall apply to certain non-residential uses in the C1, C2, CBD, M1R and M1 zoning districts. In order to enhance the visual appearance of commercial development, primary facades shall incorporate at least four design alternatives and secondary facades shall incorporate at least three design alternatives. The design alternatives are:

1. Provide color variation in the building façade, including building trim or accent areas;
2. Provide building façade modulation, such as projections, recesses, off-set planes, overhangs, arcades and/or clearly defined, highly visible pedestrian entrances encompassing at least 75% of the first story of the building façade. No uninterrupted (un-modulated) length of the façade shall exceed 80 feet in length. The break in the facade shall be at least 8 feet in length and a minimum 2 feet in depth;

3. Provide exterior materials that are clearly visibly texturally diverse. Predominant exterior building materials may not include smooth faced concrete block, tilt up concrete panels or prefabricated steel panels. This is not intended to exclude the use of architectural metal wall systems;
4. Incorporate windows, doors and other transparencies to encompass at least 25% of the first story of the building façade between finished grade and 12 feet above grade. Darkly tinted, mirrored or highly reflective glazing or doors with less than 50% glass may not be counted toward minimum glazed area requirements;
5. Provide varied roof lines and multiple roof planes, with three or more roof slope planes, or a rooftop garden or rooftop deck; varied roof lines should not preclude the installation of renewable energy systems;
6. Provide a primary customer entrance which is clearly defined and highly visible facing the street or public right-of-way. Where a customer entrance is provided to meet the requirement in 20.40.170 E. it shall be counted as meeting one of the design alternatives for that façade.



- | | | | |
|-------------------------------------|---------------------------|-------------------------------------|-------------------------------------------|
| <input checked="" type="checkbox"/> | COLOR VARIATION | <input checked="" type="checkbox"/> | MINIMUM OF DOORS AND WINDOWS, FIRST FLOOR |
| <input checked="" type="checkbox"/> | FAÇADE MODULATION | <input checked="" type="checkbox"/> | VARIED ROOF LINES |
| <input checked="" type="checkbox"/> | VARIED EXTERIOR MATERIALS | <input checked="" type="checkbox"/> | CUSTOMER ENTRANCE ON STREET |

Figure 20.40-12 Building Incorporating All General Commercial Design Alternatives

[\(Ord. 3559, 2015\)](#)

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Townhome Exemption Development (TED) Standards

Commentary: Townhome vs. Townhouse – Townhome refers to a development type consisting of residential dwellings that may be single unit, two-unit or, multi-unit and described above (20.05.040 D). Townhouse refers to a building type that is two or more units which have common walls along shared property lines. A townhouse can also be attached or be located on its own parcel (20.100.010.)

K. Applicability

The following standards apply to Townhome Exemption Developments of more than five units in districts that only allow detached or two-unit houses, or more than tennine units in districts that allow multi dwelling buildings.

L. Maximum Density

The maximum number of dwelling units allowed within a Townhome Exemption Development is computed by dividing the net area of the site by the subject zoning district's minimum parcel area-per unit standard. Net site area is calculated by subtracting all of the following from the site's gross land area:

1. Special flood hazard areas;
2. Jurisdictional (Army Corps of Engineers) wetlands and waterways;
3. Land with a slope of greater than 25%;
4. Riparian resource areas

M. Setbacks and Separations

Minimum Setbacks for dwellings in Townhome Exemption Developments are found in Table 20.05-3.

N. Minimum buildable envelope area

Each townhome exemption building envelope must have an average slope of no more than 25% and at least a 2,000 square foot contiguous building and disturbance area on parcels that are subject to hillside standards. See 20.50.010B.1 for average slope determination.

O. Surface Infrastructure

All surface infrastructure shall meet the standards in Title 12 and be approved by Development Services Engineering Department.

P. Blocks

Blocks shall be designed to assure traffic safety and ease of pedestrian and automobile circulation. Blocks shall not exceed 480 feet in length and be wide enough to allow two tiers of dwelling units in a Townhome Exemption Development unless topography or other constraining circumstances are present. Pedestrian access easements that create a break within a block may be required where there is a need for pedestrian access to school bus or transit stops, schools, shopping, parks, common areas or open space, and community facilities.

Q. Parks and Trails

1. Meet applicable goals and policies of the Missoula Open Space Plan, Long Range Transportation Plan, Active Transportation Plan, Conservation Lands Management

Plan, Missoula County Parks & Conservation Plan and the Master Parks & Recreation Plan for the Greater Missoula Area:

- a. Provide for trail connection to existing or planned public trail, park, open space, school, shopping, or community facilities.
 - b. Provide for protection of high quality resources and sensitive features by grant of conservation easement, dedication as public open space, or establishment of a managed common area.
 - c. Provide for useable private open space, landscaped boulevards, social interaction and livability.
 2. Preserve and protect the site's natural resource values that include but are not limited to: floodways, wetlands, riparian lands, hillsides greater than 25% slope, established upland forested areas, culturally significant features, natural drainage courses, irrigation canals and ditches, etc. Means of preservation and protection may include establishing a single common area, conservation easement, or dedication of said areas as public open space.
 3. Provide for 11% of the net site area (see 20.40.180 B above) as contiguous, useable private or public open space, on site, that is accessible by residents of the development and useable for passive or active recreation in conformance with the following standards:
 - a. Private Open Space shall not be sloped more steeply than 5% and must be a minimum 40 feet in width and length, unless it is used for the purpose of a trail and then the area must be a minimum of 20 feet in width.
 - b. Shall not include natural resource value areas of the site that are to be preserved
 - c. Shall not include required zoning setback areas, parking spaces, drainage basins, driveways, or public utility features.
 - d. May be improved and dedicated as a public park, trail or open spaces subject to meeting minimum standards and approval of the Parks & Recreation Board.

R. Transit

If the Townhome Exemption Development is within $\frac{1}{4}$ mile of an established public transit or school bus route, bus stop facilities may be required by the City Engineer. If the Townhome Exemption Development parcel is not in the Missoula Urban Transportation District, a petition to annex into the District shall be provided prior to receiving zoning compliance approval.

[\(Ord. 3570, 2016\)](#)

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Chapter 20.45 Accessory Uses and Structures

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20.45.010 General Regulations

A. Accessory Uses Allowed

Accessory uses and structures are permitted in connection with lawfully established principal uses unless otherwise expressly stated.

B. Applicable Regulations and Standards

Unless otherwise expressly stated, accessory uses and structures are subject to the same regulations and standards as apply to principal uses and structures on the subject parcel.

C. Incidental and Subordinate Nature

The zoning officer is authorized to determine when a use, building or structure meets the definition of an accessory use or accessory structure. In order to classify a use or structure as “accessory,” the zoning officer must determine that the use or structure:

1. is subordinate to the principal building or principal use in terms of area and/or function;
2. contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; or contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; or
3. is customarily found in association with the subject principal use or principal building.

D. Time of Construction and Establishment

1. Accessory buildings must be constructed in conjunction with or after the principal building. They may not be built before the principal building.
2. Accessory uses may be established only after the principal use of the property is established.

E. Location

Accessory uses and structures must be located on the same parcel as the principal use to which they are accessory, except as otherwise expressly stated.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.020 Parcel and Building Standards in Residential Districts

A. General

1. The parcel and building standards of the base zoning district apply to accessory structures in residential districts unless otherwise expressly stated.
2. Accessory structures that do not exceed 120 square feet in area and not requiring a building permit do not require a zoning compliance permit, but are subject to sections B, C, and D below.

B. Setbacks

1. Accessory buildings and structures are prohibited in front and street side yards (i.e., they may not be closer to the street than the principal building), except for structures that are customarily found in front or street yards, such as flag poles and minor landscape structures.
2. Minimum side and rear setbacks for accessory buildings and structures are as follows:

Zoning District	Side Setback	Rear Setback
R215	50	50[1]
OP2	50	50[1]
R80, R40, R20, RT10	5[2]	5[3]
R8, R5.4, RT5.4, R3, RT2.7, RM2.7, RM1.5, RM1, RM0.5, RMH	3[2]	3[3][4]

- [1] Stables and other accessory buildings housing farm animals or livestock must be set back at least 100 feet from residential buildings under separate ownership and 100 feet from all water courses.
- [2] Accessory structures not requiring a zoning compliance permit and not exceeding 8'6" in height are exempt from side setbacks.
- [3] Accessory structures not requiring a zoning compliance permit and not exceeding 12' in height are exempt from rear setbacks.
- [4] Accessory structures with direct vehicle access and garage doors parallel to an adjacent alley (i.e. garage) must have a minimum 26' from face of structure to opposite side of alley right-of way.

Commentary: Accessory structures also need to comply with sight visibility, drainage, and easement requirements administered through City Engineering.

Table 20.45—1 Minimum Side and Rear Setbacks for Accessory Buildings and Structures

C. Building Coverage

The total combined building coverage of all detached accessory buildings may not exceed 50% of the actual rear yard area.

D. Building Height

1. Accessory buildings may not exceed 22 feet in height.
2. Accessory buildings not requiring a zoning compliance permit may not exceed 12 feet in height.

([Ord. 3511](#), 2013; [Ord. 3473](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.030 Parcel and Building Standards in Nonresidential Districts

A. General

The parcel and building standards of the base zoning district apply to accessory structures in nonresidential districts unless otherwise expressly stated.

B. Setbacks

The setback standards of the underlying zoning district apply to accessory structures in nonresidential districts except as follows:

1. Accessory buildings and structures are prohibited in front yards (i.e., they may not be closer to the street than the principal building), except for structures that are customarily found in front yards, such as flag poles and minor landscape structures..
2. Accessory buildings and structures on parcels abutting R districts must be set back in accordance with the accessory structure setback standards that apply in residential districts (see [20.45.020.](#))

C. Separation

Accessory buildings must be separated by a minimum distance of 10 feet from all other accessory and principal buildings.

D. Height

Accessory buildings may not exceed 30 feet in height, or the height of the principal building on the same parcel, whichever is less.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.040 Accessory Structures for Livestock or Fowl

Accessory buildings and grazing areas for livestock or fowl must be set back at least 100 feet from any dwelling of human habitation under separate ownership or on a separate parcel, 100 feet from any watercourse and 50 feet from any property line. This provision does not apply to facilities for the keeping of up to six female chickens, in accordance with Chapter 6.12 of the Municipal Code.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.050 Home Occupations

A. General

Home occupations are considered accessory to principal uses in the household living category.

B. Purpose

The regulations of this section are primarily intended to ensure that home occupations in R zoning districts will not adversely affect the character and livability of the surrounding residential neighborhood. The regulations are also intended to ensure that the home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

C. Applicability

Home occupations must comply with all of the standards of this section.

D. Exemptions**1. Residential Day Care**

Residential day care facilities are not regulated as home occupations and are exempt from the regulations of this section.

2. Bed and Breakfast

Bed and breakfast uses are not regulated as home occupations and are exempt from the regulations of this section.

E. Standards

A dwelling unit may be used for one or more home occupations subject to compliance with all of the following minimum standards:

- 1.** The home occupation must be accessory and secondary to the use of a dwelling unit for residential purposes, and the home occupation must not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, traffic or any exterior activity that is inconsistent with the character of a residential area.
- 2.** There may be no external structural alterations or construction that would change the residential character of the property upon which the home occupation is located. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, and the addition of commercial-like exterior lighting.
- 3.** No separate entrance from the outside of the building may be added to the residential building for the sole use of the home occupation.
- 4.** The home occupation and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within a completely enclosed building, either the principal residential building or an allowed accessory building (e.g., detached garage.)
- 5.** Residential accessory uses conducted within garages may not take up space that provides space for meeting minimum off-street parking requirements.
- 6.** No window display or other public display of any material or merchandise is allowed.

7. The owner of the home occupation must reside in the dwelling unit in which the home occupation is located.
8. In addition to the resident business owner, up to three nonresident persons, including employees, associates and customers may be present on the property at any time. This three-person maximum limit per property applies regardless of the number of home occupations being conducted on the property. In order to accommodate occasional larger gatherings, the three-person limit may be exceeded on up to two days each calendar month.
9. The home occupation is limited to one non-illuminated, building-mounted nameplate sign, not exceeding one square foot (144 square inches) in area.
10. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the site of the home occupation only between 8:00 a.m. and 7:00 p.m. Vehicles used for delivery and pick-up may not include semi-tractor trailers.
11. The following uses are expressly prohibited as home occupations:
 - a. any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts;
 - b. dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - c. rental businesses;
 - d. tow truck services;
 - e. material or equipment storage businesses;
 - f. restaurants;
 - g. funeral or interment services; and
 - h. animal boarding businesses.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.060 Accessory Dwelling Units

A. Purpose

1. Accessory dwelling units help advance the city's growth and planning policies by:
 - a. accommodating new housing units while preserving the character of existing neighborhoods;
 - b. allowing efficient use of the city's existing housing stock and infrastructure;

- c. providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;
 - d. providing a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
 - e. accommodating a broader range of accessible and more affordable housing.
2. The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.
3. The accessory dwelling unit regulations are not intended to interfere with, abrogate, or annul any current applicable private homeowner association covenants that are in effect in any specific subdivision in accordance with [20.01.080C](#).

B. Regulations for all Accessory Dwelling Units

All accessory dwelling units must comply with the regulations of this subsection. When allowed as a conditional use, the regulations for Entrances ([20.45.060C.1](#)), Exterior Finish Materials ([20.45.060B.12](#)), Roof Pitch ([20.45.060B.13](#)) and Trim ([20.45.060B.14](#)) may be used as additional “Factors to be Considered” [20.85.070I](#) for City Council action and may not be required.

1. General Standards

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, except as otherwise expressly stated in this section. Lots that are non-conforming as to minimum parcel area are not eligible.

2. Where Allowed

Accessory dwelling units are allowed only on parcels occupied by a single detached house or lot line house.

- a. Internal accessory dwelling units are allowed in R215, R80, R40, R20, RT10, R8, R5.4 RT5.4, R3, RT2.7, RM2.7, RM1, RM1.5 RM0.5, RMH, B, C and M1R zoning districts.
- b. Detached accessory dwelling units and Internal Addition ADUs are allowed in RT5.4, RT2.7, RM2.7, RM1, RM1.5 RM0.5, RMH, B, C and M1R zoning districts. Detached accessory dwelling units and Internal Addition ADUs are allowed as a conditional use (See [20.85.070](#)) in R215, R80, R40, R20, RT10, R8, R5.4 and R3 districts.
- c. For an accessory dwelling unit in zoning districts (R215, R80, R40, R20, RT10, R8, and R5.4), at the time of application submittal the applicant must provide evidence in the form of a notary statement that the proposal complies with current (latest version filed with the County Clerk and Recorder) applicable private covenants adopted prior to June 5, 2013 or that no such private covenants exist that restrict the proposed use.
- d. Accessory dwelling units are not allowed in Special Districts or Planned

Unit Developments (PUDs) unless explicitly regulated within the Special District or PUD.

3. Permit Requirement

An Accessory Dwelling Unit Permit is required for all ADUs. The Accessory Dwelling Unit Permit expires December 31st of each year and can be renewed by completing the renewal form prescribed by the Zoning Officer. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire when-ever:

- a. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by the Development Services Director; or
- b. The subject lot ceases to maintain the required off-street parking spaces; or
- c. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

4. Owner Occupancy

The principal or accessory dwelling unit must be occupied by the owner of the subject parcel. Before final occupancy of the accessory dwelling unit, the property owner must record an affidavit and deed restriction, in a form approved by the city attorney, stating that the property owner will reside on the property, in either the principal or accessory dwelling unit. Once recorded, the deed restriction (requiring owner occupancy) may not be removed or modified without City Council approval.

- a. The principal or accessory dwelling unit must be occupied by the owner of the subject parcel. Before building permit approval of the accessory dwelling unit, the property owner must record an affidavit and deed restriction, in a form approved by the city attorney, stating that the property owner will reside on the property, in either the principal or accessory dwelling unit. The deed restriction shall be binding upon any successor in ownership of the property. Once recorded, the deed restriction (requiring owner occupancy) may not be removed or modified without City Council approval.
- b. With respect to accessory dwelling units, "owner occupancy" means a property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration or similar means and actually resides at the site more than six months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust. The Development Services Director may waive this requirement for temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences. Temporary leave waivers for other reasons must be reviewed and approved by the City Council.
- c. Owner occupancy does not extend to corporate trusts.

5. Number

No more than one accessory dwelling unit is allowed per parcel.

6. Methods of Creation

An accessory dwelling unit may be created only through the following methods:

- a. Converting existing living area within a detached house (e.g., attic or basement);
- b. Adding floor area to an existing detached house;
- c. Constructing a detached accessory dwelling unit on a parcel with an existing detached house;
- d. Converting space within detached accessory buildings; or
- e. Constructing a new detached house with an internal or detached accessory dwelling unit.

7. Density (Minimum Parcel Area per Unit)

Accessory dwelling units are not included in minimum parcel area per unit calculations, meaning no additional land area is required for the accessory dwelling unit beyond the minimum parcel size required for a detached house in the subject zoning district.

8. Wastewater Service

Accessory dwelling units are allowed only if the principal dwelling unit and accessory dwelling unit are connected to city sewer.

9. Location of Entrances

Only one entrance to a detached house containing an accessory dwelling unit may be located on a façade that fronts a street, unless the house contained an additional street-facing entrance before the accessory dwelling unit was created.

10. Parking

At least one paved off-street parking space must be provided for an accessory dwelling unit, in addition to the required off-street parking for the principal dwelling unit. If the parcel abuts an alley, access to the parking for the accessory dwelling unit must come from the alley.

11. Size**a. Detached ADU**

- (1) The floor area of a new detached accessory dwelling unit may not exceed the maximum of 600 square feet or be less than 350 square feet.
- (2) When a new detached accessory dwelling unit is created within an existing detached accessory structure that was built after June 5,

2013, the maximum size of the accessory dwelling unit may not exceed the square footage stated in Section [20.45.060B.11.a \(1\)](#).

- (3) When a new detached accessory dwelling unit is created within an existing detached accessory structure that was built prior to June 5, 2013, there is no limit to the floor area unless the conversion adds to the floor area of the existing detached accessory structure in which case the maximum size cannot exceed the square footage stated in Section [20.45.060B.11.a \(1\)](#).

b. Internal ADU

The floor area of an internal accessory dwelling unit that does not increase the floor area or footprint of the primary dwelling unit may not exceed 40% of the gross floor area, excluding an attached garage, of the primary dwelling unit and may not be more than 600 square feet, or be less than 350 square feet.

c. Internal addition ADU

The floor area of an internal addition accessory dwelling unit shall not increase the footprint or floor area of the existing primary dwelling unit by more than 600 square feet or exceed 40% of the gross floor area, excluding an attached garage, of the primary dwelling unit including the addition.

Commentary: With respect to accessory dwelling units, gross floor area is the gross horizontal area of the subject space, measured from the exterior faces of any exterior walls or from the center line of joint partitions including the basement and excluding the garage.

12. Exterior Finish Materials

The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

13. Roof Pitch

The roof pitch must be the same as the predominant roof pitch of the house.

14. Trim

Trim on edges of elements on any addition to the detached house or accessory structure occupied by an accessory dwelling unit must be the same in type, size and location as the trim used on the detached house.

15. Building Approval

Before the issuance of a building permit for the construction of a new accessory dwelling unit, plans must be reviewed and approved by the building inspector to determine compliance with applicable building and fire codes.

C. Special Regulations for Detached Accessory Dwelling Units

Detached accessory dwelling units must comply with the regulations of this subsection.

1. Entrances

Building entrances to detached accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

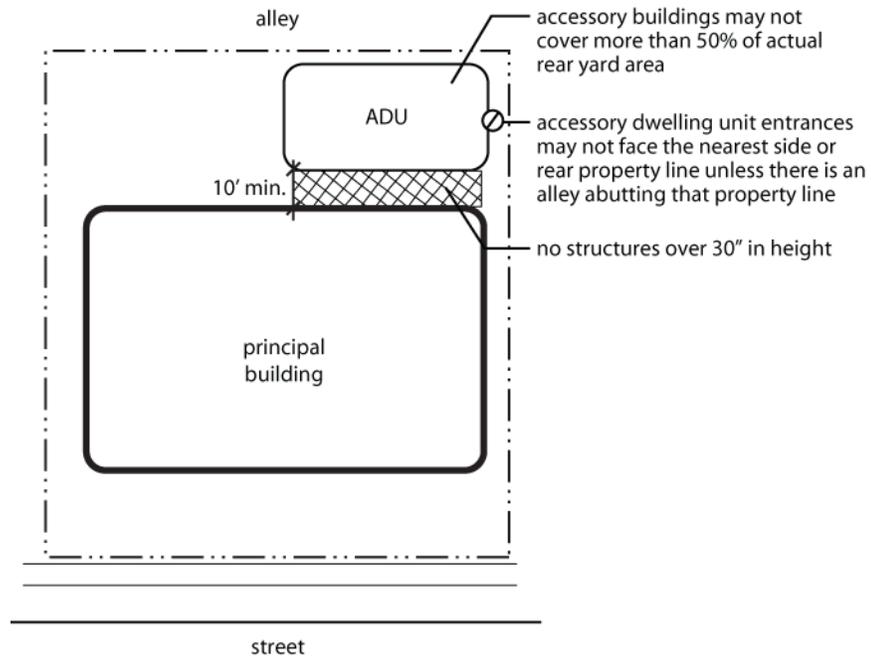


Figure 20.45-1 Accessory Dwelling Unit, Special Regulations, Entrances

2. Setbacks

A detached accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

3. Height

The maximum height allowed for a detached accessory dwelling unit is 22 feet or the height of the primary (detached house) building, whichever is less.

4. Building Coverage

The building coverage for the detached accessory dwelling unit may not exceed the building coverage of the detached house. The combined building coverage of all detached accessory buildings may not exceed 50% of the actual rear yard area.

5. Conversion of Existing Detached Accessory Structures

a. Existing Detached Accessory Structure May Not Be Altered

An existing detached accessory structure that complies with any of the standards of [20.45.060B.12](#) through [20.45.060B.14](#) or [20.45.060C.3](#) through [20.45.060C.4](#) may not be altered in a way that will move the structure out of conformance with the standards that are met.

b. Existing Detached Accessory Dwelling Unit Structures Permitted By-Right

If the accessory dwelling unit is permitted by right and proposed to be located within an existing detached accessory structure that does not meet one or more of the standards of [20.45.060B.12](#) through [20.45.060B.14](#), the

structure is exempt from the standard it does not meet. If any floor area is added to the detached accessory structure, the entire structure must meet the standards of [20.45.060B.12](#) through [20.45.060B.14](#).

D. Existing Illegal Accessory Dwelling Units

1. It is recognized that although unlawfully occupied, currently utilized accessory dwelling units are filling a market demand for housing. A grace period is established to promote conversion of illegal units to lawful ADUs, for the purpose of protecting and promoting the public health, safety and general welfare of the community.
2. An accessory dwelling unit created prior to June 5, 2013 may be recognized as lawful upon review and approval of a zoning compliance application and issuance of a zoning and building permit.
3. Criteria for accessory dwelling units being considered as potentially eligible for a grace period:
 - a. A parcel of land containing a dwelling unit for which there does not exist a validly issued variance, conditional use approval or zoning compliance permit and that was in existence on a parcel of record as of June 5, 2013.
 - b. A parcel of land containing a dwelling unit that does not qualify as a non-conforming use or structure and that was in existence on a parcel of record as of June 5, 2013; or
 - c. A parcel of land containing a dwelling unit which was in existence as of June 5, 2013, and which has been cited by Development Services as being in violation of the Zoning Ordinance.
4. Beginning on the effective date of this ordinance, a grace period of 12 months is established for the submission of applications for existing illegal accessory dwelling units. Property owners who submit an application for consideration during this 12-month grace period shall not be subject to any applicable fines or enforcement action, after which time the City of Missoula will pursue action on confirmed illegal accessory dwelling units.

Codifier's note: The ordinance referred to in this paragraph went into effect on June 5, 2013.

5. Existing illegal accessory dwelling units, which do not apply for and/or do not receive zoning compliance permit approval for an ADU use, are subject to all applicable fines and/or enforcement actions as outlined in Chapter 20.95 Violations, Penalties, and Enforcement.

([Ord. 3549](#), 2015; [Ord 3493](#), 2013; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.070 Satellite Dish Antennas

- A. Satellite dish antennas up to one meter (39.4 inches) in diameter are permitted as accessory uses in all districts. They are subject to accessory structure setback standards.

- B. Satellite dish antennas over one meter in diameter, up to 3 meters (118.2 inches) in diameter, are permitted as accessory uses in all nonresidential districts, subject to accessory structure setback standards.
- C. Satellite dish antennas may be erected on the roof or attached to a principal building, provided the maximum height of the installation does not exceed the maximum allowable height of the subject district or more than 15 feet above the top of the building on which it is to be located, whichever is less.
- D. Satellite dish antennas not expressly allowed under this section must be approved as a conditional use in accordance with the conditional use procedures of [20.85.070](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.080 Wind Energy Conversion Systems

A. Applicability

Unless otherwise expressly stated, the regulations of this section apply to all ground-mounted small wind energy conversion systems.

B. Definition

A WECS as defined in 20.100.010 with a power-related capacity of no more than 25 kW that is primarily intended to produce power for on-site consumption, as a supplement to utility power or in lieu of utility power. Small wind energy conversion systems may also be connected to the electric utility for the purpose of “net metering.”

C. Where Allowed

1. Small wind energy conversion systems are allowed as-of-right as an accessory use in all zoning districts except as otherwise expressly stated.
2. Only one small wind energy conversion system is allowed per parcel, provided that up to three small wind energy conversion systems may be allowed on a single parcel if approved through the conditional use process. Multiple small wind energy systems may not be approved on R-zoned parcels of less than 80,000 square feet in area.

D. Location, Setbacks and Height

1. Unless otherwise expressly stated, all small wind energy conversion systems shall be set back from all property lines by a distance at least equal to 1.1 times the overall height of the system, measured from existing grade to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position.
2. Small wind energy conversion systems may not be located within drainage, utility or other established easements.
3. No portion of a system may extend on or over a property line. Blades may not extend over driveways, parking areas, sidewalks or trails.

4. The lowest point of any moving elements, such as blades or vanes, must be at least 20 feet above the ground beneath such feature for horizontal axis wind energy conversion systems and at least 10 feet above the ground beneath such feature for vertical axis wind energy conversion systems.
5. All power transmission and telemetry lines from the tower to any building or other structure must be placed underground.
6. Small wind energy conversion systems must comply with the height limits of the subject zoning district. Systems may exceed zoning district height limits by up to 33% if the system is setback from all property lines by a distance at least equal to 1.5 times the overall height of the system, measured from existing grade to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position. A small wind energy conversion system that exceeds the maximum height allowed in the subject zoning district shall only be approved through the conditional use procedure of [20.85.070](#).

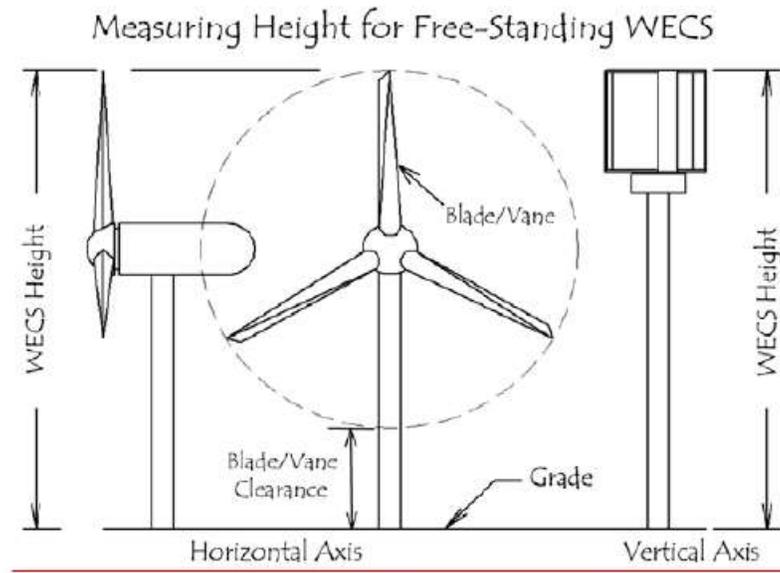


Figure 20.45-2 Measuring Height for Free Standing WECS

E. Operational and Performance Standards

1. Operational noise may not exceed 55dB at the property line except during short term high wind speed events such as storms.
2. All systems must be equipped with manual and automatic (mechanical or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.
3. Towers, rotors and turbines may not be illuminated unless required by a state or federal agency, such as the FAA.

F. Design

1. Lattice type towers and towers using guy wires are prohibited.
2. All structures and equipment must maintain factory colors or be finished in a non-reflective, matte finished, neutral color.
3. No commercial messages may be placed or painted on the tower, rotor, turbine, generator or tail vane that is legible from off-site. This provision is not intended to prohibit warning signs or manufacturer's logos.
4. For horizontal axis wind energy conversion systems, all climbing pegs, ladders and similar apparatus on freestanding towers must be located at least 12 feet above the ground at the base of the structure.

G. Building and Electrical Codes

Small wind energy conversion systems are subject to Missoula building and electrical codes.

H. Required Information

The following information must be submitted with a zoning compliance permit (or conditional use) application for a wind energy conversion system:

1. A description of the system, including its maximum power-rated output capacity.
2. The make, model, an illustrative photograph or brochure, manufacturer's specifications including noise data (decibels) for the proposed wind energy conversion system, the support structure, and method of attachment to the ground and/or structure.
3. Elevation drawing of the wind energy conversion system showing total height, turbine dimensions, tower and turbine colors, distance between ground and lowest point of any blade, and if proposed, the location of climbing apparatus.
4. Site plan illustrating the property upon which the wind energy conversion system is proposed for construction, including the parcel dimensions, any existing structures, any required system or building setbacks, and any existing and/or proposed easements and/or rights-of way encumbering the property.
5. If the wind energy conversion system is not certified as meeting the IEEE 1547 standards (Institute of Electrical and Electronic Engineers), then an assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication is required (from an electrical engineer.)

I. Maintenance and Abandonment

1. Identification Tag: Any wind energy conversion system must have permanently affixed to it a permit identification tag. This tag must consist of such material that the tag itself and the identifying copy on it must remain permanent and legible. The tag must be of such size and affixed in such a location on the wind energy conversion system so as to allow inspection of the tag from the ground by the Building Official.

The owner of the system is responsible for acquiring the ID tag and attaching it to the apparatus, as well as maintaining the tag as stated in [20.45.0801.2](#).

2. **Maintenance:** All wind energy conversion systems and their identification tags, supports, braces, mechanical and electrical equipment, and associated apparatus must be kept fully operable and maintained in a safe, neat, and clean condition. Any wind energy conversion system that is in a state of disrepair and a threat to public safety must be dismantled by the property owner at the discretion of the Building Official. Failure to comply with the maintenance provisions of this section constitutes a violation and is subject to enforcement proceedings under [Chapter 20.01](#).
3. **Abandonment:** Any wind energy conversion system that is not operated within a continuous period of 12 months or more must be dismantled by the property owner at the discretion of the Building Official.

([Ord. 3483](#), 2012; [Ord. 3443](#), 2010; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.45.090 Solar Energy Conversion Systems

A. Purpose

This section permits, as an accessory use, solar energy conversion systems, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Solar Energy Conversion System (SECS) as defined in 20.100.010 are intended to produce power for the principal use and/or accessory use on-site, as a supplement to utility power or in lieu of utility power. SECS may also be connected to the electric utility for the purpose of “net metering.”

B. Applicability

The requirements of this section shall apply to all solar energy conversion systems modified or installed after (the effective date of this Ordinance), however; modifications to an existing accessory SECS that increases the SECS area by less than 10% of the original footprint shall not be subjected to this ordinance.

COMMENTARY: Like-kind replacements of SECS or systems that change type (photovoltaic to thermal or vice versa) and do not change size, are not subject to zoning compliance, but will require review by the City Building Division.

C. Where Allowed

1. Solar energy conversion systems are permitted as accessory uses in all districts.
2. Building-integrated systems, as defined in [Chapter 20.100](#) are not considered an accessory use and are not subject to the requirements of this section.

D. Location, Setbacks and Height

1. Solar energy conversion systems are subject to accessory structure setback standards.
2. Solar energy conversion systems may not be located within drainage, utility or other established easements.

3. All power transmission and telemetry lines from the SECS to any building or structure must be placed underground.
4. Roof mounted solar panels are allowed to exceed the maximum building height as noted in [20.110.060B.1h](#).
5. **Additional requirements for Ground Mounted SECS**
 - a. Ground-mounted SECS may not extend into any required setback when oriented at minimum design tilt.
 - b. The height of ground-mounted solar collector and any mounts shall not exceed 22 feet when oriented at maximum tilt.
 - c. Ground-mounted SECS must not impair sight distance for safe access to or from the property or other properties in the vicinity.
 - d. Medium and large scale SECS projects shall provide proof of soil stabilization to be approved by Development Services.
 - e. For medium and large scale SECS a storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff shall be provided subject to approval by Development Services.

E. Building, Electrical, Plumbing, and Fire Codes

Solar energy conversion systems are subject to Missoula building, electrical, plumbing, and fire codes.

[\[Ord. 3549, 2015\]](#)
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Chapter 20.50 Natural Resource Protection

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20.50.010 Hillside Protection

A. Purpose

1. Missoula's hillsides are characterized by slope, vegetation, drainage, rock outcroppings, geologic hazards, and other physical factors that, if disturbed for the purposes of development, can cause physical damage to public and private property and adversely affect the overall appearance and character of the city.
2. The hillside protection regulations of this section are intended to regulate building and development on hillsides in a different manner than on flat terrain. The regulations are intended to allow reasonable use of hillside areas, while also helping to:
 - a. protect the public from natural hazards due to seismic activity, landslides, slope and soil instability, erosion and sedimentation, and storm water runoff;
 - b. preserve and retain wildlife habitat, open space and natural features, such as drainage channels, streams, ridge lines, rock outcroppings, vistas, and native trees and vegetation;
 - c. promote design that is sensitive to existing vistas;
 - d. preserve and enhance visual and environmental quality by use of natural vegetation and minimal excavation and terracing;
 - e. encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas; and
 - f. mitigate adverse impacts, including erosion and the degradation of air and water quality.

B. Applicability

The hillside protection standards of this section apply to any building and disturbance area with a natural, existing or finished average slope of 15% or greater.

Commentary: Providing information depicting the average slope of a parcel is not required unless the planning office has a question regarding the applicability of Section [20.50.010](#) Hillside Protection.

1. The average (percent) slope (S) of a building and disturbance area is determined as follows:

- a. Identify the building and disturbance area and depict it on a topographic map of existing terrain, before any grading or other site modification has occurred, at a scale of no less than 1 inch equals 100 feet with contour intervals of 2 feet or less.
- b. A measurement of the length of each contour line contained within the building and disturbance area boundaries is made.
- c. The sum of the lengths of all contour lines (L) is multiplied by the contour interval (I) in feet.
- d. The result is multiplied by a factor of 0.0023 (which converts square feet to acres and multiplies the result by 100 so that the end result is a percentage.)
- e. The result is then divided by the area (A) of the building and disturbance area in acres.
- f. This process is mathematically represented by the following formula:

$$S = \frac{(I) (L) (0.0023)}{A}$$
- g. A digital slope analysis that ensures the same or higher level of accuracy may also be used.

C. Hillside Development Site Analysis

1. Before the zoning officer may approve a zoning compliance permit, the applicant must submit a hillside development site analysis that assesses the subject parcel's opportunities and constraints for development. The analysis must be prepared by a qualified professional (e.g., engineer, landscape architect, architect, or engineer) and depict and identify at least the following information:
 - a. a slope analysis, submitted on a topographic map with contour intervals of 2 feet or less indicating the location and amount of land greater than 25%. If the project is subject to section 20.50.010D (Allowed Density by Slope Category) all categories shown below must be represented:
 - (1) 15% or less;
 - (2) 15.01–20%;
 - (3) 20.01–25%; or
 - (4) greater than 25%.
 - b. proposed finish contours (after all proposed grading);
 - c. protected ridgelines, as shown on the City of Missoula Ridgeline Map;
 - d. proposed erosion control and slope stabilization techniques;
 - e. surface hydrological conditions including natural drainage courses, streams, floodplains, wetlands and ponding areas;

- f. location and types of significant vegetation including known rare and endangered plant species and general plant communities;
 - g. habitat areas for rare or endangered animal species;
 - h. proposed building and disturbance area;
 - i. grading treatments; and
 - j. driveways and other vehicular and pedestrian circulation routes;
2. A hillside development site analysis is not required for any of the following:
- a. Construction that does not require a grading permit or a building permit.
 - b. The construction and installation (trenching, utility construction and back-filling) of underground utility systems.
 - c. Additions to existing structures and/or construction of accessory structures that are less than 500 square feet in area, unless a grading permit or plan for such improvements is required.
 - d. Any project that has received a zoning compliance permit.

D. Allowed Density by Average Slope

1. The following maximum density limits (expressed as minimum area-per-unit requirements) apply:

Slope Category of Overall Site (%)	Minimum Area per Dwelling Unit
Less than 15	As allowed by underlying zoning or unzoned area regulations of 20.70.010 for “unzoned areas”
15–20	1.43 x zoning district’s minimum area per unit requirement
20.01–25	2.0 x zoning district’s minimum area per unit requirement
Greater than 25	Building is prohibited

E. Minimum Pad Size and Maximum Buildable Slope

Parcels must have at least a 2,000 square foot contiguous building and disturbance area with an average slope of no more than 25%. See [20.50.010B.1](#) for average slope determination. Building and disturbance is prohibited on slopes of greater than 25% outside the minimum contiguous building and disturbance area.

F. Grading

No excavation or other earth disturbance is permitted on any hillside area prior to the issuance of a grading permit, with the exception of drill holes and exploratory trenches for the collection of geologic and soil data. Such trenches must be properly backfilled and erosion treatment must be provided where such slopes exceed 20%.

G. Retaining Walls

Retaining walls can help reduce the steepness of man-made slopes and provide planting pockets conducive to re-vegetation. They are allowed in accordance with the following regulations:

1. Retaining walls may be used to support steep slopes but may not exceed 6 feet in height from finished grade. Retaining walls necessary to accommodate vehicle or pedestrian access to a building may be up to 8 feet in height from finished grade. Retaining walls are prohibited in public right-of-way except as approved by the city engineer.

Commentary: Retaining walls exceeding 4 feet in height require a building permit and must be designed by a qualified engineer.

2. Terracing of retaining walls is limited to two tiers. The width of the terrace between 4-foot vertical retaining walls must be at least 3 feet. Retaining walls with a height of more than 4 feet must be separated from any other retaining wall by a minimum distance of 5 feet (horizontal distance.) Terraces created between retaining walls must be permanently landscaped or revegetated.

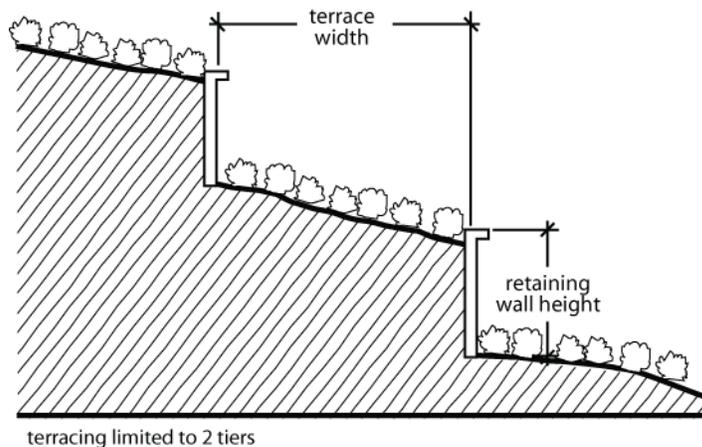


Figure 20.50-1 Natural Resource Protection, Hillside Protection, Retaining Walls

H. Driveways

1. Driveway standards are administered and enforced by the city engineering division.
2. Driveways must be designed to:
 - a. reduce cut and fill;
 - b. minimize site disturbance;
 - c. provide year-round access; and
 - d. accommodate emergency response equipment.
3. Driveways must substantially follow natural contours and not exceed a maximum grade of 8%. A maximum grade of up to 10% may be allowed for a length of up to 50 feet if approved by the Fire Department and city engineer.

I. Building Height Envelope

Buildings in areas subject to the hillside protection standards of this section are not subject to the building height measurement provisions of [20.110.060A](#) but instead are subject to the following building height “envelope” measurement provisions:

1. The bottom portion of the building height envelope is referred to as the “ground plane,” which is a plane that follows existing grade beneath the building and all projections of the building’s roof (roof overhang.)
2. The upper portion of the building height envelope is an imaginary plane that parallels the ground plane described in [20.50.010I.1](#) and is located above the ground plane a vertical distance equal to the maximum height limit of the subject zoning district.
3. All portions of the building must fit within this building height envelope, excluding those building height exceptions allowed by [20.110.060B](#).

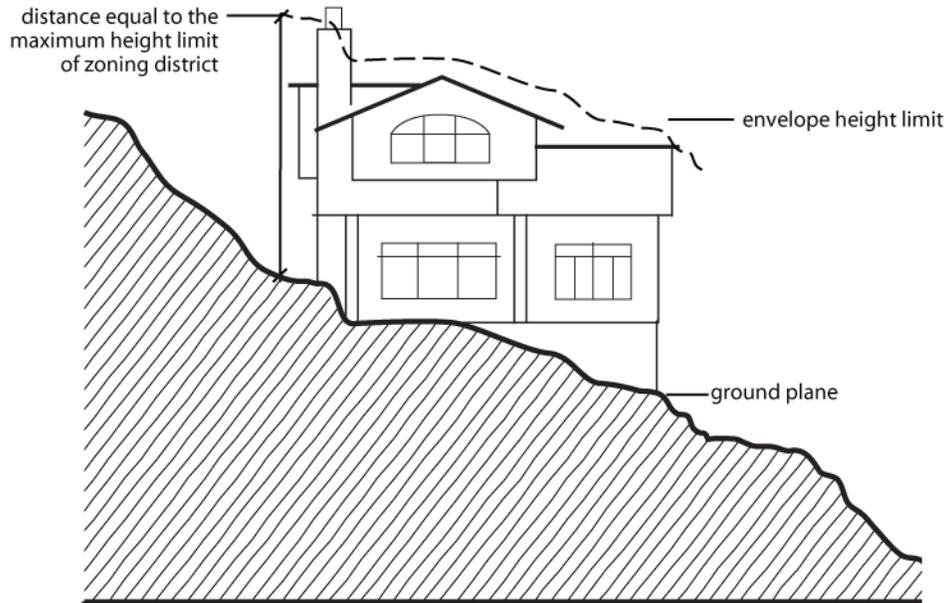


Figure 20.50-2 Natural Resource Protection, Hillside Protection, Building Height Envelope

J. Exposed Foundations

The vertical distance between the lowest point where the building line meets existing or finished grade (whichever is lower) and the lowest floor line of the building may not exceed 8 feet in height.



Figure 20.50-3 Natural Resource Protection, Hillside Protection, Exposed Foundations and Visible Deck Supports

K. Visible Deck Supports

No portion of the walking surface of a deck or porch with visible columns, posts, piers may exceed a height of 12 feet above finished grade measured from the furthest projecting point of the deck or porch.

L. Building Wall Elements

1. A building wall element is any individual wall or continuous element of a building on a single continuous plane. Wall elements adjacent to grade must be measured from the lowest existing grade to the underside of the eave or top of coping of a flat roof. Wall elements not adjacent to grade must be measured from the lowest point at which the wall element intersects any part of the adjacent building element to the underside of the eave or top of coping of a flat roof. A gable end above the eave is excluded from the wall element measurement.
2. Building wall elements may not exceed 22 feet in height (vertically.) Individual wall elements may be stacked vertically only if the total cumulative vertical dimension of all stacked wall elements does not exceed 22 feet in height or if the wall elements are offset by at least 12 feet in horizontal distance. Wall elements will be considered offset for the purpose of these hillside protection regulations only if (1) they are separated by at least 12 feet in horizontal distance and (2) the offset occurs by stepping the building back towards the slope (uphill.)

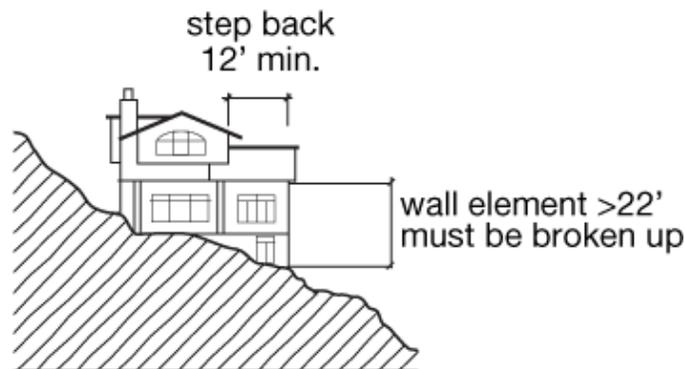


Figure 20.50-4 Natural Resource Protection, Hillside Protection, Building Wall Elements

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.50.020 Ridgeline Protection

A. Applicability

The ridgeline protection regulations of this section apply to any parcel containing protected ridge areas, as shown on the *City of Missoula Ridgeline Map*, which is available in Development Services.

B. Purpose

The ridgeline protection standards of this section are intended to help ensure that structures blend more naturally into the landscape rather than being a prominent focal point.

C. Ridgeline Map

RESERVED

D. Ridgeline Setbacks

On parcels subject to the ridgeline protection regulations of this section, the highest point of a proposed building must be at least 90 feet below the ridgeline elevation. Building features allowed to exceed maximum height requirements are exempt from this requirement. (See [20.110.060B](#) for building height exceptions)

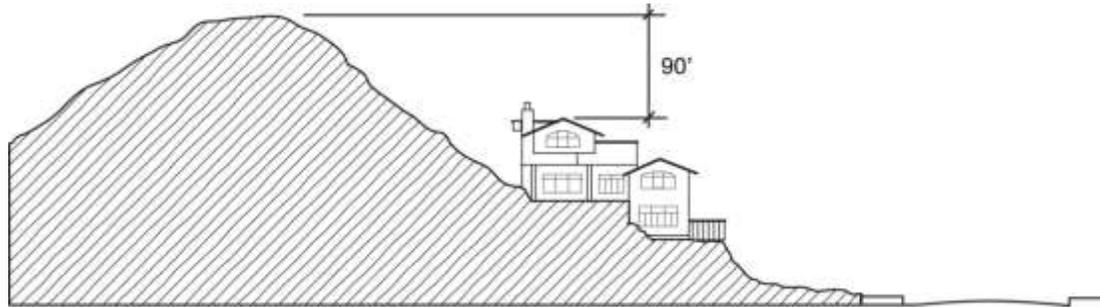


Figure 20.50-5 Ridgeline Protection, Ridgeline Setbacks

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.50.030 Riparian Resource Protection

A. Purpose

1. Riparian resources provide protection from river channel changes, protection of riparian habitat and associated fish and wildlife, protection of water quality and quantity, flood reduction, bio-diversity, forage, recreational uses and a visually attractive environment. Educational opportunities in Missoula's areas of riparian resource may lead to a greater understanding, and thus, greater protection and enhancement of these valuable resources.
2. The riparian resource protection regulations of this section are intended to trigger inquiries when construction is proposed in or through what may be considered an area of riparian resource. A functional definition and standards for an area of riparian resource will protect the area of riparian resource, which will vary in width. Areas of riparian resource represent a very small percentage of the land area of the City of Missoula. A map generally locating major areas of riparian resource protection is available for public inspection in Development Services. Not all areas of riparian resource within the City of Missoula are shown on this map. Areas of riparian resource are typed by site-specific soil, habitat and community types. All other unmapped riparian resources that meet the definitions and criteria contained in this ordinance are subject to the standards of this section.

B. Areas of Riparian Resource, Generally

The riparian resource protection regulations of this section are intended to promote resource conservation and to ensure that no development is approved that is unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, damaging to areas of riparian resource or any other feature likely to be harmful to the public health, safety and welfare of the future residents of the city. More specifically, it is the intent of these regulations to ensure that:

1. areas of riparian resource remain available to support diverse and productive aquatic and terrestrial riparian systems and habitats and to protect water quality;
2. stream channels and banks are protected;
3. areas of riparian resource are preserved to act as an effective sediment filter to maintain water quality;
4. areas of riparian resource are protected to preserve large, woody debris that is eventually recruited into a stream to maintain riffles, pools and other elements of channel structure and provide shade to regulate stream temperature;
5. areas of riparian resource are preserved to promote floodplain stability;
6. the public interest in the quality and quantity of surface and ground waters is protected;
7. standards for land disturbance in riparian resource areas are site-specific, allowing flexibility for reasonable and economically beneficial use of property, while maintaining the integrity of riparian resource areas;
8. any allowed disturbance within the riparian buffer area protects and maintains the integrity and function of riparian resource areas; and
9. the area of riparian resource is preserved to promote the high quality of life in the city, which depends in part on water quality, a healthy and visually attractive natural environment, and ample recreational opportunities.

C. Riparian Resource Management Plan

In order to meet the purposes described in [20.50.030B](#), a riparian resource management plan must be submitted to the zoning officer for approval, approval with conditions, or denial. The plan must include at least the following:

1. A vegetation map showing the following:
 - a. location of vegetation types referred to in [20.50.030H](#);
 - b. buffer areas; and
 - c. drainage.
2. A description of the following:
 - a. the vegetation (types and quantities) listed in [20.50.030H](#);
 - b. contribution of the type to stream bank stabilization;

- c. susceptibility of soil to compaction;
 - d. contribution of the vegetation in preventing erosion; and
 - e. contribution of the vegetation to fish and wildlife habitat, including big game species, upland game bird species, non-game bird species, fisheries, and threatened or endangered species.
3. A description of how the area of riparian resource will be maintained, restored or enhanced. The description must include at least the following information:
 - a. proposed disturbance of the area of riparian resource, including access to or through the area, if proposed;
 - b. alteration, enhancement and restoration plan including planned restoration of the area with native species;
 - c. planned mitigation of impacts from all proposed disturbance;
 - d. planting plan; and
 - e. streambank stabilization plan.
4. A maintenance and monitoring plan outlining how the area of riparian resource will be cared for after occupancy. The approved management plan must be carried out and enforced. It may not be altered without express approval of the director of Development Services.

D. Development Prohibition

1. Except as provided in [20.50.030F](#) no development is allowed within an area of riparian resource. Development proposed for sites that encompass portions of areas of riparian resource must provide for protection of the resource specific to the area.
2. Proposed development on sites that encompass areas of riparian resource must place development outside the area of riparian resource. No improvements of any kind may be approved that are within the area of riparian resource, except for those improvements that are outlined in the approved management plan. The area of riparian resource may be counted in calculating allowed density and intensity of development and in meeting open space requirements in cluster and conservation development.

E. Road Construction in Areas of Riparian Resource

Road construction is prohibited in an area of riparian resource.

F. Trail Construction in Areas of Riparian Resource

Trails can be shared or classified for specific use. Trails may provide opportunities for recreational, educational, aesthetic, experiential and transportation purposes. Trails have long-term beneficial impact upon livability, such as improved air quality, less traffic congestion and access to open spaces. Trail designs should reflect the character of the surrounding area. Various methods may be used to provide buffering, including trail location and physical buffers such as plants, distance, grade separation or other means. If trails are constructed, the following requirements apply:

1. Opportunities for public or private access must be consolidated to protect areas of riparian resource from excessive disturbance.
2. Trails must be limited to the size and extent necessary to maintain linkages and provide for safe, non-motorized transportation, as described in the *Missoula Non-Motorized Transportation Plan*.
3. The function of the proposed trail, the level of use, the potential impacts and the management strategy to mitigate any adverse effects on the area of riparian resource must be defined.
4. To serve safety and security, construction, landscaping, and signage must clearly define the trail and mark the transition from public to private space.
5. A mechanism must be provided assuring continued maintenance of the trail, including keeping the trail weed-free.
6. Removal or disturbance of riparian resources must be minimized. To the greatest extent possible, existing landforms must be preserved, including following natural contours and minimizing grading.
7. No motorized vehicle is allowed within the area of riparian resource, except as necessary for maintenance, agricultural management, or safety.

G. Variances

1. The Board of Adjustment may grant variances from the requirements of this section if it determines that strict compliance will result in unnecessary hardship and when compliance with the regulations is not essential to the public welfare. The Board of Adjustment must also consider the statements of purpose in [20.50.030B](#) in determining whether the criteria to grant a variance have been met.
2. Variances to permit road construction may be approved only if the Board of Adjustment finds that (1) all of the variance approval criteria of [20.85.090G](#) have been met; (2) the proposed road is for the purpose of crossing a stream, gaining limited access to a body of water, or maintaining existing roads for flood control, and (3) the proposed road is outlined in the required riparian resource management plan. If roads are allowed to be constructed, the following requirements apply:
 - a. The intentional sidecasting of road material into a stream, wetland, or other body of water during road construction or maintenance is prohibited.
 - b. Effective erosion and sedimentation control practices must be conducted during all clearing, construction or reconstruction operations.
 - c. Road fill material may not be deposited in the area of riparian resource or in a location or manner such that adverse impacts will result to the area.
 - d. Roads must be located on the fringes of areas of riparian resource, rather than through them. In the event it is necessary to route a road through an area of riparian resource, then routes must be chosen based on the avoidance of negative impact to sensitive environmental conditions.

- e. Roads may not be constructed in areas where soils have a high susceptibility to erosion that would create sedimentation and pollution problems during and after construction.
- f. Roads may not intrude into areas adjacent to open exposures of water, and they must avoid scenic intrusion by using the existing contours for the road alignment and minimizing the use of fill.

H. Riparian/Wetland Habitat and Community Types

[Appendix A](#) contains a sample listing of riparian/wetland habitat and community types.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.50.040 Agricultural Land Preservation

RESERVED

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.50.050 Wildlife Habitat and Biologically Sensitive Land Protection

RESERVED

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.50.060 Wildland Fire Protection

RESERVED

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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Chapter 20.55 Cluster and Conservation Developments

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20.55.010 Purpose/Description

- A. The regulations of this section are intended to encourage development design that is more efficient and provides more open space and greater natural resource protection than conventional development designs. Cluster development and conservation development designs allow more compact and less costly networks of roads and utilities. They can also help reduce stormwater runoff and non-point source pollutant loading rates and can be used to preserve an area's semi-rural character. Cluster developments and conservation developments are intended to reduce stormwater runoff and flooding, preserve natural resources, protect water quality and encourage the provision of needed open space and recreational amenities for residents.
- B. The cluster development and conservation development standards of this chapter require that a specified portion of each development be set aside and permanently preserved as open space. The primary difference between "cluster" developments and "conservation" developments is the amount of open space that must be preserved.
- C. The required open space area within cluster developments or conservation developments can be set aside to conserve and protect significant natural resources, such as stream buffers, steep slopes and woodlands. It can be used to preserve agricultural lands or to provide passive or active recreational opportunities for the subdivision's residents and/or the general public.

[\(Ord. 3410, 2009\)](#)

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20.55.020 Parcel and Building Standards

Cluster developments and conservation developments must comply with the parcel and building standards of the subject zoning district.

[\(Ord. 3410, 2009\)](#)

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20.55.030 Maximum Density and Net Site Area

- A. The maximum number of dwelling units allowed within a cluster development or a conservation development is computed by dividing the net area of the site by the subject zoning district's minimum-parcel-area-per unit standard. Net site area is to be calculated by subtracting all of the following from the site's gross land area:

1. special flood hazard areas;
 2. jurisdictional (Army Corps of Engineers) wetlands and waterways;
 3. land with an average slope of more than 25%; and
 4. water bodies with a contiguous area of more than 5,000 square feet.
- B.** If the cluster development or conservation development parcel is located in more than one zoning district, the maximum number of dwelling units allowed must be determined separately for each portion of the parcel lying within a different zoning district. Density may be transferred from one portion of the parcel to another as long as the transfer does not result in an increase in the number of dwelling units allowed on the overall parcel.

[\(Ord. 3410, 2009\)](#)

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20.55.040 Open Space

A. General

Open space provided to meet minimum open space requirements must be in one or more parcels dedicated or otherwise protected as permanent (active or passive) open space. Any city-accepted parkland or open space under the subdivision regulations (parkland dedication requirements) will be counted towards meeting minimum open space standards for cluster developments and conservation developments.

B. Location and Design

The location, size, character and shape of required open space must be appropriate for its intended use.

1. Open space proposed to be used for recreation, particularly active recreation, should be located and designed so that it can be accessed conveniently and safely by intended users, and open space to be used for ball fields, playing fields or other active recreational facilities should be located on land that is relatively flat and dry.
2. In the case of resource protection, open space must be designed to provide maximum protection for the subject resources, such as continuous blocks of wildlife or wildlife habitat and corridors, plant habitat, agricultural lands (soils), or riparian areas.

C. Use

1. Open space that protects wildlife habitat areas and corridors or promotes preservation of agricultural lands and sustainable food production activities are the highest priority for open space.
2. Open space may also be dedicated or reserved for one or more of the following uses:
 - a. conservation of, and avoidance of development in, any readily identifiable natural hazard areas, i.e., areas that potentially pose a significant hazard to people or property (e.g., drainageways, wetlands, and lands whose slope and/or soils make them particularly susceptible to subsidence or erosion when disturbed by development activities);

- b.** conservation and protection of riparian vegetation within riparian resource areas;
 - c.** conservation and protection of natural resources (e.g., rare plant communities and wildlife habitat) or other environmentally sensitive areas where development might threaten water quality or ecosystems;
 - d.** protection of hillsides and prominent viewsheds;
 - e.** conservation and protection of significant historic or cultural resources; or
 - f.** provision of active and/or passive outdoor recreation opportunities for the general public or for the development's residents or employees and their guests.
- 3.** Open space may contain active recreation areas and only such buildings, structures, accessways and parking facilities as are necessary and accessory to its principal uses (e.g., pedestrian paths, recreational club houses, utility lines, driveways, parking areas.) All active recreation areas, permanent structures and impervious surfaces must be of a "low-impact" design, and management practices must be instituted to protect and enhance the natural character and function of the open space. Such development requires:
 - a.** a tree and native vegetation preservation plan that limits site disturbance to the minimum required for construction and protects mature vegetation areas from degradation;
 - b.** landscaping using native or naturalized plant species;
 - c.** low-input, natural vegetation management practices; and
 - d.** stormwater management best management practices.
- 4.** Open space areas may be used for low-impact design stormwater management practices.
- 5.** Open space areas may not be used for irrigation with treated sanitary sewage.
- 6.** The area of stormwater retention/detention ponds that are designed to hold stormwater from less than 100-year storm events may not be counted toward satisfying minimum open space requirements.
- 7.** Roadways and parking areas within open space areas may not be counted toward satisfying minimum open space requirements unless they provide public access to the open space area.

D. Ownership and Management

- 1.** The applicant must identify the owner of the open space. The designated owner and the owner's successors are responsible for maintaining the open space and any associated facilities. If a property owners association is the owner, membership in the association is mandatory and automatic for all property owners within the development and their successors. If a property owners association is the owner, the property owners association must have lien authority to ensure collection of dues from all members.

2. The applicant must submit a management plan for the open space and all common areas. The management plan must:
 - a. allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
 - b. estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided;
 - c. provide that any changes to the management plan be approved by the city council; and
 - d. provide for enforcement of the management plan.
3. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the city may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance, plus any administrative costs and penalties, may be charged to the owner, property owner association, or to the individual property owners that make up the property owners association. Unpaid costs will become a lien on all properties within the development.

E. Boundary Markers

1. Boundary markers must be put in place clearly marking required open space areas before, during and after construction.
2. Boundary markers must be installed at the intersection of private property lines with the outer edge of the permanent open space area before receiving final city approval of plans for clearing, grading, or sediment and erosion control.
3. Construction fencing must be placed at the outer edge of the existing vegetation to be preserved in the permanent open space area. This fencing must be maintained throughout the construction process.
4. Permanent signs must be placed at the edge of the permanent open space, as follows:
 - a. For single-parcel developments, signs must be posted every 100 feet along the open space boundary.
 - b. For multiple parcels located along an open space area, signs must be located at the intersection of every other property line along the open space.
 - c. Required signs must indicate that the area has been designated as a permanent open space area and identify any limitations on use or disturbance of the area. Signs must be maintained and remain legible at all times.

20.55.050 Permanent Protection of Open Space

- A. The open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The legal instrument must be one of the following:

1. a permanent conservation easement in favor of either:
 - a. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions;
 - b. a governmental entity (if the entity accepting the easement is not the city, then a third right of enforcement favoring the city must be included in the easement);
 2. an open space parcel protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
 3. an equivalent legal tool that provides permanent protection, as approved by the city attorney.
- B.** The instrument for permanent protection must include clear restrictions on the use of the open space. These restrictions must include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the open space.

([Ord. 3483](#), 2012; [Ord. 3410](#), 2009)

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20.55.060 Perimeter Treatment Abutting Conventional Subdivisions

A. Perimeter Treatment Options

When a cluster or conservation development is proposed abutting an existing or approved residential subdivision that is not part of the cluster or conservation development, one of the following options must be provided as part the cluster or conservation development:

1. All parcels along the perimeter of the cluster or conservation development abutting the conventional residential subdivision must be at least 80% of the area, width and depth of the abutting parcels within the conventional subdivision; or
2. A natural or restored vegetative buffer must be provided between developed areas within the cluster and conservation development and the abutting residential (conventional) subdivision in accordance with [20.55.060B](#).

B. Buffer Option

The following requirements apply to the perimeter buffer option:

1. The minimum width of the buffer is as follows:

Table 20.55—1 Cluster and Conservation Development, Perimeter Treatment Abutting Conventional Subdivisions, Minimum Buffer Widths

Abutting Zoning	Area of Perimeter Parcels (square feet) within Cluster/Conservation Development					
	80,000+	40,000–79,999	20,000–39,999	10,000–19,999	5,000–9,999	Less than 5,000
	Minimum Buffer Width (feet)					
R215	100	150	200	250	300	500
R80	None	50	100	150	200	250
R40	None	None	50	100	150	200
R20	None	None	None	50	100	150
RT10	None	None	None	None	50	100
R8	None	None	None	None	None	100
R5.4	None	None	None	None	None	50
RT5.4	None	None	None	None	None	None
R3	None	None	None	None	None	None
RT2.7	None	None	None	None	None	None
RM2.7	None	None	None	None	None	None
RM1.5	None	None	None	None	None	None
RM1	None	None	None	None	None	None
RMH	None	None	None	None	None	None
RM0.5	None	None	None	None	None	None

2. The land area within the perimeter buffer may be used to satisfy minimum open space requirements of the cluster or conservation development. The buffer area may not be included as a part of any platted residential parcel within the cluster or conservation development.

([Ord. 3410](#), 2009)
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20.60.010 General

A. Purpose

1. The regulations of this chapter are intended to ensure provision of off-street motor vehicle parking, bicycle parking, and other transportation access facilities in rough proportion to the generalized parking and transportation demands of different land uses. By requiring such facilities, it is the intent of this chapter to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design impacts that can result from parking lots and other vehicular use areas.

2. The provisions of this chapter are also intended to help protect the public health, safety, and general welfare by:
 - a. helping avoid and mitigate traffic congestion;
 - b. encouraging multi-modal transportation options and enhanced pedestrian safety;
 - c. providing methods to reduce the amount of impervious surfaces in parking areas and adequate drainage structures in order to reduce the environmental impacts of storm water runoff;
 - d. encouraging paving or alternate means of surfacing of parking areas in order to address dust abatement and improve air quality; and
 - e. providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

B. Applicability**1. General**

Unless otherwise expressly stated, the parking regulations of this chapter apply to all districts and all uses within zoned and unzoned areas.

2. New Development

Unless otherwise expressly stated, the parking standards of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

3. Enlargements and Expansions

- a.** Unless otherwise expressly stated, the parking standards of this chapter apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.
- b.** In the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address lawfully existing parking deficits.
- c.** Additional off-street parking spaces are required only when existing development is enlarged or expanded in any way that results in more than a 10% increase in the total number of off-street parking spaces required for the development, based on the standards of this zoning ordinance.

Commentary: An enlargement or expansion may trigger the need to provide or increase accessible (ADA-compliant) parking, as determined by the city engineer.

4. Change of Use

- a.** Unless otherwise expressly stated, when the use of property changes, additional off-street (vehicle and bicycle) parking spaces must be provided to serve the new use only when the number of parking spaces required for the new use exceeds by more than 10% the number of spaces required for the lawful use that most recently occupied the building, based on the standards of this zoning ordinance. In other words, 110% “credit” is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning ordinance, regardless of whether such spaces are actually provided. Any new parking spaces required must comply with all applicable parking area design and layout standards.
- b.** When the number of parking spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property by more than 10%, additional parking spaces are required only to make up the difference between the amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this ordinance.

Commentary: A change of use may trigger the need to provide or increase accessible (ADA-compliant) parking, as determined by the city engineer.

C. Exemptions, Reductions and Special Area Standards

1. CBD Zoning District

No off-street motor vehicle parking is required in the CBD zoning district.

2. B1 Zoning District

No off-street parking is required for retail sales uses in the B1 district unless such uses exceed 1,000 square feet of gross leasable floor area, in which case off-street parking must be provided for the floor area in excess of 1,000 square feet. On parcels occupied by two or more uses, the 1,000 square foot exemption may only be applied once.

3. Pedestrian-Oriented Overlay District

No off-street parking is required for retail sales uses in the /P overlay district unless such uses exceed 1,000 square feet of gross leasable floor area, in which case off-street parking must be provided for the floor area in excess of 1,000 square feet. On parcels occupied by two or more uses, the 1,000 square foot exemption may only be applied once.

4. Landmarks and Historic Districts

The zoning officer, in consultation with the historic preservation officer, is authorized to approve exceptions and waivers to minimum off-street parking ratios for the following:

- a. rehabilitation or reuse of buildings on the National Register of Historic Places;
- b. buildings designated as local cultural resources;
- c. contributing buildings in National Register Historic Districts; or
- d. buildings in locally designated historic districts.

5. Long-Term Bicycle Parking

Off-street motor vehicle parking space requirements may be reduced up to a maximum of 25% of the total requirement by one space for every eight long-term bicycle parking spaces provided in excess of what is required by Section 20.60.090B. Long-term bicycle parking spaces must comply with [20.60.090](#).

6. Effect on Bicycle Parking Requirements

The bicycle parking requirements of [20.60.090](#) apply regardless of any motor vehicle parking exemptions and reductions authorized in this section.

7. Combination of Reductions

Vehicle parking reductions in this chapter may be combined.

D. Compliance Required

Existing parking facilities may not be altered to violate the requirements of this chapter.

([Ord 3549](#), 2015; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.60.020 Required Motor Vehicle Parking

A. Minimum Requirements

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the off-street parking schedule of [20.60.020C](#).

B. Maximum Requirements

Nonresidential uses requiring 100 or more parking spaces may not provide more than 4.3 spaces per 1,000 square feet of gross leasable floor area.

C. Off-Street Parking Schedule

Table 20.60—1 Off-Street Parking Schedule

Use Category ↳specific use type	Minimum Motor Vehicle Off-street Parking Ratio
RESIDENTIAL	
Household Living (except as noted below)	1 space per dwelling unit
↳Detached House, Lot Line House, Townhouse	2 spaces per dwelling unit
↳Detached House, Townhouse (subsidized + 1,250 sq. ft. or more)	2 spaces per dwelling unit
↳Detached House, Townhouse (subsidized + under 1,250 sq. ft.)	1 space per dwelling unit
↳Multi-dwelling unit (55 years of age and over)	0.75 spaces per dwelling unit
↳Multi-dwelling unit (55 years of age + subsidized)	0.5 spaces per dwelling unit
↳Multi-dwelling unit (2,000 sq. ft. or more)	2.0 spaces per dwelling unit
↳Multi-dwelling unit (850 sq. ft. –1,999 sq. ft.)	1.5 spaces per dwelling unit
↳Multi-dwelling unit (under 850 sq. ft.)	1.0 spaces per dwelling unit
↳Multi-dwelling unit (subsidized + 2,000 sq. ft. or more)	1.5 spaces per dwelling unit
↳Multi-dwelling unit (subsidized + 850 sq. ft. –1,999 sq. ft.)	1.0 spaces per dwelling unit
↳Multi-dwelling unit (subsidized + under 850 sq. ft.)	0.75 spaces per dwelling unit
↳Two unit residential (max 2 units on parcel) – both units more than 850 sq. ft.	2 spaces per dwelling unit
↳Two unit residential (max 2 units on parcel) – second unit up to and including 850 sq. ft.	2 spaces first unit + 1 space second unit
↳Accessory Dwelling Unit	1 space accessory dwelling unit + 2 spaces primary dwelling unit (lawfully established primary dwelling units in single dwelling zoning districts that lack 2 spaces must add off-street parking to a total of 3 spaces)
Group Living (except as noted below)	2 spaces
↳Community Residential Facility (9+)	1 space + 1 space per 3 residents
↳Fraternity/sorority	1 space + 1 space per 3 residents
↳Nursing Home	1 space per 5 beds
↳Health Care Facility	1 space + 1 space per 3 residents
PUBLIC/CIVIC	
Fraternal Organization	1 space per 240 sq. ft. + 1 space per 4 employees
College/University	1 space per 3 students
Day Care	
↳Residential Day Care (1–12)	2 spaces

Use Category ↳specific use type	Minimum Motor Vehicle Off-street Parking Ratio
↳Day Care Center (13+)	1 space per 8 enrollees + 1 space per 2 employees
Emergency Homeless Shelter (8 or fewer beds)	1 space per 2 employees
Emergency Homeless Shelter (9 or more beds)	1 space per 10 beds; 1 space per 2 employees
Hospital	1 space per 4 beds + 1 space per 2 employees
Library/Cultural Exhibit	1 space per 360 sq. ft.
Meal Center (Soup Kitchen)	1 space per 8 seats; 1 space per 2 employees
Park/Recreation (except as noted below)	per 20.60.020E
↳Golf course	5 spaces per hole
Preschool	
↳Preschool (1-12)	2 spaces
↳Preschool Center (13+)	1 space per 8 enrollees + 1 space per 2 employees
Religious Assembly	1 space per 40 sq. ft. of assembly area
Safety Services	per 20.60.020E
School	
↳Elementary & Junior High	10 spaces + 1 space per employee
↳High School	1 space per employee + 1 space per 5 students
Utilities and Services	
↳Minor	None
↳Major	1 space + 1 space per 2 employees
COMMERCIAL	
Animal Services	
↳Sales and Grooming	1 space per 480 sq. ft.
↳Shelter or Boarding Kennel	1 space per 1200 sq. ft.
↳Veterinary	1 space per 480 sq. ft.
Artist Work or Sales Space	1 space per 480 sq. ft.
Building Maintenance Service	1 space per 1200 sq. ft.
Business Equipment Sales and Service	1 space per 480 sq. ft.
Business Support Service	1 space per 480 sq. ft.
Communication Service Establishments	1 space per 480 sq. ft.
Construction Sales and Service	1 space per employee
Day Labor Employment Agency	5 spaces + 1 space per 480 sq. ft.
Eating and Drinking Establishments	
↳Restaurant	1 space per 4 seats + 1 space per 2 employees
↳Tavern or Nightclub	1 space per 4 seats + 1 space per 2 employees + 1 space per billiard table + 1 space per 2 gaming machines
Entertainment and Spectator Sports (except as noted below)	1 space per 8 seats + 1 space 100 sq. ft. of assembly area without seats
↳Theater/Cinema	1 space per 4 seats
Financial Services	1 space per 480 sq. ft.
Food and Beverage Retail Sales	1 space per 480 sq. ft.
Funeral and Interment Services	1 space per 75 sq. ft. of assembly area
Gasoline and Fuel Sales	1 space per 400 sq. ft. of retail sales area plus 1 space per 2 pumps
Lodging	
↳Bed and Breakfast	1 space per guest room + 2 spaces for primary dwelling unit. Maximum 6 spaces total in R zoning district.

Use Category ↳specific use type	Minimum Motor Vehicle Off-street Parking Ratio
↳Hostel	1 space per 8 beds + 1 space per 4 employees
↳Hotel/Motel	1 space per room + 1 space per 4 employees
↳Tourist Home	Household Living, dependent on building type
Office	
↳Administrative, Professional or General Office	1 space per 480 sq. ft.
↳Medical Office	1 space per 240 sq. ft.
Parking, Non-Accessory	None
Personal Improvement Service	1 space per 360 sq. ft.
Repair or Laundry Service, Consumer	1 space per 480 sq. ft.
Research Service	1 space per 360 sq. ft.
Retail Sales (except as noted below)	1 space per 360 sq. ft.
↳Nursery/Greenhouse (indoor sales)	1 space per 480 sq. ft.
↳Furniture, Appliance, Nursery/Greenhouse (outdoor sales) and Similar Large Items	1 space per 1200 sq. ft. + 1 space per 3 employees
Sports and Recreation, Participant (except as noted below)	
↳Bowling Alley	4 spaces per alley
↳Go-cart, driving range, shooting range, and similar use requiring large uninhabited areas	1 space for each individual activity (each go-cart, tee area, firing position, etc)
↳Skating Rink	1 space per 360 sq. ft. + 1 space per 2 employees
↳Swimming Pool	1 space per 4-person capacity plus 1 space per 2 employees
Vehicle Sales and Service	
↳Car Wash/Cleaning Service	1 space per cleaning stall
↳Heavy Equipment Sales/Rentals	1 space per 2 employees + 2 spaces per service stall
↳Light Equipment Sales/Rentals	1 space per 2 employees + 1 space per 20 vehicles displayed + 2 spaces per service stall
↳Motor Vehicle Repair	1 space per 1200 sq. ft. or 1 space per 3 employees, whichever is greater
↳Vehicle Storage and Towing	5 spaces + 1 space per 2 employees
INDUSTRIAL	
Manufacturing, Production and Industrial Service	1 space per employee
Microbrewery, Small-Scale Winery or Food Production	1 space per 4 seats + 1 space per 2 employees
Recycling Service	1 space per 2 employees
Residential Storage Warehouses	1 space per 25 storage units
Warehousing, Wholesaling and Freight Movement	1 space per 2 employees
OTHER	
Transportation Terminals	
↳Bus Depot	1 space per 100 sq. ft. of customer waiting area + 1 space per 3 employees at peak + stacking/waiting space for 2 buses

D. Calculations

The following rules apply when calculating the required number of off-street parking spaces:

1. Multiple Uses

Unless otherwise expressly stated, parcels containing more than one use must provide parking in an amount equal to the total of the requirements for all uses.

2. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than $\frac{1}{2}$ is rounded down to the next lower whole number, and any fraction of $\frac{1}{2}$ or more is rounded up to the next higher whole number.

3. Area Measurements

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of interior floor area which is the gross floor area less the thickness of the exterior walls.

4. Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever results in the greater number of spaces.

5. Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the zoning officer is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [20.60.020E](#).

E. Establishment of Other Parking Ratios

1. Upon receipt of an application of a use for which no parking ratio is established, the zoning officer is authorized to apply the parking ratio that applies to the most similar use or establish a different minimum parking requirement on the basis of parking data provided by the applicant and Development Services.
2. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations. Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

([Ord 3549](#), 2015; [Ord 3519](#), 2014; [Ord. 3494](#), 2013; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.030 Shared Parking**A. General**

Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance. Shared parking facilities are allowed, subject to the following standards and approval by the city engineer:

1. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.

2. Up to 10% of required parking spaces for any use may be used jointly by a temporary commercial use.
3. Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. The agreement must be filed with the Missoula County Clerk and Recorder. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.
4. Shared parking may be located off site, subject to the regulations of [20.60.040C](#).
5. Required accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

B. Shared Parking for Different Categories of Uses

A use may share parking with a different category of use according to only one of the following subsections:

1. If an office use and a retail sales-related use share parking, the parking requirement for the retail sales-related use may be reduced by up to 20%, provided that the reduction does not exceed the minimum parking requirement for the office use.
2. If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, eating and drinking establishments and entertainment-related uses, the parking requirement for the residential use may be reduced by up to 30%, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.
3. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the office use.
4. If office, retail sales and residential uses share off-street parking, the applicant may elect to use any one of the shared parking reductions of [20.60.030B.1](#), [20.60.030B.2](#) or [20.60.030B.3](#). The applicant may also elect to prepare a shared parking analysis using the Urban Land Institute's (ULI) shared parking analysis methodology. Parking reductions based on the ULI methodology require review and approval by the zoning officer after consultation with the city engineer..

C. Shared Parking for Uses with Different Hours of Operation

1. For the purposes of this section, the following uses are considered daytime uses:
 - a. customer service and administrative offices;
 - b. retail sales uses, except eating and drinking establishments, lodging uses, and entertainment-related uses;
 - c. warehousing, wholesaling, and freight movement uses;
 - d. manufacturing, production and industrial service uses; and
 - e. other similar primarily daytime uses, as determined by the zoning officer.

2. For the purposes of this section, the following uses are considered nighttime or Sunday uses:
 - a. auditoriums accessory to public or private schools;
 - b. religious assembly uses;
 - c. entertainment-related uses, such as theaters, bowling alleys, and dance halls; and
 - d. other similar primarily nighttime or Sunday uses, as determined by the zoning officer.
3. Up to 90% of the parking required by this chapter for a daytime use may be supplied by the off-street parking provided for a nighttime or Sunday use and vice-versa, when authorized by the zoning officer.
4. The applicant must show that there is no substantial conflict in the principal operating hours of the uses for which shared parking is proposed.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.040 Location of Off-Street Parking

A. General

Except as otherwise expressly stated, required off-street parking spaces must be located on the same parcel as the building or use they are required to serve.

B. Residential Districts

The following standards apply in all R districts:

1. Parking is prohibited in front and street side setbacks except that parking spaces may be located in the front or street side setback in front of a garage, carport or other parking space that is located outside of required building setbacks.
2. No more than 40% of the front yard area in an R district may be paved or used for parking or vehicular use. On corner parcels, not more than 20% of the street side yard area may be paved or devoted to parking or other vehicle use.
3. For parcels adjacent to a road easement, when the property line is in the road easement, the front yard and street side areas shall be measured from edge of road pavement rather than from the parcel property line

C. Off-Site Parking

1. General

All or a portion of required off-street parking may be provided off-site, in accordance with the provisions of this section. Off-site parking areas must comply with all applicable parking area design and accessibility standards. Required accessible parking spaces may not be located off site.

2. Location

- a. Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.
- b. Off-site parking must be located on a parcel zoned for the same or more intense use group or building type as the use or building type to be served by the parking.

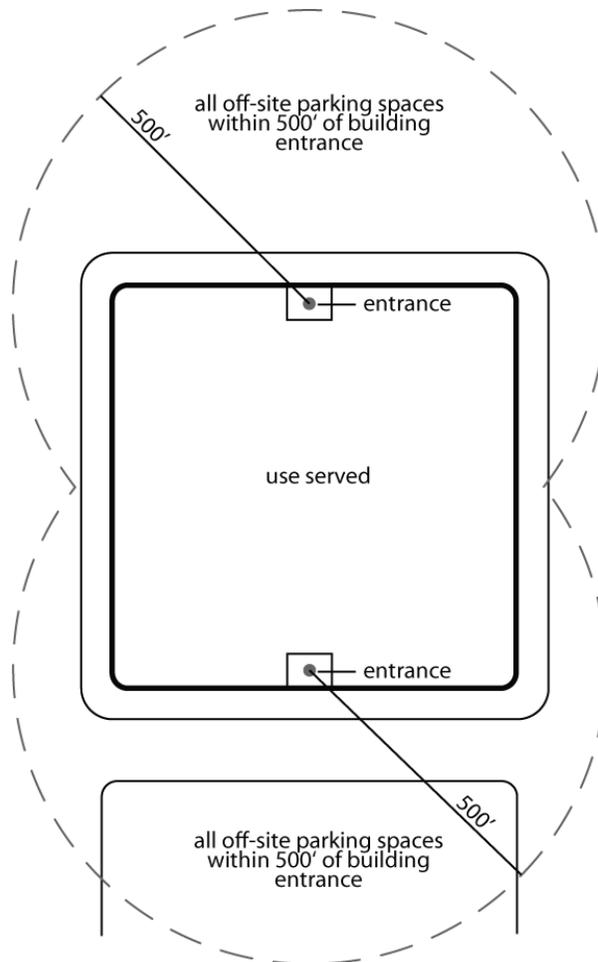


Figure 20.60-1 Shared Parking, Off-site Parking, Location

3. Control of Off-Site Parking Area

The property to be occupied by the off-site parking facilities must be under the same ownership as the parcel containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

([Ord. 3549](#), 2015; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.60.050 Use of Off-Street Parking Areas

- A. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.
- B. Required off-street parking spaces may not be used for the display of goods for sale or lease or for storage of building materials.
- C. Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces that are required by this zoning ordinance must be maintained for the life of the principal use.
- D. No commercial motor vehicle repair work of any kind is permitted in a required parking space.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.60.060 Parking Area Design

A. General

Parking areas must be laid out and designed in accordance with Municipal Code requirements and City Engineering Division standards and specifications.

B. Driveways

- 1. Driveways must be reviewed and approved by the City Engineering Division before issuance of a zoning compliance permit. Driveways exceeding 150 feet in length require an additional approval from the Fire Department.
- 2. Driveways from streets may not be created in residential zoning districts for parcels with access to an alley except those approved by the City Engineer due to topographic, physical or easement constraints.
- 3. Driveways may not exceed a grade of 8%, provided that a maximum grade of up to 10% may be allowed for short distances, not exceeding 50 feet, if approved by the Fire Department and City Engineering Division.

C. Pedestrian Walkways

Multi-dwelling residential, commercial, industrial and mixed use development shall provide pedestrian walkways. A system of pedestrian walkways is required to connect each primary use structure on a site to the following: adjacent public sidewalks, on-site parking lots or parking structures, other on-site primary use structures, bicycle storage areas, and common outdoor use areas. The pedestrian walkway system must comply with Municipal Code requirements and City Engineering Division standards and specifications.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.60.070 Accessible Parking (for People with Disabilities)

Accessible parking facilities must be provided in accordance with Municipal Code requirements and City Engineering Division standards and specifications.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.080 Transit-Served Locations

The zoning officer, after consulting with the city engineer, may authorize up to a 15% reduction in the number of off-street parking spaces required for nonresidential uses located within 500 feet of a transit stop that is served at intervals of 30 minutes or less between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. Applicants seeking approval of such a reduction must secure approval in accordance with the administrative adjustment provisions of [20.85.110](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.090 Bicycle Parking**A. General**

This section establishes requirements for short-term bicycle parking and long-term bicycle parking and storage facilities. These requirements apply regardless of any motor vehicle parking exemptions or reductions.

B. Spaces Required

Short-term and long-term bicycle parking is required in accordance with the following minimum ratios:

Table 20.60—2 Bicycle Parking, Spaces Required

Use	Required Bicycle Parking	
	Short-Term	Long-Term
Multi-dwelling Residential	1 space per 5 dwelling units; 2 spaces min.	1 space per dwelling unit
Multi-dwelling Residential (ages 55+)	1 space per 20 dwelling units; 2 spaces min.	1 space per 5 employees; 1 space min.
Health Care Facilities & Nursing Homes (9+ residents)	1 per 10 motor vehicle spaces; 2 spaces min.	1 space per 10 employees; 1 space min.
Commercial, Public and Civic	1 per 10 motor vehicle spaces; 2 spaces min.	1 space per 5 employees; 1 space min.
Industrial	1 per 20 motor vehicle spaces; 2 spaces min.	1 space per 5 employees; 1 space min.
Emergency Homeless Shelter eight (8) or fewer beds	1 space per 4 beds; 1 space min	1 space per 4 beds; 1 space min
Emergency Homeless Shelter nine (9) or more beds	1 space per 4 beds	1 space per 5 beds; 4 space min; 1 space per 5 employees
Meal Center	1 space per 4 seats; 1 space per 2 employees	1 space per 5 employees; 1 space min.

C. Short-Term Bicycle Parking Spaces**1. Purpose**

Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.

2. Design and Location

a. General

Required short-term bicycle parking spaces must:

- (1) consist of bike racks or lockers that are anchored so that they cannot be easily removed;
- (2) be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (3) allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- (4) be designed so as not to cause damage to the bicycle;
- (5) facilitate easy locking without interference from or to adjacent bicycles; and
- (6) be accessed from the outside of the individual dwelling unit.

b. Location

At least 50% of required bicycle parking spaces must be located within 50 feet of a customer entrance, and the remainder must be located within 100 feet of any entrance. If required short-term bicycle parking spaces are not visible from the abutting street or the main customer entrance, signs must be posted indicating their location.

c. Size

All required short-term bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

D. Long-Term Bicycle Parking and Storage Spaces

Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, including employees and residents.

1. Design and Location

a. General

Required long-term bicycle parking spaces must:

- (1) be protected from weather and access by unauthorized persons;
- (2) consist of bike racks or lockers anchored so that they cannot be easily removed;
- (3) be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (4) be designed so as not to cause damage to the bicycle; and
- (5) facilitate easy locking without interference from or to adjacent bicycles.

- (6) be accessed from the outside of the individual dwelling unit.

b. Location

Required long-term bicycle parking must be provided in at least one of the following locations:

- (1) in covered stationary racks or lockers that comply with the short-term bicycle parking location requirements of [20.60.090C.2.b](#);
- (2) in a designated locked room;
- (3) in a covered, locked area that is enclosed by a fence or wall with a minimum height of 7 feet;
- (4) in a private garage or private storage space serving an individual dwelling unit within a multi-dwelling (residential) building;
- (5) in a covered area within clear view of an attendant or security personnel;
- (6) in a covered area continuously monitored by security cameras; or
- (7) in a covered area that is visible from employee work areas.

c. Size

Required long-term bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet. Bicycle lockers are exempt from overhead clearance requirements.

E. Authorized Administrative Adjustments

1. The zoning officer is authorized to approve an administrative adjustment reducing the number of bicycle spaces required under this section in accordance with the procedures of [20.85.110](#).
2. The zoning officer is also authorized to approve an administrative adjustment to modify the bicycle parking design and location requirements of this section in accordance with the procedures of [20.85.110](#).

([Ord. 3519](#), 2014; [Ord. 3483](#), 2012; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.100 Motorcycle Parking

In parking lots containing over 20 motor vehicle parking spaces, motorcycle parking may be substituted for up to five automobile parking spaces or 5% of required motor vehicle parking, whichever is less. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must have minimum dimensions of 4 feet by 8 feet. This provision applies to existing and proposed parking lots.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.110 Drive-through Facilities and Vehicle Stacking Spaces**A. Applicability**

1. The regulations of this section apply to all uses that include drive-through facilities and to all portions of a development that comprise the drive-through facility.
2. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of existing drive-through facilities.

Commentary: Drive-through facilities are not a right; the size of the parcel or the size and location of existing structures may make it impossible to meet the regulations of this section.

B. Parts of a Drive-through Facility

A drive-through facility is composed of two parts:

1. the stacking lanes (the space occupied by vehicles queuing for the service to be provided); and
2. the service area, where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other facilities, such as gas pumps, air compressors, and vacuum cleaning stations, the service area is the area where the vehicles are parked during the service or operation.

C. Setbacks and Landscaping

1. Service areas and stacking lanes on parcels abutting R zoning districts must be setback at least 50 feet and landscaped in accordance with the landscape buffer requirements of [20.65.060](#).

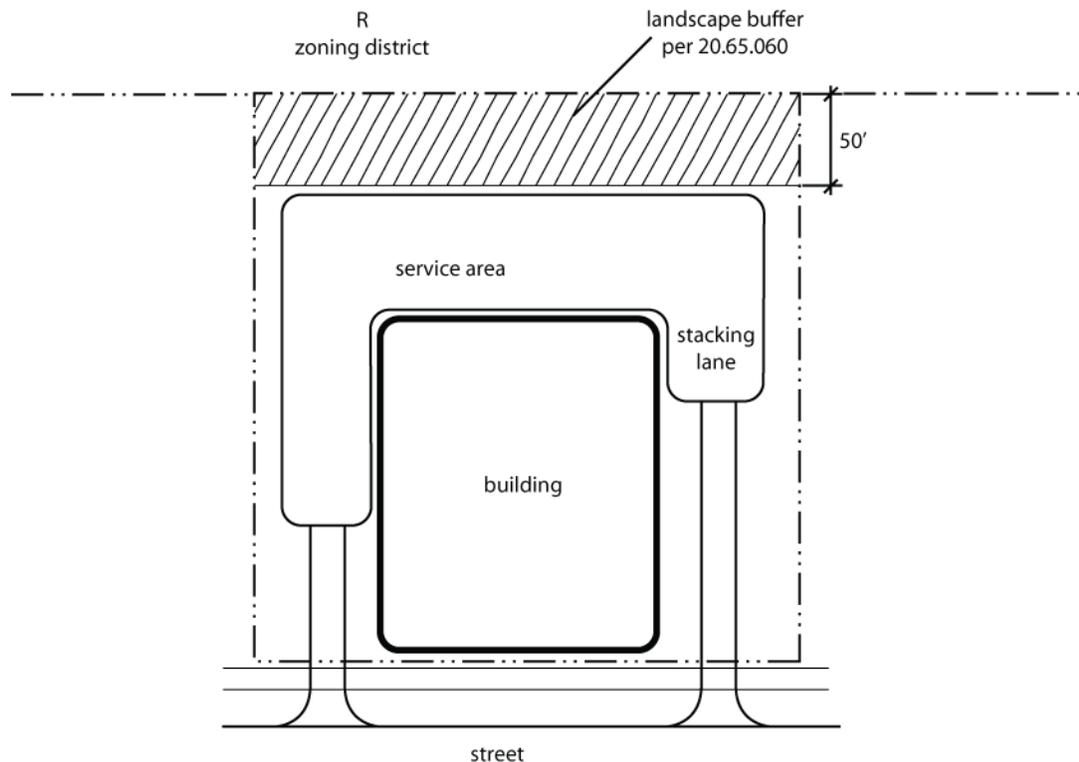


Figure 20.60-2 Drive-through Facilities and Vehicle Stacking Spaces, Setbacks and Landscaping Buffer

2. If the service areas and stacking lanes are within 50 feet of and visible from the roadway, they must be set back at least 20 feet from the right-of-way and landscaped in accordance with perimeter parking lot landscaping requirements of [20.65.050](#).

D. Stacking Lane Design and Layout

Stacking lanes must be designed and laid out in accordance with Municipal Code requirements and city engineering division standards and specifications (Title 12 M.M.C)

E. Noise

Speakers associated with drive-through facilities must comply with Municipal Code requirements. Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.

F. Site Plans

Site plans must show the location of drive-through windows and associated facilities (for example: communications systems and access aisles), as well as adjacent residential uses.

([Ord 3549](#), 2015; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.120 Cross-Access**A. Description and Purpose**

Cross-access refers to providing vehicular access between two or more contiguous sites so that motorists and/or pedestrians do not need to reenter the public street system to gain access to abutting sites. Cross-access between abutting properties reduces vehicular conflicts between motorists on the street and motorists entering and leaving driveways. Reduced traffic conflicts result in fewer accidents and improved traffic flow on the public street network.

B. Requirements

Vehicular and/or pedestrian access between abutting parcels may be required in accordance with Municipal Code requirements and City Engineering Division standards and specifications.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.130 Off-Street Loading

Vehicle loading and unloading areas must be provided in accordance with Municipal Code requirements and City Engineering Division standards and specifications.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.60.140 Traffic Studies

The city engineer may require the submittal of trip generation data for proposed developments using data from the Institute of Transportation Engineers' publication *Trip Generation*.

- A. The city engineer may require a traffic study for a proposed development that generates 200 or more average daily (weekday) trips. The traffic study must provide adequate information to allow the transportation planner and the city engineering department to assess the impact of the proposed development on nearby streets and intersections, including its impacts on pedestrians, bicyclists, and public transit.
- B. The city engineer may require traffic control infrastructure improvements, including off-site access and traffic control. The city engineer may require the applicant to finance and construct those traffic infrastructure improvements that are directly attributable to the development.
- C. When development is adjacent to or within ¼ mile of an established public transit route, the city engineer may require applicant to finance and construct public transit improvements, including bus pull outs and transit facilities such as shelters, benches, bike parking, map cases and signage along established bus routes

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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Chapter 20.65 Landscaping

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20.65.010 General

A. Purpose

The landscaping regulations of this chapter are intended to preserve, maintain and enhance the beauty of the city of Missoula, to advance the general purposes of [20.05.050](#) and specifically to:

1. plant and conserve trees and other desirable vegetation to enhance the city's livability, protect property values, mitigate urban heat island effects and address global climate change;
2. mitigate possible adverse impacts of higher intensity land uses located adjacent to lower intensity land uses;
3. promote the preservation, expansion, protection and proper maintenance of landscaping, including the wise use of water resources;
4. improve air quality;
5. protect water quality by providing vegetated areas that minimize and filter storm water runoff;
6. moderate heat by providing shade;
7. reduce the impacts of noise and glare;
8. enhance pedestrian areas;
9. provide landscaped areas within parking lots that are designed to facilitate movement of traffic, break-up large areas of impervious surfaces, provide shade, and buffer and screen adjacent properties from the visual impact of glare and lights;
10. enhance the quality and appearance development projects;
11. promote sustainable landscape practices including the use of non-invasive native and regionally adaptable plants, green roofs, permeable pavements, healthy soils and local materials; and
12. encourage the use of landscape architects licensed in the state of Montana.

B. Applicability

1. Unless otherwise expressly stated, the landscaping requirements of this chapter apply to all zoned and unzoned land to be used or developed for nonresidential or multi-dwelling residential purposes, including mixed-use or vertical mixed-use buildings. They also apply when a single parcel is occupied by multiple two-unit houses or a combination of multi-dwelling residential structures, two-unit houses and/or nonresidential buildings. The general site landscaping requirements of [20.65.020](#) apply to townhouses.

Commentary: landscaping requirements apply to accessory and non-accessory (commercial) parking areas.

C. Exceptions

The landscaping requirements of this chapter do not apply in the CBD district.

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.020 General Site Landscaping

A. Applicability

1. The general site landscaping requirements of this section apply when any of the following occurs:
 - a. when new development occurs;
 - b. when existing development is expanded or modified in any way that results in a 10% or greater increase in off-street parking requirements; or
 - c. when the expansion or modification results in the addition of four or more new parking spaces.
2. In the case of expansions or modifications triggering requirements for additional parking, general site landscaping is required only to serve the expanded or modified area, not the entire site. In other words, there is no requirement to address lawfully existing general site landscaping deficits.
3. The general site landscaping requirements of this section apply to townhouses.

B. Standards

1. All areas of a site that are not covered by structures, driveways, parking areas, or other paved surfaces must be landscaped. Existing healthy trees and shrubs must be preserved to the maximum extent possible.
2. For parcels occupied by townhouses, multi-dwelling houses, and multi-dwelling buildings, general site landscaping must be provided on at least 35% of the parcel for developments of fewer than ten dwelling units. For parcels occupied by enterprise commercial uses, general site landscaping must be provided on at least 20% of the parcel. In all other cases, general site landscaping must be provided on at least 15% of developed parcels. If the proposal is unable to accommodate the required

percentage of the parcel for general site landscaping because the area is encumbered by existing structures, driveways, parking areas, or other paved surfaces, the applicant must provide general site landscaping on the entire area (consistent with [20.65.020A.2](#)) that is unencumbered.

3. General site landscaping must consist of at least one tree and six shrubs per 1,000 square feet of required general site landscaping area, as specified in [20.65.020B.2](#).
4. Landscape areas and plant material provided to meet the street frontage landscaping requirements of [20.65.030](#), the interior parking lot landscaping requirements of [20.65.040](#), the perimeter parking lot landscaping requirements of [20.65.050](#), the buffer requirements of [20.65.060](#) and the screening requirements of [20.65.070](#) counts toward satisfying the general site landscaping requirements of this section.
5. Groundcover plants may be substituted for required shrubs at a ratio of three groundcover plants per each required shrub.
6. Public boulevard areas do not count toward satisfying the general site landscaping requirements of this section except that boulevard trees that comply with Chapter 12.32 of the Municipal Code do count, on a one-to-one basis, toward meeting the general site landscaping requirements of this section.
7. Existing healthy trees and shrubs count toward meeting the general site landscaping requirements of this section if they comply with the plant height and size requirements of [20.65.080](#).
8. Unless otherwise approved by the urban forester, the removal of trees with a diameter breast height (DBH) of 6 inches or greater, single stem, must be mitigated by providing one or more replacement trees with a total combined DBH that is at least equal to the total DBH of trees that are removed. The urban forester is authorized to waive this tree replacement requirement when they determine that inadequate area exists for healthy growth of replacement trees or when they determine that the removed trees are diseased or of an undesirable species.

C. Activity Area Requirements for Multi-dwelling Houses and Multi-dwelling Buildings

In addition to the general site landscaping requirements of 20.65.020, the following provisions apply to multi-dwelling houses and multi-dwelling building developments that include ten or more dwelling units.

1. Provide at least 20% of the parcel as activity area. This activity area requirement may be satisfied by the following:
 - a. Private outdoor areas for individual dwelling units (e.g., balconies and patios) may be counted toward satisfying the activity area requirements of this section. Private outdoor spaces must be directly adjacent to and accessible only from the dwelling unit it serves. Each square foot of upper-floor balcony or terrace space counts as 1.5 square feet of activity area. Each square foot of private outdoor space at ground level counts as one square foot of activity area.
 - (1) Ground-floor private outdoor space must be clearly delineated and at least 80 square feet in area in order to count toward satisfying

the activity area requirements of this section. Ground-floor dwelling units are those at finished grade or within 3 feet of (above or below) finished grade. Ground-floor private outdoor space within 4 feet of a driveway, street or parking lot must be buffered with a wall, a fence, or landscaping which is at least 50% opaque and at least 3 feet in height.

- (2)** Upper-floor private outdoor space must be provided as balconies or terraces that are a minimum of 6 feet deep and at least 60 square feet in area in order to count toward satisfying the activity area requirements of this section.
- b.** Common recreation area may be counted toward satisfying the activity area requirements of this section. Such areas must be readily accessible, contiguous, usable outdoor spaces, with seating, landscaping, and other active or passive recreational features (e.g., grills, sports and play facilities.) The common recreation area may include recreational facilities, such as a swimming pool or recreation room (not community meeting room.) In order to be counted toward satisfying activity area requirements, the common activity area must:
 - (1)** be centrally located within the proposed development or adjacent to an existing park or open space;
 - (2)** have a maximum 3% slope; and
 - (3)** have a length that is no more than two times its width, with a width of no less than 40 feet (e.g., a 40-foot wide area could be no longer than 80 feet.)
 - c.** Pedestrian/bicycle greenway corridors may be counted toward satisfying the activity area requirements of this section if such a corridor is determined by the Parks Department to have a primarily recreational and/or commuter function.
 - d.** Garden areas may be counted toward satisfying the activity area requirements of this section if:
 - (1)** tool storage areas are provided for common use by residents;
 - (2)** appropriate fencing is provided to exclude deer; and
 - (3)** topsoil of adequate quality and depth is provided.

2. Exceptions

The activity area requirements of this section do not apply to the following:

- a.** Development on parcels within the Greater Missoula Downtown Master Plan study area.
- b.** Remodel or conversion projects that do not change the building footprint by more than 15%.
- c.** Expansion projects that modify structures in existence before August 11, 2003 if such projects cannot comply with the activity area requirements of

this section. Such projects must provide the maximum amount of activity area possible (even if less than 20% of the parcel.)

- d. Development on parcels in subdivisions approved subject to the parkland dedication requirements in effect after December 31, 2009.
- e. Development on parcels in major residential subdivisions approved subsequent to the requirement for parkland dedication in accordance with the 1973 Montana Subdivision and Platting Act.

3. Agency Review

- a. The applicant must submit development plans to the Parks Department for their review, comment and approval, prior to submittal of a zoning compliance permit or building permit.
- b. Zoning compliance permit or building permit submittal materials must include approval by the Parks Department.

([Ord. 3511](#), 2013; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.030 Street Frontage Landscaping

A. Applicability

Street frontage landscaping must be provided along all street frontages, in accordance with the requirements of this section. The street frontage landscaping requirements apply when any of the following occurs:

- 1. when new development occurs;
- 2. when existing development is expanded or modified in any way that results in a 10% or greater increase in off-street parking requirements; or
- 3. when the expansion or modification results in the addition of four or more new parking spaces.

B. Exceptions

The street frontage landscaping requirements of this section may be waived or reduced by the zoning officer in either of the following cases:

- 1. where strict application of these standards is deemed inconsistent with the historic character of a National or Municipal Historic District, upon review by the zoning officer, in consultation with the historic preservation officer; or
- 2. for industrial land uses if the surrounding development pattern does not include street frontage landscaping, then the trees otherwise required as part of street frontage landscaping may be located elsewhere on the site, such as between the street and building or between the street and parking lot.

C. Standards

- 1. Street frontage landscaping areas must extend inward on the parcel at least 10 feet from the edge of all street rights-of-way along the full length of the street frontage,

unless the required zoning district setback is less than 10 feet. The following rules apply when the zoning district setback requirement is less than 10 feet and lawfully established buildings are located within 10 feet of the right-of-way:

- a. For those portions of the parcel on which buildings are set back from the right-of-way less than 5 feet, street frontage landscaping is not required.
- b. For those portions of the parcel on which buildings are set back from the right-of-way by 5 feet but no more than 10 feet, the street frontage landscaping area must be as deep as the actual building setback distance. The maximum required width of a street frontage landscaping area is 10 feet..

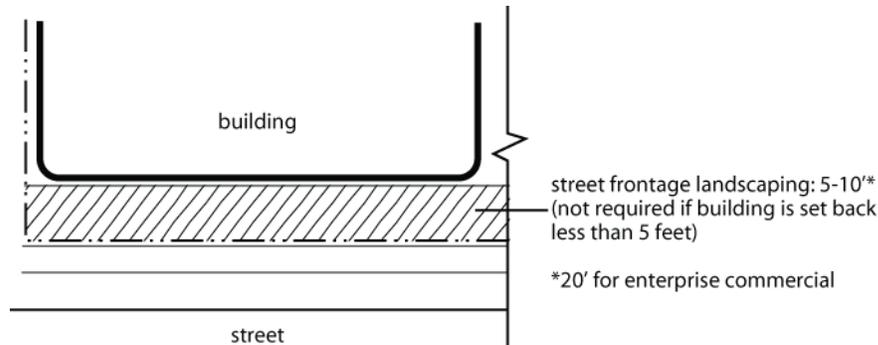


Figure 20.65-1 Street Frontage Landscaping, Standards

2. Sites occupied by enterprise commercial uses must provide street frontage landscaping areas with a minimum depth of 20 feet.

Commentary: Street frontage landscaping areas must be located on the parcel, outside of the right-of-way.

3. Parking lots and paved vehicular use areas may not encroach into required street frontage landscaping areas, nor may parked vehicles encroach into required street frontage landscaping areas
4. At a minimum, street frontage landscaping areas must consist of two trees (if no boulevard trees exist along the street frontage) and six shrubs per 1,000 square feet of required street frontage landscaping area. Berms may be installed within street frontage landscaping areas. Required trees and shrubs may be planted throughout street frontage landscaping area. For required street frontage landscaping areas under 500 square feet in area, a minimum of one tree is required.
5. Groundcover plants may be substituted for required shrubs at a ratio of three groundcover plants per each required shrub.
6. Paved walkway areas may not occupy more than 10% of the street frontage landscaping area.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.040 Interior Parking Lot Landscaping**A. Applicability**

The interior parking lot landscaping requirements of this section apply to all of the following:

1. the construction or installation of any new parking lot or vehicular use area containing ten or more parking spaces or more than 3,300 square feet of paved area;
2. the expansion of any existing parking lot or vehicular use if the expansion would create ten or more new parking spaces or more than 3,300 square feet of additional paved area, in which case the requirements of this section apply only to the expanded area; and
3. the excavation and reconstruction of existing parking lots or vehicular use areas containing ten or more parking spaces or more than 3,300 square feet of paved area if such excavation and reconstruction involves the removal of more than 25% of the paved surface, in which case the requirements of this section apply only to the portion of the parking lot or vehicular use area that is excavated and reconstructed.

B. Exceptions

Exceptions to the interior parking lot landscaping requirements of this section may be granted by the zoning officer in consultation with the historic preservation officer when such landscaping is deemed inconsistent with the historic character of a National or Municipal Historic District.

C. Standards**1. Minimum Area**

At least 10% of the paved vehicular use must be devoted to interior parking lot landscaping. Vehicular use areas include parking spaces, drive aisles, driveways and drive-through lanes. Vehicular use areas that are covered by carports, canopies or similar structures must be included when calculating minimum interior parking lot landscaping requirements, but installation of landscaping is not required beneath carports, canopies or other structures that block sunlight and rainfall. Parking and circulation areas located within parking structure are not counted as vehicular use areas for purposes of these interior parking lot landscaping requirements.

2. Landscaped Islands

Interior parking lot landscaping must be provided in the form of parking lot landscaped islands. Landscaped islands must comply with all of the following requirements:

- a. they must be bordered by a paved surface on at least two sides;
- b. they must be at least 9 feet wide, as measured from the outside edge of the curb;
- c. they must be planted with groundcover and include at least one deciduous tree per 180 square feet of landscaped area, with a minimum of one tree per island;

- d. they must be protected by curbs or other barriers in accordance with City Engineering Division standards and specifications; and
- e. landscaped islands must be dispersed to define drive aisles and break up long rows of parking spaces by providing at least one landscaped island every 135 feet. Any parking row that ends adjacent to a paved driving surface, regardless of the aisle's length, must have a landscaped (terminal) island at that end of the parking row.

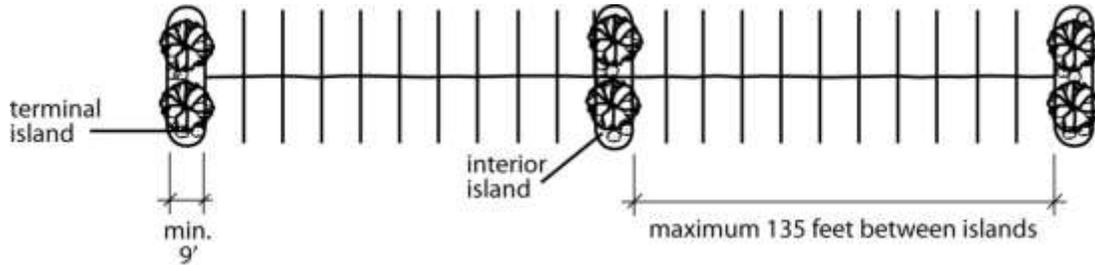


Figure 20.65-2 Interior Parking Lot Landscaping, Landscaped Islands

3. Other Interior Parking Lot Landscaping

If the minimum 10% interior parking lot landscaping requirement is not met by providing interior landscaped islands in accordance with the requirements of this section, then landscaping bordering paved parking and vehicular use areas may be counted to meet interior parking lot landscaping requirements. In order to be counted, the border landscaping must have a minimum depth of 6 feet and a maximum depth of 15 feet from the edge of the parking/vehicular use area pavement.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.050 Perimeter Parking Lot Landscaping

A. Applicability

The perimeter parking lot landscaping requirements of this section apply to all of the following:

1. the construction or installation of any new parking lot or vehicular use area containing ten or more parking spaces or more than 3,300 square feet of paved area;
2. the expansion of any existing parking lot or vehicular use if the expansion would create ten or more new parking spaces or more than 3,300 square feet of additional paved area, in which case the requirements of this section apply only to the expanded area; and
3. the excavation and reconstruction of existing parking lots or vehicular use areas containing ten or more parking spaces or more than 3,300 square feet of paved area if such excavation and reconstruction involves more than 25% of the paved surface, in which case the requirements of this section apply only to the portion of the parking lot or vehicular use area that is excavated and reconstructed.

B. Exceptions

1. Perimeter parking lot landscaping requirements do not apply to sites on which more than 50% of the required parking spaces are located outside of the area between the primary building façade and the street right-of-way.
2. Exceptions to the perimeter parking lot landscaping requirements of this section may be granted by the zoning officer in consultation with the historic preservation officer when such landscaping is deemed inconsistent with the historic character of a National or Municipal Historic District.

C. Standards

1. Perimeter parking lot landscaping requirements may be satisfied by providing at least one of the following:
 - a. any combination of berms, planting, walls or fences that results in a continuous buffer to a height of 36 inches above parking lot grade along the length of the parking area frontage; or
 - b. a street frontage landscaping area with a minimum depth of 20 feet and landscaping material at the rates specified in [20.65.030C.4](#).
2. Berms may encroach into the landscaped boulevard area only with approval from the city engineer and/or the State Department of Transportation.
3. The city engineer is authorized to approve reductions in height for buffers to improve sight distance at intersections.

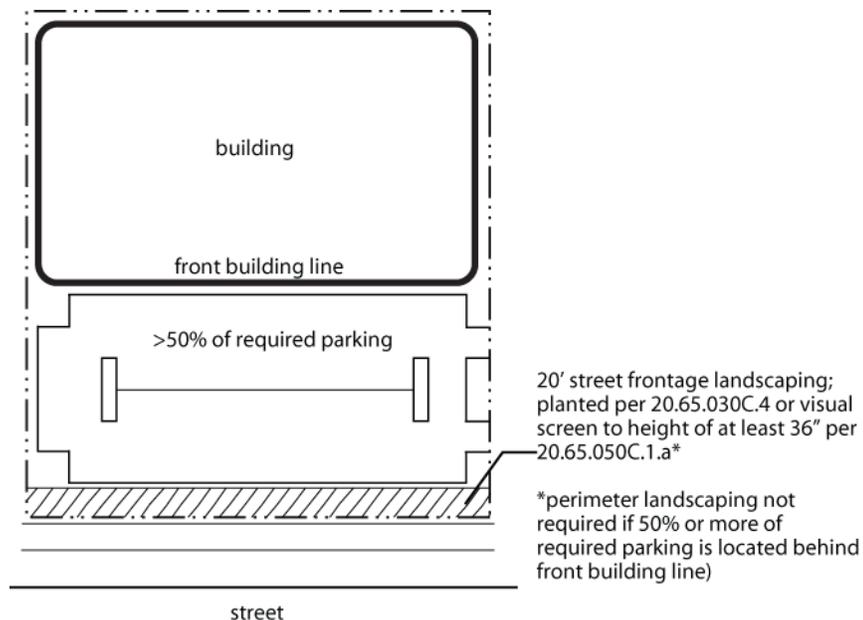


Figure 20.65-3 Perimeter Parking Lot Landscaping, Standards

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.060 Buffers

Buffers are intended to mitigate the possible adverse effects (e.g., noise, lighting, and other site-related and operational impacts) that can occur when multi-dwelling houses, multi-dwelling buildings, mixed-use, vertical mixed-use or nonresidential development occurs abutting residential areas.

A. Applicability

1. Buffers are required when nonresidential development occurs on parcels that abut R zoning districts or parcels used for residential purposes.
2. Buffers are required when any multi-dwelling residential, mixed-use, or vertical mixed-use development occurs on parcels that abut parcels occupied by detached houses or parcels zoned R215, R80, R40, R20, RT5.4, RT10, R8 or R5.4.
3. The buffer requirements of this section are triggered when new development occurs or when existing nonresidential uses or buildings are expanded by more than 10% of their existing gross floor area.

B. Standards

1. Buffers must be provided along the entire property line that abuts the parcel zoned or used for residential purposes. Buffers are not required abutting alleys.
2. Any of the following three options may be used to satisfy the buffer requirements of this section:
 - a. **Landscape Buffer**

Provide a landscaped area at least 8 feet in width with at least one shrub per 2 linear feet of buffer area, plus at least one evergreen tree and one deciduous tree per 30 linear feet of buffer area. Shrubs must be at least 3 feet in height at time of planting.
 - b. **Fence or Wall**

Provide a landscaped area at least 5 feet in width with a six foot, 75% opaque or greater wall or fence along the interior of the buffer area. One evergreen tree is required per 20 linear feet of fence or wall. Where vehicular use areas abut adjacent residential property, the lot shall be screen with a solid (100% opaque) wall or fence.
 - c. **Landscape Berm**

Provide a landscape berm between 4 and 6 feet in height. If the berm is less than 6 feet in height, it must include at least one shrub per 3 linear feet along the top of the berm.
3. Walls and fences must comply with Chapter 12.30 of the Municipal Code. Chain link fences may not be used as part of a required buffer.
4. Enterprise commercial uses are subject to the buffer standards of this section except that required buffers must have a minimum width of 25 feet.

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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[\[Table of Contents\]](#)**20.65.070 Screening****A. Applicability**

The screening requirements of this section apply to multi-dwelling houses, multi-dwelling buildings, vertical mixed-use, mixed-use or nonresidential development when any of the following occurs:

1. when new development occurs;
2. when existing development is expanded or modified in any way that results in a 10% or greater increase in off-street parking requirements; or
3. when the expansion or modification results in the addition of four or more new parking spaces.

B. Features to be Screened

The following features must be screened:

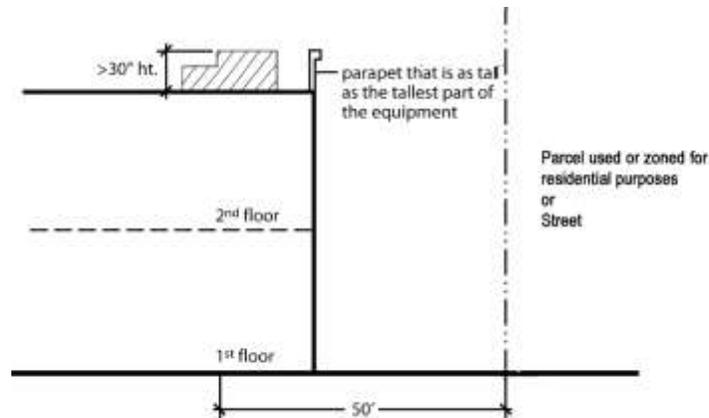
1. Ground-mounted Mechanical Equipment

Ground-mounted mechanical equipment may not be located within 15 feet of the property line of a parcel used or zoned for residential purposes and such equipment must be screened from view of streets and abutting residential uses and zoning districts by a dense hedge, solid wall or solid fence. The hedge, fence or wall must be tall enough to screen the equipment. Walls and fences must comply with Chapter 12.30 of the Municipal Code.

2. Roof-mounted Mechanical Equipment

Roof-mounted mechanical equipment that is over 30 inches in height and located at 50 feet or less from a parcel used or zoned for residential purposes or a street must be screened from the parcel used or zoned for residential purposes in one of the following ways:

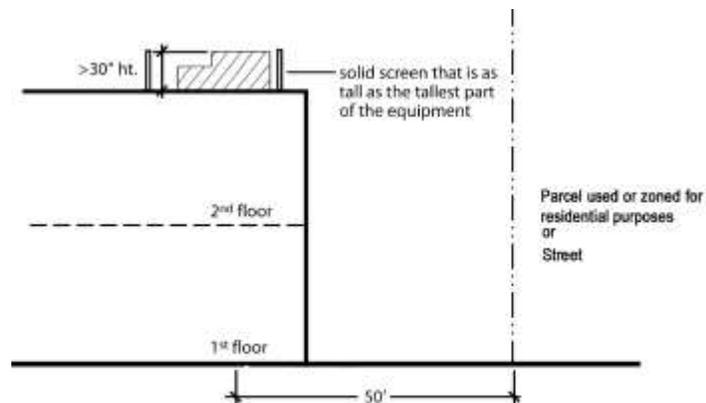
- a. a parapet along façades facing the parcel used or zoned for residential purposes that is as tall as the tallest part of the equipment;



20.65.070 B-2a

Figure 20.65-4 Screening, Roof-mounted Mechanical Equipment, Parapet Option

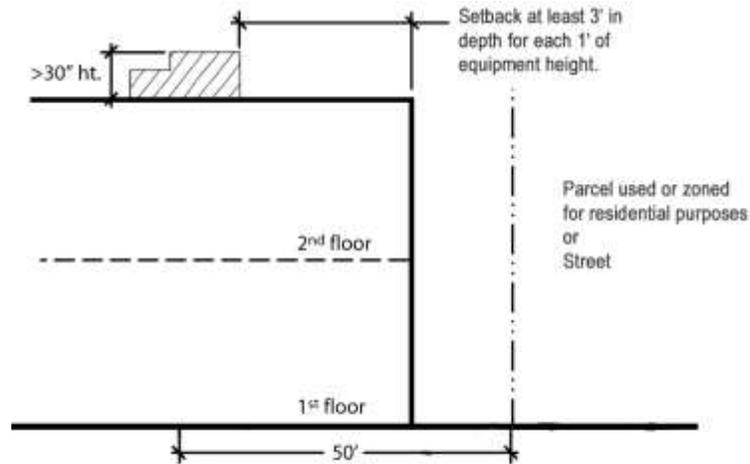
- b. a solid screen around the equipment that is as tall as the tallest part of the equipment, with the screen an integral part of the building's architectural design; or



20.65.070 B-2b

Figure 20.65-5 Screening, Roof-mounted Mechanical Equipment, Solid Screen Option

- c. an equipment setback from roof edges facing parcels used or zoned for residential purposes or a street that is at least 3 feet in depth for each one foot of equipment height.



20.65.070 B-2c

Figure 20.65-6 Screening, Roof-mounted Mechanical Equipment, Setback Option

3. Trash Receptacles

Trash receptacle areas must be contained and screened from view of public rights-of-way other than alleys and all abutting parcels with a solid wall or fence. Trash receptacles may not be located in the front or street side setback area.

Commentary: See the City Fire Code for minimum spacing requirements for trash receptacle (from buildings and openings.)

4. Utility Cabinets

- a. Above-ground utility cabinets that are 30 or more inches in height and located within 25 feet of a street must be screened from view of the street by a solid fence, solid wall, dense hedge, or combination of such features.
- b. Requirements for utility cabinet screening apply to new cabinets, as well as replacement of existing cabinets.

5. Materials, Supplies and Equipment

All stored materials, supplies, merchandise, vehicles, equipment, storage or shipping containers, or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user must be screened from a public right-of-way, park, civic use, and parcels used or zoned for residential purposes by a fence, wall, dense hedge, or combination of such features.

C. Standards

1. Walls and fences must comply with Chapter 12.30 of the Municipal Code. Chain link fences may not be used as part of a required buffer.
2. All landscape materials and features must be located to avoid damage from vehicles.
3. For screening purposes, all plant material must be at least 3 feet in height at time of planting.

4. Screens may be broken only as necessary to accommodate approved access drives and walkways.

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.080 Landscape Material and Design

A. Plant Selection

1. Plants selected for required landscape areas must consist of plants that are well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs must be grouped together as much as possible.
2. Interior parking lot landscape islands and other landscaped areas less than 8 feet wide on any side must be landscaped with plants that can generally survive with available rainfall once established (although supplemental irrigation may be needed or desirable during summer months.)
3. For developments located in the wildland-urban interface area, plants must:
 - a. be able to survive without irrigation once established;
 - b. be fire-resistant or fire-retardant;
 - c. have low fuel volume or high moisture content; and;
 - d. not be species that tend to accumulate excessive dead wood or debris.
4. Woody plants must be rated to survive in USDA Hardiness Zones 1, 2, 3, 4.

B. Trees

1. Deciduous Trees

Deciduous trees used to satisfy the requirements of this chapter must have a caliper size of 1.5 inches and the minimum height of 8 feet at time of planting.

2. Evergreen Trees

Evergreen trees used to satisfy the requirements of this chapter must have a minimum height of 6 feet at time of planting. There is no minimum caliper size for evergreen trees at time of planting.

C. Shrubs

Shrubs used to satisfy the requirements of this chapter must be at least 5-gallon size and have a minimum 12-inch spread at time of planting.

D. Groundcover Plants

Groundcover plants are deciduous or evergreen plants that grow low and spread horizontally, not including turf. Groundcover plants used to satisfy the requirements of this chapter must be at least 1-gallon size.

E. Mulch

All required trees and shrubs must be located within a mulched area and be separated from turf by a minimum distance of 2 feet. Mulch within such areas must comply with the following requirements:

1. Mulch must be applied to provide at a 3-inch (minimum) to 5-inch (maximum) soil cover, with no weed barrier material visible.
2. At least 50% of the total mulch area must be comprised of organic mulch, such as bark, shredded wood, wood chips, or other organic matter. Mineral mulch such as decorative stone, river stone or tumbled glass may be used in up to 50% of the mulch area.
3. Organic mulch must consist of regionally sourced, fully chipped or shredded, unsplintered wood product or bark chips free of soil, rocks, weeds, metals, toxins, and foreign objects. Organic mulch must have an average particle size of no more than 2.5 cubic inches.

F. Berms

Berms used to satisfy the requirements of this chapter must consist of a mound or bank of earth 2 to 6 feet in height, planted with vegetation, with a slope not exceeding one foot of rise for each 2 feet of run.

G. Fences and Walls

All fences and walls are subject to Chapter 12.30 of the Municipal Code. Chain-link fences may not be used to satisfy any of the requirements of this chapter.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.65.090 Installation and Maintenance

A. Installation

Landscaping must be installed in accordance with the requirements of this chapter and the approved landscape plan.

B. Irrigation

If the landscape design incorporates plants that require seasonal watering, automatic irrigation systems in conformance with the current adopted plumbing codes with back flow prevention must be provided to maintain the landscaping in a healthy, attractive condition

C. Maintenance

It is the responsibility of the property owner to maintain required landscaping in accordance with an approved maintenance plan. The maintenance plan must include methods for providing the following:

1. consistent irrigation,
2. integrated pest management,
3. fertilization,

4. tree care and pruning,
5. replacement of lost vegetation, and
6. weed management consistent with the Missoula County Weed Management Plan.

D. Timing of Installation

1. Required landscaping must be installed in complete and healthy condition, with operational irrigation in place, before a final occupancy permit may be issued.
2. If weather does not permit installation of required landscaping before issuance of a final occupancy permit, a temporary occupancy permit may be issued if the applicant provides a performance bond or other form of financial security and written assurance that the planting will occur during the next growing season. The security and assurances must be in a form approved by the city attorney. The financial security must be in an amount deemed adequate by the zoning officer to cover the cost of completing the required landscaping (materials and labor), as indicated by the applicant's landscape architect or landscape contractor.

Commentary: Boulevard maintenance plans must comply with Chapter 12.32 and Chapter 12.48 of the Municipal Code.

[\(Ord 3439, 2010; Ord. 3410, 2009\)](#)
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20.65.100 Alternative Compliance

An applicant proposing to deviate from strict compliance with the landscaping requirements of this chapter may do one of the following:

- A. Request alternative compliance review (design review) in accordance with the procedures of [20.85.080](#).
- B. Submit a landscape plan, covering the limits of the project, prepared and stamped by a landscape architect licensed in the State of Montana.
 1. This exemption does not apply to sections [20.65.070](#) screening or section [20.65.020C](#) activity areas for multi-dwelling developments.
 2. When a landscape architect is used to deviate from the landscaping chapter a list detailing the sections being deviated from must be provided to Development Services at the time of permit application.

[\(Ord 3549, 2015; Ord. 3471, 2011; Ord 3439, 2010; Ord. 3410, 2009\)](#)
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Chapter 20.70 Miscellaneous Regulations

20.70.010 Unzoned Areas20.70-1

20.70.010 Unzoned Areas

Commentary: The procedure for placing more than one unit on a parcel may require review for building for lease or rent in accordance with state and local regulations. Check with Development Services to determine applicability

A. Zoning Compliance Permits for New Buildings, Structures or Uses

1. A zoning compliance permit for a new principal building, principal structure, principal use, accessory building, accessory structure or accessory use on unzoned land (i.e., land that has not been assigned a city zoning classification) may be issued by the zoning officer if the zoning officer determines that at least two of the following criteria are met:
 - a. the proposed development would have been allowed by the county zoning regulations in effect at the time of annexation;
 - b. the proposed development is consistent with the land use recommendations of the adopted *Growth Policy*;
 - c. the proposed development is consistent with Growth Policy goals, objectives and policies;
 - d. the proposed development is located in an approved subdivision that complies with the approved subdivision plat and any conditions placed on the subdivision;
 - e. the proposed development is substantially the same as or compatible with the existing or allowed land uses (based on zoning or Growth Policy designations) of 50% or more of the properties located within 300 feet of the subject property.

B. Zoning Compliance Permit for Existing Use or Occupancy

The zoning officer may issue a zoning compliance permit for an existing use or building occupancy on unzoned land, including building additions, after determining that:

1. the building, structure or use is a continuation of an existing nonconforming use under the county zoning classification in effect at the time of annexation; or
2. the building, structure or use is pursuant to a variance granted by the County Board of Adjustment.

C. Zoning Compliance Permit for Seasonal Activity Business Licenses

A zoning compliance permit may be issued by the zoning officer for seasonal activities on unzoned land if the area is not designated for residential use in the Growth Policy. All other provisions of general zoning regulations apply.

D. Nonconformities in Unzoned Areas

1. Any change of a nonconforming use on unzoned land must comply with [20.80.040B](#). The zoning compliance permit must state that the replacement use is nonconforming.
2. Nonconforming uses on unzoned land are subject to provisions of [20.80.040F](#). Once a use located on unzoned land loses its nonconforming status, any new or replacement use must comply with [20.70.010A](#) through [20.70.010D](#).
3. Nonconforming structures on unzoned land are subject to provisions of [20.80.030F](#). Once a structure located on unzoned land loses its nonconforming status, any new or replacement structure must comply with [20.70.010A](#) through [20.70.010D](#).

E. Compliance with General Zoning Regulations

When a proposed development on unzoned land is determined to be in compliance with [20.70.010A](#) through [20.70.010D](#), it will be subject to general zoning regulations with respect to any new, expanded or changed land uses. Further, all new construction and additions to existing buildings are subject to the following setback and height regulations:

Table 20.70—1 Unzoned Areas, New Construction and Additions to Existing Buildings, Setback and Height Regulations

	Minimum Setback (feet)				Maximum Height (feet)
	Front	Street Side	Interior Side	Rear	
Residential (Principal Structure)	20	10	7.5[2]	20	30/35[1]
Residential (Detached Accessory Structures)	20	20	5	5	22
Nonresidential (Principal Structure)	20	10	0	10	35

[1] Maximum height limit is 30 feet for buildings with primary roof pitch of less than 8 in 12 and 35 feet for buildings with primary roof pitch of 8 in 12 or greater.

[2] Minimum interior side setbacks for principal buildings must equal at least 33% of the height of the subject building.

F. Appeal Process

1. Decisions to deny a zoning compliance permit for unzoned land may be appealed in accordance with [20.85.120F.2](#).

([Ord. 3511](#), 2013; [Ord. 3471](#), 2011; [Ord. 3410](#), 2009)

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Chapter 20.75 Signs

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20.75.010 Purpose

The sign regulations of this chapter are intended to protect the health, safety, and general welfare by establishing standards for the design, construction, location, illumination, and maintenance of all signs and sign structures. The City Council declares that such regulations are necessary and desirable for the following reasons:

- A. to protect the public safety by ensuring that traffic signs and devices are easily visible and free from obstruction or other distraction caused by improper use of signs
- B. to ensure that signs are designed, constructed, installed and maintained in a way that protects life, health, property, and the public welfare, especially during periods of high winds;
- C. to support the desired character of Missoula, as expressed in adopted city plans and policies;
- D. to promote an attractive visual environment;
- E. to control the size, placement, and use of signs and other attention-gathering paraphernalia in order to preserve the right of citizens to enjoy Missoula's natural scenic beauty;
- F. to address the ongoing technological advancements in the sign industry that continue to result in new sign types; and
- G. to ensure fair and equitable treatment of sign users.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.020 General Sign Regulations

The general sign regulations of this section are applicable to all allowed signs unless otherwise expressly stated.

A. Property Owner's Responsibility

Each property owner is responsible for proper permitting, installation, and maintenance of all signs on their property.

Commentary: Boulevard maintenance must comply with [Chapter 12.32](#) and [Chapter 12.48](#) of the Municipal Code which requires consultation and permits from the Parks Department for tree trimming or removal.

B. Noncommercial Messages

Any sign allowed under this chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area and other requirements of this chapter. Authorized decision-making bodies may not consider the content of speech or the viewpoint of the speaker when taking action to approve or deny sign permits or other application for signs.

C. Placement of Allowed Signs

1. Except as otherwise expressly stated, wall signs allowed on a parcel may be placed on building frontage and ground signs may be placed along any frontage upon which the parcel has frontage.
2. No sign or supporting structure may extend beyond the property except as otherwise expressly stated.
3. Allowed signs above sidewalks and other pedestrian areas must maintain a vertical clearance from the ground of at least 8 feet.
4. Signs and supporting structures that overhang or extend within vehicle traffic lanes or parking spaces must have a minimum vertical clearance of 14 feet.

D. Construction

Construction and erection of all signs and supporting structures must comply with the *International Building Code* (commercial), as adopted by the City Council. Building permits are required for all ground signs over 6 feet in height.

([Ord 3549](#), 2015; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.030 Prohibited Signs and Sign Characteristics

The following signs are expressly prohibited in all zoning districts unless expressly allowed by other provisions of this zoning ordinance:

- A. Signs that resemble an official traffic sign or signal, and signs that resemble traffic signs because they predominately display the words "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words that are commonly used by agencies of government and construction contractors to draw attention to traffic or roadway hazards;

- B. Strings, lines or streamers of exposed light bulbs, except traditional holiday decorations;
- C. Exposed light bulbs exceeding 12 watts;
- D. Flashing, blinking or scintillating signs;
- E. Animated signs;
- F. Roof signs;
- G. Signs that are located so as to obstruct the view of traffic-control devices or automobiles at intersections or pedestrians at marked crosswalks, as determined by the city engineer.
- H. Dynamic displays in Residential (R), Open Space (OP), Central Business District (CBD), and Historic Districts, as stated in [20.75.070F.1.a](#)
- I. Dynamic display billboards;
- J. Mobile billboards;
- K. Signs that are written upon, temporarily or permanently placed upon or attached to a motor vehicle or trailer that advertises the price of any product or service, indicate hours of business, or advertise special business events or sales. This restriction is intended to prohibit the use of motor vehicles or trailers for on-premises or off-premises advertising. This restriction is not intended to be construed to prohibit signs on vehicles that carry a firm name, telephone number, address of business, major enterprise, principal products or service; and this restriction is not intended to be construed to limit political signs mounted on vehicles;
- L. Searchlights;
- M. Temporary (portable) changeable copy signs, except that such signs may, after review and approval of a sign permit, be used to announce and advertise the grand opening of a new business or business under complete new ownership for a period of no more than two consecutive weeks;
- N. Banners, flags, pennants, streamers, spinners or other types of wind signs, except that such signs and devices may, after review and approval of a sign permit, be used to announce and advertise the grand opening of a new business or business under complete new ownership for a period of no more than two consecutive weeks;
- O. Human signs, human directional signs, and sign walkers that display, advertise, or promote commercial activity or provide direction to commercial activity. Non-commercial messages on signs remain permitted as authorized in 20.75.020.B. General Sign Regulations; and
- P. Signs not expressly allowed by the regulations of this chapter.

([Ord 3549](#), 2015; [Ord. 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.040 Signs Allowed Without a Sign Permit

The following signs are allowed without a permit and are not counted toward the applicable limits on the number or area of signs allowed. In order to be exempt from sign permit requirements, such signs may not be internally illuminated, cause glare, or cast light onto adjacent property:

- A. Address and nameplate signs on all buildings, not exceeding 4 square feet in area;

- B. Directional signs—up to six per business with none exceeding 6 square feet in area. Commercial messages may comprise no more than 50% of the area of any directional sign;
- C. Temporary signs protecting private property or identifying property hazards; and
- D. The following temporary signs, provided they are removed upon completion of the activity (in real estate, “completion” means closing) or activity identified on the sign:
 1. Identifying the location of garage and yard sales, not exceeding 6 square feet in area;
 2. Advertising property for sale, lease or rent, including open-house directional signs, not exceeding 6 square feet in area in residential zoning districts or 32 square feet in area in nonresidential districts. (Larger signs in nonresidential zoning districts may be erected in compliance with the area limitations and permit requirements of the subject zoning district);
 3. Contractor, developer, or construction-project identification signs, not exceeding 32 square feet in area;
 4. Notices posted by public agencies (i.e., notice of proposed rezoning);
 5. Public utility signs and safety signs required by law;
 6. Political signs located on private property, limited to a maximum of 20 square feet in area per sign;
 7. Signs located on private property that are not visible from any public right-of-way or public lands;
 8. Seasonal signs and holiday decorations erected for periods of time not exceeding the customary duration of general celebration;
 9. Barber-pole signs not exceeding 4 feet in height or 6 square feet in area, attached to a building;
 10. Incidental signs not exceeding 2 square feet in area, subject to [20.75.070D](#); and
 11. National register district identification signs.

([Ord. 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.050 Signs in Residential and Open Space/Public Districts

- A. The regulations of [20.75.040](#) apply to detached houses, lot line houses, townhouses and two-unit houses in R and OP districts.
- B. Signs for other uses allowed in R and OP districts are subject to the following standards:

Table 20.75—1 Signs in Residential and Open Space/Public Districts

District/ Sign Type	Maximum Number	Maximum Area (sq. ft.)	Maximum Height (feet)
R215, R80, R40, R20, RT10, R8, R5.4, R3, OP1, OP3			
↳Wall	1	12	6
↳Ground	1[1]	8	6
↳Other Signs	See 20.75.040 and 20.75.070		

RT5.4, RT2.7, RM2.7, RM1.5, RM1, RM0.5, RMH, OP2			
↳Wall	1	24	22[2]
↳Ground	1[1]	8	6
↳Other Signs	See 20.75.040 and 20.75.070		

- [1] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each nonintersecting street. The formula for each sign is the same as the formula used to determine the maximum allowable for one ground sign.
- [2] Wall sign height limit also applies to signs on canopy structures, such as porte-cocheres and all other structures. Such signs are subject to all other wall sign regulations of this chapter.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.060 Signs in Nonresidential Districts

A. B1 and B2 Districts

1. Applicability

The sign regulations of this subsection ([20.75.060A](#)) apply in B1 and B2 districts.

2. Signs Permitted

- a. The regulations of [20.75.040](#) apply to detached houses, lot line houses, townhouses and two-unit houses in B1 and B2 districts.
- b. All other uses allowed in B1 and B2 districts are subject to the following standards:

Table 20.75—2 Signs in Nonresidential Districts, B1 and B2 Districts

Sign Type	Maximum Number	Maximum Area (sq. ft.)	Maximum Height (feet)
↳Wall[1]	1 per building frontage	50	22[1]
↳Ground	1 per parcel [2]	16	6
↳Other Signs	See 20.75.040 and 20.75.070		

[1] Wall sign height limit also applies to signs on canopy structures, such as gasoline station canopies and porte-cocheres, and all other structures. Such signs are subject to all other wall sign regulations of this chapter.

[2] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each nonintersecting street. The formula for each sign is the same as the formula used to determine the maximum allowable for one ground sign.

B. Commercial and Industrial

1. Applicability

The regulations of this subsection apply in C1, C2, M1R, M1 and M2 zoning districts

2. Regulations

Any sign located within 100 feet of a residential zoning district that is visible from that residential zoning district, is subject to the B1 and B2 district sign regulations of [20.75.060A](#). Other signs are subject to the following standards.

Table 20.75—3 Signs in Nonresidential Districts, Commercial and Industrial

Sign Type	Maximum Number	Maximum Area	Bonus area	Maximum Height (feet)
LWall	1 per building frontage	50 sq. ft., plus 1 sq. ft. for each foot of building frontage in excess of 50 feet.	Parcels without ground signs may increase the area of 1 wall sign by 25%. Each building on a parcel in single ownership may use the 25% wall sign bonus.	22 [1]
LGround	1 per parcel [2]	50 sq. ft., plus 1 sq. ft. for each 2 ft. of street frontage in excess of 100 ft. to a maximum of 72 sq. ft.	An additional 2 sq. ft. in sign area is allowed for each linear ft. the sign is set back from the right-of-way, up to a maximum of 122 sq. ft. [3]	22
LProjecting [4]	1	16 sq. ft., plus 1 sq. ft. for each 3 ft. of building frontage in excess of 50 feet, to a maximum of 32 sq. ft.	NA	14
LOther Signs		See 20.75.040 and 20.75.070		

- [1] Wall sign height limit also applies to signs on canopy structures, such as gasoline station canopies and porte-cocheres, and all other structures. Such signs are subject to all other wall sign regulations of this chapter.
- [2] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each nonintersecting street. The formula for each sign is the same as the formula used to determine the maximum allowable for one ground sign.
- [3] When the permitted size of a ground sign includes a bonus derived from street frontages on intersecting streets (i.e. a corner parcel), the location of the sign must be as close as practicable to the corner of the parcel at the street intersection.
- [4] A projecting sign may be used instead, but not in addition to, a ground sign; projecting signs are not permitted on any building frontage that also contains a wall sign associated with the same business or entity. Projecting signs may have copy on only two sides.

C. Central Business District

1. Applicability

The provisions of this subsection ([20.75.060C](#)) apply in the CBD district.

2. Regulations

a. Maximum Cumulative Sign Area

The total cumulative sign area of signage per business in the CBD district may not exceed 100 square feet plus one square foot of sign area for each 80 square feet of floor area above 5,000 square feet, up to a maximum sign area of 200 square feet.

b. Standards for Individual Sign Types

In addition to the maximum cumulative sign area limit of [20.75.060C.2.a](#), individual signs in the CBD district are subject to the following standards:

Table 20.75—4 Signs in Nonresidential Districts, Central Business District

Sign Type	Maximum Number	Maximum Area	Maximum Height (feet)
LWall	1 per building frontage	50 sq. ft., plus 1 sq. ft. for each foot of building frontage in excess of 50 feet.	22 [1]
LGround	1 per parcel [2]	32 sq. ft.	22

Sign Type	Maximum Number	Maximum Area	Maximum Height (feet)
^L Projecting	1[3]	12 sq. ft.	14
^L Other Signs		See 20.75.040 and 20.75.070	

- [1] Wall sign height limit also applies to signs on canopy structures, such as gasoline station canopies and porte-cocheres, and all other structures. Such signs are subject to all other wall sign regulations of this chapter.
- [2] Where a parcel contains nonintersecting street frontage on two or more streets, a sign is permitted on each non-intersecting street. The formula for each sign is the same as the formula used to determine the maximum allow-able for one ground sign.
- [3] A projecting sign may be used instead, but not in addition to, a ground sign; projecting signs are not permitted on any building frontage that also contains a wall sign associated with the same business or entity. Projecting signs may have copy on only two sides.

D. /NC-SR District

Signs in the /NC-SR overlay district may be subject to special regulations. See [20.25.060I](#).

([Ord. 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.070 Regulations of Specific Types of Signs

A. Awning Signs

1. When a wall sign and an awning sign are installed on the same building frontage, up to 6 square feet of sign (copy) area may be displayed on the border (valance) or end panels of the awning. This sign (copy) area does not count against the maximum wall sign allowance. Other awning signs do count against the maximum wall sign allowance.



Figure 20.75-1 Awning Signs

2. Letters, logos, and symbols on awning signs are limited to a maximum area of one square foot per one foot of awning length. The total combined length of letters, logos, and symbols may not exceed 70% of awning length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy

may be counted. This generally means that the valance and sides (ends) of the awning or canopy are not counted for purposes of measuring length or area.

B. Hanging Signs

Hanging signs must comply with the standards of this subsection. They are allowed in addition to other signs allowed by this chapter, and they do not count against the maximum wall sign allowance.

1. One hanging sign is allowed per public entrance.
2. Hanging signs may be constructed of rigid material, and they may be externally illuminated. They may not be internally illuminated.
3. Hanging signs must be mounted below the under-side of the marquee or canopy.
4. The lowest point of hanging signs must be at least 8 feet above the sidewalk, driveway or grade line beneath the sign.
5. Hanging signs may not exceed 10 square feet in area, and may not have more than two sign faces.
6. Hanging signs may be mounted on the outer edge or on top of a marquee in such a way that they appear as if the sign is part of the structure itself.

C. Window Signs

Window signs must comply with the standards of this subsection. Window signs are allowed in addition to other signs allowed by this chapter.

1. Permanent Window Signs

- a. Permanent window signs affixed to a ground floor exterior window are permitted. Not more than 30% of a window area may be covered.
- b. Permanent window signs for businesses that are not located on the ground floor are permitted (see also [20.75.080](#).) Such window signs are permitted only for businesses located within the room situated behind the window on which such signs are located. Not more than 30% of a window area may be covered.

2. Temporary Window Signs

- a. Temporary window signs may be displayed without a permit in ground level windows only, and may include but are not limited to: public notices concerning off-premises special events or public meetings, announcements of on-premises special events, and announcements of sales and specials.
- b. Temporary window signs must be removed on the day following the event as advertised, and at no time may more than 25% of the window area be covered by temporary signs.

D. Directory Signs

In addition to other allowed signs, multi-tenant developments may have up to one directory sign per building entrance that is open to the general public. Directory signs may not exceed 16 square feet in area and, if freestanding, may not exceed 6 feet in height.

E. Manual Changeable-Copy Signs

One manual changeable copy sign is allowed per parcel for public and civic uses in R and OP districts and all allowed uses in other districts. Unless otherwise expressly stated, such signs are subject to the sign regulations of the subject zoning district and the following:

1. The changeable-copy portion of the sign must be contained within the border of the allowed primary wall or ground sign.
2. The changeable-copy portion of the sign may not exceed 40 square feet or 50% of the total area of the sign, whichever is less, and must be computed as part of the sign's total area.

F. Dynamic Displays

Dynamic displays on signs are allowed subject to the following regulations:

1. Where Allowed**a. Prohibited Locations**

Dynamic displays are prohibited in R, OP and CBD zoning districts. They are also prohibited in historic districts and as stated in Prohibited Signs and Sign Characteristics [20.75.030H](#).

b. Allowed Locations

Dynamic displays are permitted for all allowed uses in C1, C2, M1 and M2 zoning districts on parcels with frontage on principal arterials, subject to the dynamic display regulations of this subsection.

2. Maximum Dynamic Display Area

The dynamic display portion of the sign may not exceed 40 square feet or 50% of the total area of the sign, whichever is less, and must be computed as part of the sign's total area. The remainder of the sign may not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face.

3. Orientation

The sign face must be oriented away from adjacent residential uses and zoning districts.

4. Hold Time

Dynamic displays may not change or move more often than once every second.

5. Transitions

The transition from one image or display to the next must be accomplished in one second or less. Fading, scaling, scrolling, and dissolving effects may be used as part of the transition.

6. Display Malfunctions

The sign owner must stop the dynamic display within 24 hours of receiving notice from the city that it is malfunctioning or otherwise not complying with the standards of this zoning ordinance.

7. Brightness

Dynamic displays may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. Dynamic displays must be equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.

8. Prohibited Display Types

Dynamic displays may not use blinking, bursting, distorting, flashing, oscillating, rotating, shimmering, sparkling, streaming, tracing, traveling text or twinkling effects. Audio or pyrotechnic elements are also prohibited.

9. Nonconformities

Dynamic displays existing on November 4, 2009 must comply with all the operational standards of this subsection. An existing dynamic display that does not meet the structural requirements of [20.75.070F.2](#) may continue as a nonconforming sign subject to the nonconforming sign regulations of [20.75.120](#).

G. Changeable Copy Signs for Specific Uses**1. Theaters**

- a. Each indoor cinema or theater is allowed two changeable-copy signs affixed to the building or marquee, so that it may be visible from the street from both directions of approach;
- b. Signs may be illuminated; and
- c. Changeable-copy signs for theaters may include up to 60 square feet per theater screen or auditorium up to a maximum 180 square feet total sign area.

2. Service Stations

Service stations may erect one changeable copy (wall or ground) sign as allowed by [20.75.070E](#) or [20.75.070F](#), and gasoline price signs as follows:

- a. Manual or dynamic display changeable-copy signs may be used to display the current price of fuel;
- b. One sign is allowed per street frontage on which the station gains access;
- c. Signs may not be larger than 15 square feet in area;
- d. Signs may be double-faced and illuminated; and
- e. The numbers, letters, and characters may be displayed in no more than two colors.

H. Pump Top Unit, Service Stations

1. The intent of this section is to reduce the impact of pump top units to the point of contact with the direct user of that device.

2. The audio component of this device must comply with the City of Missoula's Noise Ordinance.
3. A sign permit is required in compliance with the ground sign standards of the district in which the unit is located when a pump top unit exceeds any of the following visual display criteria:
 - a. Screen of 21.5" (measured on the diagonal)
 - b. Illumination of 1,000 nits (candelas per square meter)
 - c. 70 degree (from horizontal) viewing angle
 - d. A display that turns off 2 minutes after customer leaves.

I. Sidewalk Signs

1. Sidewalk signs must comply with all applicable standards regarding total square footage allowances.
2. Sidewalk signs are permitted with the following conditions:
 - a. **No Ground Signs**
Sidewalk signs are allowed only on parcels that have no ground signs.
 - b. **Number**
Each business may have one sidewalk sign, regardless of frontage.
 - c. **Size and Height**
Sidewalk signs may have no more than two faces and are limited to 5 feet in height and 3 feet in width.
 - d. **Detectability**
Each sidewalk sign shall have a solid surface within 2 inches of the ground along both faces of the sign.
 - e. **Location**
 - (1) Sidewalk signs must be placed immediately in front of the building being occupied by the advertiser on the sign.
 - (2) Sidewalk signs must be placed to accommodate a minimum 6-foot pedestrian clear zone on the sidewalk. Sidewalk signs are not permitted if there is no sidewalk, or not a wide enough sidewalk to accommodate the minimum 6 foot pedestrian clear zone in front of the building being occupied by the advertiser on the sign.
 - (3) The placement of sidewalk signs must not create a traffic hazard as determined by the city engineer and may not be placed in state highway right-of-way without permission of the State Highway Department.
 - (4) Sidewalk signs may be displayed during business hours only.

3. Exceptions

Within the Business Improvement District (BID) the following exceptions will apply only until the Missoula Wayfinding pedestrian sign component within the Downtown BID has been implemented. Any business taking advantage of the exception will be required to come into immediate compliance with all other portions of Section [20.75.070I](#).

a. Number

Each business may have two sidewalk signs, regardless of frontage.

b. Location

(1) If a business has only one sidewalk sign it may be placed on the sidewalk on the same side of the street, and within three blocks, of the building being occupied by the advertiser on the sign.

(2) If a business has two sidewalk signs one of the signs must be placed immediately in front of the building occupied by the advertiser on the sign. The second sign may be placed on the sidewalk on the same side of the street, and within three blocks, of the building being occupied by the advertiser on the sign.

c. Other Requirements

All other requirements of [20.75.070I](#) apply to a second sidewalk sign.

J. Menu Board Signs

Menu board signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

1. Number and Dimensions**a. Primary Menu Board**

One primary menu board not to exceed 36 square feet in area or 8 feet in height is allowed per order station, up to a maximum of two primary menu boards per parcel.

b. Secondary Menu Board

One secondary menu board not to exceed 16 square feet in area or 6 feet in height is allowed per parcel.

2. Visibility

Menu board signs are intended to convey information to motorists within the boundaries of the development site and therefore may not be located or oriented to be legible from off-site.

K. Bus Stops

Signs on bus stop benches and transit shelters are allowed in any zoning district subject to the following standards:

1. This allowance extends only to those benches and shelters placed under agreement with the City of Missoula at locations specified by the Missoula Urban Transit District.
2. Signs on bus stop benches and transit shelters are subject to all the traffic safety and maintenance-related provisions of this chapter.
3. For the purpose of enforcing traffic safety and maintenance requirements, benches and shelters are considered part of the sign.
4. Signs are restricted to the side of the bench backrest or shelter that faces the public right-of-way and may not extend above or beyond the bench or the top of the shelter.
5. Signs may not be illuminated, and signs on shelters may not exceed 32 square feet in area. Off-premise signs are allowed.

L. Banners for Special Events

After review and approval of a sign permit, banners may be used to announce special events for a period of no more than two consecutive weeks two times a year.

([Ord. 3549](#), 2015; [Ord. 3539](#), 2015; [Ord. 3511](#), 2013; [Ord. 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.75.080 Signs for Businesses that Lack Street Frontage

Businesses that do not have ground floor building frontage or that are not visible from a public street may erect and use the following sign types.

- A. Window signs as allowed by [20.75.070C](#);
- B. Sidewalk signs as allowed by [20.75.070H](#), provided that it is not internally illuminated or hang to allow swinging movement;
- C. One wall-mounted sign that is not directly illuminated and that does not exceed 4 square feet in area; or
- D. One building directory sign per public building entrance. Such signs may not be directly illuminated and may not exceed 8 square feet in area.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.75.090 Off-Premise Sign Options

Off-premise signs may be permitted on some parcels to compensate for certain locational problems that create severe practical difficulties with adherence to this chapter.

A. Special Exception

The Board of Adjustment must grant a special exception for an off-premises sign prior to a permit being issued. The Board of Adjustment may grant a special exception if all of the following conditions apply:

1. The location of the business precludes the placement of a sign that is visible from a street or the business is located on a parcel that does not abut a public street; and

2. The use for which a special exception for an off-premises sign is requested is not in a residential zoning district.

B. Standards

1. Off-premises signs must comply with the strictest ground sign regulations of the district in which they are located.
2. If a business that qualifies for an off-premises sign elects to combine its sign with an on-premises sign of another business, the total square footage of the resulting ground sign identifying two businesses may equal the combined maximum ground sign for each business.
3. An off-premise sign that in part identifies a private business as a donor of the sign constitutes an off-premise sign of the business donor.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.100 Special Signs; Review by the Design Review Board

A. Purpose and Applicability

Signs that do not lend themselves to the measurement provisions of this chapter or signs designed for a special and unique purpose, or signs that are deemed aesthetically superior by the Design Review Board may be permitted in any zoning district when, following review and public hearing, the Design Review Board finds such signs in conformance with the overall purpose and intent of this chapter and appropriate to the type of development or structure to which they are related.

B. Special Sign Classes

1. Aesthetically Superior Signs

Signs that meet the overall intent and purposes of this chapter but that are not in strict compliance with the regulations of this chapter may be approved when the Design Review Board finds that the grant of approval would result in a superior design for the overall site in terms of the quality of materials, lighting, and overall coordination of the design of signs on the site.

2. Signs as Part of Building

Signs that are not in strict compliance with the regulations of this chapter may be approved when the Design Review Board determines that the signs and the building are part of a comprehensive design plan that meets the overall intent and purposes of this chapter.

3. Special Districts

The Design Review Board must review signs in /PUD, NC/B (Boulevard), /H (Historic), or Special Districts unless the zoning district has specific sign standards or references sign standards in an existing or previous zoning ordinance, in which case the zoning officer may review and approve the sign permits. In districts where the Design Review Board is responsible for review they will determine if the signs meet the overall intent and purposes of this chapter and the requirements of this section.

4. Historic, Artistic and Landmark Signs (Existing)

The Design Review Board may declare that an existing sign makes a significant artistic or historic contribution to the community or neighborhood in which the sign is currently located. This declaration, which may be made only at the request of the owner or lessee of the sign, entitles its owner or lessee to continue using the sign subject to the maintenance requirements of [20.75.110](#).

5. Building Graphics

The Design Review Board may approve a proposed building graphic if they determine that the building graphic will make a positive contribution to the building and surrounding area's appearance and will otherwise be in keeping with the intent of this zoning ordinance.

([Ord 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.110 Maintenance and Removal**A. Identification Tag**

Any wall or ground sign for which a permit is required by this chapter must have permanently affixed to it a permit identification tag. This tag must consist of such material that the tag itself and the identifying copy on it must remain permanent and legible. The tag must be of such size and affixed in such a location on the sign so as to allow inspection of the tag from the ground by the zoning officer. The owner of the sign is responsible for acquiring the ID tag and attaching it to the sign. The owner is likewise responsible for maintenance of the ID tag as stated in [20.75.110B](#) of this section.

B. Maintenance

All signs and their identification tags, supports, braces, guys, anchors, and electrical equipment must be kept fully operable and maintained in a safe, neat, clean, and attractive condition or the signs must be removed. Failure to comply with the maintenance provisions of this chapter constitutes a violation and is subject to enforcement proceedings under [20.75.140](#).

C. Unsafe, Inadequately Maintained, and Abandoned Signs

1. The zoning officer is authorized to require the removal of any sign found to be unsafe or not as required by this chapter. Before bringing such action to require removal of an unsafe or inadequately maintained sign, the zoning officer must provide written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice must specify that within 30 days the illegal sign must be removed or brought into compliance with this section. The notice must state the reasons for removal, specifying the deficiencies and violations; and such notice must specify what repairs, if any, will make the sign and its support conform to the construction and maintenance requirements of this chapter. Notice must be given in person to the sign owner or lessee, or given to the owner or lessee by certified mail. The zoning officer is not authorized to require removal of a sign designated as a historic, artistic or landmark sign in accordance with [20.75.100B.4](#).

2. If the owner or lessee of the sign fails to remove the sign within the allowed time after receiving written notice, the building inspector is authorized to remove the sign at the owner's expense.

D. Dangerous Signs

If the zoning officer finds that any sign or sign support is in violation of this section or [20.75.110](#) of this chapter and that by reason of its condition it presents an immediate danger to the public, they must order either immediate repair or immediate removal. The zoning officer is authorized to remove the sign if the person responsible cannot be found or refuses to repair or remove the sign within ten days.

E. Abandoned Signs

Any person who owns or leases a sign must remove the sign within 30 days after it becomes an abandoned sign as defined by this chapter. If the owner or lessee cannot be located, the city zoning officer is authorized to remove the sign. The cost of removal must be borne by the owner of the sign. In the event that the sign structure complies with the regulations of this chapter, the zoning officer may approve a sign permit to install a blank insert for the structure.

([Ord 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.120 Nonconforming Signs

A. Description

A nonconforming sign is any sign or sign structure that was lawfully established but no longer complies with the sign regulations of this zoning ordinance.

B. General

Nonconforming signs may remain, subject to the regulations of this section. Non-conforming signs must be maintained in sound condition and appearance.

C. Alterations

1. Change of copy or the substitution of panels or faces on nonconforming signs is permitted without affecting the legal status of a sign as a nonconforming sign, subject to applicable permit requirements. No other alterations are allowed, except for routine maintenance and repair.
2. Any nonconforming sign that is structurally altered, relocated on the same or another parcel or that is replaced must immediately comply with all provisions of this zoning ordinance.
3. Any sign, however, that is accidentally damaged or destroyed may be repaired or replaced within 90 days to the sign's original condition subject to the permit requirement of this chapter.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.130 Sign Variances

- A.** The Board of Adjustment is authorized to grant variances from the sign regulations of this [Chapter 20.75](#) in accordance with the variance procedures of [20.85.090](#).
- B.** An “unnecessary hardship” related to a sign may result from the size, shape, location or dimensions of a site, or the existing structures located on the site, or from geographic, topographic or other physical conditions on the site or in the immediate (adjacent) vicinity that are unique to the applicant's site. The Board of Adjustment is authorized only to allow only the minimum variance necessary to overcome the unnecessary hardship, in keeping with the intent and purposes of this chapter.
- C.** The Board may not base variance decisions on problems or requirements unique to a particular industry or business of which the applicant may be a member.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.140 Administration and Enforcement

A. Permits Required

No sign may be erected, constructed, affixed, painted, changed in copy, altered, or relocated unless a sign permit authorizing such work has been issued by the zoning officer. No permit is valid for any sign covered by this chapter unless the sign and its location are in compliance with the provisions of this chapter. No permit issued for a sign may be transferred to another property.

B. Permit Submittal Requirements

Application for a sign permit must be made in writing on forms provided by the zoning officer and include all information required by the zoning officer.

C. Permit Fees

A sign permit fee for all signs is established by resolution of the City Council. This fee must be paid prior to the issuance of any permit to allow the construction of a sign. Failure to obtain a permit as required by this section prior to the performance of the work will result in a double fee.

D. Lapse of Sign Permit Approval

If a sign authorized by a sign permit issued pursuant to this section is not installed within 180 days after the date of issue, such permit is void.

E. Inspections

The zoning officer may conduct inspections to determine that signs were erected in compliance with the permit issued. The zoning officer is authorized to require the permit holder to dismantle and remove any sign erected in violation of this chapter, or in any way varying from the sign approved prior to the permit being issued.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.150 Violations, Penalties and Enforcement

See [Chapter 20.01](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.75.160 Billboards**A. Purpose**

The billboard regulations of this section chapter are intended to protect the health, safety, and general welfare of the people residing in and visiting the city and to protect property values, enhance the appearance of the city and promote the tourist industry by limiting the locations at which billboard signs may be allowed to exist within Missoula.

B. Prohibited Locations

Billboards may not be installed or enlarged after February 14, 1985 within any zoning district in the City of Missoula.

C. Nonconforming Billboards in R, OP, B and CBD Districts

1. All billboards in place within any OP, B, CBD or any R zoning district must be removed by February 14, 1985.
2. Whenever a parcel containing any lawfully established billboard is rezoned or annexed and zoned to an R, OP, B or CBD zoning classification the billboard must be removed.

D. Nonconforming Billboards in C and M Districts

All lawfully established billboards in place within any C or M zoning districts may remain in place.

E. Enforcement Adjacent to Highways

Unless the City Council directs otherwise, the provisions of [20.75.160C](#) may not be enforced within 660 feet of federal-aid primary or interstate highways in the city if, as of the date at which enforcement is begun, federal law provides for the automatic imposition of penalties against the city or the state upon the uncompensated abatement of billboards and off-premises signs located within the 660-foot strip of land on either side of such highways.

F. Time Extensions for Removal

The Board of Adjustment is authorized to grant an extension of required timeframe for removal of nonconforming billboards referred to in [20.75.160C](#) to any owner or lessee of a billboard. The maximum extension the Board may grant is three years. In determining whether to grant an extension, and the duration of any extension granted, the Board of Adjustment must consider:

1. The number of billboards belonging to the applicant that are affected by the removal requirement;
2. The ability and cost to the applicant of relocating affected billboards;
3. Depreciation of billboards for tax purposes;

4. The nature of the applicant’s business and the impact thereon of loss of affected billboards;
5. The character of the neighborhood in which affected billboards are situated; and
6. The monopoly or advantage, if any, occurring to the applicant as a result of the imposition of nonconforming use status on the land in which affected billboards are situated.

G. Violations and Penalties

Any person who violates or fails to comply with the provisions of this chapter is guilty of a misdemeanor and is punishable as provided in Chapter 1.20 of the Municipal Code. Each day a violation exists constitutes a separate offense. In addition to criminal penalties, the city attorney may file an appropriate civil action to prevent any violation from being allowed to continue.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.75.170 Measurement Rules

This section sets forth rules for measuring sign area and other regulated dimensional features.

A. Box Signs

The area of a box sign (also referred to as a “cabinet sign”) is determined based on the outer dimensions of the cabinet. Signs with more than one plane, such as boxes, balls, cylinders, etc., must be computed by determining the total surface area of the box required to enclose the sign divided by two.

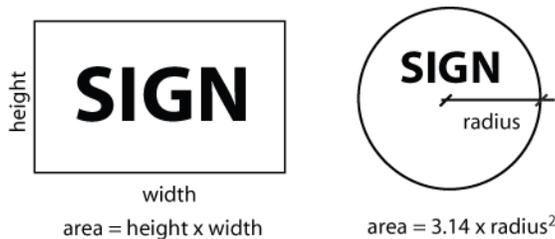


Figure 20.75-2 Signs, Measurement Rules, Box Signs

B. Channel (individual) Letter Signs

The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc) that can be drawn around the letters and/or elements, including any material or color used to form a background for the sign or to differentiate the sign from the surface against which it is to be placed. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter.

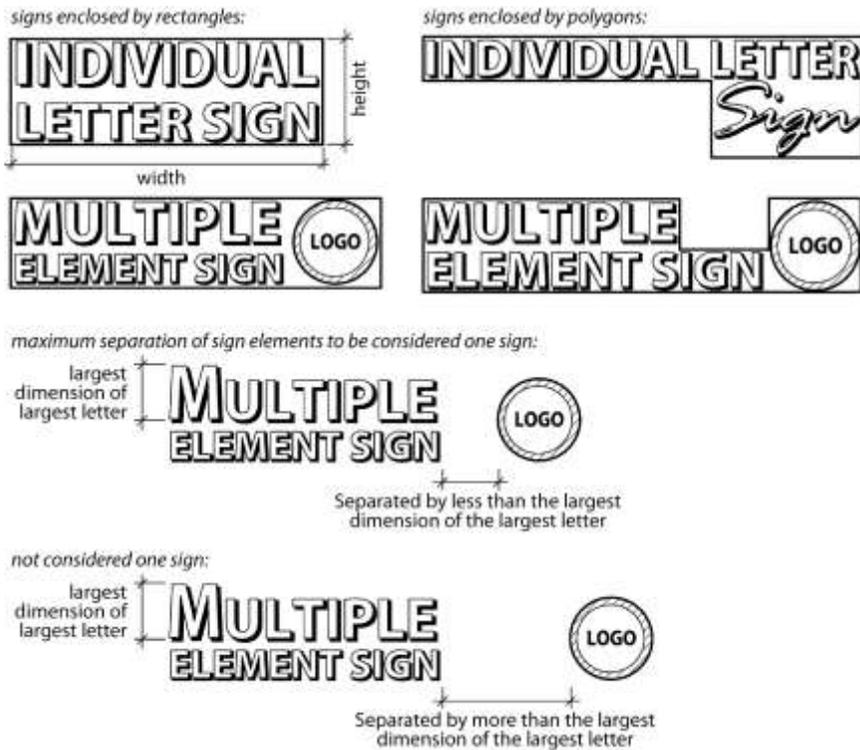


Figure 20.75-3 Signs, Measurement Rules, Channel (individual) Letter Signs

C. Multi-Sided Signs

When the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only the largest single side is counted. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted.

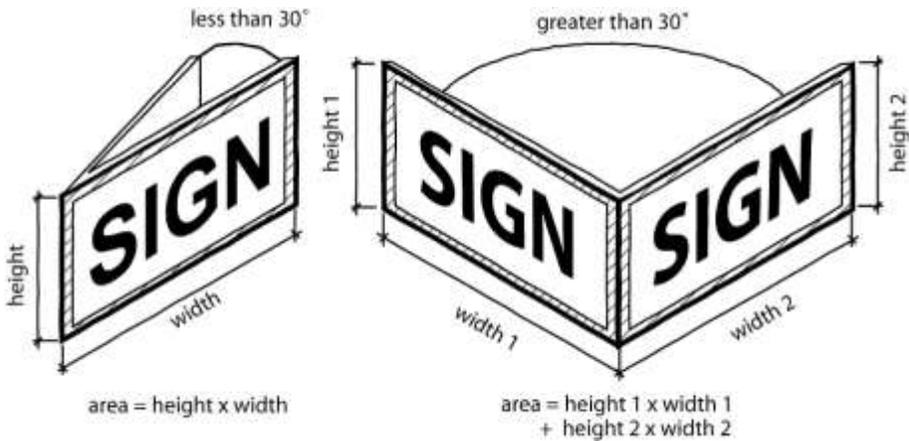
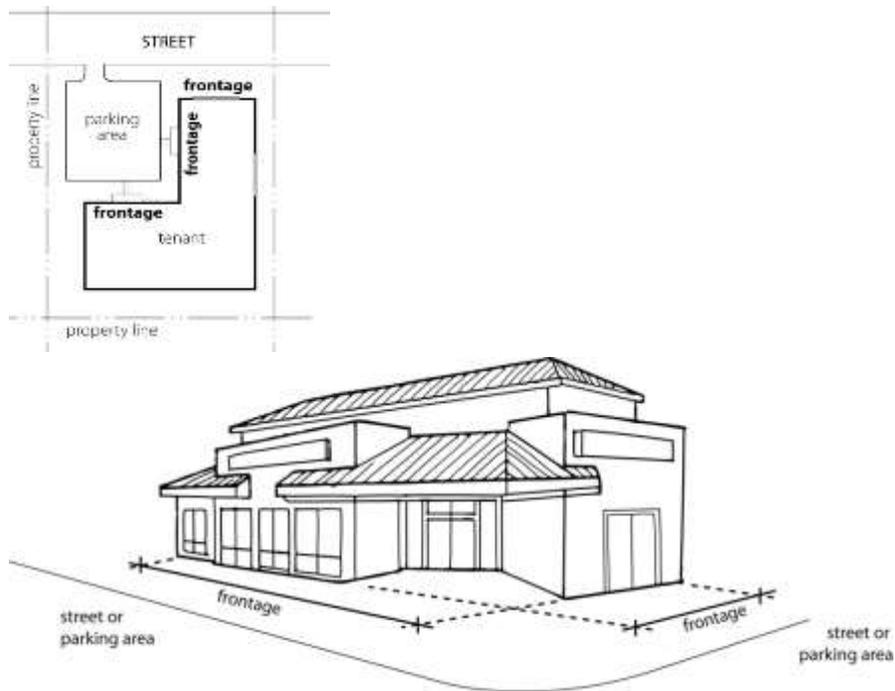


Figure 20.75-4 Signs, Measurement Rules, Multi-Sided Signs

D. Building Frontage

Many of the wall sign regulations of this chapter are based on “building frontage.” The following rules govern the measurement of building frontage.

1. For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the exterior building wall (or walls) that faces a public right-of-way and (on-site) off-street parking area or that contains a customer building entrance. Allowed wall sign area for a building that has two or more building frontages must be calculated on the basis of each individual building frontage.
2. On buildings housing more than one tenant where each tenant has their own exterior entrance, a tenant's building frontage is the exterior building wall (or walls) that directly abut the tenant's interior floor space and that faces a public right-of-way or (on-site) off-street parking area or contains a customer building entrance. A tenant that has two or more building frontages must calculate the permitted sign area on the basis of each individual building frontage.



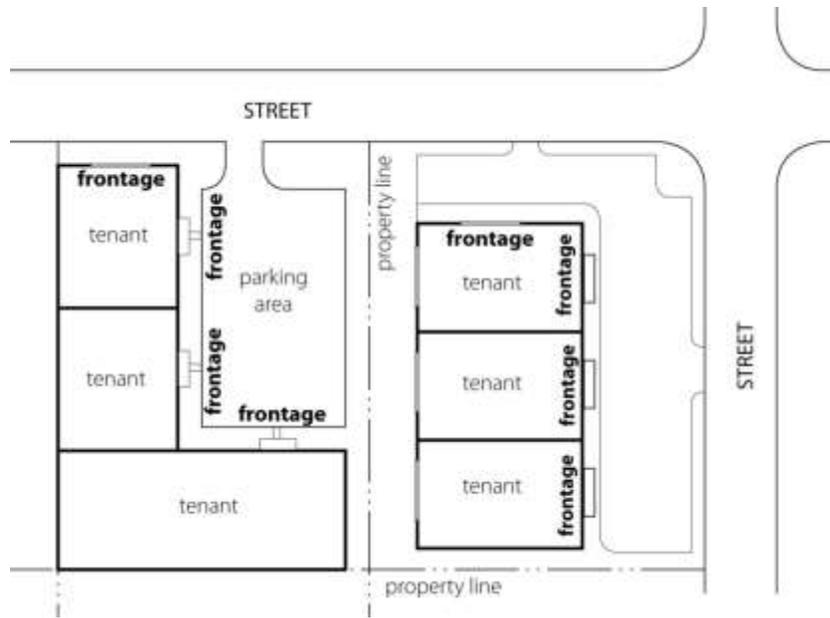


Figure 20.75-5 Signs, Measurement Rules, Building Frontage for Buildings With More Than One Tenant

3. Regardless of the height, number of stories, or number of tenants in a building, building frontage will be determined by one measurement of the horizontal length of the wall at finished grade. Building walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.
4. In no instance may the total combined sign area for all signs exceed the maximum allowed sign area for the individual building frontages, as determined in accordance with the provisions of this chapter, provided that in all B, C, and M districts every ground floor tenant with building frontage is allowed a 50-square foot wall sign regardless of the length of their building frontage.

E. Window Area

The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area.



Figure 20.75-6 Signs, Measurement Rules, Window Area

([Ord. 3549](#), 2015; [Ord. 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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Chapter 20.80 Nonconformities

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20.80.010 General

A. Scope

The regulations of this chapter govern nonconformities, which are parcels, uses and structures that were lawfully established but—because of annexation or the adoption of new or amended regulations—no longer comply with one or more requirements of this zoning ordinance.

B. Intent

Occasionally, parcels, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through annexations or zoning amendments.) The regulations of this chapter are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable zoning regulations.) The regulations of this chapter are also intended to:

1. recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
2. promote maintenance, reuse and rehabilitation of existing buildings; and
3. place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

Commentary: Nonconformities typically arise because buildings or uses were established before zoning regulations were first established or because ordinance amendments were adopted after buildings or uses were first (lawfully) established.

C. Authority to Continue

Any nonconformity that existed on the effective date specified in 20.01.020 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this chapter unless otherwise expressly stated.

D. Determination of Nonconformity Status

1. The zoning officer is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.
2. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the subject landowner.

3. A preponderance of the evidence must be provided and be sufficient to show that the nonconformity was lawfully established prior to annexation or prior to the adoption of the subject regulations. Evidence must also indicate that the nonconformity has been continuous and that it has not lost its nonconforming status. Examples of reliable evidence include: business licenses; building permits; zoning compliance permits; city/county billing records; utility billing records; assessment, tax or rent records; and city directory listings.
4. The use of any building or structure or of land that existed prior to January 1, 1950, and whose non-conformity shall be satisfactorily documented by a substantial preponderance of evidence supported by a history of factors existing prior to January 1, 1950
5. The zoning officer must maintain a record of nonconformities as such information becomes available.
6. Appeals of the zoning officer's decision on nonconforming status determinations may be appealed in accordance with [20.85.100](#).

E. Repairs and Maintenance

1. Nonconformities must be maintained to be safe and in good repair.
2. Repairs and normal maintenance that do not increase the non-conformity of a nonconforming structure that are necessary to keep a nonconformity in sound condition are permitted unless otherwise expressly prohibited by this zoning ordinance. 3. Nothing in this chapter is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized city official.

F. Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

([Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.80.020 Nonconforming Lots

A. Description

1. A nonconforming lot is a lawfully created tract of record, shown on a plat or survey map recorded in the office of the County Clerk and Recorder that does not comply with all applicable minimum parcel area or parcel width standards of the zoning district in which the lot is located.
2. All nonconforming lots are subject to nonconformity determination provisions of [20.80.010D](#).

B. Use of Nonconforming Lots

1. Any nonconforming lot in an R district may be used as a building site for a single detached house, except as expressly stated in [20.80.020B.3](#) and [20.80.020B.4](#).

2. In nonresidential zoning districts, a nonconforming lot may be used as a building site and developed with a use allowed in the subject zoning district, except as expressly stated in [20.80.020B.3](#) and [20.80.020B.4](#). If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable parcel area and parcel width standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted..
3. Effective May 4, 2005, when two contiguous lots are held in common ownership, and when both of the lots are nonconforming lots, they will be deemed a single parcel for the purpose of meeting applicable parcel area and parcel width requirements of the zoning district in which they are located. This provision treats contiguous lots under common ownership as merged for the purposes of the zoning regulation of bulk, size, and similar dimensional standards only and does not aggregate individual parcels in a manner affected by §76-3-103(16)(b), MCA.
 - a. lots in the R215, R80, R40, R20, and RT10 zone districts that have been rendered non-conforming as to the minimum lot size requirements by the adoption of this ordinance (Title 20) are not subject to [20.80.020B.3](#)
4. A nonconforming lot may not be used as a building site if the land area resulted from:
 - a. the redesign or rearrangement of contiguous nonconforming tracts of record pursuant to a boundary line relocation exemption of the Montana Subdivision and Platting Act occurring after October 23, 2006; or
 - b. the removal or destruction of a structure that utilized contiguous non-conforming lots as a single building site.

C. Parcel and Building Standards

1. Development on nonconforming lots must comply with the parcel and building standards of the subject zoning district unless otherwise expressly stated.
2. Nonconforming lots may not be adjusted in size or shape to create nonconformity or increase the degree of nonconformity for parcel area, parcel width, setbacks or other applicable parcel and building standards. Lot area or shape adjustments that decrease the extent of nonconformity are allowed.

([Ord 3439](#), 2010; [Ord. 3410](#), 2009)
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20.80.030 Nonconforming Structures

A. Description

1. A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with the parcel and building standards of the zoning district in which it is located.
2. All nonconforming structures are subject to nonconformity determination provisions of [20.80.010D](#).

B. General

Nonconforming structures may remain, subject to the regulations of this section.

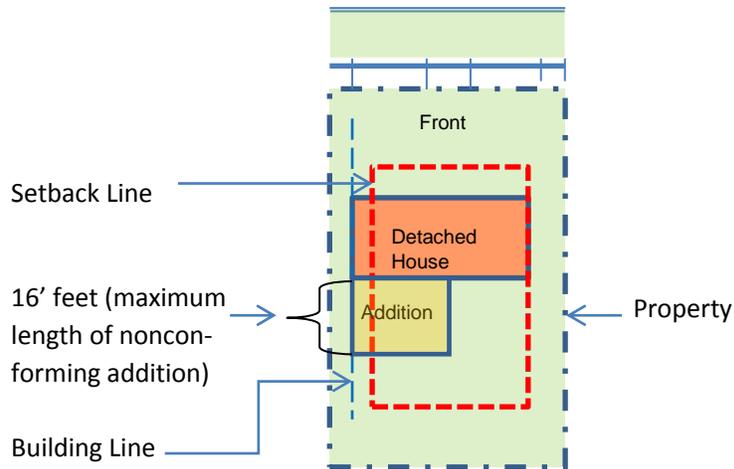
C. Alterations and Expansions

1. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable parcel and building standards, and does not increase the nonconformity of a nonconforming structure. A building with a nonconforming front setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards and all other applicable parcel and building standards. On the other hand, a multi-dwelling building that is nonconforming with regard to density (i.e., contains more dwelling units than allowed by the underlying zoning) may not be expanded to add additional dwelling units.

2. One and Two-Unit Nonconforming Residential Dwelling Unit Expansion

- a. A one or two-unit residential structure that is nonconforming because it encroaches into front, side, rear, or street side setbacks and is not closer than 3 feet (5 feet in zones R5.4, RT5.4, R8, and RT10) to the subject property line may be expanded vertically 3 feet above the current structure and up to 16 feet horizontally along the existing nonconforming building line (see illustration). The following standards apply.
 - (1) In new construction, when building height or length is increased within a side setback, doors and windows on the wall facing the subject side setback are prohibited closer than 10 feet from the adjacent building or required setback for the adjacent building, whichever is closer.
 - (2) All other development standards of the subject zoning district must be met.
- b. Expansion of structures closer to the property line than 3 feet (or closer than 5 feet in zones R5.4, RT5.4, R8, and RT10) or horizontal expansions exceeding 16 feet require Design Review Board approval. (Section [20.85.080](#))

Site Plan Illustrating “Building Line” and maximum nonconforming addition length:



D. Use

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

E. Moving

A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity. A nonconforming structure may be moved to another parcel only if the structure would comply with the zoning regulations that apply to that (relocation) parcel.

F. Replacement of Nonconforming Structures

Nonconforming structures may be replaced with the same encroachments as the existing nonconforming structure without the loss of nonconforming status provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. Newly constructed structures may not apply Section [20.80.030C.2](#) at the time of construction or in the future. Replacement of a nonconforming structure requires a building permit be obtained within twenty four (24) months of the date the structure is removed or demolished.

G. Loss of Nonconforming Status

Nonconforming status is lost if a building permit is not obtained within twenty four (24) months of the full removal or demolition of a nonconforming structure.

([Ord. 3549](#), 2015; [Ord. 3481](#), 2012; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.80.040 Nonconforming Uses

A. Description

1. A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located.

Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.

2. All nonconforming uses are subject to nonconformity determination provisions of [20.80.010D](#).

B. Change of Use

1. A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming commercial or industrial use may not be re-established.
2. The zoning officer is authorized to approve a nonconforming use substitution—substituting one nonconforming use for another nonconforming use that is no more intensive and creates no greater adverse impacts than the previous nonconforming use. In order to approve a zoning compliance permit for a nonconforming use substitution, the zoning officer must determine, based on information provided by the applicant, that the substituted use will cause no net increase in adverse impacts on the surrounding area than the previous nonconforming use of the property. In making such a determination, the zoning officer must consider all of the following factors, as applicable:

traffic to and from the site;

- a. traffic to and from the site;
 - b. on-street parking availability;
 - c. hours of operation,
 - d. outdoor display, storage and work activities; and
 - e. other factors likely to substantially affect the immediate area in which the use is located.
3. A nonconforming open-air use may not be changed to any other nonconforming open-air use.
 4. A nonconforming mobile home may be replaced by a manufactured housing unit constructed after June 15, 1976 upon issuance of a zoning compliance permit and a building permit. However, no permits may be issued unless the replacement unit complies with all setback requirements of the subject zoning district or does not infringe upon the setbacks of the original mobile home unit.

C. Expansion of Use

1. Except as otherwise expressly stated, the zoning officer is authorized, through the administrative adjustment procedures of [20.85.110](#), to approve expansion of a nonconforming use into another part of the same building as that building existed on the date that the use became nonconforming, provided that the zoning officer determines such expansion:
 - a. will not result in a violation of off-street parking or loading requirements;

- b. will not violate any applicable parcel or building standards of the subject zoning district;
- c. is not an expansion of a nonconforming open-air use; and
- d. is not an expansion of a nonconforming industrial or manufacturing use in an R district.

2. One and Two-Unit Residential Dwelling Units

Additions to floor area or footprint of non-conforming one and two-unit principal residential dwelling units do not constitute an expansion of use.

- 3.** Nonconforming use expansions other than those authorized under [20.80.040C.1](#), may only be approved as a variance in accordance with [20.85.090](#).

D. Remodeling and Improvements

A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate the other regulations of this chapter.

E. Moving

A nonconforming use may be moved in whole or in part to another location on the same parcel only if the movement or relocation eliminates or reduces the extent of non-conformity. A nonconforming use may be moved to another parcel only if the use is allowed under the zoning regulations that apply to that (relocation) parcel.

F. Loss of Nonconforming Status

1. Abandonment

- a. Abandonment of a legal non-conforming use is only applicable to commercial and industrial uses for which there has been a cessation of nonconforming use or activity with evidence of no intention to reclaim the nonconforming use.
- b. Once a nonconforming commercial or industrial use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.

Commentary: Any nonconforming residential use or density may be continued after being abandoned for any length of time.

- c. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of two years or more.
- d. A nonconforming open-air use is presumed abandoned when the use is discontinued for a continuous period of six months or more.
- e. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the zoning officers, that during such period the owner of the land or structure has been:
 - (1) maintaining the land and structure in accordance with all applicable Municipal Code requirements and did not intend to discontinue the use;

- (2) actively and continuously marketing the land or structure for sale or lease for that particular nonconforming use; or
 - (3) engaged in other activities that affirmatively prove there was not intent to abandon.
- f. Any period of discontinued use caused by government action, unintended fire or natural disaster will not be counted in calculating the length of discontinuance.

2. Change to Conforming Use

If a nonconforming commercial or industrial use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

3. Replacement

A building containing a nonconforming use may be replaced and the use continued (whether due to intentional or accidental destruction) without the loss of nonconforming status provided that no new nonconformities are created and that the existing degree of nonconformity is not increased.

([Ord. 3481](#), 2012; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.80.050 Nonconforming Signs

Nonconforming signs are addressed in [Chapter 20.75](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)
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20.85.010 Review and Decision-making Authority (Summary Table)

The following table provides a summary of the review and approval procedures of this chapter. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this chapter, the detailed procedures govern.

Table 20.85—1 Review and Decision-making Authority (Summary Table)

Procedure	Zoning Officer	Design Review Board	Board of Adjustment	Planning Board	City Council	(N)ewspaper (M)ailed (P)osted
Procedures Requiring a Public Hearing						
Zoning Amendments	R	–	–	<R>	<DM>	N,M,P
Planned Unit Developments (PUDs)						
↳ Preliminary Development Plan	R	–	–	<R>	<DM>	N,M,P
↳ Final Development Plan	DM	–	–	<A>	<A>	–
Conditional Uses	R		–	–	<DM>	N,M,P
Design Review	R	<DM>	–	–	<A>	N,M,P
Historic Preservation Permit	R/DM*	–	<DM>	–	<A>	N,M,P
Variances	R	–	<DM>	–	–	N,M,P
Appeals of Administrative Decisions	–	–	<DM>	–	–	N,M,P
Procedures that do not Require a Public Hearing						
Administrative Adjustments	DM	–	<A> [1]	–	–	M, P
Zoning Compliance Permits						
↳ Zoned Land	DM	–	<A>	–	–	
↳ Unzoned Land	DM	–	–	–	<A>	
Zoning Compliance Review						
↳ Zoned Land	DM	–	<A>	–	–	
↳ Unzoned Land	DM	–	–	–	<A>	
Final Zoning Compliance Approval	DM	–	<A>			

R = Review Body (Responsible for Review and Recommendation)

DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)

A = Local (de novo, non-judicial) appeal

< > = Public Hearing Required

[1] Appeal processed as a variance

* Historic Preservation Permit may be granted by Zoning Officer if standards are met.

([Ord. 3439](#), 2010; [Ord. 3423](#), 2010; [Ord. 3410](#), 2009,)

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20.85.020 Common Provisions

A. Applicability

1. The provisions of this section apply to all the procedures in this chapter unless otherwise expressly stated.

B. Preapplication Consultations

1. Preapplication consultations are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.
2. Required preapplication consultations must be scheduled with staff of Development Services.

C. Application Submittal

1. Form of Application

Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the zoning officer. The zoning officer must develop checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in Development Services.

2. Completeness and Accuracy Review

- a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
- b. If an application is determined to be incomplete, the zoning officer must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies in the application that will prevent competent review of the application. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days, the application will



be considered withdrawn.

- c. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
- d. The zoning officer may require that applications or plans be revised before being placed on the agenda of a review or decision-making body if the zoning officer determines that:
 - (1) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance standards; or
 - (2) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance standards.

3. Application Sufficiency and Acceptance

Applications deemed complete will be considered to be in the processing cycle and will be reviewed by Development Services and other agency staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.

4. Application Filing Fees

Application filing fees are required for processing development review and permit applications. The fees help offset the cost of providing public notice, personnel costs for plan/permit reviews and field inspections. Fees must be established by resolution. Fees are not required with applications initiated by the City Council. Application fees are nonrefundable.

Commentary: Current fee schedules are available in Development Services.

D. Public Hearing Process

1. Application Processing Cycles

The zoning officer, after consulting with review and decision-making bodies, promulgate processing cycles for applications. Processing cycles may establish:

- a. deadlines for receipt of complete applications;
- b. dates of regular meetings;
- c. the scheduling of agency and staff reviews and reports; and
- d. time-frames for review and decision-making.

2. Public Hearings

- a. Parties in interest and citizens must be given an opportunity to appear and be heard at required public hearings, subject to reasonable rules of procedure.

Commentary: Written testimony (from the public) must be received by the zoning officer at least seven business days before the public hearing to be included in the written staff report. Written testimony received by the zoning officer after this time but before the meeting/hearing will be hand delivered by the zoning officer to the review or decision-making body at the time of the hearing.

- b. A public hearing for which proper notice was given may be continued to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- c. If a public hearing is tabled, deferred or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public notice must be given before the rescheduled public hearing. If the applicant requests a postponement, the applicant must pay all costs of renotification.

3. Public Hearing Notices

a. Newspaper Notice

Whenever the provisions of this zoning ordinance require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within Missoula.

b. Mailed Notice

- (1) Whenever the provisions of this zoning ordinance require that notices be mailed, the notices must be sent by United States Postal Service certified first class mail.
- (2) Addresses must be based on the latest property ownership information available from the Montana Department of Revenue. When required notices have been properly addressed and deposited in the U.S. mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.

c. Posted Notice

When the provisions of this zoning ordinance require that posted notice be provided, at least one notice sign must be posted on each public street frontage abutting the subject property in a location plainly visible to passers-by.

d. Content of Notice

All required public hearing notices must:

- (1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- (2) describe any property involved in the application by street address or by general description;
- (3) describe the general nature, scope and purpose of the application or proposal; and

- (4) indicate where additional information on the matter can be obtained.

E. Action by Review Bodies and Decision-Making Bodies

1. Review and decision-making bodies may take any action that is consistent with:
 - a. the regulations of this zoning ordinance;
 - b. any rules or by-laws that apply to the review or decision-making body; and
 - c. the notice that was given.
2. Review and decision-making bodies are authorized to defer action or continue a public hearing in order to receive additional information or further deliberate.

F. Conditions of Approval

When decision-making bodies approve applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.030 Review and Decision-Making Criteria; Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria. Applications must address relevant review and decision-making criteria.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.040 Zoning Amendments

A regulation or boundary may be altered, supplemented, changed, modified or repealed subject to the following procedures.

A. Authority to File

1. Amendments to regulations or district boundaries of this zoning ordinance may be initiated by the City Council.
2. Amendments to district boundaries may be initiated by property owners through petitions duly signed by the owners of at least 35% of the area of the parcels included within the area proposed to be rezoned or by at least 35% of the number of parcels included within the area proposed to be rezoned. Rezoning petitions may be filed by the owner or by the owners' authorized agent.

B. Application Filing

Complete applications for zoning amendments must be filed with appropriate personnel in Development Services.

C. Public Hearing Notice

1. Zoning amendments initiated in accordance with Section [20.85.040A.1](#) are subject to the following:

- a. **Newspaper Notice**

At least two separate notices of required public hearings on zoning amendments must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See [20.85.020D.3.a](#) for additional information on published public hearing notices.)

- b. **Additional Notification**

The City Council shall employ additional notification processes for any zoning amendment it initiates, including neighborhood council contact, public meeting, e-mail, and posting information on the City web site. Additional notification processes may also include, but are not limited to, mailing and posting of parcel(s.)

2. Zoning amendments initiated in accordance with section [20.85.040A.2](#) are subject to the following:

- a. **Newspaper Notice**

At least two separate notices of required public hearings on zoning amendments must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See [20.85.020D.3.a](#) for additional information on published public hearing notices.)

- b. **Mail Notice**

Mail notice of public hearings on zoning amendments must be mailed first class to the subject property owner and physical address as well as owners and physical addresses of property within 150 feet of the subject parcels at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See [20.85.020D.3.b\(2\)](#) for additional information on mailed public hearing notices, other alternative sources may be necessary to obtain physical addresses.)

- c. **Posted Notice**

Notice of public hearings on zoning amendments must be posted at least 15 days before the public hearing. (See [20.85.020D.3.c](#) for additional information on posted public hearing notices.)

D. Review and Report—Zoning Officer

The zoning officer must prepare a report that evaluates the proposed amendment in light of adopted plans, the relevant provisions of this zoning ordinance and the review criteria of [20.85.040G](#).

E. Hearing and Recommendation—Planning Board

The Planning Board must hold a public hearing on each proposed amendment. Following the close of the hearing, the Planning Board must act by simple majority vote to recommend that the proposed amendment be approved, approved with modifications, denied, or continued for further consideration.

F. Hearing and Final Action—City Council

1. After action by the Planning Board, the City Council must convene its own public hearing on the proposed amendment.
2. Following the public hearing, the City Council may act to approve the proposed amendment, approve the proposed amendment with modifications or deny the proposed amendment. The City Council may also return the application to the Planning Board for further consideration, together with a written explanation of the reasons for doing so.
3. The City Council may act by a simple majority vote of those City Council members present and voting, except when a valid protest petition has been submitted in accordance with [20.85.040H](#), approval or approval with modifications requires a 2/3 majority vote of those City Council members present and voting..

G. Review Criteria

In reviewing and making decisions on zoning amendments, the zoning officer, Planning Board and City Council must consider at least the following criteria:

1. whether the proposed zoning amendment is consistent with §76-2-304, MCA;
 - a. whether the zoning is made in accordance with a growth policy;
 - b. whether the zoning is designed to secure safety from fire and other dangers;
 - c. whether the zoning is designed to promote public health, public safety, and the general welfare;
 - d. whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. whether the zoning considers the reasonable provision of adequate light and air;
 - f. whether the zoning considers the effect on motorized and nonmotorized transportation systems;
 - g. whether the zoning considers the promotion of compatible urban growth;
 - h. whether the zoning considers the character of the district and its peculiar suitability for particular uses; and
 - i. whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area

2. whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;
3. whether the proposed zoning amendment is in the best interests of the city as a whole.

H. Protest Petitions

1. A formal protest petition opposing a zoning amendment must be submitted to the zoning officer or on the public record before the City Council's vote, allowing sufficient time for the city clerk to determine the validity of the petition.
2. A protest petition will be considered "valid" if it is signed by the owners of 25% or more of:
 - a. the area of the parcels that are the subject of the proposed change; or
 - b. the parcels or units, as defined in MCA 70-23-102, within 150 feet of the parcel that is the subject of the proposed change. The area per unit to be included in the calculation of the protest shall be determined per MCA 76-2-305.
3. When a valid protest petition has been submitted, approval of a zoning amendment requires a 2/3 majority vote of those City Council members present and voting.

I. Zoning Upon Annexation

1. Timing

A city zoning district classification may be assigned to land annexed into the city at the time of annexation.

2. Classification

The zoning district classification assigned at the time of annexation must:

- a. authorize land uses comparable to the land uses authorized under the county zoning classification that applied to the property immediately before it was annexed into the city.
- b. authorize land uses that are consistent with the land uses approved by the Board of County Commissioners or the County Board of Adjustment; or
- c. be consistent with the land use and zoning recommendations for the subject areas, as set forth in the *Growth Policy*.

3. Interim Zoning

The City Council is authorized to apply interim zoning to the annexed property, in accordance with state law. Interim zoning is intended to allow time for land use and zoning studies and an analysis of the *Growth Policy*.

4. Public Hearing Notice

a. Newspaper Notice

At least two separate notices of required public hearings on proposed city zoning must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

b. Mailed Notice

Notice of required public hearings on proposed city zoning must be mailed to the subject property owners at least 15 days before the scheduled hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

c. Combined Notice

Public notification for city zoning may be combined with notice of annexation.

5. Protest Petitions

The protest petition provisions of [20.85.040H](#) apply to the classification of city zoning at the time of annexation.

([Ord. 3484](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.050 Repealed.

([Ord. 3484](#), 2012; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.060 Planned Unit Developments

A. 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 [20.85.040](#). 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.

B. 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.

C. 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.

1. 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

2. Preapplication Consultation

A preapplication consultation is required before filing of a PUD preliminary development plan application, in accordance with [20.85.020B](#).

3. Application Filing

Complete applications for preliminary development plan approval must be filed with appropriate personnel in Development Services at the same time that the /PUD zoning amendment application is filed. Preliminary development applications may be filed only by the subject landowner or the landowner's authorized agent.

4. Review and Report—Zoning Officer

The zoning officer must review the proposed preliminary development plan in light of the /PUD overlay district provisions of [20.25.030](#) and the review criteria of [20.85.060C.7](#). The zoning officer must prepare a report and recommendation for the Planning Board based on the zoning officer's review.

5. 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.

6. Hearing and Final Action—City Council

- a. After action by the Planning Board, the City Council must convene its own public hearing on the proposed /PUD zoning amendment and preliminary development plan.
- b. Following the close of the public hearing, the City Council 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 Council may

also return the application to the Planning Board for further consideration, together with a written explanation of the reasons for doing so

- c. The City Council may act by a simple majority vote of those City Council members present and voting, except when a valid protest petition has been submitted in accordance with [20.85.040H](#) approval or approval with modifications requires a 2/3 majority vote of those City Council members present and voting.

7. Review Criteria

In reviewing and making decisions on proposed /PUD rezonings and preliminary development plans, review and decision-making bodies must consider at least the following factors:

- a. the rezoning criteria of [20.85.040G](#);
- b. the preliminary development plan's consistency with the any adopted plans for the area;
- c. the preliminary development plan's consistency with the /PUD district provisions of [20.25.030](#); and
- d. 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.

8. Lapse of Approval

- a. 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.
- b. 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.

9. Filing of Statement

- a. Within 30 days of approval of a preliminary development plan by the City Council, 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 Council; (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.
- b. 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.

- c. The landowner is responsible for all costs incurred in filing the statement.
- d. 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.

D. Final Development Plans

1. Application Filing

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

2. Consistency with Preliminary Development Plan; Major Changes

- a. 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.
- b. A final development plan will be considered a major change from (and therefore inconsistent with) the approved preliminary development plan if it:
 - (1) increases the number of dwelling units;
 - (2) increases the total floor area;
 - (3) increases the total building coverage;
 - (4) reduces the amount of land area set aside as open space, recreation area or natural resource conservation area;
 - (5) increases the height of buildings; or
 - (6) represents a material change to the preliminary development plan that creates a substantial adverse impact on surrounding property owners.

3. 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.

4. Review and Action by Planning Department; Appeals

- a. 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.

- b.** 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.
- c.** 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.

5. Effect of Approval

- a.** A final development plan or any part thereof that has received final approval by the zoning officer or, upon appeal, by the City Council, 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.
- b.** 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.

6. Lapse of Approval

- a.** 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 Council upon written application by the landowner.
- b.** 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.
- c.** In the event of lapse of approval, approved PUD plans have no further effect.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.070 Conditional Uses

A. Intent

The conditional use approval procedure of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns.

B. Applicability

1. The conditional use procedure of this section applies only when required under this zoning ordinance including when a lawfully established existing conditional use is proposed to be changed to a new and different conditional use.
2. Exceptions to the conditional use procedures apply to a one time request to expand or modify an established conditional use when the following occurs:
 - a. The proposal does not increase the existing floor area by more than 5% or 500 square feet, whichever is greater; or
 - b. The proposal does not increase the existing parking requirement by 10%.
3. Subsequent requests for conditional use expansions or modifications beyond the original conditional use request must go through the Conditional Use review and approval procedures as described in [20.85.070L](#).

C. Authority to File

Applications for conditional use approval may be initiated only by the owner of the subject property or by the owner's authorized agent.

D. Application Filing

Complete applications for conditional use approval must be filed with appropriate personnel in Development Services and include the following information:

1. legal description of the subject property;
2. ownership and mailing address of all owners of the subject property; and
3. all submittal materials required by the zoning officer for the conditional use review, which may include elevation drawings or photographs of existing and proposed buildings, site plans including landscaping, and other materials that will help the City Council conduct a competent review and support their decision and required findings of fact..

E. Notice of Hearing

1. Newspaper Notice

At least two separate notices of required public hearings on conditional uses must be published in the newspaper. The first notice must be published at least 15 days

before the date of the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

2. Mailed Notice

Notice of required public hearings on conditional uses must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

3. Posted Notice

Notice of required public hearings on conditional uses must be posted at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

F. Review and Report—Zoning Officer

The zoning officer must prepare a report and recommendation that evaluates the proposed conditional uses in light of the review criteria of [20.85.070H](#).

G. Hearing and Final Action—City Council

1. The City Council must hold at least one public hearing on a proposed conditional use.
2. Following the close of the hearing, at the same or subsequent meeting, the City Council must take action to approve, approve with modifications or conditions or deny the conditional use based on the review criteria of [20.85.070H](#). The City Council's decision must be supported by written findings of fact.
3. The City Council may act by a simple majority vote of those City Council members present and voting. In the case of bed and breakfast uses that require conditional use approval, when a valid protest petition has been submitted in accordance with [20.85.040H](#), approval or approval with modifications of the bed and breakfast use requires a 2/3 majority vote of those City Council members present and voting.

H. Review Criteria

1. Conditional use applications may be approved by the City Council only when they determine that the review criteria listed below, as applicable, have been satisfied. All of the applicable review criteria must be addressed in the City Council's findings of fact in support of their decision.

Commentary: Not all review criteria will apply in every case. Only the applicable review criteria need to be met.

2. Uses that require conditional use approval may be approved by the City Council when they determine that the proposed use:
 - a. complies with all applicable standards of this zoning ordinance;
 - b. is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;

- c. is compatible with the character of the surrounding area in terms of site planning, building scale and project design;
- d. has operating characteristics that are compatible with the surrounding area in terms hours of operation, outdoor lighting, noise, and traffic generation; and
- e. will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized.)

I. Factors to be Considered

In determining whether all applicable review criteria have been satisfied, the City Council may specifically consider the following factors:

- 1. that new buildings and structures are located to create a positive relationship with their environment, both urban and natural;
- 2. that the site design properly addresses building orientation, open space, light, sun exposure, views and protection of natural features;
- 3. that buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, color, open space design, screening, any applicable use-specific standards and any other design elements considered important by the City Council;
- 4. that the overall project will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing; and
- 5. agency and public testimony.

J. Lapse of Approval

- 1. An approved conditional use will lapse and have no further effect two years after it is approved by the City Council, unless:
 - a. a building permit has been issued (if required);
 - b. a zoning compliance permit has been issued; and
 - c. a final certificate of zoning compliance has been issued.
- 2. The City Council may extend the expiration period by up to one year. Requests for extensions must be submitted to the zoning officer before the conditional use approval expires and must be processed in accordance with the procedures for approval of a conditional use, including applicable fees, notices and hearings.
- 3. A conditional use also lapses upon revocation of a building permit for violations of conditions of approval or upon expiration of a building permit.

K. Transferability

The status of a conditional use approval is not affected by changes of tenancy, ownership, or management.

L. Amendments

A request for changes in conditions of approval of a conditional use must be processed as a new conditional use application, including the requirements for fees, notices and hearings.

([Ord. 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.080 Design Review**A. Intent**

The design review procedure of this section is intended to provide a transparent, public review process for consideration of alternative compliance plans when an applicant proposes deviations from otherwise applicable development standards.

B. Applicability

The design review procedure of this section applies only when expressly authorized or required under this zoning ordinance.

C. Authority to File

Applications for design review approval may be initiated only by the owner of the subject property or by the owner's authorized agent.

D. Application Filing

1. Complete applications for design review approval must be filed with appropriate personnel in Development Services.
2. At least 40 days before the required public hearing the applicant must submit an intake form.
3. At least 30 days before the required public hearing the applicant must provide the following to the zoning officer:
 - a. legal description of the subject property;
 - b. ownership and mailing address of all owners of the subject property; and
 - c. all submittal materials required by the zoning officer for the review, which may include elevation drawings or photographs of existing and proposed buildings, site plans including landscaping, and other materials that will help the Design Review Board conduct a competent review and support the required decision and findings of fact.

E. Notice of Hearing**1. Newspaper Notice**

At least two separate notices of required public hearings must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

2. Mailed Notice

Notice of required public hearings on must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

3. Posted Notice

Notice of required public hearings must be posted at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

F. Review and Report—Zoning Officer

The zoning officer must prepare a report and recommendation that evaluates the proposal in light of the review criteria of [20.85.070H](#).

Commentary: Written testimony (from the public) must be received by the zoning officer at least seven business days before the public hearing to be included in the written staff report to the Design Review Board. Written testimony received by the zoning officer after this time but before the meeting will be hand delivered by the zoning officer to the Design Review Board at the time of the hearing.

G. Hearing and Final Action—Design Review Board

1. The Design Review Board must hold at least one public hearing on each application.
2. Following the close of the hearing, at the same or subsequent meeting, the Design Review Board must take action to approve, approve with modifications or conditions or deny the application based on the review criteria of [20.85.070H](#). The Design Review Board's decision must be supported by written findings of fact.

H. Review Criteria

1. Design review applications may be approved by the Design Review Board only when they determine that the review criteria listed below, as applicable, have been satisfied. All of the applicable review criteria must be addressed in the Design Review Board's findings of fact in support of their decision.

Commentary: Not all review criteria will apply in every case. Only the applicable review criteria need to be met.

2. Alternative compliance plans proposing deviations from otherwise applicable development standards may be approved by the Design Review Board only when they determine that the proposed plan will result in a development project that:
 - a. does as good or better job of meeting the overall intent of the subject regulations and the zoning ordinance as a whole than would strict compliance with the standard from which relief is sought; and
 - b. will result in a project design that is as good as or better than would strict compliance with the standard from which relief is sought.

I. Factors to be Considered

In determining whether applicable review criteria have been satisfied, the Design Review Board may specifically consider the following factors:

1. that new buildings and structures are located to create a positive relationship with their environment, both urban and natural;
2. that the site design properly addresses building orientation, open space, light, sun exposure, views and protection of natural features;
3. that buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, color, open space design, screening, and any other design elements considered important by the Design Review Board;
4. that the overall project will be attractive, functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing; and
5. agency and public testimony.

J. Lapse of Approval

1. An approved design review plan will lapse and have no further effect two years after it is granted by the Design Review Board, unless:
 - a. a building permit has been issued (if required);
 - b. a zoning compliance permit has been issued; and
 - c. a final certificate of zoning compliance has been issued.
2. The Design Review Board may extend the expiration period by up to one year. Requests for extensions must be submitted to the zoning officer before the design review approval expires and must be processed in accordance with the design review procedures, including applicable fees, notices and hearings.
3. Design review approval also lapses upon revocation of a building permit for violations of conditions of approval or upon expiration of a building permit.

K. Transferability

The status of design review approval is not affected by changes of tenancy, ownership, or management.

L. Amendments

A request for changes in conditions of approval of an approved plan must be processed as a new design review application, including the requirements for fees, notices and hearings.

M. Appeals

Any person aggrieved by a decision of the Design Review Board may appeal the Design Review Board's decision to the City Council. In the case of such appeal, the City Council may act on the appeal as a new matter (de novo) and, by simple majority vote, approve, approve with conditions or deny the design review application. The requirements for notices, hearings and approval criteria are the same as required of the original action before the Design Review Board, although upon appeal the hearing is held by the City Council rather than the Design Review Board. Appeals must be filed within 30 days of final action by Design Review Board.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.085 Historic Preservation Permit (HPP)

A. Intent

The purpose of this chapter is to establish a uniform procedure for the identification, protection, enhancement, perpetuation, and use of Historic resources within the city that reflect unique elements of the City's architectural, artistic, cultural, engineering, aesthetic, historical, political, economic, social and other heritage. See also [Chapter 20.30](#).

B. Authority to File

Applications for historic preservation permit approval may be initiated only by the owner of the subject property or by the owner's authorized agent.

C. Historic Preservation Permit

A zoning compliance permit for an action subject to review shall not be issued until the Historic Preservation Commission issues an HPP.

1. The HPP shall be in addition to any other required permits, and the city shall not issue a building, demolition or other permit authorizing work on site until the Historic Preservation Commission issues an HPP.
2. Actions subject to review include alterations to an historic resource, new construction in historic overlay districts, relocation of an historic resource, and demolition of an historic resource, as defined in Section [20.30.030A](#).
3. Ordinary repair and maintenance, like painting and repair of windows, is not an action subject to review.
4. To avoid undue delay, the HPP permit review should occur prior to or simultaneously with any other permit reviews the applicant has before the city.
5. Any subsequently issued permit shall be consistent with the terms and conditions of the HPP.
6. If an action subject to review occurs without an HPP, the historic preservation officer may request that the Building Department issue a stop work order, and all other enforcement provisions in this chapter may be applied.

D. Application Filing

1. Parties seeking an HPP are strongly encouraged to schedule a pre-application meeting with the historic preservation officer to obtain guidance about the application process.
2. A completed HPP application shall be submitted to the historic preservation officer and shall include the following information:
 - a. Name, address and telephone number of applicant;
 - b. Address and legal description of the Historic resource;
 - c. Detailed description of the proposed work;

3. Posted Notice

Notice of required public hearings on the HPP must be posted on site at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

F. Historic Preservation Officer Review

1. The historic preservation officer shall review HPP applications for completeness.
2. When an applicant seeks alternative compliance, the historic preservation officer shall determine whether the conditions in Section [20.85.080I](#) have been met.
3. The historic preservation officer shall prepare an HPP report for each HPP application that includes the following:
 - a. A summary of the actions subject to review;
 - b. Applicable review criteria and any applicable design guidelines triggered by the proposed action subject to review;
 - c. Description of whether and how the proposed action subject to review meets or does not meet applicable review criteria and design guidelines
 - d. Conditions recommended to be imposed on the HPP, if any, in order to meet applicable review criteria and design guidelines; and
 - e. When an applicant seeks alternative compliance, the recommended manner for alternatively complying with the applicable review criteria and design guidelines.
4. An HPP application for new construction, relocation or demolition requires Historic Preservation Commission review at a public hearing. Additionally, any application seeking alternative compliance requires Historic Preservation Commission review at a public hearing.
5. An HPP application for alterations that clearly meets the review criteria of Section [20.85.080H](#), and any applicable design guidelines, may be approved by the historic preservation officer without Historic Preservation Commission review, subject to the following process:
 - a. For those applications the historic preservation officer intends to approve, the historic preservation officer shall make the applications available for review by Historic Preservation Commissioners and interested parties for a period of one week.
 - b. During the one week review period a Historic Preservation Commissioner or interested party may request that the HPP application be reviewed by the Historic Preservation Commission at a public hearing.
 - c. If, after one week, no Historic Preservation Commission hearing is requested, the historic preservation officer shall approve the HPP application.

6. If an HPP application for alterations does not clearly meet the review criteria of Section [20.85.080H](#) and any applicable design guidelines, further Historic Preservation Commission review is required at a public hearing.

G. Commission Action on Historic Preservation Permit Applications.

1. Except for historic preservation officer reviewed alterations under Section [20.85.080F.5](#), the Historic Preservation Commission shall review and decide on an Historic Preservation Permit (HPP) application at a scheduled public meeting. The Commission's decision shall occur within 60 days from the date the completed application was received (90 days for applications involving a demolition or relocation.) If the Historic Preservation Commission is unable to process the request within 60 days of receipt of the completed application, the Historic Preservation Commission may request an extension of time from the applicant. If an application is not processed within 60 days of submittal (90 days for applications involving a demolition or relocation) and no extension of time is requested or granted by the applicant then the Historic Preservation Permit (HPP) is approved.
2. For HPP applications that do not seek alternative compliance, the Historic Preservation Commission may approve, approve with conditions, or deny an HPP application as follows:
 - a. The Historic Preservation Commission shall approve an HPP application if it determines that the action subject to review meets the criteria for review and any applicable design guidelines.
 - b. The Historic Preservation Commission shall approve an HPP application with conditions if it determines that the action subject to review substantially meets the review criteria, and any applicable design guidelines, and that only minor modifications to the plans for the proposed action subject to review are required to bring it into compliance.
 - c. The Historic Preservation Commission shall deny an HPP application if it determines that the action subject to review does not meet the review criteria and any applicable design guidelines, and that more than minor modifications to the plans for the proposed action subject to review are required to bring it into compliance.
3. For HPP applications that seek alternative compliance, the Historic Preservation Commission may, in its discretion, approve, conditionally approve, or deny the application. Before approving or conditionally approving such an application, the Historic Preservation Commission must find that the exceptional practical difficulty to the applicant outweighs the need for strict adherence to this chapter.

H. Criteria for Review of Alterations and New Construction

Except as otherwise approved in [Chapter 20.30](#), the characteristics of an historic resource that qualify it for designation shall be preserved and existing setbacks illustrating historic patterns of development shall be retained. Before issuing an HPP for alterations or new construction, the Historic Preservation Commission shall consider the cumulative effects on the integrity of the city's historic resources resulting from the requested HPP, any other

pending HPP applications, and any previously issued HPPs. The Historic Preservation Commission also shall review the HPP application for compliance with the Secretary of Interior's Standards for Rehabilitation and/or any applicable design guidelines and the following criteria:

1. Alterations shall be compatible with the relevant characteristics or character defining features that qualify the Historic resource for designation and shall not diminish, eliminate, or adversely affect the historic character of the Historic resource. Consideration shall include, but not be limited to, elements of:
 - a. Size;
 - b. Scale;
 - c. Parcel coverage
 - d. Massing;
 - e. Proportion;
 - f. Architectural style;
 - g. Orientation;
 - h. Surface textures and patterns;
 - i. Details and embellishments; and
 - j. Relation of these elements to one another.
2. New construction in historic overlay districts is not required to conform to specific architectural styles. Design of new construction shall be compatible with the character of historic resources in the immediate area, but shall distinguish itself from Historic resources and not create a false sense of history.
3. Alternative materials may be substituted for original materials when they have the same dimensions and form as original materials.
4. Photovoltaic and solar hot water equipment are permitted and are not subject to this ordinance.

I. Alternative Compliance for Alterations or New Construction

1. In cases of exceptional practical difficulty or undue hardship, alternative compliance may be available for HPPs for alterations or new construction. Alternative compliance is not available for HPPs for relocation or demolition. A property owner unable to comply with the HPP review criteria and any applicable design guidelines may propose alternative forms of compliance if the following conditions exist:
 - a. That by reason of unusual circumstances not of the applicant's own making, the strict application of this chapter would result in either:
 - (1) Exceptional practical difficulty due to unique physical circumstances or conditions on the property that preclude an alteration or new construction in compliance with this chapter, as based on the following factors:

- (a) Irregularity;
- (b) Narrowness;
- (c) Shallowness;
- (d) Topographical slope;
- (e) Lot configuration; or
- (f) Other physical conditions peculiar to the property;

Or

- b. Undue hardship that precludes an alteration or new construction from complying with this chapter, as based on the following factors:
 - (1) The unavailability of any reasonable, historically correct preservation methodology;
 - (2) The degree of existing architectural significance and integrity of the historic resource; and
 - (3) Whether the strict application of this chapter would prevent the reasonable use of the property.
- 2. Alternative materials may be substituted for original materials when they have the same dimensions and form as original materials, but represent more efficient technology.
- 3. An applicant seeking alternative compliance shall provide the historic preservation officer supporting documentation demonstrating that the conditions set forth in this Section are met.

J. Criteria and Procedure for Review of Relocation and Demolition Historic Preservation Permit

[Codifier's note: A typo in this part was corrected and updated on March 22, 2016. The automatic numbering in this section was updated and corrected so the first paragraph entitled "Intent" began at "A" and all subsequent letters in the section were updated accordingly. The "J" preceding "Criteria and Procedure for Review of Relocation and Demolition Historic Preservation Permit" was "W" in the previous on line version. No other changes were made to this section. Page numbers may have changed as a result of the addition of this codification note.]

1. Criteria for Review:

The Historic Preservation Commission shall review the HPP application for compliance in accordance with the following criteria:

- a. The applicant has consulted with the Historic Preservation Commission and the State Historic Preservation Office, and made a good faith effort to find an alternative that would result in the preservation, renovation, or reuse of the historic resource;

- b. The applicant has advertised the Historic resource for sale in a local newspaper of general circulation for a period of 30 days;
- c. The applicant's good faith efforts to find a purchaser interested in acquiring and preserving, renovating, or reusing the historic resource have failed
- d. Denying the application would prevent all reasonable economic use of the property; and
- e. The applicant shall provide the historic preservation officer supporting documentation demonstrating that the above criteria are met.

2. Relocation and Demolition Delay:

Upon receipt of a completed HPP application for demolition or relocation, the Historic Preservation Commission may impose a relocation or demolition delay for 90 days to allow sufficient time to explore preservation of the historic resource.

3. Mitigation:

- a. a. If an HPP for relocation or demolition is approved, the applicant shall mitigate the adverse effects of relocation or demolition by providing, to the extent possible, documentation, similar to HABS/HAER, of the historic resource prior to undertaking the relocation or demolition.
- b. b. If relocation or demolition results in conversion to a use not requiring buildings or structures, such as a parking lot, the area shall be buffered from other historic resources by landscaping, walls, or fencing.

K. Demolition by Neglect

Neither the owner of, nor the person in charge of, any historic resource shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenances or architectural feature so as to produce or tend to produce a detrimental effect upon the character of the Historic resource in question, including but not limited to.

- 1. The deterioration of exterior walls or other vertical supports.
- 2. The deterioration of roofs or other horizontal members
- 3. The deterioration of exterior chimneys.
- 4. The deterioration or crumbling of exterior plaster or mortar.
- 5. The ineffective waterproofing of exterior walls, roofs, and foundations including broken windows or doors.
- 6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe conditions.

L. Record of Decision on Historic Preservation Permit.

- 1. All decisions of the Historic Preservation Commission shall be memorialized in a written record of decision, which shall be provided to the applicant within 30 days of the public meeting at which the decision was made.

2. The record of decision shall include findings of fact and conclusions relied upon in reaching the decision pertaining to the approval, conditional approval, or denial of the HPP application.
3. The historic preservation officer shall include a copy of the record of decision as part of the documentation maintained on the Historic resource and shall distribute a copy to the Building Department.

M. Void if Construction Not Commenced.

Approved HPPs expire two years from the date of issuance unless the authorized work is started within that time.

N. Interim Permit in Hazardous or Unsafe Conditions.

The historic preservation officer may grant interim permits to stabilize and mitigate immediate and serious threats to public safety in extenuating circumstances such as acts of God, fire, or earthquakes. Upon expiration of the interim permit, any subsequent actions taken that are actions subject to review shall be subject to the HPP process pursuant to this chapter.

O. Transferability

The status of Historic Preservation Commission approval is not affected by changes of tenancy, ownership, or management.

P. Appeals

Appeals to decisions of the historic preservation officer and to decisions of the Historic Preservation Commission may be made to the City Council in accordance with the process described in [20.85.100](#). Variance requests may be made to the Board of Adjustment in accordance with [20.85.090](#).

([Ord. 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3423](#), 2009)

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20.85.090 Variances

A. Intent

Zoning variances are intended to address unnecessary hardships resulting from strict application of zoning ordinance standards.

B. Applicability; Authorized Zoning Variances

1. The Board of Adjustment is authorized to grant a variance to any regulation in this zoning ordinance in accordance with the variance procedures of this section, except that the variance procedures may not be used to:
 - a. waive, modify or amend any definition or use classification;
 - b. waive, modify or otherwise vary any of the review and approval procedures of this chapter; or;
 - c. waive, vary, modify or otherwise override a condition of approval or requirement imposed by another authorized board or commission.

C. Authority to File

Applications for zoning variances may be initiated only by the owner of the subject property or by the owner's authorized agent.

D. Application Filing

Complete applications for a zoning variance must be filed with appropriate personnel in Development Services

E. Notice of Hearing**1. Newspaper Notice**

At least two separate notices of required public hearings on zoning variance requests must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

2. Mailed Notice

Notice of required public hearings on zoning variance requests must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See [20.85.020D.3](#) for additional information on public hearing notices)

3. Posted Notice

Notice of required public hearings on zoning variance requests must be posted at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

F. Hearing and Final Decision

1. The Board of Adjustment must hold at least one public hearing on a proposed zoning variance.
2. Following the close of the hearing, at the same or subsequent meeting, the Board of Adjustment must take action to approve, approve with conditions or deny the proposed zoning variance. The Board's decision must be supported by written findings of fact. In the case of approval, the Board's findings must include a written description of the unnecessary hardship that would be created if the subject property was subject to strict compliance with zoning ordinance regulations.

G. Review Criteria

Zoning variances that will not be contrary to the public interest may be approved by the Board of Adjustment only when they find substantial evidence in the official record that:

1. owing to special conditions strict application of one or more standards or requirements of this zoning ordinance would result in unnecessary hardships;
2. the zoning variance is the minimum zoning variance necessary to provide relief from the unnecessary hardships;

3. the zoning variance is generally consistent with the overall purpose of this ordinance (See [20.01.050](#)); and
4. the zoning variance will result in substantial justice being done, considering both the public benefits intended to be secured by this zoning ordinance and the individual hardships that will be suffered if the zoning variance request is denied.

H. Airport Compatibility Act

When considering requests for variances from regulations adopted pursuant to the Airport Compatibility Act (MCA Title 67, Chapter 7), the Board of Adjustment must give equal weight to a finding of unnecessary hardship or substantial practical difficulty.

I. Lapse of Approval

1. An approved zoning variance will lapse and have no further effect two years after it is granted by the Board of Adjustment or two years after a final court order is issued (if the variance is the subject of litigation), unless all of the following occur:
 - a. a building permit has been issued (if required);
 - b. a zoning compliance permit has been issued; and
 - c. a final certificate of zoning compliance has been issued.
2. The Board of Adjustment may extend the expiration period of [20.85.0901.1](#) and [20.85.0901.3](#) by up to one year. Requests for extensions must be submitted to the zoning officer before the variance lapses and must be processed in accordance with the procedures for approval of a variance, including applicable fees, notices and hearings.
3. A zoning variance that was approved by the Missoula County Board of Adjustment lapses one year after the effective date of the subject property's annexation or two years after approval of the variance by the County Board of Adjustment, whichever is later. The zoning variance will not expire if:
 - a. a building permit is issued (if required);
 - b. a zoning compliance permit has been issued; and
 - c. a final certificate of zoning compliance has been issued.
4. A zoning variance also lapses upon revocation of a building permit for violations of conditions of approval or upon expiration of a building permit.

J. Transferability

Zoning variance approval runs with the land and is not affected by changes of tenancy, ownership, or management.

K. Amendments

A request for changes in conditions of approval of a zoning variance must be processed as a new variance application, including the requirements for fees, notices and hearings.

L. Appeals

Any person aggrieved by a decision of the Board of Adjustment may appeal the board's decision to district court. The appeal must be presented to the court within 30 days after the Board of Adjustment's decision is filed with the County Clerk and Recorder.

([Ord. 3483](#), 2012; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.100 Appeals of Administrative Decisions

A. Applicability; Authorized Appeals

The Board of Adjustment is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the zoning officer or any other administrative official (e.g., city engineer) in the administration, interpretation or enforcement of this zoning ordinance.

B. Right to Appeal

Appeals of administrative decisions may be filed by any person aggrieved by the zoning officer or other administrative official's decision or action. The Board of Adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved by the decision or action."

C. Application Filing

1. Complete applications for appeals of administrative decisions must be filed with appropriate personnel in Development Services.
2. Appeals of administrative decisions must be filed within 30 days of the date of the decision being appealed.

D. Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the zoning officer certifies to the Board of Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property.

E. Record of Decision

Upon receipt of a complete application of appeal, the zoning officer or other administrative official whose decision is being appealed must transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken.

F. Notice of Hearing

1. Newspaper Notice

At least two separate notices of required public hearings on appeals of administrative decisions must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

2. Mailed Notice

Notice of required public hearings on appeals of administrative decisions must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

3. Posted Notice

Notice of required public hearings on appeals of administrative decisions must be posted at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)

G. Hearing and Final Decision

1. The Board of Adjustment must hold a public hearing on the appeal.
2. Following the close of the hearing, at the same or subsequent meeting, the Board of Adjustment must take action on the appeal. The Board's decision must be supported by written findings of fact.
3. In exercising the appeal power, the Board of Adjustment has all the powers of the official from whom the appeal is taken, and the Board of Adjustment may reverse the appeal or affirm the appeal, in whole or in part, or modify the decision being appealed.
4. In acting on the appeal the Board of Adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

H. Review Criteria

An appeal may be sustained only if the Board of Adjustment finds that the zoning officer or other administrative official erred.

I. Rehearing by Board of Adjustment

The Board of Adjustment may grant a rehearing on any appeal of administrative decision if the rehearing request includes new evidence to be presented that was not available at the time of the original hearing or when the Board of Adjustment determines that good cause has been shown for a rehearing. The request for a rehearing must be made within 30 days after the Board of Adjustment's decision and must follow all procedures of this Section [20.85.100](#), including payment of any required filing fees.

J. Appeals

Any person aggrieved by a decision of the Board of Adjustment may appeal the Board's decision to district court. The appeal must be presented to the court within 30 days after the Board of Adjustment's decision is filed with the County Clerk and Recorder.

([Ord. 3439](#), 2010, [Ord. 3410](#), 2009)

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20.85.110 Administrative Adjustments**A. Intent**

Administrative adjustments are intended to provide a streamlined approval procedure for minor (de minimis) modifications of selected zoning ordinance standards. Administrative adjustments are further intended to:

1. allow development that is in keeping with the general purpose and intent of zoning ordinance regulations and the established character of the area in which it is located;
2. provide flexibility that will help promote rehabilitation and reuse of existing buildings when such flexibility will not adversely affect nearby properties or neighborhood character; and
3. provide flexibility for new construction when necessary to address unusual development conditions when such flexibility is in keeping with the general purpose and intent of zoning ordinance regulations and will not adversely affect other properties or surrounding neighborhood character.

B. Applicability; Authorized Administrative Adjustments

The following administrative adjustments are authorized:

1. /P District—Building Location Standards

- a. The zoning officer is authorized to approve an administrative adjustment to the building placement standards of [20.25.020C](#).
- b. Such an administrative adjustment may be approved only when the zoning officer, after consulting with the city engineer, determines that useable public spaces or pedestrian amenities (e.g., extra-wide sidewalk, plaza with seating or outdoor dining area) will be provided between the building and the street.

2. /P District—Ground Floor Glazed Area Standards

- a. The zoning officer is authorized to approve an administrative adjustment to the door and entrance standards of [20.25.020D](#).
- b. Such an administrative adjustment may be approved only when the zoning officer determines that a safe pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the sidewalk abutting street.

3. /P District—Door and Entrance Standards

- a. The zoning officer is authorized to approve an administrative adjustment to the ground-floor glazed area standards of [20.25.020E](#).
- b. Such an administrative adjustment may be approved only when the zoning officer determines that a safe pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the sidewalk abutting street.

4. /P District—Driveway and Vehicle Access Standards

- a. The city engineer is authorized to approve an administrative adjustment to the driveway and vehicle access standards of [20.25.020H](#).
- b. Such an administrative adjustment may be approved only when the city engineer determines, in consultation with other appropriate city officials that access to the subject parcel cannot be safely accommodated by alley or side (non-pedestrian) street access.

5. Bicycle Parking

- a. The zoning officer is authorized to approve an administrative adjustment reducing the number of bicycle spaces required under [20.60.090](#).
- b. Such an administrative adjustment may be approved only when the zoning officer determines that use will generate no bicycle traffic or that it would be impossible to provide bicycle parking at the subject location.
- c. The zoning officer is also authorized to approve an administrative adjustment to modify the bicycle parking design and location requirements [20.60.090](#) if the zoning officer determines that an alternative design is necessary to address practical difficulties associated with modifying existing buildings and sites to comply with bicycle parking requirements.

6. Nonconformities

The zoning officer is authorized to approve an administrative adjustment allowing expansion of a nonconforming use into another part of the same building, in accordance with [20.80.040C](#).

7. Parcel Area

- a. The zoning officer is authorized to approve an administrative adjustment to permit the construction of one additional residential dwelling unit on a parcel that would otherwise be prohibited solely because the parcel does not comply with the minimum parcel area standards of the subject zoning district.
- b. The zoning officer may not approve an administrative adjustment that allows the parcel to be less than 95% of the otherwise required minimum parcel area, and the administrative adjustment may not be used to reduce minimum parcel area requirements for parcels created after November 4, 2009.
- c. Such an administrative adjustment may be approved only when the zoning officer determines that the proposed adjustment meets the general intent of [20.85.110A](#).

8. Parking Incentives for Transit-Served Locations

The zoning officer, after consulting with the city engineer, is authorized to approve up to a 15% reduction in the number of off-street parking spaces required for non-residential uses located within 500 feet of a transit stop that is served at intervals of

30 minutes or less between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.

C. Application Filing

Complete applications for administrative adjustments must be filed with appropriate personnel in Development Services.

D. Notice

1. Required Mailed Notice

Notice of the filing of an administrative adjustment application must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 20 days before a final decision or action on the administrative adjustment. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 20 days before taking action on the matter. (See [20.85.020D.3](#) for additional information on mailed notices.)

2. Posted Notice

Notice of the filing of an administrative adjustment application must be posted at least 20 days before a final decision or action on the administrative adjustment. (See [20.85.020D.3](#) for additional information on posted notices.)

E. Review and Decision—Zoning Officer

1. The zoning officer must review each application for an administrative adjustment and act to approve the application, approve the application with conditions, deny the application or refer the application to the Board of Adjustment for consideration as a variance.
2. The zoning officer may not take final action to approve or deny an administrative adjustment application until at least 20 days after the date that required notices were mailed.
3. The zoning officer's decision to approve or deny must be based on the approval criteria of [20.85.110F](#).

F. Approval Criteria

Administrative adjustments may be approved by the zoning officer only when the zoning officer determines that any specific approval criteria associated with the authorized administrative adjustment and the following general approval criteria have been met:

1. the requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning ordinance;
2. the requested administrative adjustment will have no appreciable adverse impact on the health, safety, or general welfare of surrounding property owners or the general public; and
3. any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

G. Conditions of Approval

In granting an administrative adjustment, the zoning officer may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

H. Transferability

Administrative adjustment approval runs with the land and is not affected by changes of tenancy, ownership, or management.

I. Amendments

A request for changes in conditions of approval of an administrative adjustment must be processed as a new administrative adjustment application, including the requirements for fees and notices.

J. Appeals

Final decisions of the zoning officer may be appealed by any person aggrieved by the decision in accordance with the procedures of [20.85.100](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.120 Zoning Compliance Permits**A. Purpose**

Zoning compliance permits are required for the purpose of determining compliance with all applicable provisions of this zoning ordinance, including the requirements that apply to unzoned land (see [20.70.010](#)) Zoning compliance permits are generally required for development and building activities that do not require a building permit, while zoning compliance review ([20.85.130](#)) is required for development and building activities that do require building permits.

B. Applicability

1. A zoning compliance permit is required before any structure, or part of a structure is created, erected, changed or converted, wholly or in part, in its use, occupancy, or construction.
2. A zoning compliance permit is also required before any new use is established or any existing use is changed wholly or in part.

Commentary: Other land use and development plans that do not require a building permit may require a zoning compliance permit. Development that does require a building permit is reviewed for zoning ordinance compliance through the zoning compliance review process of [20.85.130](#).

C. Application Filing

1. Complete applications for approval of a zoning compliance permit must be filed with appropriate personnel in Development Services.

2. Each application for a zoning compliance permit must be accompanied by a site plan drawn to scale, and in such form as may be prescribed by the zoning officer, showing the actual size and dimensions of the parcel to be built upon, the size of the building to be erected, and such other information as the zoning officer determines necessary to allow a competent determination of whether the requirements of this zoning ordinance have been met.

D. Review and Decision—Zoning Officer

The zoning officer must review each application for a zoning compliance permit and act to issue or deny a zoning compliance permit based solely on whether the proposed use, structure or development complies with all applicable provisions of this zoning ordinance.

E. Lapse of Approval

1. A zoning compliance permit will lapse and have no further effect 2 years after it is issued by the zoning officer, unless:
 - a. a building permit has been issued (if required) and;
 - b. a final certificate of zoning compliance has been issued.

F. Appeals

1. Zoning officer decisions to deny the issuance of a zoning compliance permit for non-compliance with one or more regulations of this zoning ordinance may be appealed to the Board of Adjustment in accordance with [20.85.100](#), unless the subject property is unzoned. Appeals of decisions to deny zoning compliance permits on unzoned land must be processed in accordance with [20.85.120F.2](#), below.
2. Zoning officer decisions to deny the issuance of a zoning compliance permit for non-compliance with one or more regulations that apply to unzoned land may be appealed only to the City Council, as follows:
 - a. Appeals must be filed within five days of the date of the zoning officer's decision to deny the zoning compliance permit.
 - b. The appeal must be in writing and submitted to appropriate personnel in Development Services.
 - c. The zoning officer is responsible for distributing a copy of the appeal to the city clerk and referring the request for a hearing to the City Council.
 - d. Once a hearing date is set by the City Council, notice of the public hearing must be published in the newspaper at least 15 days before the hearing. Notice of the City Council's hearing on the appeal must also be posted on the subject property at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices.)
 - e. The City Council's decision is final. Any person aggrieved by the City Council's decision may appeal the decision to District Court. The appeal must be presented to the court within 30 days after the filing of the decision by the zoning officer.

([Ord 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.130 Zoning Compliance Review

A. Purpose

Zoning compliance review is required—prior to the issuance of building permits or business licenses—for the purpose of determining whether proposed structures and uses comply with all applicable provisions of this zoning ordinance, including the requirements that apply to unzoned land (see [20.70.010](#)) Development that does not require building permits may be subject to the zoning compliance permit procedures of [20.85.120](#).

B. Applicability

Zoning compliance review is required before any structure, or part of a structure may be created, erected, changed or converted, wholly or in part, in its use, occupancy, or construction.

C. Timing

Zoning compliance review must be conducted before the building inspector issues a building permit or the treasurer's office issues a new business license or allows the transfer of an existing license.

D. Applications

1. Zoning compliance review for development as submitted to the building department requires a site plan drawn to scale, and in such form as may be prescribed by the zoning officer, showing the actual size and dimensions of the parcel to be built upon, the size of the building to be erected, and such other information as the zoning officer determines necessary to allow a competent determination of whether the requirements of this zoning ordinance have been met.
2. Zoning compliance review for business license issuance must include the subject property's legal street address when the business license application is submitted to the Finance Office.

E. Review and Decision—Zoning Officer

The zoning officer must review each building permit application and business license application and act to approve or deny the zoning compliance review based solely on whether the proposed use, structure or development complies with all applicable provisions of this zoning ordinance.

F. Appeals

1. Zoning officer decisions of noncompliance with one or more regulations of this zoning ordinance may be appealed to the Board of Adjustment in accordance with [20.85.100](#), unless the subject property is unzoned. Appeals of decisions to deny zoning compliance review approval on unzoned land must be processed in accordance with [20.85.120F.2](#), below.

2. Zoning officer decisions to deny the issuance of zoning compliance review approval due to noncompliance with one or more regulations that apply to unzoned land may be appealed only to the City Council, as follows:
 - a. Appeals must be filed within five days of the date of the zoning officer's decision to deny the zoning compliance permit.
 - b. The appeal must be in writing and submitted to appropriate personnel in Development Services.
 - c. The zoning officer is responsible for distributing a copy of the appeal to the city clerk and referring the request for a hearing to the City Council.
 - d. Once a hearing date is set by the City Council, notice of the public hearing must be published in the newspaper at least 15 days before the hearing. Notice of the City Council's hearing on the appeal must also be posted on the subject property at least 15 days before the public hearing. (See [20.85.020D.3](#) for additional information on public hearing notices)
 - e. The City Council's decision is final. Any person aggrieved by the City Council's decision may appeal the decision to district court. The appeal must be presented to the court within 30 days after the filing of the decision by the zoning officer.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.85.140 Final Zoning Compliance Approval

- A. No building or premises other than a detached house or two-unit house may be used or occupied until the zoning officer has issued a final zoning compliance approval, which states that the use and arrangement of structures and site features comply with all applicable regulations of this zoning ordinance. The final zoning compliance approval may be issued only after the zoning officer has conducted a final inspection of the premises and has determined that the site has been developed in compliance with the site plan approved by the zoning officer at the time a zoning compliance permit was issued.
- B. Temporary final zoning compliance approvals may be issued for a period of up to six months, during the completion of any alterations or during partial occupancy of such building or site.
 1. Such temporary final zoning compliance approval may be extended, but may not in any way affect the rights, duties and obligations of the owner or the city, relative to the use or occupancy of the premises converted, or any other matter covered by this zoning ordinance.
 2. The zoning officer is authorized to require a financial guarantee, in a form approved by the city attorney, before issuance of a temporary final zoning compliance approval.
 - a. Required financial guarantees must be held by the zoning officer for the duration of the temporary final zoning compliance approval.
 - b. The amount of any required financial guarantee must be equal to at least

110% of the amount deemed necessary to complete the development in accordance with all applicable requirements of this ordinance.

- c.** The financial guarantee may only be returned to the property owner upon the issuance of a final zoning compliance approval.
 - d.** If the temporary final zoning compliance approval expires and the development is not completed in accordance with all applicable requirements of this ordinance, the city is authorized to exercise the financial guarantee and use the funds to cause the completion of the development.
- C.** The zoning officer may conduct a final inspection of the premises occupied by detached houses and two-unit houses to determine if the site has been developed in compliance with the site plan approved by the zoning officer.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.90.010 Board of Adjustment

A. Authority

A Board of Adjustment is established as authorized by §76-2-321 through §76-2-328, MCA. The Board of Adjustment is responsible for conducting public hearings and making decisions in accordance with the procedures of this zoning ordinance and state law.

B. Membership

1. The Board of Adjustment must consist of seven regular members and two alternate members, all of whom must reside in the city.
2. Members are appointed by the Mayor, with approval of the City Council.
3. Alternate members may vote only in the absence of a regular member. The alternates must be designated as alternate #1 and alternate #2. If both alternate members are present at the meeting and there is the need for only one alternate to participate in a vote, alternate #1 will be the first alternate to assume voting status. If two alternates are required alternate #2 will assume voting status. Alternate member #2 may also vote whenever alternate #1 is not available and the vote of an alternate is needed. When called upon, alternates will assume all of the rights and responsibilities of regular members.

C. Terms

Members of the Board of Adjustment serve terms of three years, and may be reappointed.

D. Operation

1. The Board of Adjustment must establish a regular meeting schedule and make the schedule available to the general public.
2. Special meetings may be called by the chairperson or by an affirmative vote of at least five members.
3. The zoning officer is responsible for announcing meetings of the Board of Adjustment.
4. The Board of Adjustment must adopt its own rules and bylaws, consistent with its powers and duties under the provisions of this zoning ordinance, the Municipal Code and state law. The zoning officer must file a copy of the bylaws in Development Services.

5. The zoning officer must file Board of Adjustment decisions with the County Clerk and Recorder and keep a summary of all actions of the Board of Adjustment in the form of minutes or reports on the Board of Adjustment's decisions.

E. Voting

A quorum of the Board of Adjustment requires the presence of at least five members. Unless otherwise expressly stated, action by the Board of Adjustment requires the concurring vote of at least four members.

F. Staff Support

The Board of Adjustment is served primarily by the zoning officer, who acts as staff to the Board of Adjustment. It is the duty of other city departments to render such assistance as may be reasonably required or requested by the Board of Adjustment. See also [20.90.050](#) for a description of the zoning officer's powers and duties.

G. Appeals of Board of Adjustment Decisions

Any person aggrieved by a decision of the Board of Adjustment may appeal the Board's decision to District Court. The appeal must be presented to the court within 30 days after the Board of Adjustment's decision is filed with the County Clerk and Recorder.

[\(Ord 3439, 2010; Ord. 3410, 2009\)](#)

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20.90.020 Design Review Board

A. Authority

1. General

- a. A Design Review Board is established to promote the health, safety, and general welfare of the city. The Design Review Board is responsible for reviewing projects assigned to it by the City Council via the City Council's ordinances, resolutions, and motions.
- b. The Design Review Board, consistent with all City Council resolutions, motions and City Council-approved review criteria, may deny or approve, in whole or in part, or may modify and set conditions for approval, or provide advice and counsel, for any request pursuant to this chapter.

2. Specific

The Design Review Board has specific authority and responsibility for furthering the stated purposes of zoning ordinances that the City Council may adopt that provide for design review. Those areas of critical development that positively affect surrounding properties and should be reviewed by the Design Review Board include:

- a. exceptions from /NC-B Overlay district standards;
- b. phases of planned unit developments, as required by the City Council;
- c. signage requests, as provided by [20.75.100](#); and
- d. design review approval, as required by [20.85.080](#).

B. Membership

1. The Design Review Board must consist of seven regular members and one alternate member, all of whom reside in the city or unincorporated Missoula County.
2. Members must be appointed by the City Council, with an effort to achieve a diversity of expertise, background, and interest such as historian, graphic artist, architect, and landscape professional.
3. The alternate member serves in the absence or vacancy of any regular board member.

C. Terms

Members of the Design Review Board serve terms to be set by the City Council, ranging from one to three years at the City Council's discretion. In setting terms, the City Council must attempt to stagger the expiration of board member terms to help ensure continuity.

D. Operation

1. The Design Review Board must establish a regular meeting schedule and make the schedule available to the general public.
2. Special meetings may be called by the chairperson or by an affirmative vote of at least four members.
3. The zoning officer is responsible for announcing meetings of the Design Review Board.
4. The Design Review Board must adopt its own rules and bylaws, consistent with its powers and duties under this zoning ordinance, the Municipal Code and state law. The zoning officer must file a copy of the bylaws in Development Services.
5. The zoning officer must keep a summary of all actions of the Design Review Board in the form of minutes or reports on the Design Review Board's decisions.
6. No member of the Design Review Board may vote on any project in which they or any partner has worked or has any financial, personal, or other direct interest.

E. Voting

A quorum of the Design Review Board requires the presence of at least four members. Unless otherwise expressly stated, action by the Design Review Board requires a simple majority vote of Design Review Board members present and voting.

F. Staff Support

The Design Review Board is served primarily by the zoning officer, who acts as staff to the Design Review Board. It is the duty of other city departments to render such assistance as may be reasonably required or requested by the Design Review Board. See also [20.90.050](#) for a description of the zoning officer's powers and duties.

G. Appeals of Design Review Board Decisions

Any person aggrieved by a decision of the Design Review Board may appeal the Design Review Board's decision to the City Council. See [20.85.080M](#) for process.

([Ord. 3471](#), 2011; [Ord. 3429](#), 2010; [Ord. 3410](#), 2009)
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20.90.030 Historic Preservation Commission

A. Authority

1. General

A Historic Preservation Commission is established for the following general purposes:

- a.** reviewing and commenting on the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by city, county, state or federal agencies, as they relate to historic resources;
- b.** reviewing and administering guidelines and standards to be used by the Historic Preservation Commission and the historic preservation officer in reviewing applications for historic preservation permits in historic district overlay zones and areas of influence;
- c.** recommending to the City Council the purchase of fee or less than fee (easements) interests in properties for purposes of historic resource preservation;
- d.** providing all interested parties with information available on surveys, technology, and funding sources needed to promote historic resource preservation;
- e.** preserving, restoring, maintaining or operating historic properties under the ownership of the Historic Preservation Commission;
- f.** reviewing applications, permits and environmental impact statements pertaining to historic resources or historic districts;
- g.** approving or disapproving applications for historic preservation permits as outlined in [20.25.070F](#);
- h.** rendering advice and guidance upon request of the property owner regarding restoration, alteration, decoration, landscaping or maintenance of any historic resource;
- i.** performing all other duties imposed or authorized by this zoning ordinance or the Municipal Code; and
- j.** delegating appropriate responsibility to the historic preservation officer.

2. Specific

The Historic Preservation Commission has the duty and authority to:

- a.** Review and comment on actions that impact historic resources, including:
 - (1)** City, state and federal planning programs;

- (2) Environmental assessments, environmental impact statements and other similar documents;
 - (3) Rezoning and amendments to this zoning ordinance;
 - (4) Zoning variance applications; and
 - (5) Subdivision plats and other development proposals.
- b. Consult with the city regarding the acquisition of:
 - (1) Eligible or listed historic resources
 - (2) Easements or other less-than-fee-simple interests in historic resources; and
 - (3) Rights of first refusal to purchase historic resources.
 - c. Provide the public with informational, educational and interpretative programs regarding historic preservation; and
 - d. Apply for and receive funding to further the city's historic preservation goals.

B. Membership

The Historic Preservation Commission must have the following composition:

1. There must be a Historic Preservation Commission member from each of the five geographic regions designated on the Historic Preservation Commission Geographic Region Map on file at Development Services. The Historic Preservation Commission member representing the downtown region may either reside or work in that region and be appointed by the City Council. All other members representing geographic regions must reside within the geographic region they represent.
2. There must be one "at-large member" of the Historic Preservation Commission, who may reside in either the city or the unincorporated county and be appointed by the City Council.
3. There must be three "professional members" of the Historic Preservation Commission. Professional members may reside in either the city or the unincorporated county and be appointed by the City Council. All professional members must possess professional experience in such fields as architecture, history, architectural history, landscape architecture, archeology, city planning, American studies, cultural geography, or cultural anthropology or a closely related field. Professional members must, to the extent possible, meet the Secretary of Interior's Professional Qualification Standards found at 36 C.F.R. 61 and the standards listed in the Montana Certified Local Government Manual.
4. One of the members of the Historic Preservation Commission must be appointed by the city's Design Review Board. That member may reside in either the city or the unincorporated county.
5. One of the members of the Historic Preservation Commission must be appointed by the Missoula Redevelopment Agency (MRA.) That member may reside in either the city or the unincorporated county.

6. There must be two “at-large alternate members” of the Historic Preservation Commission and be appointed by the City Council. Alternate members will be called on to serve as a regular commission member under the following circumstances:
 - a. In the absence of any commission member;
 - b. To fill the unexpired term of a regular commission member who resigns; and
 - c. To advance to regular commission member status as vacancies occur.

C. Terms

A Historic Preservation Commission member’s term runs for three years, and appointments must be staggered. Members of the Historic Preservation Commission will not be compensated for their services, although members may be reimbursed for expenses incurred in fulfilling their powers and duties under this section.

D. Operation

1. The Historic Preservation Commission must establish a regular meeting schedule and make the schedule available to the general public.
2. Special meetings may be called by the chairperson or by simple majority vote of the Historic Preservation Commission.
3. The historic preservation officer is responsible for announcing meetings of the Historic Preservation Commission.
4. Commission hearings must be:
 - a. Noticed by publication in a local newspaper of general circulation at least 15 days before the meeting. Such notice must include the date, place, time and purpose of the meeting;
 - b. Open to the public in accordance with applicable state law; and
 - c. Held with a quorum consisting of at least a majority of the commission membership.
5. The Historic Preservation Commission must adopt its own rules and bylaws, consistent with its powers and duties under this zoning ordinance, the Municipal Code and state law. The historic preservation officer must file a copy of the bylaws in Development Services.
6. The historic preservation officer must keep a summary of all actions of the Historic Preservation Commission in the form of minutes or reports.

E. Voting

Action by the Historic Preservation Commission requires a simple majority vote of those commission members present and voting.

F. Staff Support

The Historic Preservation Commission is served primarily by the historic preservation officer, who acts as staff to the Historic Preservation Commission. It is the duty of other city departments to render such assistance as may be reasonably required or requested by the

Historic Preservation Commission. See. See also [20.90.060](#) for a description of the historic preservation officer's powers and duties.

Codifier's Note: On June 15, 2016, a cross reference in Section 20.90.030 G was corrected from 20.85.080 P to 20.85.085 P to reflect the actual language in Ordinance 3511.

G. Appeals of Historic Preservation Commission Decisions

Decisions of the historic preservation officer and decisions of the Historic Preservation Commission may be appealed in accordance with section [20.85.085 P](#).

([Ord. 3511](#), 2013; [Ord 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.90.040 Planning Board

A. Authority

A Planning Board is established for the purpose of carrying out the following powers and duties:

1. serving as the zoning commission, as provided in §76-2-307, MCA;
2. making recommendations to the City Council on all matters relating to the adoption or amendment of the Growth Policy and any other planning document designed to be a guide for the orderly development of the community and on any other matter referred to it by the City Council;
3. making recommendations to the City Council on all ordinances and resolutions adopted for the purpose of regulating land use, zoning and development; and
4. conducting public hearings and making recommendations to the City Council in accordance with the procedures of this zoning ordinance.

B. Membership

The Planning Board must consist of the following members:

1. two citizen members who reside within the city limits, to be appointed by the Mayor;
2. two citizen members who reside within the city limits, to be appointed by the City Council;
3. one alternate citizen member who resides within the city limits, to be appointed by the City Council;
4. two citizen members who reside outside the city limits but within the urban growth area, to be appointed by the County Commission;
5. two citizen members who reside outside of the urban growth area, to be appointed by the County Commissioners;
6. one alternate citizen member who resides anywhere in the unincorporated county, to be appointed by the County Commissioners; and
7. one citizen member who resides either within the city limits or the unincorporated county, to be appointed by the Planning Board.

C. Terms

Members of the Planning Board serve terms of three years, and may be reappointed.

D. Operation

1. The Planning Board must establish a regular meeting schedule and make the schedule available to the general public.
2. Special meetings may be called by the chairperson or by simple majority vote of the Planning Board.
3. The zoning officer is responsible for announcing meetings of the Planning Board.
4. The Planning Board must adopt its own rules and bylaws, consistent with its powers and duties under this zoning ordinance, the Municipal Code and state law. The zoning officer must file a copy of the bylaws in Development Services.
5. The zoning officer must keep a summary of all actions of the Planning Board in the form of minutes or reports.

E. Voting

Action by the Planning Board requires a simple majority vote of those Planning Board members present and voting.

F. City Staff Support

The Planning Board is served primarily by the zoning officer, who acts as staff to the Planning Board. It is the duty of other city departments to render such assistance as may be reasonably required or requested by the Planning Board. See also [20.90.050](#) for a description of the zoning officer's powers and duties.

([Ord. 3471](#), 2011; [Ord 3439](#), 2010; [Ord. 3410](#), 2009)

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20.90.050 Zoning Officer**A. Appointment**

The director of Development Services is the zoning officer.

B. Powers and Duties

The zoning officer has the authority and responsibility to:

1. maintain files and records to document fee receipts, the issuance of permits, petitions, agendas, minutes, record of public hearings, and other matters relating to zoning within the city. Such files and records must be available and open for public inspection during regular business hours, unless otherwise determined by the city attorney;
2. receive, process, and collect fees for processing development and permit applications;
3. publish notice of required public hearings, as required by this zoning ordinance, the Municipal Code and applicable state statutes;

4. prepare materials necessary for the Planning Board, Board of Adjustment, Design Review Board, or the City Council to properly conduct meetings and public hearings in the administration of this zoning ordinance;
5. provide written recommendations in accordance with the review procedures of [Chapter 20.85](#) and provide background information supporting staff's recommendations;
6. make decisions on matters on which the zoning officer is authorized to act in accordance with the review procedures of [Chapter 20.85](#) and provide background information supporting the decision;
7. coordinate with the building inspection division and the county zoning officer on matters relating to the requirements of zoning districts within the building permit jurisdictional area and, in matters of annexation, facilitate the smooth transition of land uses from one jurisdiction's zoning district to another;
8. properly file all materials and documents relating to zoning within the city with the city clerk and County Clerk and Recorder, as required by applicable state statutes;
9. act as staff for the Planning Board, the Board of Adjustment, the Design Review Board, and the City Council;
10. provide zoning information to the public, government agencies and officials;
11. interpret this zoning ordinance;
12. promote substantive and procedural uniformity in the administration of this zoning ordinance;
13. where ambiguity in the interpretation of this zoning ordinance arises, issue zoning officer opinions that serve to clarify the intent of these regulations, subject to the review and approval of the director of Development Services and the review and approval of the city attorney;
14. forward copies of all zoning officer opinions to the City Council;
15. conduct investigations of alleged zoning violations and where appropriate make a referral to the city attorney;
16. conduct inspections in the performance of duties;
17. initiate regular maintenance of and updates to the zoning ordinance; and
18. issue final zoning compliance certificates.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.90.060 Historic Preservation Officer

A. Appointment

The director of Development Services must appoint a historic preservation officer who demonstrates interest, competence, and knowledge in historic preservation and who has an

educational background or professional experience in history, planning, archaeology, architecture, architectural history, historic archaeology, or a closely related field.

B. Powers and Duties

The historic preservation officer must assist the Historic Preservation Commission in fulfilling its powers and duties by:

1. Coordinating local historic preservation programs;
2. Conducting and updating historic preservation surveys;
3. Maintaining and keeping records relating to nominations, designation, historic preservation permits, alternative compliance applications and permits, other permits and Historic Preservation Commission actions; and
4. Providing advice and education to the public regarding:
 - a. Historic preservation;
 - b. Designation process;
 - c. Certificate of appropriateness process; and
 - d. Alternative Compliance process.
5. Maintaining written minutes of all public meetings of the Historic Preservation Commission, including a summary of relevant testimony and Historic Preservation Commission discussion preceding any actions taken by the Historic Preservation Commission at their meetings.

[\(Ord. 3471, 2011; Ord. 3439, 2010; \(Ord. 3410, 2009\)](#)
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20.95.010 General

This chapter applies to all provisions of this zoning ordinance unless otherwise expressly stated.

[\(Ord. 3410, 2009\)](#)

[\[Chapter 20.01\]](#)

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20.95.020 Responsibility for Enforcement

The zoning officer has primary responsibility for enforcement of this zoning ordinance.

[\(Ord. 3410, 2009\)](#)

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20.95.030 Responsibility for Violations

The following persons may be jointly and severally responsible for violations of this zoning ordinance and subject to enforcement:

- A. any owner of property on which a violation of this zoning ordinance occurs;
- B. any architect, engineer, builder, contractor, agent, or any other person who knowingly participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this zoning ordinance; and
- C. any tenant or occupant who has control over, or responsibility for, use or development of the subject property.

[\(Ord. 3410, 2009\)](#)

[\[Chapter 20.01\]](#)

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20.95.040 Violations

All buildings and land used or developed, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this zoning ordinance. Failure to comply with applicable provisions constitutes a violation of this zoning ordinance. Express violations include but are not limited to the following:

- A. using land or buildings in violation of the requirements of this zoning ordinance;
- B. erecting a building or other structure in any way not consistent with the requirements of this zoning ordinance;

- C. engaging in the development of land in any way not consistent with the requirements of this zoning ordinance;
- D. developing land inconsistent with the standards and procedures of this zoning ordinance;
- E. installing or using a sign in any way not consistent with the requirements of this zoning ordinance;
- F. engaging in the use or alteration of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance without obtaining all such permits or approvals;
- G. failing to comply with any permit or approval granted under this zoning ordinance;
- H. failing to comply with any condition imposed on a permit or approval;
- I. obscuring, obstructing, removing or destroying any notice required to be posted or otherwise given under this zoning ordinance;
- J. failing to comply with any lawful order related to this ordinance issued by an authorized city official; or
- K. disobeying, omitting, neglecting, or refusing to comply with or resist the enforcement of any of the provisions of this zoning ordinance.

[\(Ord. 3410, 2009\)](#)

[\[Chapter 20.01\]](#)

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20.95.050 Remedies and Enforcement Powers

A. Applicability

The city may use any lawful remedy or enforcement powers, expressly including those described in this section, when any land, building or structure is erected, constructed, reconstructed, altered, repaired, converted, used or maintained in violation of this ordinance.

B. Remedies Cumulative

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the city may exercise them in any order.

C. Withhold Permit or Other Development Authorization

1. The zoning officer may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements on property upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This enforcement power may be applied regardless of whether the current property owner or applicant is responsible for the violation in question.
2. The zoning officer may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, develops or otherwise causes an uncorrected violation of a

provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This provision may be applied regardless of whether the property for which the permit or other approval is sought is the property in violation. For purposes of this section, a "person" is defined as any individual or business entity with more than a 20% interest in the subject property.

D. Permits with Conditions

Instead of withholding or denying a permit or other authorization, city officials may grant such authorization subject to the condition that the violation be corrected within a specified period of time. City officials are authorized to require a financial guarantee to ensure that corrective actions will be taken. Such financial guarantees are subject to the provisions of [20.85.140B](#).

E. Stop Work

1. Whenever a structure or part thereof is being constructed, reconstructed, altered, repaired, or other development is occurring, in violation of this zoning ordinance, the zoning officer may order the work to be immediately stopped.
2. The stop work order must be in writing and directed to the person doing the work.
3. The stop work order must state the specific work to be stopped, the specific reasons for the ordered stoppage, and the conditions under which the work may be resumed.

F. Stop Use

Whenever a structure or part thereof is being used in violation of this zoning ordinance, the zoning officer may order the use to be immediately stopped.

G. Forfeiture and Confiscation of Signs

Any sign installed or placed on public property, except in compliance with the regulations of [Chapter 20.75](#), will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the city has the right to dispose of signs illegally placed on public property and to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

H. Injunctive Relief

The city may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance.

I. Abatement

The city may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed before the violation.

J. Remedial Action

Any person who violates this zoning ordinance by alteration or modification of a structure to increase the number of dwelling units or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used, is required to remove all fixtures, electrical and plumbing connections, furnishings, partitions and non-load bearing walls used in the violation.

([Ord. 3511](#), 2013; [Ord. 3410](#), 2009)

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20.95.060 Penalties

Any person who violates this zoning ordinance is deemed guilty of a misdemeanor, and, upon conviction, may be fined not less than \$25.00 and not more than \$500.00 for each offense. Each day that a violation exists constitute a separate offense.

([Ord. 3410](#), 2009)

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20.95.070 Other Remedies and Enforcement Powers

The city may seek such other remedies and use other enforcement powers, as allowed by law.

([Ord. 3410](#), 2009)

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20.95.080 Continuation of Previous Enforcement Actions

Nothing in this zoning ordinance will be interpreted to prohibit the continuation of previous enforcement actions, undertaken by the city under previous, valid ordinances and laws.

([Ord. 3410](#), 2009)

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Chapter 20.100 Terminology

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20.100.010 General Terms

The words and terms expressly defined in this chapter have the specific meanings assigned, unless the context expressly indicates another meaning. Words that are not expressly defined have the meaning given in the latest edition of Merriam-Webster’s Unabridged Dictionary.

Accessory Building

A building that is subordinate in area, extent or purpose to the principal use and building on the parcel and that is customarily used in conjunction with a permitted accessory use. (See also the accessory use/structure regulations of [Chapter 20.45](#))

Accessory Dwelling Unit

A separate dwelling unit within a detached house or a separate dwelling unit that occupies an accessory building that shares a parcel with a detached house. As the name implies, accessory dwelling units are an accessory use to the principal use of the property (i.e., a detached house.) (See also the accessory dwelling unit regulations of [20.45.060](#))

Accessory Structure

A structure that is subordinate in area, extent or purpose to the principal use and building on the parcel and that is customarily used in conjunction with a permitted accessory use. (See also the accessory use/structure regulations of [Chapter 20.45](#))

Accessory Use

The use of any land, building or structure that is customarily associated with and incidental and subordinate to the principal use located on the same parcel ([Chapter 20.45](#))

Administrative Adjustment

Modification of an otherwise applicable standard, approved in accordance with [20.85.110](#).

Agent

A person duly authorized to act on behalf of the subject property owner.

Agricultural Land

Land used for agriculture or having a soil type defined by the Natural Resources Conservation Service as having agricultural importance, including prime farmland, farmland of statewide importance, and farmland of local importance.

Alley

A public right-of-way that affords a means of access to abutting property, generally secondary in nature.

Antenna

Any equipment or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antenna such as panels, micro-cells, small cell antennas, antennas

for distributed antenna systems (DAS) microwave dishes, and satellite dishes, and omni-directional antenna such as whip antenna but not including satellite earth stations. (T20)

Area of Riparian Resource

A stream or other body of water, wet meadow, woody draw, or wetland and land containing any of the habitat or community types listed in [20.50.030H](#), also including the adjacent buffer area.

Artist Live/Work Space

A dwelling unit in which up to 50% of the floor area is used for the production, showing, or sale of art.

Awning

A roof-like structure of rigid material or fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.

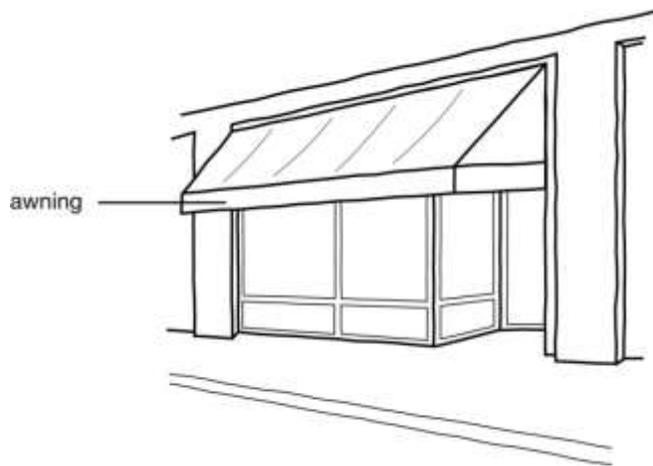


Figure 20.100-1 Terminology, Awning

Base (Zoning) District

Any zoning district that is not an overlay district.

Bay Window

A building projection that (1) is primarily comprised of a large window or series of windows; (2) is not supported by a building foundation beneath the window; and (3) has glazing over at least 33% of its vertical surface area.

Best Management Practices (BMPs)

Products, techniques, or methods that have been shown to be the most reliable and effective way to minimize adverse impacts on natural resources, particularly stormwater quality.

Billboard

A sign designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. A sign will not be considered “billboard” unless the sign is designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a commercial or noncommercial message.

Billboard, Dynamic Display

A billboard with a dynamic display. (See “Sign, Dynamic Display” for definition of “Dynamic Display.”)

Billboard, Mobile

A billboard mounted on an operable motor vehicle or trailer that travels over public streets or is parked on private property. Commercial vehicles used in the day-to-day operation of a business that display text, logos, or any other images related solely to the operation of the subject business (e.g., business names or logo on delivery vehicles) are not mobile billboards. Public transportation vehicles (e.g., Mountain Line buses and taxis) are not mobile billboards.

Block Face

All parcels abutting one side of a street between the two nearest intersecting streets.

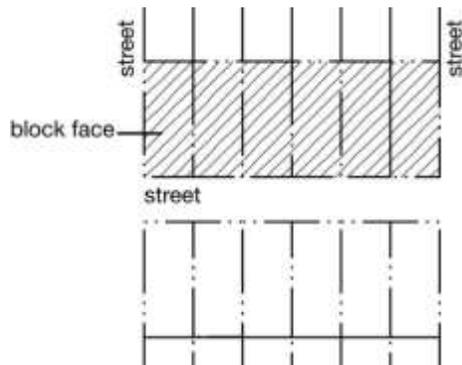


Figure 20.100-2 Terminology, Block Face

Body of Water, Other

Ponds and reservoirs greater than 4,356 square feet that do not support fish, and drainage systems, discharging directly into streams, pond or other surface water. Swimming pools, irrigation ditches and water bodies used solely for treating, transporting, or impounding pollutants are not considered “other body of water.”

Buffer Area

An area of varying width extending from the edge of a stream, wet meadow, woody draw, wetland or other body of water and land containing any of the habitat or community types listed in [20.50.030H](#), where development may have a negative impact on wildlife habitat, water quality and quantity, fish, or other aquatic resources.

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal, process, vehicle, equipment, goods or material of any kind or nature; and, when separated by a party wall without openings, it will be deemed a separate building.

Building and Disturbance Area

That area of a parcel on which any principal buildings will be located (i.e., building footprint) or on which any of the following will occur:

- A. grading of more than 50 cubic yards of cut or fill or cut or fill of more than 2 feet below or above existing grade; or

- B. removal of one or more trees with a diameter-at-breast height of 6 inches or greater.

Building Frontage

See [20.75.170D](#)

Building Graphics

Any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals or paintings or graphic art techniques that does not contain any commercial message and this is applied or implanted directly onto a wall or fence.

Building-Integrated System

A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

Building Line

An imaginary line representing the vertical projection (or plumb line) of an exterior building wall that encloses interior floor space.

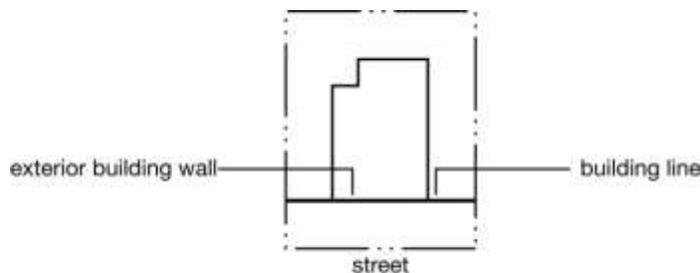


Figure 20.100-3 Terminology, Building Line

Building Site

A parcel used or intended to be used for building or development.

Cabaret License

A license issued by the State Department of Revenue pursuant to Montana State law that allows restaurants, cafes, or eating establishments to serve beer and wine to patrons who purchase food, when at least 65% of its gross annual income is derived from the sale of food. Gaming and gambling are prohibited (also known as a “restaurant beer/wine (RB/W) license”).

Canopy

A permanent roof-like shelter constructed of some durable material such as metal, glass, plastic or weather-resistant fabric

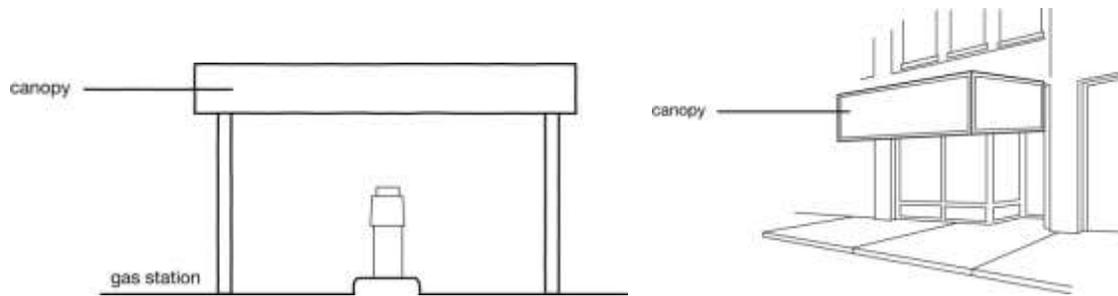


Figure 20.100-4 Terminology, Canopy

Channel Letter

A fabricated or formed three-dimensional letter, number or symbol.



Figure 20.100-5 Terminology, Channel Letter

Collocation

The act of siting facilities on an existing structure without the need to construct a new support structure and without a substantial change (20.40.160G.) in the size of an existing personal wireless service facility.

Commercial Message

Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Completely Enclosed Building

A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Comprehensive Design Plan

Building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements. (See [20.75.100.](#))

Conditional Use

A use that is allowed only if reviewed and approved in accordance with the conditional use procedures of [20.85.070.](#)

Construction

Any grading, excavation, cutting or filling of material or other disturbance that results in a travel-way for motorized or non-motorized vehicles or the site for a building, structure or landscaping.

Copy (Permanent and Temporary)

The wording on a sign surface, either in permanent or removable-letter form.

Copy Change

The replacement of inserts within sign frames, modules or cans, but does not include any alteration or replacement of the sign frame, modules or cans.

Corner Parcel

A parcel situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Courtyard

A landscaped outdoor space surrounded on at least three sides by building walls.

Cut and Fill

Excavation of material from one place (cut) to be deposited (as fill) in another place.

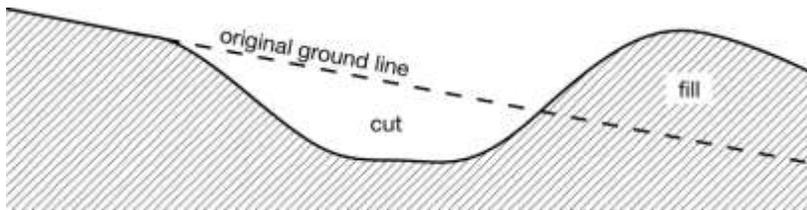


Figure 20.100-6 Terminology, Cut and Fill

Day

Calendar day, unless otherwise expressly stated. (See also [20.01.090B](#))

Density

The number of dwelling units occupying a given amount of land area..

Detached House

A principal building that contains only one principal dwelling unit and that is located on a single parcel with private yards on all sides of the building. See [20.05.030](#).

Development

Any man-made change to real estate or property, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling.

Development Application

Any application or petition for approval in accordance with the procedures of [Chapter 20.85](#) or similar procedures under this zoning ordinance for approval of a permit or application to commence land clearing, grading, building or development.

Diameter-at-Breast Height (DBH)

Tree trunk diameter measured at a height of 4.5 feet above grade level at the base of the tree.

Distributed Antenna System (DAS)

A distributed antenna system network consisting of one or more nodes connected by a fiber system to a carrier’s base transceiver station or other location commonly referred to in the communications industry as an “eNodeB”, or “NodeB”, or similar designation.

Drive-through Facility

Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle.

Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The intent is to be consistent with the building code.

Commentary: The presence of the following are indicators of a dwelling unit: counters, stove, refrigerator, sink, 220V electrical outlet, and bathroom including bathing facilities. In addition, the unit shall have independent access and no access from another dwelling unit. This is not an exhaustive list. One of these indicators on its own is not proof of a dwelling unit

Dynamic Display

See “Sign, Dynamic Display.”

Easement

Authorization by a property owner for use of all or a designated portion of the subject property by another property owner or entity.

Equipment Enclosure

A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing personal wireless service signals. Associated equipment may include air conditioning, backup power supplies, emergency generators and other equipment necessary for operation of the facility.

Erected

Attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of walls, signs, or the relocation, placement or alteration of individual sign letters, modules, or cans.

Erosion

The process by which the soil and rock components of the earth’s crust are worn away and removed from one place to another by natural forces such as water, wind, ice, gravity, or artificial means.

Established Road

An existing access or haul route for motorized vehicles that is passable under one or more of the following circumstances:

- A. as is;
- B. with surface blading;
- C. with replacement of stream crossing structures and drainage structures that were removed to restrict access; or
- D. with removal of constructed access barriers.

FAA

Federal Aviation Administration.

Façade

All the wall planes of a building seen from one side or view.

FCC

Federal Communications Commission.

Flashing

A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

Floor Area

Same as “gross floor area,” except as otherwise expressly stated.

Floor Area, Gross

The gross horizontal area of the subject space, measured from the exterior faces of any exterior walls or from the center line of joint partitions. Unless otherwise expressly stated, accessory buildings and parking and vehicular circulation areas within principal buildings are not counted as gross floor area.

Floor Area, Gross Leasable

The total gross floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the exterior faces of any exterior walls or from the center line of joint partitions.

Front Property Line

The property line that “faces” and is adjacent to the street. On corner parcels, the front property line is the property line that is parallel to the alley that serves the parcel. When no alley exists, the zoning officer is authorized to establish the front property line and the street side property line. See [20.110.050A](#).

Frontage (Street Frontage)

The boundary of a parcel that abuts a street right-of-way.

Garage

A covered structure designed to provide shelter for vehicles and that is accessory to a use in the following residential building types: detached houses, townhouses, two-unit houses, and multi-unit houses. Carports are considered garages. A garage may be attached to or detached from the principal building. A garage must share structural components with the primary structure to be considered attached. See also “Parking Structure.”

Glazed area

That portion of a façade that is comprised of glass, including windows, glass block walls and windows in doors.

Grade, Existing

The grade or elevation of the ground surface as approved with the final plat. In situations when a final plat is not available or the elevation information is not available on the final plat, existing grade is the grade that exists at the time of application for building permit/zoning compliance permit.

Grade, Finished

The grade of a site after grading and building construction, inclusive of any retaining walls, built up grade or other changes to existing grade.

Groundcover

Low-growing plants, deciduous or evergreen species that cover the ground, used instead of turf. Plants that generally do not exceed 18 inches in height are classified as groundcover.

Ground Floor

The first floor of a building (as measured from the lowest floor upward) that has more than 50% of its floor-to-ceiling height above finished grade.

Ground-floor Entrance

A ground floor entrance where the door threshold is at finished grade or within 3 feet of finished grade.

Ground Mounted Solar Energy System

A solar energy conversion system that is mounted on a solar racking system, pole or series of poles constructed specifically to support the solar collection system, not attached to any other structure, and wired to connect to an adjacent home or building.

Hardiness Zones

There are 11 planting zones, or “USDA Plant Hardiness Zones,” in the United States and southern Canada. The USDA planting zones are regions defined by a 10 degree Fahrenheit difference in the average annual minimum temperature. The higher the number, the warmer the temperatures for gardening in those planting zones.

Commentary: It is standard practice for seed dealers and nurseries to label their products according to their USDA planting zones.

Health Authorities

Montana Department of Environmental Quality and/or the Missoula City/County Health Department.

Height, Plant Material

Plant height is measured from grade to the uppermost point of growth of the plant.

Hillside Land

Land that is subject to the hillside protection regulations of [20.50.010](#).

Home Occupation

An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the standards of [20.45.050](#).

Household

One or more persons living, sleeping and usually cooking and eating on the premises as a single house-keeping unit.

Hydrology

The properties of the water, including circulation and distribution, on and below the ground.

Impervious Surface

Any surface that either prevents or retards the entry of water into the soil profile (the area from ground surface to parent material bedrock), as under natural conditions prior to development, and/or a surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Surfaces that impede the natural infiltration of surface and storm water runoff are impervious. Drainage swales are not considered impervious under this definition..

Illumination, External

A source of illumination that is not internal which lights the sign but which is largely itself not visible to persons viewing the sign. The light fixture may be visible, but the source of light should be largely not visible.

Illumination, Internal

A source of illumination entirely within the sign that makes the sign visible at night by means of lighting the background, light being transmitted through a translucent material or the character (i.e., letter) itself being opaque and thus silhouetted against the background. The source of illumination may not be visible.

Interior Side Property Line

A side property line that does not abut a street or alley.

Kilowatt-hour (kWh)

A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.

Landscape Plan

A legible drawing required for the purpose of determining compliance with the landscaping regulations of [Chapter 20.65](#).

Landscape/Landscaping

The act of enhancing the appearance of the land by altering its contours and planting trees, shrubs, vines, flowers, turf, groundcover and other plant materials for aesthetic effect.

Lawfully Established

A use, building, structure, parcel or sign (as the context indicates) that was established in conformance with all applicable zoning and subdivision regulations in effect at the time of its establishment.

Lot

A contiguous area of land with defined boundaries under common ownership created by subdivision, subdivision exemption or their legal equivalent.

Lot Line House

A principal building containing one dwelling unit located on a single parcel that is not attached to any other dwelling units. The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the house and very little or no private yard on the other side. See also [20.05.030](#).

Low-Impact Development (LID)

A site design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Through the use of LID techniques, hydrologic functions of storage, infiltration and ground water recharge, as well

as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian resource areas, wetlands, steep slopes, mature woodlands, floodplains, and highly permeable soils.

Malt Beverage

An alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.

Manufactured Housing Unit

A factory-built, single-household structure that is manufactured under the authority of 42 USC §5401, the National Manufactured Home Construction and Safety Standards Act, is built on a permanent chassis, and is used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and that does not have wheels or axles permanently attached to its body or frame. This definition specifically does not include recreational vehicles.

Marquee

See "Canopy."

Mixed-use Building

A building that houses residential uses in combination with nonresidential uses.

Mulch

Material applied to the soil surface to retain soil moisture, control erosion, inhibit weeds, and/or regulate soil temperatures.

Multi-dwelling House

A residential building containing three to six dwelling units that share common walls and/or common floors/ceilings. Multi-dwelling houses appear as large detached houses and have only one entrance visible from the street. See [20.05.030](#).

Multi-dwelling Building

A residential building containing three or more dwelling units (other than a 3+ townhouse multi-dwelling house) that share common walls and/or common floors/ceilings. Multi-dwelling buildings are typically served by one or more private or common building entrances. See [20.05.030](#).

Multi-Tenant Development

A development typically under unified ownership and control consisting of two or more business establishments. The tenants of multi-tenant development typically share vehicle access and parking facilities. A multi-tenant development may consist of a single (multi-tenant) building or multiple buildings on a single development site.

Nonconforming Parcel

A lawfully created parcel, shown on a plat or survey map recorded in the office of the County Clerk and Recorder that does not comply with all applicable minimum parcel area or parcel width standards of the zoning district in which the parcel is located. See [20.80.020](#)

Nonconforming Sign

A sign that was lawfully established, in accordance with all zoning and sign regulations in effect at the time of its establishment but that is no longer allowed by the regulations of this zoning ordinance. See [20.75.120](#).

Nonconforming Structure

Any building or structure, other than a sign, that was lawfully established but no longer complies with the parcel and building standards of the zoning district in which it is located. See [20.80.030](#).

Nonconforming Use

A land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. See [20.80.040](#).

Nonconformity

Any nonconforming parcel, nonconforming use, nonconforming structure or nonconforming sign.

Non-motorized (Transportation) Facilities

Improvements designed for the use, safety and comfort of pedestrians, cyclists, equestrians and similar forms of non-motorized transportation. Examples include sidewalks, walkways, trails, bikeways and related appurtenances, such as signs and ramps.

Nonresidential District

Any zoning district other than a residential (R) district.

Offset

The horizontal distance measured between vertical surfaces of adjacent building elements.

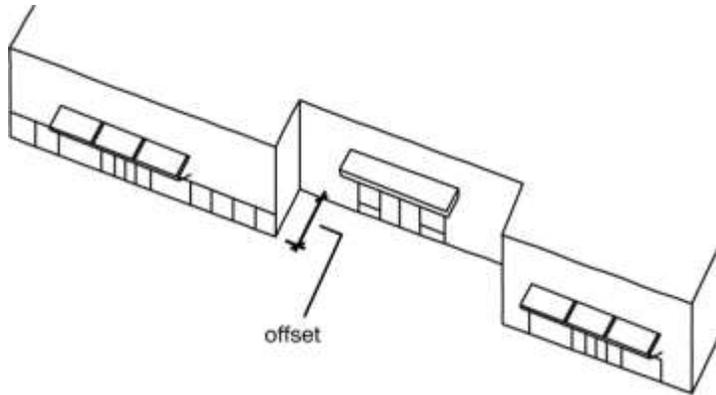


Figure 20.100-7 Terminology, Offset

Open-Air Uses

Storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses when the only buildings on the parcel are incidental and accessory to the open-air use of the parcel.

Open Porch or Deck

A porch or deck that is open on at least three sides and with at least 50% of the total area of the vertical plane on those three sides unobstructed in any manner.

Outdoor Display Area

A portion of a parcel used for exhibiting in an orderly manner, completely assembled or finished products sold by a retail business located on the same parcel pursuant to an approved permit.

Outdoor Sales Area

An outdoor area used pursuant to an approved permit for the display or sales of seasonal products, new merchandise or the supply of services.

Overlay District

A zoning district that overlays one or more base zoning districts and imposes requirements in addition to those of the base district or modifies the standards otherwise applicable in the base zoning district.

Parapet or Parapet Wall

For sign purposes, a wall-like barrier at the edge of a flat roof that acts as a vertical extension of an exterior building wall that extends no more than eight feet above the roof height of the building.

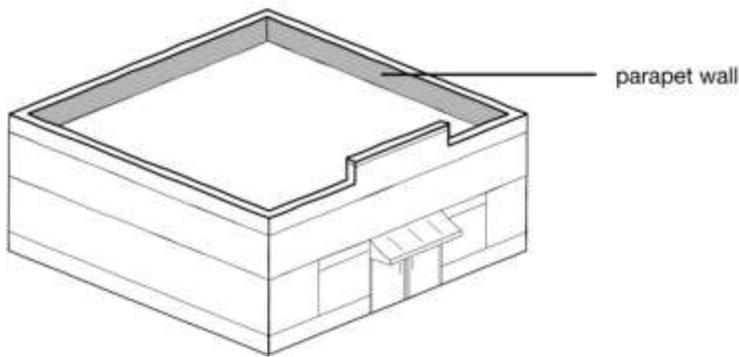


Figure 20.100-8 Terminology, Parapet or Parapet Wall

Parcel

A contiguous area of land that is designated by its owner, at the time of application for a zoning compliance permit, as a site to be used, developed, or built upon as a unit, under single ownership or control.

Commentary: Two or more abutting lots might, for example, be combined into a single parcel (sometimes referred to as a “zoning lot”) by virtue of placing a building on the lots in a way that it spans the multiple lots. Under this example, applicable parcel and building standards (e.g., building setbacks) would apply to the parcel as a whole.

Parcel, Corner

See “Corner Parcel.”

Parcel, Interior

A parcel whose side lines do not abut a street.

Parking Structure

A covered structure or portion of a covered structure, other than a “garage,” that provides parking for motor vehicles. See also “Garage.”

Personal Wireless Services

Commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Personal Wireless Service Facility(ies) (Facility(ies))

An un-staffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, a support structure, transmission equipment, including one or more antenna.

Personal Wireless Service Facilities, Abandoned

Any personal wireless communications facilities that are not utilized for the provision of wireless communications services for a continuous period of six months will be considered abandoned.

Personal Wireless Services Facility Existing

Previously erected, or any lawfully constructed, personal wireless services facility.

Personal Wireless Service Facilities Support Structure

The structure or surface upon which an antenna is mounted, including the following types:

- A. Ground-mounted: Mounted on the ground and built for the sole purpose of supporting an antenna and their associated equipment.
- B. Roof-mounted: Mounted on the roof of a building.
- C. Structure-mounted: Mounted on a structure not constructed or erected for the primary purpose of supporting wireless communication antennae.

Personal Wireless Service Facilities Support Structure, Height

The vertical distance measured from the base of the support structure to the highest point of the structure.

- A. Ground-mounted support structure height is measured from existing grade and includes the antenna.
 - B. Roof-mounted support structure height does not include the height of the building on which the new structure is mounted.
 - C. Structure-mounted support structure height does not include the height of the host structure on which the new structure is mounted.

Pond

A body of water supportive of aquatic life. Wave action is minimal, allowing emergent vegetation to establish.

Principal Building

A building or combination of buildings of chief importance or function on a parcel. In general, the principal use is carried out in a principal building.

Principal Use

An activity or combination of activities of chief importance on the parcel. One of the main purposes for which the land, buildings or structures are intended, designed, or ordinarily used.

Product Display Window

An illuminated window display area in which products and goods are displayed to pedestrians but that do not generally allow visibility into the interior of the building.

Property Line

The boundary of a parcel, as shown on a subdivision plat or on a survey represented by the parcel's owner or developer as the boundary of the parcel to be used, developed, or built upon as a unit, under single ownership or control.

Public Safety

Police, fire, ambulance and other emergency dispatch services provided through personal wireless services.

Public Utility Installation

An unoccupied structure or facility used in conjunction with the supply of public utility services, including heat, light, power, water, telegraph, telephone, railway service and sewer service, but does not include a personal wireless service facility not specifically exempted by Chapter [20.40.160](#).

Pump Top Unit

Integrated equipment on the top of a gas pump structure intended to be used as advertising space by use of electronic video display

Rear Property Line

That property line that is most distant from and is most parallel to the front property line.

Commentary: Not all parcels have rear property lines.

Residential Building

A detached house, townhouse, two-unit house, multi-dwelling house, multi-dwelling building or vertical mixed-use building.

Roof Mounted Solar Energy Conversion Systems

A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Pitch, (Roof)

The slope and inclination angle of a roof measured as vertical rise divided by the measured horizontal span.

Primary Roof Pitch

The pitch of the majority of the surface area of a building's roof, not including dormers.

Runoff

That part of precipitation that flows off the land without filtering into the soil or being absorbed by plant material.

Satellite Dish Antenna

A device designed or used for the reception or the transmission of television or other electric communication signal broadcast or, relayed from a satellite. It may be a solid, open mesh, or bar configured structure, in the shape of a shallow dish or parabola.

Sediment

Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

Sedimentation

The process of depositing materials from a liquid, especially in bodies of water.

Setback

An open, unobstructed area that is required by this zoning ordinance to be provided from the furthestmost projection of a structure to the property line of the parcel on which the building is located. See [20.110.050](#) for additional regulations regarding measurement of setbacks and exceptions to setback rules.

Setback, Front

The minimum setback required between a building and the front property line of the parcel on which the building is located, extending along the full length of the front property line between the side property lines. See [20.110.050A](#) for exceptions and rules of measurement.

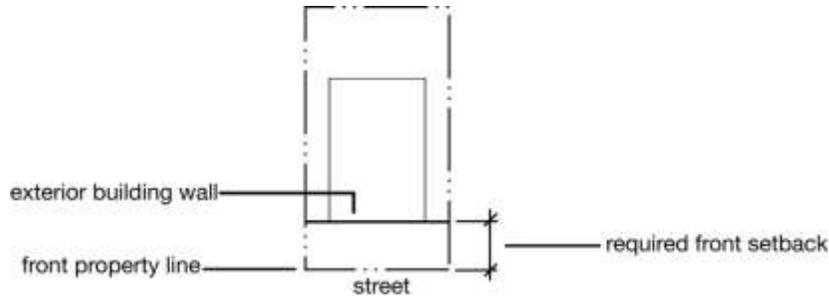


Figure 20.100-9 Terminology, Setback, Front

Setback, Rear

The minimum setback required between a building and the rear property line of the parcel on which the building is located, extending along the full length of the rear property line between the side property lines. See [20.110.050A](#) for exceptions and rules of measurement.

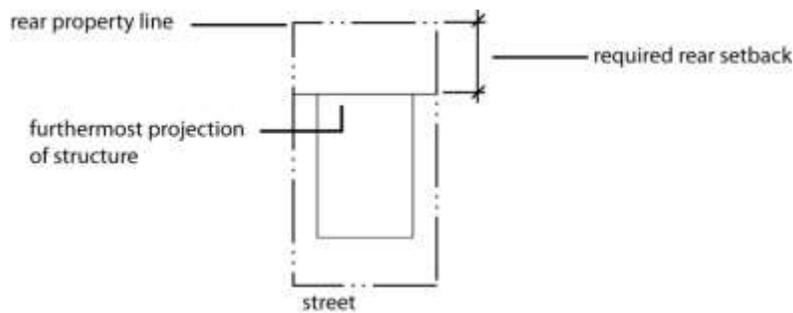


Figure 20.100-10 Terminology, Setback, Rear

Setback, Side

The minimum setback required between a principal building and the side property line of the parcel on which the building is located, extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback. See [20.110.050A](#) for exceptions and rules of measurement.

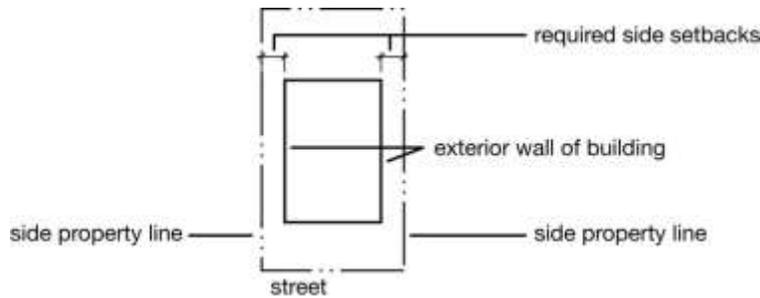


Figure 20.100-11 Terminology, Setback, Side

Setback, Street Side

The minimum setback required between a principal building and the street side property line of the parcel on which the building is located.

Sidcasting

The act of moving excess earthen material over the sides of a road during road maintenance operations or excavation for structural improvements.

Side Property Line

Any property line that is not a front property line or a rear property line.

Sign

Any identification, description, illustration or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situation merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. The term sign also includes the sign's structure.

Sign, Abandoned

An on-premises sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.

Sign Area

The area of a sign including the area within a perimeter that forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed.

Sign, Address

A sign identifying the street address of the subject property.

Sign, Animated

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Awning

A sign painted on, printed, or otherwise attached flat against the surface of an awning.



Figure 20.100-12 Terminology, Sign, Awning

Sign, Banner

A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

Sign, Box (Also Known as "Cabinet Sign")

A sign with text or symbols printed on plastic, an acrylic sheet or similar material (including "flex face" fabric-like material) that is mounted on a cabinet or box that houses any lighting source and equipment.

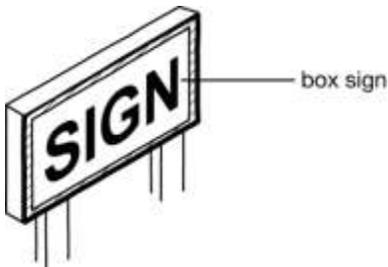


Figure 20.100-13 Terminology, Sign, Box (Also Known as "Cabinet Sign")

Sign, Changeable Copy

A manual changeable copy sign or a dynamic display.

Sign, Directional

Any sign that serves solely to designate the location or direction of any place or area.

Sign, Directory

A sign on a multi-tenant development site that is used to convey directions or tenant information to pedestrians and motorists who have entered the site.



Figure 20.100-14 Terminology, Sign, Directory

Sign, Dynamic Display

Signs capable of displaying words, symbols, figures, or images that can electronically or mechanically changed by remote or automatic means.

Sign, Ground

A sign erected on a freestanding frame, mast, or pole and not attached to any building.

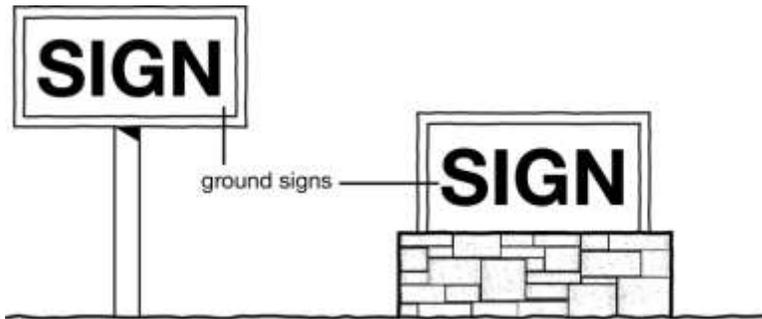


Figure 20.100-15 Terminology, Sign, Ground

Sign, Hanging

A sign that is suspended from the underside of an awning, canopy, marquee, or floor overhang.

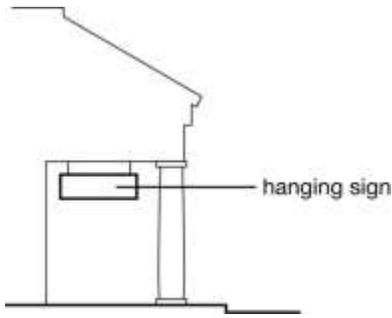


Figure 20.100-16 Terminology, Sign, Hanging

Sign Height

The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb, other than an elevated roadway, to the highest point of the sign.

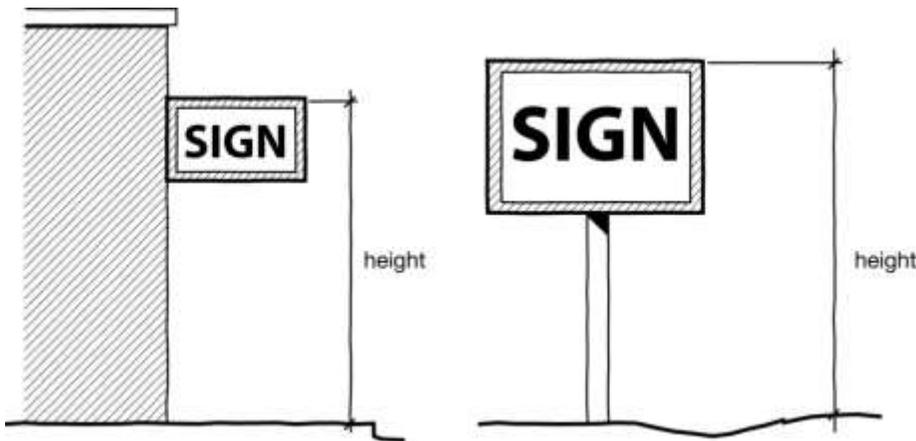


Figure 20.100-17 Terminology, Sign Height

Sign, Incidental

A sign indicating the types of credit cards accepted, an establishment's hours of operation or other similar information that pertain to the premises where the sign is located.

Sign, Manual Changeable Copy

A sign that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol may be changed or re-arranged manually without altering the face or the surface of the sign.

Sign, Menu Board

A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

Sign, Nameplate

A nonelectric sign, not exceeding 144 square inches in area, identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises includes more

than one occupant, “nameplate” refers to all names and occupations or professions as well as the name of the building and directional information.

Sign, National Register District Identification

A sign provided by the Montana Historical Society that identifies an historic resource listed in the National Register of Historic Places.

Sign, Nonconforming

Any sign that was lawfully erected and maintained prior to such time as it came within the purview of this chapter and any amendments thereto, and that fails to conform to any applicable regulations and restrictions of this chapter.

Sign, Off-Premise

Any sign advertising goods or services that are not available on the parcel on which the sign is located (see also “Billboard”)

Sign, On-Premise

Any sign identifying or advertising a business, person, activity, goods, products or service, as permitted by this chapter, and located on the premises where the sign is installed and maintained.

Sign, Pole

(See “Ground Sign.”)

Sign, Political

A sign pertaining to candidates or issues and directed toward the ultimate exercise of voting by the general public.

Sign, Projecting

A sign, other than a wall sign, that is attached to and projects from a structure or building face.

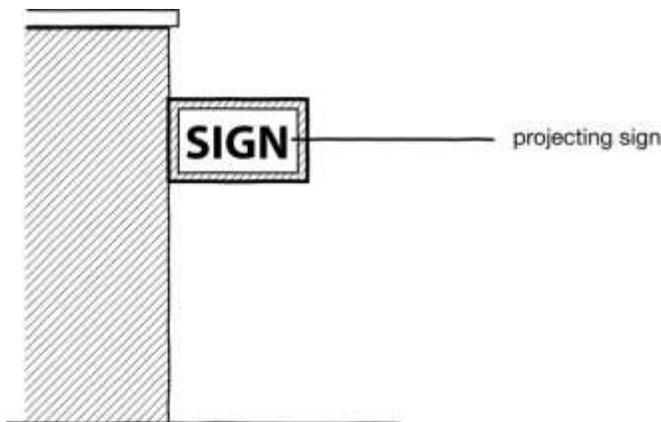


Figure 20.100-18 Terminology, Sign, Projecting

Sign, Real Estate or Property for Sale, Rent or Lease

Any sign pertaining to the sale, lease, or rental of land or buildings.

Sign, Roof

Any sign erected upon, against or directly above any portion of the roof, except signs on parapet walls. Any sign on a parapet wall is considered a roof sign if any portion of the sign is above the parapet wall.

Sign, Seasonal or Holiday

Signs such as Christmas decorations, those used for historic holidays, and installed for a limited period of time.

Sign, Sidewalk

A sign that rests on the ground, and that is not permanently attached to the ground or other structure.

Sign Structure

Any structure that supports, has supported or is capable of supporting a sign, including decorative cover.

Sign, Temporary

A sign that is not permanently affixed to a permanent sign structure or building.

Sign, Under-Canopy or Under-Marquee

A sign suspended below the ceiling or roof or a canopy or marquee.

Sign, Wall

A sign attached to or erected against the wall of a building with the face in a parallel plane to the place of the building wall, including a sign attached to a parapet wall that may be constructed specifically for the purpose of attaching a sign.

Sign, Wind

An attention-getting device with or without copy, or a series of devices such as streamers, banners and pennants with or without copy, fastened in such a manner as to move in the wind.

Sign, Window

A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Single-purpose Residential Building

A detached house, lot line house, townhouse, two-unit house, multi-dwelling house, multi-dwelling building, or any other principal building containing residential dwelling unit(s) other than vertical mixed use.

Slide

The downhill mass movement of soil, rock, or snow resulting from failure of that material under stress.

Slope

The inclination of the surface of the land from the horizontal.

Small Cell Network(s)

A network consisting of one or more nodes connected, directly or indirectly, by fiber to a carrier's mobile switching center or other point of interconnection.

Solar Energy Conversion System (SECS)

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to

any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

1. Small-Scale, Solar Energy Conversion System: An active SECS that occupies 2,500 square feet of surface area or less (equivalent to a rated nameplate capacity of about 25 kW DC or less).
2. Medium-Scale, Solar Energy Conversion System: An active SECS that occupies more than 2,500 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 25 - 250 kW DC).
3. Large-Scale, Solar Energy Conversion System: active SECS that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Panels

Devices containing photovoltaic cells that convert sunlight into direct current electricity or that use thermal energy from sunlight to heat water.

Split-Zoned

Classification of a single parcel into two or more base zoning districts. See also [20.01.100E](#).

Stream

A natural watercourse of perceptible extent that has a generally sandy or rocky bottom of definite banks and that confines and conducts continuously or intermittently flowing water.

Street Side Property Line

The side property line that “faces” and is adjacent to a street on a corner parcel. The street side property line is the property line that is generally perpendicular to the alley that serves the parcel. When no alley exists, the zoning officer is authorized to establish the front property line and the street side property line. See also [20.110.050A](#).

Structure

Anything constructed or erected, that requires location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards and poster panels, but excluding fences and retaining walls.

Structural Alteration

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders.

Subsidence

Gradual downward, local, mass movement of the earth’s surface.

Subsidized

Financing provided by the US Department of Housing & Urban Development (HUD) or the Montana Board of Housing (MBOH) expressly for the purpose of providing housing to low- to moderate-income households.

Support Structure Replacement

Constructing a new support structure of proportions and of equal height or such other height that would not constitute a substantial change to an existing support structure in order to support a facility or to accommodate collocation and removing the existing support structure.

Through Parcel

A parcel with opposing property lines along two more or less parallel streets.

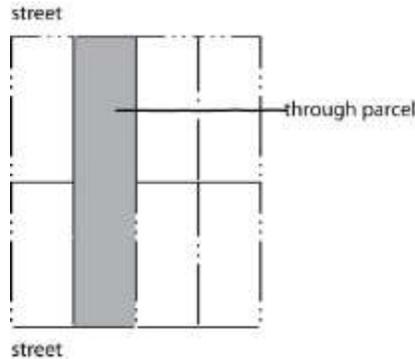


Figure 20.100-19 Terminology, Through Parcel

Topography

Characteristics of the ground surface such as plains, hills, mountains; degree of relief, steepness of slope, and other physiographic features.

Tower

Any ground-mounted support structure and associated on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antenna as defined herein. A tower is also considered a personal wireless facility.

Townhome Exemption Development (TED)

A residential development containing one or more dwelling units that are owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units but under which they may jointly own the common area and facilities in accordance with MCA 70-23-102(14) and 76-3-203.

Townhouse

A residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared property lines. Each dwelling unit has its own external entrance. See [20.05.030](#).

Trail

A path designed for non-motorized travel.

Transmission Equipment

Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.

Two-unit House

A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex” or “two-flat”.) The dwelling units are attached and may be located on separate floors or side-by-side. See [20.05.030](#).

Vehicular Use Area

Any area on a parcel that is not located within any enclosed or partially enclosed building and that is devoted to a use by or for motor vehicles including parking, storage of automobiles, trucks or other vehicles, gas stations, car washes, vehicle repair establishments, loading areas, drive-through service areas, and access drives and driveways.

Vertical Mixed-use Building

Buildings that meet all of the following criteria:

- A. dwelling units occupy at least 50% of the building's gross leasable floor area;
- B. commercial and other nonresidential uses allowed in the subject zoning districts occupy at least:
 - 1. 800 square feet or 25% of the parcel area (whichever is greater) on parcels with street frontage of less than 50 feet (as measured along the shorter street frontage on parcels containing multiple street frontages); or
 - 2. 20% of the parcel area on parcels with 50 feet of street frontage or more (as measured along the shorter street frontage on parcels containing multiple street frontages); and
- C. the floor-to-ceiling height of the ground floor space is at least 13 feet except those areas not being used or capable of being used for commercial purposes including but not limited to storage areas, stairwells and elevator shafts, bathrooms, mechanical equipment rooms, and interior vehicular parking or loading.

Wet Meadow

A herbaceous wetland on mineral soil. Generally, wet meadows occur in seasonally flooded basins and flats. Soils are usually dry for part of the growing season.

Wetlands

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas.

Wind Energy Conversion System (WECS)

A device that directly converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines. The "system" includes towers and supporting structures and directly connected facilities such as generators, alternators, inverters, batteries, and associated control equipment.

Woody Draw

Areas that support woody vegetation, such as tall shrub and tree species, in small intermittent and ephemeral drainages. The vegetation is a result of higher moisture availability than the surrounding area. The duration of surface water, however, is shorter than that of other streamside riparian areas (e.g. cottonwood and dogwood communities.)

Yard

The actual (as opposed to "required") horizontal distance that exists between a principal building and a property line. See also "Setback."

Yard, Front

The yard that exists between a principal building and the front property line of the parcel on which the building is located, extending along the full length of the front property line between the side property lines.

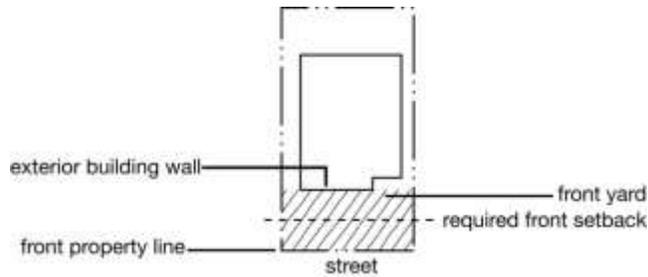


Figure 20.100-20 Terminology, Yard, Front

Yard, Rear

The yard that exists between a principal building and the rear property line of the parcel on which the building is located, extending along the full length of the rear property line between the side property lines.

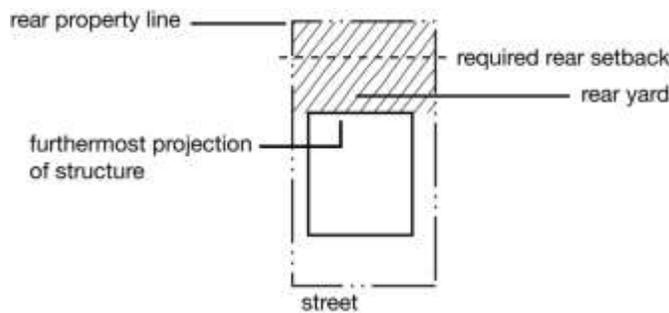


Figure 20.100-21 Terminology, Yard, Rear

Yard, Side

The yard that exists between a building and the side property line of the parcel on which the building is located, extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback.

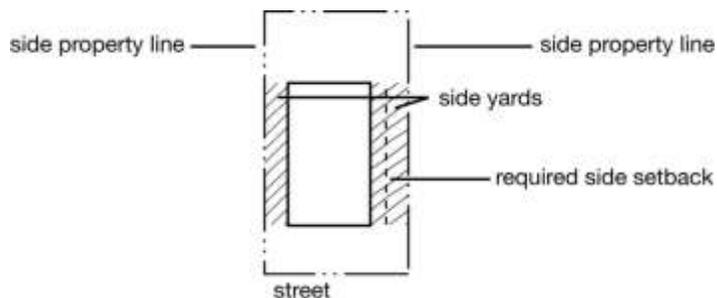


Figure 20.100-22 Terminology, Yard, Side

([Ord. 3574](#), 2016; [Ord. 3570](#), 2016; [Ord. 3511](#), 2013; [Ord. 3471](#), 2011; [Ord. 3469](#), 2011; [Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.105.010 General

A. Use Groups

This zoning ordinance classifies land uses into 5 major groupings: “residential,” “public and civic,” “commercial,” “industrial” and “other.” These are referred to as “use groups.”

B. Use Categories

Each use group is further divided into more specific “use categories.” Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

C. Typical Uses

Typical uses cited in the description of use categories are not intended to be exclusive or restrictive.

D. Interpretations

The director of Development Services is authorized to classify specific use types into defined use categories based on the use category descriptions of this chapter. When a specific use type cannot be readily classified into a use category or appears to fit into multiple use categories, the director of Development Services is authorized to determine the most similar, and thus most appropriate, use category based on the following considerations:

1. the actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
2. the relative amount of site area or floor space and equipment devoted to the activity;
3. relative amounts of sales from each activity;
4. the customer type for each activity;
5. the relative number of employees in each activity;
6. hours of operation;
7. building and site arrangement;
8. vehicles used with the activity;
9. the relative number of vehicle trips generated by the use;

10. signs;
11. how the use advertises itself; and
12. whether the activity is likely to be found independent of the other activities on the site.

[\(Ord. 3410, 2009\)](#)
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20.105.020 Residential Use Group

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: household living and group living.

A. Household Living Category

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. Domestic Violence Shelters are considered a type of household living.

B. Group Living

Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

1. Community Residential Facility

Any of the following:

- a. a group, foster or other home specifically provided as a place of residence serving developmentally disabled or handicapped persons who do not require nursing care; and as defined by §76-2-411, MCA;
- b. a district youth guidance home serving youths in need of supervision, or youths in need of care or delinquent youths as defined by §76-2-411, MCA and established pursuant to the Montana Youth Court Act;
- c. detention, receiving or shelter homes defined by §76-2-411, MCA and established pursuant to the Montana Youth Court Act;
- d. a halfway house operated in accordance with regulations of the Department of Health and Environmental Sciences for the rehabilitation of alcoholics or drug dependent persons, pursuant to §76-2-411, MCA;
- e. a licensed adult foster family care home as defined by §76-2-411, MCA.; or
- f. an assisted living facility licensed under §76-2-411, MCA.

2. Health Care Facility

As defined in §50-5-101, MCA.

3. Convent/Monastery

A residential building housing persons (such as nuns or monks) under religious vows.

([Ord. 3519](#), 2014; [Ord. 3483](#), 2012; [Ord. 3410](#), 2009)
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20.105.030 Public and Civic Use Group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

A. College/University

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

B. Day Care

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are two types of day care:

1. Residential Day Care

Day care provided within a residential unit for up to 12 children or adults, in addition to members of the day care provider's household.

2. Day Care Center

Day care for 13 or more children or adults.

C. Detention and Correctional Facilities

Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Examples include prisons, jails, probation centers and juvenile detention homes.

D. Fraternal Organization

The use of a building or parcel by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests.

E. Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

F. Library/Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

G. Park/Recreation

Recreational, social, or multi-purpose uses associated with public parks, public open spaces, public community centers, public play fields, public or private golf courses, or other public recreation areas or buildings.

H. Preschool

Place or facility that provides educational instruction designed for children 5 years of age or younger, with limited hours of education per child:

1. Preschool (1-12)
Preschool education for up to 12 children.
2. Preschool Center (13+)
Preschool education for 13 or more children.

I. Religious Assembly

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques and churches.

J. Safety Services

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

K. School

Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

L. Utilities and Services

1. Minor

Infrastructure services that need to be located in the area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; minor water towers and reservoirs; minor electrical substations, including small scale solar energy conversion systems; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities. Bus and rail passenger facilities for local or subregional service, such as Mountain Line stops and transfer centers, are classified as “minor utilities and services.”

2. Major

Infrastructure services that typically have substantial land-use impacts on surrounding areas. Typical uses include but are not limited to water and wastewater treatment facilities, major water storage facilities and electric generation plants, including medium and large scale solar energy conversion systems.

M. Emergency Homeless Shelter

Uses providing temporary shelter for homeless persons provided at no cost, the primary purpose of which is to provide shelter to individuals on a day- by- day basis. An emergency shelter shall be considered a different land use than Community Residential Facilities ([20.105.020B.1](#))

N. Meal Center (Soup Kitchen)

Primary uses providing food served on-site at little or no cost.

([Ord. 3549](#), 2015; [Ord. 3519](#), 2014; [Ord. 3410](#), 2009)

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20.105.040 Commercial Use Group

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories.

A. Animal Services

The following are animal services use types:

1. Sales and Grooming

Sales and grooming of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons, pet grooming shops, and indoor training.

2. Shelter or Boarding Kennel

Animal shelters and kennel services for dogs, cats and small animals. Typical uses include boarding kennels, pet resorts/hotels, dog training centers and animal rescue shelters.

3. Veterinary

Typical uses include pet clinics, dog and cat hospitals and animal hospitals.

4. Stable

Boarding facilities for horses and similar large animals.

B. Artist Work or Sales Space

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries, artist and photography studios, but not including art museums. Art museums are classified in the "Libraries and Cultural Exhibits" use category.

C. Building Maintenance Service

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

D. Business Equipment Sales and Service

Sales, rental, or repair of office, professional and service equipment and supplies to companies rather than to individuals. Excludes automotive and heavy equipment sales or service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

E. Business Support Service

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Typical uses include employment agencies and telephone answering services and business or trade schools. Business or trades schools that involve outdoor storage or manufacturing processes are not considered business support services but rather are to be classified in an Industrial use group category.

F. Communication Service Establishments

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as “major utilities and services” and “minor utilities.” Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

G. Construction Sales and Service

Construction and development activities and related storage on parcels other than construction or development sites. Typical uses include tool and equipment rental or sales, and building contracting/construction businesses. Uses that involve office or administrative functions only, with no on-site equipment or vehicle storage, are classified as offices.

H. Day Labor Employment Agency

Any enterprise, other than a labor union or a not-for-profit organization, engaged in procuring or providing temporary unskilled work by persons at a site other than the day labor business premises in which (1) the day laborers are paid, by the day labor business or a third party employer, each work day or on the business day following the work day, and (2) persons arrive at the day labor business premises to make application for work as a day laborer, to obtain assignment for day labor, to obtain transportation to a day labor site or to obtain payment of wages or benefits for day labor. For purposes of this definition, “unskilled work” means work involving physical tasks for which (1) the worker is not required by law to hold a professional or occupational license, or (2) the employer or contractor controlling the site of the work does not require the worker to have (a) a high school diploma or its equivalent, or (b) education beyond high school, or (c) relevant vocational education or (d) demonstrated proficiency with a specified type of machinery to be used in the work, but does not include white collar, secretarial, clerical or professional work.

I. Eating and Drinking Establishments

Provision of prepared food and/or beverages for on- or off-premises consumption. Typical uses include restaurants, taverns and nightclubs.

1. Restaurant

An establishment primarily engaged in serving prepared food to the public and in which sales of such prepared foods and meals constitutes at least 65% of the establishment’s gross income.

2. Tavern or Nightclub

An establishment that is primarily engaged in serving alcoholic liquor for consumption on the premises and in which the serving of prepared food and meals constitutes less than 65% of the establishment’s gross income. Taverns and nightclubs may offer live entertainment and dancing.

Commentary: Microbreweries and Wineries are classified as industrial uses. See [20.105.050](#)

J. Enterprise Commercial Use

A use classified in the commercial use group of [20.105.040](#) that contains more than 30,000 square feet of gross floor area, whether contained in a single building or contained within multiple buildings on a single development site. Enterprise commercial uses may include only individual use types (e.g., retail, office, eating and drinking establishment) that are allowed in the subject zoning district.

K. Entertainment and Spectator Sports

Provision of cultural, entertainment, athletic and other events to spectators, such as occurs in theaters, cinemas, auditoriums, fairgrounds, sports stadiums and racetracks. The following are spectator sports and entertainment use types:

1. Small Venue

Entertainment and spectator sports establishments with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

2. Medium Venue

Entertainment and spectator sports establishments with a capacity of more than 149 and fewer than 500 persons. Typical uses include single- or dual-screen cinemas, theaters and meeting or banquet halls.

3. Large Venue

Entertainment and spectator sports establishments with a capacity of 500 persons or more. Typical uses include stadiums, large theaters, multi-screen cinemas and large meeting or banquet halls.

L. Financial Services

Financial or securities brokerage services. Typical uses include banks, savings and loans, consumer investment businesses, pawn shops, and check-cashing/loan services.

1. Bank

A federal- or state-chartered bank, credit union, savings and loan association or trust company.

2. Check-Cashing/Loan Service

A business engaged in cashing checks or providing short-term loans for members of the general public as a principal purpose of its operation and that is not a bank, savings and loan association, or other financial service, including businesses offering payday loans, title loans, signature loans, small loans, and other similar loans, but not including pawn shops.

3. Pawn Shop

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

M. Food and Beverage Retail Sales

Retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores and wine stores.

N. Funeral and Interment Services

Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:

1. Cemetery/Columbarium/Mausoleum

Land or facilities used for burial of the dead, including pet cemeteries.

2. Cremating

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

3. Undertaking

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

O. Gasoline and Fuel Sales

A building or portion of a building used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent and where no motor vehicles or boats are offered for sale or rent.

1. Truck Stop/Travel Plaza

Facilities providing service to semi-tractors and other large trucks and vehicles, including the sale of fuel to intrastate and interstate truck drivers, and provision of customary support facilities for truck drivers. Truck stops are designed to accommodate large semi-tractor/trailer combinations and truck drivers, and may also be utilized by smaller trucks and other interstate travelers.

P. Lodging

Provision of lodging services on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

1. Bed and Breakfast

A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

2. Hostel

An establishment, other than a bed and breakfast or hotel/motel use, that provides dormitory sleeping accommodations or shared guest rooms as low-cost public travel accommodations to recreational travelers. Hostels typically have shared kitchen and sanitary facilities for use by transient guests.

3. Hotel/Motel

An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels and motels.

4. Recreational Vehicle Park

A parcel designed, maintained or intended to be used for the purpose of providing short-term accommodation—no more than 30 days—for placement of two or more recreational vehicles, include all buildings used or maintained for the use of the occupants in the recreational vehicle park. A parcel designed, maintained or intended to be used for the purpose of providing short-term accommodation—no more than 30 days—for placement of two or more recreational vehicles, include all buildings used or maintained for the use of the occupants in the recreational vehicle park.

5. Tourist Home

A private home or condominium that is not occupied by an owner or manager and is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis (MCA 50-51-102(12.) Transient guest is defined as a guest for only a brief stay, such as the traveling public (MCA 50-51-102(13.)

Q. Office

1. Administrative, Professional or General Office

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include administrative offices, law offices, architectural firms, insurance companies and government offices.

2. Medical Office

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, including chiropractic offices, physical and massage therapy offices, psychologist and psychiatrist offices, health maintenance organizations, blood banks, plasma centers and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

R. Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

S. Personal Improvement Service

Informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, yoga or dance studios, driving schools and martial arts studios.

T. Repair or Laundry Service, Consumer

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

U. Research Service

An establishment that conducts educational, scientific, high-technology or medical research not involving the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property. Research-related establishments that do produce such external impacts are classified as “manufacturing, production and industrial services.”

V. Residential Support Services

Commercial uses provided primarily to serve the needs of residents in large, multi-dwelling residential buildings or residents within the immediate area. The following are considered residential support services:

1. Restaurants;
2. Financial services, except pawnshops, consumer loan agencies and payday loan stores;
3. Food and beverage retail sales;
4. Medical office (other than blood/plasma center);
5. Administrative, professional or general offices;
6. Personal improvement service; and
7. Retail sales establishments.

W. Retail Sales

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores and apparel stores.

X. Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis.) Examples include bowling alleys, health clubs, skating rinks, bingo halls, casinos, billiard parlors, driving ranges and miniature golf courses, shooting and archery ranges, batting cages, and go-cart tracks.

1. Casino

Any establishment that offers legalized gambling authorized under Title 23, Chapter 5, Part 1, et. seq., MCA and where any one of the following characteristics applies:

- a. the establishment is referenced as a “casino” or “gambling establishment”, or makes any reference to legalized gambling by signage, advertisement or by name;
- b. five or more gambling machines are on the premises; or

- c. a card table is on the premises.

Y. Vehicle Sales and Service

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

1. Car Wash/Cleaning Service

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

2. Heavy Equipment Sales/Rentals

Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

3. Light Equipment Sales/Rentals

Sale, retail, wholesale, or rental from the premises of autos, noncommercial trucks, motorcycles, trailers of less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies. For the purposes of this zoning ordinance, the sales or display for sale of more than three vehicles on a single parcel is classified as a “light equipment sales/rental” use.

4. Motor Vehicle Repair, Limited

A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. This also includes vehicle repair establishments that provide replacement of passenger vehicle parts or repairs that do not involve body work or painting. Examples include quick lube services, tire, muffler and transmission shops.

5. Motor Vehicle Repair, General

Any vehicle repair activity other than “limited motor vehicle repair.” Examples include repair or servicing of commercial vehicles or heavy equipment, body work or painting.

6. Vehicle Storage and Towing

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private parking tow-aways (tow lots), impound yards and fleet storage yards. Includes the use of a site for temporary storage of motor vehicles for a period of not more than 15 days, not including temporary storage facilities for vehicles that are to be sold, rented, salvaged, dismantled, repaired or returned to owners upon payment of towing and storage fees.

([Ord. 3511](#), 2013; [Ord. 3471](#), 2011; [Ord. 3410](#), 2009)

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20.105.050 Industrial Use Group

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The industrial use group includes the following use categories:

A. Junk/Salvage Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk or salvage yard includes an auto wrecking yard, but does not include waste-related uses or recycling facilities.

B. Auto Wrecking

The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

C. Manufacturing, Production and Industrial Services

1. Artisan

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage, and occupying no more than 3,500 square feet of gross floor area. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. Limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties. Also includes "artisan manufacturing/production" type uses that do not comply with the enclosed building, floor area and/or outside operations/storage criteria that apply to artisan manufacturing/production uses.

3. General

- a.** Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product

manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing. Also includes medical, scientific or technology-related research establishments that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

- b. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as “repair or laundry services.”

4. Intensive

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. Also includes smelting, animal slaughtering and oil refining.

D. Microbrewery/Microdistillery

A brewery (for malt beverages) that has an annual nationwide production of not less than 100 barrels or more than 10,000 barrels.

A distillery that produces 25,000 proof gallons or less of liquor annually in accordance with MCA 16-4-310 through 312.

E. Mining/Quarrying

The extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

F. Recycling Service

Any building, portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

1. Limited

A recycling facility in which recyclable materials are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans and glass items are considered an accessory use and may be allowed in any zoning district.)

2. General

A recycling facility that, in addition to any activity permitted as part of a limited recycling service, engages in processing of recyclable materials such as cleaning, bundling, compacting or packing of recyclable materials.

G. Residential Storage Warehouses

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a residential storage warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

H. Warehousing, Wholesaling and Freight Movement

1. Limited

Wholesale sales of goods and materials in association with a retail sales (storefront) business. Typical uses include businesses involved in retail and wholesale sales of materials and equipment to other businesses and to the general public.

2. General

Storage, wholesale sales and distribution of materials and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public.

I. Waste-Related Use

Waste-related uses are characterized by the receiving of solid or liquid wastes from other users and sites for transfer to another location; by the collection of sanitary wastes, or other approved waste materials for on-site disposal; or by the manufacture or production of goods or energy from the composting of organic material. Typical uses include sanitary landfills and the following uses:

1. Demolition Debris Landfill

A facility or site used for the disposal of demolition waste, construction materials, used building materials, brush, wood waste, soil, rock, concrete and inert solids soluble in water.

2. Solid Waste Separation Facility

A facility where mixed municipal solid waste is separated into recovered materials and other components either manually or mechanically and further processed for transporting to other facilities, including a solid waste disposal area.

3. Transfer Station

A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

J. Winery

A winery licensed in accordance with §16-4-107, MCA.

([Ord 3471](#), 2011; [Ord. 3410](#), 2009)

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20.105.060 Other Use Group

The “other” use group includes the following:

A. Agriculture, Crop

The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or horticultural commodities. Crop agriculture does not include personal (household) gardens, or landscaping for aesthetic purposes. Agricultural land includes land used for agriculture or having a soil type defined by the Natural Resources Conservation Service as having agricultural importance, including prime farmland, farmland of statewide importance, and farmland of local importance.

B. Agriculture, Animal

The use of land for raising animals to produce food or fiber commodities. Examples of animal agriculture include dairying and the raising of livestock, bees, fur-bearing animals, and poultry. Animal agriculture does not include the keeping of up to 6 female chickens, in accordance with Chapter 6.12 of the municipal code.

C. Community Garden

Land used for vegetable, fruit or flower gardening by individuals or groups who may or may not own or lease the subject land.

D. Transportation Terminal

Facilities for regional bus service and regional rail service including loading and unloading areas and passenger waiting areas. Note: Bus and rail passenger facilities for local or sub-regional service, such as Mountain Line stops and transfer centers are classified as “minor utilities.”

E. Wireless Communication Facility

Facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, commercial mobile radio service facilities or other personal wireless services (such as cellular, personal communication service [PCS], paging, specialized mobile radio [SMR], and other similar services.) This use category includes all associated equipment unless the written context clearly indicates that another meaning is intended. The term “associated equipment” is to be read broadly and in context. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, mounting hardware, supporting electrical or mechanical equipment, access road, and guy system.

1. Co-located Facility

A wireless telecommunication facility that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of 2 or more antenna systems.

2. Freestanding Facility

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

[\(Ord. 3410, 2009\)](#)
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20.110.010 Parcel Area

Parcel area includes the total land area contained within the property lines of a parcel. The zoning officer is authorized to approve an administrative adjustment to permit the construction of a detached house on a parcel that would otherwise be prohibited solely because the parcel does not comply with the minimum parcel area standards of the subject zoning district. Such administrative adjustments are subject to the procedures and criteria of [20.85.110](#).

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.110.020 Parcel Area per Unit

Parcel area per unit refers to the amount of parcel area required for each dwelling unit on the subject parcel. For example, if a minimum parcel area per unit standard of 1,000 square feet is applied to a 5,450 square foot parcel, a maximum of five dwelling units would be allowed on that parcel

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.110.030 Parcel Width

Parcel width is the horizontal distance between the side property lines of a parcel measured at the point of the minimum front setback.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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20.110.040 Building Coverage

Building coverage is the area of a parcel covered by principal and accessory buildings, as measured along the building line. Only building areas beneath a roof are counted for purposes of measuring building coverage. A porch with a roof, for example, is counted, but an uncovered deck structure is not considered building coverage.

([Ord. 3439](#), 2010; [Ord. 3410](#), 2009)

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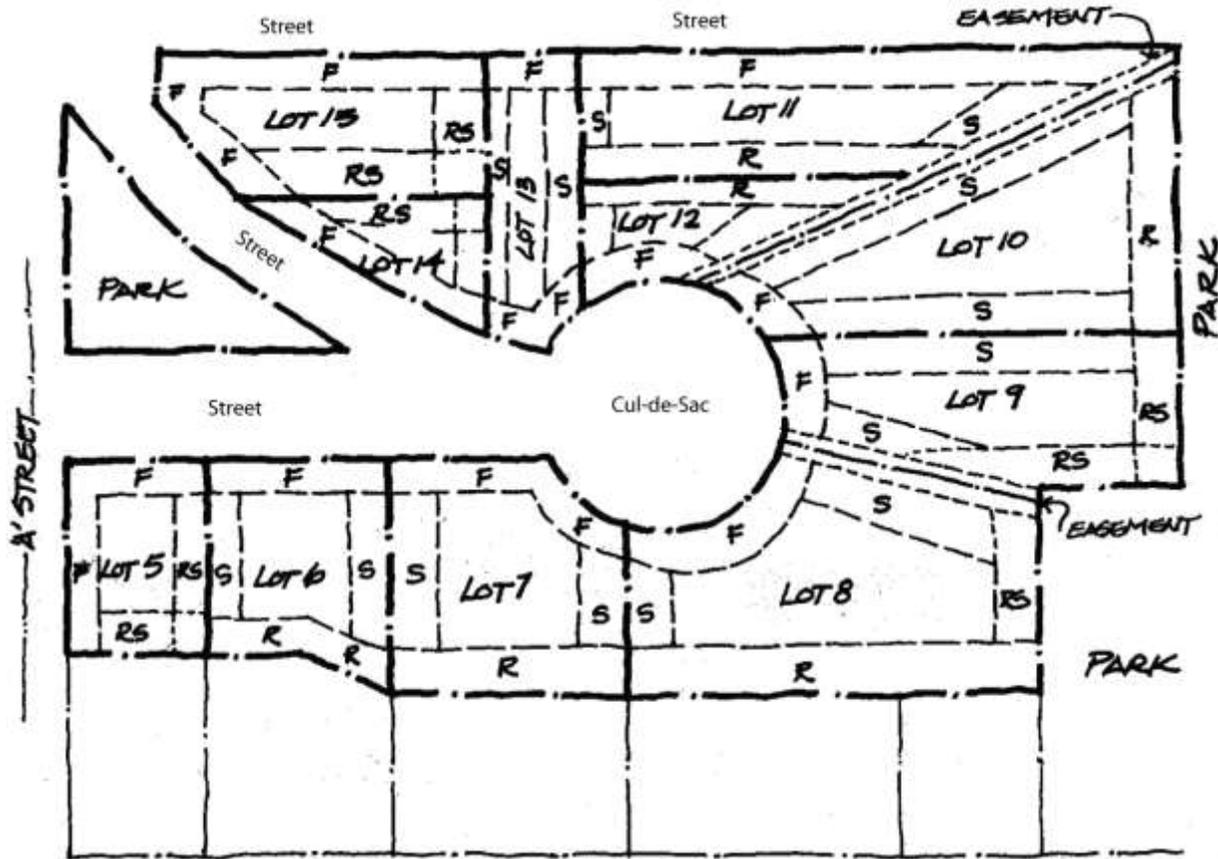


Figure 20.110-1 Measurement, Setbacks, Front

2. Exceptions

When existing lawfully established residential buildings on one or more abutting parcels are closer to the front property line than the otherwise required front setback, additions to existing residential buildings or construction of new residential buildings on the subject parcel may comply with the average front yard depth that exists on the nearest two parcels on either side of the subject parcel instead of complying with the zoning district's minimum front setback requirement.

- a. If one or more of the parcels required to be included in the averaging calculation is vacant, the vacant parcel will be deemed to have a front yard depth equal to the minimum front setback requirement of the underlying zoning district.

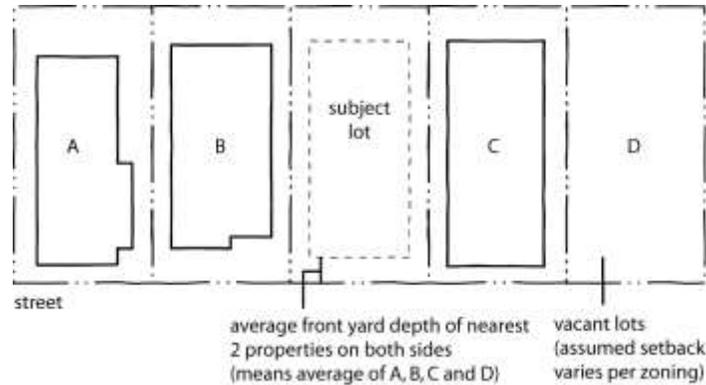


Figure 20.110-2 Setbacks, Front Setbacks, Exceptions, Averaging Calculation Scenario A.

- b. Parcels that front on a different street than the subject parcel or that are separated from the subject parcel by a street or alley may not be used in computing the average.

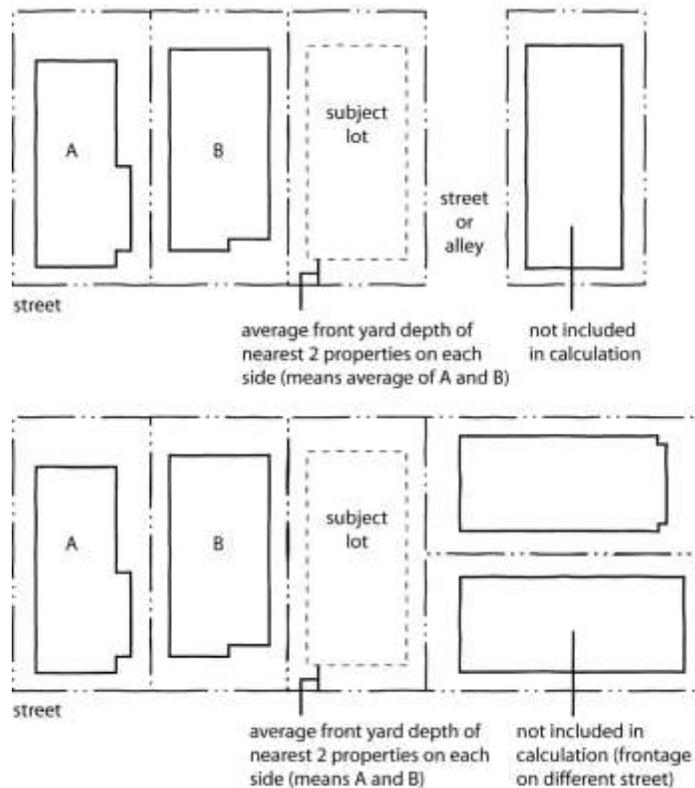


Figure 20.110-3 Setbacks, Front Setbacks, Exceptions, Averaging Calculation Scenario b.

- c. When the subject parcel is a corner parcel, the average front yard depth will be computed on the basis of the nearest two parcels that front on the same street as the subject parcel.
- d. When the subject parcel abuts a corner parcel fronting on the same street,

the average front yard depth will be computed on the basis of the abutting corner parcel and the nearest two parcels that front on the same street as the subject parcel.

- e. All residential garages that are accessed from the street must be set back at least 20 feet and may not be located closer to the street than the front facade of the residential building.

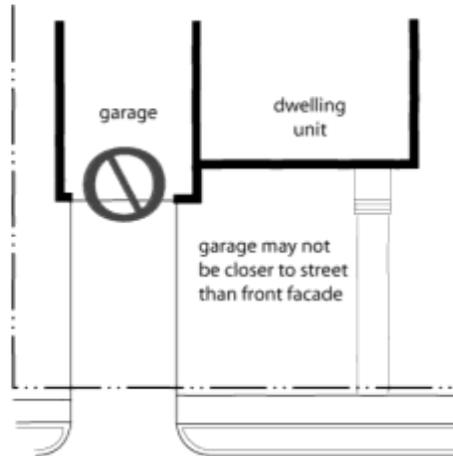


Figure 20.110-4 Setbacks, Front Setbacks, Exceptions , Garages

3. Garage Setbacks

All residential garages that are accessed from the street must be set back at least 20 feet.

4. Permitted Obstructions/Encroachments

Front setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in [20.110.050E](#).

B. Rear Setbacks

1. Measurement

Rear setbacks are measured from the rear property line to the closest point of the building.

2. Permitted Obstructions/Encroachments

Rear setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in [20.110.050D](#) or [20.80.030](#).

3. Through Parcels

On through parcels both (opposing) street lines are considered front property lines and front setback standards apply. Rear setback standards do not apply.

C. Side Setbacks

1. Measurement

Side setbacks are measured from the side property line to the closest point of the building.

2. Permitted Obstructions/Encroachments

Side setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in [20.110.050D](#) or [20.80.030](#).

D. Features Allowed to Encroach in Required Setbacks

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Table 20.110—1 Setbacks, Features Allowed to Encroach in Required Setbacks

Obstruction/Projection into Required Setback	Front/Street Side	Side	Rear
Accessory buildings used for domestic storage (see also Chapter 20.45 for specific regulations governing accessory uses and structures)	No	No	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings and canopies projecting no more than 5 feet into the setback	Yes	Yes	Yes
Balconies that project no more than 8 feet into the setback	Yes	No	Yes
Bay windows that project a maximum 32 inches into the setback, are no more than 15 feet in length, have a minimum 12" clearance from exterior finished grade, and a minimum 18" elevation from each interior finished floor to top of bay window sill.	Yes	Yes	Yes
Chimneys and flues that project no more than 24 inches into the setback	Yes	Yes	Yes
Decks, patios, and other features, including attachments such as railings, and structures less than 30 inches in height above grade	Yes	Yes	Yes
Satellite dish antennas, not exceeding 1 meter (39.37 inches) in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters (94.49 inches) in diameter	No	No	Yes
Eaves and gutters projecting 48 inches or less into setback, provided they are set back at least 3 feet from the property line	Yes	Yes	Yes
Fences and walls (see Chapter 12.30 of the Municipal Code)	Yes	Yes	Yes
Fire escape, open or lattice enclosed; projecting no more than 5 feet into the setback	No	Yes	Yes
Fireproof outside stairway projecting no more than 5 feet into the setback	No	Yes	Yes
Flagpoles	Yes	Yes	Yes
Mechanical equipment, provided the unit is not more than 48 inches in height.	No	Yes	Yes
Porches that are open on at least 3 sides and project no more than 8 feet into the setback (see also 20.110.050D.1)	Yes	No	Yes
Recreational equipment (e.g., swing sets and basketball hoops)	Yes	Yes	Yes
Sills, belt courses, cornices, buttresses and other architectural features	Yes	Yes	Yes
Steps and stairs (primary access) up to 30 inches in height above grade and set back at least 4 feet from all property lines	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes
Window wells that are not part of the foundation wall and not more than 30 inches in height above grade	Yes	Yes	Yes

1. Open porches or decks, excluding steps, may project into the front setback by up to 8 feet. The porch, deck, and steps must be set back at least 4 feet from all property lines.

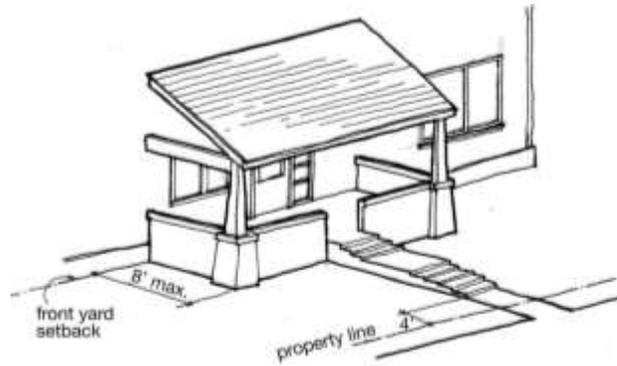


Figure 20.110-5 Setbacks, Encroachments, Open Porches or Decks

E. Separation of Residential Buildings on Same Parcel

If two or more principal residential buildings are located on the same parcel, setbacks must be provided as if the principal buildings were on separate parcels except that if a principal residential building is constructed behind or in front of another principal residential building, the minimum separation distance required between the two principal buildings must be at least equal to the sum of the two required side setbacks of the subject zoning district.

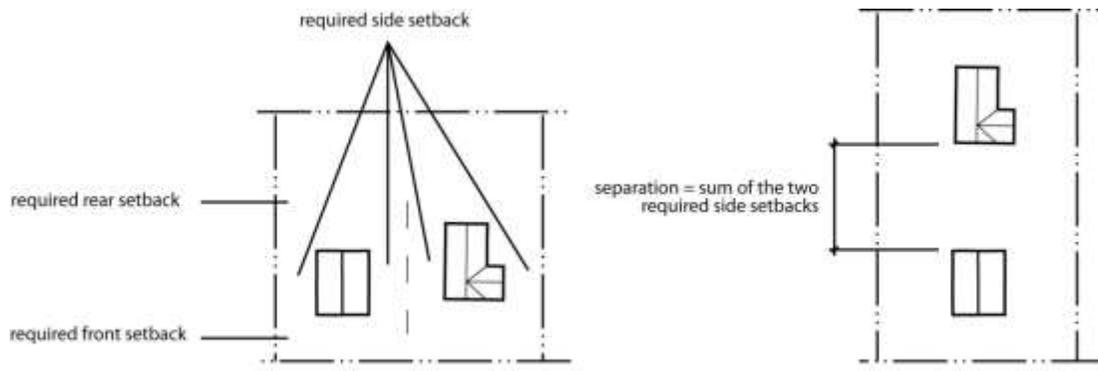


Figure 20.110-6 Setbacks, Separation of Residential Buildings on Same Parcel

([Ord. 3549](#), 2015; [Ord 3511](#), 2013; [Ord. 3481](#), 2012; [Ord. 3471](#), 2011; [Ord. 3439](#), 2010; [Ord. 3435](#), 2010, [Ord. 3410](#), 2009)

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20.110.060 Building Height

A. Measurement

Building height is measured as the vertical distance from the lowest point where the building line meets existing grade to the highest point of the subject building. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof.

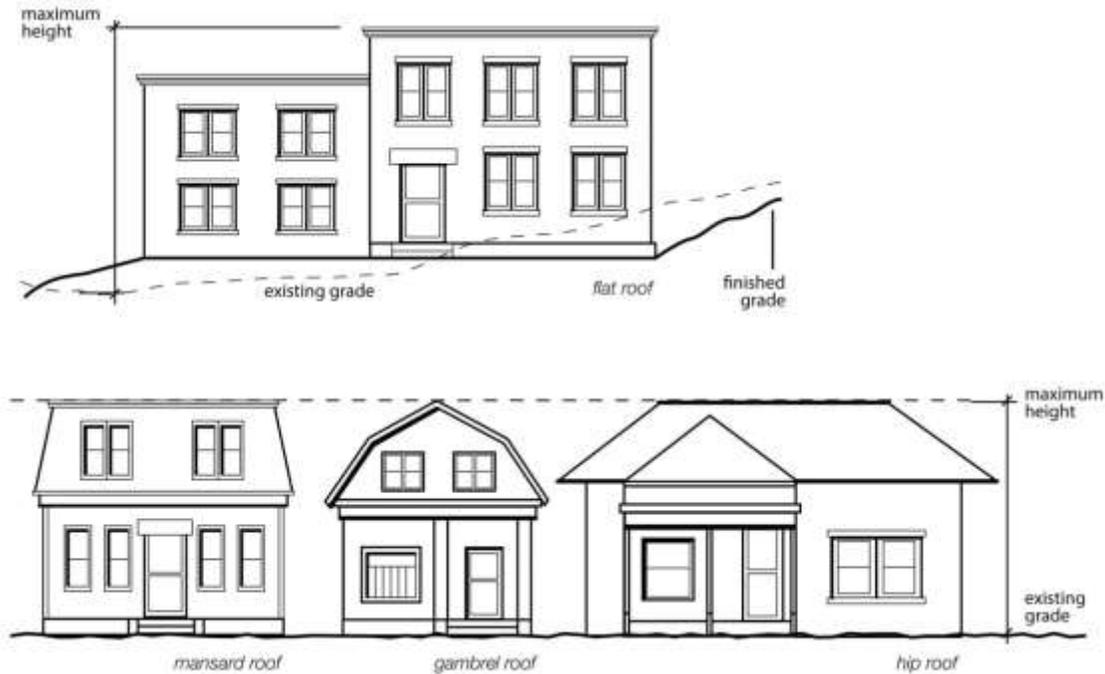


Figure 20.110-7 Building Height, Measurement

B. Exceptions

1. General

The following features are not counted in the measurement of building height:

- a. chimneys and antennas;
- b. vents and ventilation stacks;
- c. wireless communication facility antenna arrays;
- d. steeples;
- e. belfries;
- f. grain elevators;
- g. skylights;
- h. solar panels;
- i. clock towers;
- j. water towers;
- k. flag poles;
- l. stair and elevator penthouses;
- m. egress window wells;
- n. basement stairwells not exceeding 5 feet in width;
- o. open guard rails and mechanical equipment, including any required

screening; and

- p. similar elements that do not add habitable floor area to a building.

2. Public and Civic Buildings

Churches and public and civic buildings (e.g., hospitals and schools) may exceed the building height limits of the subject zoning district if side setbacks exceed the required side setbacks by at least one foot for each 5 feet of height by which the building exceeds the maximum height limit of the subject district.

3. Building Additions

When a lawfully established residential building exceeds the height limit of the subject zoning district, additions to that building may also extend beyond the height limit, but no further than the existing building height.

[\(Ord. 3439, 2010; Ord. 3410, 2009\)](#)

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20.110.070 District Area

District area per unit refers to the amount of contiguous land area classified in the subject zoning district, excluding public rights-of-way.

[\(Ord. 3439, 2010; Ord. 3410, 2009\)](#)

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Appendix A: Riparian/Wetland Habitat and Community Types

A. Coniferous Tree Types

Grand fir/lady fem H.T.

Subalpine fir/bluejoint reedgrass (bluejoint reed grass Phase)

Subalpine fir/bluejoint reedgrass (Canby's licorice root Phase)

Subalpine fir/bluejoint reedgrass (dwarf huckleberry Phase)

Subalpine fir/sweetscented bedstraw H.T.

Subalpine fir/labrador tea (bluejoint reedgrass Phase)

Subalpine fir/Labrador tea (Labrador tea Phase)

Subalpine fir/devil's club (fool's huckleberry Phase)

Subalpine fir/clasping-leafed twisted stalk (clasping-leafed twisted stalk Phase)

Rocky Mountain juniper/red osier dogwood H.T.

Spruce/bluejoint reedgrass C.T.

Spruce/red osier dogwood H.T.

Spruce/field horsetail H. T.

Spruce/sweet-scented bedstraw H.T.

Ponderosa Pine/Red Oiser Dogwood H. T.

Douglas fir/red osier dogwood H.T.

Western red cedar/lady fem (lady fem Phase)

Western red cedar/oak fem H.T.

Western red cedar/devil's club H.T.

Western hemlock/oak fem H.T.

B. Deciduous Tree Habitat Type

Russian olive C.T. (non-upland)**

Quaking aspen/bluejoint reedgrass H.T.

Quaking aspen/red osier dogwood H.T.

Quaking aspen/western sweet-cicely H.T.

Quaking aspen/kentucky bluegrass C.T.*

Black cottonwood/red osier dogwood C.T.

Black cottonwood/ Herbaceous C.T.

Black cottonwood/recent alluvial bar C.T.

Black cottonwood/ western snowberry

C. Willow Shrub Habitat Types

- Bebb willow C.T.
- Drummond willow/bluejoint reedgrass H.T.
- Drummond willow/beaked sedge H.T.
- Drummond willow C.T.
- Sandbar willow C.T.
- Geyer's willow/bluejoint reedgrass H.T.
- Geyer's willow/breaked sedge H.T.
- Geyer's willow C.T.
- Whiplash willow C.T.

D. Non-Willow Shrub Habitat Types

- Mountain alder C.T.
- Sitka alder C.T.
- Bog birch/beaked sedge H.T.
- Water birch C.T.
- Red osier dogwood C.T.
- Succulent hawthorn C.T.
- Small leaved laurel/Holm's Rocky Mountain sedge H.T.
- Shrubby cinquefoil/tufted hairgrass H.T.
- Woods rose C.T.
- Douglas' spirea C.T.

E. Sedge Habitat Types

- Water sedge (water sedge Phase)
- Slender sedge H.T.
- Mud sedge H.T.
- Nebraska sedge H.T.
- Beaked sedge H.T. (water sedge phase)
- Beaked sedge H.T. (beaked sedge Phase)
- Beaked sedge H.T. (tufted hairgrass Phase)
- Holm's Rocky Mountain sedge H.T.
- Short beaked sedge H.T.

F. Non-Sedge Habitat Types

- Redtop C.T.

Smooth brome C.T.*
Bluejoint reedgrass H.T.
Tufted hairgrass H.T.
Common spikeweed H.T.
Few-flowered Spikebrush H.T.
Water horsetail H.T.
Northern mannagrass H.T.
Baltic rush H.T.
Canary reed H.T.
Common reed H.T.
Fowl bluegrass C.T.
Kentucky bluegrass C.T. *
Hardstem bulrush H.T.
Arrowleaf groundsel C.T.
Common Cattail H.T.

*Although Russian olive, Kentucky bluegrass and Smooth brome are non-native invasive species, they are often indicative of riparian areas. Russian olive is a state listed noxious weed, which means that it must be controlled anywhere it occurs. Therefore, when a riparian management plan is required, plans should address the removal of Russian olive and replacement with native riparian species.

For additional information on site types, classification, function, and areas of riparian resource, see: *The Classification and Management of Riparian and Wetland Sites in Montana, 1992 (1994-1995 update in press.)* Montana Riparian Association, Montana Forest and Conservation Experiment Station, School of Forestry, University of Montana, Missoula, Montana 59812

([Ord. 3483](#), 2012; [Ord. 3410](#), 2009)

Appendix B: /RV, Rattlesnake Valley Overlay

A. Purpose

1. The purpose of the /RV, Rattlesnake Valley Overlay district is to provide supplementary development regulations to underlying districts to ensure that development occurs in such a manner as to protect the character of these areas and to implement the goals of the comprehensive plan. It is the further intent of the /RV overlay district to:
 - a. encourage a sensitive form of development in the existing developed neighborhoods of the Rattlesnake Valley;
 - b. allow for land development that complements the settlement pattern and existing land use character of the area; and
 - c. protect and enhance the natural and visual character of the valley and the city as a whole.

B. Minimum Area

The /RV overlay district is primarily intended to be applied to parcels one acre or larger within the Rattlesnake Valley. The Missoula City Council is authorized to approve applications to apply the overlay district to smaller parcels.

C. Applicability

1. The standards of the /RV overlay district apply to any development proposal for construction of new independent residential dwelling units.
2. The /RV district standards do not apply to enlargements, alterations or conversions of existing structures. Further, the standards do not apply to the construction of any accessory structure that does not contain a residence.
3. No building or structure may be constructed, nor may any parcel be excavated or graded in connection with any building development, unless the proposal satisfies the findings outlined in [20.110.070F](#) and complies with all of the /RV overlay district regulations of this section.

D. Allowed Uses

1. The use regulations of the underlying zoning district govern except as expressly stated in this section.
2. The /RV overlay district allows attached and multi-dwelling housing at the same density permitted in the underlying district.

Example: A one-acre parcel of land zoned RT10 can be developed through subdivision as 4 detached houses or, under the /RV overlay district, as any combination of 4 attached dwelling units (such as two-unit houses, townhouses, multi-dwelling houses and multi-dwelling buildings.)

E. Review Procedure

A zoning compliance permit is required for development in the /RV overlay district. The application must include a site plan of the entire property demonstrating compliance with the regulations of the overlay district. The application must also include an inventory of the biological species on the property performed by a qualified professional detailing the specific amount, type and location of biologically sensitive species, and the relative value of the habitat. This inventory is subject to review and approval by Development Services and any other qualified agency, in cases where outside consultation is necessary.

F. Findings Required for Approval

In reviewing an application for zoning compliance, the director of Development Services must make the following findings of fact:

1. The site is physically suitable for the design proposal, and siting of the proposed development will result in minimum disturbance of biologically sensitive areas. As determined by the city engineer, grading and excavation proposed in connection with the development should not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability or fire hazard that would affect health, safety and general welfare.
2. Any proposed development retains the visual quality of the site and the aesthetic qualities of the neighborhood by utilizing proper structural scale and character and varied architectural treatments.
3. The proposed development is in conformance with the comprehensive plan, the open space plan, the transportation plan and any other adopted applicable plans.
4. The development complies with overlay district regulations and the applicable regulations of the underlying zoning district.

G. Landscape Design

1. Minimum Area

A continuous open landscape area must be conserved or reclaimed to a naturalized condition with predominantly native vegetation. In the R215, R80 and R40 districts the minimum open landscape area must comprise at least 50% of the gross land area of the parcel.

2. Vegetation

A list of vegetation appropriate for the required open landscape area follows:

Species
Woods Rose
Caragana
Virginia Creeper
Buffalo Berry
Scopuldrum Juniper
Ninebark
Honeysuckle
Ponderosa Pine
Lodge Pole Pine

Species
Red Osier Dogwood
Serviceberry
Snowberry
Cottonwood
Alpine Fur
Chokecherry
Yucca
Sumac
Silver Buffalo Berry
Austrian Pine
Willow
Hawthorn
Elderberry
River Birch/Alder
Rocky Mt Maple
Lilac
Mt Ash
Moyesii Rose
Alder/River Birch
Mockorange
Ruse Sumac
Mt Mahogany
Douglas Fir
Golden Currant
Squaw Currant

3. General Design

- a. Open areas are intended to retain the open character of the neighborhood and may include public or private lands but do not include parking or motorized vehicular use areas.
- b. Open areas must be free of structures or impervious surfaces, including, but not limited to, motor vehicular use areas and recreation facilities. These areas are intended to remain as or be reclaimed to a natural landscape area containing native vegetation and generally do not include permanently irrigated areas. If irrigated, open landscape area management should conserve energy and water through low intensity maintenance.
- c. Fences within this required open landscaped area must be constructed as visually open fences of not more than 30% opacity.
- d. Landowners must replant areas of disturbance as soon as possible to prevent weed invasion, in consultation with the County Extension Office.

H. Encroachment on Biologically Sensitive Lands

1. For the purposes of this subsection, “encroachment” is defined as the area of land occupied by a building or a structure, or permanently developed impervious surfaces, including, but not limited to, vehicular use areas and recreation facilities.

2. For the purposes of this subsection, “biologically sensitive lands” are defined as those containing state or federally-listed rare, threatened, or endangered species; riparian areas and wetlands; and locally important wildlife habitat as identified on such maps as the Wildlife and Vegetation Maps contained within the Rattlesnake Valley Comprehensive Plan or other plans adopted by the city council.
3. The Rattlesnake Valley Biologically Sensitive Lands Map, which is available for public viewing in Development Services, identifies areas in the Rattlesnake Valley that are known to contain biologically sensitive resources or species. This map does not necessarily specify actual biological sensitivity for every parcel, and development within the Rattlesnake Valley Overlay district should be evaluated for the presence or absence of biologically sensitive resources or species. The intent of the map is to identify those lands most likely to contain biologically sensitive habitats to assist in the evaluation of any development proposal. The developer must provide the reviewing agent with the appropriate information regarding amount (percent of land area), type and location of biologically sensitive species for each development proposal.
4. Biologically sensitive lands must be preserved in their natural state, with a minimal encroachment by development into such lands as permitted in the following encroachment table. This table specifies percentages of encroachment by structures and impervious surfaces such as vehicular use areas, streets, roads, and facilities permitted on biologically sensitive lands.

Encroachment Table for Biologically Sensitive Lands

	Column 1	Column 2	Column 3	Column 4
Parcel contains the following percentage of biologically sensitive lands:	0% to 24%	25% to 49%	50% to 74%	75% to 100%
Maximum Encroachment Allowance for Buildings or Structures	0% (No building development may occur on land designated as biologically sensitive)	4% (Building development may occur on 4% of the land designated as biologically sensitive)	8% (Building development may occur on 8% of the land designated as biologically sensitive)	10% (Building development may occur on 10% of the land designated as biologically sensitive)
Maximum Encroachment Allowance for impervious surfaces such as vehicular use areas, streets, roads, and facilities	0% (No impervious surface may be developed on land designated as biologically sensitive)	4% (Impervious surfaces may be developed on 4% of the land designated as biologically sensitive)	8% (Impervious surfaces may be developed on 8% of the land designated as biologically sensitive)	10% (Impervious surfaces may be developed on 10% of the land designated as biologically sensitive)

Commentary: Example using the Biologically Sensitive Areas Table (Table 1) for a parcel containing 10 acres:

In this example, 3 acres of the 10 acres (30%) are biologically sensitive lands and the remaining 7 acres (70%) are not biologically sensitive lands. Since the 10 acres consist of 30% biologically sensitive lands, Column 2 in the encroachment table is the applicable standard. Development may occur on biologically sensitive lands at an encroachment percentage of 4% for structures and 4% for vehicular use areas, streets, and facilities for a total encroachment of 8% of the total land area.

5. Development or grading occurring on biologically sensitive lands over and above the encroachment allowance in the encroachment table of [20.110.070H.4](#) is not permitted unless as part of an approved Planned Unit Development. This encroachment

table is intended to allow first for development on the land most suitable for development, based on the specific location of biologically sensitive species and natural features of the landscape. Development must occur so as to minimize impacts on the most biologically sensitive areas.

6. In addition, the following standards apply in biologically sensitive lands:
 - a. Native vegetation must be retained in biologically sensitive lands.
 - b. No permanent irrigation may be installed in biologically sensitive lands.
 - c. No non-native vegetation may be introduced in biologically sensitive lands except for lawn and landscaped areas adjacent to residential building sites where plantings are subject to review and approval by Development Services in consultation with the urban forester.
 - d. No sensitive species may be significantly adversely impacted.
7. Areas of native vegetation that are cleared or thinned to protect existing or proposed structures in potential danger from fire may be exempted from the 4 standards of [20.110.070H.6](#), provided that the area cleared or thinned for such brush management is approved by the Fire Department.

I. Setbacks from Hazardous Areas

A setback of at least 50 feet must be provided from potentially hazardous engineered structures, such as pipelines and high voltage power lines. Development must maintain a safe distance from landslide areas, active geologic faults, and irrigation canals.

J. Treatment of Significant Cultural Sites and Resources

Permitted uses on lands containing significant prehistoric/historic sites and resources are those uses permitted by the underlying district subject to the following regulations and the standards of the underlying district:

1. Development is not permitted on lands containing significant prehistoric/historic sites or resources unless all feasible measures are taken to protect and preserve the significant prehistoric/historic site or resource.
2. Alterations and improvements to prehistoric/historic sites and resources that enhance, restore, maintain or repair the site or resource and that do not adversely affect the special character, or special historical, architectural, archaeological or other cultural value of the site or resource may be permitted.
3. This subsection is intended to supplement protection provided to significant cultural sites and resources by existing local, state and federal law.

K. Density Transfers

Transfer of residential density within a proposed development under unified control may be approved if the plan does not exceed the overall residential density allowed by the underlying zoning districts. Density transfers may occur among zoning districts with differing maximum residential densities only in a manner that transfers density from lower density districts to higher density districts.

L. Deviation from Setbacks

For parcels with severe floodplain or topographic limitations, required setbacks may be reduced by 50%.

([Ord. 3410](#), 2009)