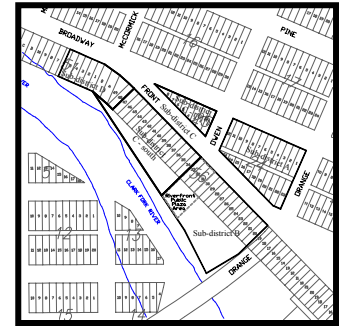


Exhibit #2

ORDINANCE NUMBER 3245

AN ORDINANCE TO REZONE PROPERTY BOUND BY ORANGE STREET ON THE EAST, BROADWAY ON THE NORTH, AND THE CLARK FORK RIVER ON THE SOUTH FROM C (COMMERCIAL) TO RIVERFRONT TRIANGLE SPECIAL DISTRICT LEGALLY DESCRIBED AS:



Sub-District A:

A Tract of land located in the Northeast Quarter of Section 21, Township 13 North, Range 19 West, Principal Meridian Montana; more particularly described as: Lots 1 through 23 of Block 24 of W.J. McCormick's Addition, a recorded subdivision of Missoula County, Montana.

Sub-District B:

A tract of land bounded by the Southwesterly right-of-way line of West Front Street, the Southeasterly line and its Southwesterly prolongation of Lot 20 of Block 56 of W.J. McCormick's Addition, a recorded subdivision of Missoula County, Montana, the Northeasterly low water mark of the Clark Fork River, and a line 30 feet Southeasterly of and parallel to the Northwest line of Lot 34 of said Block 56 and its Southwesterly prolongation, located in the Northeast Quarter of Section 21, Township 13 North, Range 19 West, Principal Meridian, Montana, more particularly described as follows:

Beginning at a point 30 feet Southeasterly along West Front Street from the most Northerly corner of Lot 34; thence South $44^{\circ}30'30''$ East, 418.81 feet along the Southwesterly right-of-way line of West Front Street to the most Easterly corner of said Lot 20; thence South $45^{\circ}28'45''$, 349.66 feet along the Southeasterly line and its Southwesterly prolongation of said Lot 20 to the point of intersection with said Northeasterly low water mark of the Clark Fork River; thence, along said Northeasterly low water mark the following 6 courses: 1) North $49^{\circ}35'47''$ West, 298.09 feet; 2) North $47'59''$ West, 52.73 feet; 3) North $38^{\circ}06'16''$ West, 71.27 feet; 4) North $35^{\circ}08'10''$ West, 29.8 feet; 5) North $31^{\circ}07'15''$, 119.87 feet; 6) North $29^{\circ}44'07''$ West, 127.04 feet to the point of intersection with the Southwesterly prolongation of a line 30 feet Southeasterly and parallel to the Northwest line of Lot 34; thence North $45^{\circ}29'30''$ East, 266.70 feet along last said Southwesterly prolongation and last said Northwesterly line to the Point of Beginning.

Sub-District B Riverfront Public Plaza Area: An area within Sub-District B within a boundary created by the Southwesterly right-of-way line of West Front Street, the Northwesterly line and its prolongation to the Northeasterly low water mark of the Clark Fork River of Lot 33 of Block 56 of said W.J. McCormick's Addition, the Northwesterly line of Lot 30 of said Block 56, the southerly line of said Lot 30, 130 feet south of and parallel to said West Front Street right-of-way, the prolongation of the Northwesterly line of Lot 29 of said Block 56 starting at a point 130 feet south of said Southwesterly West Front Street right-of-way to the Northeasterly low water mark of the Clark Fork River, and the Northeasterly low water mark of the Clark Fork River.

Sub-District C

South Tract:

A tract of land located in the Northeast quarter of Section 21, township 13 North, Range 19 West, Principal Meridian Montana; more particularly described as follows:

Beginning at the most northerly corner of Lot 47 of Block 56 of W.J. McCormick's Addition to the City of Missoula; thence South $44^{\circ}29'08''$ East along the southwesterly right-of-way line of West Front Street, 419.84 feet; thence South $45^{\circ}30'52''$ West 272 feet to a point on the low water line of the Clark Fork River; thence along said low water line the following six courses: 1) North $27^{\circ}14'35''$ West, 85.84 feet; 2) North $32^{\circ}02'08''$ West, 38.81 feet; 3) North $33^{\circ}41'17''$ west, 30.51 feet; 4) North $31^{\circ}37'39''$ west, 83.49 feet; 5) North $19^{\circ}22'51''$ West, 46.67 feet; 6) North $31^{\circ}28'38''$ west, 88.40 feet to a point on the southwesterly prolongation of the southeasterly line of Lot 46 of Block 56 of said McCormick's Addition; thence North $45^{\circ}30'52''$ east along said southwesterly prolongation, 44.84 feet to the most southerly corner of said Lot 46; thence North $44^{\circ}29'08''$ west along the southerly lines of

said Lots 46 and 47, 60.00 feet to the most westerly corner of said Lot 47; thence North 45°30'52" east along the northwesterly line of said Lot 47, 130.00 feet to the Point of Beginning. And;

A tract of land located in the northeast quarter of Section 21, Township 13 North, Range 19 West, Principal Meridian Montana; more particularly described as:

Beginning at the most southerly corner of Lot 46 of said Block 56 of McCormick's Addition; thence South 45°30'52" west along the southwesterly prolongation of the southeasterly line of said Lot 46 to a point on the low water line of the Clark Fork River; thence westerly along said low water line 180 feet, more or less, to the northwesterly prolongation of the northwesterly line of Lot B of Block 51 of McCormick's Addition (Lot B is sometimes described as being in Block 56 of McCormick's Addition); thence North 45°30'52" east 176 feet, more or less, to the Point of Beginning.

Sub-District C

North Tract:

A tract of land located in the northeast quarter of Section 21, Township 13 North, Range 19 West, Principal Meridian Montana; more particularly described as: Lots 1 through 8 of Block 25 of W.J. McCormick's Addition, a recorded subdivision of Missoula County, Montana.

Sub-District D:

A tract of land located in the northeast quarter of Section 21, Township 13 North, Range 19 West, Principal Meridian Montana; more particularly described as:

Lots 48 and 49 of Block 56 of W.J. McCormick's Addition, a recorded subdivision of Missoula County, Montana; and, Lots A, B, and Lots 1, 2, 3, 4, 5, and east ½ of Lot 6 of Block 51 of W.J. McCormick's Addition (Lots A and B are sometimes described as being in Block 56 of McCormick's Addition).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOULA:

THAT THE ABOVE DESCRIBED PROPERTY IS HEREBY WITHDRAWN FROM THE ZONE CLASSIFICATION OF C (COMMERCIAL), AND REPLACED WITH RIVERFRONT TRIANGLE SPECIAL DISTRICT AS DESCRIBED IN ATTACHMENT A

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED by a 12 Ayes, 0 Nays, 0 Abstain, 0 Absent _____ vote and

APPROVED by the Mayor this 19th of April, 2004.

ATTEST:

APPROVED:

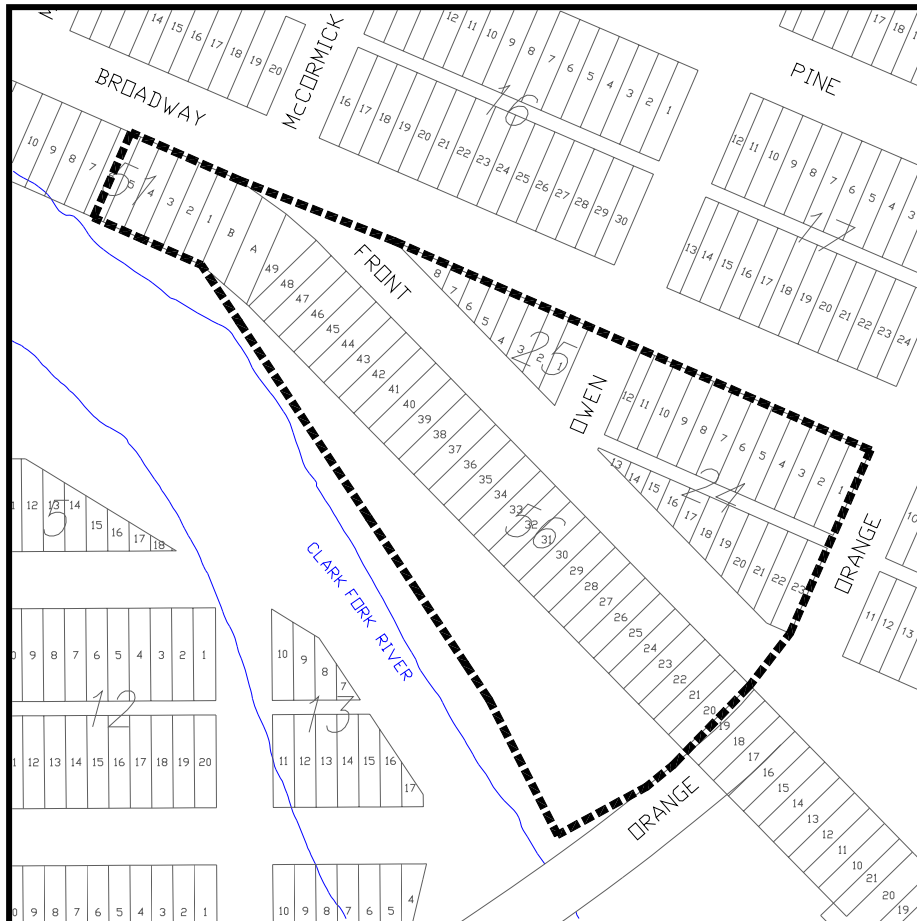
/s/ Martha L. Rehbein
Martha L. Rehbein
City Clerk

/s/ Mike Kadas
Mike Kadas
Mayor

(SEAL)

Riverfront Triangle Special Zoning District

INTENT: The intent of this special zoning district is to further the site specific goals and vision established through a community planning process for the Riverfront Triangle along with the neighborhood and community goals and policies established through adopted comprehensive plans. The applicable comprehensive plans for the area are the *1998 Missoula Urban Comprehensive Plan* and the *2000 Joint Northside/Westside Neighborhood Plan* as well as the *Urban Renewal District I Plan*, *Missoula Downtown Riverfront Plan*, and *Missoula Urban Area Open Space Plan*.



Specifically, the Riverfront Special Zoning address the

intent of the Triangle District is to following:

- Establish a mixed use area that functions as an introduction to the downtown area.
- Serve the needs of the neighborhoods as well as the larger community by offering a variety of uses including offices, residential, commercial, and retail.
- Support diverse business and employment opportunities.
- Make efficient use of existing local services - including right-of-ways, proximal emergency and law enforcement services, transit, trails and sidewalks, utilities, recreational opportunities, parks and Open space.
- Establish a community gateway at a key intersection along a major travel corridors leading into the downtown area.
- Coordinate new development with relationship to streets and adjacent buildings. Reinforce a “pedestrian-friendly” experience along the streets. Consider the relationship between buildings as they collectively make up the streetscape.
- Encourage development with primary entrances facing the street and public areas..

- Expand the non-motorized system to include multiple choices for pedestrian movement throughout the zoning district as well as connections to the Clark Fork River and areas outside the Zoning District. To continue the Riverfront Trail corridor.
- Consider the views from and through the site to the vistas both north and south, and important landmarks.
- Encourage preservation and enhancement of natural areas, green spaces, and areas with open space values.
- Encourage land uses which will promote the natural, recreational, and historical character of the riverfront as well as land uses that will allow public enjoyment of the area.
- Provide for the integration of built environment and public and private open space.
- Establish design standards to achieve the goal of creating thriving commercial districts which are characterized by convenience, are attractive in appearance, are compatible with adjacent land uses, and in which the mixture of uses complement one another.
- Design parking, delivery, and service spaces that will not detract from the primary uses on the site or public enjoyment of the streets, sidewalks, walkways, riverfront, and other public areas.

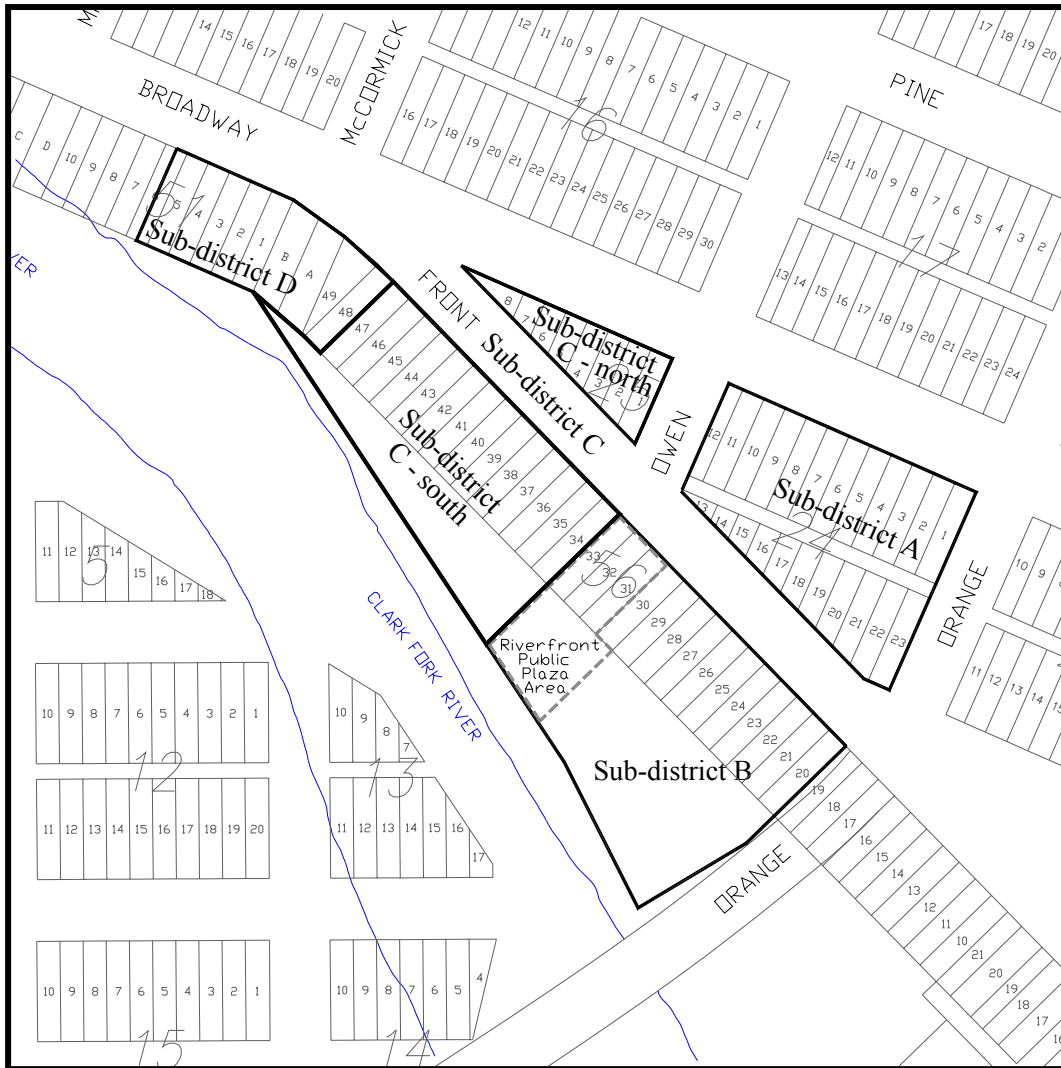
Special District Review Process and Submittal Requirements Applications for a Zoning

Compliance Permit for the Riverfront Triangle Special Zoning District may be initiated by the property owner or designated representative. A request for a permit shall include the following:

1. A Zoning Compliance Permit application;
2. A site plan drawn to scale showing all the following information:
 - a. North point; and
 - b. Boundaries, easements and ownerships as set forth in the legal description; and
 - c. Topography at appropriate contour intervals; and
 - d. Existing structures and improvements; and
 - e. Location of existing vegetation including trees over ten (10) inches in diameter that might be impacted by the proposal, watercourses, other natural features and areas of slope greater than twenty-five percent (25%); and
 - f. Proposed improvements, if any; and
 - g. Utilities and/or septic design, if appropriate; and
 - h. All adjacent streets and right-of-way;
3. Elevation drawings and/or photographs of all existing and proposed buildings including data specifying the percentage of window and door openings;
4. A narrative addressing all information necessary to evaluate the application and the criteria established in this Riverfront Triangle Special Zoning District;
5. Permit fees as required.
6. Other information deemed necessary to evaluate the application.

Special District Planning: The Riverfront Redevelopment Triangle Master Plan serves as a guiding document in planning and decision-making in the Special Zoning District. Each of the “Sub-districts” described in this document correspond to the similarly described “Parcel” in that Master Plan.

Sub-District Plan



Definitions:

1. **Retail Trade Use:** Areas where purchase, sale, or other transaction of goods, wares, merchandise, substances, or other articles or services, are made directly with the public. This definition includes restaurants defined as: a building or space within a building where food and/or beverages are offered for sale to the public for consumption either inside or outside. As an accessory use, take-out service of food and/or beverages for off-premise consumption may be provided. Taverns are acceptable uses subject to the applicable Missoula City Zoning Ordinance.
2. **Service Business:** Businesses that provide a personal service. Examples of service businesses include federally regulated lending institutions, tailors, instructional businesses, health enhancement businesses, an establishment which provides forms of personal grooming including barber shops and hairdressing.
3. **Office Uses:** Professional, administrative, educational, and governmental office uses are included in this category. Medical offices that do not included clinical or laboratory uses are considered professional offices.
4. **Medical Laboratory, Out-Patient Surgical Center, Research Uses:** Medical laboratory space, instructional space, medical out-patient surgical center, physical rehabilitation center, and research laboratory uses as long as they are adequately insulated from creating distractions to nearby uses from noise, smells, etc. Such areas may also be utilized to house such uses as "fiber hotels". (A research laboratory is defined as an establishment where facilities are located for scientific research, investigation,

testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.)

5. **Residential Uses:** Units that are for lease, rent or sale that are used as permanent living quarters. Residential uses such as “assisted-living”, senior housing, skilled nursing residential facilities, and residential hospice are included in this definition.
6. **Hotel/Motel Use:** intended for temporary residential uses from overnight up to sixty days.
7. **Civic Use:** An area of the Riverfront Triangle (Sub-District B) is designated as appropriate for large scale civic uses such as a conference/meeting center or a performing arts facility.
8. **Open/Public Space:** Any space that is used in part or whole by the general public that is devoid of buildings and other structures, except buildings, structures, and public art accessory to the public space. Such areas shall not be used as a primary vehicle access for adjacent uses or for ground surface vehicle parking. Examples within the Riverfront Triangle include areas that preserve view sheds, sidewalks and other right-of-ways; trails, passages and accesses to public amenities; areas adjacent to the riverfront, and public plazas.
9. **Parking Standards:** The standards for number of parking spaces are as listed in the Missoula Zoning Ordinance Chapter 19.78 (Off-Street Parking) or otherwise approved by the City.
10. **Street Level with Frontage:** Building uses that have direct physical and visual access to the adjacent right-of-way.
11. **Street Level without Frontage:** Building uses on the street level that have other than direct physical and visual access to the adjacent right-of-way such as arcade-style retail uses and other interior spaces.
12. **Ground Level:** Where uses may have at grade access to land other than sidewalks/streets.
13. **Building Height:** The vertical distance measured from the elevation of the sidewalk or finished grade adjacent to the building to the highest point of the building.
14. **Street Wall:** An opaque, freestanding wall built along the frontage line, often for the purpose of masking a parking lot from the street. Streetwalls shall not exceed 3’-6” in height, and be constructed of a material matching the adjacent building façade. Streetwalls may have openings no larger than necessary to allow automobile and pedestrian access.

General Development Standards:

1. Parking:
 - a. The standards for number of required parking spaces are as listed in the Missoula Zoning Ordinance (Missoula Municipal Code Chapter 19.78 (Off-Street Parking)). These standards shall be a maximum, as well as a minimum requirement. Parking requirements for Sub-District D shall only apply to permitted residential uses.
 - b. Parking areas or structures containing spaces allotted to specific buildings or uses are not required to be owned by users or building owners. If the parking spaces are not owned, users are required to submit agreements or other written documentation verifying reserved, set-aside, or shared spaces.
 - c. Parking areas and structures are a permitted use in areas without frontage on right-of-way or public spaces. Entrances, exits, and driveways to and from parking areas are permitted in areas with frontage on right-of-way.
2. Signs:

Signs must comply with Missoula Sign Ordinance (Missoula Municipal Code Chapter 19.90).
3. Architecture

- a. All principle uses shall have a primary entrance which is a clearly defined and highly visible pedestrian entrance fronting a public street or right-of-way, other than an alley.
 - b. Modulation, the stepping back or extending forward of a portion of the façade a minimum of two (2) feet shall be provided such that no uninterrupted length of façade shall exceed sixty (60) horizontal feet.
 - c. Articulation, using two or more of the following methods along the public streets and rights-of-way shall be provided to create visual variety; reduce the apparent bulk of buildings; and establish complementary patterns or rhythms along public facades.
 - i) Include the use of building elements such as pilasters, colonnades, canopies, covered and uncovered pedestrian entrances, patios, and decks.
 - ii) Change materials with the change in building planes.
 - iii) Change rooflines
 - iv) Provide landscaping such as trellises, shrubs, and planters
 - d. Facades at street level with frontage or ground level shall provide a minimum of 60% of repetitive door and window openings at street or ground level to establish a pedestrian-friendly relationship between uses inside and outside of the building. The minimum amount of door and window openings may be reduced to 15% on other levels.
4. Parking areas and structures are a permitted use in areas without frontage on right-of-way or public spaces. Entrances, exits, and driveways to and from parking areas are permitted in areas with frontage on right-of-way.
5. Riverfront and Public Access
- a. Where physically feasible, the entire area is preferred to be served by a public riverfront trail that connects to the Ron MacDonald Riverfront Trail System, the public riverfront trails and parks system east of the Riverfront Triangle Special Zoning District. Access to the riverfront public area within the Riverfront Triangle from West Front Street and, if applicable, West Broadway (in the area of Sub-District D) shall be by way of regularly spaced public accesses as well as the Riverfront Public Plaza. Spacing of such accesses should not exceed 200 feet and may be in the form of public plazas, passageways, trails, or multi-use areas with delivery or parking accesses. In the event the accesses are multi-use, they should include a clear demarcation as to the pedestrian and bicycle travel areas, and be designed in a fashion that provides a safe and attractive experience for the pedestrian user.
 - b. An ADA accessible public park is preferred in the southeast corner of Sub-District B.
 - c. If more than one structure occupies the West Front Street frontage of Subdistrict B, at least one public pedestrian access between West Front Street and the riverfront trail of at least 20 feet in width is preferred to be placed between buildings. Such access should be located at least 100 feet east of the eastern edge of the Riverfront Public Plaza and at least 50 feet west of Orange Street.
 - d. A public park or plaza is preferred at the intersection of Front and Broadway in Subdistrict C-North.
 - e. Open space in the form of a pedestrian way or small plaza area for use by the general public in Subdistrict C-South is preferred no closer than 150 feet to the western edge of the Riverfront Public Plaza and no closer than 150 feet to the western boundary of Sub-District C. Such access, pedestrian way, or public plaza should provide public access between West Front Street and the Riverfront Trail.
6. Riparian Resource: Where applicable in the Riverfront Triangle Special District, the Riparian Resource Zoning District (Missoula City Zoning Ordinance Chapter 19.51) shall be required for zoning compliance at time of building permit.
7. Street trees are required in accordance the Missoula Boulevard Ordinance (Missoula Municipal Code Chapter 12.48).

8. A method acceptable to the City to guarantee standards for improvements, appurtenances, and maintenance of all lands within the proposed zoning district that are located within dedicated public rights-of-way, parkland, or public access easements shall be initiated within one year of initial construction within this zoning district subject to review and approval of OPG, City Public Works Department, City Fire Department, and City Parks and Recreation Department.

Prohibited Uses in the Riverfront Triangle Special Zoning District:

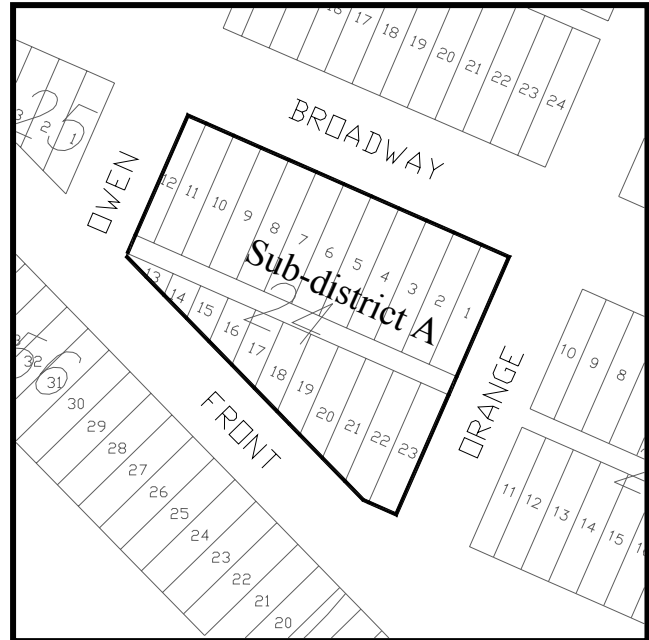
1. Adult bookstores, adult theaters, and other retail and entertainment outlets primarily purveying sexual material.
2. Automotive repair, auto body or paint shop, or sales or re-sales.
3. Welding or metal working shops.
4. Any business or trade that is noxious or offensive by reason of emission of odor, dust, smoke, gas, vibration, noise, or which imposes any extraordinary hazard to life or property.

Specific Sub-District Standards and Permitted Uses:

SUB-DISTRICT A

A. Purpose:

Sub-District A, a irregular polygon-shaped area bounded by West Broadway, Owen Street, West Front Street, and Orange Street, is intended as a series of mixed uses (retail trade, professional offices, and residential rental or condominium units) wrapped around a central parking structure. Depending on the ultimate intensity of uses within Sub-District A, the parking structure may extend both underground and above ground within the confines of the surrounding buildings which face the four streets listed above. Retail Trade and service businesses are required in portions of Sub-District A but are allowed and encouraged along the street level facing all streets. Residential uses are encouraged in upper levels along West Broadway and Orange Streets. Professional Office uses are most desired in the upper levels along Owen and West Front Streets.



B. Permitted Uses in Sub-District A:

Uses that face or have their primary entrance on:

1. West Broadway:
 - a. Street level with frontage on West Broadway
 - i. Retail and Service Business
 - ii. Professional Office
 - b. Street level without frontage on West Broadway:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Residential
 - d. Other levels:
 - i. Professional Office
 - ii. Residential
2. Owen Street:
 - a. Street level with frontage on Owen Street
 - i. Retail and Service Business
 - b. Street level without frontage on Owen Street:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Residential
 - d. Other levels:

- i. Professional Office
- ii. Residential

3. West Front Street:

- a. Street level with frontage on West Front Street
 - i. Retail and Service Business
- b. Street level without frontage on West Front Street:
 - i. Retail and Service Businesses
 - ii. Professional Office
- c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
- d. Other levels:
 - i. Professional Office
 - ii. Residential

4. Orange Street:

- a. Street level with frontage on Orange Street
 - i. Retail and Service Businesses
 - ii. Professional Office
- b. Street level without frontage on Orange Street:
 - i. Retail and Service Businesses
 - ii. Professional Office
- c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Residential
- d. Other levels:
 - i. Professional Office
 - ii. Residential

C. Setbacks / Build-To Lines:

Buildings are to be constructed on the property line except for required entryways and façade modulation. Facades shall be built parallel to the principal frontage line along a minimum of 70% of its length with a setback of 0'. In the absence of a building along the remainder of the frontage line, a street wall shall be built coplanar with the façade.

D. Building Height:

Maximum height of buildings constructed in Sub-District A is seventy-six (76) feet.

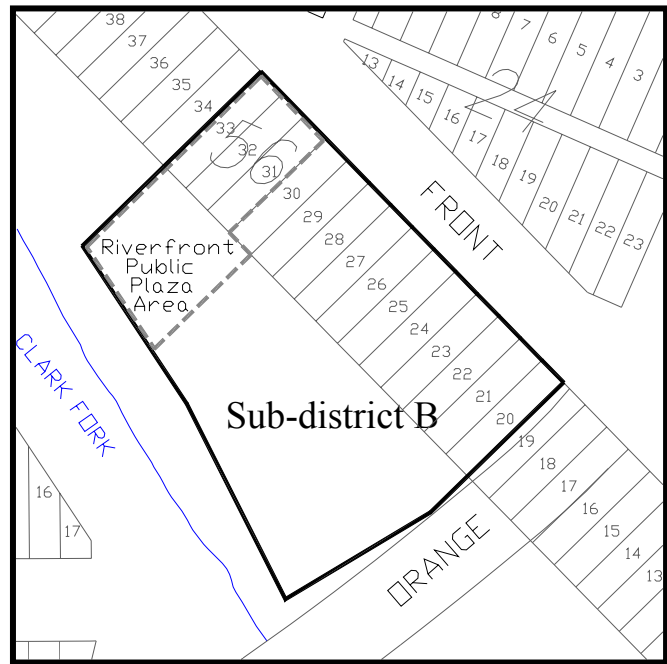
E. Supplemental Regulations:

1. Minimum sidewalk width on West Broadway is 12 (twelve) feet. Minimum sidewalk width on Orange Street is 10 (ten) feet. Minimum sidewalk width on Owen Street is 10 (ten) feet. Minimum sidewalk width on West Front Street is fifteen (15) feet.
2. No open space or public spaces are required in Sub-District A.
3. Parking areas and structures are a permitted use in areas without frontage on right-of-way or public spaces. Entrances, exits, and driveways to and from parking areas are permitted in areas with frontage on right-of-way

SUB-DISTRICT B

A. Purpose:

Sub-District B is an irregular shaped area bounded on the north by West Front Street, on the east by Orange Street, on the west by the western line of Lot 33 of Block 56 in McCormick's Addition extended to the northerly bank of the Clark Fork River (approximately 320 feet west of and parallel to the western right-of-way of Orange Street), and on the south by the northerly bank of the Clark Fork River. The Sub-District is planned as a series of mixed uses (retail and commercial office uses along with residential rental or condominium units, hotel, and allows a large scale civic use). Parking will be primarily built under the structures. Retail Trade and service businesses are required in some areas of Sub-District B and are allowed and encouraged along the street level facing all streets. Public areas include a public plaza planned adjacent to the west boundary of Sub-District B (Riverfront Public Plaza) and public land along Clark Fork River south of the Sub-District.



B. Permitted Uses in Sub-District B:

Uses that face or have their primary entrance on:

1. Orange Street:
 - a. Street level with frontage on Orange Street
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - b. Street level without frontage on Orange Street:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - d. Other levels:
 - i. Professional Office
 - ii. Hotel/motel
 - iii. Civic Uses
2. West Front Street:
 - a. Street level with frontage on West Front Street
 - i. Retail and Service Businesses
 - ii. Hotel/motel
 - iii. Civic Uses
 - b. Street level without frontage on West Front Street:
 - i. Retail and Service Businesses

- ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - d. Other levels:
 - i. Professional Office
 - ii. Hotel/motel
 - iii. Civic Uses
3. Riverfront Public Plaza Area (Includes, at minimum, the area described in Attachment B as “Sub-District B Riverfront Public Plaza Area”.):
- a. Open/Public Space (in accordance with the definition herein) including, but not limited to, public gathering areas, park uses, public recreation, open space, outdoor entertainment venues, river overlooks, bridges, pedestrian trails, and public art.
4. Clark Fork River (NOTES: 1. All uses within 100 feet of the top of the north river bank are conditional pursuant to conditions listed in Subsection 6 below. 2. Residential uses, where permitted, may only occur in the area of Sub-District B greater than 100 feet from West Front Street.)
- a. Ground level with frontage
 - i. Retail and Service Businesses
 - ii. Hotel/motel
 - iii. Civic Uses
 - b. Ground level without frontage (generally interior spaces)
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - v. Residential
 - d. Other levels:
 - i. Professional Office
 - ii. Hotel/motel
 - iii. Civic Uses
 - iv. Residential
5. West Edge along Riverfront Public Plaza Area
- a. Ground level with frontage
 - i. Within 50 feet south of the southern right-of-way line of West Front Street
 - 1. Retail and Service Businesses
 - ii. Greater than 100 feet south from of the southern right-of-way line of West Front Street (Note: All private uses proposed within 100 feet of the north bank of the Clark Fork River are conditional uses subject to the criteria listed in Subsection G below.)

1. Retail and Service Businesses
2. Hotel/motel
3. Civic Uses

- b. Ground level without frontage
- i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses

- c. Second level:
- i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Hotel/motel
 - iv. Civic Uses
 - v. Residential

- d. Other levels:
- i. Professional Office
 - ii. Hotel/motel
 - iii. Civic Uses
 - iv. Residential

C. Setbacks / Build-To Lines:

1. Along West Front Street and Orange Street buildings are to be constructed on the right-of-way property line. Street facades shall be built parallel to the principal frontage line along a minimum of 70% of its length with a setback of 0'. In the absence of a building along the remainder of the frontage line, a street wall shall be built coplanar with the façade.
2. Buildings may be built to the property line along the Riverfront Public Plaza. Where buildings are set back from the western boundary, the setback area shall be no more than 15 feet in width and must be landscaped.
3. Buildings must be set back at least 50 feet from the top of the north bank of the Clark Fork River.

D. Building Height:

1. Maximum height 76 (seventy-six) feet along West Front Street and Orange Street.
2. Maximum height of buildings constructed within 100 (one hundred) feet of the top of the Clark Fork River bank is 30 (thirty) feet. Buildings within 80 (eighty) feet of the top of the Clark Fork River's north bank shall be no higher than one story to a maximum height of 20 (twenty) feet from the top of the river bank.
3. The maximum height along West Front Street and Orange Street (excluding the area within 100 feet from top of river bank) may be increased to 105 (one hundred five) feet under the following conditions:

Condition 1: Adequate parking is provided for the additional space created that is visually shielded or otherwise has no visual impact from the riverfront trail.

Condition 2: Sightlines as indicated in Diagram A shall be maintained around or through the building from both south and north perspectives.

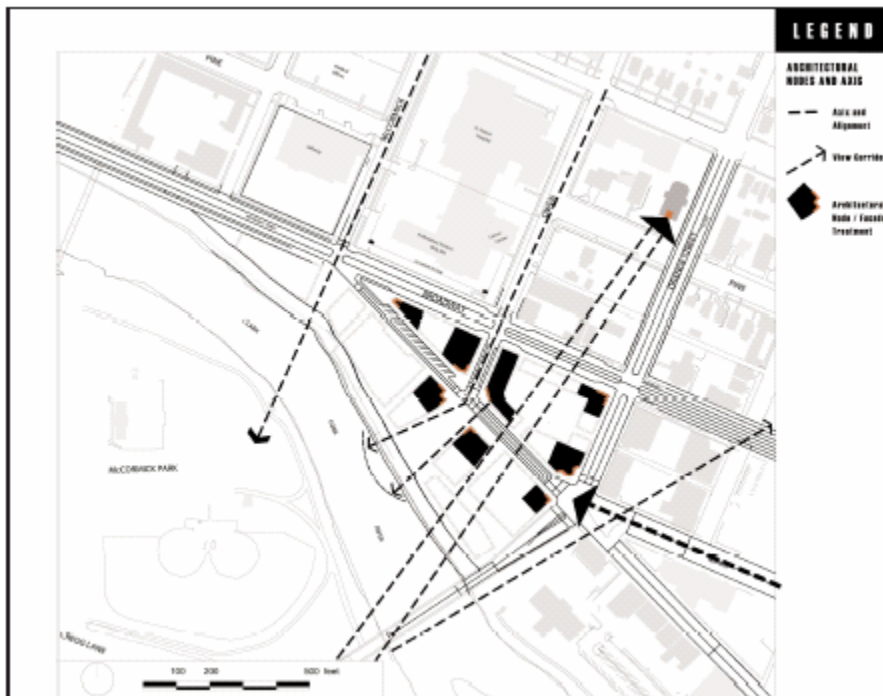


Diagram A

Condition 3: No more than one-half of the total area of Sub-District B shall be built more than 76 feet in height.

E. Supplemental Regulations:

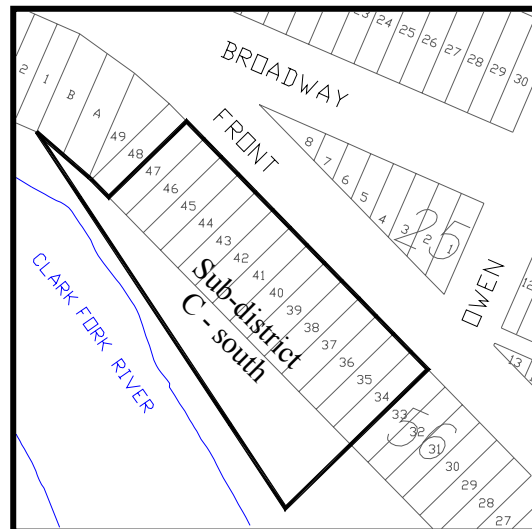
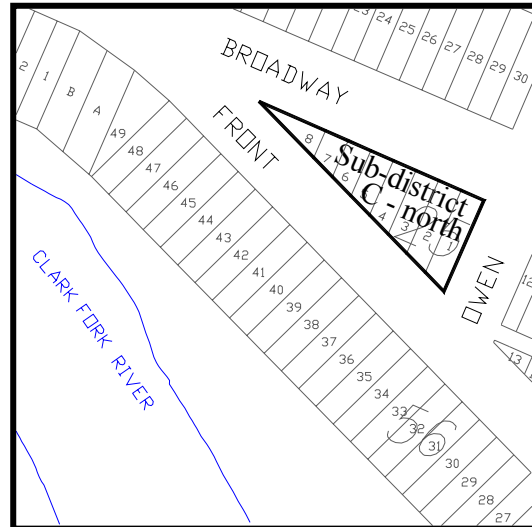
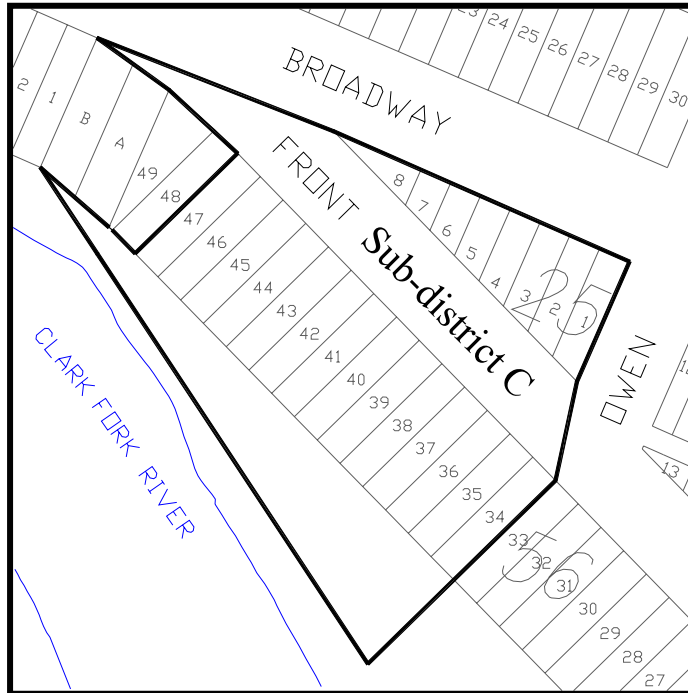
1. The minimum percent of door and window openings may be reduced in Sub-District B depending on alternative façade treatment along Orange Street and portions of West Front Street. A majority of the openings should be placed close to the primary entrances along those streets. The District shall require Design Review Board approval of any “alternative façade treatment” proposed as an exception to the standards.
2. Minimum sidewalk width on West Front Street is 15 (fifteen) feet. Minimum sidewalk width on Orange Street is 10 (ten) feet.
3. If more than one structure occupies the West Front Street frontage, at least one public pedestrian access between West Front Street and the riverfront trail of at least 20 feet in width shall be placed between buildings. Such access should be located at least 100 feet east of the eastern edge of the Riverfront Public Plaza and at least 50 feet west of Orange Street.
4. Where feasible, loading, delivery, etc. will be made at the rear (south side) of buildings that face West Front Street. Adequate access from West Front Street to the rear of the buildings and appropriate area given the use of the building for loading and delivery at the rear of the buildings shall be provided in such cases. Primary access to the rear of the buildings and parking shall not be from Orange Street or public riverfront areas. Design for any loading and delivery area located along West Front Street must be visually shielded from public view and receive specific written approval by City Public Works Department.
5. Parking areas and structures are a permitted use in areas without frontage on right-of-way or public spaces. Entrances, exits, and driveways to and from parking areas are permitted in areas with frontage on right-of-way.

F. Conditional Standards for Uses Within 100 Feet of the Top of the Clark Fork River North Bank:

- Condition 1: If surface parking is provided, it shall be visually shielded with a streetwall landscaped with one (1) tree and (5) shrubs per 25 linear feet of streetwall, or otherwise has no visual impact from the riverfront trail.

Condition 2: Non residential ground floor uses shall be quasi-public in nature such as restaurants, cafes, coffee shops, taverns, or other such businesses.

SUB-DISTRICT C



A. Purpose:

Sub-District C includes land area on both the north and south sides of West Front Street. The area north of West Front Street is a triangular tract bounded by West Broadway on the north, Owen Street on the east, and West Front Street on the south. The southern tract is bounded on the north by West Front Street, on the west by the western line of Lot 47 of Block 56 in McCormick's Addition extended southward to the northern bank of the Clark Fork River, on the south by the north bank of the Clark Fork River, and on the east by the western boundary of a public plaza created by the eastern line of Lot 34 of Block 56 in McCormick's Addition extended southward to the northern bank of the Clark Fork River.

Sub-District C is intended for a mix of retail, professional office uses, and residential uses. The uses will primarily use parking that is built under structures constructed on the Sub-District. Although retail uses are required only in some areas, such uses are desired along all street level space along Owen and West Front Street.

B. Permitted Uses in Sub-District C - North:

Uses that face or have their primary entrance on:

1. West Broadway:

- a. Street level with frontage on West Broadway
 - i. Within 100 feet of the west right-of-way line of Owen Street
 1. Retail and Service Businesses
 - ii. Greater than 100 feet from the west right-of-way line of Owen Street
 1. Retail and Service Businesses
 2. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 3. Professional Office
- b. Street level without frontage on West Broadway (interior spaces):
 - i. Retail and Service Businesses
 - ii. Medical Laboratory, Out-Patient Surgical Center, Research Uses

- iii. Professional Office
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - iii. Professional Office
 - d. Other levels:
 - i. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - ii. Professional Office
- 2. Owen Street:
 - a. Street level with frontage on Owen Street
 - i. Retail and Service Business
 - b. Street level without frontage on Owen Street:
 - i. Retail and Service Businesses
 - ii. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - iii. Professional Office
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - iii. Professional Office
 - d. Other levels:
 - i. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - ii. Professional Office
- 3. West Front Street:
 - a. Street level with frontage on West Front Street
 - i. Within 100 feet of the west right-of-way line of Owen Street
 - 1. Retail and Service Businesses
 - ii. Greater than 100 feet from the west right-of-way line of West Front Street
 - 1. Retail and Service Businesses
 - 2. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - 3. Professional Office
 - b. Street level without frontage on West Front Street:
 - i. Retail and Service Businesses
 - ii. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - iii. Professional Office
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Medical Laboratory, Out-Patient Surgical Center, Research Uses
 - iii. Professional Office
 - d. Other levels:
 - i. Medical Laboratory, Out-Patient Surgical Center, Research Use
 - ii. Professional Office

C. Permitted Uses in Sub-District C – South:

- 1. West Front Street:
 - a. Street level with frontage on West Front Street
 - i. Within 100 feet east of the west right-of-way line of Owen Street

1. Retail and Service Businesses
 - ii. Greater than 100 feet east from the west right-of-way line of Owen Street
 1. Retail and Service Businesses
 2. Professional Office
 3. Residential
 - b. Street level without frontage on West Front Street:
 - i. Residential
 - ii. Professional Office
 - c. Second level:
 - i. Residential
 - d. Other levels:
 - i. Residential
2. East Boundary (along Riverfront Public Plaza)
 - a. Ground level with frontage:
 - i. Within 50 feet south of the southern right-of-way line of West Front Street
 1. Retail and Service Businesses
 - ii. Greater than 50 feet south from the southern right-of-way line of West Front Street (Note: All private uses proposed within 100 feet of the north bank of the Clark Fork River are conditional uses subject to the criteria listed in Subsection H below.)
 1. Retail and Service Businesses pursuant to conditions listed below if within 100 feet of north bank of Clark Fork River
 - b. Ground level without frontage
 - i. Residential
 - c. Second level:
 - i. Residential
 - d. Other levels:
 - i. Residential
2. Clark Fork River (All uses within 100 feet of the top of the north river bank are conditional pursuant to conditions listed below in subsection H.)
 - a. Ground level with frontage
 - i. Retail and Service Businesses (only within 100 feet of eastern boundary of Sub-District C)
 - ii. Residential
 - b. Ground level without frontage (generally interior spaces)
 - i. Residential
 - c. Second level:
 - i. Residential
 - d. Other levels:
 - i. Residential

D. Build-To Lines/Setbacks:

In the North Tract of Sub-District C, buildings along West Front Street, Owen, West Broadway, and the west boundary line of the southern tract are to be constructed on the property lines. In the South Tract of Sub-District C buildings along West Front Street shall be located on that property line. Street facades shall be built

parallel to the principal frontage line along a minimum of 70% of its length with a setback of 0'. In the absence of a building along the remainder of the frontage line, a street wall shall be built coplanar with the façade.

No building shall be constructed within 50 (fifty) feet from the top of the Clark Fork River's north bank.

E. Building Height:

1. Maximum height of buildings constructed on the northern tract is 105 (one-hundred five) feet.
2. Maximum height of buildings constructed on the southern tract is 52 (fifty-two) feet along West Front Street.
3. Maximum height of buildings or portions of buildings constructed within 100 feet of the north bank of the Clark Fork River is 48 (forty-eight) feet. Buildings within 80 (eighty) feet of the top of the Clark Fork River's north bank shall be no higher than one story to a maximum height of 20 (twenty) feet from the top of the river bank.

F. Supplemental Regulations:

1. Minimum sidewalk width on West Broadway is 12 (twelve) feet. Minimum sidewalk width on Owen Street is 10 (ten) feet. Minimum sidewalk width on West Front Street is 15 (fifteen) feet.
2. Open space in the form of a pedestrian way or small plaza area for use by the general public is required within the southern tract no closer than 150 feet to the western edge of the Riverfront Public Plaza and no closer than 150 feet to the western boundary of Sub-District C. Such access, pedestrian way, or public plaza shall provide public access between West Front Street and the Riverfront Trail.
3. Regular loading, delivery, etc. is not permitted directly off of the riverfront trail or public plaza.
4. Parking areas and structures are a permitted use in areas without frontage on right-of-way or public spaces. Entrances, exits, and driveways to and from parking areas are permitted in areas with frontage on right-of-way

G. Conditional Standards for Uses Within 100 Feet of the Top of the Clark Fork River North Bank:

- Condition 1: If surface parking is provided, it shall be visually shielded with a streetwall landscaped with one (1) tree and (5) shrubs per 25 linear feet of streetwall, or otherwise has no visual impact from the riverfront trail. Primary access for delivery of goods and utility services shall not be from the adjacent public areas.
- Condition 2: Nonresidential ground floor uses shall be quasi-public in nature such as restaurants, cafes, coffee shops, taverns, or other such businesses.

SUB-DISTRICT D

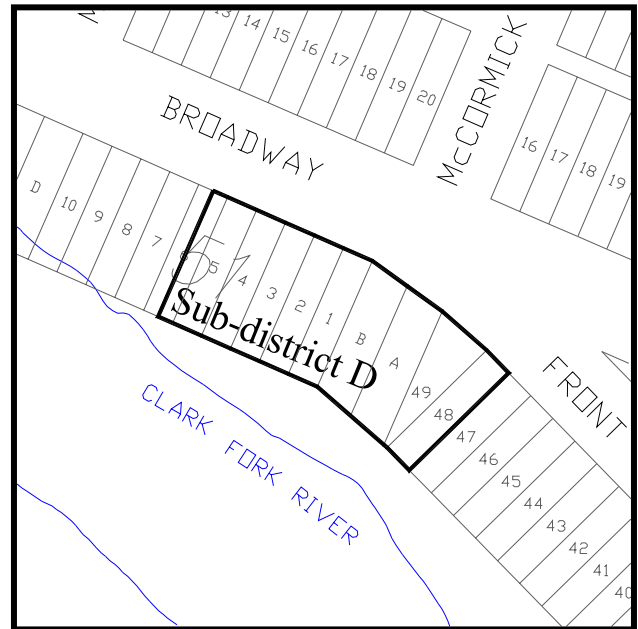
A. Purpose:

Sub-District D is bounded on the north by West Front Street and West Broadway, on the south by the Clark Fork River, on the east by the east line of Lot 48 in Block 56 of McCormick's Addition, and on the west by the east edge of the line at ½ of Lot 6 in Block 51 of McCormick's Addition. Parking will primarily be constructed under buildings on the Sub-District. Retail uses are desired along the street level of West Broadway and West Front Street.

B. Permitted Uses in Sub-District D:

Uses that face or have their primary entrance on:

1. West Broadway and West Front Street or from a primary entrance from a plaza or open area within the Sub-District:
 - a. Street level with frontage on West Broadway or West Front Street
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Residential
 - b. Street level without frontage on West Broadway or West Front Street:
 - i. Residential
 - ii. Professional Office
 - iii. Retail and Service Businesses
 - c. Second level:
 - i. Retail and Service Businesses
 - ii. Professional Office
 - iii. Residential
 - e. Other levels:
 1. Professional Office
 2. Residential
2. Clark Fork River
 - a. Ground level with frontage
 - i. Retail and Service Businesses
 - ii. Residential
 - b. Ground level without frontage
 - i. Retail and Service Businesses
 - ii. Residential
 - c. Second level:
 - i. Professional Office
 - ii. Residential
 - d. Other levels:
 - i. Professional Office
 - ii. Residential



C. Build-To Lines/Setbacks/Open Space Requirements:

Buildings are to be constructed on the north property line (West Broadway and West Front Street) and west property line. Street facades shall be built parallel to the principal frontage line along a minimum of 70% of its length with a setback of 0'. In the absence of a building along the remainder of the frontage line, a street wall shall be built coplanar with the façade.

No building shall be constructed within 20 (twenty) feet of the north bank of the Clark Fork River.

D. Building Height:

1. Maximum height of buildings constructed along West Front Street and West Broadway is 52 (fifty-two) feet.
2. Maximum height of buildings constructed on Sub-District D is 48 (forty-eight) feet. Buildings within 50 (fifty) feet of the top of the Clark Fork River's north bank shall be no higher than two stories to a maximum height of 30 (thirty) feet from the top of the river bank.

E. Supplemental Regulations:

1. Minimum sidewalk width on West Broadway is 10 (ten) feet. Minimum sidewalk width on West Front Street is 15 (fifteen) feet.
2. Open space is preferred as:
 - a. Public access from the riverfront to West Broadway and West Front Street.
 - b. Public plazas and pedestrian accesses to the riverfront from West Broadway and West Front Street may serve as access to parking, loading, and delivery accesses; and as utility corridors.
3. Regular loading, delivery, services such as trash removal, etc. are not permitted directly off of the riverfront trail.
4. Parking areas and structures are a permitted use in areas without frontage on right-of-way or public spaces. Entrances, exits, and driveways to and from parking areas are permitted in areas with frontage on right-of-way.
5. The standards for the number of required parking spaces for Sub-District D as listed in the Missoula Zoning Ordinance (Missoula Municipal Code Chapter 19.78 (Off-Street Parking) shall only apply to permitted residential uses in Sub-District D.