

ORDINANCE NUMBER 3592

AN ORDINANCE TO AMEND THE STANDARDS OF THE CANYON EAST SPECIAL ZONING DISTRICT, AS SHOWN IN EXHIBIT 2, IN ORDER TO ACCOMMODATE MULTI-DWELLING USES AND STANDARDS IN SUB-DISTRICT #4 LOCATED AT THE INTERSECTIONS OF WHEELER DR., STOREHOUSE WAY, AND DEVERAUX PL. AND LEGALLY DESCRIBED IN EXHIBIT 1, BASED ON THE FINDINGS OF FACT AND SUBJECT TO THE CONDITION OF APPROVAL

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

THAT THE ABOVE DESCRIBED PROPERTY IS HEREBY AMENDED PER EXHIBIT 2, AMENDED CANYON EAST SPECIAL ZONING DISTRICT STANDARDS

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 vote of:

First reading and preliminary adoption: First reading and preliminary adoption: 10 ayes, Julie Armstrong, Emily Bentley, Michelle Cares, John DiBari, Annelise Hedahl, Gwen Jones, Marilyn Marler, Ruth Ann Swaney, Bryan von Lossberg, Jon Wilkins; 0 nays; 0 abstain; 2 absent, Jordan Hess, Heidi West

Second and final reading: 9 ayes, Julie Armstrong, Michelle Cares, Annelise Hedahl, Jordan Hess, Gwen Jones, Marilyn Marler, Ruth Ann Swaney, Bryan von Lossberg, Heidi West; 1 nay, Jon Wilkins; 0 abstain; 2 absent, Emily Bentley, John DiBari

APPROVED by the Mayor this 22nd day of May, 2017.

ATTEST:

APPROVED:

/s/ Martha Rehbein
Martha Rehbein
City Clerk

/s/ John Engen
John Engen
Mayor

(SEAL)

EXHIBIT 1

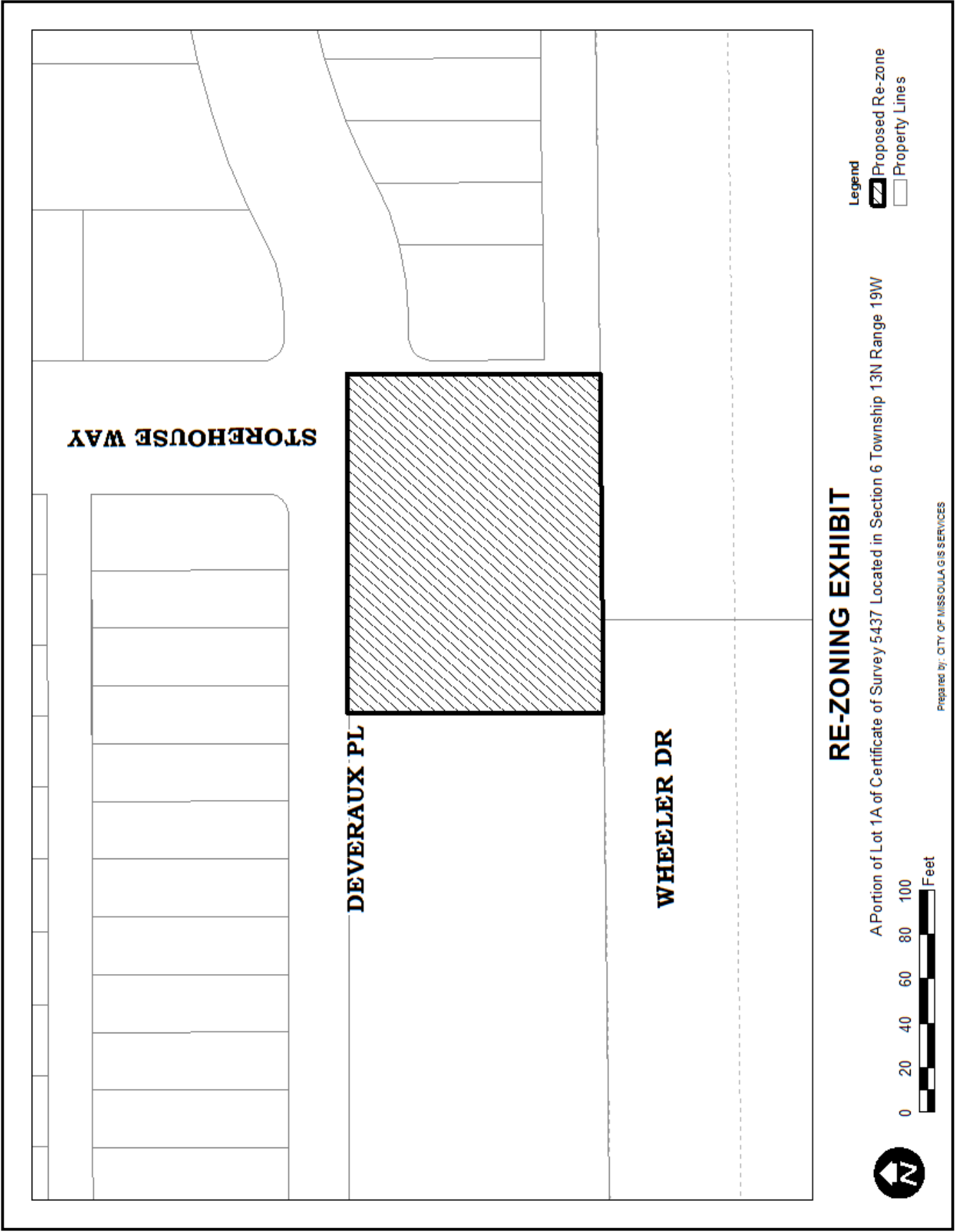


EXHIBIT 2

AMENDED CANYON EAST SPECIAL ZONING DISTRICT

A. INTENT

The intent of this district is to allow for residential uses and live/work units in a traditional neighborhood design. This special zoning district seeks to interconnect with the development to the west and create an integrated traditional neighborhood. This district provides performance standards for traditional neighborhood design within the Primary Urban Growth Area. The development of the site shall be consistent with the development plan approved by the governing body.

B. GENERAL STANDARDS

1. Bicycle Parking Facilities:

- A. Bicycle parking facilities shall be provided for all Live/Work Units according to the following: The individual owner shall provide, install and maintain Class II facilities for customers at a minimum rate of two (2) bicycle spaces per business (Class II bicycle parking facilities are defined as stationary racks to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock.)
- B. Bicycle parking facilities shall be provided for all multi-dwelling buildings according to the following:
 - 1. Two (2) short term bicycle parking spaces must be provided per five (5) dwelling units.
 - 2. One (1) long term bicycle parking spaces must be provided per dwelling unit.
- C. Bicycle parking facilities shall be clearly designated, safe, and convenient locations and shall not impede pedestrian access. The bicycle parking facilities shall be no more than twenty feet (20') from an entrance to the building for which the bicycle parking spaces are intended.

2. Lighting Standards

The following lighting standards shall apply to each business establishment and multi-family building within the Canyon East Special Zoning District:

- A. Exterior lighting shall be limited to external lighting of signs and safety and security lighting only. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the property.
- B. Lighting fixtures shall be a maximum of 20' in height to accomplish the specific objective and shall be directed downward and away from adjoining properties and public rights-of-way.
- C. No lighting shall blink, flash, or be of unusually high intensity in order to avoid excessive lighting.
- D. The owner shall provide a lighting plan at the time of zoning compliance or building permit.

3. Landscaping

A. Boulevard Landscaping

- 1. The boulevard(s), less the pedestrian walkway(s), shall be landscaped with 100% living material, consisting of grass and two inch (2") caliper (at time of planting) boulevard deciduous street trees selected from the city's approved tree list and agreed upon by the City Forester, spaced as directed in the approved street tree list, unless modified by the City Forester.

2. All vegetation shall be kept alive and maintained. If the vegetation dies, it shall be replaced within one (1) year.

4. Additional Standards

- A. Except as provided in this chapter, all applicable portions of the City of Missoula Zoning Ordinance shall apply.
- B. Every structure, except for multi-family structures that do not adjoin a street, shall have its main entry facing a street frontage or park, if the lot fronts on a park. The entry must be visible from this street or park.

C. PARKS AND OPEN SPACE

1. Dedicated parks, trails and landscaped boulevards within the public right-of-way shall be maintained by a perpetual RSID or SID or by a homeowner’s association.
2. Structures shall be limited to accessory buildings for the parks and open spaces.

D. SUBDISTRICT NO. 1

Subdistrict No. 1 shall include lots for Single-Family Homes as designated on the attached Lot Layout plan. (See definitions, page 12 of the Zoning document.)

1. Space and Bulk Requirements:

Minimum Lot Area		2,880 square feet
Minimum Lot Width		Thirty-two (32')
Minimum Required Yard	Front	There shall be a front yard measured from the wall of the building closest to the front property line having a depth of not less than seven feet (7') and not more than twelve feet (12'). Open porches, decks or their stairs shall be setback a minimum of four feet (4') from the property line.
	Side	Not less than three feet (3')
	Rear	There shall be a rear yard having a depth of not less than three feet (3') for primary and accessory structures
Maximum Building Height		Thirty-six feet (36')

2. Permitted Uses

- A. Single-Family Dwellings
- B. Accessory Buildings
- C. Accessory Dwelling Units (ADU’s), as defined in the adopted zoning, will only be allowed upon complete build out of Canyon East, with written approval of the Homeowners’ Association and with written permission from the governing body acknowledging sewer capacity for said Accessory Dwelling Units.
- D. Child Day Care Home

- E. Community Residential Facility for nine (9) or fewer persons
- F. Home Occupations

3. Architectural Building Design Standards

- A. Finished Floor Elevation: The ground floor elevation (first finished floor above grade) shall be a minimum of twenty-six inches (26”) above the gutter line grade of the street fronting the lot, unless the site plan and building plans are specifically designed for handicapped accessibility or elderly housing.
- B. Maximum Building Coverage: The maximum building coverage (exclusive of decks, porches and patios) of a lot or parcel shall not exceed sixty percent (60%).
- C. Single-family dwellings shall have a roof pitch from 5:12 to 14:12 (rise over run) for the major roof mass of the dwelling. Shed roofs, porches, and bay windows may have roof pitches no flatter than 3.5:12, unless the roof is also an upper balcony.
- D. Every single-family detached dwelling shall have a main entry porch that is visible from the primary street frontage or park. The porch shall be at least seven feet (7’) deep, open on at least fifty percent (50%) of its perimeter, and shall be at least sixty square feet (60 sf) in floor area.

4. Off-Street Parking

- A. All Single-Family Homes shall provide a minimum of two (2) off-street parking spaces that shall be accessed from the alley, except required parking for Lot 4A, which may be accessed from the street.

5. Trees shall be provided on site at the minimum ratio of one (1) tree per lot.

E. SUBDISTRICT NO. 2

Subdistrict No. 2 shall include lots for Bungalow Homes as designated on the attached Lot Layout plan. (See definitions, page 12 of the Zoning document.)

1. Space and Bulk Requirements

Minimum Lot Area		2,200 square feet
Minimum Lot Width		None
Minimum Required Yard	Front	There shall be a front yard having a depth of not less than seven feet (7’). Open porches, or decks may project into the front yard up to a maximum of four feet (4’). Deck or porch stairs shall be no closer than three feet (3’) to the property line
	Side	None
	Rear	Three feet (3’) for primary and accessory structures

Maximum Building Height

Thirty feet (30') or two (2) stories

2. Permitted Uses

A. Any use permitted in Subdistrict No. 1, except Accessory Dwelling Units.

3. Architectural Building Design Standards

A. Finished Floor Elevation: The ground floor elevation (first finished floor above grade) shall be a minimum of twenty-six inches (26") above the gutter line grade of the street fronting the lot, unless the site plan and building plans are specifically designed for handicapped accessibility or elderly housing.

B. Maximum Building Coverage: None

C. Bungalow homes shall have a roof pitch from 5:12 to 14:12 (rise over run) for the major roof mass of the dwelling. Shed roofs, porches, and bay windows may have roof pitches no flatter than 3.5:12, unless the roof is also an upper balcony.

4. Off-Street Parking

A. All Bungalow Homes shall provide a minimum of two (2) off-street parking spaces located on-site that shall be accessed from the alley.

5. Landscaping Generally

A. In addition to the boulevard trees, trees shall be provided on site at the minimum ratio of one (1) tree for four (4) living units, although no fewer than two (2) on-site trees per building shall be provided not including boulevard trees. Trees shall be planted on each lot at the minimum ratio of one (1) tree per lot.

F. SUBDISTRICT NO. 3

Subdistrict No. 3 shall include Town Home lots as designated on the attached Lot Layout plan. (See definitions, page 12 of the Zoning document.)

1. Space and Bulk Requirements

Minimum Residential Density	Thirty-one (31) Dwelling Units
-----------------------------	--------------------------------

Minimum Lot Width	Eighteen feet (18')
-------------------	---------------------

Minimum Required Yard	Front	Seven feet (7)
	Side	None
	Rear	Three feet (3') for primary and accessory structures

Maximum Building Height	Thirty feet (30')
-------------------------	-------------------

Maximum number of dwelling units per building	Three (3)
---	-----------

2. Permitted Uses

A. Any use permitted in Subdistrict No. 2, except Accessory Dwelling Units.

- B. Condominiums.
- C. Town homes

3. Architectural Building Design Standards

- A. Finished Floor Elevation: The ground floor elevation (first finished floor above grade) shall be a minimum of twenty-six inches (26”) above the gutter line grade of the street fronting the lot, unless the site plan and building plans are specifically designed for handicapped accessibility or elderly housing.
- B. Maximum Building Coverage: None

4. Off-Street Parking

- A. All town home residential uses shall provide a minimum of two (2) off street parking spaces.

G. SUBDISTRICT NO. 4

Subdistrict No. 4 shall include lots for Live/Work Units or Multi-Dwelling Buildings as designated on the attached Lot Layout plan.

1. Space and Bulk Requirements

Minimum Lot Area		2,500 Square Feet
Minimum Lot Width		Thirty-two feet (32')
Minimum Required Yard	Front	Seven feet (7') – Deveraux Place & Storehouse Way
	Front	Three feet (3') – Wheeler Drive
	Side	None
	Rear	N/A
Maximum Building Height		Forty-three feet (43')

2. Permitted Uses

- A. Live/work units that contain, in conjunction with a residential dwelling or dwellings within the same structure, any of the following commercial uses on the main floor of a building or second floor of a building higher than two (2) stories:
 - 1. Retail Trade and Service
 - 2. Personal Service
 - 3. Professional or Business Office
 - 4. Eating Establishments, except Drive-in Establishments
- B. Town home structures without a commercial component as described in Subdistrict No. 3.
- C. Multi-dwelling building not to exceed nine (9) dwelling units within the subdistrict.

3. Architectural Building Design Standards Live/Work Units

- A. Finished floor elevation shall be on grade with the sidewalk.
- B. Maximum Building Coverage: None
- C. Landscaping: There is no landscaping requirement except that the portion of the lot that is not used for the structure, sidewalks or parking shall be landscaped with living vegetation

and ground cover. Sidewalks may be widened in front of Live/Work Units up to the building setback provided boulevard trees are provided in tree wells in the sidewalk.

- D. Signage: The only signs permitted shall be wall signs no larger than twelve (12) square feet, mounted on a single frontage on the building between seven feet (7') and ten feet (10') above the elevation of the ground floor of the building.

4. Architectural Building Design Standards Multi-dwelling Building

- A. Pedestrian access must be provided via 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 area.

- B. Landscaping

- 1. The portion of the lot that is not used for the structure, sidewalks or parking shall be landscaped with living vegetation and ground cover.
- 2. Multifamily buildings and parking lots must be screened from Town Home lots with a six (6) foot, 75% opaque or greater, wall or fence in accordance with Title 12, Chapter 12.31 of the Missoula Municipal Code.

- C. Building Design

- 1. 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.
- 2. Ground Floor Building entrances must be in the form of a porch, deck, or covered entry.

- D. 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.

- E. 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.

- F. Other Design Features

- 1. In addition, multi-dwelling buildings must incorporate at least three of the following five 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 six (6) feet in depth and at least six (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:
 - i. a primary roof with a minimum 4/12 pitch gable end facing the public street or (non-alley) right-of-way;
 - ii. a porch roof with a minimum 4/12 pitch facing the public street or (non-alley) right-of-way; and/or
 - iii. 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.
 - i. 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.
 - ii. 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.
 - iii. 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
- G. Porches and balconies that are open on at least 3 sides are permitted to encroach no more than five (5) feet into the front yard setback on Storehouse Way and Deveraux Place. No encroachments are permitted on Wheeler Drive.

5. Off-Street Parking

- A. All Live/Work Units shall provide a minimum of fifty percent (50%) of required off-street parking spaces based on the Missoula City Zoning Ordinance for each use. This parking shall not be placed in front of the buildings.
- B. All Multi-dwelling buildings shall provide one (1) off-street parking space per dwelling unit under 850 square feet and two (2) off-street parking spaces per dwelling unit that is 850 square feet or greater. Outdoor (surface) parking areas may not encroach into the front yard setbacks and can only front on one street. In addition, the parking areas facing the street shall be screened from the adjacent right-of-way with any combination of berms, planting, walls, or fences that results in a continuous screen at the height of 36 inches above the parking lot grade.

H. DEFINITIONS

1. Accessory Dwelling Unit (ADU)

- A. Accessory dwelling units are intended to increase the community's supply of affordable housing in areas already served by public infrastructure, without dramatically changing the character and stability of existing residential neighborhoods.
- B. An ADU shall only be approved on a parcel that contains one (1) single residential dwelling unit, and no more than one (1) ADU per parcel shall be permitted.
- C. An ADU may be created in one of the following ways:
 - 1. Within or added to the primary dwelling unit, or
 - 2. Within or added to a garage.
- D. The owner of the property on which the ADU is located shall maintain legal residency in either the primary dwelling unit or the ADU. For the purposes of this section, the property owner may be either the deed holder or a contract purchaser. A new Zoning Compliance Permit must be obtained for the ADU whenever the property changes ownership. Should the property owner cease to reside in either the ADU or the primary residence, the Zoning Compliance Permit for the ADU shall be revoked.

- E. No additional land area is required beyond the minimum lot size specified in the zoning district in which the ADU is located; however, the property on which the ADU is located shall not be subdivided so as to separate the ADU from the primary residence.
- F. Accessory Dwelling Units (ADU's), as defined in the adopted zoning, will only be allowed upon complete build out of Canyon East, with written approval of the Homeowners' Association and with written permission from the governing body acknowledging sewer capacity for said ADU.
- G. An ADU shall be permitted only when both it and the primary dwelling unit are connected to the city sewer.
- H. The maximum building coverage of a lot or parcel containing an ADU shall not exceed sixty percent (60%). Included in the building coverage are carports, and all enclosed buildings. Not included in the building coverage are porches, patios, exterior stairs, decks, balconies or walkways.
- I. The ADU shall have one (1) paved off-street parking space provided, in addition to the required off-street parking for the primary dwelling unit. Access to the parking for the ADU shall be from the rear of the lot.
- J. Any new construction or remodeling of an ADU shall be compatible with the primary dwelling unit by using the same siding material and color, roof pitch, door and window style and placement. Where a separate entrance for an ADU is incorporated into the primary dwelling unit, it shall be located on the side or rear of the primary structure.
- K. An ADU shall provide separate bathroom and kitchen facilities, separate living space independent from the primary dwelling unit and have no more than one bedroom.
- L. The maximum size of an ADU is six hundred (600) square feet; and, the minimum size of an ADU is two hundred and twenty (220) square feet. Further, an ADU shall not exceed one-half (1/2) the living space of the primary dwelling unit.
- M. New construction of ADU's shall be approved by the Building Inspector and the Fire Department to meet the requirements of the Uniform Building Code and Uniform Fire Code. An application for an ADU within an existing structure shall be accompanied by a letter from a qualified real estate professional, including, but not limited to, licensed real estate agents, appraisers, engineers, architects, or certified property inspectors, certifying that the ADU meets the requirements set out in 24CFR Section 982.401 Housing Quality Standards (HQS).

2. Building Coverage

- A. The measurement of percentage building coverage on a lot includes all enclosed buildings, including carports. Not included in building coverage are porches, patios, exterior stairs, decks, balconies or walkways.

3. Building Types

- A. **“Single-Family Detached Homes.”** These homes are located throughout Canyon East. The homes face the streets and have alley auto access. (Designated as “A” lots on the plat.)
- B. **“Bungalow Homes.”** These homes are located in two areas of Canyon East. The homes are detached and feature bungalow designs reminiscent of the “Craft Homes” of a bygone era. They feature rear access garages. (Designated as “B” lots on the plat.)

- C. **“Live/Work Units.”** This style of mixed-use, attached or detached structure provides for a residence above the first floor and a business on the first or second floor. They are intended to serve both the residential neighborhood and the employees of the mini warehouse site north of Canyon East. They also provide a buffer between the non-residential uses and the residences of Canyon East. “Live/Work Units” face into the street to encourage the integration, rather than the separation, of the residential and non-residential areas. They are in easy walking and biking distance for residents and employees. It is hoped that the cost savings of incorporating a residence with a small commercial venture will make the commercial venture more viable and they will be introduced more quickly into the neighborhood. (Designated as “G” lots on the plat.)
- D. **“Multi-dwelling Building.”** A residential building containing three or more dwelling unit (other than a 3+ townhouse multi-dwelling building) that share common walls and/or common floors/ceiling. Multi-dwelling buildings are typically served by one or more private or common building entrances.
- E. **“Town Home.”** These, attached dwellings are located along the southerly portion of Canyon East. The lots may be used for a variety of uses ranging from single-family detached dwellings such as bungalow or patio homes to single-family attached homes such as town homes or condominiums. (Designated as “H” lots on the plat.)