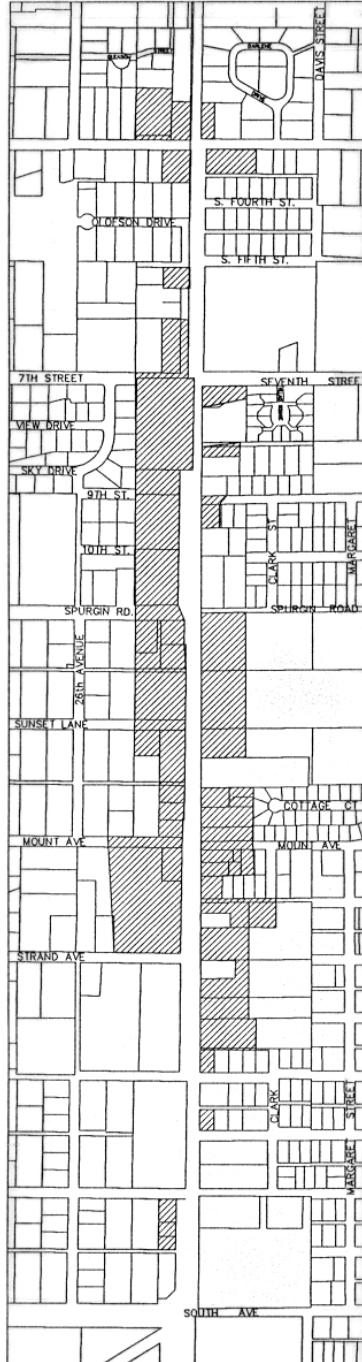


City Special District #2

Ordinance #2924

Reserve Street Planning Area



January 19, 1995

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OVERVIEW OF CITY SPECIAL DISTRICT #2

In 1982, Missoula County created a county zoning district called Special District #2 (S.D. #2) for designated land adjacent to South Reserve Street between South Avenue West and South Third Street West.

In February 1994, the City of Missoula annexed certain lands within the County Special District #2. These lands generally lay along Reserve Street between Third Street West and South Avenue West. These lands were initially zoned Interim City S.D. #2 which was adapted from the County S.D. #2 Regulations, and which incorporated Reserve Street Planning and Zoning Citizen Committee comments as well as input from the OPG staff. The proposed "permanent" City S.D. #2 zoning district represents a subsequent adaptation of the Interim City S.D. #2 zone.

The City S.D. #2 zoning district is similar to other city zoning districts in that certain land uses have classifications such as Permitted Uses, Conditional Uses and Special Uses. All land uses are required to conform to the various general zoning standards such as setbacks, building height, off-street parking, on-site landscaping, boulevard landscaping, off-street parking buffering, signage, etc. and, depending upon the classification, may require additional review by the Office of Planning & Grants or a public board.

The City S.D. #2 district is different from traditional city zoning districts in that it is a "performance" based system where, built into the system, is the ability to achieve varying levels of performance with regard to "relative" zoning standards and, in all cases, fixed levels of performance with regard to "absolute" standards. In contrast, traditional zoning districts are based on a non-performance based system where there is a single, fixed level of performance. According to the City S.D. #2 performance based system, the basis for issuing a Zoning Compliance Permit is through the attainment of all "absolute" zoning standards and through the attainment of a certain number of points with regard to the "relative" standards. For example, a Permitted Use would require conformance with all absolute standards only, whereas Conditional Uses and Special Uses require conformance with all absolute standards and the attainment of a certain number of points with regard to relative standards. Furthermore, the Special Use would require achieving a higher degree of the "relative" standards or more points than a Conditional Use to ultimately receive a Zoning Compliance Permit in the City S.D. #2 district.

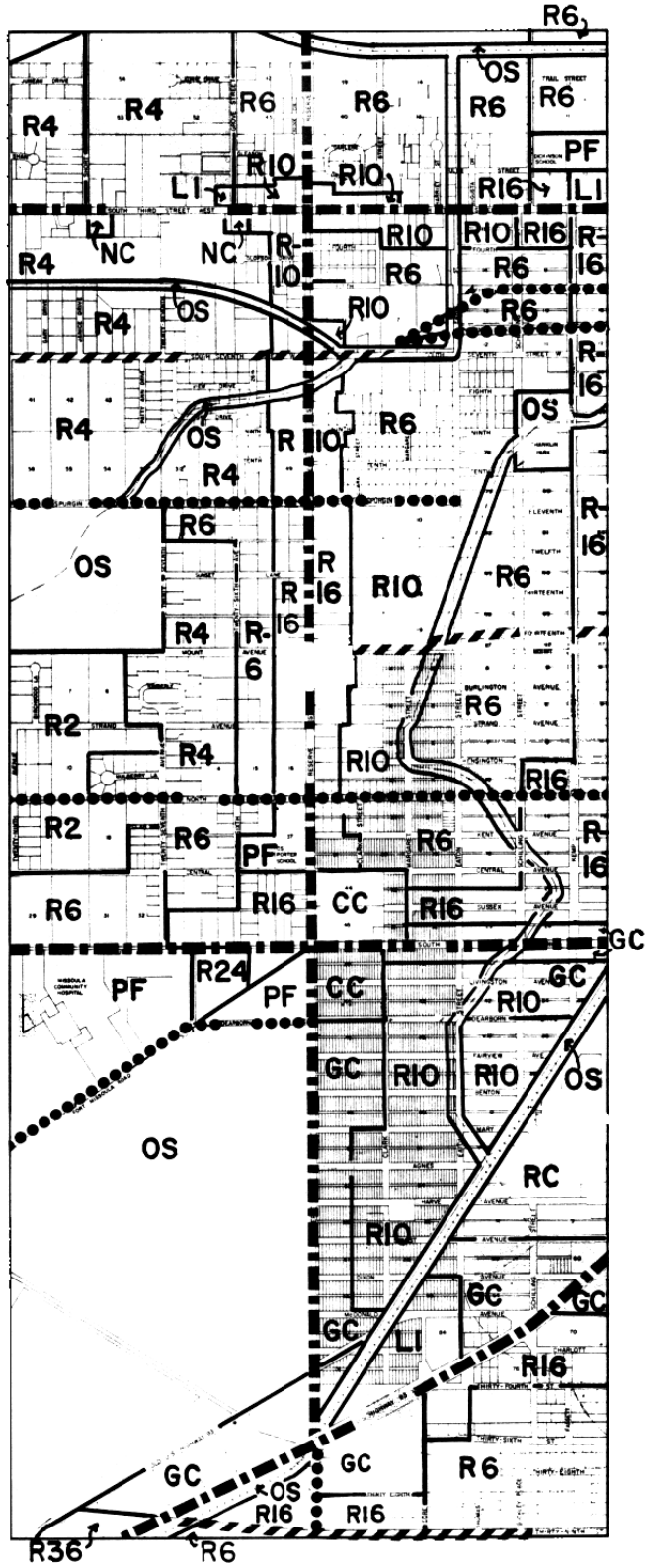
This City S.D. #2 district promotes a wide range of land uses including residential, office and commercial. The Permit System and the Special District Standards allow for flexibility so that a developer may comply with a variety of standards in order to:

- a. satisfy both the function of the proposed development and the public's interest;
- b. provide for safe and convenient vehicular and pedestrian travel ways;
- c. abate noise generated by vehicular traffic; and,
- d. minimize conflicts between commercial and residential uses by applying standards which address building setback, building design, landscaping, off-street parking, buffering, lighting and signage.

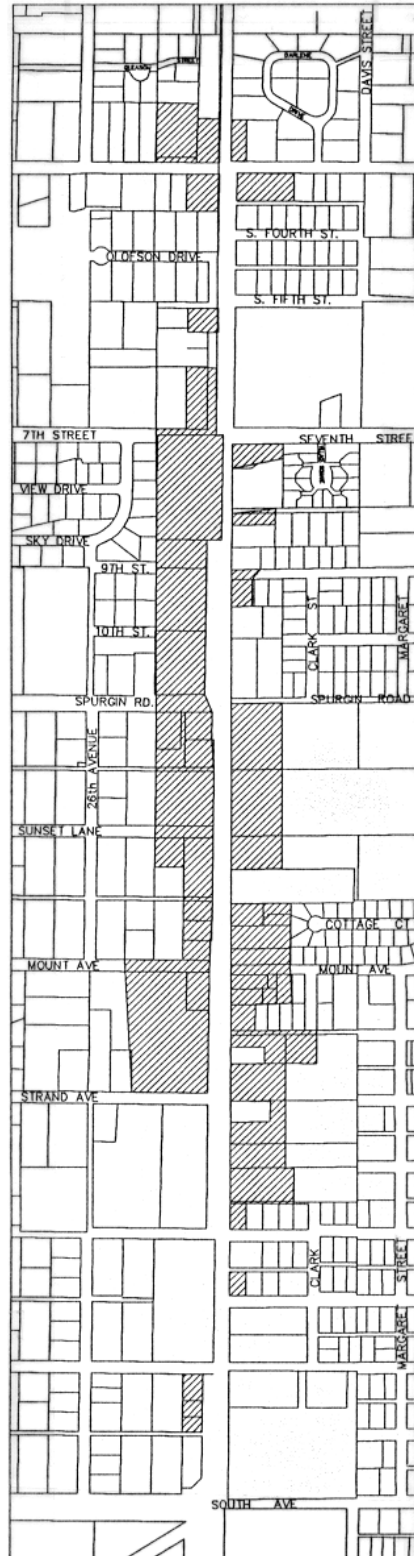
RESERVE STREET AREA PLAN

LEGEND

- R2 Residential (2 du/acre)
- R4 (4 du/acre)
- R6 (6 du/acre)
- R10 (10 du/acre)
- R16 (16 du/acre)
- (24 du/acre)
- (36 du/acre)
- NC Neighborhood Commercial
- GC General Commercial
- CC Community Commercial
- LI Light Industrial
- PF Public Facility
- OS Open Space
- ▬▬▬▬ Major Arterial
- ▨▨▨▨ Major Collector
- Minor Collector



**ZONING
DISTRICT
BOUNDARIES
OF
CITY
SPECIAL
DISTRICT
#2**



SPECIAL DISTRICT #2 PERMIT SYSTEM

A. INTENT

This section is adopted to provide for the efficient and reasonable enforcement of these districts and to establish a procedure for compliance with the permit system districts' standards; to provide a procedure that is fair, predictable and that will improve the reliability of the decision-making process; to ensure that a proposal complies with the community's adopted plans and regulations; to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed use and to minimize or eliminate potential conflicts.

B. PROCEDURE

1. Basis for Permit: Permits as required in Chapter 19.70 of the Missoula City Zoning Ordinance shall only be granted if the applicant complies with all absolute standards and other mandatory requirements of the permit system district and obtains the appropriate overall points required for all applicable performance and relative standards.

2. Assignment of Points for Performance Standards: Applicable performance standards shall be assigned values as set by specifications based on the level of performance. Assigned value shall be multiplied by the performance standard multiplier to determine the points received.

3. Assignment of Points for Relative Standards: Applicable relative standards shall be assigned values based on the public interest as defined by consideration of the goals, objectives, and policies established by the community's comprehensive plans and the purposes, intents and standards established by the community's land use regulations in the following manner:

- +2 Provides a significant public benefit with no substantial public detriment. An excellent job of implementation of a relative standard.
- +1 Provides some public benefits, mitigates a minor public detriment. A good job of implementation of a relative standard.
- O No public benefit or detriment from the project. An adequate job of implementation of a relative standard.
- 1 Produces some public detriment. An inadequate job of implementation of a relative standard.
- 2 Produces significant public detriment. Substantially no effort to implement a relative standard.

The assigned value shall be multiplied by the relative standard multiplier to determine the points received.

4. Pre-Application Conference:

- a. A conference between the Director or Zoning Officer (and any referral agencies deemed appropriate) and the applicant shall take place prior to submission of a Conditional Use or Special Use application. The purpose of this conference is to acquaint the Office of Planning & Grants with the applicant's intentions, to acquaint the applicant with substantive and procedural requirements of the district and to identify standards which may create opportunities or pose significant constraints for the proposed development.
- b. The applicant shall be provided forms for each standard upon which he/she shall submit evidence relating to the specific standard and assign a value which he/she believes the evidence supports.

5. Application Acceptance: The Director or Zoning Officer shall determine if an application is complete within one business day after submittal. Only complete applications shall be accepted and shall be set for hearing as follows:

- a. **Permitted Uses** shall be reviewed within ten calendar days of acceptance. A Zoning Compliance Permit shall be issued for approved permitted uses.
- b. **Conditional Uses** shall be reviewed within 21 calendar days of acceptance. The Director or Zoning Officer shall schedule a regular review session not more than once a week and post a notice and agenda on the property and in public view at the Office of Planning & Grants and at the City Clerk's Office at least five calendar days prior to the review.

Upon completion of the review session, the Zoning Officer shall mail a certified letter to the applicant containing Findings of Fact and any conditions of approval. For approved Conditional Uses, the applicant shall apply for a Zoning Compliance Permit within thirty (30) days of receipt of the certified letter in accordance with the standards of this document.

- c. **Special Uses** shall be submitted for review at least 30 days prior to an available meeting of the Missoula City Board of Adjustment. Notice of the hearing shall be in accordance with Chapter 19.72 of the Missoula City Zoning Ordinance. The City Board of Adjustment shall approve, conditionally approve or deny the Special Use request.

Upon the action by the City Board of Adjustment, the Zoning Officer shall mail a certified letter to the applicant containing Findings of Fact and any conditions of approval. For approved Special Uses, the applicant shall apply for a Zoning Compliance Permit within 30 days of receipt of the certified letter in accordance with the standards of this document. A variance to use, space and bulk requirements and other site development standards may be applied for through the City Board of Adjustment.

6. Hearing Procedure

- a. **Review Criteria.** In making decisions, the reviewing and approving agent shall consider the application, comments from reviewing agencies, the staff report, the requirements of this district and public testimony limited to the applicable standards.
- b. **Approval/Denial.** If a proposed development implements all applicable absolute standards and is allocated the minimum points as required in the Permit System District for the

performance and relative standards, the approving agent shall approve the development with conditions deemed necessary or desirable to ensure compliance. If a proposed development does not implement an applicable absolute standard or does not obtain the required minimum points or if the applicant will not comply with an approval condition, the approving agent shall deny the application.

c. **Burden of Proof.** In all hearings and decisions the burden shall be on the applicant to prove that the proposed development complies with the provisions of the Permit System District and implements all applicable standards.

7. **Conditions:** The reviewing or approving agent may place conditions upon the issuance of a permit which it deems necessary and desirable to ensure that a standard will be implemented in the manner indicated in the application for a permit. The conditions may consist of one or more of the following:

a. **Development Schedule.** The conditions may place a reasonable time limit on construction activity associated with the proposed development, or any portion thereof, to prevent speculation in permits, to enable new applications or revisions to come forward for non-viable developments or to implement other policies.

b. **Use.** The conditions may restrict the future use of the proposed development to that indicated in the application, and the approving agent may require another permit for a change in use.

c. **Homeowner's Association.** If a homeowners' or merchants' association is necessary or desirable to hold and maintain common property or enforce covenants, the conditions may require that one be created prior to issuance of a permit.

d. **Dedications.** The conditions may require conveyances of the title or easements to public utilities or the homeowners' association. They may require construction to public standards and dedication of public facilities to serve the development and the public.

e. **Construction Guarantees.** The conditions may require the posting of a bond or other surety or collateral which may provide for partial releases to ensure that all construction features required by policy are in fact constructed as represented and approved.

f. **Commitment Letter.** The conditions may require a letter from a utility company or public agency committing it to serve the development if such service is required by standards.

g. **Covenants.** The conditions may require the recording of covenants on the subject property.

8. **Appeal:**

a. **Notification of Decision.** The Director or Zoning Officer shall notify the governing body of decisions and recommendations on conditional and special uses made by the Director or Zoning Officer or the approving agent.

- b. **Appeal Procedures.** An appeal of any Conditional Use or Special Use by anyone allegedly aggrieved may be made to the governing body within five working days of the approving agent's action. The appeal shall be filed with the Missoula Office of Planning & Grants and shall include the following:

- (1) Name of applicant;
- (2) Proposal;
- (3) Standards in contention;
- (4) Supporting evidence; and
- (5) Other pertinent information.

After proper notice, the governing body shall hold a public hearing to review the record and application and may decide to rehear the application or to limit its scope to specific standards. If the governing body decides to rehear the application, a decision must be made by the governing body within 35 days of receiving the appeal. The decision of the governing body to approve or deny the proposal shall follow Section B.6.b. (Approval/ Denial) of these procedures.

Notice of hearing shall be in accordance with Chapter 19.72 of the Missoula City Zoning Ordinance. The review criteria set forth in the Permit System District shall be the basis of any decision by the governing body. Any appeal from the decision of the governing body may be made by petition to the district court within 30 days after the decision and shall specify the grounds of appeal.

9. **Revision to Applications:** The applicant may make revisions to the application at any time before the decision. The Director or Zoning Officer shall determine if the revision requires study by the staff or comment by one or more referral agencies and may move the application back in the hearing procedure. The applicant bears any hardship caused by such delay.

10. Abandonment and Revocation of Permits:

- a. For approved conditional and special uses, the applicant shall apply for a Zoning Compliance Permit within 30 days of receipt of a certified letter containing Findings of Fact and any conditions of approval. If a Zoning Compliance Permit is not obtained within 30 days, the applicant may ask for a 30 day extension from the approving agent. Approval of the extension request may be granted if there have been no changes in land use plans or development regulations which pertain to the area.
- b. A permit may be revoked by the reviewing or approving agent at any time for the violation of the permit or any of its conditions. Along with written notice to the applicant, a hearing date shall be set as described in Section B.5.a,b,c. The approving agent may revoke the permit by motion at the hearing.
- c. If a permit is abandoned or revoked, such action shall be recorded in the office of the Clerk and Recorder, and the terms of the permit and its conditions shall be of no force and effect.

11. Permit Recording:

- a. For special uses no approval shall be valid and no Zoning Compliance Permit shall be issued until a letter of approval is received from the Director or Zoning Officer following the decision by the approving agent and this letter is filed and recorded in the Office of the Clerk and Recorder. It is the responsibility of the Zoning Officer to accomplish this recording.

DEVELOPMENT STANDARDS FOR SPECIAL DISTRICT #2

A. INTENT:

This Special District promotes a wide range of uses including residential, office and commercial and incorporates standards referred to as absolute performance and relative standards that address existing and potential problems identified in the adopted Comprehensive Plan. The use of performance and relative standards is known as the Permit System. The Permit System and the Special District Standards would allow for flexibility in that a developer may comply with a variety of standards to the extent which satisfies the function of the proposed development and satisfies the public's interest.

B. SPACE AND BULK REQUIREMENTS

- Minimum lot area None

- Minimum required yard - front: Twenty-five (25) feet from any street other than Reserve Street. *[The twenty-five (25) feet is measured from the edge of street or curb. The twenty-five (25) foot landscaping perimeter as described in "Landscaping/Buffering" section is measured from property line. OPN #98-06 revised]*
 - Forty-five (45) feet between any non-residential structure and Reserve Street. *[The forty-five (45) feet is measured from the edge of street or curb. The twenty-five (25) foot landscaping perimeter as described in "Landscaping/Buffering" section is measured from property line. OPN #98-06 revised.]*
 - One hundred (100) feet between any residential structure and Reserve Street. *[The one hundred (100) feet is measured from the edge of street or curb. The twenty-five (25) foot landscaping perimeter as described in "Landscaping/Buffering" section is measured from property line. OPN #98-06 revised.]*

- rear: Rear yard setbacks shall equal the height of the building.

- side: Side yard setbacks shall equal 1/3 the height of the building.

- Maximum building height Thirty feet (30')

- Maximum residential density..... Sixteen (16) dwelling units per acre.

- Minimum setback for automotive filling and service station pump islands Setbacks as above.

C. GENERAL STANDARDS

In addition to the absolute and relative standards established in this document, all proposals must conform to the Missoula City Zoning Ordinance with regard to parking, on-site landscaping and buffering, boulevard development, multi-family development and signage, etc.

D. PERMITTED USES

1. Permitted uses requiring a minimum score of at least zero (0).
 - a. Single family dwelling
 - b. Two family dwelling
 - c. Residential Accessory Uses and Buildings
 - d. Child Day Care Home (12 or fewer children)
 - e. Community Residential Facility (serving 8 or fewer)

E. CONDITIONAL USES

1. Conditional uses requiring a minimum score of 20% of the maximum possible points.
 - a. Community residential facility (serving 9 or more)
 - b. Boarding house and lodging house
 - c. Child day care center (13 or more children)
 - d. Nursing home
 - e. Multiple family dwelling having a maximum density of ten (10) dwelling units per acre
 - f. Business, professional or government office
2. Conditional uses requiring at least a score of 40% of the maximum possible points:
 - a. Private lodge or fraternal organization
 - b. Personal service establishment
 - c. Public/quasi public use
 - d. Retail trade and service with no outdoor storage or display and with a maximum floor area of 3500 square feet (except retail food, eating and drinking establishments and repair service)
 - e. Residential and commercial Mini-warehouse

F. SPECIAL USES

1. Special uses requiring a score of at least 60% of the maximum possible points:
 - a. Eating establishment - without drive-in or drive-through.
 - b. Retail food - less than 3500 square feet.
 - c. Repair service - other than motor vehicle.
 - d. Wholesale trade.
 - e. Public utility installation.
 - f. Multiple family having a maximum density of sixteen (16) dwelling units per acre.
2. Special uses requiring a score of at least 80% of the maximum possible points:
 - a. Printing and publishing
 - b. Cultural and recreational facilities.
 - c. Veterinary service, animal hospital and kennel as accessory to animal hospital

- d. Retail trade and service with a gross building floor area and parking area of less than 100,000 square feet
- e. Automobile service station - only at intersection of Third Street and Reserve Street

G. PROHIBITED USES

- 1. Seasonal Commercial
- 2. Kennels
- 3. Transient Lodging (Hotels or motels)
- 4. Bars, Casinos
- 5. Eating Establishments with Drive-in or Drive-through
- 6. Video Arcades
- 7. Industrial

H. ABSOLUTE AND RELATIVE DEVELOPMENT STANDARDS

1. NEIGHBORHOOD COMPATIBILITY

A. Comprehensive Plan Compliance Standards

(1) Absolute Standards

- (a) All development shall substantially comply with the goals and, more specifically, the uses and densities of the adopted Reserve Street Area Plan. See the Reserve Street Area Plan map on page 3.
- (b) Each lot or parcel used exclusively for residential development must comply with the designated densities of the adopted Reserve Street Area Plan. See the Reserve Street Area Plan map on page 3.
- (c) Mixed use lots or parcels must comply with the designated residential densities of the adopted Reserve Street Area Plan and must satisfy the required minimum percentage of the relative standards for the proposed commercial use.
- (d) Any development which includes more than one primary building on a single lot or parcel must be designed such that the lot or parcel could be subdivided, creating a separate lot or parcel for each primary building which would be in compliance with the development standards of this district.

(2) Relative Standards - None

B. Landscaping/Buffering

(1) Absolute Standards

- (a) For all developed lots, excluding single family lots, the area not covered by building, sidewalks, pavement and driveways shall be landscaped.

- (b) Twenty-five (25) feet of required front yard, exclusive of driveways shall be landscaped with grass, trees and/or shrubs. There shall be no off-street parking within the first twenty-five (25) feet of the required front yard.
- (c) Residential uses, excluding single family residences, shall provide an area for outdoor recreation equal to seventy percent (70%) of the units' total floor area. Any area used to satisfy this requirement must be a minimum of ten (10) feet in width and must consist of a minimum of 200 sq. ft. Paved recreation areas, such as basketball or tennis courts, may be used toward the satisfaction of this requirement, provided that this paved recreation area is not also used for drives or parking areas.
- (d) All buildings excluding single-family structures must be separated from drives and parking areas by a minimum of six feet (6'), with the exception of that part of a driveway leading directly into an attached parking structure. This six (6) foot setback area shall be maintained as paved sidewalk and/or landscaping of grass, trees and/or shrubs.
- (e) Developers must consult with the urban forester for a list of recommended trees and shrubs to be installed either in the boulevard or the required front yard setback.

(2) Relative Standards

- | | |
|--|---|
| <p>(a) Internal parking areas should provide the types, amounts and locations of accessibility needed to meet the uses and functions of the development. Internal circulation should facilitate the movement of goods, services and waste products in a safe manner. Landscaped islands are encouraged between every ten (10) adjacent parking spaces and at the end of each row. Each island shall have an average width of five (5) feet with a minimum size of one hundred (100) square feet.</p> | <p>Multiplier (a) 5
 Value Range (b) -2,-1,0,+1,+2
 Assigned Value (c)
 Points Received (axc)
 Maximum Possible Points 10</p> |
| <p>(b) The use of vegetative and/or non-vegetative visual barriers are encouraged between uses of different intensities. Non-vegetative visual barriers are encouraged to be architecturally compatible with adjacent main buildings to maintain or improve the character of the area.</p> | <p>Multiplier (a) 4
 Value Range (b) -2,-1,0-,+1,+2
 Assigned Value (c)
 Points Received (axc)
 Maximum Possible Points 8</p> |

C. Design of Development

(1) Absolute Standards - None

(2) Relative Standards

<p>(a) A development is encouraged to be designed and maintained in such a way that nuisances, such as glare, noxious odors, noise, dust, noxious fumes and storm drainage, will not emanate off-site to produce any adverse impacts on adjacent uses.</p>	<p>Multiplier (a) 4 Value Range (b) -2,-1,0,+1,+2 Assigned Value (c) Points Received (axc) Maximum Possible Points 8</p>
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<p>(b) All development is encouraged to be developed in such a way that the siding and general appearance of structures should conform to materials and design common to residences in the area. The degree of aesthetic improvement shall be measured against the existing character of the site and the basic nature of the proposed use.</p>	<p>Multiplier (a) 5 Value Range (b) -2,-1,0,+1,+2 Assigned Value (c) Points Received (axc) Maximum Possible Points 10</p>
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D. Signs

(1) Absolute Standards

(a) Proposed uses shall follow the standards in Chapter 19.76 and 19.90 of the Missoula City Zoning Ordinance and Appendix B. The more restrictive standard shall apply. Signs shall be limited to on-premises identification only. Monument signs shall be permitted within the required front yard. Proposed uses should follow the sign standards with similar applicability. For example, residential development shall follow the section relating to residential sign standards.

(2) Relative Standards

<p>Illumination of signs is discouraged.</p> <p>(a) Non-illuminated Signs b = 0</p> <p>(b) Illuminated Signs b = -1</p> <p>(c) Flashing Signs b = -2</p>	<p>Multiplier (a) 2 Value Range (b) -2,-1,0 Assigned Value (c) Points Received (axc) Maximum Possible Points 0</p>
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E. Commercial Standards

(1) Absolute Standards - None

(2) Relative Standards

(a) Non-residential uses are discouraged from operating between the hours of 7:00 p.m. and 7:00 a.m. to avoid noise, traffic, light and activity which would conflict with adjacent uses.	Multiplier (a)	4
	Value Range (b)	-2,-1,0,+1,+2
	Assigned Value (c)	
	Points Received (axc)	
	Maximum Possible Points	8

F. Specific Use Standard

(1) Absolute Standards

- (a) Child day care homes are permitted in this district. Child day care centers are a conditional use requiring a score of 20% of the points and shall comply with the additional standards contained in Appendix C.
- (b) Community residential facilities serving eight or fewer persons are permitted in this district. Community residential facilities serving nine or more persons are a conditional use requiring a score of 20% of the points and shall comply with the standards contained in Appendix D.
- (c) Multi-family structures shall comply with the standards contained in Chapter 19.74 of the Missoula City Zoning Ordinance.
- (d) Home occupations as a residential use are permitted in this district and shall comply with the standards contained in Chapter 19.61 of the Missoula City Zoning Ordinance.

2. TRANSPORTATION

A. Vehicular Access

(1) Absolute Standards

- (a) Residential lots along Reserve Street shall have only one access on Reserve Street, unless the Montana Department of Transportation allows for more than one access onto Reserve Street.
- (b) Corner lots shall access on the street with the lowest classification, unless the Montana Department of Transportation allows for access onto Reserve Street.
- (c) Service stations shall not occupy more than two (2) quadrants of any intersection, and shall only be permitted only at the intersection of Third Street and Reserve Street.

(2) Relative Standards

(a) All uses are encouraged to locate access drives at a distance greater than required (in Chapter 19.78 of the Missoula City Zoning Ordinance) to minimize driveways and to provide for better traffic flow and to draw traffic away from single family areas.	Multiplier (a)	2
	Value Range (b)	-1,0,+1
	Assigned Value (c)	
	Points Received (axc)	
	Maximum Possible Points	2
(b) Non-residential uses are encouraged to locate at intersections of major streets to avoid traffic conflict on local streets.	Multiplier (a)	3
	Value Range (b)	-1,0,+1
	Assigned Value (c)	
	Points Received (axc)	
	Maximum Possible Points	3

B. Pedestrian Access

(1) Absolute Standards - None

(2) Relative Standards

(a) The internal pedestrian walkway system should be designed to meet the uses and functions of the development. Internal circulation should facilitate the movement of pedestrians through the lot and to and from the structure in a safe manner. The sidewalks/walkways should connect with existing sidewalks/walkways, if any, and should be provided within two years of development. All lots fronting on Reserve Street should have sidewalks and walkways outside of the right-of-way of these streets except at pedestrian crosswalks or walkways.	Multiplier (a)	4
	Value Range (b)	-2,-1,0,+1,+2
	Assigned Value (c)	
	Points Received (axc)	
	Maximum Possible Points	8

C. Parking

(1) Absolute Standards

(a) Interior curbs for any commercial use shall be constructed within the property lines to separate driving surfaces from sidewalks and landscaped areas and along property lines adjacent to street.

(2) Relative Standards

(a) Joint parking is encouraged for best utilization of the land and to minimize access.		Multiplier (a)	2
		Value Range (b)	0,+1
		Assigned Value (c)	
Joint Parking	b = +1	Points Received (axc)	
		Maximum Possible Points	2
No Joint Parking	b = 0		
(b) Joint use of loading berths is encouraged for best utilization of facilities.		Multiplier (a)	2
		Value Range (b)	0,+1
		Assigned Value (c)	
		Points Received (axc)	
		Maximum Possible Points	2

3. NOISE ABATEMENT

(1) Absolute Standards

Multi-family residential structures *shall* and single-family residential structures *may* erect walls and/or berms or incorporate non-residential structures to meet or exceed STC-39 (Sound Transmission Coefficient) standards to reduce the noise level to the acceptable rate of 45 decibels within the dwellings. If a wall, berm or combination thereof is constructed along Reserve Street, it should be at least three (3) feet in height with landscaping where berms are to be required. The landscaped, earthen berm can be constructed within the twenty-five (25) foot front yard strip.

Accessory structures must be located behind the required twenty-five (25) foot landscaped strip along Reserve Street.

(2) Relative Standards

(a) Outdoor recreation areas for group activities are encouraged to be at least twenty-five (25) feet from single-family residential uses or districts and to be visually and acoustically screened from Reserve Street to allow proper noise reduction and to be designed for maximum recreation utility.		Multiplier (a)	4
		Value Range (b)	-2,-1,0,+1,+2
		Assigned Value (c)	
		Points Received (axc)	
		Maximum Possible Points	8

TOTAL POSSIBLE POINTS 69

POINTS RECEIVED

CITY SPECIAL DISTRICT # 2

APPENDICES A - E

APPENDIX A: DEFINITIONS

APPENDIX B: SIGN ENVELOPE STANDARD: SUPPLEMENTAL TO SIGN STANDARDS OF THE CITY ZONING ORDINANCE

APPENDIX C: STANDARDS FOR CHILD DAY CARE CENTERS

APPENDIX D: STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES SERVING NINE OR MORE PERSONS

APPENDIX E: SITE PLAN APPLICATION AND CHECKLIST

APPENDIX A

DEFINITIONS

In addition to the definitions in Chapter 19.04 of the Missoula City Zoning Ordinance, the following rules of interpretation and definitions apply to this Special District:

1. Absolute Standard - Required for approval of a development, unless not applicable to the development.
2. Approving Agent - The Planning Director or Zoning Officer for permitted uses and conditional uses. The City Board of Adjustment for special uses and variances.
3. Assigned Value - The number awarded an applicant by the reviewing agent for each performance and relative standard according to criteria established in this district.
4. Business or Commerce -
 - a. The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, or commodity for livelihood, profit, management, or occupancy of an office building, offices, recreational, or amusement enterprises.
 - b. The maintenance and use of buildings, offices, structures, or premises by professional and trades or persons rendering services.
5. Child Day Care Center - A building and premises providing care to thirteen or more children who are not members of the operator's family.
6. Child Day Care Home - A building and premises providing care to twelve or fewer children who are not members of the operator's family.
7. Conditional Use - A use which is specifically listed as a conditional use which meets the intent of this district when specified design standards and conditions are met.
8. Drive-in Restaurant - Any building in which food and drink are prepared for service to customers outside such building, or occupying vehicles outside such building, including self-service restaurants for "take-out" food.
9. Kennel - The term "kennel" shall mean any animal cage or fenced enclosure specifically intended solely for the confinement of animals as well as commercial kennels where the building or premises is utilized for the business of charging fees for boarding, breeding, letting for hire or training of animals.

10. Industry - The manufacture, storage, extraction, fabrication, processing reduction, destruction, conversion, or wholesaling of any article, substance or commodity or any treatment thereof in such a manner as to change the form, character, or appearance thereof.
11. Mini-warehouse - A building and premises whose divisions are separately rented or leased for the sole purpose of storage, and which does not include residential accessory buildings.
 - a. Residential Mini-warehouse - A mini-warehouse where storage is restricted to storage of household goods, recreation vehicles and similar items.
 - b. Commercial Mini-warehouse - A mini-warehouse where storage is restricted to household items, recreation vehicles and those goods and equipment used by activities permitted in the applicable commercial zone.
 - c. Industrial Mini-warehouse - A mini-warehouse where the type of storage is not restricted, other than by applicable safety standards.
12. Multiplier - An established weight set by the governing body which is used to determine the importance of a relative standard. The higher the number, the greater the relative importance of the standard.
13. Nursing Home - A skilled nursing or intermediate care facility licensed by the Division of Hospitals and Medical Care, State Department of Health and Environmental Sciences.
14. Performance Standard - A standard which need not be implemented by the development, but is encouraged. Each performance standard is assigned a value based on the level of performance, unless not applicable to the development.
15. Permitted Use - A use which is specifically listed as a permitted use for the district and which meets the intent of the district without additional conditions or special review and approval being required.
16. Personal Service - A retail establishment or facility which provides the following services:
 - a. Cleaning, maintenance or repair of clothing or footwear; and,
 - b. Maintenance or improvement of the customer's physical appearance.
17. Points - A numerical score computed by multiplying the relative and/or performance standard's multiplier by the assigned value.

18. Public and Quasi-Public Uses - Any building or use constructed and owned by a governmental, tax-supported, religious, welfare, or charitable organization or institution, such as schools, parks, churches, community buildings, and cemeteries.
19. Public Utility - A public utility shall include any enterprise providing heat, light, power, water, telegraph, telephone, railway and bus service, sewerage service and audio, audio-visual and data-link communications to the residents of all of Missoula County.
20. Relative Standard - A standard which need not be implemented by the development, but is encouraged. Each relative standard is assigned a value based on the features of the proposed development, unless not applicable to the development.
21. Reviewing Agent - The Planning Director or Zoning Office for permitted uses and conditional uses, the City Board of Adjustment for special uses.
22. Seasonal Commercial Use - A use which operates no more than thirty (30) consecutive days, no more than ninety (90) days in one year and is seasonal in nature such as firework stands, garden produce stands, and Christmas tree sales. Seasonal commercial use shall be allowed in any zone which allows the same activity as a permanent commercial use. Such use shall meet all standards of allowed uses except as specifically noted. If any site is used or licensed for use for more than ninety (90) days in any 12 month period such site shall meet the same standards as required of any permanent use.
23. Service Station, Automobile Repairs, and Motor Fuels - Land including the structures thereon used for the sale of gasoline or other motor fuels, oils, lubricants and auto accessories, and washing, lubricating, and minor servicing and repairs.
24. Special Use - A use which is specifically listed as a special use for this district and which meets the intent of the district when design standards and conditions are met. A special review and approval by the City Board of Adjustment is required. This review shall assure consistency and compatibility with existing and conforming uses within the district.
25. Total Suspended Particulate Non-Attainment Areas and Areas Affecting Non-Attainment - An area designated by the City-County Air Pollution Control Board which is not in compliance with Federal Air Pollution Standards for total suspended particulate and adjacent areas which contribute to non-attainment of particulate standards.
26. Transient Lodging - A building open to transient guests, in which lodging is provided with or without meals, such as a hotel and a motel.
27. Variance - A relaxation of specific provisions of these regulations when a literal enforcement of these regulations would result in unnecessary or undue hardship.

APPENDIX B:

SIGN STANDARDS: Sign Envelope

Intent

To minimize sign clutter directly adjacent to roads and encourage monument style signs which exhibit qualities of style, performance and compatibility with the natural and built environment.

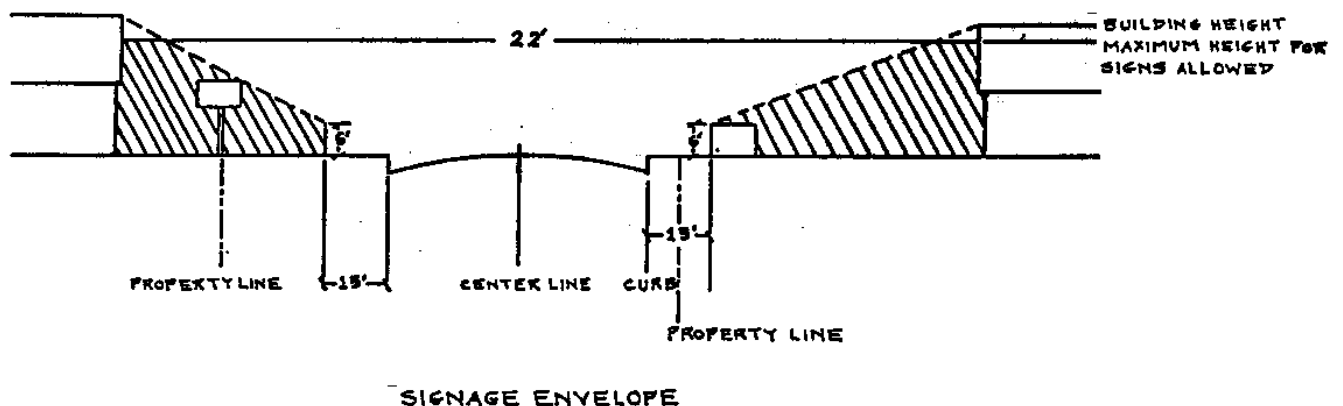
Standard

The City of Missoula Sign regulations and Missoula Municipal Code Chapter 19.90 shall apply to all signs in the City Special District #2, as defined.

In addition, the following more restrictive provision shall apply:

Ground, pole or monument signs shall be located within a "signage envelope". The signage envelope is described below:

Signs must be located on private property, and must be setback from the curb or edge of pavement a minimum of fifteen feet (15'). From a point fifteen feet (15') from the curb and six feet (6') vertical from the ground, draw an imaginary line to the highest point of the building. This defines the signage envelope. Regardless of the height of this envelope, all monument, ground and pole signs are limited to a maximum of twenty-two feet (22') in height and thirty-two (32) square feet in size (Note: this applies to all signs fronting on rights-of-way).



APPENDIX C:

STANDARDS FOR CHILD DAY CARE CENTERS

Standards for Child Day Care Centers

1. In addition to the required off-street parking spaces for the residential use, one space shall be provided for every eight children for which the center is licensed and one space for each two non-resident employees.

The loading and unloading zone should be large enough to accommodate two vehicles, or approximately forty (40) feet. This area should be designed as a no-parking area during the hours 7:30 a.m. to 9:30 a.m., and 4:00 p.m. to 6:30 p.m. Signs with "no-parking" should be installed. Exact location of loading zone to be approved by the City Engineer.

See Opinion 78-013 for complete explanation of the parking requirements.

In addition to these parking requirements, day care centers must meet the requirements of the City Zoning Ordinance, Chapter 19.78.

2. The outdoor play area for child care centers shall be fenced or screened with a barrier of at least 42 inches high.
3. As a condition of receiving a Zoning Compliance Permit, such facilities shall demonstrate satisfactory completion of required licensing by the State Department of Social and Rehabilitation Services and inspections by the Building Inspector, Fire Marshall and Health Department.

APPENDIX D:
STANDARDS FOR COMMUNITY RESIDENTIAL FACILITY
STANDARDS SERVING NINE OR MORE PERSONS

Community Residential Facility Standards (serving 9 or more persons)

1. In addition to the required off-street parking spaces for the residential use, one space for each vehicle owned by the facility and one space for each two employees at peak shift shall be provided on site. In addition, one space for every each two employees shall be provided on site to be used by guests and delivery vehicles. (See Opinion 86-01).

In addition to these parking requirements, community residential facilities serving nine or more persons must meet the requirements of the City Zoning Ordinance, Chapter 19.78.

2. The minimum lot size for all Community Residential Facilities shall be determined by the standards of the City-County Health Department.

APPENDIX E:

**SITE PLAN APPLICATION AND CHECKLIST
RESERVE STREET CITY SPECIAL DISTRICT #2**

Fees: A fee is required at the time of submittal. Check with the Office of Planning and Grants for current fees.

Office Case # _____ **Date:** _____

Owner Name: _____

Mailing Address: _____ **City:** _____

State: _____ **Zip:** _____

Agent Name: _____ **Phone:** _____

Proposed Use: _____

Score Required:	<input type="checkbox"/> Permitted (0)	
	<input type="checkbox"/> Conditional Use (20% or 14 points)	<input type="checkbox"/> Conditional Use (40% or 28 points)
	<input type="checkbox"/> Special Use (60% or 42 points)	<input type="checkbox"/> Special Use (80% or 55 points)

Property address as issued by the City Engineer: _____

Complete Legal Description:

Lot: _____ **Block:** _____ **Survey Subdivision:** _____

Attached deed with metes and bounds description.

SITE PLAN REQUIREMENTS FOR ZONING COMPLIANCE PERMIT

Three copies of a site plan, containing the following, must be submitted:

1. Boundaries and dimensions of the property (if the property located next door or across the alley is in the same ownership, the site plan should include that property also).

2. The location and dimensions of:
 - a. Existing buildings or structure retained (including height)
 - b. Existing parking spaces - precise number and location
 - c. Proposed buildings or structures (including height)
 - d. Proposed parking spaces (the parking arrangement should include 10% landscaping).
 - e. Proposed landscaping shown in detail, including:
 - i. Topography
 - ii. Types of plants - botanical & common names, (ultimate size) drawn to scale
 - iii. Size (height or width) of planting container size
 - iv. Type of ground cover (bark, soil, grass, stones, etc.)
 - v. Irrigation plan - location of heads, underground.
3. Identify the present and proposed uses of all buildings (show the square footage of all buildings and breakdown of the uses by square footage assigned to each use).
4. Show the names of bordering streets.
5. Location and width of alley(s).
6. Distance from front property line to curb or street.
7. Distance between all buildings and structures.
8. Distance from all structures or buildings to property lines.
9. Heights and types of fences and/or walls.
10. Show and identify any easements.
11. Show existing and proposed:
 - a. Curbs
 - b. Curb cuts for driveways
 - c. Sidewalks
 - d. Doors and entrances to buildings
12. Indicate the scale used and provide a north arrow.
13. Location of loading area (must not conflict with parking and must be paved).
14. Location and types of trash storage (if dumpsters are used, provide a concrete or asphalt pad. Trash storage must not interfere with parking, must not be obstructed by parking, and must be screened).
15. Indicate the present uses on adjoining lots.

16. Any easements required for access or parking (a copy of a legal, long-term agreement must be submitted).
17. Show any signs proposed and submit a rendering to scale for each sign.
18. Show any irrigation or drainage ditches.
19. Obtain Right-of-Way Permit from City Engineer.
20. Any supporting documentation necessary to complete application.

Note: For parking guidelines, consult the off-street parking ordinance. Engineering specifications are available from the Zoning Officer at the Office of Planning & Grants or the City Engineering Office.

I hereby attest that the information submitted with regards to this application is true and accurate.

Signature:

I, _____, owner of said property authorize
(owner's name)

_____ to act as my agent in this application.
(representative's name)

Owner's signature: _____