

MISSOULA COUNTY ZONING REGULATIONS

EFFECTIVE JULY 1, 2022

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CHAPTER

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1.1 TITLE

This document, inclusive of any amendments, shall be known as the Missoula County Zoning Regulations. For convenience, it may be referred to throughout this document as “these regulations” and throughout this and other county documents and policies as “the zoning regulations.”

1.2 AUTHORITY

These regulations are adopted pursuant to and in accordance with the authority granted in Montana Code Annotated (MCA) Title 76, Chapter 2.

1.3 APPLICABILITY

- A)** These regulations apply to all land, buildings, structures, uses, infrastructure, and rights-of-way located in zoned areas within the unincorporated area of Missoula County, regardless of ownership, unless specifically exempted by these regulations or any other local, state, or federal law.
- B)** No land shall be used, graded, excavated, occupied, or altered, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, removed, enlarged, or structurally altered unless in conformity with these regulations.
- C)** These regulations shall not be construed as eliminating or altering any action now pending under existing law or previous zoning regulation, nor shall they be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue under such regulations.

1.4 PURPOSE AND RELATIONSHIP TO THE GROWTH POLICY

These regulations are adopted to preserve, protect, and promote the public health, safety, and general welfare of residents, businesses, and property owners within the County in a manner that meets the criteria and guidelines established in MCA §76-2-203. The intent of these regulations is to implement the goals and policies contained within the *Missoula County Growth Policy* and to achieve the following objectives.

- A)** Improve the built environment.
- B)** Protect and promote community character.
- C)** Conserve and protect the County’s natural beauty and cultural and historic resources.
- D)** Promote the conservation of energy, land, and natural resources.
- E)** Improve sustainability and resiliency through best practice in environmental design.
- F)** Promote development patterns that support safe and efficient infrastructure and public services.
- G)** Promote multi-modal transportation through a mix of uses and compact community form, where appropriate.
- H)** Encourage innovations in use and design, especially regarding residential development and renewal, so that the needs of the community may be met by greater variety, type, and design.
- I)** Provide open space for mobility, habitat, light, air, and recreation.
- J)** Establish clear and efficient development review procedures.

1.5 COMPLIANCE REQUIRED

- A) No building, structure, or land shall be used or occupied in whole or in part unless in complete conformity with these regulations.
- B) No building or structure, in whole or in part, shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in complete conformity with these regulations.
- C) No use shall be established or changed for any building, structure, or land unless in complete conformity with these regulations.
- D) Any building, structure, or land under the jurisdiction of a zoning district established under MCA §76-2, Part 1 and that does not establish administrative procedures specific to the district shall comply with the applicable administrative provisions for Zoning Compliance Permits, non-conformities, and enforcement as established by Chapters 10, 11 and 12.

1.6 UNIFORMITY WITHIN DISTRICTS

The regulations established for each zoning district apply uniformly to each class or kind of use, structure, or land and may include context-sensitive conditions applicable to uses, structures, and land located in similar areas or proximity to identified features.

1.7 CONFORMITY WITH OTHER LAWS

- A) If a conflict exists between any provision in these regulations and any other rules or regulations adopted by Missoula County, the provision that is the most restrictive shall prevail.
- B) If a conflict exists between any provision in these regulations and any state or federal law, the more restrictive

provision shall control to the extent permitted by such law.

- C) Unless expressly stated otherwise in these regulations or as required by state or federal law, nothing herein requires or implies Missoula County to check for conformity with the laws of other jurisdictions before issuing a local approval; however, the County may require demonstration of compliance as part of the permit approval process.

1.8 COVENANTS, DEED RESTRICTIONS

These regulations do not repeal any private agreements or covenants between parties. Unless deed restrictions, covenants, or other contracts directly involve the County as a party in interest, the County has no administrative responsibility or duty for enforcing such restrictions, covenants, or contracts. The Zoning Officer may, however, require that such instruments be submitted for review to ensure their provisions do not conflict with these regulations.

1.9 VESTED DEVELOPMENT RIGHTS

Any amendments, modifications, supplements, repeals, or other changes in these regulations or the official zoning map shall not apply when a valid vested development right exists. A development in process is determined to be vested if an application has been received and acknowledged to be complete by the Zoning Officer prior to the adoption of these regulations. The burden is on the property owner to prove a valid vested development right has been established before a change in these regulations.



1.10 TRANSITIONAL DEVELOPMENT

The following rules apply to any development application in process that has been reviewed based on the previously adopted zoning regulations or approved before the effective date of these regulations.

- A) Applications in Process.** Applications received before the effective date of these regulations and deemed complete, including fee paid, by the Zoning Officer but still pending approval will be reviewed under the previous zoning regulations. Following approval, all future activity onsite not approved with the original application is subject to the adopted regulations in place at such time the use or activity occurs.
- B) Approved Applications Not Yet Completed.** All zoning compliance and other zoning development applications approved under previously adopted zoning regulations and not having an established deadline or completion date shall be required to be completed within three years of the effective date of these regulations. Approved activities or development that fail to meet this three-year deadline or other established deadline shall require a new application, payment of fee, and review and approval under these regulations. A one-time extension may be granted by the Zoning Officer for no more than one year if the Zoning Officer determines the extension is necessary to address delays beyond the reasonable control of the applicant.
- C) Completed Permits.** Zoning Compliance Permits issued before the effective date of these regulations remain valid in perpetuity for the development, change, or use

approved, provided all development activities have been completed in accordance with the permit. If substantial work or investment, as determined by the Zoning Officer, has not been made and no valid vested right has been established pursuant to Section 1.9. Vested Development Rights, any future activity on the site must conform to all the requirements of these regulations.

- D) Legacy Districts.** Legacy districts and all Part 1 zoning districts may continue to develop as approved and shall be subject to the applicable zoning regulations adopted by Missoula County through Resolution #2017-039 on April 11, 2017.

1.11 EFFECTIVE DATE

The provisions of these zoning regulations become effective on and compliance with its provisions is mandatory beginning July 1, 2022, as amended, unless otherwise expressly stated within the text of these regulations.

1.12 SEVERABILITY

If any specific section, subsection, standard, or provision of these regulations, including any zoning district boundary that now exists or may exist in the future, is declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of these regulations as a whole or any

COMMENT: Legacy districts may continue; however, any modifications to legacy districts should move toward conformance with these regulations and the *Missoula County Growth Policy*.

remaining parts not specifically declared to be invalid or unconstitutional. Any portion of these regulations not affected by the decision of the court shall remain in full force and effect.

1.13 REPEAL OF EXISTING REGULATIONS

The zoning regulations in effect at the time of adoption of this document are repealed to the extent necessary to give these regulations full force and effect. However, certain regulations contained within prior versions will remain applicable to legacy districts and districts established under MCA §76-2, Part 1, to the extent required to ensure their legal status.

1.14 INTERPRETATION AND RULES OF CONSTRUCTION

A) Interpretation of Scope.

1. These regulations have been developed in conformance with the *Missoula County Growth Policy* and should be interpreted to implement the land use goals, objectives, policies, and actions established by this document as strictly as possible.
2. Where interpretation of these regulations is required, such interpretation should be made in favor of the property owner's rights whenever possible.
3. These regulations must be read literally and are intended to be interpreted no more or less strict than stated.
4. The provisions of these regulations are interrelated and cannot be interpreted in isolation. All provisions and regulations must be interpreted within the context and intent of the entire document.
5. The provisions of these regulations are the minimum requirements deemed necessary to carry out their stated purpose and intent. In many instances, public interest is best served when such minimums are exceeded, and this code may be interpreted, whenever permissible and appropriate, to encourage and allow use and development that exceeds stated minimums and reflects contemporary best practices.
6. Privileges granted under these regulations run with the land and are not tied to ownership. All amendments to these regulations and all permits and approvals issued under its provisions shall apply to the applicable land, structure, development, or use and will not be granted if the action sought would not be equally acceptable regardless of ownership or ownership status.
7. In addition to the requirements within these regulations, all use and development of land and structures must comply with all other applicable local, state, and federal regulations.
8. All references to other local, state, or federal regulations are for informational purposes only, do not constitute a complete list of such regulations and must not be construed to imply any responsibility for the County to enforce state or federal regulations.



9. If a conflict exists between the provisions of the text of these regulations and any table, illustration, graphic depiction, caption, or appendix, the provisions within the text shall prevail.
 10. Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of these regulations. Should there be a difference of meaning or implication between the text of these zoning regulations and any heading, the text controls.
 11. The illustrations in these regulations are not drawn to scale and are intended solely as a guide to graphically represent requirements and concepts.
 12. The omission of any specific use, dimension, word, phrase, punctuation, or other provision of these regulations shall not be interpreted as permitting any variation from its general meaning and intent as commonly inferred or interpreted including, but not limited to, the omission of the last comma in a series commonly referred to as an "Oxford comma."
- b. All references to employees, public officials, bodies, and agencies mean those of Missoula County, unless otherwise expressly stated.
 - c. Whenever a provision vests authority in the head of a department or other officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.
 - d. Unless otherwise expressly indicated, lists of terms or examples that use "including," "such as," or similar terms provide examples only. They are not to be construed as exhaustive lists of all possibilities.
 - e. Commentary notes, where included, have no regulatory effect, cannot alter the meaning or intent of a regulation or requirement, and are intended solely as a guide for administrative purposes.

B) Rules of Language Construction.

1. Meaning and intent.

- a. All references to other local, state, or federal regulations or policies mean the most current version and citation for those regulations and policies unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, the requirements

2. Computation of time.

- a. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of Missoula County, excluding weekends and holidays observed by the County.
- b. The time in which an act is to be completed is computed by excluding the first day and

for compliance are no longer in effect.

including the last day. If the last day is a Saturday, Sunday, or holiday observed by the County, that day is excluded as well.

- c. A day concludes at the close of business (5:00 p.m. Mountain Time), and any materials received after that time will be deemed to have been received the following day.

3. **Tenses and usage.**

- a. Words used in the singular include the plural and words used in the plural include the singular.
- b. Words used in the present tense include past and future tense. The reverse is also true.
- c. The words "shall," "will," and "must" are mandatory; the word "may" is permissive, except when the context of its particular use is negative (e.g., "may not").
- d. Requirements using numbers as stated "up to x," "not more than x," and "a maximum of x," always include "x."
- e. Any reference to a chapter or section shall mean a chapter or section of these regulations, unless otherwise specified.
- f. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, governmental unit, and any combination thereof.
- g. The words "used" or "occupied" include the

words "intended, designed, or arranged to be used or occupied."

- h. The word "parcel" includes the words "lot," "property," and "tract."
 - i. The word "building" includes the word "structure"; however, the word "structure" does not always imply the word "building."
 - j. The word "street" includes the words "road," "avenue," "lane," "highway," and "alley" unless otherwise defined.
 - k. Words used in the masculine gender include the feminine gender and vice versa, and gender-neutral words may substitute for gender-specific words (e.g., "they" instead of "she").
 - l. The word "contiguous" as applied to lots, parcels, or districts shall be interpreted as meaning "sharing a common boundary."
 - m. The phrase "on the premises of," as applied to accessory uses or structures, shall be interpreted to mean "on the same lot or on a contiguous lot in the same ownership."
4. **Conjunctions.** Unless the context clearly indicates otherwise, conjunctions have the following meanings.
- a. The word "and" in a list indicates that all connected items or provisions apply.



- b. The word “or” in a list means that connected items or provisions may apply singularly or in combination.
- c. The phrase “and/or” means that one or a combination of two or more connected items or provisions may be applicable.

- 3. The official County zoning districts layer, together with all notations, references, data and other information shown on the official County zoning districts map, is hereby adopted and incorporated into these regulations. The official zoning map and any amendments adopted by the Missoula County Board of Commissioners shall constitute the final authority for determination of zoning district boundaries. Where a map error is determined, the Zoning Officer will determine the official boundary of that district.

1.15 OFFICIAL COUNTY ZONING MAP

A) Establishment and Authority.

- 1. **Zoning districts layer.** The location and boundaries of the zoning districts established by these regulations are found in a geospatial dataset entitled “Missoula County Zoning Districts” that is maintained electronically as part of the County’s geographic information system (GIS) under the direction of the Zoning Officer.
- 2. **Zoning districts map.** The official County zoning map is titled “Missoula County Zoning Districts Map” and displays the County zoning districts layer and other map layers or other reference information necessary to identify the location and boundaries of zoning districts in the County. It is maintained electronically as part of the County’s geographic information system (GIS) under the direction of the Zoning Officer and Geographic Information System Office in the County Technology Department.

B) Interpretation of Boundaries.

Where uncertainty exists about the location of a zoning boundary, the Zoning Officer will determine its actual location by using the following rules of interpretation.

- 1. When the zoning map shows a zoning district boundary as following a certain feature or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it exists on the ground with the following clarifications.
 - a. All zoning district boundaries extend and apply to the centerline of a right-of-way, when present.
 - b. If a boundary is shown as approximately following a watercourse, street, railroad,

COMMENT: The location and boundary of each zoning district as described in the authorizing County resolution is stored in the geospatial dataset as a polygon (area) coordinate geometry using the County’s adopted coordinate (or spatial reference) system. Additional non-spatial information recorded for each district in this dataset includes its official name, map symbol, and district type described in Chapter 2, as well as other appropriate metadata. This constitutes Missoula County’s official zoning district geospatial dataset.

COMMENT: When displayed on a map, the zoning district layer represents each zoning district's coordinate geometry as a graphic symbol that identifies the district's borders, permitted land use type(s), and name or map symbol using colors, symbols, and text, as shown in the map's legend. The layer symbology and geospatial data used to represent the County zoning districts on the official zoning map and displayed in its legend constitute the official zoning district layer.

or other right-of-way, the boundary will be construed as following the actual centerline of the feature.

- c. If, subsequent to the establishment of the boundary, the centerline of a watercourse should move as a result of a slow-moving natural process (e.g., flooding, erosion, sedimentation, etc.) as opposed to an evulsive event, the boundary will be construed as moving with the centerline of the watercourse.
 - d. If, subsequent to the establishment of a boundary, the ridgeline or contour line associated with a boundary should move as a result of a slow-moving natural process (e.g., erosion, slippage, subsidence, etc.) as opposed to an evulsive event, the boundary will be construed as moving with the ridgeline or contour line.
 - e. A boundary shown on the zoning map as approximately following a lot boundary will be construed as following the legal description of the lot boundary as legally described at the time the zoning boundary was established.
2. Zoning boundaries that do not coincide with a property line, lot boundary, landmark, or similar

feature will be determined using geospatial data included in the official zoning map.

C) Maintenance and Updates.

- 1. The official zoning map and zoning district layer for Missoula County shall be maintained by the Planning, Development and Sustainability Department.
- 2. At the direction of Missoula County Board of Commissioners, the Zoning Officer is responsible for revising the official zoning map to reflect amendments as soon as possible after their effective date. No unauthorized person may alter or modify the official zoning map.
- 3. The Planning, Development and Sustainability Department shall maintain digital copies of superseded versions of the official zoning map for historical reference.

1.16 SPLIT-ZONED LOTS

Whenever two or more zoning districts apply to different parts of a lot, regardless of whether adopted under Part 1 or Part 2 zoning provisions established by Title 76, Chapter 2, MCA, the following rules of interpretation apply. These rules of interpretation also apply in instances where a portion of a lot is unzoned.

- A)** Where a new lot is created through subdivision, split zoning of that lot is expressly prohibited.



- B)** Where an existing lot two acres or less in size is located within two or more different zoning districts or a portion is unzoned, the district regulations applicable to the largest portion of that lot shall apply to the entire tract. Where the split zoning applies to equal portions of a lot, the lot owner may choose which district prevails.
- C)** Where an existing lot greater than two acres in size is located within two or more different zoning districts, and each zoned portion of the lot is a minimum one-half acre in size, each portion of that tract shall be subject to the applicable regulations of the zoning district in which it is located. Otherwise, any portion of an existing lot that does not meet these minimum requirements shall be subject to the regulations of the zoning district with the largest applicable area of the lot as a whole.
- D)** Where an existing lot is split by two or more zoning districts and multiple principal uses are permitted or approved as a Special Exception in any one of the applicable zoning districts, multiple uses may be located on any portion of the subject lot, provided all other requirements and these zoning regulations are met.
- E)** Building setbacks do not apply along interior zoning district boundary lines that split a lot.

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CHAPTER

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2.1 PURPOSE

The purpose of this chapter is to establish zoning districts that reflect community priorities established in the *Future Land Use Element of the Missoula County Growth Policy*, where compatible uses and development densities are assigned to create, protect, and maintain quality of life for all Missoula County residents.

2.2 DISTRICT CLASSIFICATIONS

The following zoning districts are established and applied to property as set forth on the Official Zoning Map.

A) Open Land and Agricultural Districts

Table 1 Open Land and Agricultural Districts

SYMBOL	DISTRICT NAME
RO	Resource and Open Lands
AGR	Agriculture, Reserve
AGW	Agriculture, Working
AGRR	Agriculture, Rural Residential
RRS	Rural Residential, Small Agriculture

B) Residential Districts

Table 2 Residential Districts

SYMBOL	DISTRICT NAME
R	Residential
RM	Residential, Medium
LM	Live/Make Neighborhood
NR	Neighborhood Residential

C) Mixed-Use Districts

Table 3 Mixed-Use Districts

SYMBOL	DISTRICT NAME
NC	Neighborhood Center
CC	Commercial Center
CEC	Civic Employment Center

D) Industrial and Manufacturing Districts

Table 4 Industrial and Manufacturing Districts

SYMBOL	DISTRICT NAME
ICL	Industrial Center, Light
ICH	Industrial Center, Heavy

E) **Legacy Districts.** Legacy districts are zoning districts adopted prior to the effective date of these regulations that are not being amended, superseded, or rescinded by these regulations. A list of these districts and the number of the resolution establishing the district can be found in Appendix A. As of the effective date of these regulations no new legacy district may be added to the Official Zoning Map, nor may any boundary of an existing legacy district be modified except to come into conformity with a general district as classified above.



2.3 ZONING DISTRICTS ESTABLISHED

SECTION 2.3.A RESOURCE AND OPEN LANDS (RO)

1. PURPOSE

The purpose of this district is to protect natural landscapes, waterways, and fish and wildlife habitat and minimize risks to public health and safety. This is accomplished by restricting development in natural and/or hazardous areas except for the purposes of agricultural and silvicultural activities and for access to recreation. Permitted land uses are limited to undeveloped open space, agriculture, silviculture, and passive recreation. Buildings, utilities, and impervious surfaces are limited, and all development should be sited to protect natural and environmentally sensitive areas. Mobility and access to and through this zone is generally by unimproved local roadways served by regional arterials and highways with limited formal, non-motorized facilities; however, trail network connectivity and developed access points are encouraged to guide use away from sensitive areas and support recreational amenities meeting required site design elements.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Resource and Open Lands (RO) district are found in Section 3.2. "Building Types Allowed by District."

3. PERMITTED USES

Uses permitted in the Resource and Open Lands (RO) district are found in Table 5, Section 2.4.G. "Table of Uses."

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

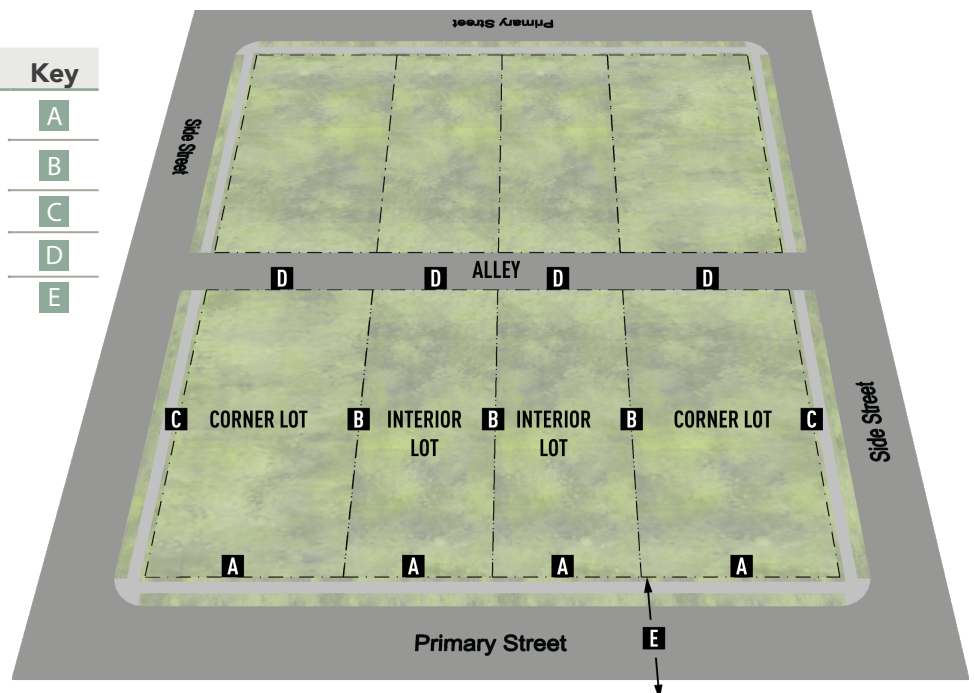


Fig. A-1 General Lot Components

4. SITE DESIGN STANDARDS

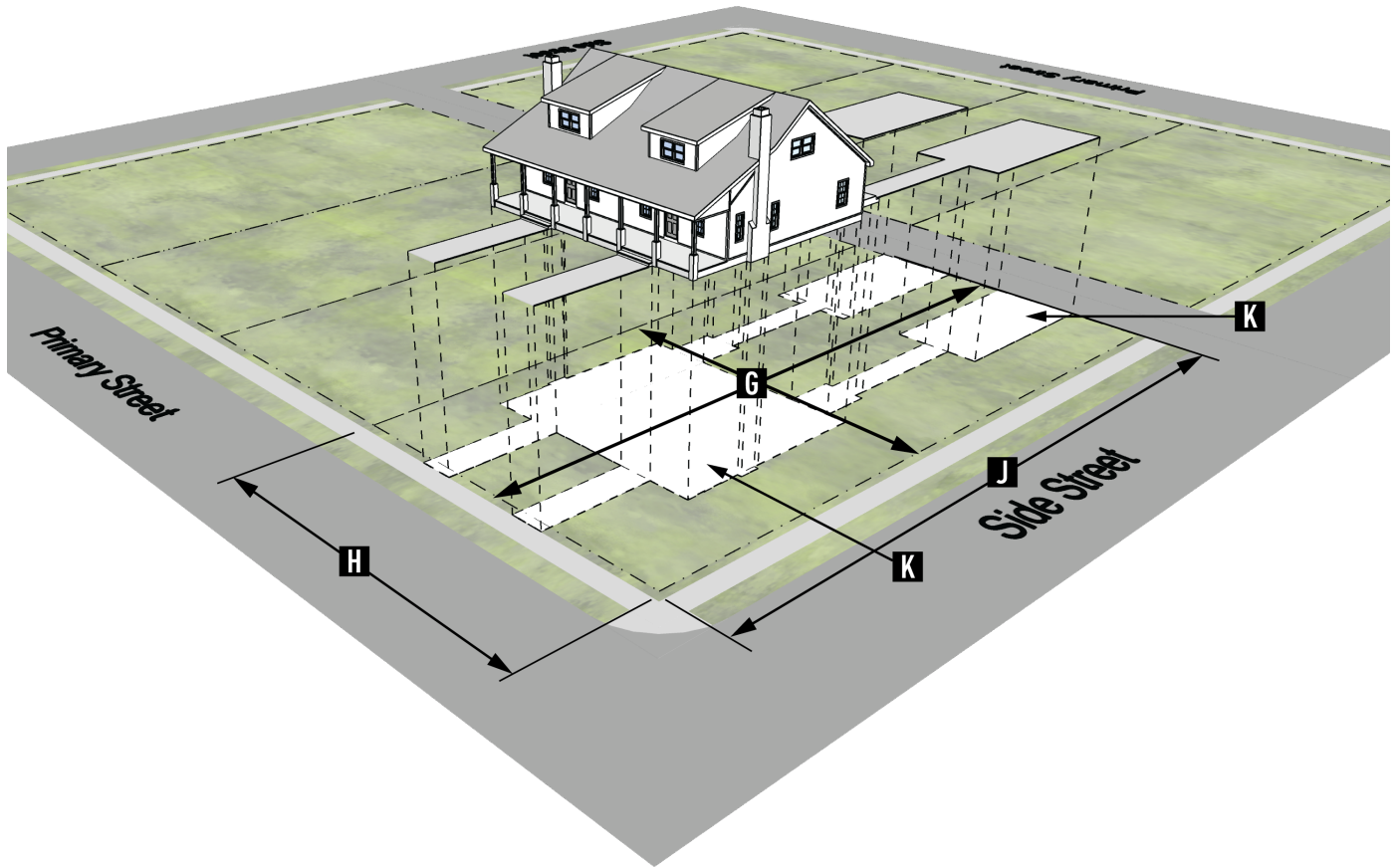


Fig. A-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes Per Acre	
	Min. Area (acre)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
All types as permitted	n/a	n/a	n/a	25%	n/a	n/a
Diagram Key	G	H	J	K		



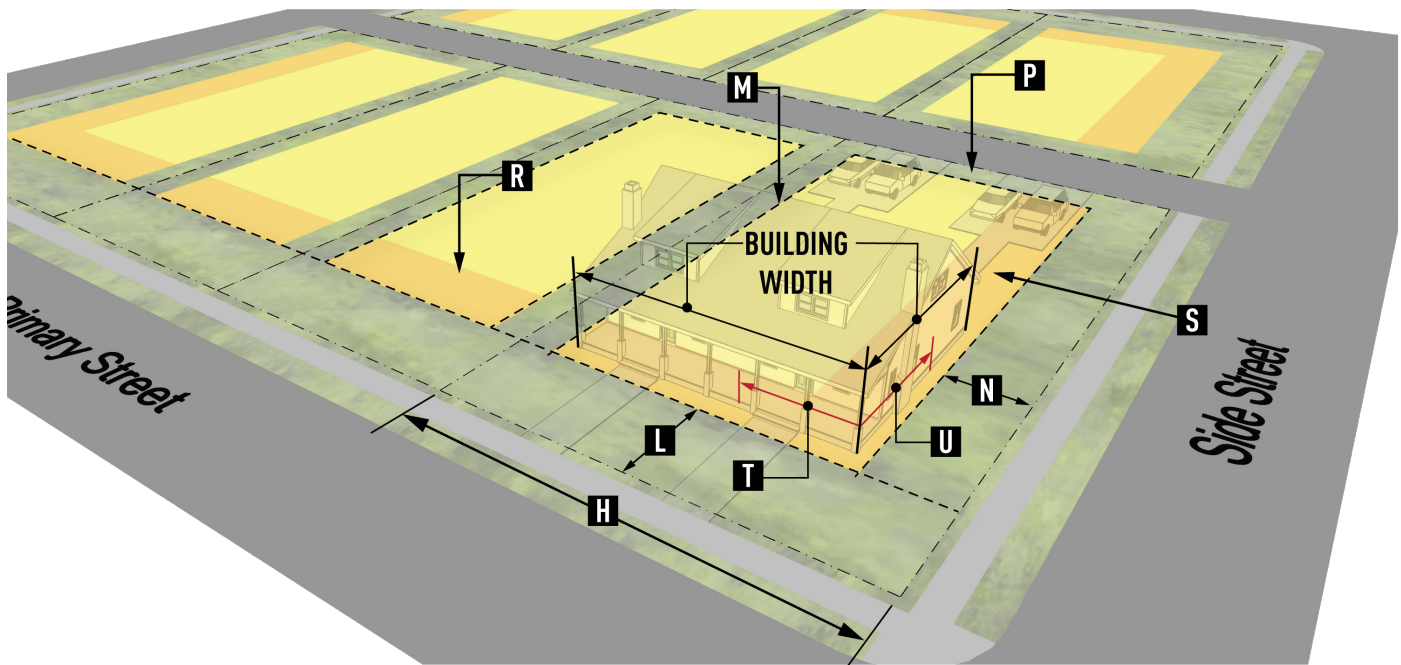


Fig. A-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	25'	50'	L	
Side (interior)	25'	15'	M	
Side (street)	25'	50'	N	
Rear	25'	15'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U

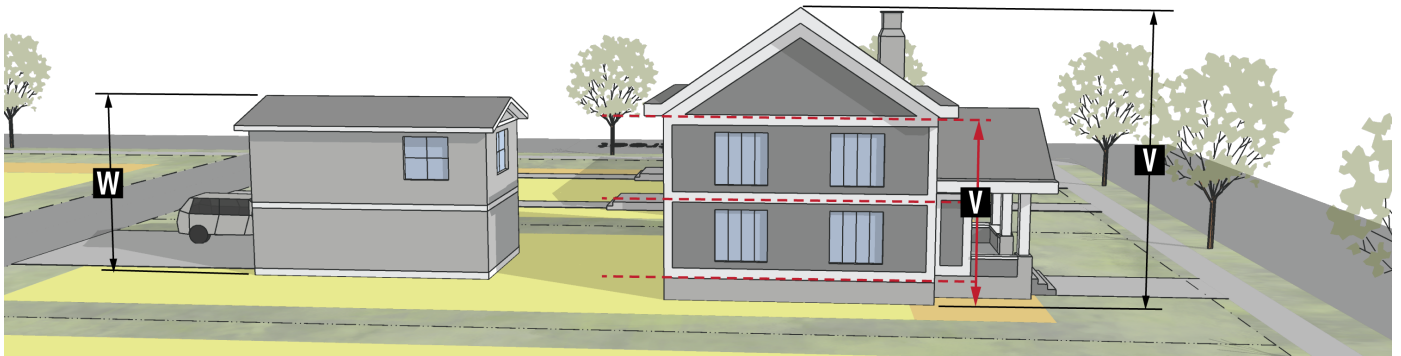


Fig. A-4 Building Height

c. Building Scale

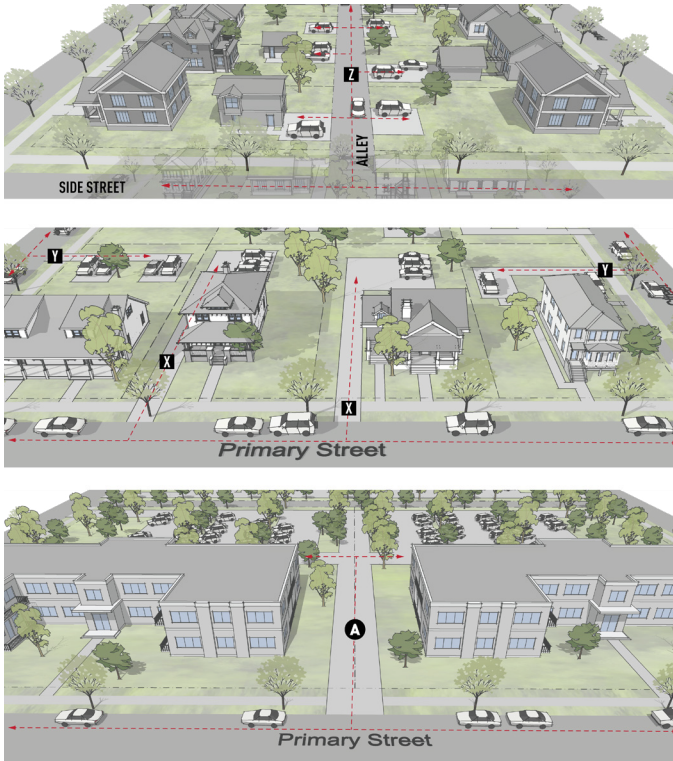
Building / Structure	Max. Height	Key	Max. Stories	Key
Principal building	n/a	V	n/a	V
Accessory structure, detached	n/a	W	n/a	n/a

*Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the RO district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. A-5 Vehicular Access

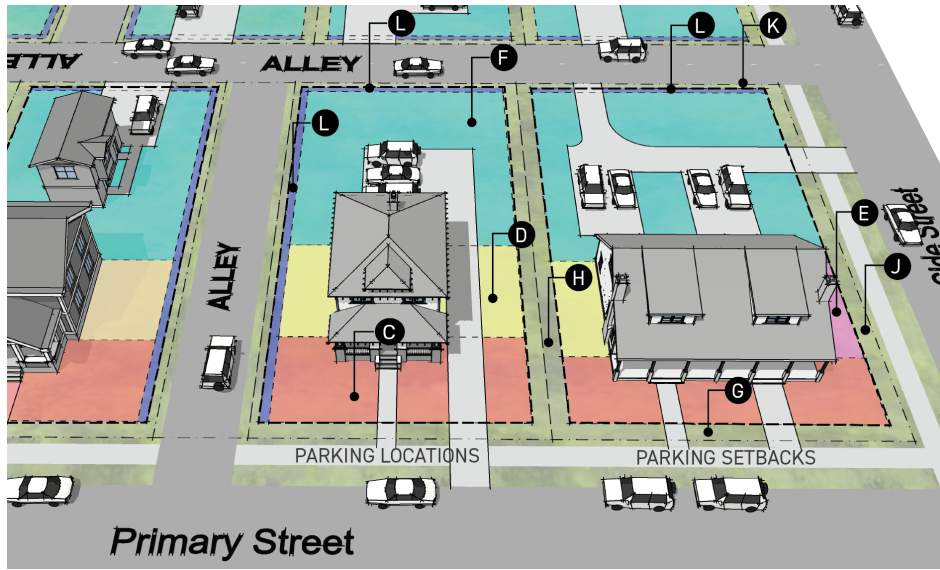


Fig. A-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard	P	C
Side yard (interior)	P	D
Side yard (street)	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front	n/a	G
Side (interior)	n/a	H
Side (street)	n/a	J
Rear	n/a	K
Alley setback	n/a	L

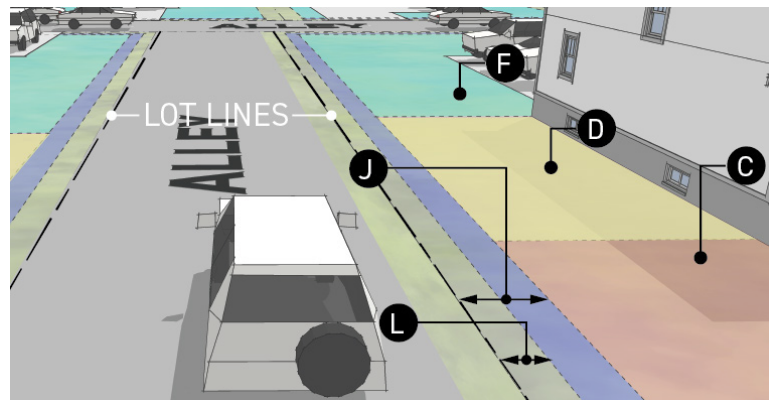


Fig. A-7 Measuring Alley Setbacks
Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.B AGRICULTURE, RESERVE (AGR)

1. PURPOSE

The purpose of this district is to protect prime agricultural soils that support a diverse local and regional agricultural economy. This zone is characterized by large farm tracts and intact agricultural landscapes, mediated by the availability of irrigation. Land use and development is limited to agriculture and associated activities incidental to and supportive of agricultural use that are designed and managed in a way that protects natural resources, public health, and critical fish and wildlife habitat. Mobility and access to and through this zone is generally by private vehicle on unimproved local roads. Non-motorized facilities may be required along arterial and collector roads, and trail connectivity and access to recreational amenities may be required during the development process.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Agriculture, Reserve (AGR) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Agriculture, Reserve (AGR) district are found in Table 5, Section 2.4.G. "Table of Uses."

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures"

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

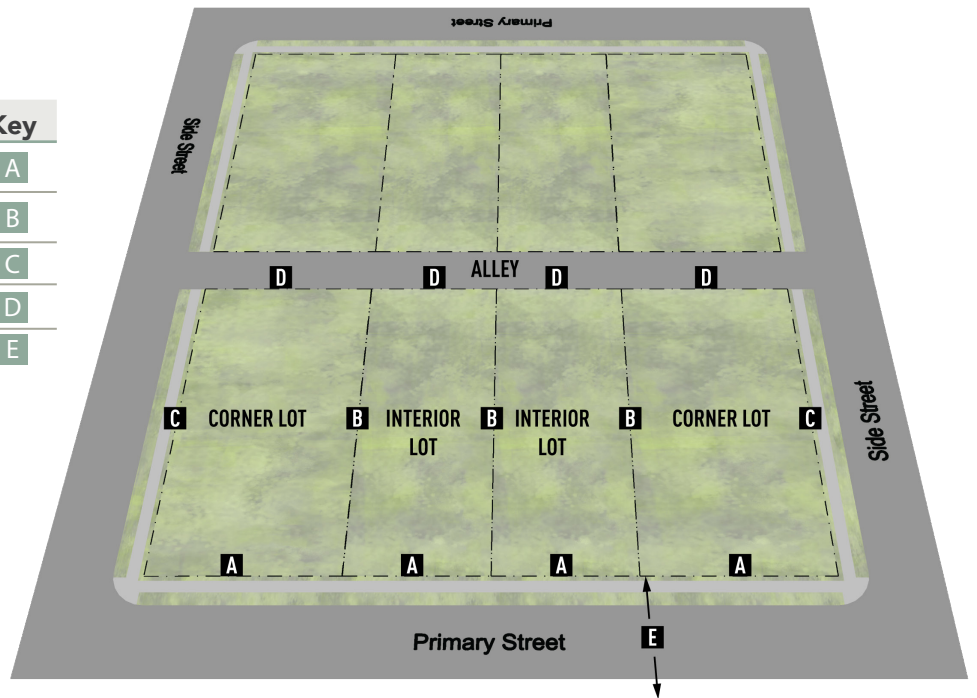


Fig. B-1 General Lot Components

4. SITE DESIGN STANDARDS

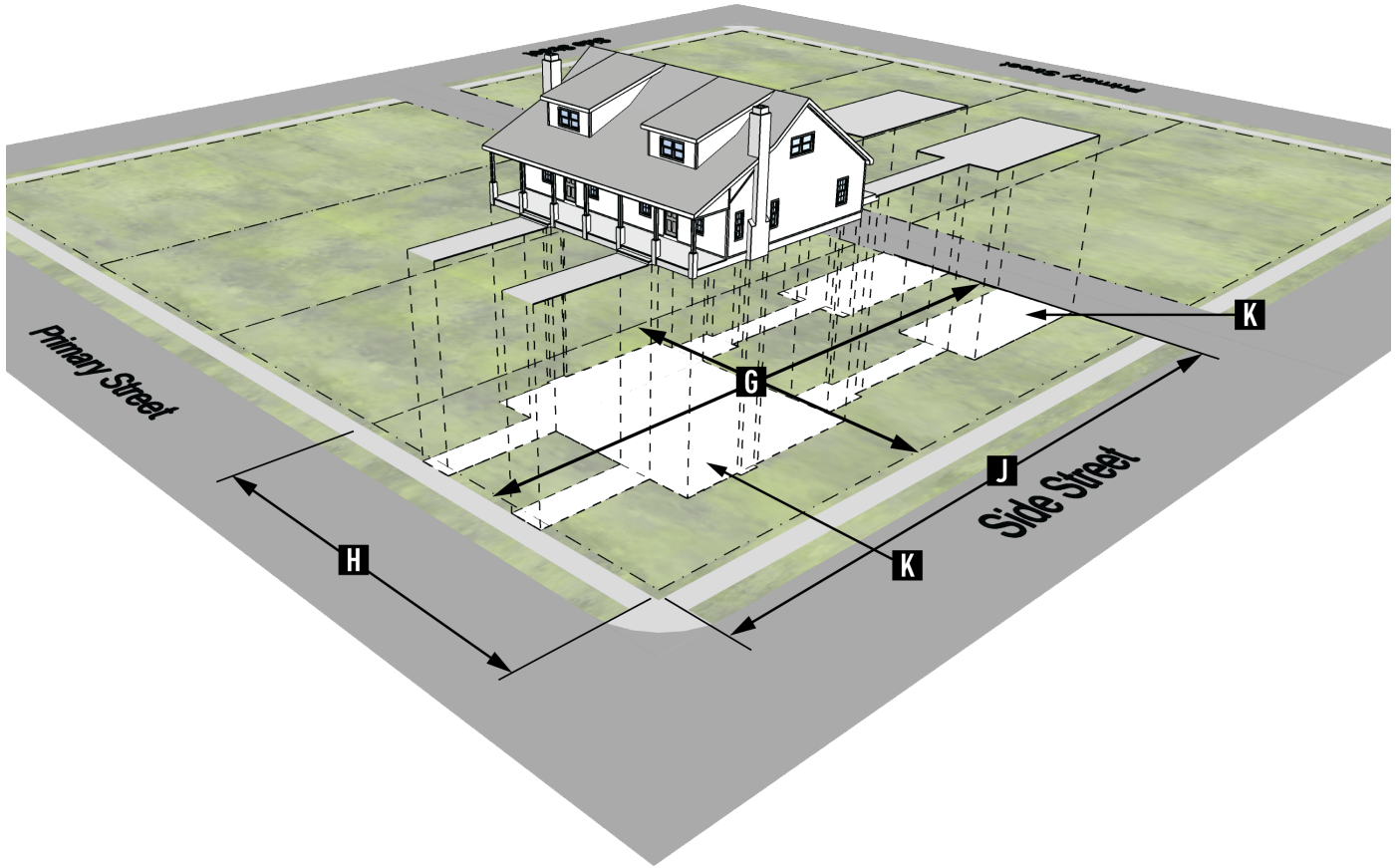


Fig. B-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes Per Acre	
	Min. Area (acre)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
Duplex, twinhouse	80	150'	150'	35%	n/a	1 home/40 ac
All other types as permitted	40	150'	150'	35%	n/a	1 home/40 ac
Diagram Key	G	H	J	K		



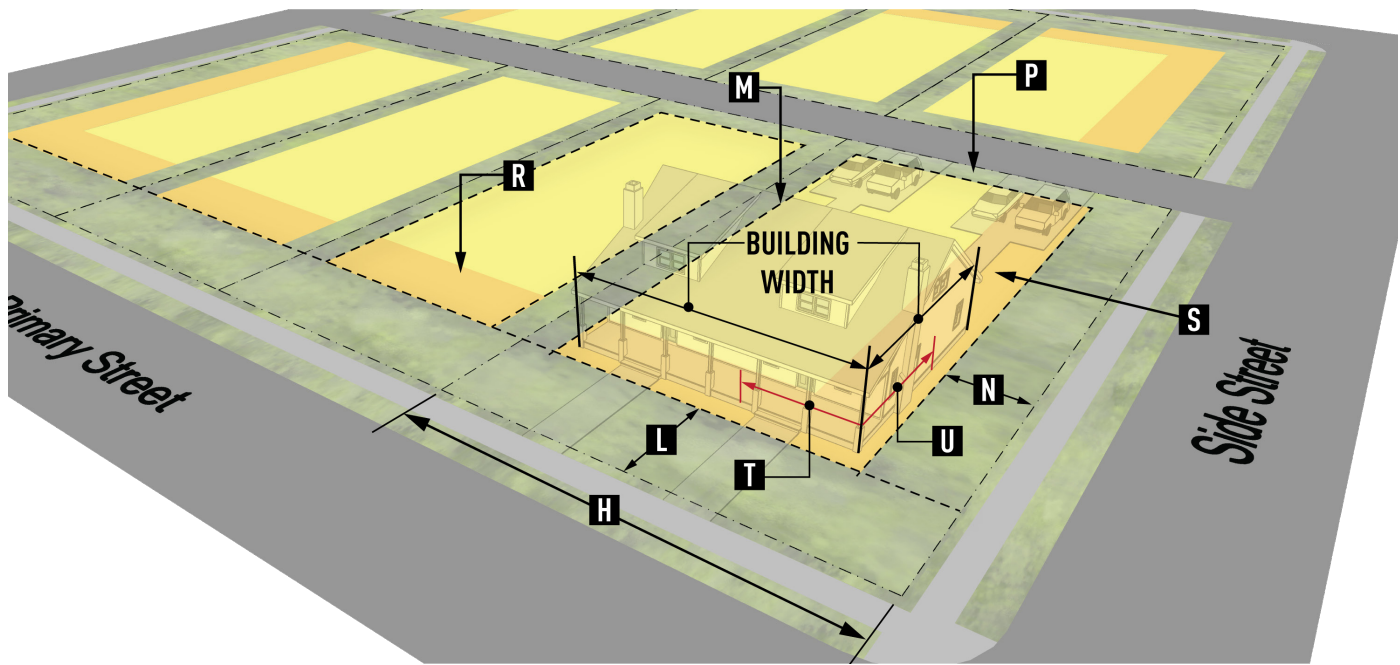


Fig. B-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	25'	25'	L	
Side (interior)	25'	10'	M	
Side (street)	25'	25'	N	
Rear	15'	10'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U

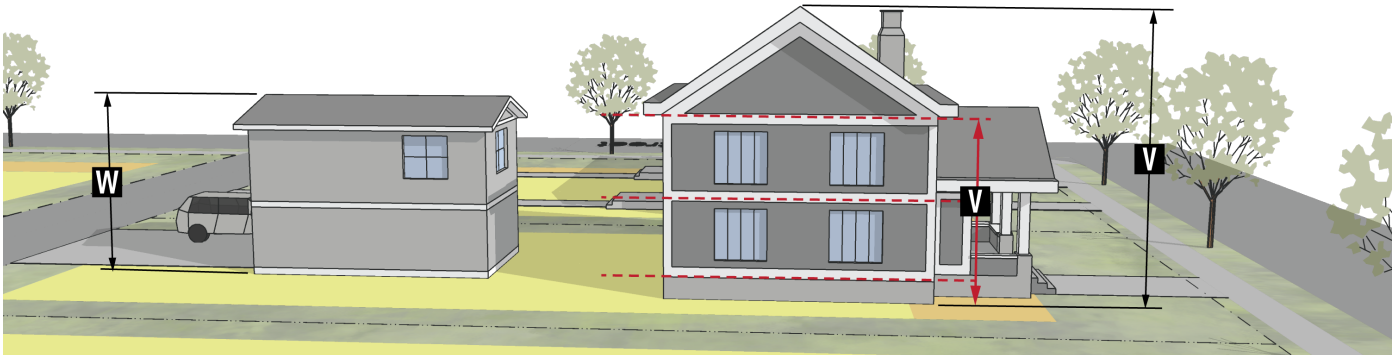


Fig. B-4 Building Height

c. Building Scale

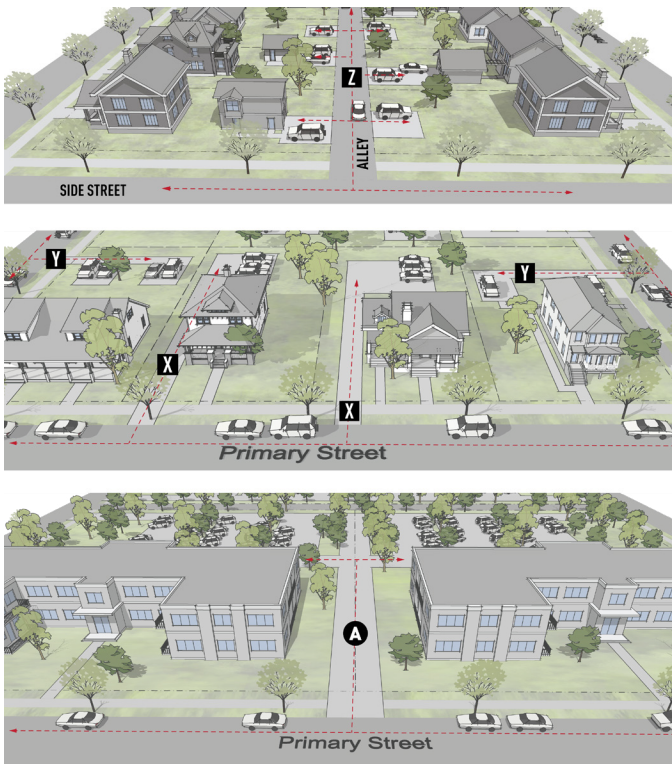
Building / Structure	Max. Height	Key	Max. Stories	Key
Principal building	n/a	V	n/a	V
Accessory structure, detached	n/a	W	n/a	n/a

*Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the AGR district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. B-5 Vehicular Access

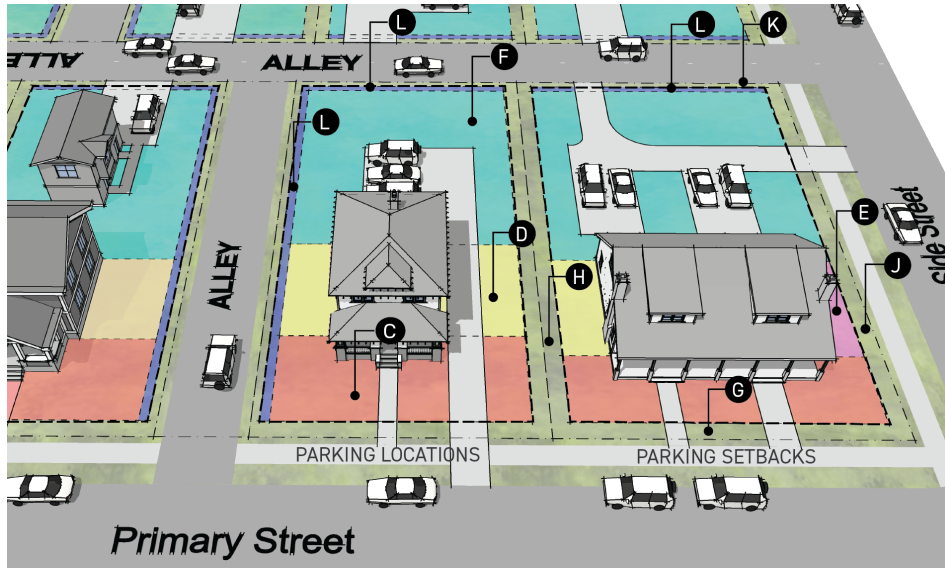


Fig. B-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard	P	C
Side yard (interior)	P	D
Side yard (street)	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front	n/a	G
Side (interior)	n/a	H
Side (street)	n/a	J
Rear	n/a	K
Alley setback	n/a	L

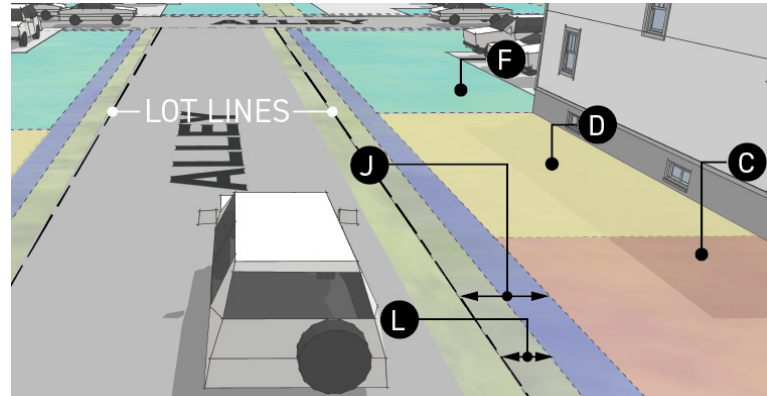


Fig. B-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.C AGRICULTURE, WORKING (AGW)

1. PURPOSE

The purpose of this district is to conserve the integrity and quality of the rural character. This district provides opportunities for a rural residential lifestyle that may include income generation from agriculture and natural resource-based industries. There is limited infrastructure and few services as the emphasis in this zone remains focused on protecting the functionality of the natural environment as well as promoting public health and safety through site design and conservation development measures. Development intensity in this district is governed by site-specific conditions including the availability of adequate infrastructure and water resources, proximity to services and the presence of environmental constraints. Mobility and access are characterized by auto-centric design paired with non-motorized facilities required along arterial and collector roads. Local roads are typically unimproved unless serving more intense lifestyle-supportive development such as home occupations or clustered conservation neighborhoods. Trail connectivity and access to recreational amenities may be required during the development process.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Agriculture, Working (AGW) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Agriculture, Working (AGW) district are found in Table 5, Section 2.4.G. "Table of Uses."

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be permitted if approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

Conservation development is required when 5 or more acres of important agricultural soils are present (see Section 9.3.E.3.).

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

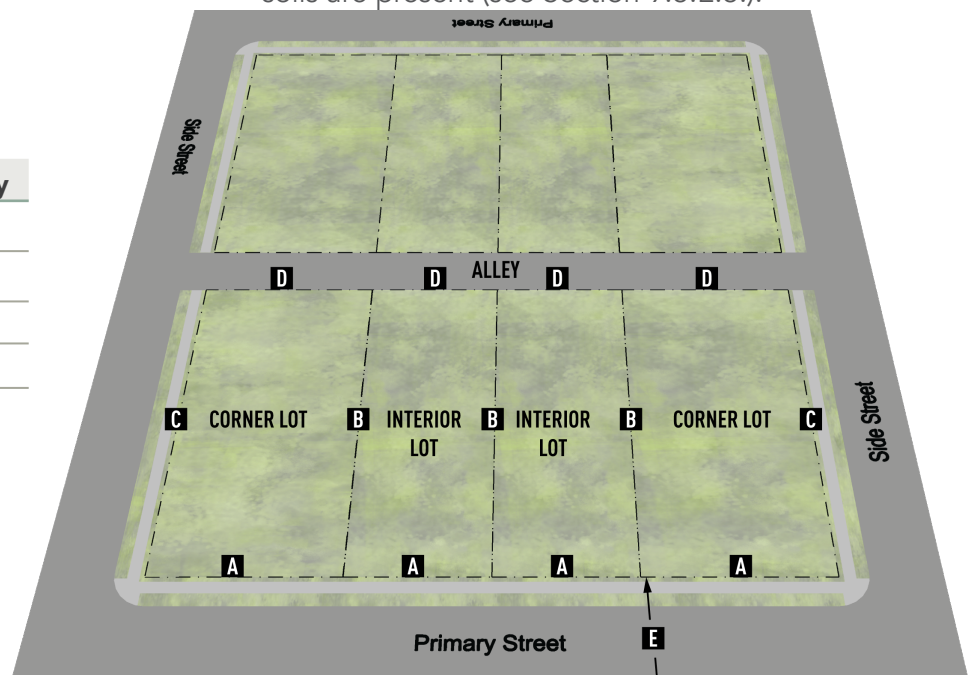


Fig. C-1 General Lot Components

4. SITE DESIGN STANDARDS

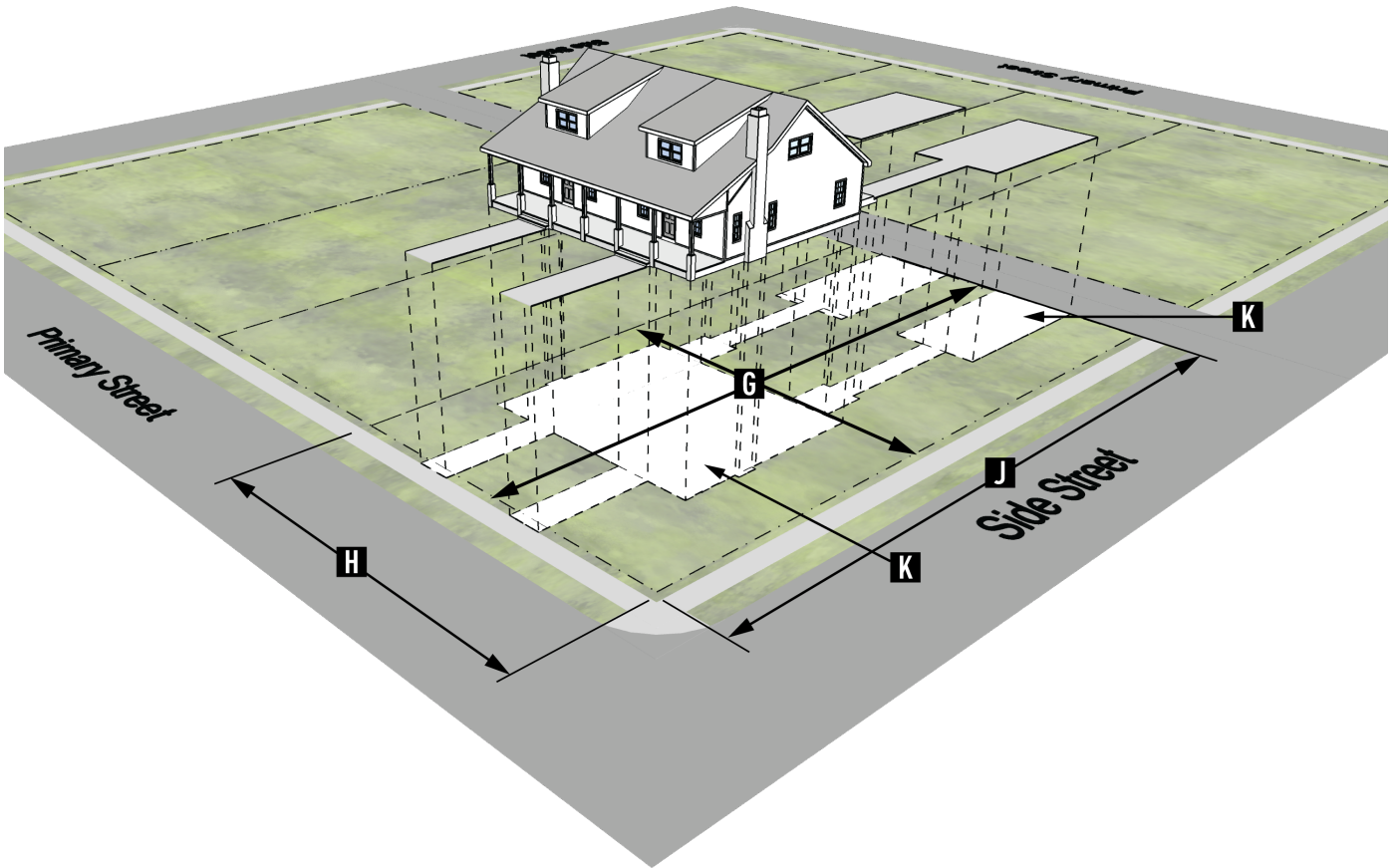


Fig. C-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Sub-District	Building Type	Lot Dimensions				Homes per acre	
		Min. Area (acre)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
AGW 160	Duplex, twinhouse	320				n/a	1 home/160 ac.
	All other types as permitted	160	150'	150'	40%		
AGW 80	Duplex, twinhouse	160				n/a	1 home/80 ac.
	All other types as permitted	80	150'	150'	40%		
AGW 40	Duplex, twinhouses	80				n/a	1 home/40 ac.
	All other types as permitted	40	150'	150'	40%		

Diagram Key

G

H

J

K



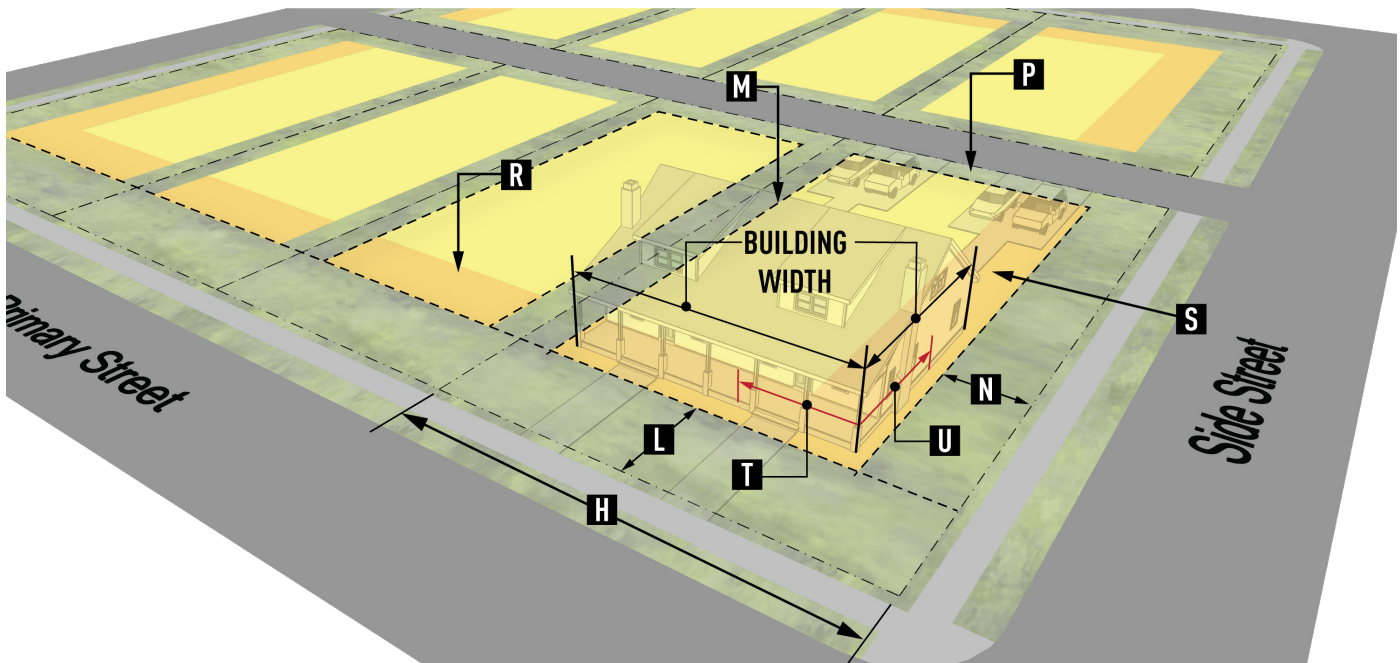


Fig. C-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	25'	25'	L	
Side (interior)	25'	10'	M	
Side (street)	25'	25'	N	
Rear	15'	10'	P	
Build-to Zone (BTZ)	BTZ depth (min.)	BTZ depth (max.)	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U

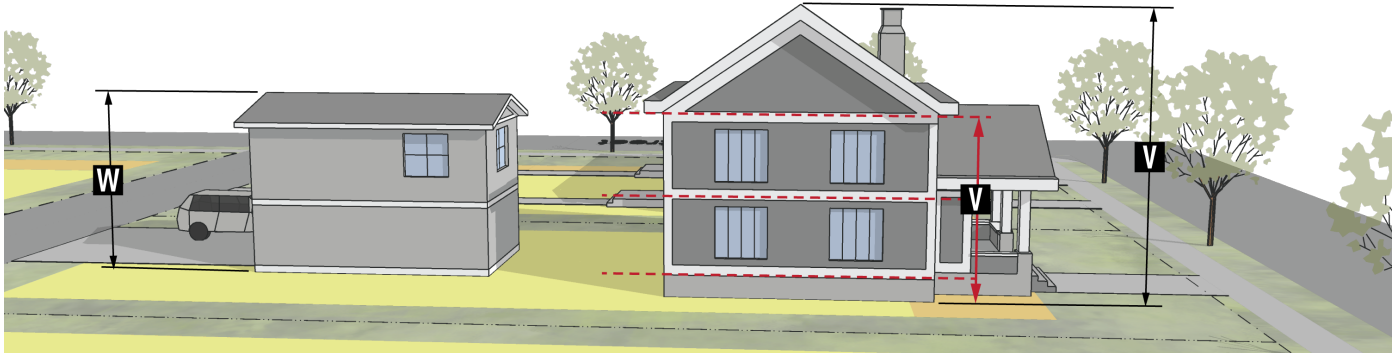


Fig. C-4 Building Height

c. Building Scale

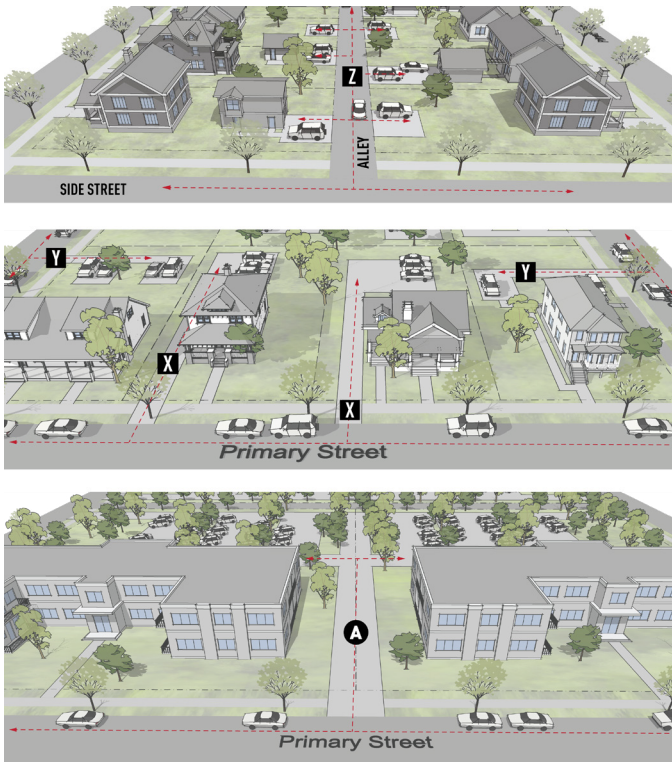
Building / Structure	Max. Height	Key	Max. Stories	Key
Principal building	n/a	V	n/a	V
Accessory structure, detached	n/a	W	n/a	n/a

*Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the AGW district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. C-5 Vehicular Access

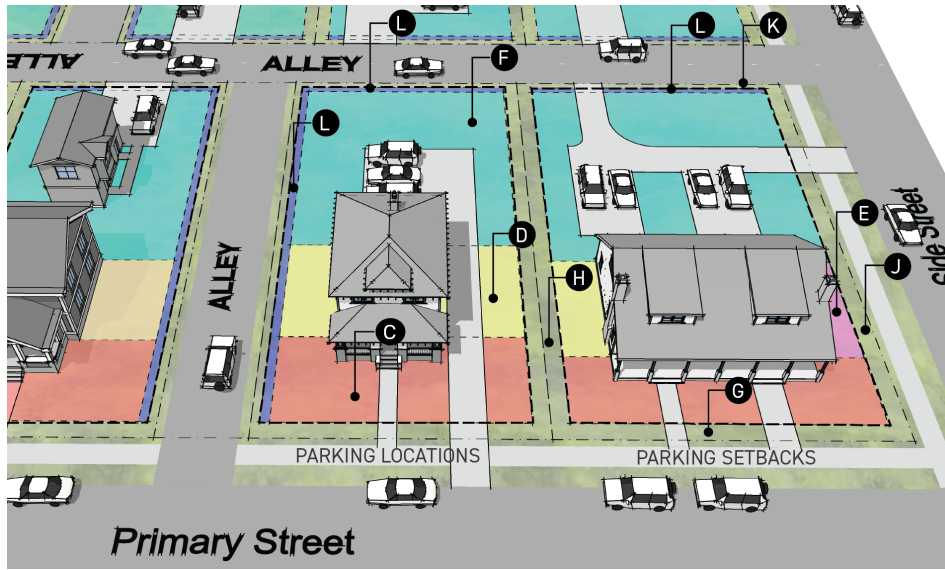


Fig. C-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard	P	C
Side yard (interior)	P	D
Side yard (street)	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front	n/a	G
Side (interior)	n/a	H
Side (street)	n/a	J
Rear	n/a	K
Alley setback	n/a	L

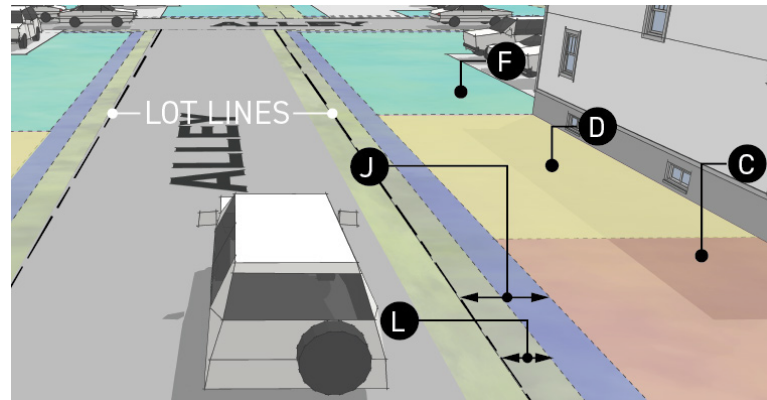


Fig. C-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.D AGRICULTURE, RURAL RESIDENTIAL (AGRR)

1. PURPOSE

The purpose of this district is to balance rural residential development with the preservation of natural landscapes in areas where infrastructure may exist and services are proximal. Agricultural land uses still abound but at a smaller scale and support a wide range of related uses including agritourism, farm stands, farm-to-table and home-based business operations, and limited agricultural products manufacturing and fabrication. Development character remains rural in nature even as low-density residential development mixes with larger tracts of land used for active agricultural production and supported uses. Development intensity is governed by site-specific conditions including the availability of adequate infrastructure, proximity to services, and the presence of environmental constraints. Mobility and access are characterized by a combination of auto-centric design in lower-intensity areas connected by non-motorized facilities required along most arterial and collector roads as well as those local roads that have been improved. Local roads may be unimproved unless serving higher-intensity residential development. Trail connectivity and access to recreational amenities continues to be an important requirement of development through site design.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Agriculture, Rural Residential (AGRR) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Agriculture, Rural Residential (AGRR) district are found in Table 5, Section 2.4.G. "Table of Uses."

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be permitted if approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

Conservation development is required when 5 acres or more of important agricultural soils are present (see section 9.3.E.3.)

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

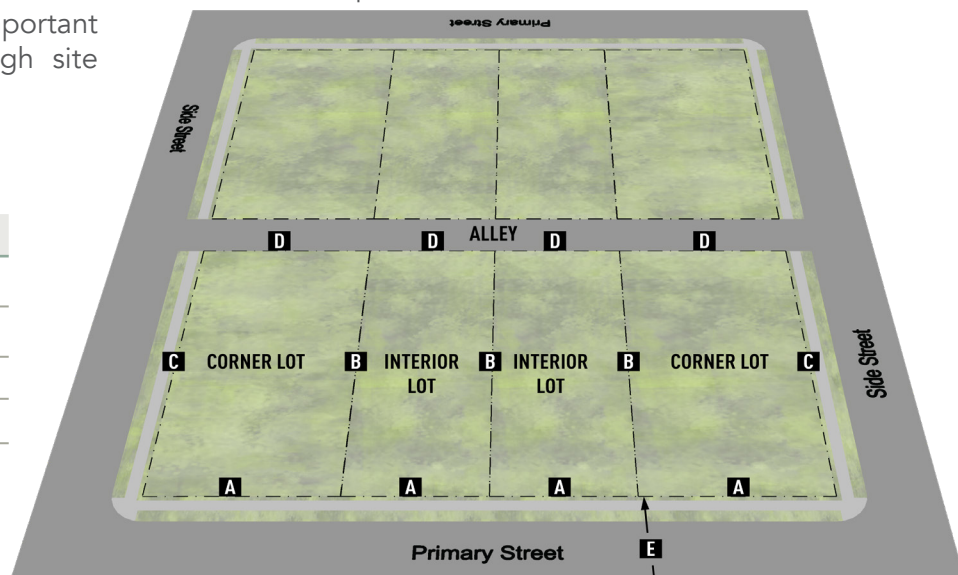


Fig. D-1 General Lot Components

4. SITE DESIGN STANDARDS

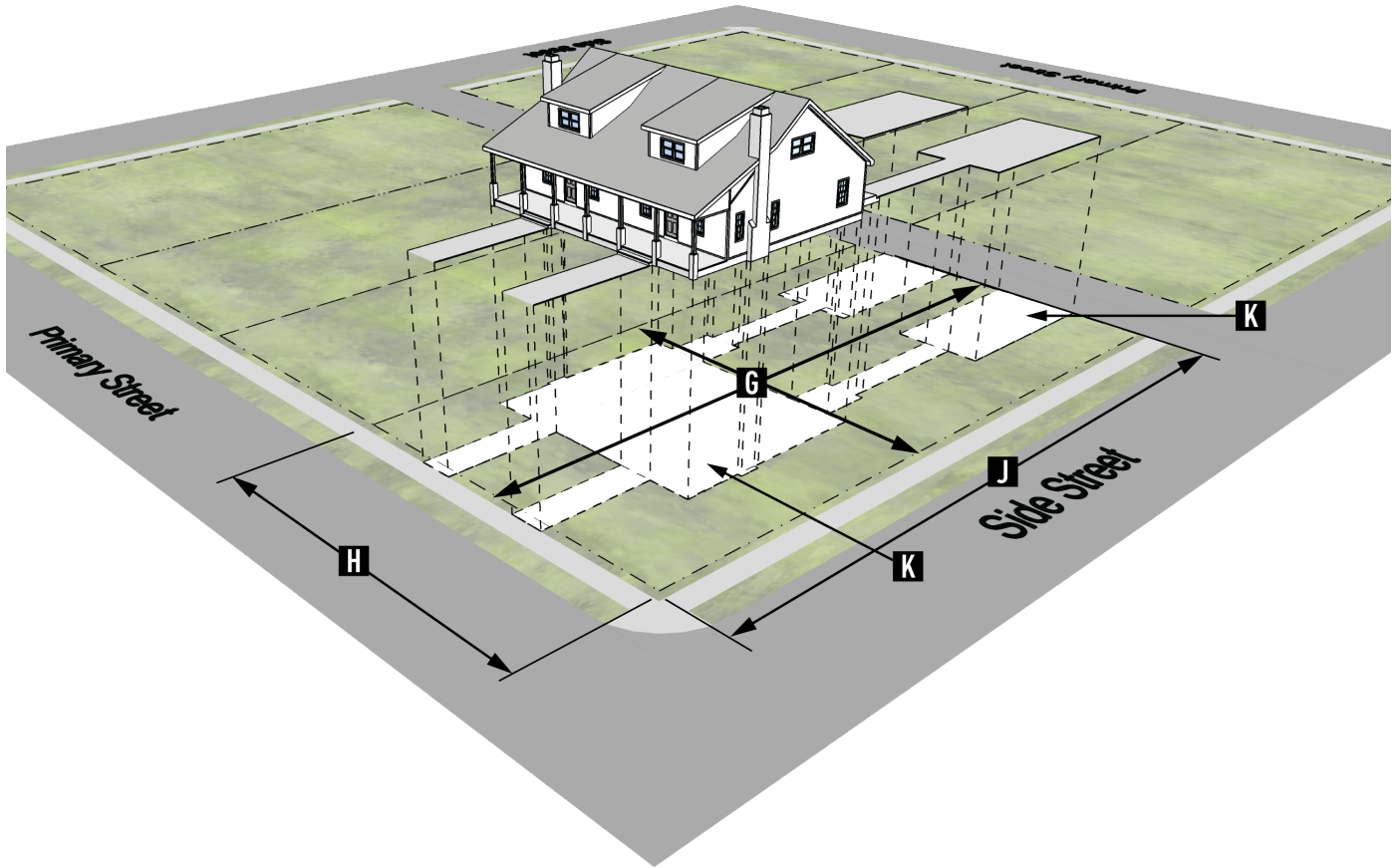


Fig. D-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Sub-District	Building Type	Lot Dimensions				Homes per acre	
		Min. Area (acre)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
AGRR 10	Duplex, twinhouse	20				n/a	1 home/10 ac
	All other types as permitted	10	100'	100'	40%		
AGRR 5	Duplex, twinhouse	10				n/a	1 home/5 ac
	All other types as permitted	5	100'	100'	40%		



a. Lot Dimensions and Gross Density

AGRR 2	Duplex, twinhouse	4	75'	75'	50%	n/a	1 home/2 ac
	All other types as permitted	2	100'	100'			
Diagram Key		G	H	J	K		

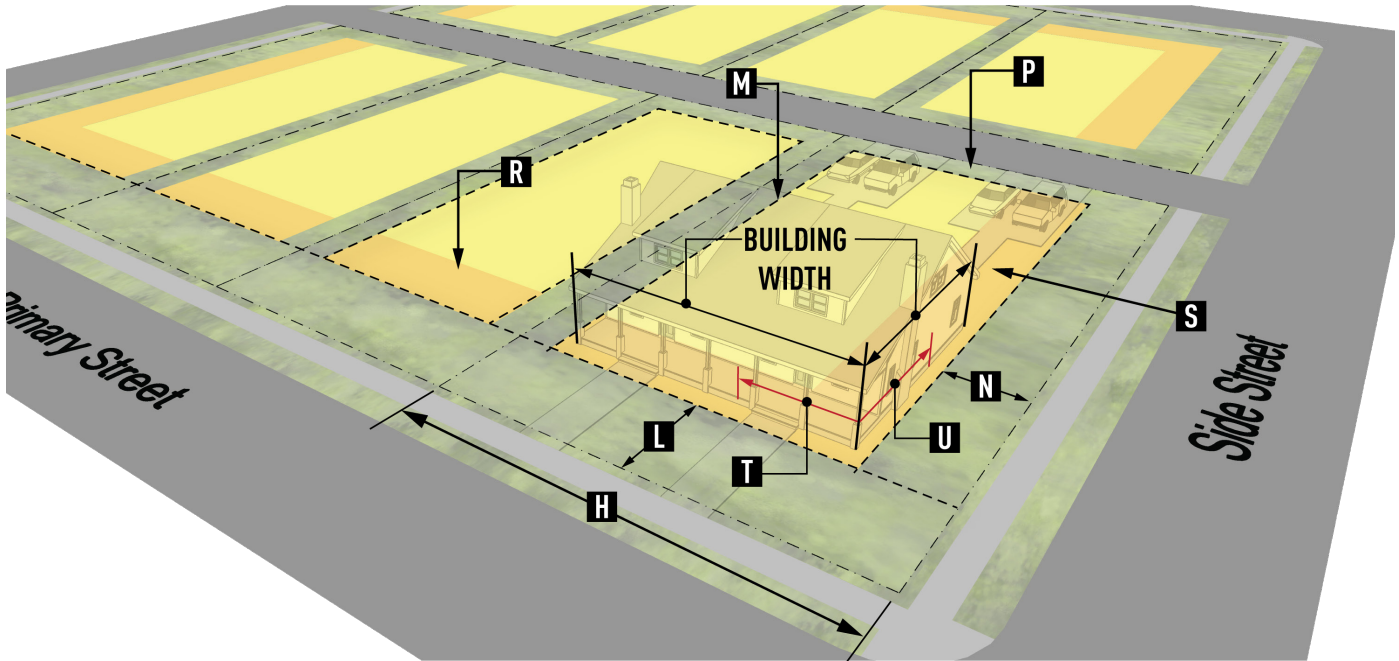


Fig. D-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	25'	25'	L	
Side (interior)	15'	3'	M	
Side (street)	15'	15'	N	
Rear	15'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U

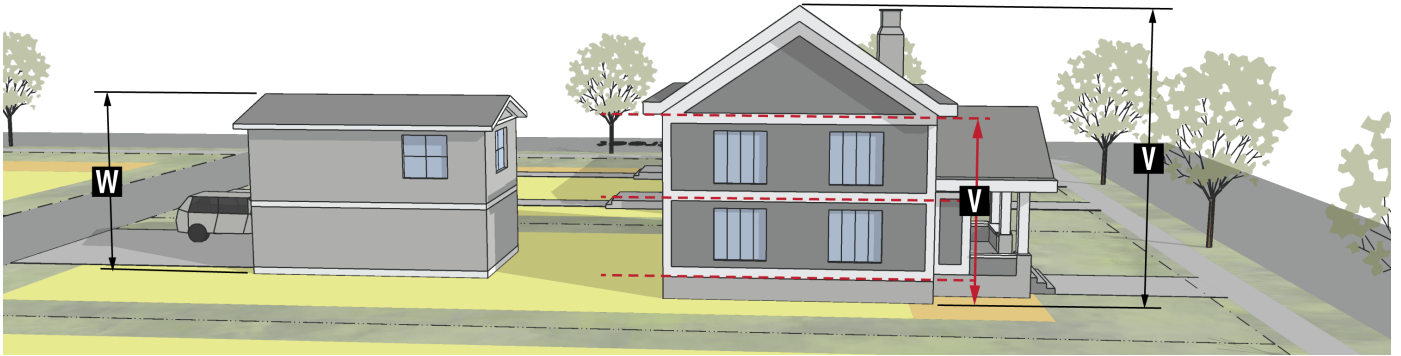


Fig. D-4 Building Height

c. Building Scale

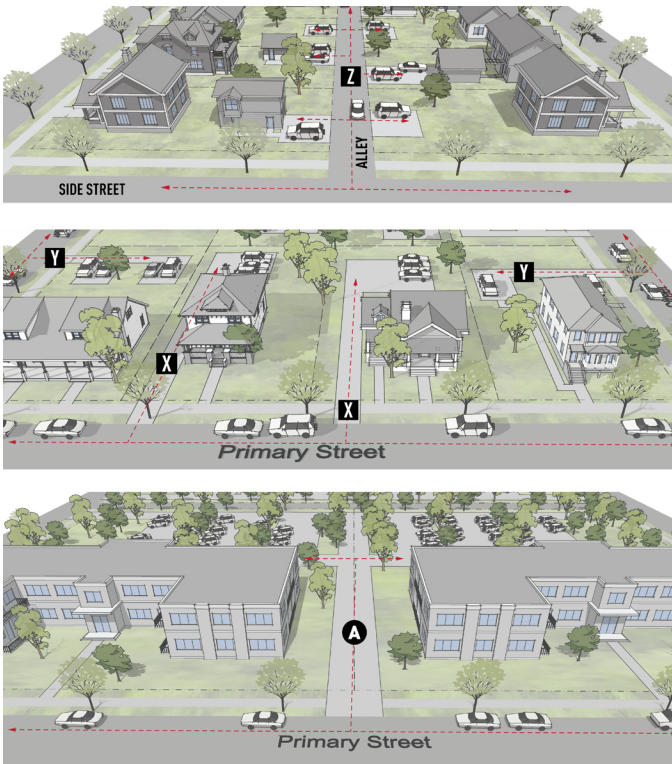
Building / Structure	Max. Height	Key	Max. Stories	Key
Principal building	36'	V	n/a	V
Accessory structure, detached	30'	W	n/a	n/a

*Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the AGRR district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. D-5 Vehicular Access

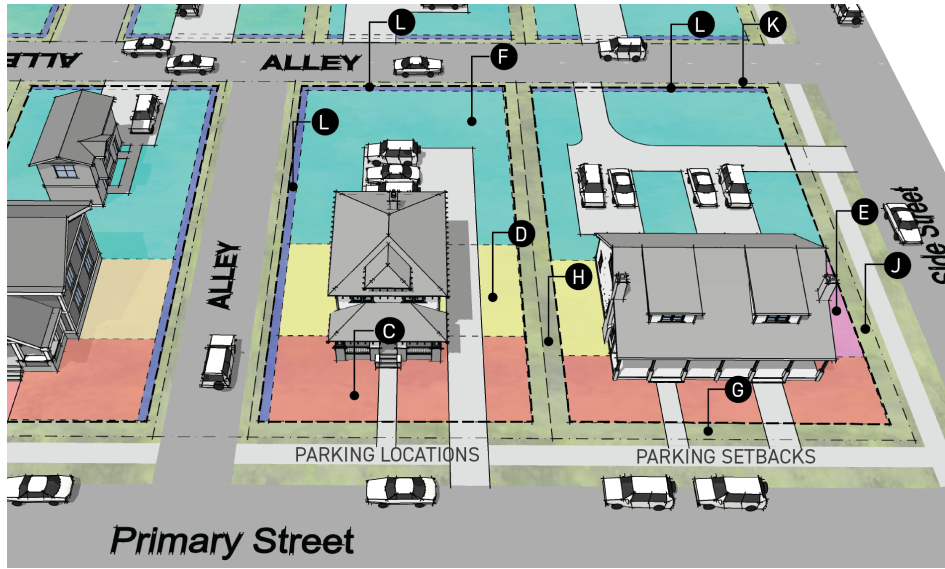


Fig. D-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard	P	C
Side yard (interior)	P	D
Side yard (street)	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front	n/a	G
Side (interior)	n/a	H
Side (street)	n/a	J
Rear	n/a	K
Alley setback	n/a	L

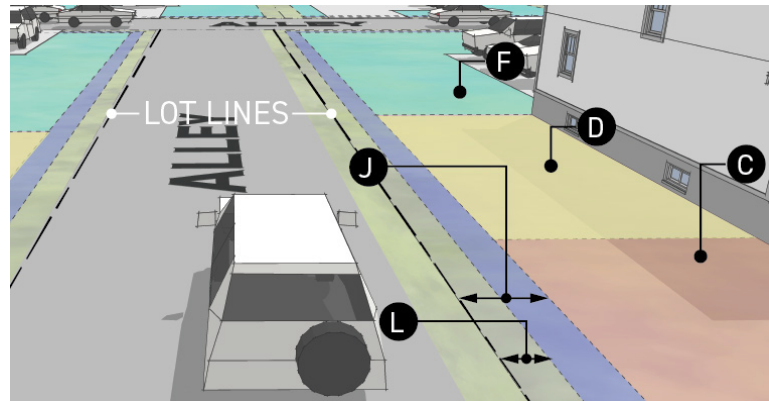


Fig. D-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.E RURAL RESIDENTIAL, SMALL AGRICULTURE (RRS)

1. PURPOSE

The purpose of this district is to balance rural residential development with the preservation of natural landscapes in areas of the county where infrastructure may exist, and services are proximal. Agricultural land uses still abound but at a smaller scale, supporting a wide range of related uses including agritourism, farm stands, farm-to-table and home-based business operations, and limited manufacturing and fabrication. Development character remains rural in nature even as low-density residential development mixes with larger tracts of land used for active agricultural production and limited commercial services in locations with adequate infrastructure. Development intensity is governed by site-specific conditions including the availability of adequate infrastructure and water resources, proximity to services, and the presence of environmental constraints. Buildings may be situated closer to lot lines, in proximity to access points, and away from riparian areas, wetlands, and natural waterways. Mobility and access are characterized by a combination of auto-centric design in lower-intensity areas connected by non-motorized facilities required along most arterial and collector roads as well as those local roads that have been improved. Local roads may be unimproved unless serving higher-intensity residential development. Trail connectivity and access to recreational amenities continues to be important and a requirement of development through site design.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Rural Residential, Small Agriculture (RRS) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Rural Residential, Small Agriculture (RRS) district are found in Table 5, Section 2.4.G. "Table of Uses."

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be permitted if approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

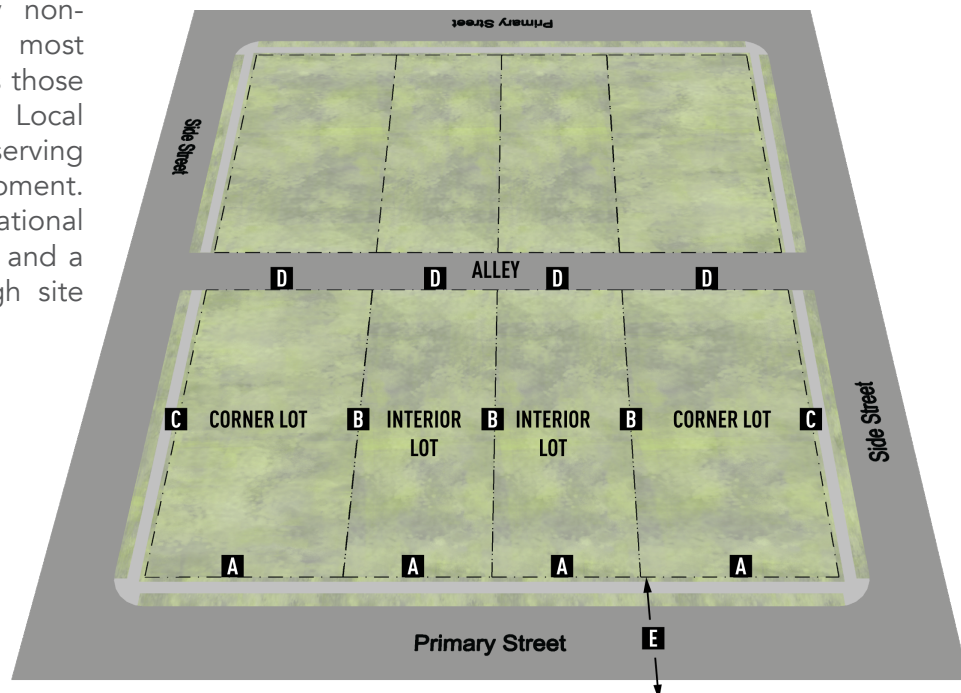


Fig. E-1 General Lot Components

4. SITE DESIGN STANDARDS

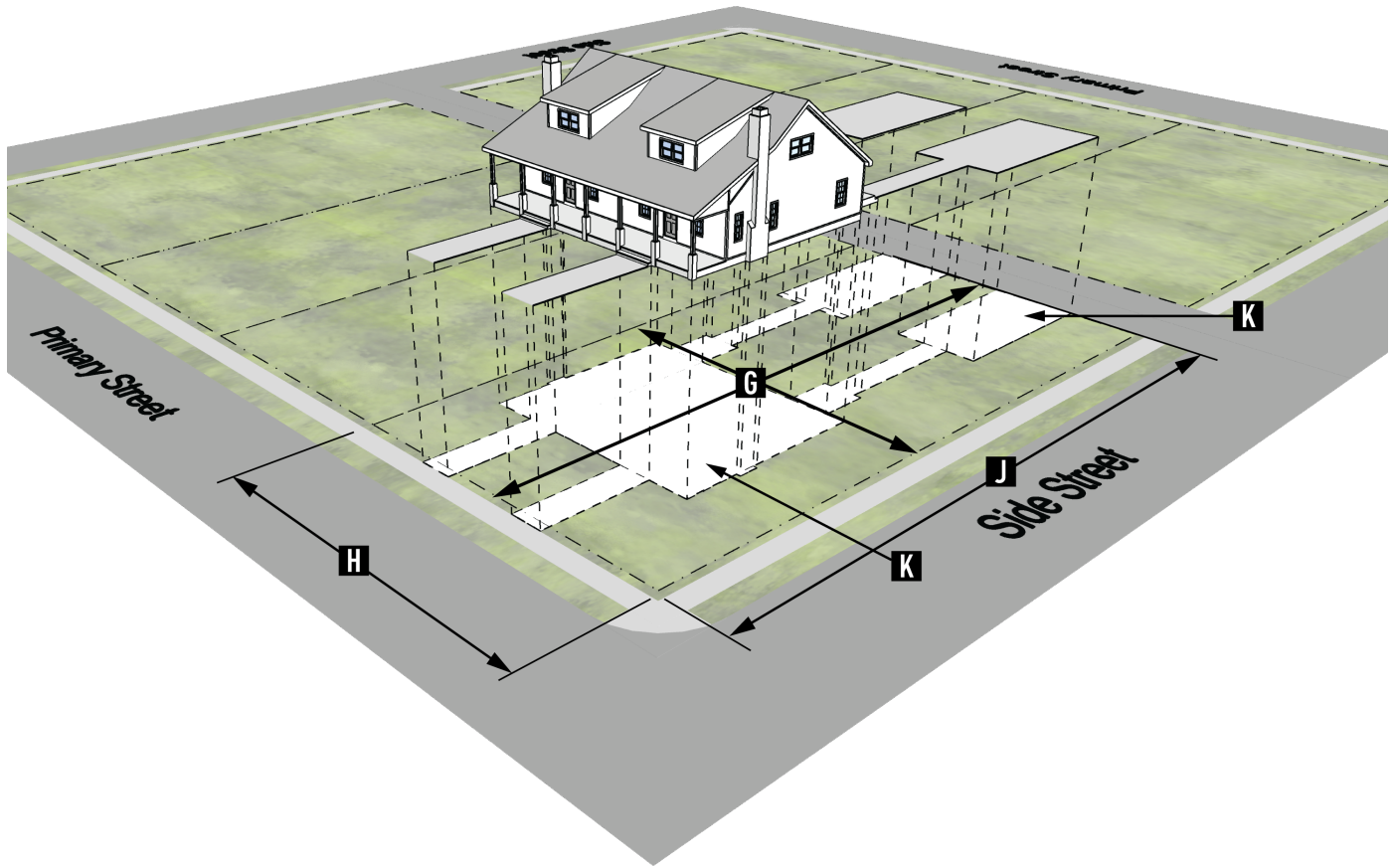
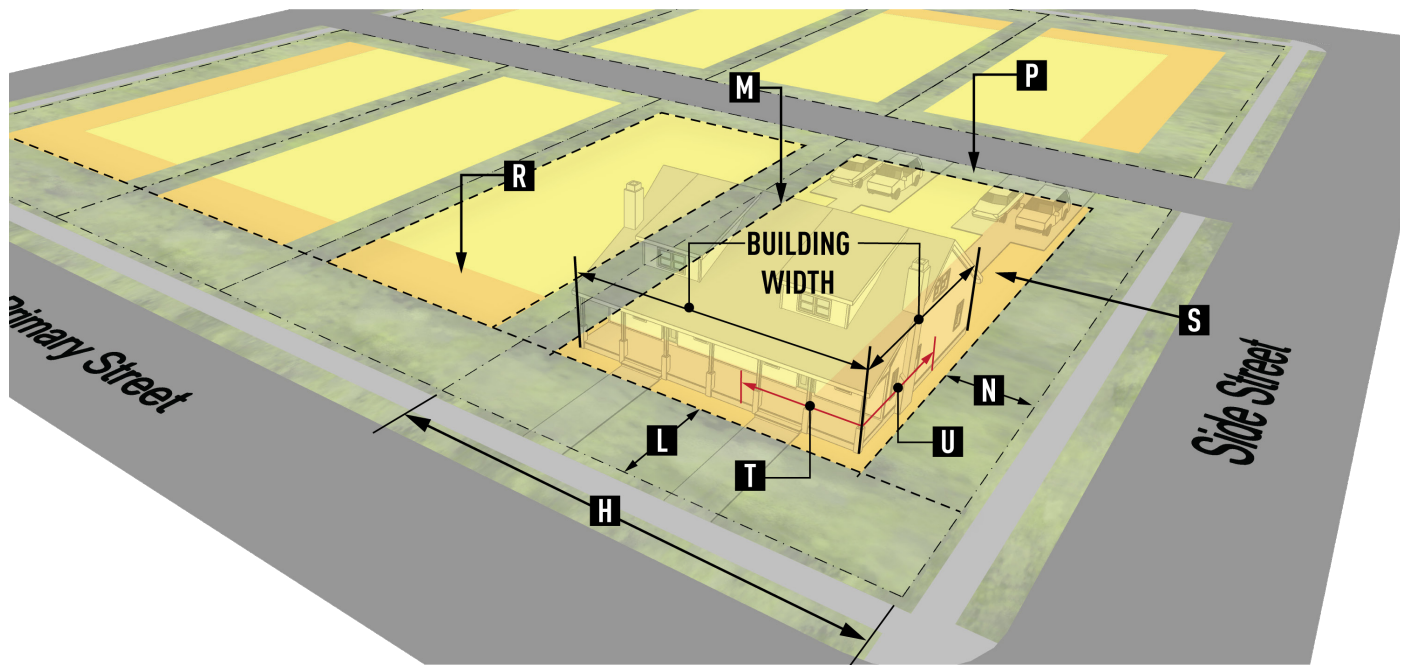


Fig. E-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Sub-District	Building Type	Lot Dimensions				Homes per acre	
		Min. Area (acre)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
RRS 1	Duplex, twinhouse	2	75'	75'	50%	n/a	1 home/ac
	All other types as permitted	1	75'	75'	40%		
RRS .5	Duplex, twinhouse	1	50'	50'	50%	n/a	2 home/ac
	All other types as permitted	0.5	50'	50'	40%		





a. Lot Dimensions and Gross Density

Diagram Key G H J K

Fig. E-3 Lot Dimensions

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	25'	25'	L	
Side (interior)	10'	3'	M	
Side (street)	10'	10'	N	
Rear	25'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U

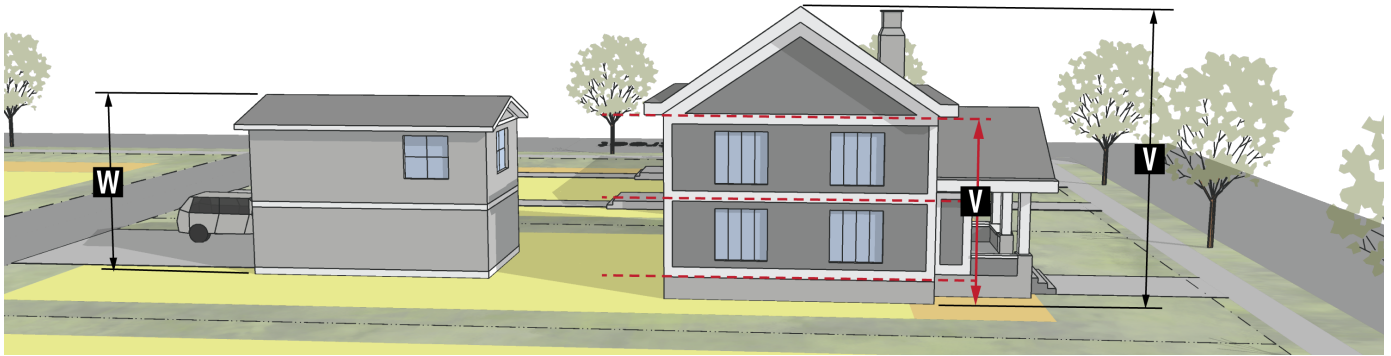


Fig. E-4 Building Height

c. Building Scale

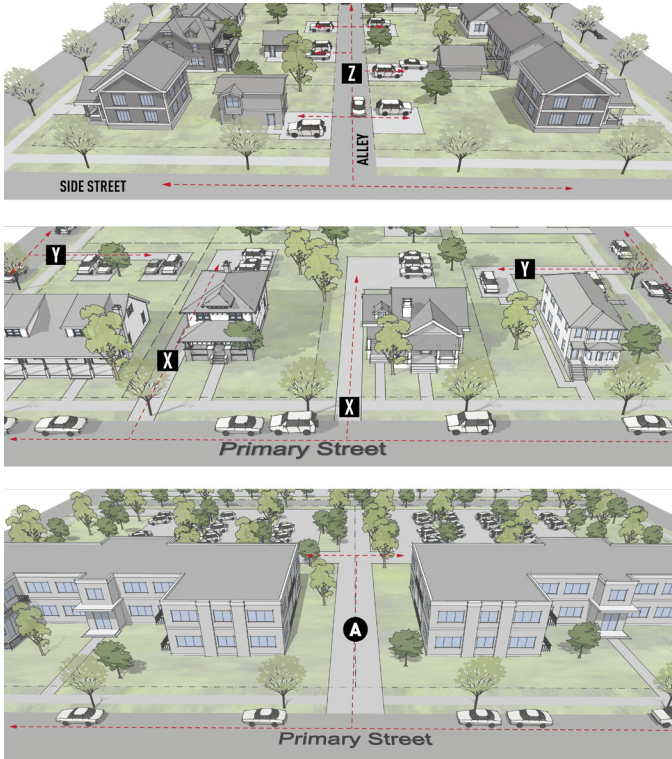
Building / Structure	Max. Height	Key	Max. Stories	Key
Principal building	36'	V	n/a	V
Accessory structure, detached	30'	W	n/a	n/a

*Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the RRS district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. E-5 Vehicular Access

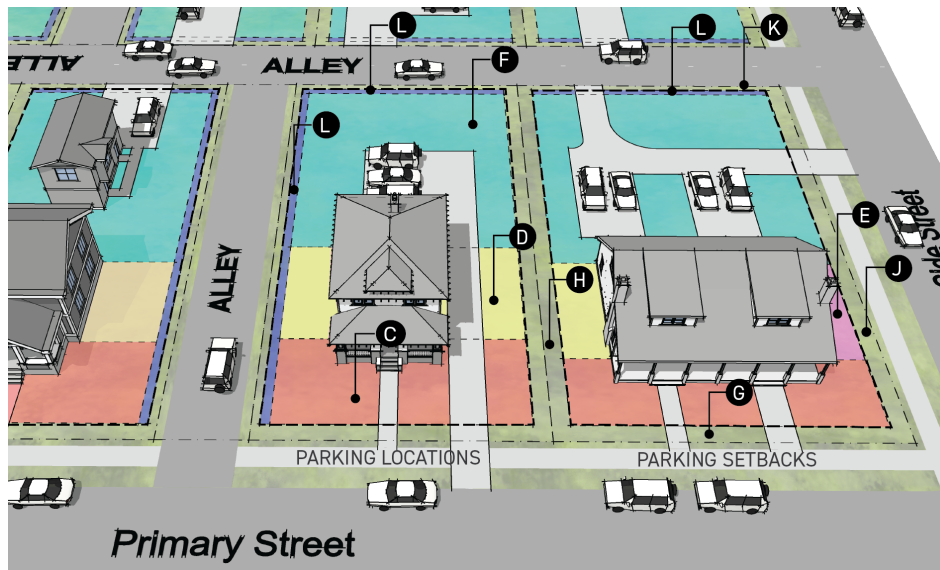


Fig. E-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard	P	C
Side yard (interior)	P	D
Side yard (street)	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front	n/a	G
Side (interior)	n/a	H
Side (street)	n/a	J
Rear	n/a	K
Alley setback	n/a	L

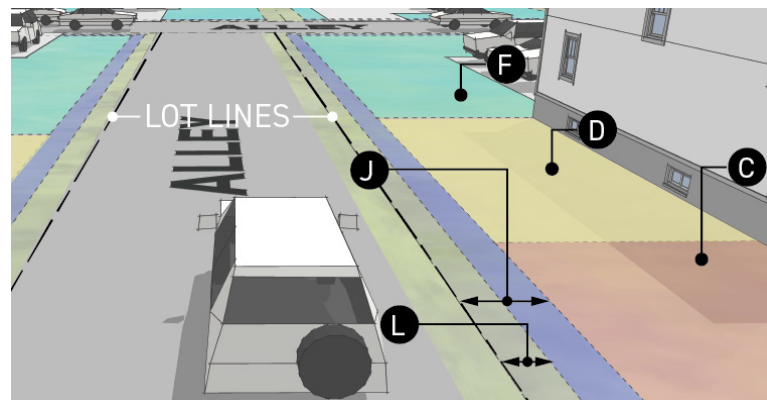


Fig. E-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.F RESIDENTIAL (R)

1. PURPOSE

The purpose of this district is to provide a range of small-scale housing options that reflect the traditional character of existing residential neighborhoods. The intent is to promote compatible infill opportunities while supporting countywide housing diversity. While the character of the district is predominantly residential, limited neighborhood-scale commercial services may be appropriate where suitable infrastructure is available. Development is designed to encourage walking, biking and transit use and protect riparian resources and fish and wildlife habitat existing within the district. Mobility and access in this district are characterized by a "Complete Street" network with non-motorized facilities that include protected or buffered bike lanes, sidewalks, and enhanced crossings in areas with increased vehicle speeds and volumes. Connectivity through and between neighborhoods, as well as to recreational amenities, is a requirement of development.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Residential (R) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Residential (R) district are found in Table 5, Section 2.4.G. "Table of Uses."

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be permitted if approved as a special exception. Multiple dwelling units on a property are considered multiple principal uses. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

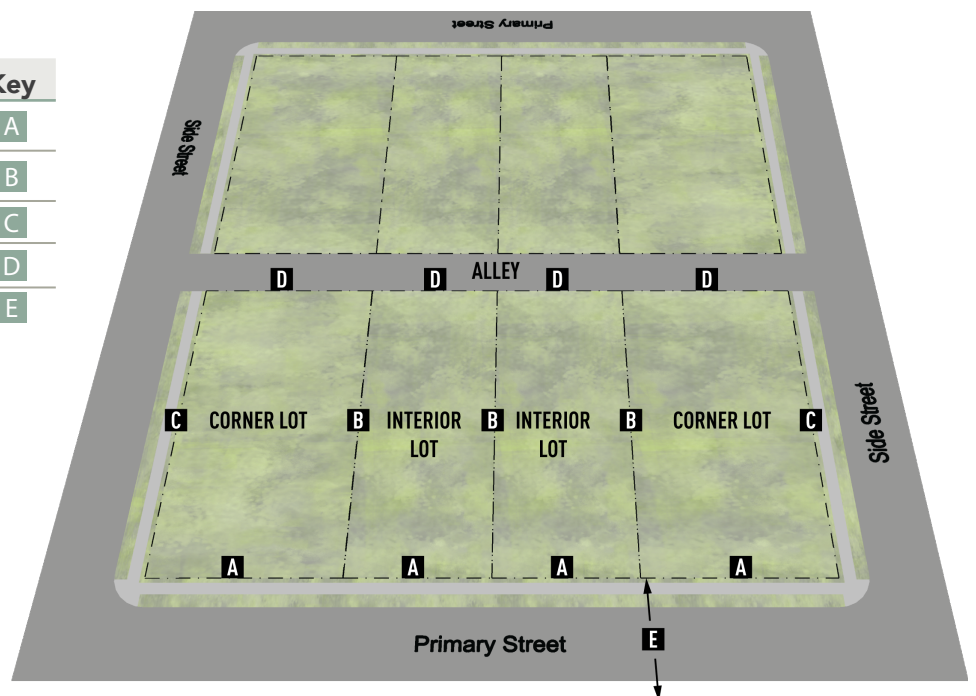


Fig. F-1 General Lot Components

4. SITE DESIGN STANDARDS

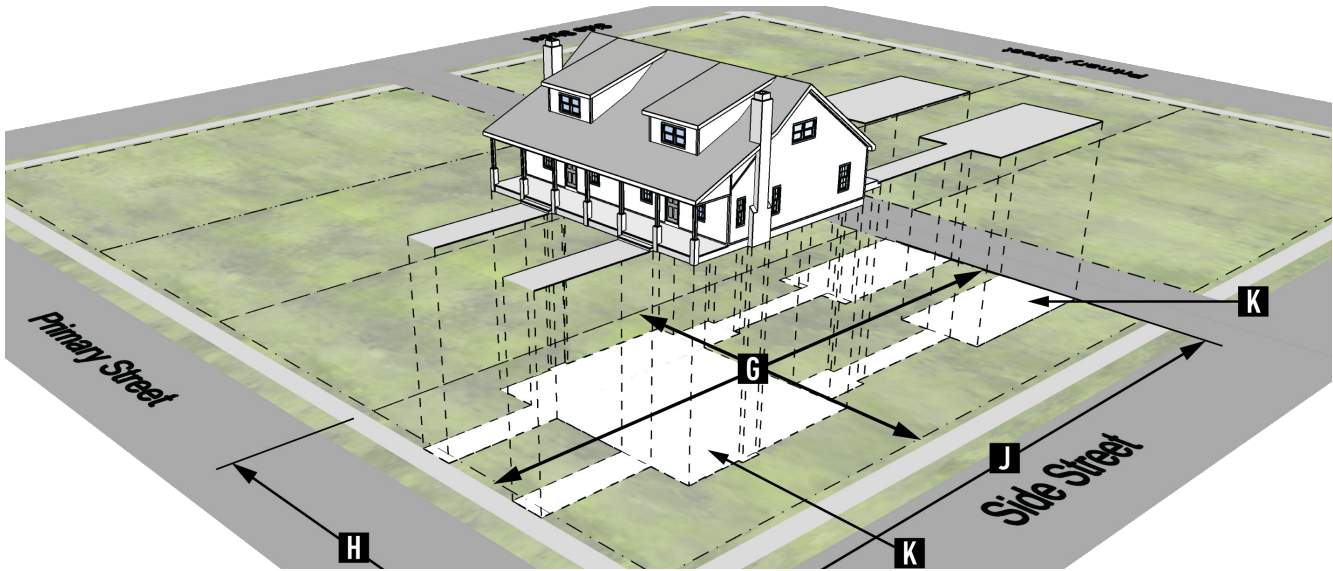


Fig. F-2 Lot Dimensions

a. Lot Dimensions

Building Type	Lot Dimensions	
	Min. Area** (sq. ft.)	Max. Coverage
Tri- and quadplex	20,000	60%
Multi-plex small*	32,000	70%
All other types as permitted	6,000	40%

Diagram Key



* Requires permanent affordable housing or conservation design development

** Minimum area reviewed at the time of zoning compliance permit review

b. Residential Density: The following maximum density standards apply to all new lots created after July 2, 2022, through subdivision review or subdivision exemption, including Townhome/Condo Exempt Development, except as specified in subsection C) of this section.

Building Type	Homes per acre	
	Min.	Max.
Tri- and quadplex	n/a	6
Multi-plex small	n/a	6
All other types as permitted	n/a	6



- c)** The following are exempt from the density standards in the R, RM, and LM districts
- i. Replacement, renovation, or expansion of existing dwelling unit(s) provided the number of dwelling units does not change.
 - ii. Development on a legal nonconforming lot
 - iii. Duplexes
 - iv. Accessory dwelling units (ADUs)
 - v. Multi-plex when required to meet permanent affordable housing standard

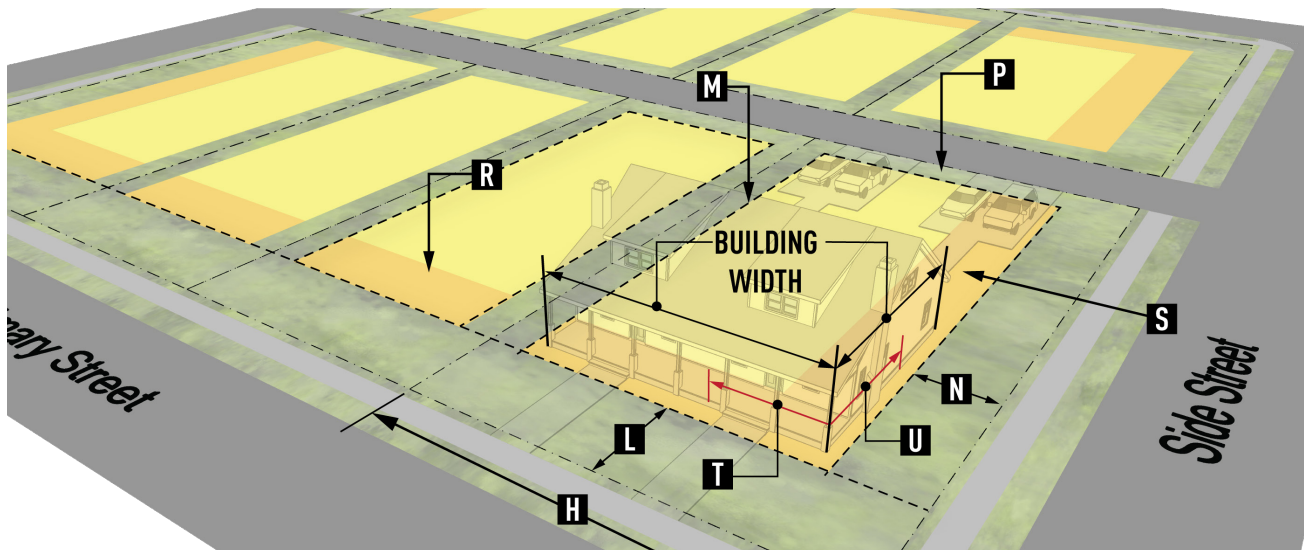


Fig. F-3 Building Placement

d. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	20'	25'	L	
Side (interior)	5'	3'	M	
Side (street)	10'	10'	N	
Rear	10'	3'	P	
Build-to Zone (BTZ)*	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U
Building Elements*	Min. (%) Transparency	Diagram Key		
First Story	n/a	R, S		
Upper Story	n/a	R, S		
Blank Wall Articulation*	Min. (%)	Diagram Key		
Front	50%	R		
Side (street)	30%	S		

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.



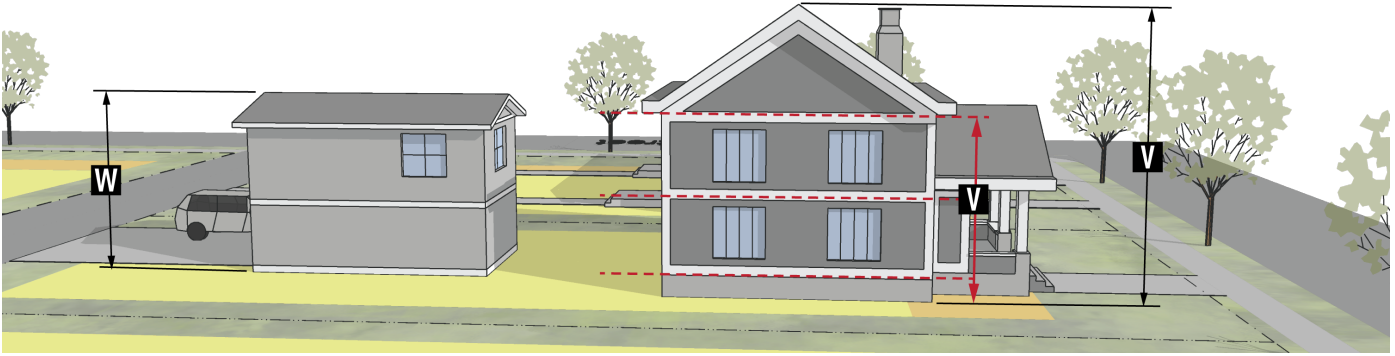


Fig. F-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height	Key	Max. Stories	Key
Principal building	3,000*	36'	V	n/a	V
Accessory structure, detached	2,000	30'	W	n/a	n/a

*Except for single-household and two-household dwellings, and excluding attached garage.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.

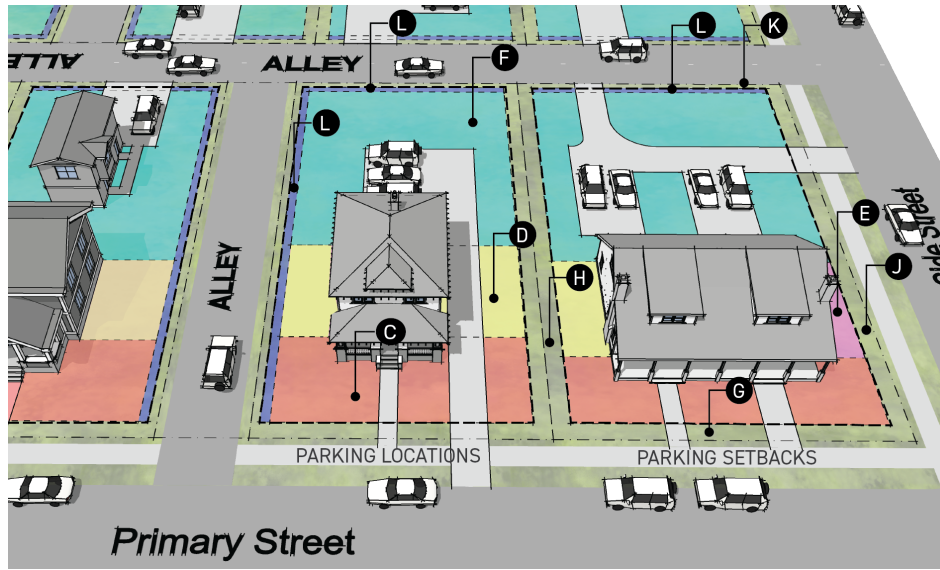


Fig. F-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	NP	C
Side yard (interior)	P	D
Side yard (street)*	NP	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	3'	L

* Excludes driveway access allowed in primary/secondary street setback.

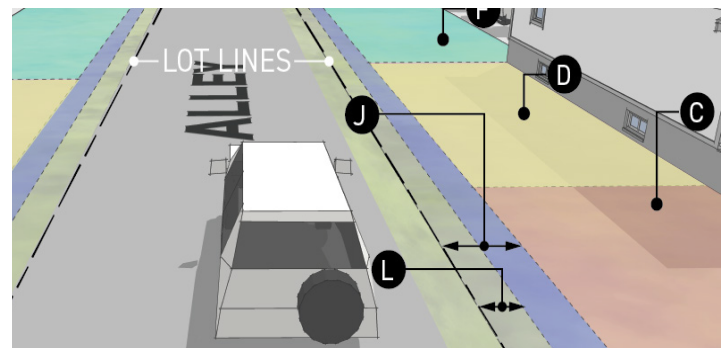


Fig. F-7 Measuring Alley Setbacks

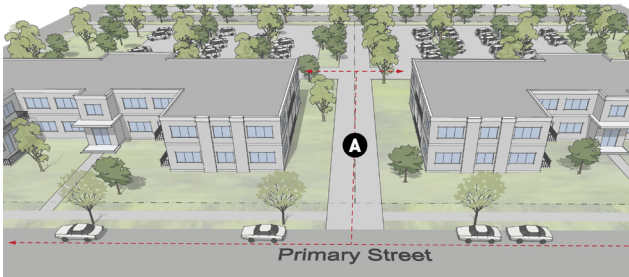
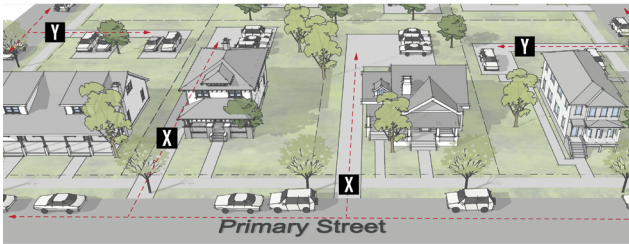
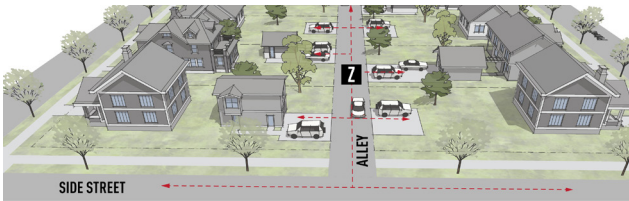
Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



5. MOBILITY

The following standards apply to all development in the R district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."

a. Vehicular Access



Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. F-5 Vehicular Access

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SECTION 2.3.G RESIDENTIAL, MEDIUM (RM)

1. PURPOSE

The purpose of this district is to provide a mix of higher density residential housing options including multi-household dwellings that reflect the traditional character of existing residential neighborhoods. The intent is to promote compatible infill opportunities and support county-wide housing diversity while continuing to protect public health and safety as well as riparian resources and fish and wildlife habitat. While the character of the district is predominantly residential, a horizontal mix of neighborhood-scale commercial uses may be appropriate to serve the needs of the surrounding area. Access to public water and sewer service is expected, and mobility and access is characterized by a "Complete Street" network that includes protected or buffered bike lanes, sidewalks, and enhanced crossings. This district is defined by shorter block lengths and a traditional street grid network. Connectivity through and between neighborhoods as well as to recreational amenities is a requirement of development.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Residential, Medium (RM) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Residential, Medium (RM) district are found in Table 5, Section 2.4.

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

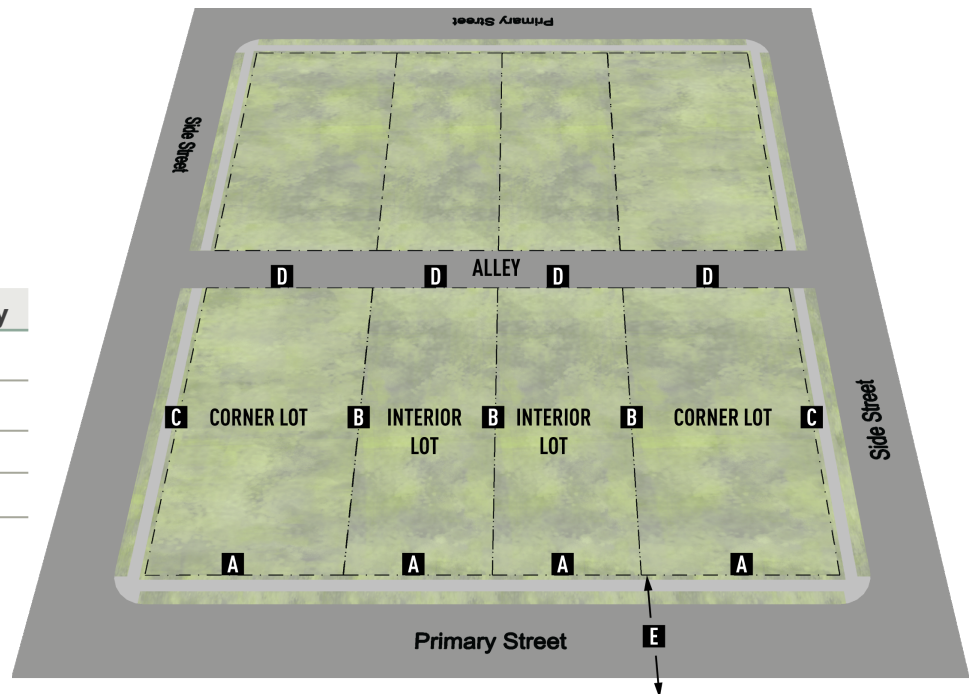


Fig. G-1 General Lot Components

4. SITE DESIGN STANDARDS

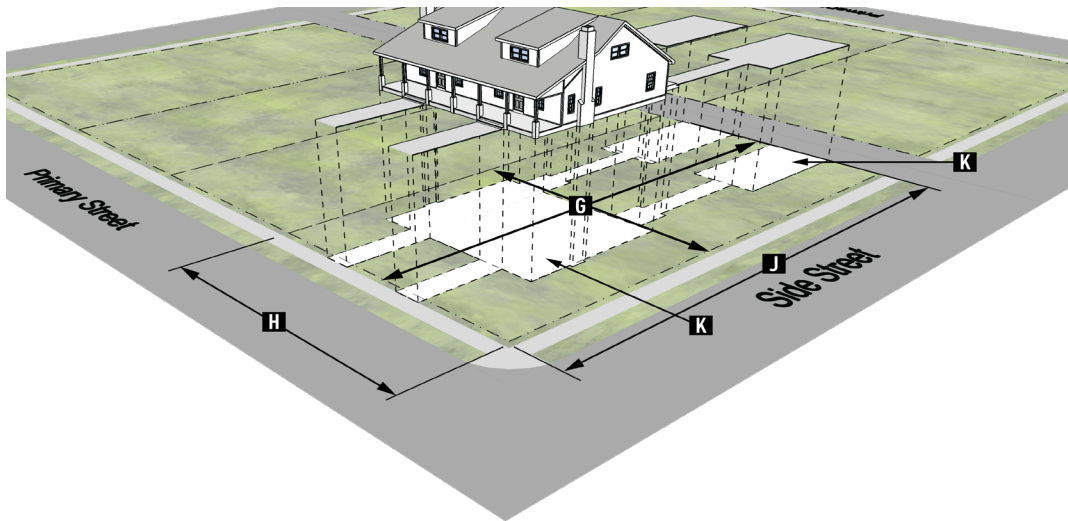


Fig. G-2 Lot Dimensions

a. Lot Dimensions

Building Type	Lot Dimensions	
	Min. Area***(sq. ft.)	Max. Coverage
Tri- and quadplex	10,000	60%
Multi-plex small*	16,000	60%
Multi-plex large*	32,000	70%
Neighborhood shopfront	12,000	70%
All other types as permitted	4,000	60%
Diagram Key	G	K

*Requires permanent affordable housing or conservation design development.

** Minimum area is reviewed at the time of zoning compliance permit review

b. Residential Density: The following maximum density standards apply to all new lots created after July 2, 2022, through subdivision review or subdivision exemption, including Townhome/ Condo Exempt Development, except as specified in subsection C) of this section.

Building Type	Homes Per Acre	
	Min.	Max.
Tri- and quadplex	5	11
Multi-plex small*	5	11
Multi-plex large*	5	11
Neighborhood shopfront	n/a	n/a
All other types as permitted	5	11



- c) The following are exempt from the density standards in the R, RM, and LM districts
- i. Replacement, renovation, or expansion of existing dwelling unit(s) provided the number of dwelling units does not change.
 - ii. Development on a legal nonconforming lot
 - iii. Duplexes
 - iv. Accessory dwelling units (ADUs)
 - v. Multi-plex when required to meet permanent affordable housing standard

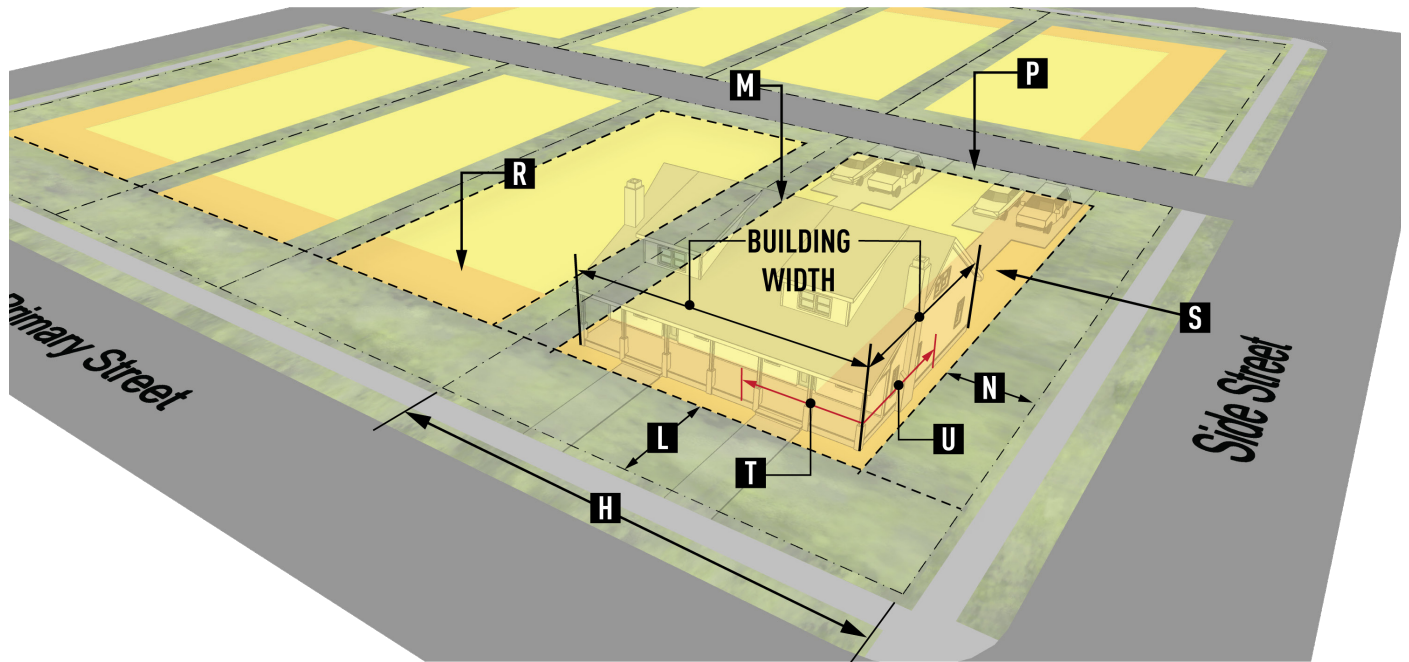


Fig. G-3 Building Placement

d. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	10'	15'	L	
Side (interior)	5'	3'	M	
Side (street)	5'	10'	N	
Rear	10'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	10'-15'	R	60%	T
Side (street)	5'-15'	S	30%	U
Building Elements*	Min. (%) Transparency		Diagram Key	
First Story	40%		R, S	
Upper Story	30%		R, S	
Blank Wall Articulation*	Min. (%)		Diagram Key	
Front	50%		R	
Side (street)	30%		S	

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.



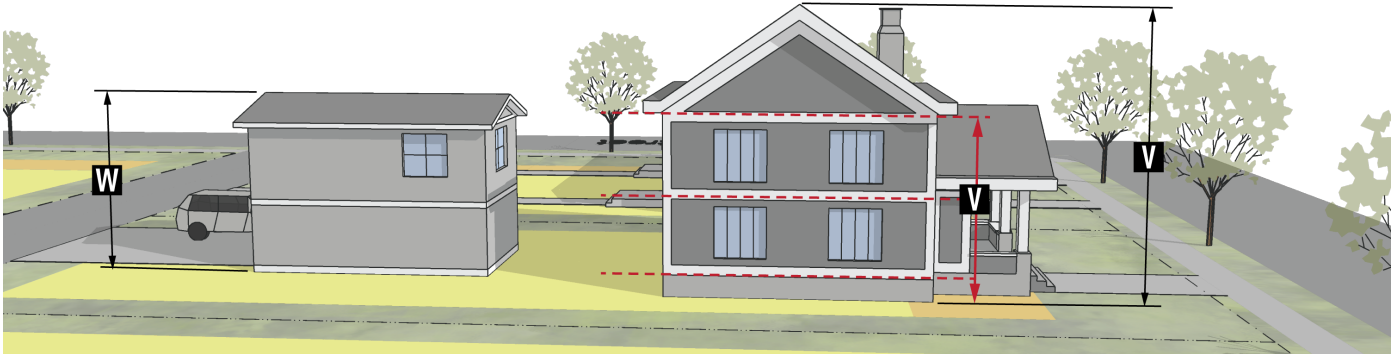


Fig. G-4 Building Height

e. Building Scale

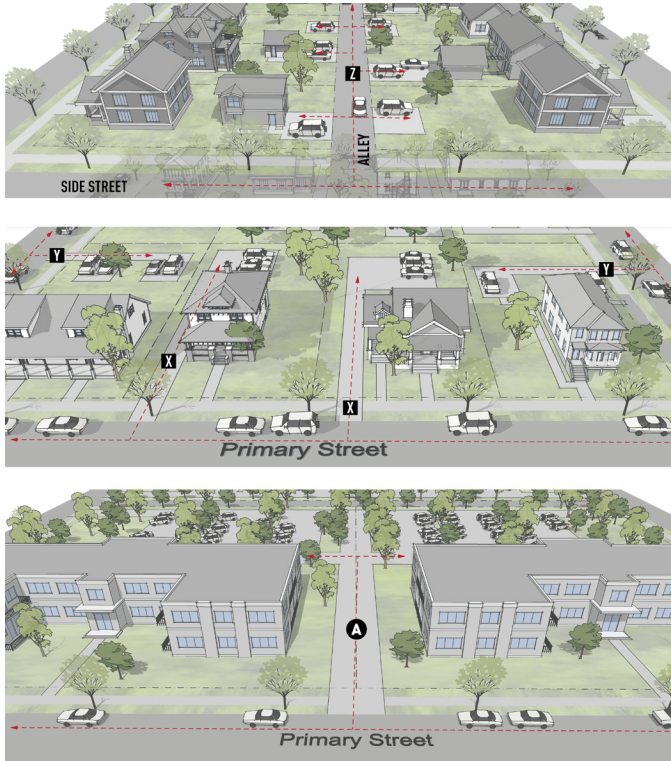
Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height	Key	Max. Stories	First Story Min. Height	Key
Principal building	7,500*	36'	V	3	n/a	V
Accessory structure, detached	1,500	30'	W	2		n/a

*Except for single household and two-household dwellings, and excluding attached garage.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.

5. MOBILITY

The following standards apply to all development in the RM district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. G-5 Vehicular Access



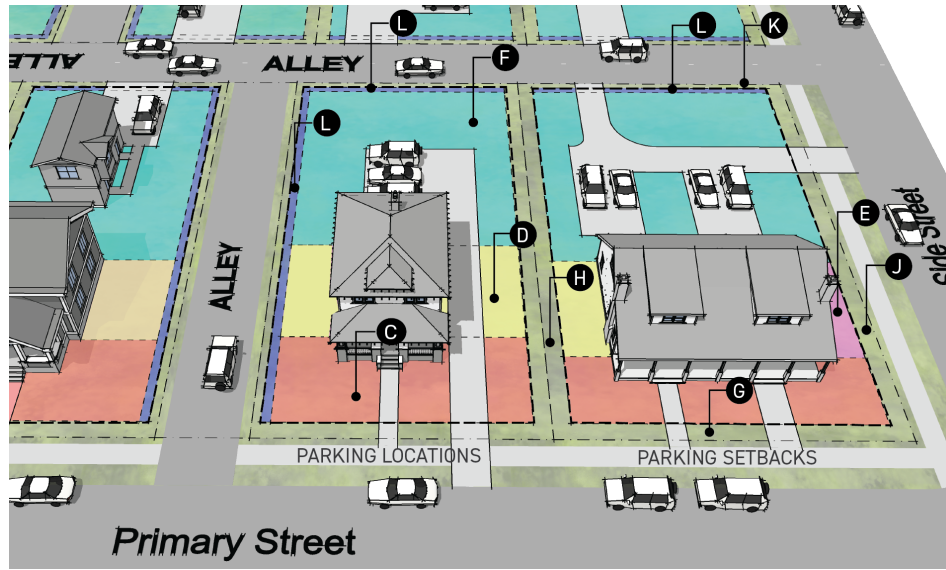


Fig. G-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	NP	C
Side yard (interior)	P	D
Side yard (street)*	NP	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	3'	L

* Excludes driveway access allowed in primary/secondary street setback.

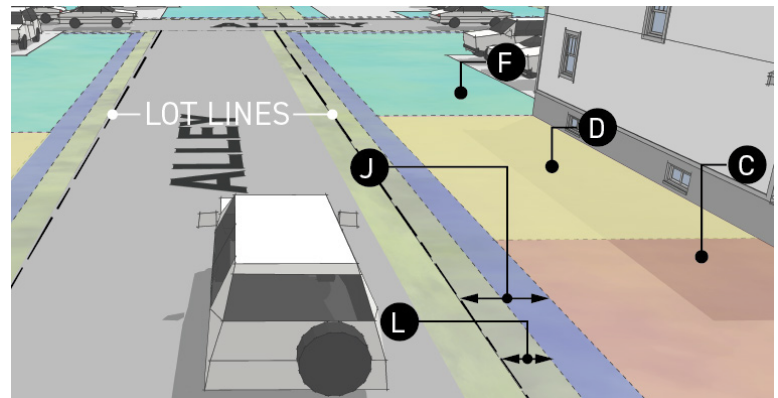


Fig. G-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.

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SECTION 2.3.H LIVE/MAKE (LM)

1. PURPOSE

The purpose of this district is to provide places for entrepreneurs and artisans to live on the same property where they work to create a variety of products in a manner that respects the residential character of the street and neighborhood as well as the natural environment present. This district supports a mix of residential land uses and small-scale, non-residential uses that may include light manufacturing and fabrication as well as commercial kitchens and artist studios. The intent is for non-residential uses to be designed and operated as secondary and incidental to the primary residence in a way that limits impacts to adjacent residents and the neighborhood as a whole. The district is served by public water and sewer service as well as a Complete Street network including transit and non-motorized facilities (both on- and off-street) connected by protected or buffered bike lanes, sidewalks, and improved crossings for higher-density development in areas where increased traffic speeds are present.

COMMENT: Please consult with the Missoula County Building Division to determine whether a proposed commercial activity will comply with building code requirements.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Live/Make Neighborhood (LM) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Live/Make Neighborhood (LM) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements of Section 5.3. "Accessory Uses and Structures." Authorized commercial and industrial uses, indicated as permitted or special exceptions in Section 2.4.G., Table 5, may be allowed in this district only as an accessory use to a residential use. Only a property resident may operate an accessory commercial use.

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

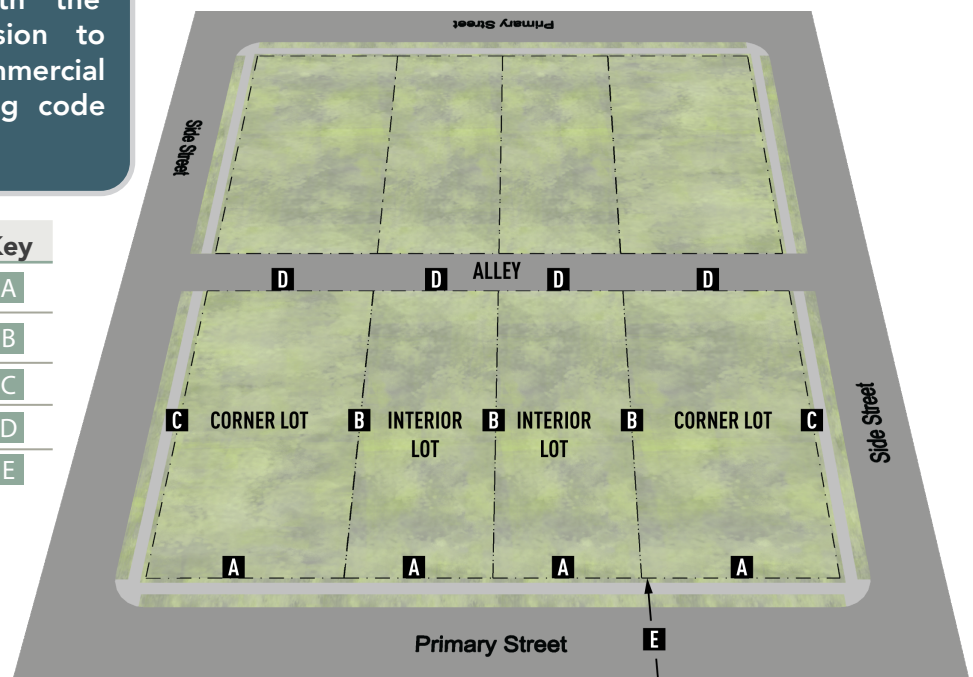


Fig. H-1 General Lot Components

4. SITE DESIGN STANDARDS

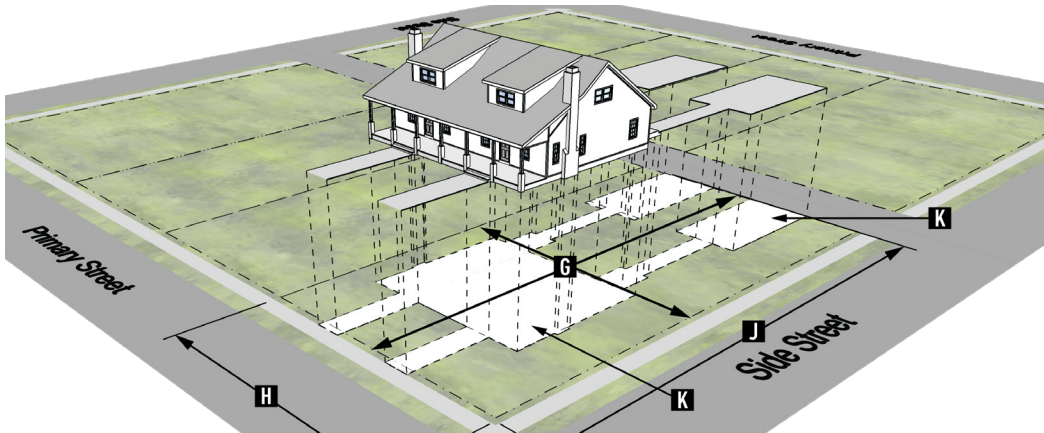


Fig. H-2 Lot Dimensions

a. Lot Dimensions

Building Type	Lot Dimensions	
	Min. Area** (sq. ft.)	Max. Coverage
Tri- and quadplex	10,000	60%
Multi-plex small*	16,000	70%
Neighborhood Shopfront	5,000	70%
All other types as permitted	4,000	60%
Diagram Key	G	K

*Requires permanent affordable housing.

** Minimum area reviewed at the time of zoning compliance permit review

b. Residential Density: The following maximum density standards apply to all new lots created after July 2, 2022, through subdivision review or subdivision exemption, including Townhome/Condo Exempt Development, except as specified in subsection C) of this section.

Building Type	Density	
	Min.	Max.
Tri- and quadplex	n/a	11
Multi-plex small	n/a	11
Neighborhood Shopfront	n/a	n/a



- C)** The following are exempt from the density standards in the R, RM, and LM districts.
- i. Replacement, renovation, or expansion of existing dwelling unit(s) provided the number of dwelling units does not change
 - ii. Development on a nonconforming lot
 - iii. Duplexes
 - iv. Accessory dwelling units (ADUs)
 - v. Multi-plex when required to meet permanent affordable housing standard

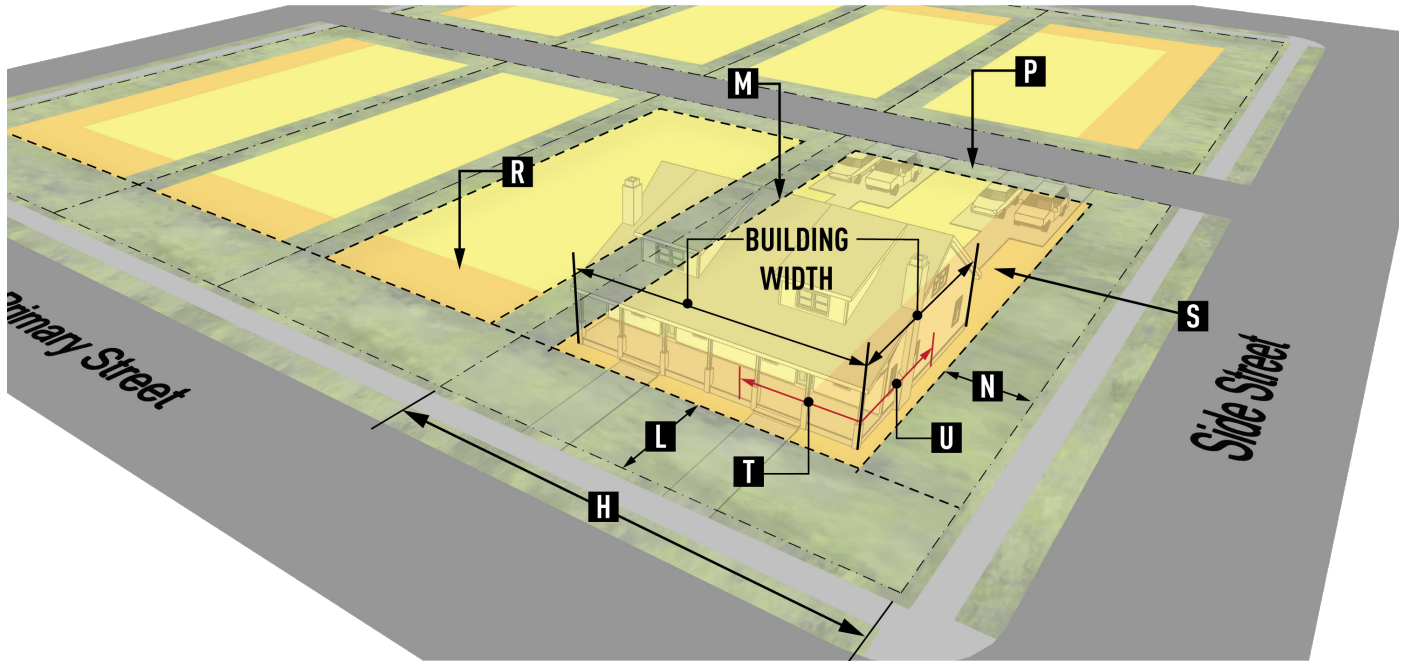


Fig. H-3 Building Placement

c. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	15'	10'	L	
Side (interior)	5'	3'	M	
Side (street)	5'	5'	N	
Rear	5'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U
Building Elements*	Min. (%) Transparency		Diagram Key	
First Story	n/a		R, S	
Upper Story	n/a		R, S	
Blank Wall Articulation*	Min. (%)		Diagram Key	
Front	50%		R	
Side (street)	30%		S	

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.



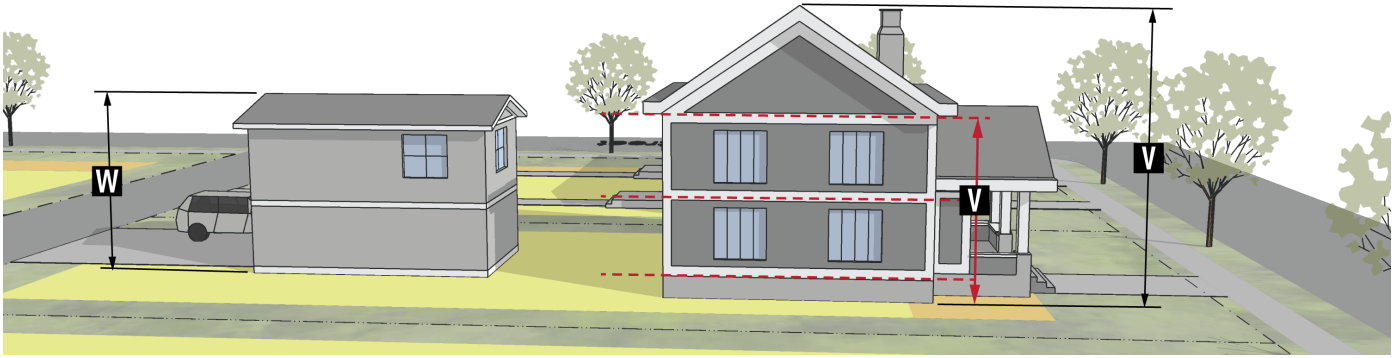


Fig. H-4 Building Height

d. Building Scale

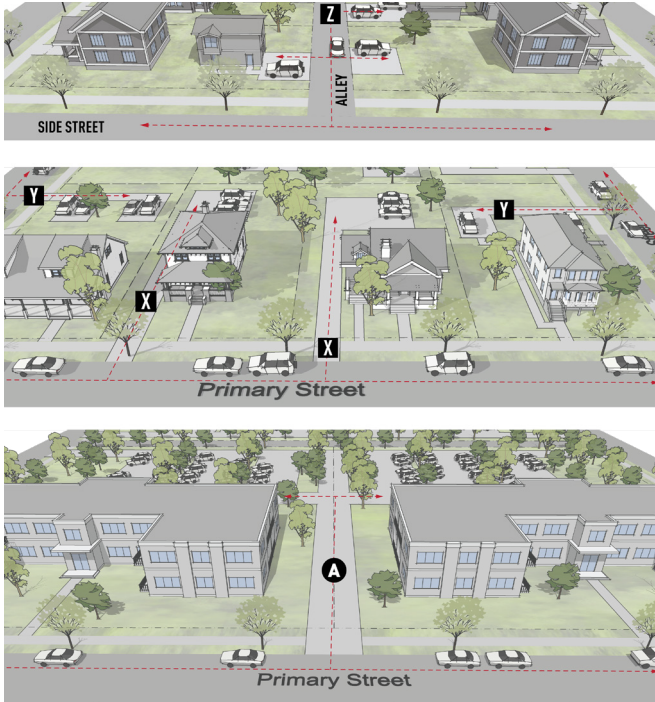
Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height	Key	Max. Stories	First Story Min. Height	Key
Principal building	3,000*	36'	V	2	n/a	V
Accessory structure, detached	3,000	30'	W	2	n/a	n/a

*Except for single-household and two-household dwellings, and excluding attached garage.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.

5. MOBILITY

The following standards apply to all development in the LM district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	16'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. H-5 Vehicular Access



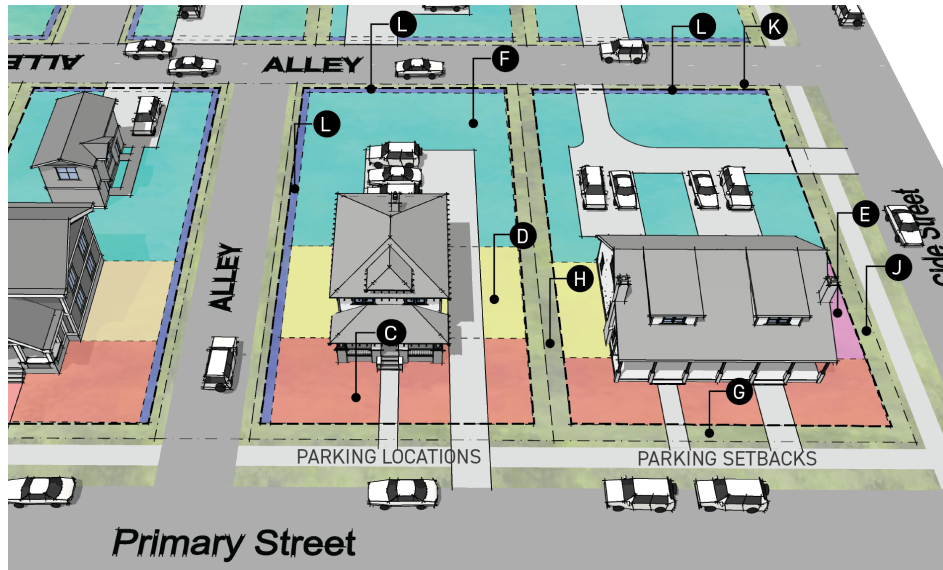


Fig. H-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	P	C
Side yard (interior)	P	D
Side yard (street)*	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	3'	L

* Excludes driveway access allowed in primary/secondary street setback.

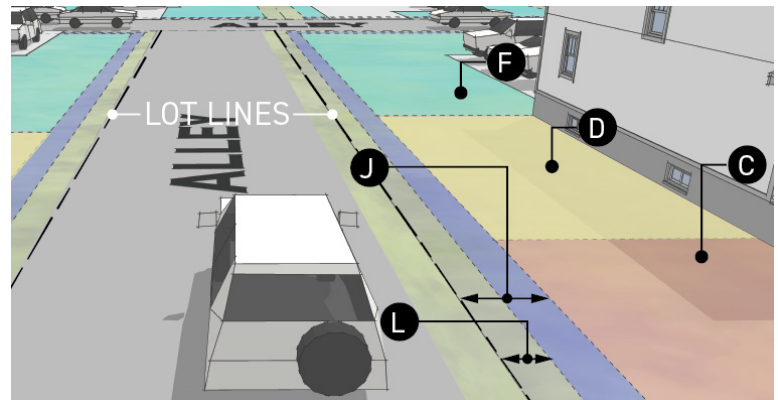


Fig. H-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.

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SECTION 2.3.I NEIGHBORHOOD RESIDENTIAL (NR)

1. PURPOSE

The purpose of this district is to provide a mix of homes and neighborhood-scale professional and commercial services in urbanizing areas of the county where public water and sewer service is available. This district also serves as a transition between lower density residential neighborhoods and more intensive commercial areas, supporting both a horizontal and vertical mix of uses designed with the compatibility of existing neighborhood development and the natural environment in mind. Mobility and access are characterized by a "Complete Street" network that includes protected or buffered bike lanes, sidewalks, and enhanced crossings. This district is defined by shorter block lengths and a traditional grid-pattern road network. Connectivity through and between neighborhoods as well as to recreational amenities is a requirement of development.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Neighborhood Residential (NR) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Neighborhood Residential (NR) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

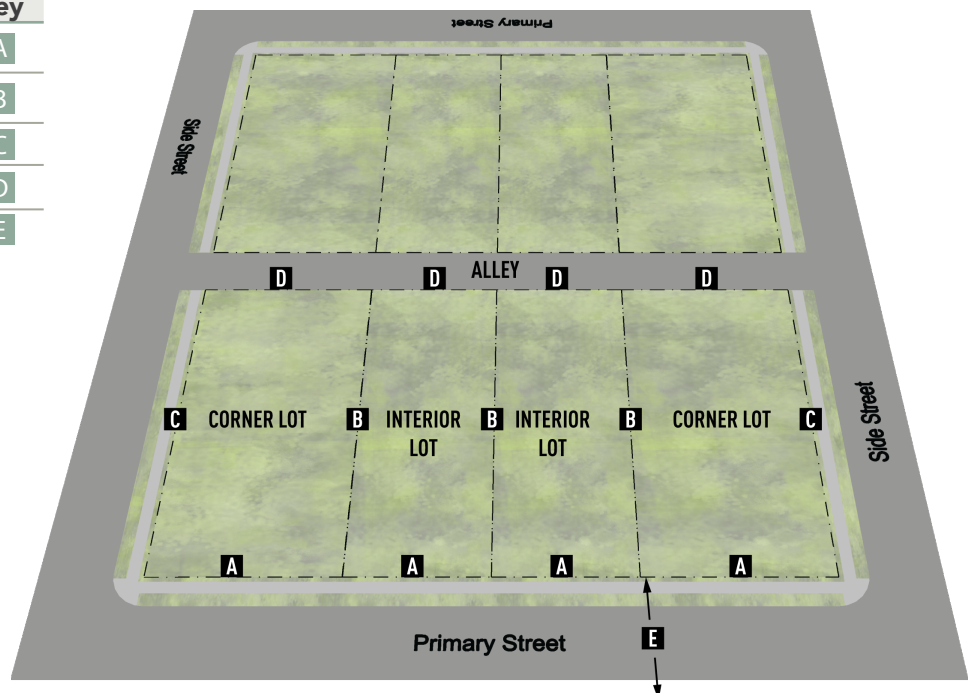


Fig. I-1 General Lot Components

4. SITE DESIGN STANDARDS

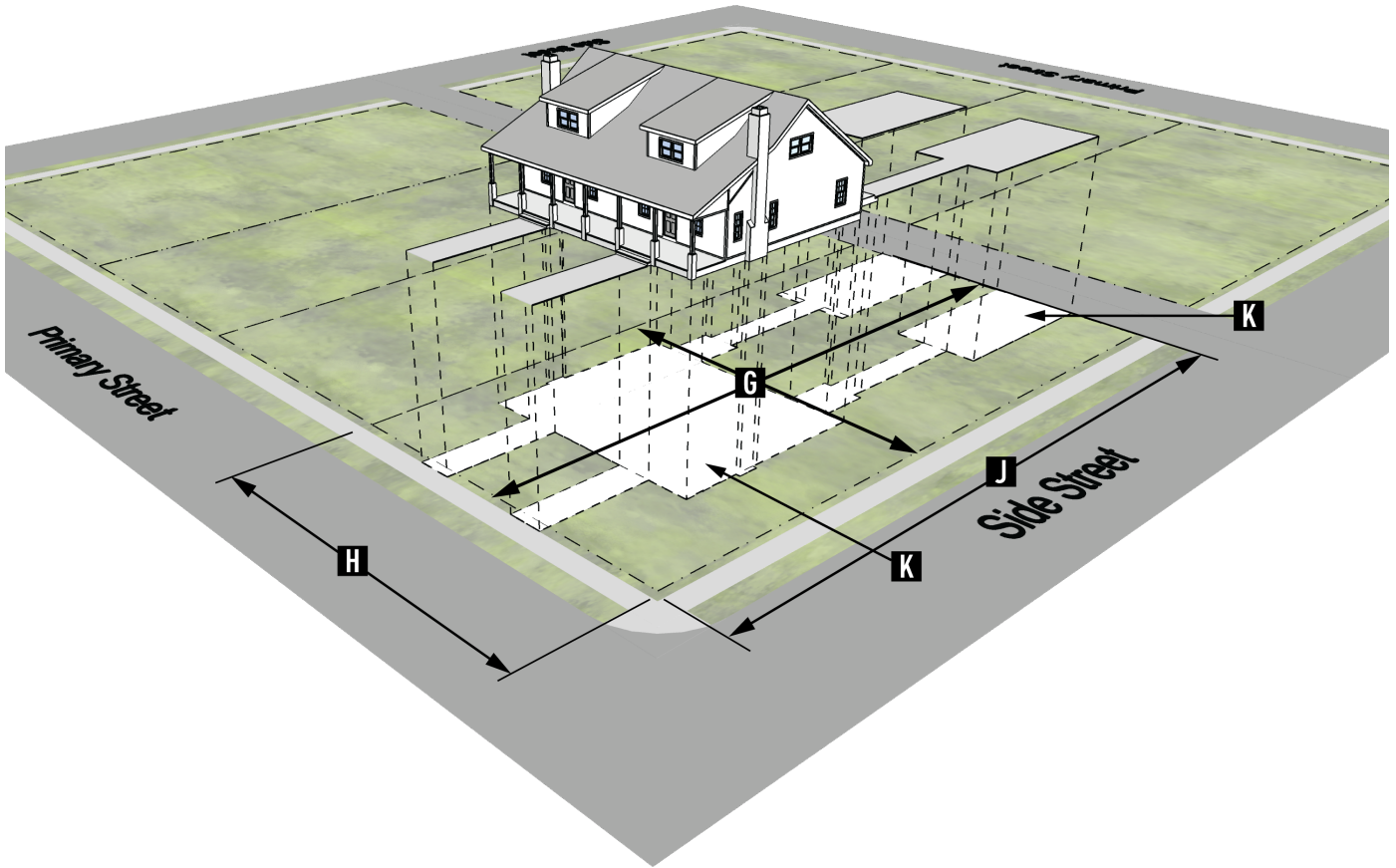


Fig. I-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions		Homes per acre	
	Min. Area (sq. ft.)	Max. Coverage	Min.	Max.
Tri- and quadplex, multi-plex small	No min.	60%	8 homes/ac	n/a
Multi-plex large, apartment		70%	8 homes/ac	n/a
Neighborhood shopfront		70%	n/a	n/a
Mixed-use shopfront		70%	8 homes/ac	n/a
Civic		80%	n/a	n/a
All other types as permitted		60%	8 homes/ac	n/a

Diagram Key

G

K



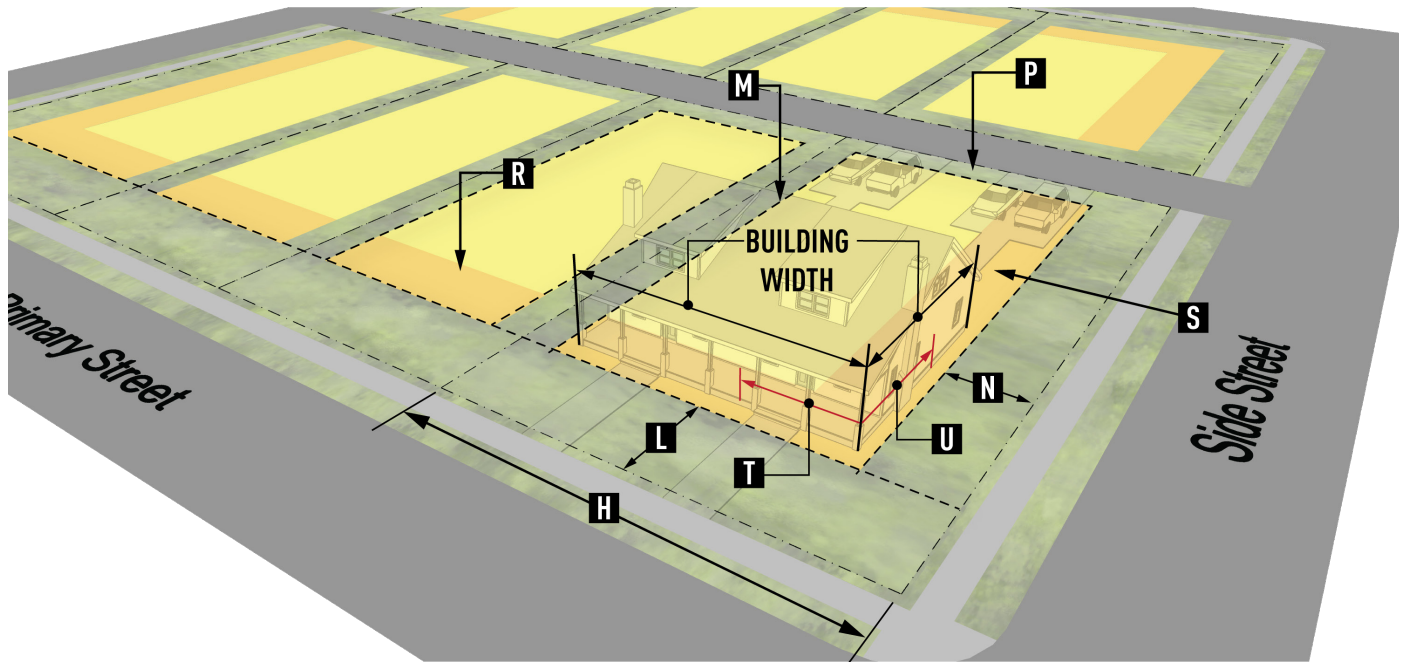


Fig. I-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	5'	5'	L	
Side (interior)	5'	3'	M	
Side (street)	5'	5'	N	
Rear	15'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	5'-15'	R	60%	T
Side (street)	5'-15'	S	30%	U
Building Elements*	Min. (%) Transparency	Diagram Key		
First Story	40%	R, S		
Upper Story	30%	R, S		
Blank Wall Articulation*	Min. (%)	Diagram Key		
Front	60%	R		
Side (street)	50%	S		

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.

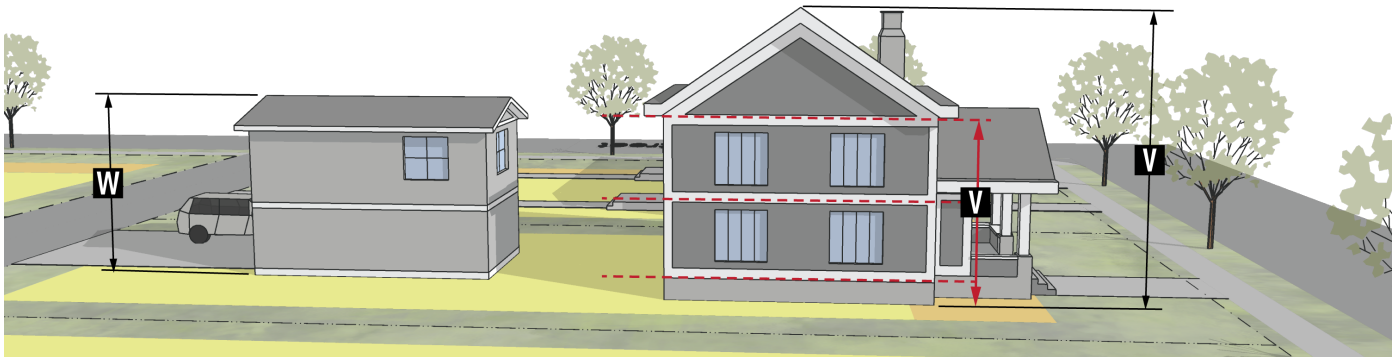


Fig. I-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq.ft)	Max. Height	Key	Max. Stories	First Story Min. Height	Key
Principal building	10,000*	60'	V	4	n/a	V
Accessory structure, detached	2,000	24'	W	2	n/a	n/a

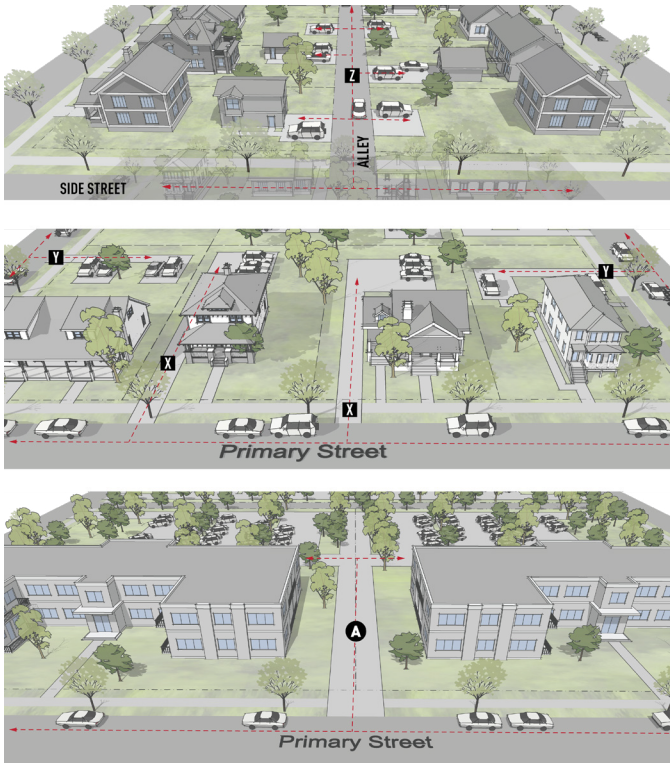
*Excluding attached garage.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the NR district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	20'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

Fig. I-5 Vehicular Access

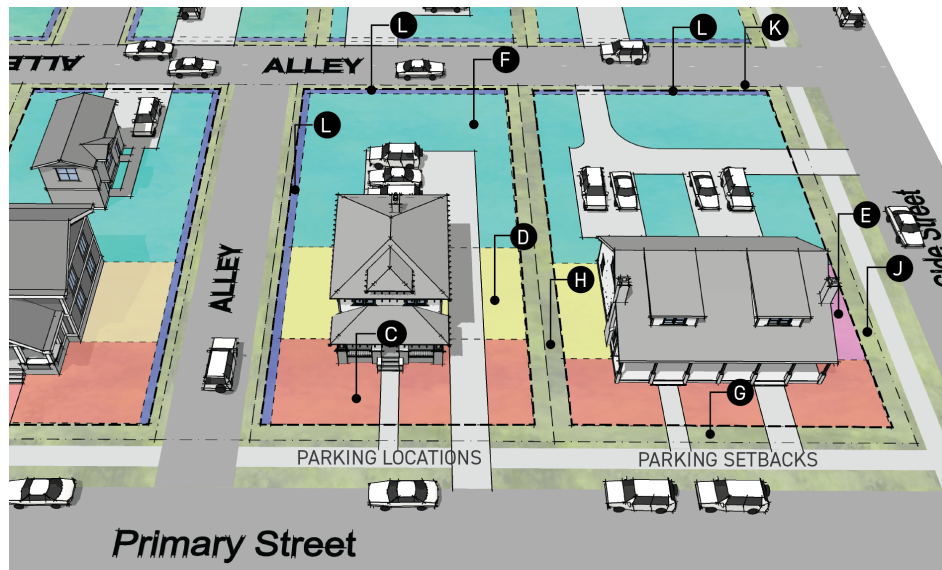


Fig. I-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	NP	C
Side yard (interior)	P	D
Side yard (street)*	NP	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	3'	L

* Excludes driveway access allowed in primary/secondary street setback.

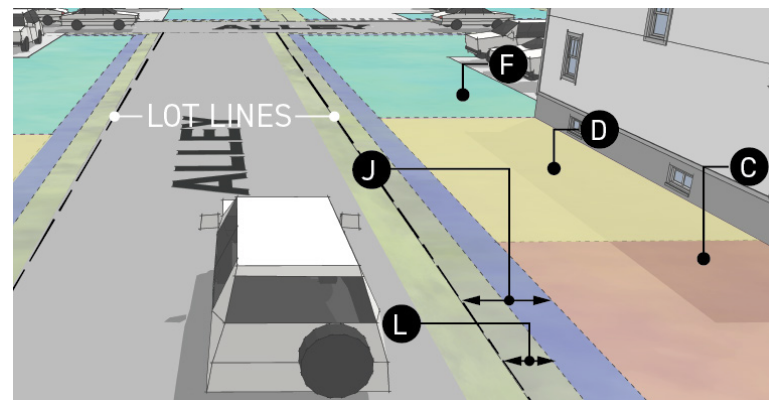


Fig. I-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.J NEIGHBORHOOD CENTER (NC)

1. PURPOSE

The purpose of this district is to provide limited, clustered commercial activity in neighborhoods that serve the retail, service, and employment needs of nearby residents. The primary intent is convenient access to goods and services within a walkable distance to and from adjacent neighborhoods, supporting both a horizontal and vertical mix of residential and commercial uses that are designed to consider the style, scale and intensity of existing development as well as the natural environment present. Development densities require access to public services and a "Complete Street" network that includes non-motorized facilities such as protected or buffered bike lanes, sidewalks, and enhanced crosswalks. Both motorized and non-motorized connectivity between this district and adjoining neighborhoods is a requirement of development.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Neighborhood Center (NC) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Neighborhood Center (NC) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

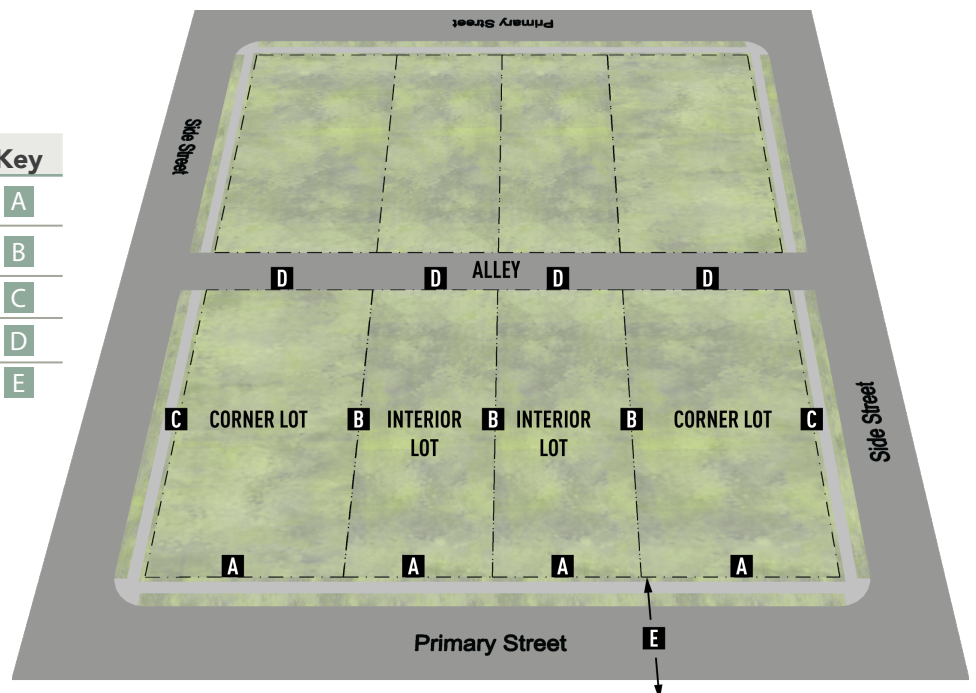


Fig. J-1 General Lot Components

4. SITE DESIGN STANDARDS

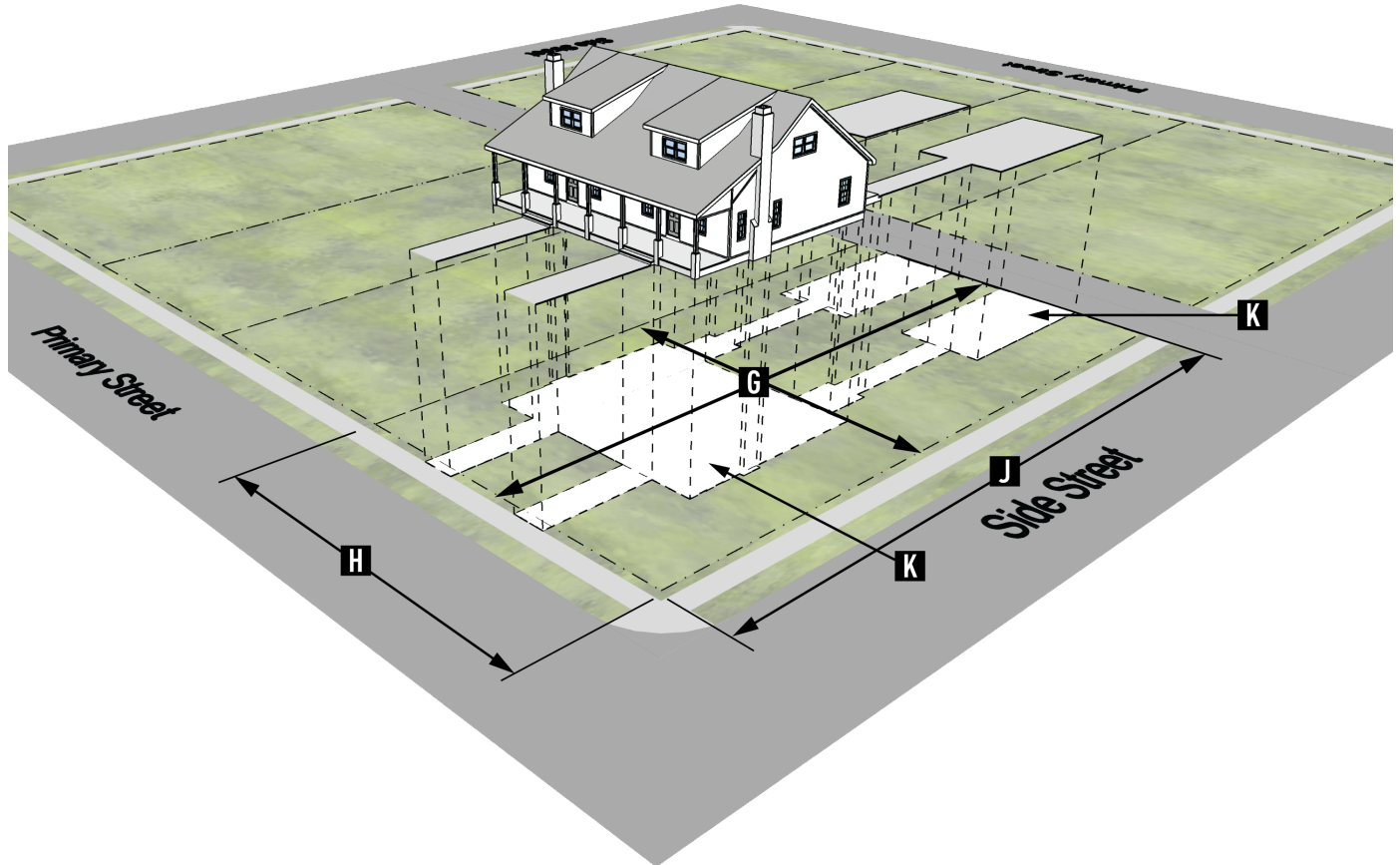


Fig. J-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes per acre	
	Min. Area (sq. ft.)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
Tri- and quadplex, multi-plex small	No min.	n/a	n/a	80%	8 homes/ac	n/a
Multi-plex large, apartment		n/a	n/a	80%		
All shopfront types		n/a	n/a	80%	n/a	n/a
Civic		n/a	n/a	80%	n/a	n/a
All other types as permitted		n/a	n/a	80%	8 homes/ac	n/a
Diagram Key	G	H	J	K		



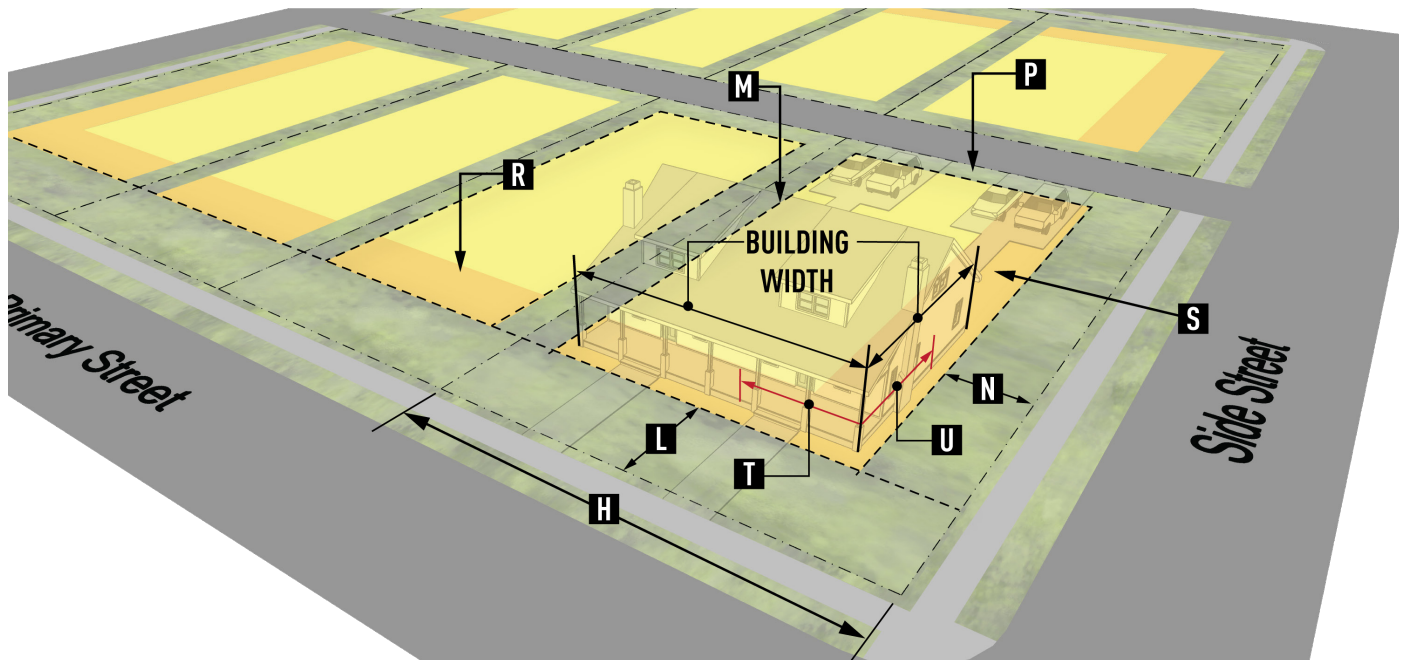


Fig. J-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	No min.	5'	L	
Side (interior)		3'	M	
Side (street)		5'	N	
Rear		3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	0'-10'	R	70%	T
Side (street)	0'-10'	S	40%	U
Building Elements*	Min. (%) Transparency	Diagram Key		
First Story	40%	R, S		
Upper Story	30%	R, S		
Blank Wall Articulation*	Min. (%)	Diagram Key		
Front	60%	R		
Side (street)	50%	S		

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.

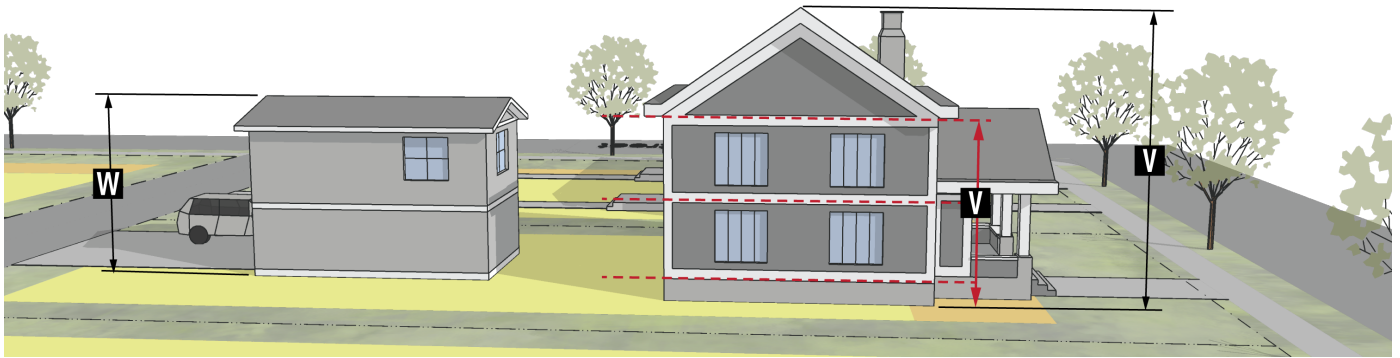


Fig. J-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height*	Key	Max. Stories	First Story Min. Height	Key
Principal building	10,000**	45'	V	4	14'	V
Accessory structure, detached	2,000	24'	W	2	n/a	n/a

*See height plane requirements in Section 4.6.C.11.

**Excluding attached garage.

***Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the NC district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."

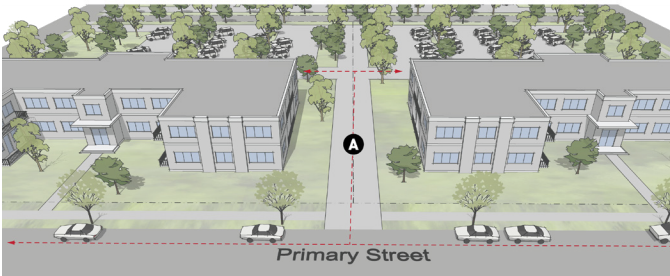
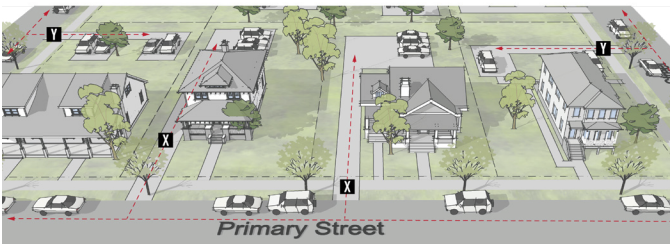
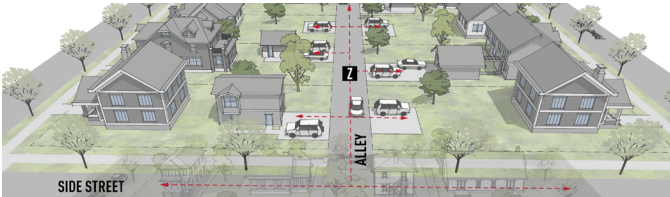


Fig. J-5 Vehicular Access

a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	16'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

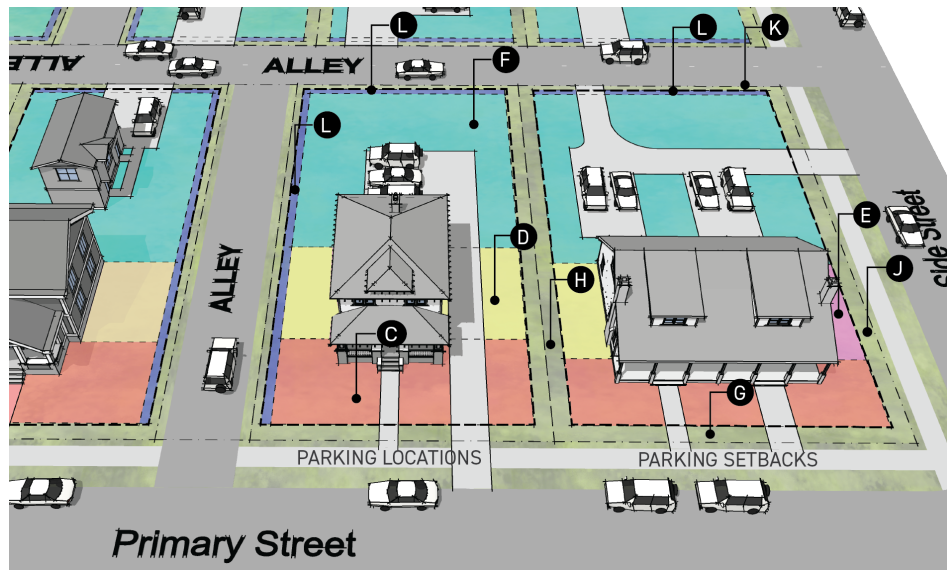


Fig. J-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	NP	C
Side yard (interior)	P	D
Side yard (street)*	NP	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	n/a'	L

* Excludes driveway access allowed in primary/secondary street setback.

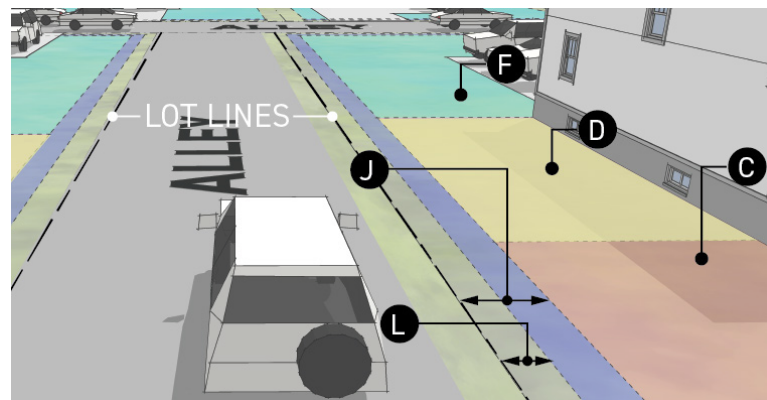


Fig. J-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.K COMMERCIAL CENTER (CC)

1. PURPOSE

The purpose of this district is to provide opportunities for retail, services, and employment in auto-orientated patterns transitioning to walkable mixed-use patterns over time. District character is almost exclusively commercial but may support higher intensity residential development both in a horizontal as well as vertical mixed-use development pattern. Site design and structure placement is required to support a walkable built environment with greater connectivity through and between uses and properties. While typically located along arterial roads, mobility and access in this district are not limited to the automobile, and site design requirements support multiple transportation modes including transit.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Commercial Center (CC) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Commercial Center (CC) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

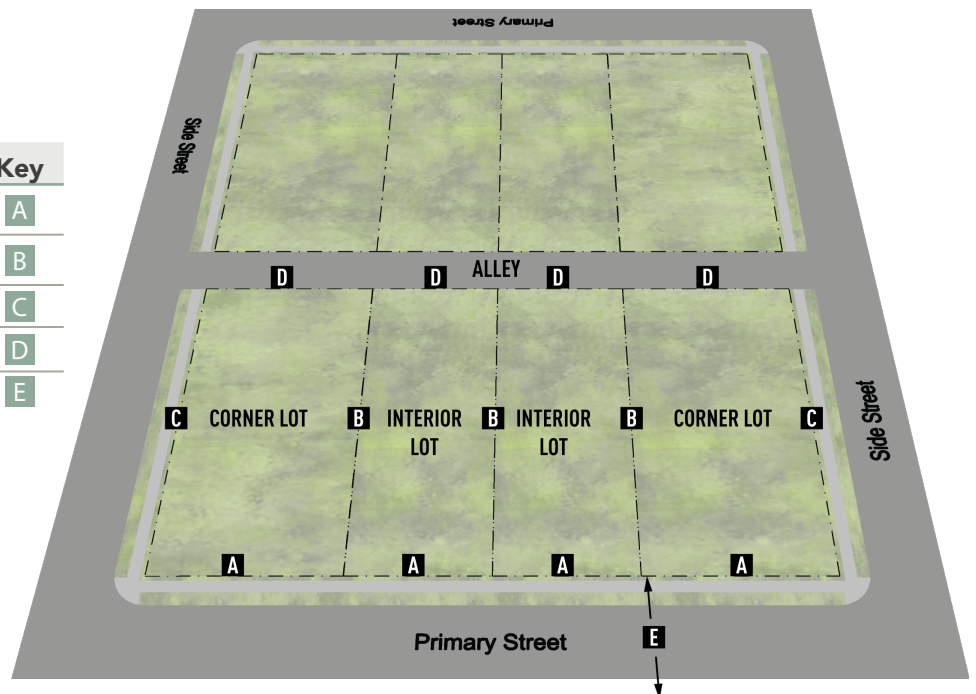


Fig. K-1 General Lot Components

4. SITE DESIGN STANDARDS

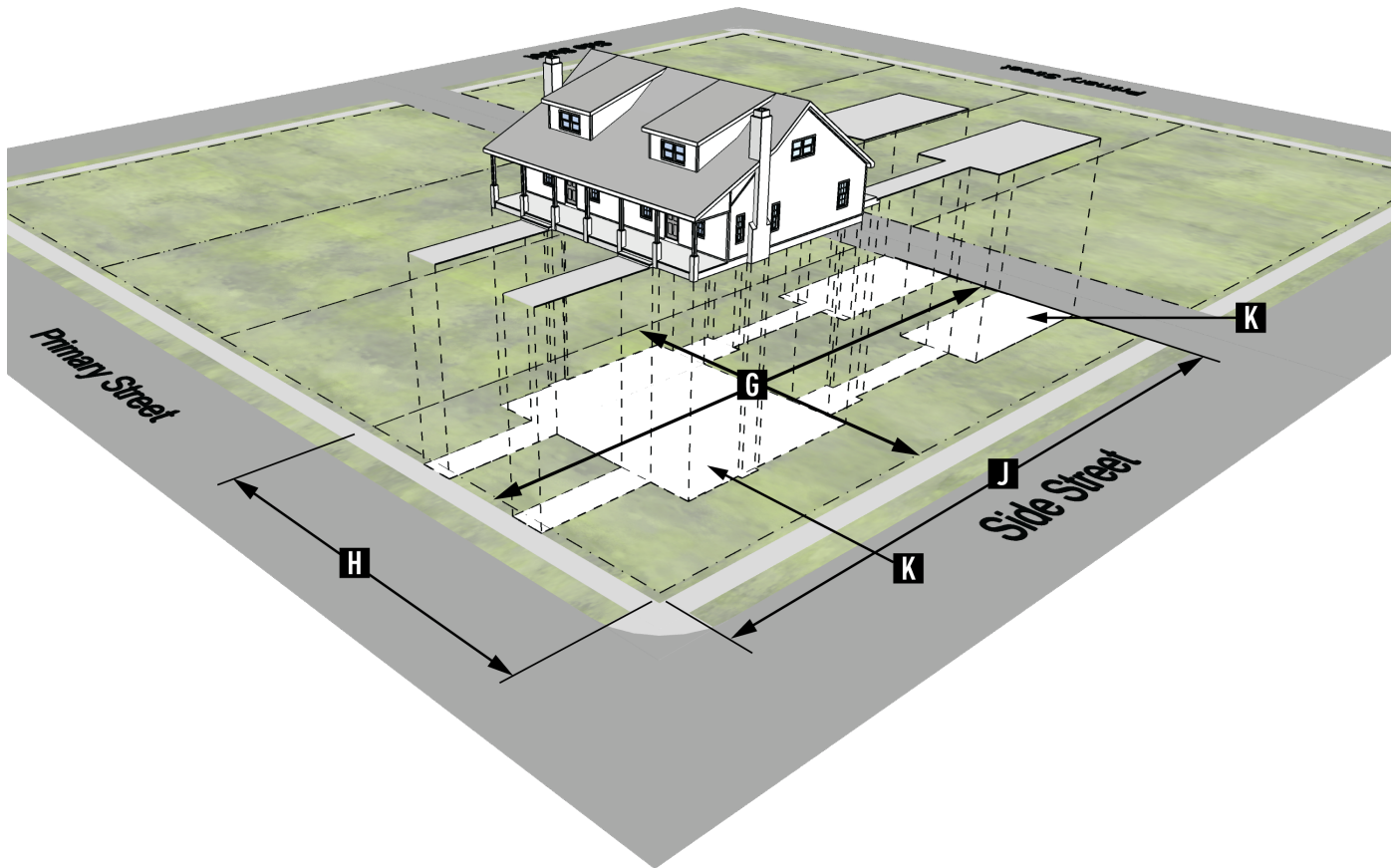


Fig. K-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes per acre	
	Min. Area (sq. ft.)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
Tri- and quadplex, multi-plex small	No min.	n/a	n/a	80%	8 homes/ac	n/a
Multi-plex large, apartment		n/a	n/a	80%		
All shopfront types		70'	n/a	70%		
General stand-alone		150'	n/a	70%	n/a	n/a
Drive-through		70'	n/a	60%		
Civic		n/a	n/a	80%		
All other types as permitted		n/a	n/a	80%	8 homes/ac	n/a
Diagram Key	G	H	J	K		



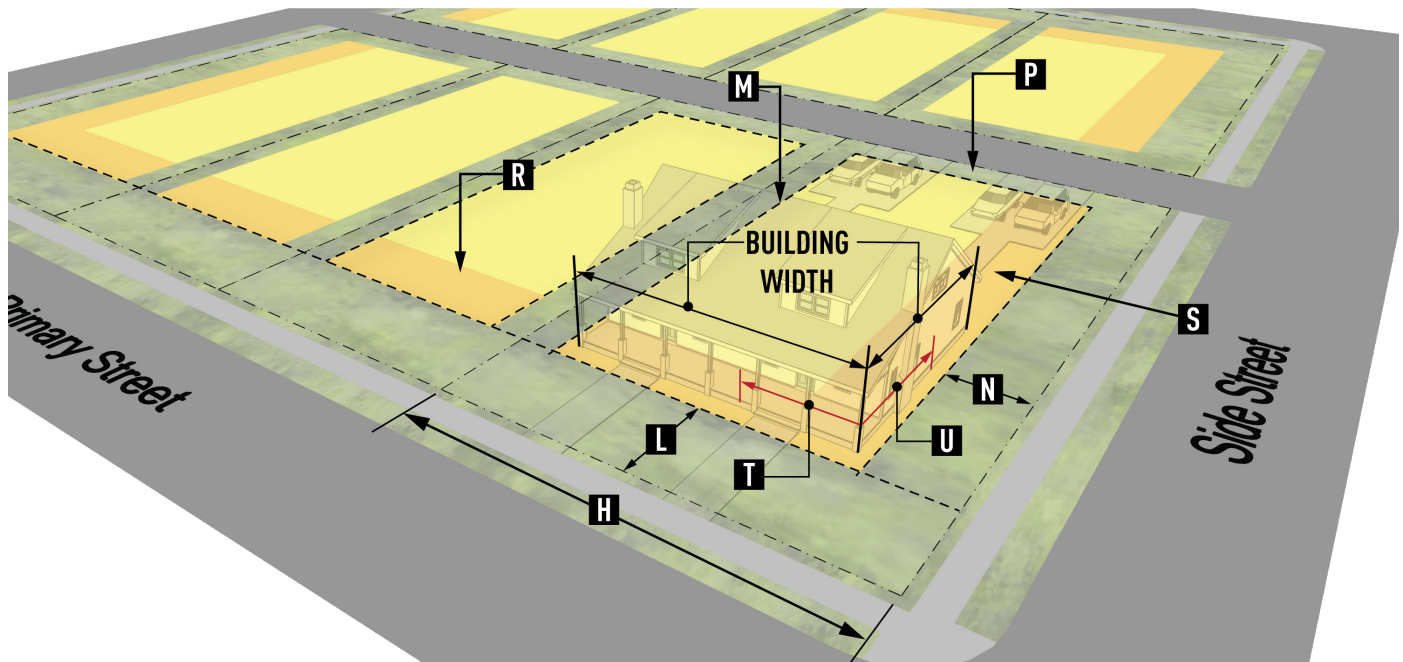


Fig. K-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	20'	20'	L	
Side (interior)	0'	3'	M	
Side (street)	10'	10'	N	
Rear	0'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U
Building Elements*	Min. (%) Transparency	Diagram Key		
First Story	20%	R, S		
Upper Story	n/a	R, S		
Blank Wall Articulation*	Min. (%)	Diagram Key		
Front	50%	R		
Side (street)	40%	S		

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.

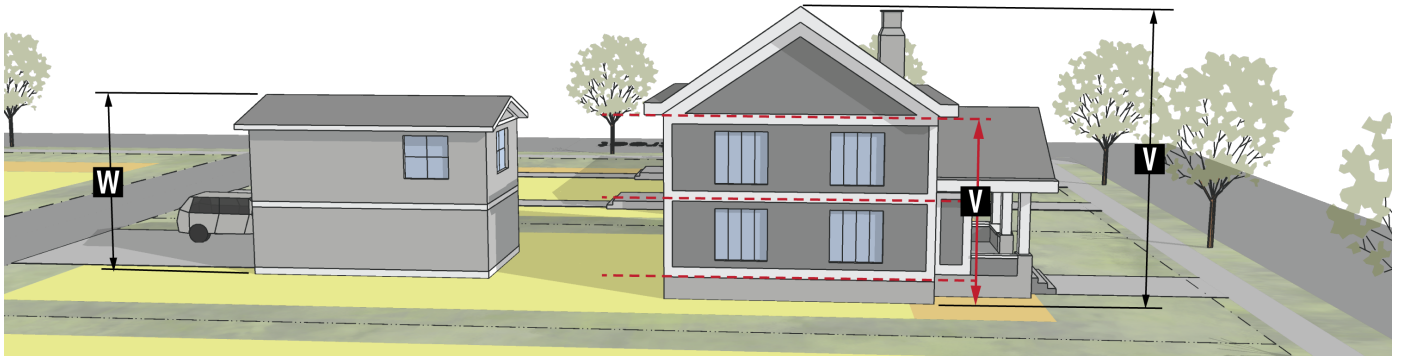


Fig. K-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height*	Key	Max. Stories	First Story Min. Height	Key
Principal building	80,000**	60'	V	6	n/a	V
Accessory structure, detached	n/a	24'	W	2	n/a	n/a

*See height plane requirements in Section 4.6.C.11.

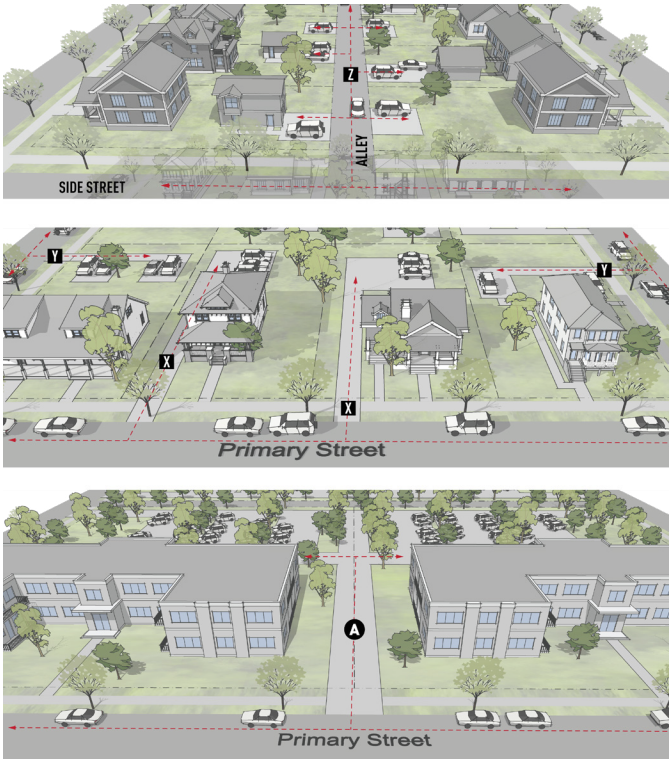
**Excluding attached garage.

***Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the CC district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	30'	X
Secondary street	30'	Y
Alley	16'	Z
Shared drive	30'	A

Fig. K-5 Vehicular Access

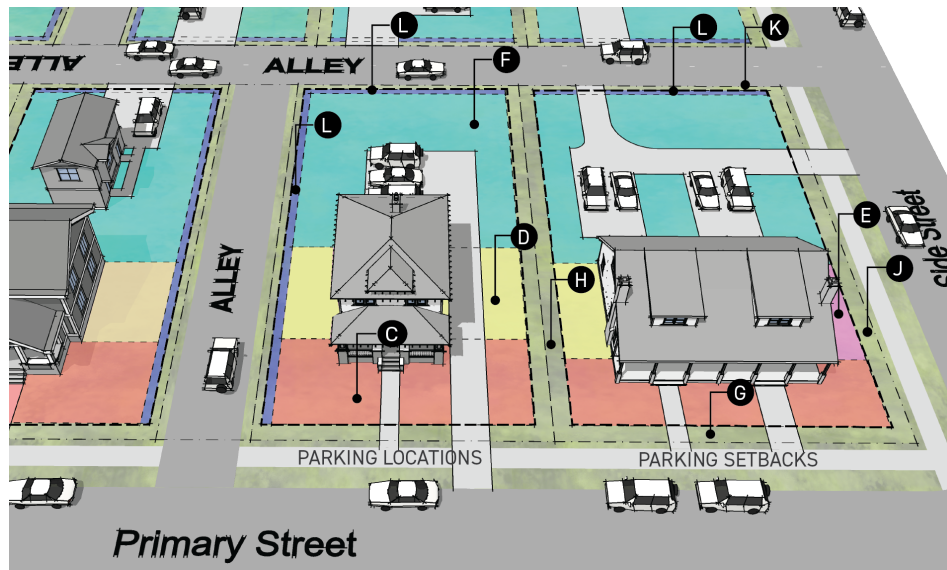


Fig. K-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	P	C
Side yard (interior)	P	D
Side yard (street)*	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	20'	G
Side (interior)	3'	H
Side (street)*	10'	J
Rear	3'	K
Alley setback	3'	L

* Excludes driveway access allowed in primary/secondary street setback.

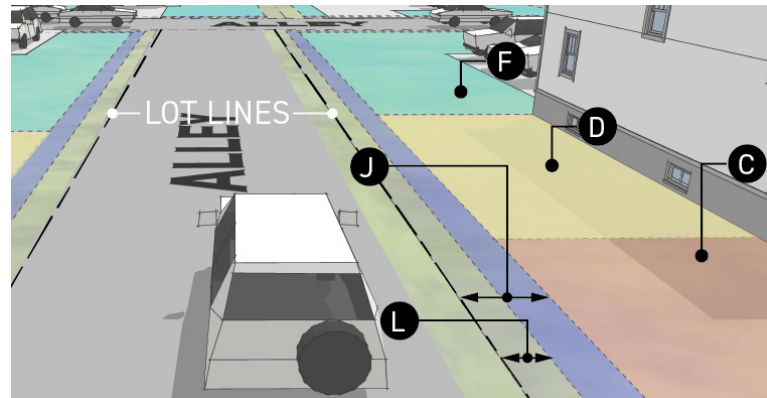


Fig. K-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.L CIVIC EMPLOYMENT CENTER (CEC)

1. PURPOSE

The purpose of this district is to support the economic vitality of the county through concentrated employment hubs, campuses, and institutions devoted primarily to public use and service delivery. Areas within this district are typically master-planned to facilitate a mix of uses and activities in a campus-style environment. This district serves as an economic driver in the county and is characterized by civic and institutional uses that require a significant amount of space to operate. Access to arterial roads with connectivity through and between development, as well as to the rest of the community, is accomplished through a Complete Street network that includes non-motorized facilities and transit options.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Civic Employment Center (CEC) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Civic Employment Center (CEC) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

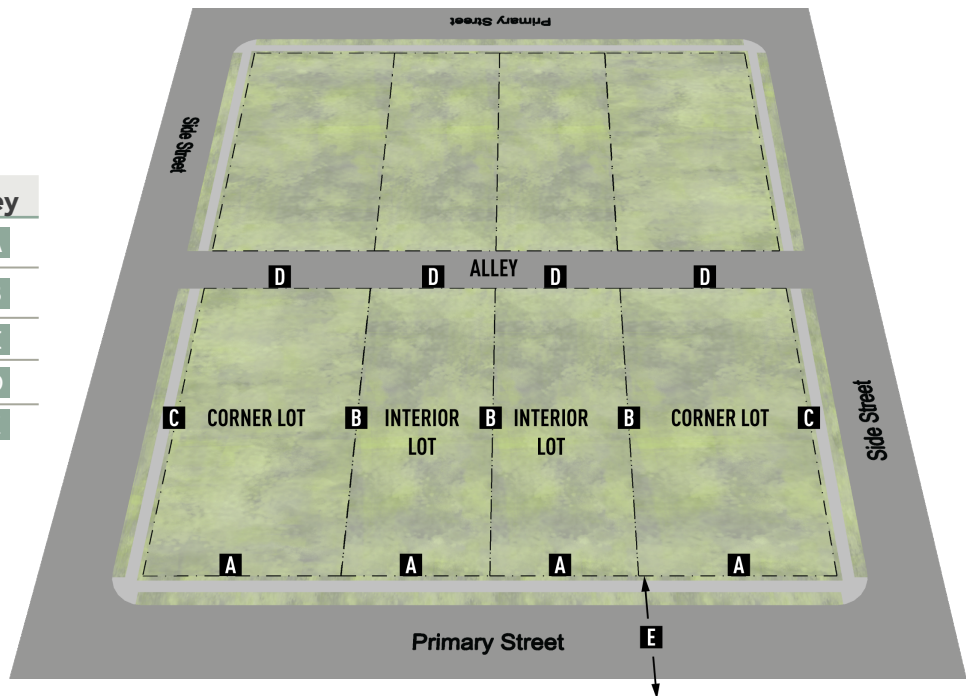


Fig. L-1 General Lot Components

4. SITE DESIGN STANDARDS

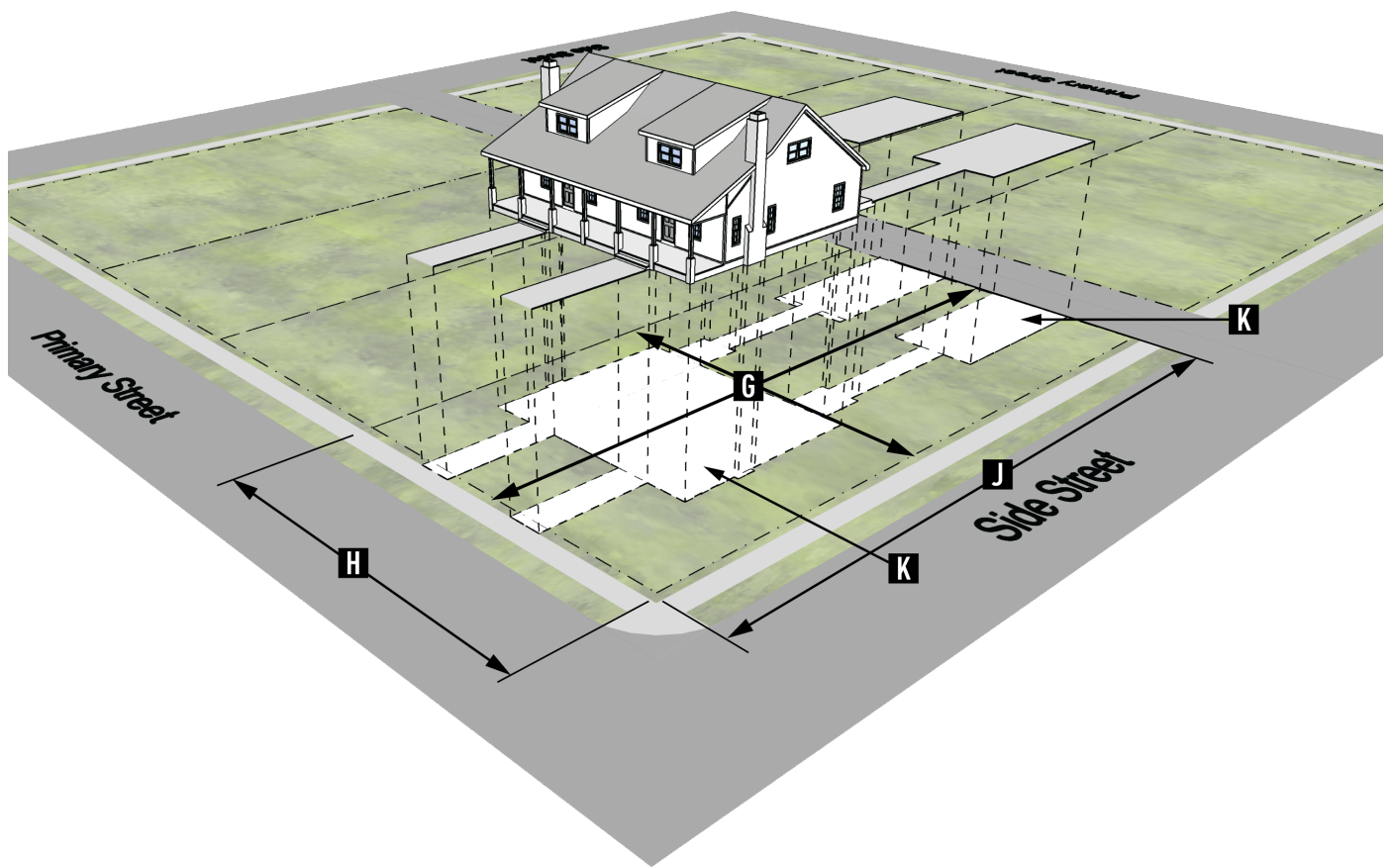


Fig. L-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes per acre	
	Min. Area (acre)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
All types as permitted	n/a	n/a	n/a	70%	n/a	n/a
Diagram Key	G	H	J	K		



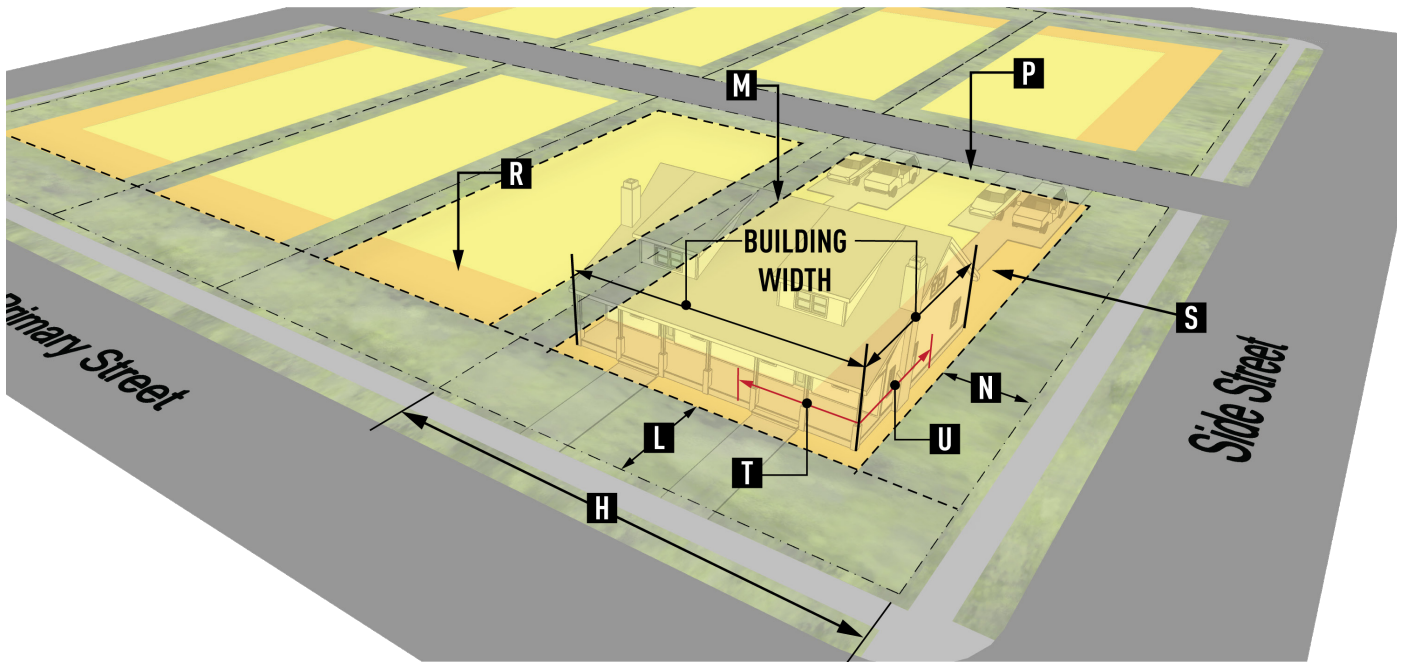


Fig. L-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	10'	10'	L	
Side (interior)	0'	3'	M	
Side (street)	10'	10'	N	
Rear	0'	3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U
Building Elements*	Min. (%)Transparency	Diagram Key		
First Story	30%	R, S		
Upper Story	20%	R, S		
Blank Wall Articulation*	Min. (%)	Diagram Key		
Front	50%	R		
Side (street)	30%	S		

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.

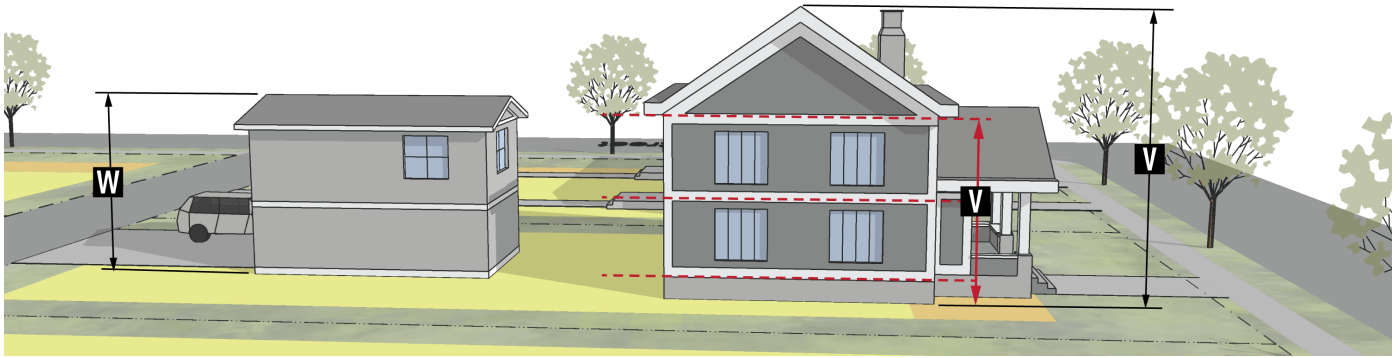


Fig. L-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height*	Key	Max. Stories	First Story Min. Height	Key
Principal building	n/a	60'	V	n/a	n/a	V
Accessory structure, detached	n/a	30'	W	n/a	n/a	n/a

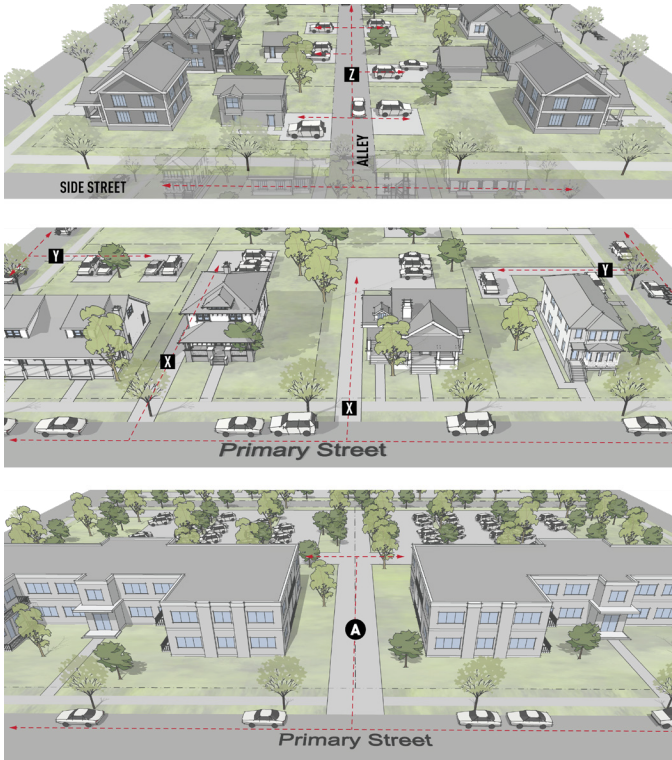
*See height plane requirements in Section 4.6.C.11.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the CEC district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	30'	X
Secondary street	30'	Y
Alley	16'	Z
Shared drive	30'	A

Fig. L-5 Vehicular Access

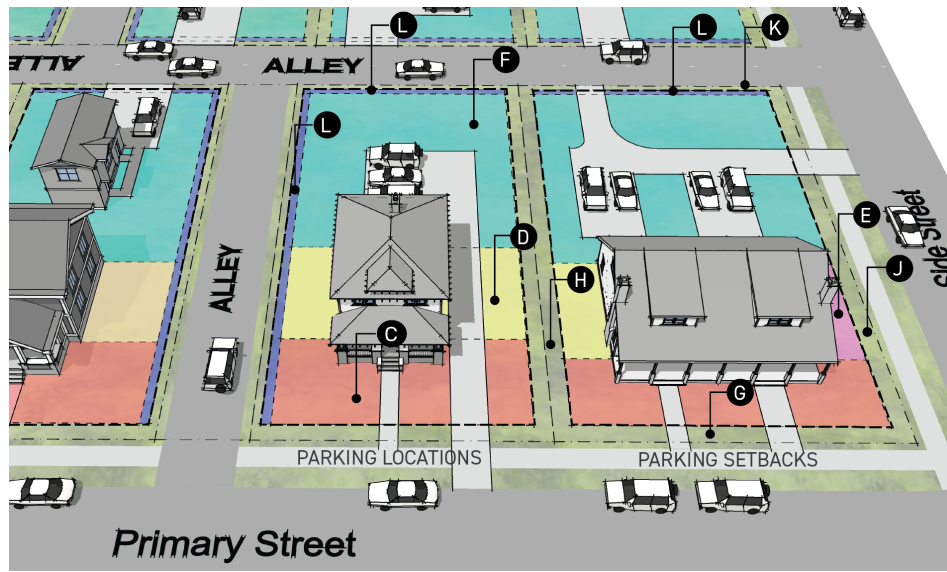


Fig. L-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	NP	C
Side yard (interior)	P	D
Side yard (street)*	NP	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	3'	L

* Excludes driveway access allowed in primary/secondary street setback.

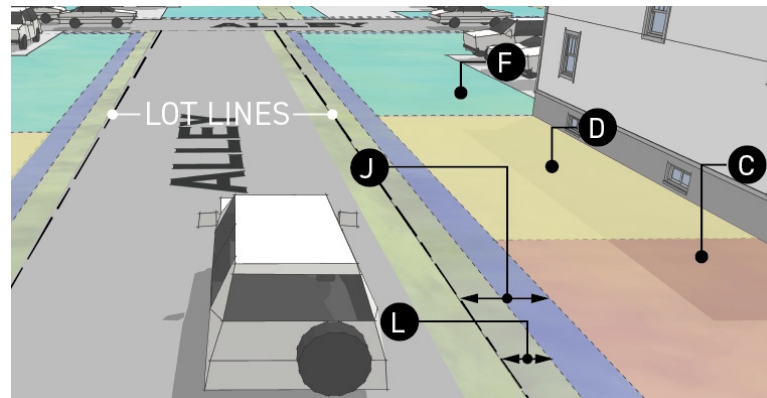


Fig. L-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.M INDUSTRIAL CENTER, LIGHT (ICL)

1. PURPOSE

The purpose of this district is to provide opportunities for light industrial, artisan, and limited commercial activities with minimal off-site impacts, but which require more physical space or have unique site design considerations. The character of this district is varied with small shops to large building footprints and development sited away from sensitive natural environments but in close proximity to the transportation network, including rail service, and with connectivity to other areas in the community by transit and non-motorized facilities. Buildings may be single use or incorporate a mix of uses.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Light Industrial Center (ICL) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Light Industrial Center (ICL) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

Unless otherwise indicated in Table 5, Section 2.4.G., commercial uses may be permitted in this district only as accessory to the industrial use.

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

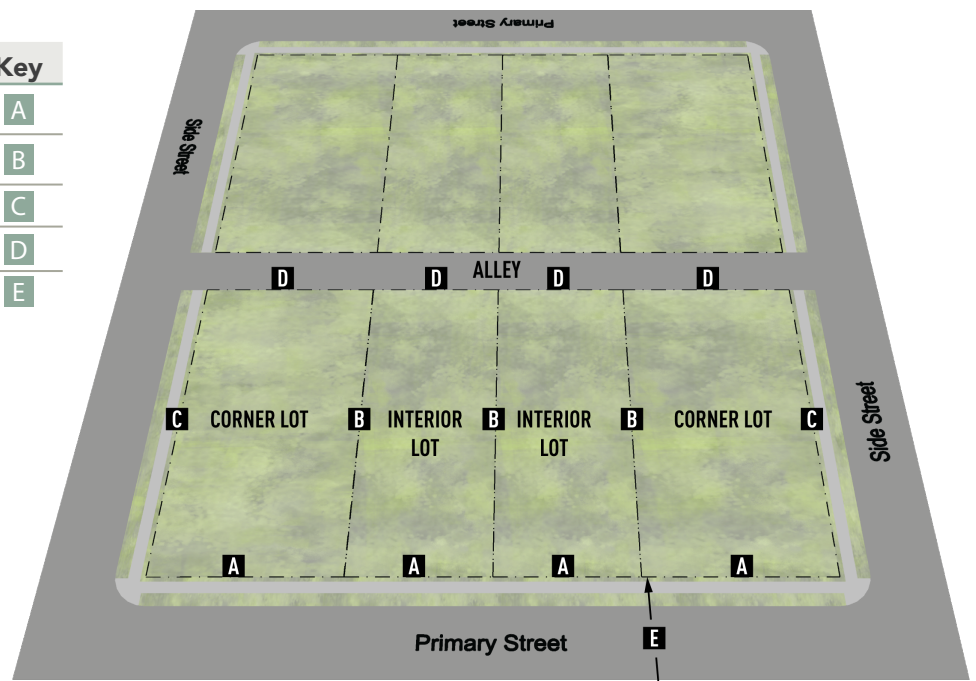


Fig. M-1 General Lot Components

4. SITE DESIGN STANDARDS

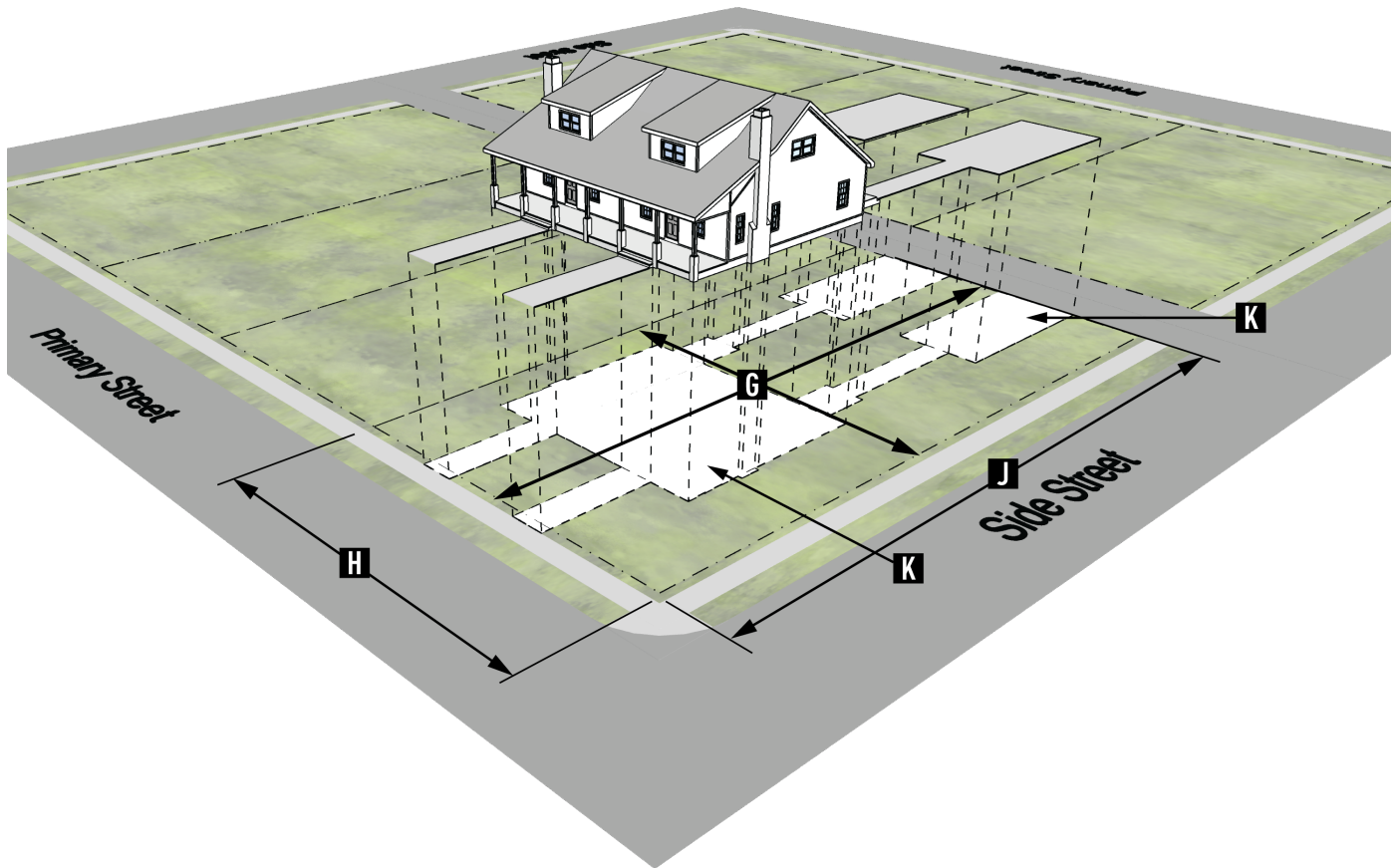


Fig. M-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes per acre	
	Min. Area (sq. ft.)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
All types as permitted	7,000	70'	n/a	70%	n/a	n/a
Diagram Key	G	H	J	K		



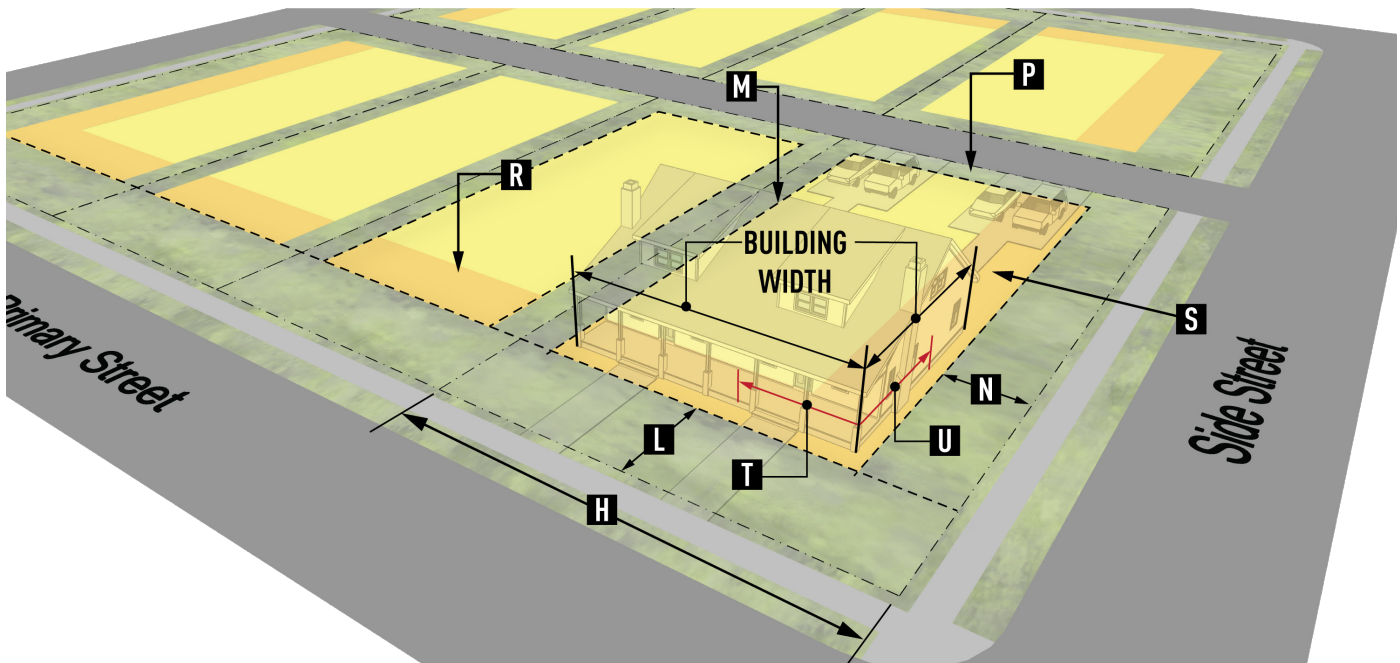


Fig. M-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	20'	20'	L	
Side (interior)	10'	10'	M	
Side (street)	10'	10'	N	
Rear	10'	10'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U
Building Elements	Min. (%) Transparency	Diagram Key		
First Story	10%	R, S		
Upper Story	n/a	R, S		
Blank Wall Articulation	Min. (%)	Diagram Key		
Front	30%	R		
Side (street)	30%	S		

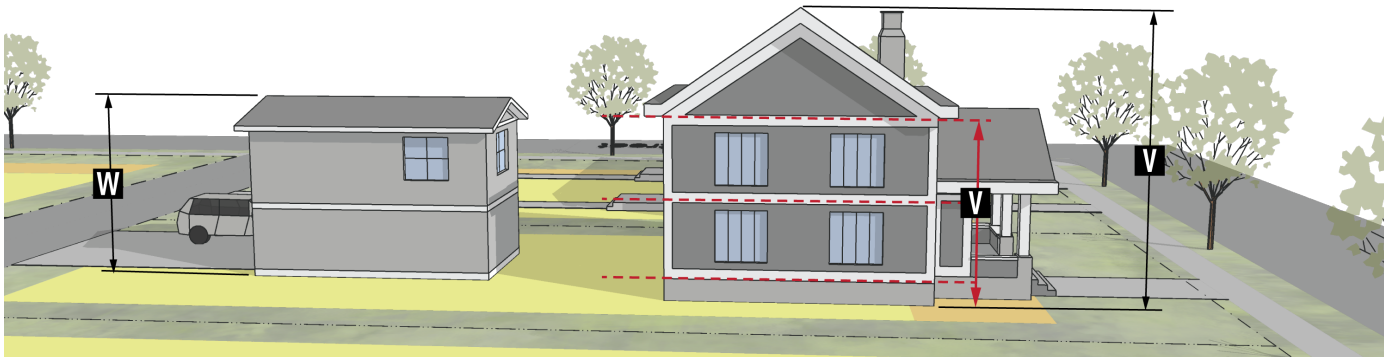


Fig. M-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height*	Key	Max. Stories	First Story Min. Height	Key
Principal building	280,000	60'	V	n/a	n/a	V
Accessory structure, detached	n/a	30'	W	n/a	n/a	n/a

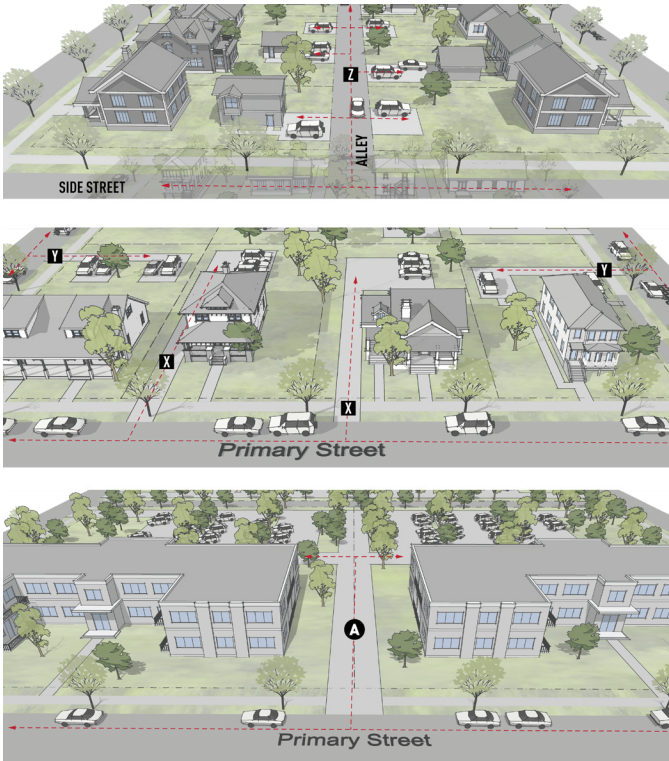
*See height plane requirements in Section 4.6.C.11.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the ICL district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	30'	X
Secondary street	30'	Y
Alley	16'	Z
Shared drive	30'	A

Fig. M-5 Vehicular Access

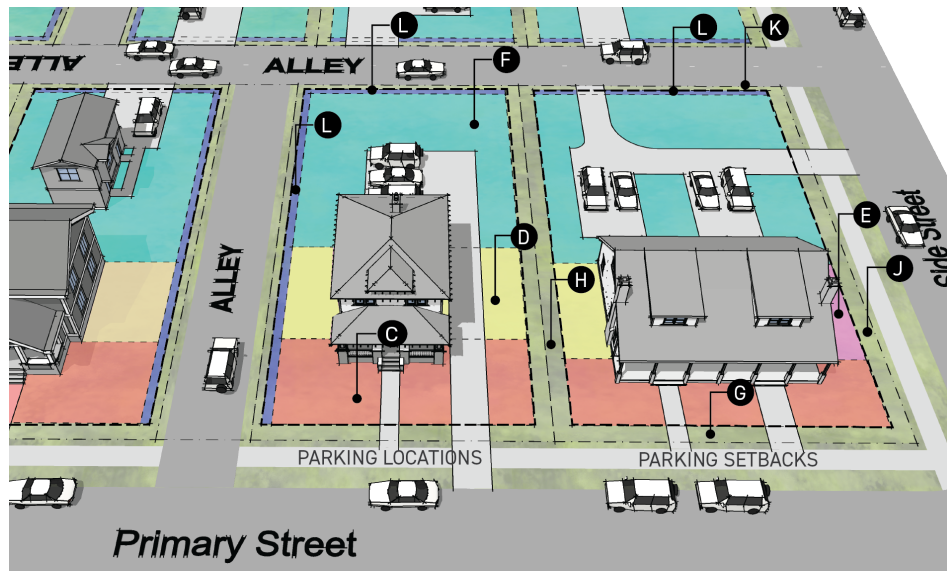


Fig. M-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	P	C
Side yard (interior)	P	D
Side yard (street)*	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	10'	G
Side (interior)	5'	H
Side (street)*	5'	J
Rear	5'	K
Alley setback	5'	L

* Excludes driveway access allowed in primary/secondary street setback.

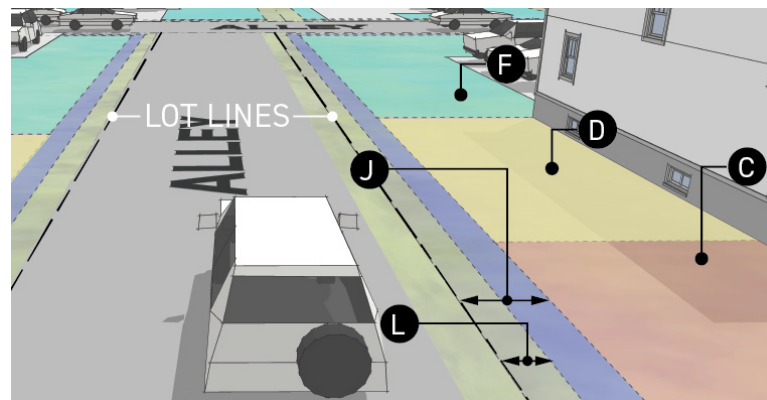


Fig. M-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



SECTION 2.3.N INDUSTRIAL CENTER, HEAVY (ICH)

1. PURPOSE

The purpose of this district is to provide places where the manufacturing, processing, storage, and distribution of goods and services can occur freely with limited impacts to adjacent districts related to noise, dust, odor and clutter. This district accommodates a range of industrial uses including heavy manufacturing, processing, fabrication, solid waste disposal, power generation, pipeline terminals, and similar uses requiring separation and buffering from less intensive land use and development. Limited commercial uses may be present but shall be accessory to industrial activities. Development is sited away from streams, riparian corridors, and wetlands to protect sensitive natural features, waterways, and fish and wildlife habitat and movement corridors. District character is varied but generally defined by large acreage and moderate to large building footprints depending on the use. These districts are located along arterial roads, near or adjacent to rail, with connectivity to other areas in the community by transit and non-motorized facilities.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Heavy Industrial Center (ICH) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Heavy Industrial Center (ICH) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

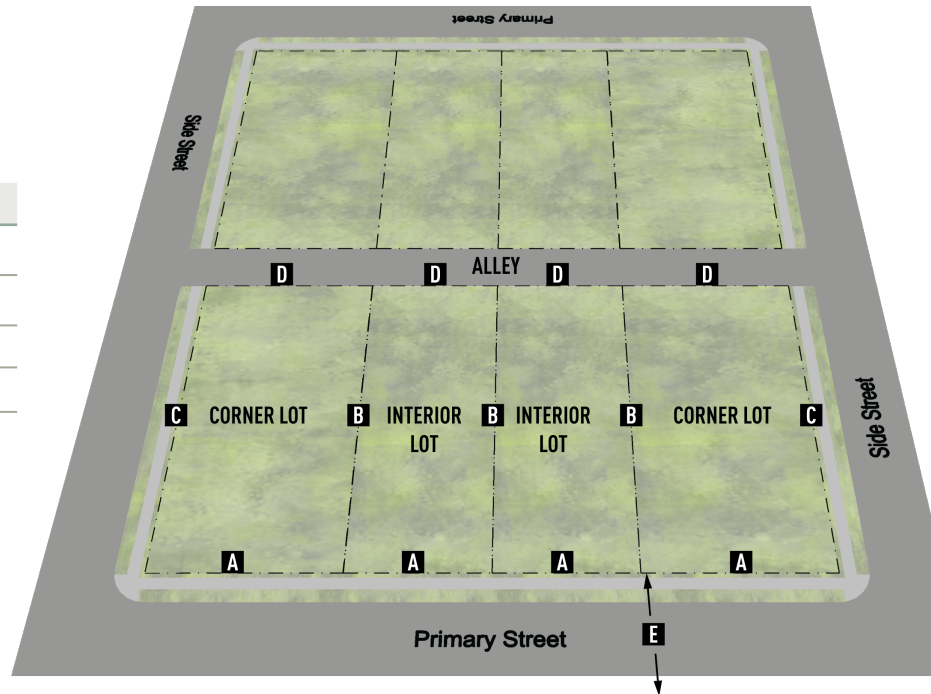
Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

Unless otherwise indicated in Table 5, Section 2.4.G., commercial uses may be permitted in this district only as accessory to the industrial use.

FIGURE LEGEND

Key

GENERAL TERMS		Key
Lot Line (Front)	.....	A
Lot Line (Side - Interior)	.....	B
Lot Line (Side - Street)	.....	C
Lot Line (Rear)	.....	D
Right-of-Way	.....	E



4. SITE DESIGN STANDARDS

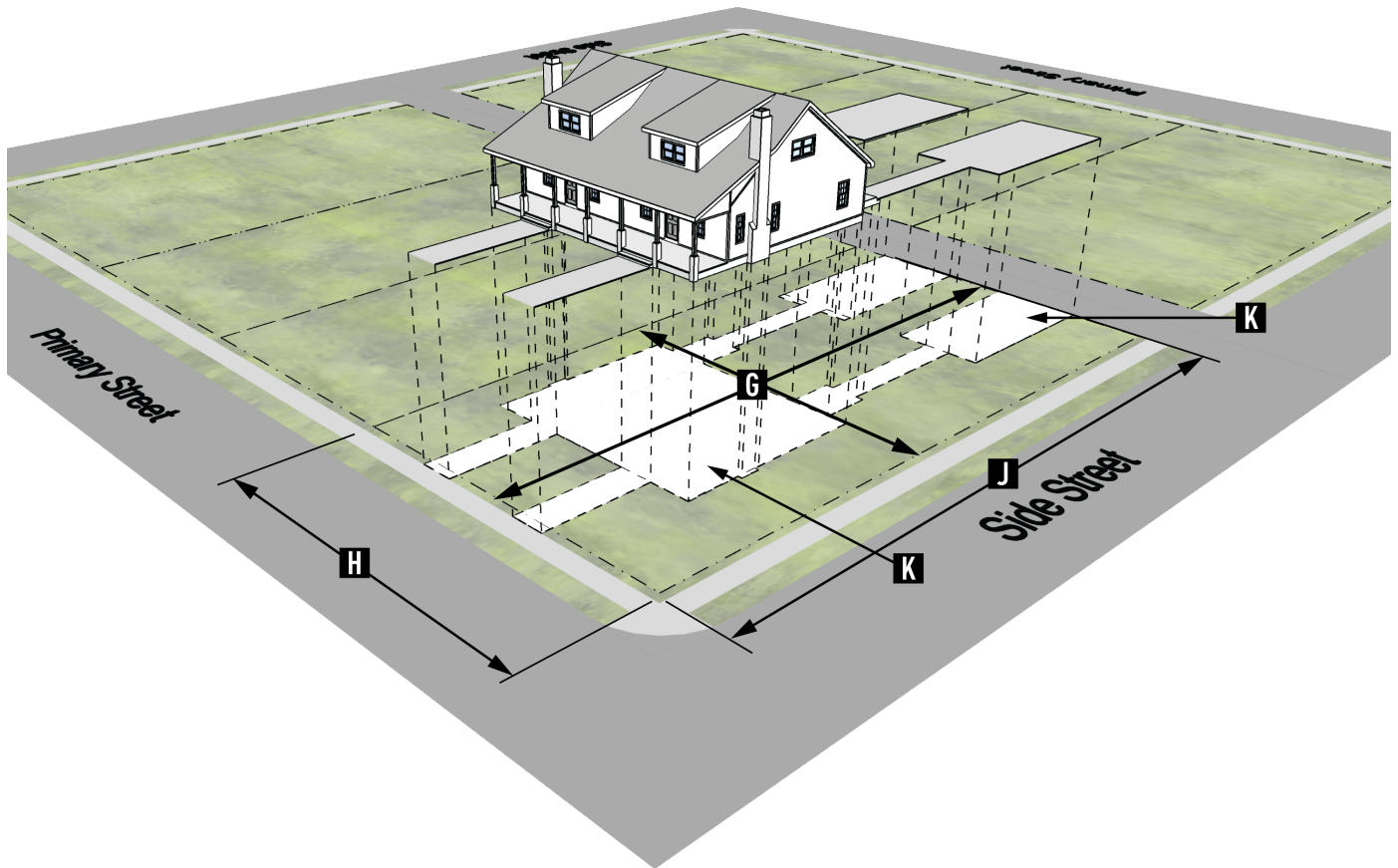


Fig. N-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes per acre	
	Min. Area (sq. ft.)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
All types as permitted	20,000	n/a	n/a	80%	n/a	n/a
Diagram Key	G	H	J	K		



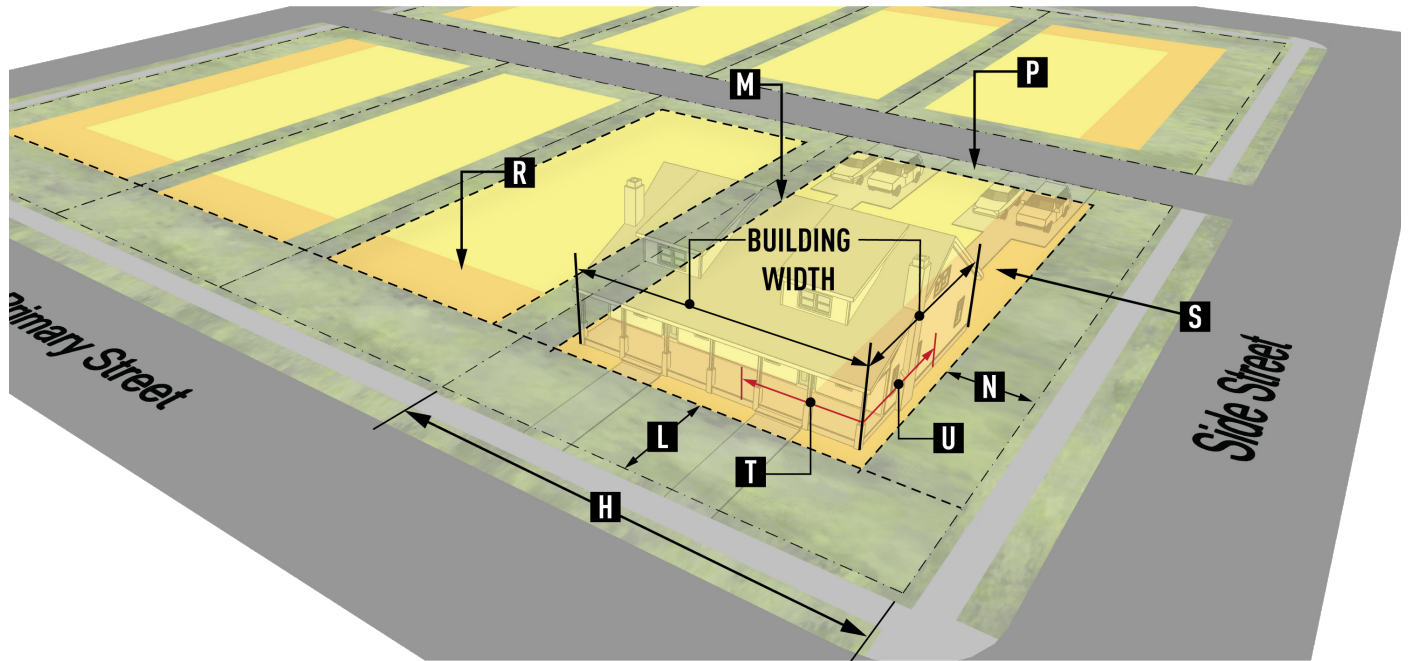


Fig. N-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	25'	25'	L	
Side (interior)	25'	25'	M	
Side (street)	25'	25'	N	
Rear	25'	25'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	n/a	R	n/a	T
Side (street)	n/a	S	n/a	U
Building Elements	Min. (%)Transparency	Diagram Key		
First Story	n/a	R, S		
Upper Story		R, S		
Blank Wall Articulation	Min. (%)	Diagram Key		
Front	20%	R		
Side (street)	n/a	S		

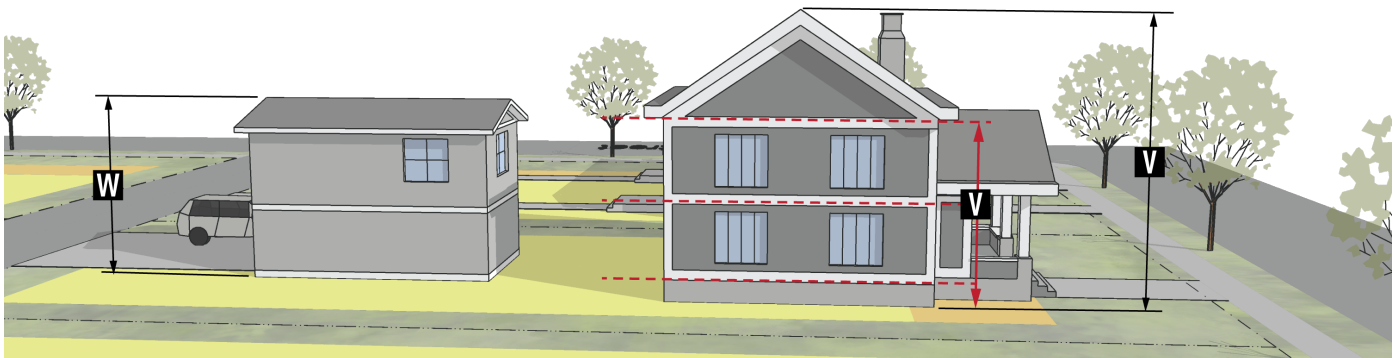


Fig. N-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height*	Key	Max. Stories	First Story Min. Height	Key
Principal building	n/a	n/a	V	n/a	n/a	V
Accessory structure, detached			W			n/a

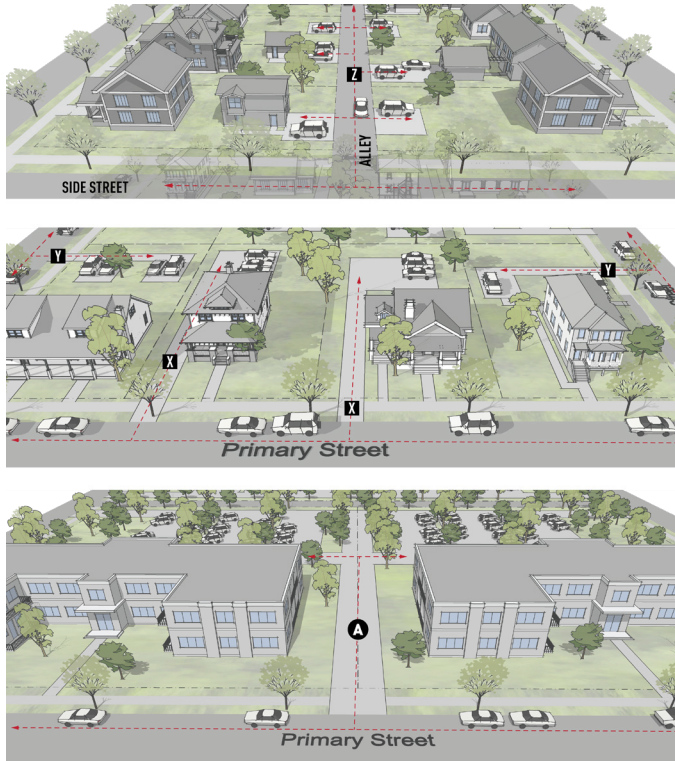
*See height plane requirements in Section 4.6.C.11.

**Agriculture buildings except for those associated with high-impact agricultural use are not subject to Building Scale standards.



5. MOBILITY

The following standards apply to all development in the ICH district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."



a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	30'	X
Secondary street	30'	Y
Alley	16'	Z
Shared drive	30'	A

Fig. N-5 Vehicular Access

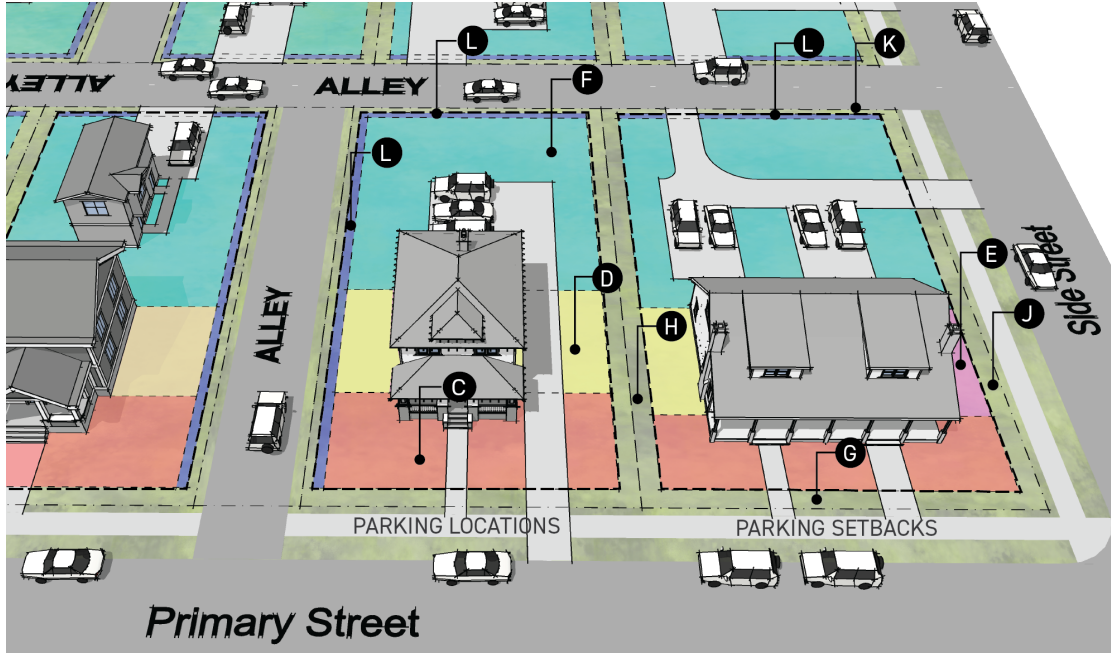


Fig. N-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	P	C
Side yard (interior)	P	D
Side yard (street)*	P	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	10'	G
Side (interior)	5'	H
Side (street)*	10'	J
Rear	5'	K
Alley setback	5'	L

* Excludes driveway access allowed in primary/secondary street setback.

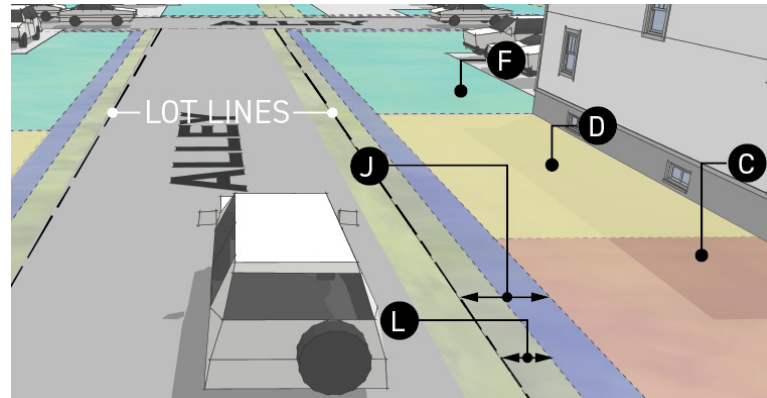


Fig N-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



2.4 PERMITTED USES BY DISTRICT

- A) Use Groups.** These zoning regulations classify land uses into the four major use groupings based on common functional, product, or physical characteristics including the type and amount of activity, the number of customers or residents, how goods or services are sold or delivered, and physical site conditions necessary to render services.
- B) Principal Uses.** Allowed uses by district are listed in Section 2.4.G., Table 5. "Table of Uses."
- C) Accessory Uses.** Accessory uses that are clearly incidental, customarily found with and subordinate to a Principal use are permitted in conjunction with a permitted principal use, in accordance with Section 5.3. "Accessory Uses and Structures."
- D) Temporary Uses.** Temporary uses are permitted, as set forth in Section 5.27. "Temporary Uses and Structures."
- E) Uses Defined.** The uses listed in Table 5, in Section 2.4.G. are either defined in Chapter 13 or derived using the North American Industrial Classification System (NAICS), the Land-Based Classification Standards (LBCS) published by the American Planning Association (APA), or in other resources cross-referenced in these regulations.
- F) Key to Use Table.**
1. Permitted uses. Uses identified with a "■" are permitted by right in the subject district, either as a principal use or accessory use, and must comply with all applicable design and development standards subject to issuance of a Zoning Compliance Permit.
 2. Special exceptions. Uses identified with a "□" may be permitted in the subject district, either as a principal use or accessory use, if reviewed and approved in accordance with the special exception review procedures found in Chapter 11 and must comply with all applicable design and development standards subject to issuance of a Zoning Compliance Permit.
 3. Prohibited uses. Uses identified with a "-" are expressly prohibited in the subject district.
 4. Uses identified with a "●" are permitted only as accessory to a residential use in Live/Make (LM). All other uses are as indicated in the table.
 5. Uses identified with a "○" are special exception only as accessory to a residential use in Live/Make (LM). All other uses are as indicated in the table.

G) Table of Uses.

Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
	Administrative facility	■	■	■	■	■	□	■	□	■	■	■	■	■
Agriculture	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Agriculture, high-intensity	□	■	■	□	-	-	-	-	-	-	-	-	□	■
Agricultural-related business	-	■	■	■	■	■	■	■	■	■	■	■	■	■
Airports, helipads, and related facilities	-	-	□	-	-	-	-	-	-	-	□	□	□	■
Animal services, large	-	■	■	■	□	-	-	-	-	-	-	-	□	-
Animal services, small	-	■	■	■	□	-	-	○	■	■	■	□	■	-
Animal shelter or boarding kennel	-	■	■	□	□	-	-	-	-	□	■	-	□	-
Business equipment sales and services	-	-	-	-	-	-	-	○	-	□	■	□	■	-
Campground	■	■	■	□	-	-	-	-	-	-	-	-	-	-
Cannabis, dispensary	-	-	-	-	-	-	-	-	-	□	■	-	-	-
Casinos and gaming establishments	-	-	-	-	-	-	-	-	-	□	■	-	-	-
College/university	-	-	-	-	-	-	-	-	-	□	■	■	-	-
Community residential facility (8 or fewer residents)	■	■	■	■	■	■	■	■	■	■	■	■	-	-

*Authorized commercial and industrial uses in this district (LM) must be accessory to a residential use.

**Commercial uses in these districts must be accessory to an approved primary industrial use.

*** Required for commercial buildings of 30,000 square feet or greater.



Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
	Community residential facility (9+ residents)	-	-	-	-	□	□	■	□	-	■	■	□	-
Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	■	■	■	■
Cottage Court Development	-	-	-	-	□	■	■	■	-	■	■	-	-	-
Cryptocurrency mining	-	-	-	-	-	-	-	-	-	-	-	-	■	■
Cultural service	-	-	-	-	-	□	□	□	-	■	■	■	-	-
Daycare home	■	■	■	■	■	■	■	■	■	■	■	■	-	-
Daycare center	-	-	-	□	□	□	□	□	-	■	■	■	-	-
Dwelling, accessory unit	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Dwelling, single home	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Dwelling, two homes	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Dwelling, multiple homes	-	-	-	-	-	□	■	■	■	■	■	■	-	-
Eating and drinking establishments	-	-	-	-	-	□	■	○	■	■	■	■	-	-
Enterprise commercial***	-	-	-	-	-	-	-	-	-	-	■	□	-	-
Entertainment venues, small	-	-	-	-	-	-	□	-	■	■	■	■	-	-
Entertainment venues, medium	-	-	-	-	-	-	-	-	□	■	■	□	■	-
Entertainment venues, large	-	-	-	-	-	-	-	-	-	□	■	□	■	-
Financial services	-	-	-	-	-	□	□	-	■	■	■	■	-	-
Food and beverage sales	-	-	-	-	-	□	■	●	■	■	■	■	-	-

Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
	Funeral and interment services, cemetery	-	■	■	■	■	□	-	-	-	-	-	■	-
Funeral and interment services, crematorium	-	-	-	-	-	-	-	-	-	-	□	-	□	■
Funeral and interment services, funeral home/mortuary	-	-	□	□	■	■	■	■	■	■	■	□	-	-
Galleries and exhibition space	-	-	-	-	-	□	■	●	■	■	■	■	-	-
Gasoline and fuel sales	-	-	-	-	-	-	-	-	□	■	■	-	□	□
Guest ranch, outfitting, or guide facility	-	■	■	□	□	□	-	-	-	-	-	-	-	-
Home occupation	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Homeless shelter & meal center	-	-	-	-	-	-	□	-	□	■	■	□	-	-
Hospital	-	-	-	-	-	-	-	-	-	□	■	■	-	-
Industrial Lands Flex Space	-	-	-	-	-	-	-	-	-	-	-	-	■	■
Junk and salvage yard	-	-	-	-	-	-	-	-	-	-	-	-	□	■
Lodging, bed & breakfast	-	-	□	■	■	■	■	●	■	■	■	-	-	-
Lodging, hostel	-	-	-	-	-	-	□	□	■	■	■	-	-	-
Lodging, hotel & motel	-	-	-	-	-	-	-	-	□	■	■	-	-	-
Lodging, tourist home	-	■	■	■	■	■	■	■	■	■	■	-	-	-
Maintenance services	-	-	-	-	-	-	-	○	-	□	■	□	■	-



Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
	Manufacturing and production, agricultural	-	■	■	□	-	-	-	-	-	-	-	-	■
Manufacturing and production, artisan	-	■	■	■	■	□	-	●	-	-	■	■	■	-
Manufacturing and production, limited	-	-	-	-	-	-	-	●	-	-	■	■	■	■
Manufacturing and production, general	-	-	-	-	-	-	-	-	-	-	-	-	■	■
Manufacturing and production, intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	■
Medical facility, walk-in clinic	-	-	-	-	-	□	■	□	■	■	■	■	■	-
Microbreweries, wineries, and microdistilleries	-	-	□	□	□	□	□	○	■	■	■	-	■	-
Mini-warehouse	-	-	-	-	-	-	-	-	-	-	□	-	■	■
Mobile food court	-	-	-	-	-	-	-	-	-	■	■	■	-	-
Mobile home park	-	-	-	-	□	■	■	■	■	■	■	-	-	-
Nuclear facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing home/skilled nursing facility	-	-	-	-	□	□	□	□	■	■	■	■	-	-
Open space	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Park, public or private	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Parking structure	-	-	-	-	-	-	-	-	□	□	■	■	□	□
Personal improvement service	-	-	-	-	-	□	□	●	■	■	■	□	-	-

Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
	Pre-school	-	-	□	■	■	■	■	■	■	■	■	■	-
Pre-school center	-	-	-	□	□	□	□	□	■	■	■	■	-	-
Professional office	-	-	-	-	-	□	■	○	■	■	■	■	■	-
Public safety service facility	□	□	■	■	■	■	■	■	■	■	■	■	■	■
Recreation, active	-	□	■	■	■	■	■	■	■	■	■	■	■	□
Recreation, commercial (indoor)	-	-	-	-	-	-	-	-	-	■	■	-	□	-
Recreation, commercial (outdoor)	-	-	-	-	-	-	-	-	-	-	■	-	□	-
Recreation, developed outdoor	■	-	■	■	■	-	-	-	-	-	-	-	-	-
Recreation, passive	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Recreational vehicle park	-	-	□	□	-	-	-	-	-	-	■	-	-	-
Recycling service	-	-	□	□	-	-	-	-	-	-	-	□	■	■
Religious assembly	-	-	□	□	□	■	■	■	■	■	■	■	-	-
Research, cooperative learning and training facilities	□	□	□	□	□	□	□	□	-	-	-	■	■	-
Resource extraction	□	□	□	-	-	-	-	-	-	-	-	-	□	■
Retail sales and service	-	-	-	-	-	-	□	○	■	■	■	-	-	-
School	-	-	-	□	■	■	■	■	■	■	■	■	□	-



Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
	Secondary Value-Adding Industry	-	-	-	-	-	-	-	-	-	-	-	-	■
Social service facility	-	-	-	-	-	□	□	-	■	■	■	■	-	-
Solar energy system, ground-mounted, small	□	■	■	■	■	■	■	■	■	■	■	■	■	■
Solar energy system, ground-mounted, medium	-	■	■	□	□	□	□	□	■	■	■	■	■	■
Solar energy system, ground-mounted, large	-	■	■	-	-	-	-	-	-	-	□	□	■	■
Solar energy system, roof-mounted	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Storage, open-air	-	-	-	-	-	-	-	-	-	-	□	-	■	■
Tiny home development	-	-	-	-	□	■	■	■	■	■	■	-	-	-
Travel plaza	-	-	-	-	-	-	-	-	-	-	■	-	□	-
Utility services – minor	□	■	■	■	■	■	■	■	■	■	■	■	■	■
Utility services - major	-	□	□	□	-	-	-	-	-	-	■	■	■	■
Vehicle and small engine maintenance and repair	-	-	□	-	-	-	-	O	-	■	■	-	■	■
Vehicle sales and storage	-	-	-	-	-	-	-	-	-	-	■	-	■	■

Table 5 Table of Uses by Zoning District

LAND USE/ ACTIVITY	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM*	NR	NC	CC	CEC	ICL**	ICH**
Warehousing, wholesaling, and freight movement	-	-	-	-	-	-	-	-	-	-	□	-	■	■
Waste facilities, landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	■
Waste facilities, transfer station	-	-	-	-	-	-	-	-	-	-	-	-	■	■

H) Interpretation of Uses Not Clearly Defined. Where a use is not specifically listed, its status shall be determined by the Zoning Officer by evaluating the use against those similar in purpose, function, character, and effect to determine its appropriateness based on the overall intent of the district. A formal request shall be submitted for interpretation, and the Zoning Officer’s final determination shall be made in writing and kept on file in the Planning, Development and Sustainability Department office as a record of the interpretation.

2.5 OVERLAY DISTRICTS

A) Purpose. The purpose of this section is to provide standards that address special situations where additional standards are necessary in addition to those within the underlying zoning district and other provisions of these regulations. Overlay districts are typically created to address provisions of state law, or unique or special features or circumstances identified in a plan or policy adopted by Missoula County.

B) Target Range Overlay.

- 1. Intent.** The Target Range Overlay is designed to implement the provisions in the Target Range Neighborhood Plan by recognizing the existence of rural areas that will come under pressure for residential development. This overlay zone provides for transitional low density residential uses between urbanized areas and agricultural uses; it also provides a zone that may be used to meet residential needs while limiting density to recognize environmental concerns. Land use tools, as defined in Section 2.8 of the Target Range Neighborhood Plan (2010), are encouraged to be used to preserve the resources considered “at risk” in the plan. Those resources are identified as: surface waters, the Missoula aquifer, agricultural soils, riparian areas, wildlife habitat, open space and viewsheds. The total number of dwellings allowed by zoning on a parcel does not change with the use of land use tools (no density bonus or reduction).
- 2. Applicability.** The Target Range Overlay is applicable to any zoning district within the boundaries of the Target Range Neighborhood Plan except for Legacy Districts.



The standards set within this section are in addition to the standards described in the underlying zoning district. When a standard in this section differs from the underlying district, the standard in this section applies.

3. General standards.

- a. For new subdivisions the clustering of lots, when proposed to protect "at risk" resources identified in Section 2.5.B.1. "Intent", is permitted. When lots are clustered, the minimum lot sizes and building placement requirements in the underlying district are not applicable. The maximum homes per acre still apply.
- b. Additional density permitted in Section 9.3 "Conservation Design Development" and Section 9.11 "Development Incentives and Bonuses" is not allowed within the Target Range Overlay area.
- c. **Setbacks.** The setbacks in the Target Range Overlay are as follows and apply only to primary structures:
 - i. Front – 25 feet
 - ii. Side (interior) – 15 feet
 - iii. Side (street) – 15 feet
 - iv. Rear – 25 feet
- d. **Building height.** The maximum building height in the Target Range Overlay is as follows:
 - i. 30 feet.

4. Permitted uses.

- a. Uses as allowed in the underlying district in Section 2.4.G., Table 5: Table of Uses by Zoning District, apply with the following exceptions that are prohibited in this overlay district:
 - i. Animal services, large
 - ii. Animal services, small
 - iii. Animal shelter or boarding kennel
 - iv. Funeral and Interment Services, cemetery
 - v. Funeral and Interment Services, funeral home/mortuary
 - vi. Guest Ranch, outfitting, or guide facility

5. Procedures.

- a. Variances can have an effect on the community welfare beyond adjoining property owners. For that reason, in addition to the public notice procedure specified in Chapter 11, the Target Range Homeowner's Association shall be notified by first class mail at least fifteen (15) days prior to the public hearing for a variance request.

It is the responsibility of the Target Range Homeowner's Association to keep the Planning Office informed of the current address for the Association.



CHAPTER

3



IN THIS CHAPTER:

3.1	Purpose	113
3.2	Building Types Allowed by District	113
3.3	Building Types Defined	114
3.4	Building Elements	121



3.1 PURPOSE

The following building types are established to allow for detailed management of building form within each zoning district. These standards are intended to reinforce and complement the existing scale and character of development valued by the residents of Missoula County. The building type names are not intended to limit uses permitted within the building as established in Chapters 2 and 5. Where ambiguity as to building type arises the Zoning Officer shall determine the building type based on the use proposed, the building type description, and the character of the district. All graphic depictions of building types are for illustrative purposes only.

3.2 BUILDING TYPES ALLOWED BY DISTRICT

Table 1 Building Types Allowed By District

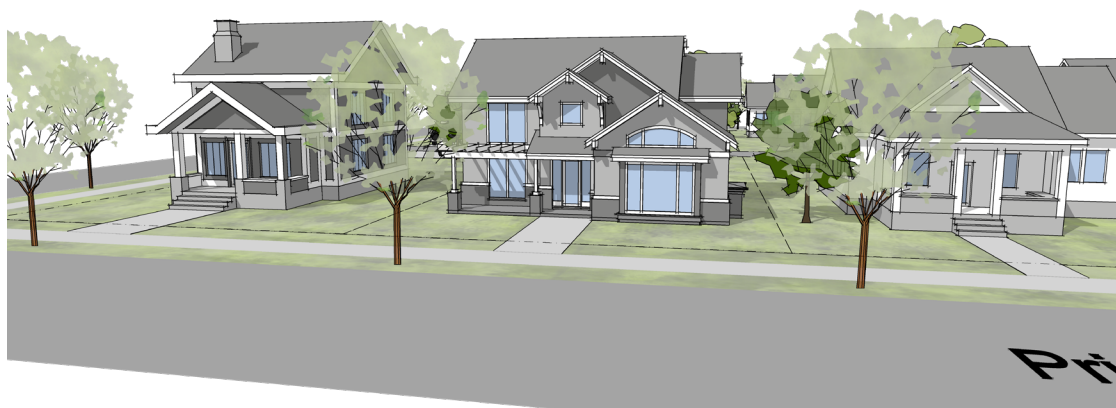
BUILDING TYPE	Table 1 Building Types Allowed By District													
	OPEN LAND AND AGRICULTURAL DISTRICTS					RESIDENTIAL DISTRICTS				MIXED-USE DISTRICTS			INDUSTRY & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Detached House	■	■	■	■	■	■	■	■	■	■	■	■	-	-
Cottage	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Duplex	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Duplex, Single Frontage	-	■	■	■	■	■	■	■	■	■	■	■	-	-
Tri-plex	-	-	-	-	-	■	■	■	■	■	■	■	-	-
Quad-plex	-	-	-	-	-	■	■	■	■	■	■	■	-	-
Townhouse	-	-	-	-	-	■	■	■	■	■	■	■	-	-
Multi-plex, Small	-	-	-	-	-	○	○	●	■	■	■	■	-	-
Multi-plex, Large	-	-	-	-	-	-	○	-	■	■	■	■	-	-
Apartment	-	-	-	-	-	-	-	-	■	■	■	■	-	-
Neighborhood Shopfront	-	-	-	-	-	■	■	■	■	■	■	■	-	-
Single-story Shopfront Center	-	-	-	-	-	-	-	-	-	■	■	■	■	-
Mixed-use Shopfront	-	-	-	-	-	-	-	-	■	■	■	■	-	-
General Stand-alone	-	-	-	-	-	-	-	-	-	■	■	■	■	■
Drive-through	-	-	-	-	-	-	-	-	-	■	■	-	■	■
Civic	-	-	-	-	-	■	■	■	■	■	■	■	■	■
Distribution and Storage	-	-	-	-	-	-	-	-	-	-	■	-	■	■
All-Purpose	■	■	■	■	■	■	■	■	■	■	■	■	■	■
KEY	■ - Permitted			"- " Not Permitted					● - Requires permanent affordable housing			○ - Requires either permanent affordable housing or conservation development		

3.3 BUILDING TYPES DEFINED

A) Residential Building Types.

Table 2 Residential Building Types

DETACHED RESIDENTIAL	
TYPE	DESCRIPTION
Detached House	A building type that accommodates one home on an individual parcel with yards on all sides, except where zero lot lines apply. This building type may include manufactured homes and mobile homes. This building type could contain an internal accessory dwelling unit (ADU) in accordance with Section 5.2.B.1.



Cottage	A dwelling typically less than 900 sq. ft. in size and often - but not always: physically separate, self-contained and accessory to another home located on the same parcel. Cottage court developments, tiny homes, manufactured and mobile homes, and accessory dwelling units typically utilize this building type.
---------	--



ATTACHED RESIDENTIAL

TYPE	DESCRIPTION
Duplex	A building type that accommodates two homes on an individual lot, separated either horizontally or vertically by a common wall or ceiling and where both homes have street frontage. This building type could also include a twinhouse, with each home on an individual lot.



Duplex, Single Frontage

A building type that accommodates two homes on an individual lot separated horizontally by a vertical common wall where one home is located directly behind the other home so that only the front home has direct street frontage. This building type could also include a twinhouse, with each home on an individual lot.



Townhouse

A building type that accommodates single-household dwellings constructed in a group of three or more attached homes in which each home extends from foundation to roof and having open yard space on at least two sides. Homes are not vertically mixed and must be located on separate lots. Townhomes do not have to meet interior side yard setbacks along lot boundaries where the units are attached.



Tri-plex

A building type that accommodates three homes on an individual lot, both vertically and/or horizontally integrated.

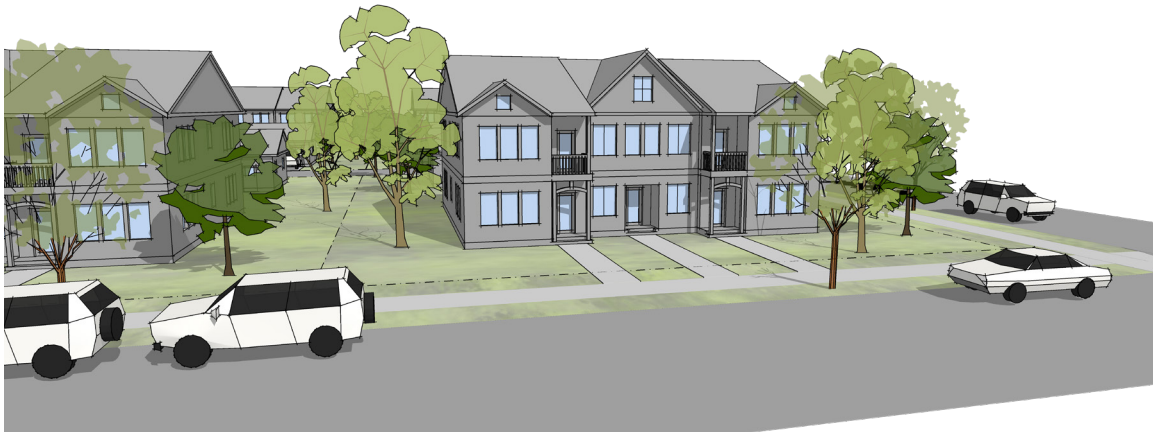


Quad-plex

A building type that accommodates four homes on an individual lot, both vertically and/or horizontally integrated.

**Multi-plex, Small**

A building type that accommodates five to eight homes on an individual lot, both vertically and/or horizontally integrated.

**Multi-plex, Large**

A building type that accommodates nine to 12 homes on an individual lot, both vertically and/or horizontally integrated.



Apartment

A building type that accommodates more than 12 apartment homes on an individual lot, both vertically and/or horizontally integrated.



B) Commercial, Mixed-Use and Industrial Building Types.

Table 3 Commercial, Mixed-Use, and Industrial Building Types

TYPE	DESCRIPTION
Neighborhood Shopfront	A building type that typically accommodates ground floor retail, office, and/or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.



Single-Story Shopfront Center

A single-story building type that typically accommodates multiple retail and/or commercial uses and tenants.



Mixed-Use Shopfront

A building type that typically accommodates ground floor retail, office, and/or commercial uses with upper-story residential or office uses at a scale typical of a downtown, historic district or main street.



General Stand-Alone

A building type that accommodates non-residential uses at varying scales dependent on the district in which it is located. Typically (but not exclusively), these buildings are constructed to accommodate a single purpose or use.





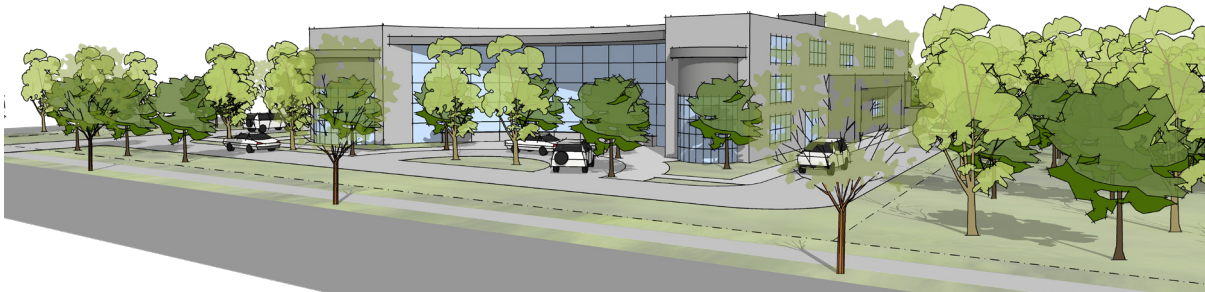
Drive-Through

A building type designed to accommodate businesses that can serve either (or both) walk-in or walk-up customers and those who remain in their vehicles.



C) Miscellaneous Building Types.

Table 4 Miscellaneous Building Types

TYPE	DESCRIPTION
Civic	A building type that accommodates civic uses typical of campus environments that may require unique site design considerations such as parking and circulation between buildings, pedestrian connectivity, and a mix of uses as part of its development.
	
Distribution and Storage	A building type designed to accommodate activities related to distribution and storage through multiple loading and unloading bays (including mini-warehouses).
	
All-Purpose	A generic or non-descript building type meant to accommodate atypical principal or accessory structures of varying scales not already described herein, dependent on the purpose of the district in which it is located.
	



3.4 BUILDING ELEMENTS

- A) Purpose.** To maintain the consistent character and quality of design of existing neighborhoods and future development by requiring certain treatments for public-facing building facades.
- B) Applicability.** The requirements of this section apply to the following:
1. All buildings in Residential, Mixed-Use, and Industrial districts on parcels adjacent to public or private streets, public or private parks, common areas, trails, pedestrian pathways, or similar public areas.
 - a. For purposes of this section, public or private streets, access roads, public or private parks, common areas, trails, pedestrian pathways, or similar public areas will be referred to as “public areas.”
 2. Only the building facades facing public areas are required to meet the requirements of this section.
 3. The following are exempt from the requirements of this section.
 - a. Manufactured homes
 - b. Mobile homes
 - c. Agricultural buildings except for those associated with a high-impact agricultural use
 - d. General Stand Alone and All-Purpose buildings in the ICL district are exempt from the transparency requirements.
- C) General**
1. If an element is not listed as required, that does not mean it is expressly prohibited.
 2. Where both a porch and stoop are identified, only one element is required.
 3. Where an awning/canopy, front porch, and front stoop is required for multi-plex large and apartments, only one element is required.
 4. Where a forecourt and blank wall articulation is required for multi-plex large and apartments, only one element is required.

Table 5 Building Elements Required

ELEMENT	BUILDING TYPE																	
	Detached Dwelling	Cottage	Duplex	Duplex, Single Frontage	Tri-plex	Quad-plex	Townhouse	Multi-plex, Small	Multi-plex, Large	Apartment	Neighborhood Shopfront	Single-Story Shopfront Center	Mixed-Use Shopfront	General Stand-Alone	Drive-Through	Civic	Distribution and Storage	All-Purpose
Awning/Canopy								■	■	■	■	■	■			■		
Balcony								■	■									
Forecourt								■	■									
Front Porch	■	■	■	■	■	■	■	■	■	■	■					■		
Front Stoop	■	■	■	■	■	■	■	■	■	■	■					■		
Transparency*											■	■	■	■				
Blank Wall*								■	■	■	■	■	■	■	■	■	■	■
Front-facing																		
Pedestrian Access	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Garage Requirements	■	■	■	■	■	■	■	■	■	■	■						■	■

■ = Required; where there is no symbol, the building element is not required.

* Required amounts of transparency and blank wall articulation are specified in the zoning districts in Chapter 2.

** Mobile and Manufactured homes are not required to have a front porch or stoop.



D) Awnings and Canopies.

1. An awning/canopy must have a minimum eight feet of clearance height.
2. An awning/canopy may extend into a front or street-side setback according to the setback exception provisions in Section 4.5.D. "Exceptions Permitted."
3. Where front or street-side setbacks are 5' or less, an awning/canopy on a principal structure in an RM, NR or NC district may encroach into a right-of-way up to a distance of two feet upon securing an encroachment permit.
4. The encroachment must be at least two feet inside the back of curb line, edge of pavement, or from face of sidewalk, whichever results in greater setback.

FIG. 1 Awnings and Canopies



E) Balconies.

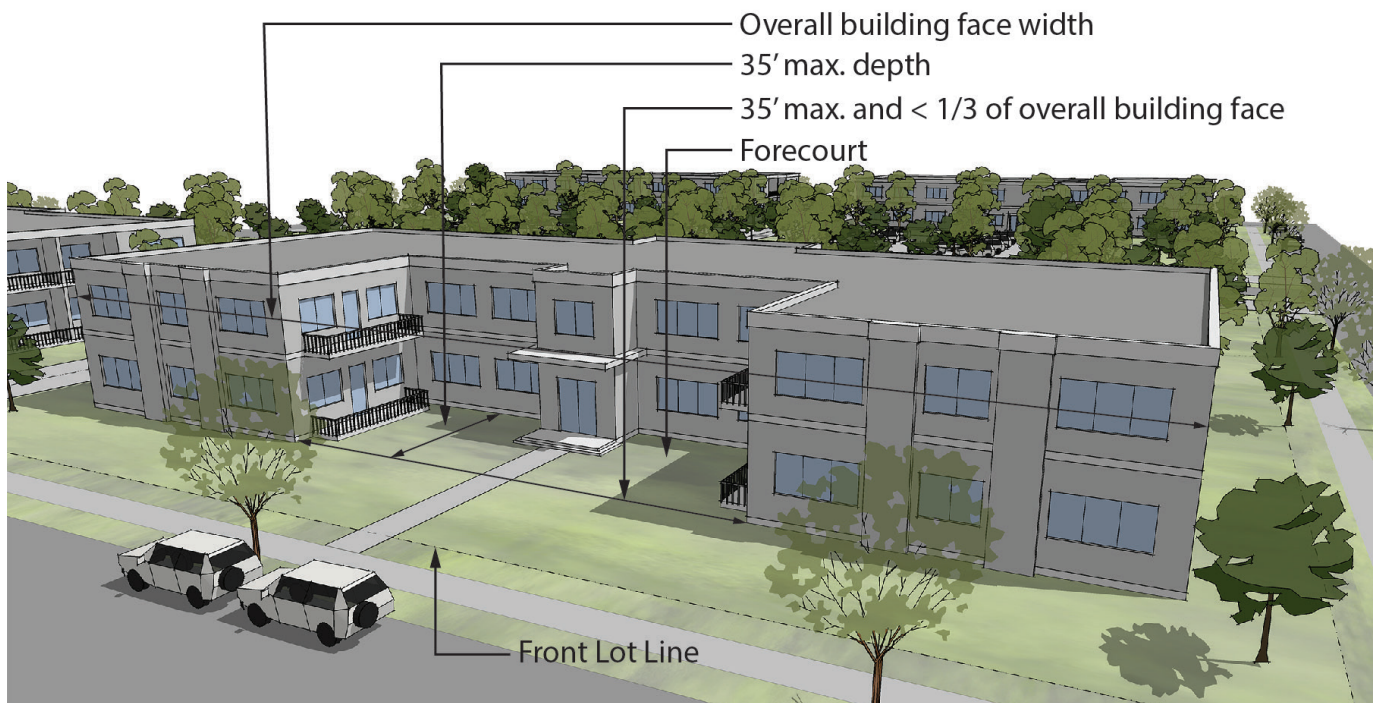
1. A balcony must be at least four feet deep, as measured to the interior side of the balcony wall, railing, or screen.
2. A balcony must have a minimum of eight feet of clearance height.
3. A balcony may be covered and screened but cannot be fully enclosed. A minimum of 50 percent of the balcony must remain open-air or screened.
4. A balcony may extend into a front or street-side setback, according to the setback provisions in Section 4.5.D. "Exceptions Permitted."
5. A balcony may encroach into a right-of-way at a distance of one inch of encroachment for every one inch of clear height above eight feet up to a maximum of two feet, upon securing an encroachment permit. The encroachment must be at least two feet inside the back of curb line, edge of pavement, or from face of sidewalk, whichever results in greater setback.

FIG. 2 Balconies



F) Forecourts.

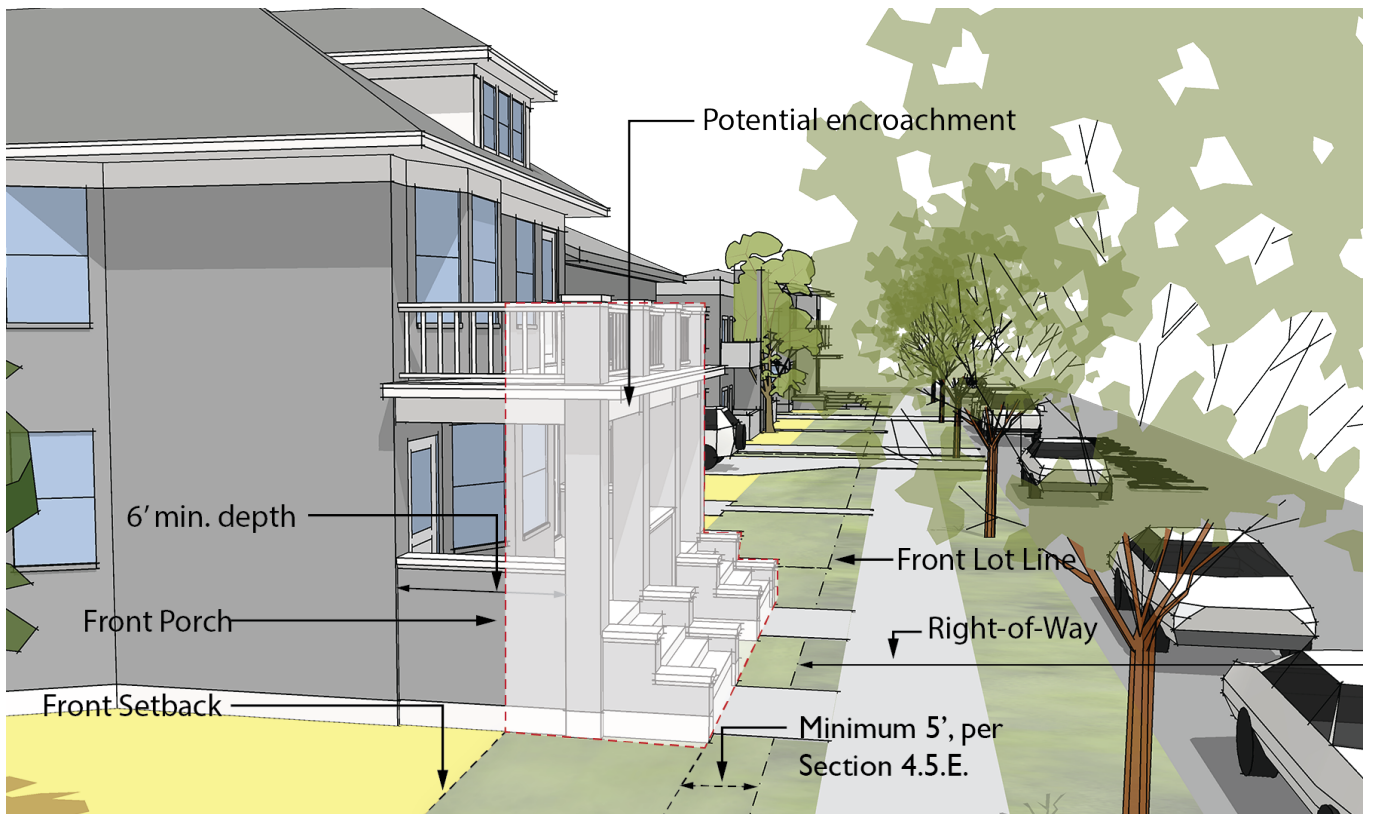
1. A forecourt must be no more than one-third of the length of the building face and in no case longer than 35 feet in width.
2. The depth of the forecourt must not exceed the width. A forecourt may be no more than 35 feet in depth.
3. A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.

FIG. 3 Forecourts

G) Front Porch.

1. A front porch must be at least six feet deep, measured from the interior of the porch wall, railing, or screen (not including the steps).
2. A front porch must be roofed and may be screened.
3. A front porch may extend into a required front or street-side setback, according to the setback provisions in Section 4.5.D. "Exceptions Permitted."
4. A front porch may not encroach into the right-of-way.

FIG. 4 Front porch



H) Stoop.

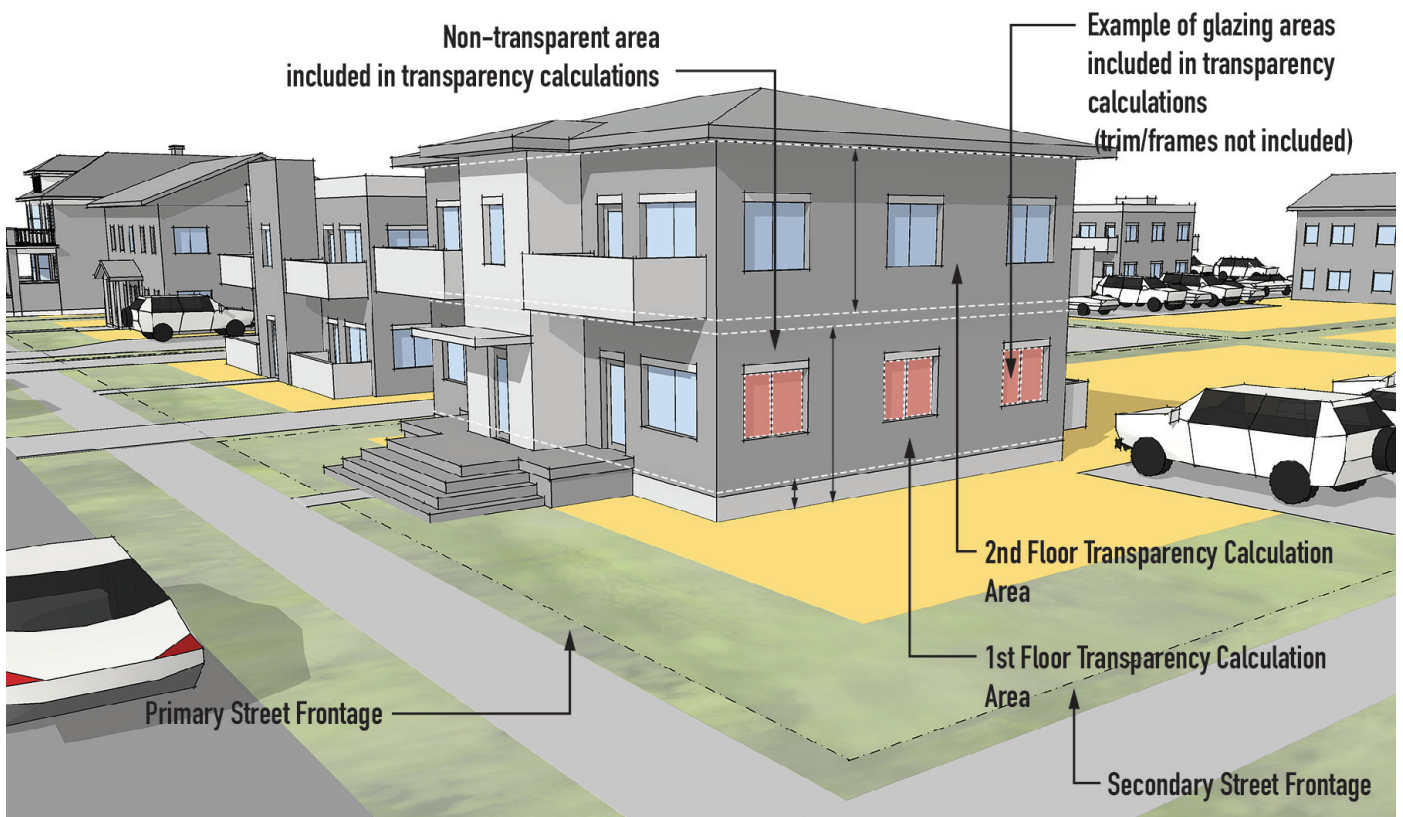
1. A stoop shall be at least four feet deep, as measured from the building façade (not including steps).
2. A stoop may be covered but shall not be enclosed by walls, screens, or structural elements other than railings.
3. A stoop may extend into a required setback, according to the setback provisions in Section 4.5.D. "Exceptions Permitted."
4. A stoop may not encroach into the right-of-way.

FIG. 5 Stoop

I) Transparency.

1. Transparency applies only to facades facing a primary or secondary street or access drive, whether public or private.
2. Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent.
3. Ground story transparency is measured between two and 12 feet above the finished grade.
4. Upper story transparency is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate or base of the parapet wall.
5. In the event that an existing structure does not meet the minimum amount of required transparency in Chapter 2, the amount of existing glazing must be retained.
6. Ordinary maintenance and repair of existing structures shall be exempt from the requirements of this section. Ordinary maintenance does not include replacement, modification, or addition of transparencies.
7. In the event these minimum transparency area requirements conflict with building (energy) code, the building (energy) code governs.

FIG. 6 Transparency



J) Blank Wall Articulation.

1. Blank wall articulation is required on a building facade where a blank wall space exceeds 45 feet in length or 30 feet in height.
2. Articulation meeting the intent of these regulations may include but is not necessarily limited to:
 - a. Windows
 - b. Recessed or projecting entries
 - c. Columns and pilasters
 - d. Decorative design elements (cap, middle, base)
 - e. Modulated rooflines, with at least three or more roof slope planes
 - f. Color or material changes
 - g. Landscaping that is maintained in perpetuity
 - h. Wall plane variations, such as but not limited to projections, recesses, offset wall planes, overhangs, and arcades
 - i. Any combination of the above elements
3. Blank wall articulation requirements apply to facades facing a primary or secondary street and any facades visible from a public or private street, not including alleys, and from any public or private parks, common areas, trails, pedestrian pathways, or similar public-facing areas.

FIG. 7 Blank Wall



K) Front-Facing Pedestrian Access.

1. A clearly-defined, highly-visible, and functional entrance providing both ingress and/or egress, operable to residents or customers at all times of business operation, is required along the primary street frontage or front property line. Additional entrances from side street frontages, alleys, pedestrian areas, or internal parking areas are also permitted.
2. An angled entrance may be provided at either corner of a building along the street, not including an alley, to meet the primary front-facing entrance requirements.

L) Garage Requirements. These standards apply to residential building types in Residential and Mixed-Use districts.

1. On lots less than one acre, the following standards apply to attached garages.
 - a. Street-facing garage doors positioned at or in front of the wall plane of a street-facing building façade shall not comprise more than 50 percent of the total width of the street-facing façade of the building (see Figures 9 and 10).
 - b. Street-facing garage doors recessed behind the wall plane of a street-facing building façade shall not comprise more than 65 percent of the total width of the street-facing façade of the building (see Figures 11, 12 and 13).
2. The following shall apply to all garages whether attached or detached.
 - a. Garage doors shall be set back a minimum of 20 feet from the edge of right-of-way where no sidewalk exists, and in compliance with district setbacks in Chapter 2. Where sidewalk exists, garage doors shall be set back a minimum of 20 feet from the back of sidewalk abutting the street frontage from which the garage is accessed, in compliance with district setbacks in Chapter 2.
 - b. This provision shall not apply to garage doors where the garage is accessed from an alley. (See Figures 8-14)



FIG. 8 Attached Garage Types

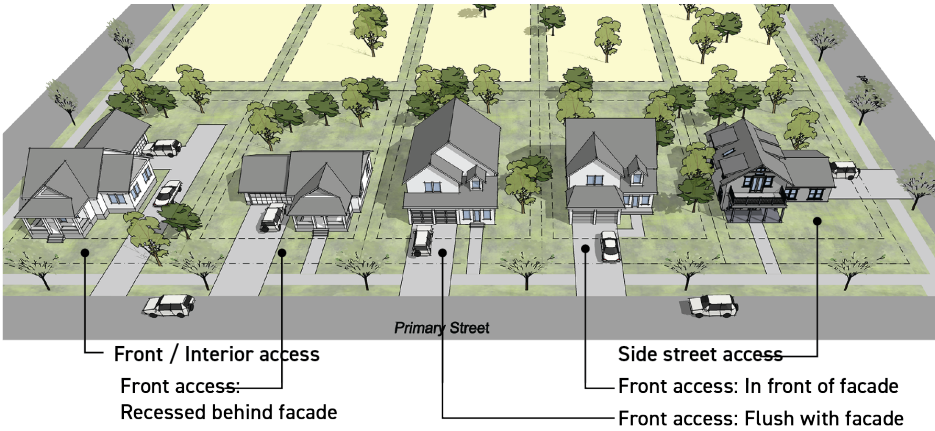


FIG. 9 Side Street Access

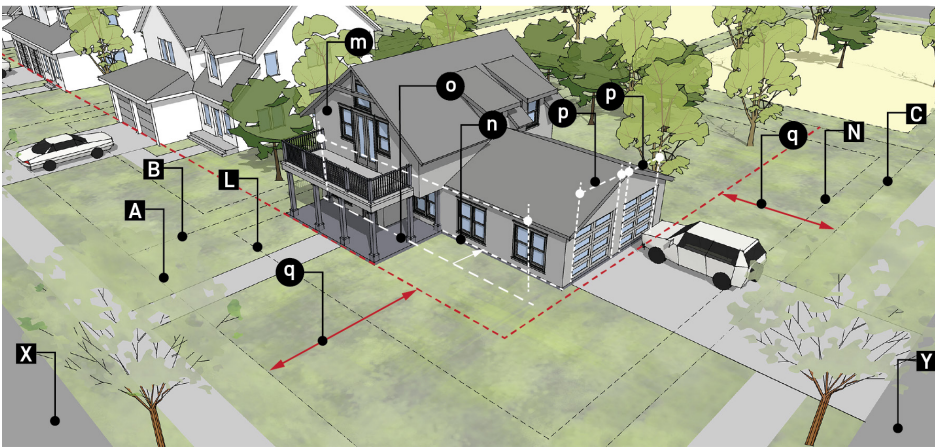


FIG. 10 Front Access: Protruding Garage

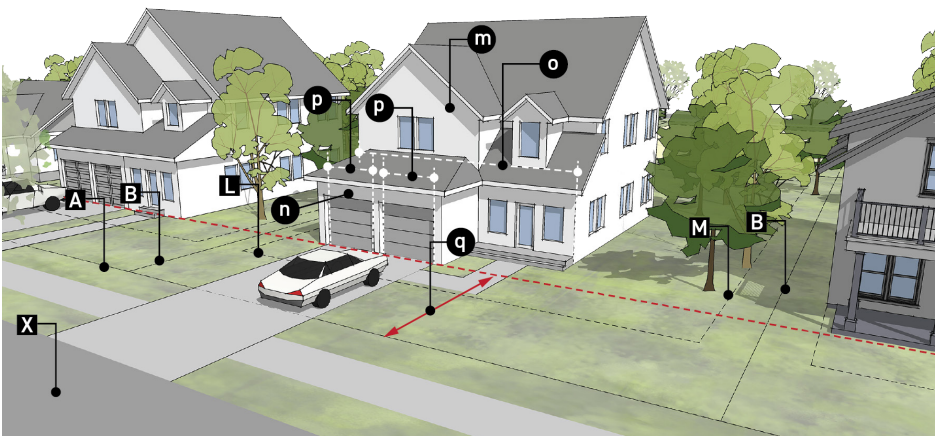


FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E
LOT DIMENSIONS	Lot Area	G
	Lot Width	H
	Lot Depth	J
	Lot Coverage	K
BUILDING PLACEMENT	Front Setback	L
	Side (Interior) Setback	M
	Side (Street) Setback	N
	Rear Setback	P
	Alley Setback	Q
	Front Build-to-Zone	R
	Side (Street) Build-to-Zone	S
	% Front Facade required in BTZ	T
% Street-Facing Facade required in BTZ	U	
BLDG. FORM	Height (Principal building)	V
	Stories (Principal building)	V
	Height (Accessory structure)	W
VEHICULAR ACCESS	Primary Street	X
	Secondary Street	Y
	Alley	Z
	Shared Drive	a
BUILDING PLANES AND GARAGE PLACEMENT	Street-facing facade plane	m
	Garage door / garage plane	n
	Street-facing facade length	o
	Garage door(s) length	p
	Street-facing garage door setback	q
	Alley garage setback (deep)	r
	Alley garage build-to-zone (shallow)	s

FIG. 11 Front Access: Flush with Facade

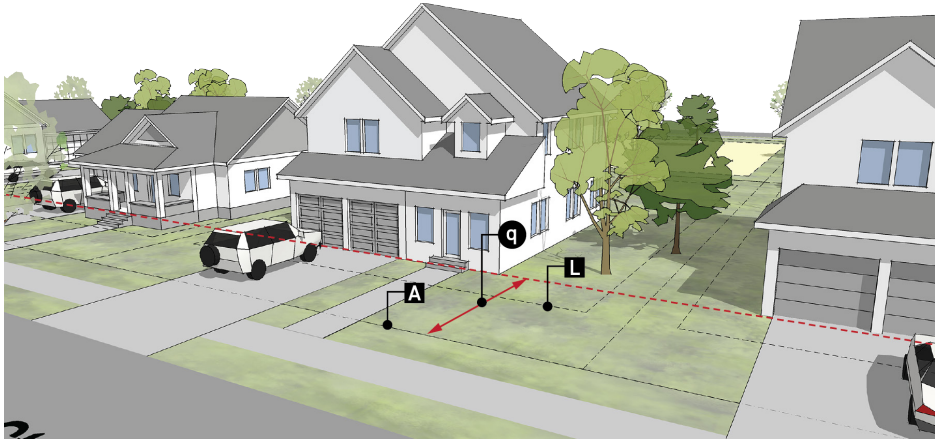


FIG. 12 Front Access: Recessed Garage

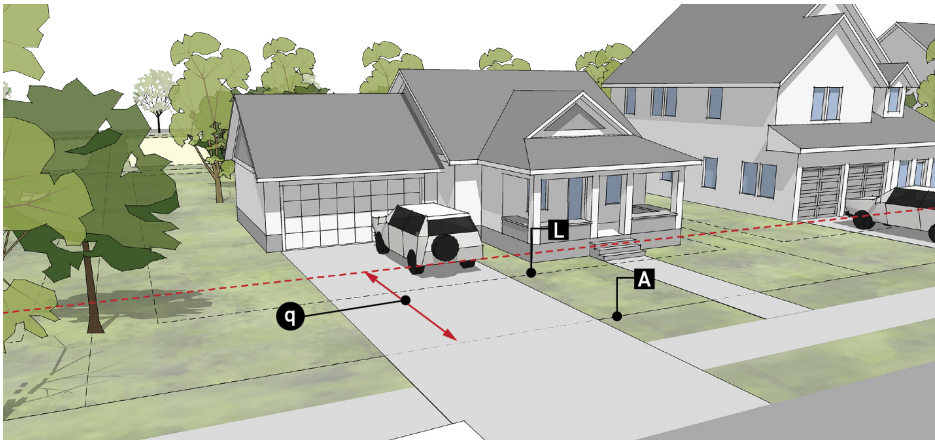


FIG. 13 Front / Interior Access

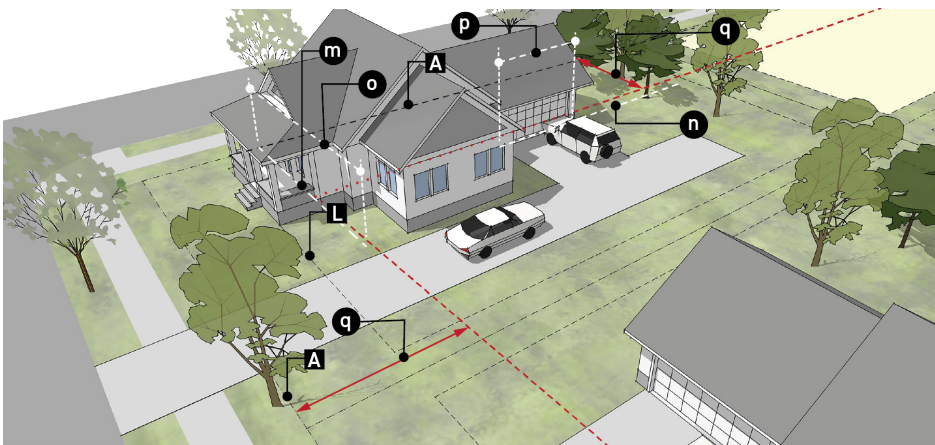


FIGURE LEGEND		Key
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LOT DIMENSIONS	Lot Area	G
	Lot Width	H
	Lot Depth	J
	Lot Coverage	K
	BUILDING PLACEMENT	Front Setback
Side (Interior) Setback		M
Side (Street) Setback		N
Rear Setback		P
Alley Setback		Q
Front Build-to-Zone		R
Side (Street) Build-to-Zone		S
% Front Facade required in BTZ		T
% Street-Facing Facade required in BTZ		U
BLDG. FORM		Height (Principal building)	V
	Stories (Principal building)	V
	Height (Accessory structure)	W
VEHICULAR ACCESS	Primary Street	X
	Secondary Street	Y
	Alley	Z
	Shared Drive	a
BUILDING PLANES AND GARAGE PLACEMENT	Street-facing facade plane	m
	Garage door / garage plane	n
	Street-facing facade length	o
	Garage door(s) length	p
	Street-facing garage door setback	q
	Alley garage setback (deep)	r
	Alley garage build-to-zone (shallow)	s



FIG. 14 Detached Garage: Alley and Side Access



FIG. 15 Alley and Side Access Setbacks



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CHAPTER

4



IN THIS CHAPTER:

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4.3	Calculating Zoning District Area	137
4.4	Calculating Lot and Project Site Dimensions	137
4.5	Setbacks	141
4.6	Height	147
4.7	Visibility at Intersections - Sight Triangle	150



4.1 PURPOSE

The intent of this chapter is to provide clear direction on how to apply and interpret dimensional requirements associated with site design and development standards established in these regulations.

4.2 RULES OF CALCULATING MEASUREMENT

Calculations resulting in fractions shall be rounded up to the next whole number unless otherwise stated in these regulations.

4.3 CALCULATING ZONING DISTRICT AREA

District area shall be calculated as the total amount of land classified in a subject zoning district.

4.4 CALCULATING LOT AND PROJECT SITE DIMENSIONS

The following establishes a methodology for calculating area, density, and interpreting measurements by lot or project site to ensure consistency.

A) Lots. When determining the area and dimensions of a lot, the following methodology shall be used:

1. The area of a lot shall include all land within the established property boundary, calculated as square feet or acreage.
2. A lot's width is measured as the horizontal distance between the side property lines measured at the point of minimum front setback. Where an irregularly-shaped lot exists, the side property lines from which this measurement shall be taken are the two side property lines that connect to the established front property line. Where side property lines are not immediately apparent (e.g., a curvilinear lot), the Zoning

Officer shall determine the appropriate method of measurement.

3. The depth of a lot is calculated as the average length of the two side property boundaries, measured as the distance between the front property line and rear property line. Where side property lines are not immediately apparent (e.g., a curvilinear lot), the Zoning Officer shall determine the appropriate method of measurement.
4. Where a flag lot exists, lot width shall be measured as the distance between the side property lines measured at the lot's widest point. Flag lot depth shall be measured from the mid-point of the front and rear property lines.
5. Lot coverage is calculated by adding the area (in square feet) covered by any building or structure, both principal and accessory, and including impervious surfaces such as walkways, driveways, roads, uncovered porches, patios, and decks, swimming pools, parking areas, steps, terraces, and roof overhangs of two or more feet. When there are multiple principal uses on the property, the largest lot coverage allowance is applied.
6. Density is calculated by adding the total number of homes on a lot or parcel, divided by the lot or parcel area in acres. In determining gross density, all land area associated with the home, including road rights-of-way and easements, shall be included in the calculation. Net density calculations do not include land area in road rights-of-way, road easements, parks, common areas, etc., outside the lot or parcel boundary. To calculate the potential number of homes allowed on a lot per the allowable homes per acre of a zoning district, multiply the maximum density by the lot size in gross acres.

FIG. 1 Lot Calculations

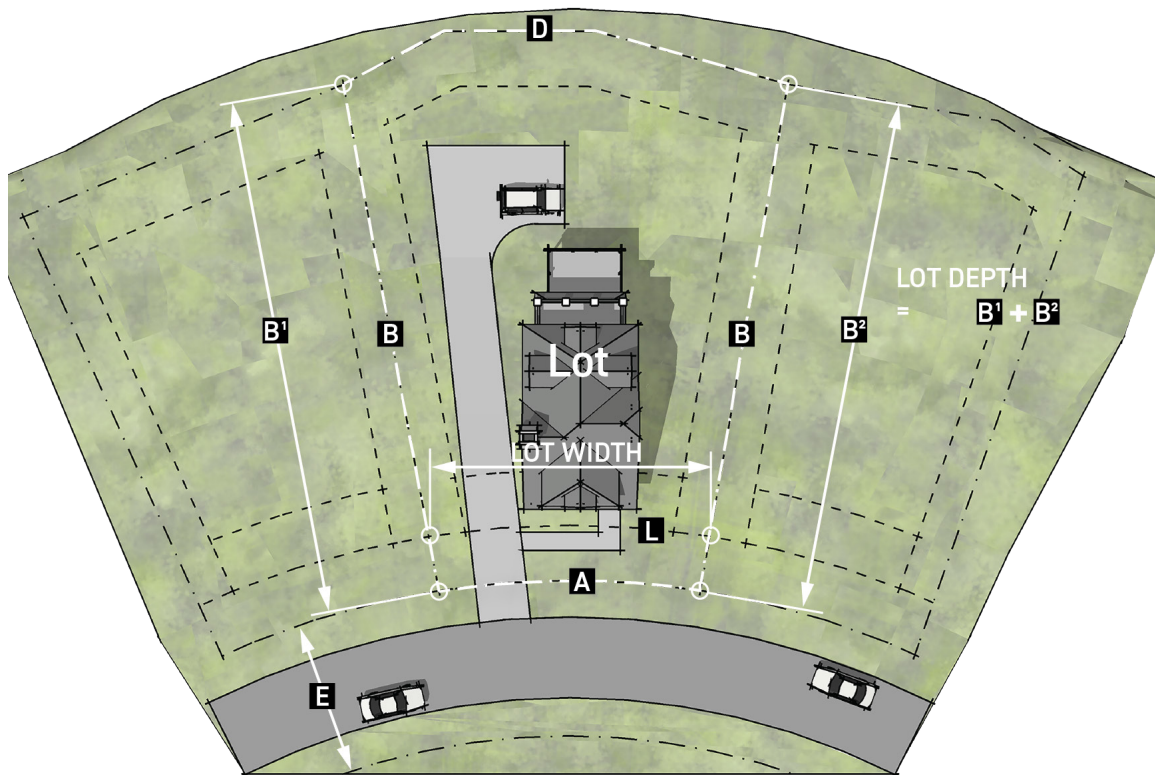


FIG. 2 Lot Dimensions

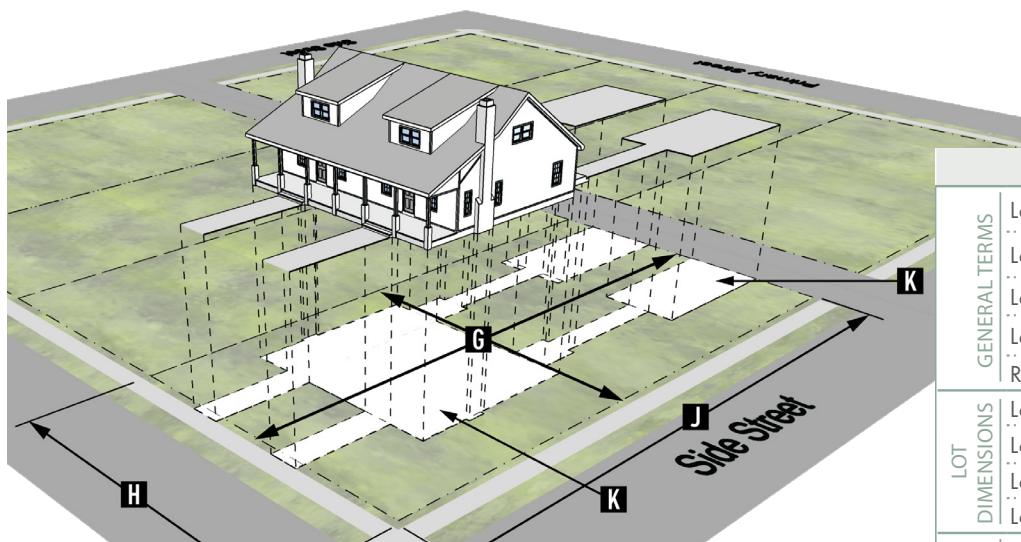


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	Lot Coverage	K
BUILDING PLACEMENT	Front Setback	L
	Side (Interior) Setback	M
	Side (Street) Setback	N
	Rear Setback	P
	Alley Setback	Q
	Front Build-to-Zone	R
	Side (Street) Build-to-Zone	S
% Front Facade required in BTZ	T	



- B) Project Sites.** A project site shall refer to the total land area when multiple parcels are proposed for development. When determining the area and dimensions of a project site, the following methodology shall be used:
1. The area of a project site shall be calculated as the cumulative area of all contiguous parcels.
 2. The width of a project site shall be calculated using the cumulative width of all contiguous parcels that comprise the site, as measured according to 4.4.A.2.
 3. Project site depth shall be calculated by adding together the depths of all contiguous parcels, as measured according to 4.4.A.3. and dividing by the total number of parcels that comprise the project site.
 4. Project site density shall be calculated by dividing the number of homes proposed by the total area of the project site established under 4.4.B.1.

FIG. 3 Project Site Calculations

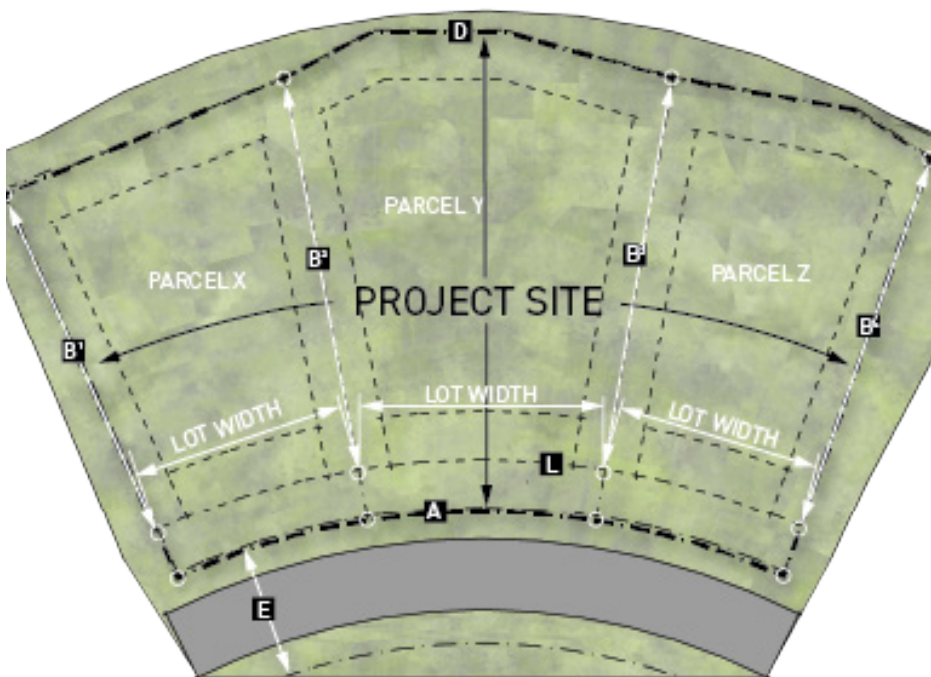


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	Lot Coverage	K
BUILDING PLACEMENT	Front Setback	L
	Side (Interior) Setback	M
	Side (Street) Setback	N
	Rear Setback	P
	Alley Setback	Q
	Front Build-to-Zone	R
	Side (Street) Build-to-Zone	S
	% Front Facade required in BTZ	T
	% Street-Facing Facade required in BTZ	U

C) Minimum Homes Per Acre Calculation.

1. **Applicability.** Minimum homes per acre calculations are applied to most residential building types in RM, NR, NC, and CC zones. See Section 4.4.C.3. for exceptions.
2. **Procedures**
 - a. Minimum homes per acre is calculated using gross density calculations in 4.4.A.6.
 - b. When only a portion of a lot or project site is being developed for residential

purposes, only the residential portion of the lot or project site is used for the minimum homes per acre calculations. The residential portion of the project site includes any portion of the lot or project site dedicated to buildings, parking, landscaping, and other requirements necessary to be in compliance with these regulations for the residential use, not including land area in road rights-of-way, road easements, parks, common areas, etc.

- c. Compliance with minimum home per acre calculations is required at the time of Zoning Compliance Permit.
 - d. Subdivisions and townhome exempt developments pursuant to Section 9.10 that are required to meet minimum homes per acre calculations must demonstrate compliance with minimum home per acre calculations as a part of the respective application processes.
- 3. Exceptions**
- a. General
 - i. Minimum homes per acre calculations do not apply to lots less than 10,000 square feet in existence prior to the effective date of these regulations.
 - ii. Accessory Dwelling Units do not contribute to the minimum homes per acre.
 - iii. Minimum homes per acre calculations do not apply to the enlargement of one and two household dwellings.
 - iv. Minimum homes per acre calculations do not apply to the remodeling of any residential building or reconstruction of any residential building destroyed by fire or natural hazards as long as the number of homes in the building is unchanged.
 - v. Minimum homes per acre calculations do not apply to the portion of lots located in a regulatory floodplain, riparian resource buffer or protected area, or in areas with slopes 10% or greater.
 - vi. Minimum homes per acre calculations do not apply to the use of the condominium or townhome exemptions when those exemptions are used to convert ownership types in residential buildings built prior to the effective date of these regulations.
 - vii. Minimum homes per acre calculations do not apply to vertically mixed-use buildings with both a commercial and a residential component.
- b. The Zoning Officer may determine that a parcel is exempt from the minimum homes per acre calculation when it meets all of the following:
 - i. The parcel was created prior to the adoption of these regulations;



- ii. Both publicly available water and sewer availability is greater than 500 feet from the subject property;
- iii. The parcel is not within a Special Improvement District, Water District, or Sewer District with the expressed purpose of extending services to the subject parcel; and,
- iv. When a parcel qualifies for this exemption, the Zoning Officer may require the building or use to be located in a corner of the property leaving the greatest possible area available to future development.

4.5 SETBACKS

A) Setbacks Established. There are four types of setbacks: front, street-side, side interior, and rear (see Figure 4 for detail). Setbacks apply to both principal and accessory buildings and structures except where these regulations explicitly state otherwise. Where a property line falls within a public or private road access easement, setbacks shall be measured from the edge of the easement.

1. **Front setback.** The front setback is measured at a right angle from either the front property line, or the right-of-way line or edge of easement (whichever is closer) to the closest point of a building or structure.
 - a. The front property line is usually adjacent to the primary street frontage and typically parallel to the alley that serves the lot, where one exists. Where no alley exists, the Zoning Officer is authorized to establish the front property line from which the setback will be measured.
 - b. On through-lots, the front setback applies to both opposing sides of the lot, on all frontages adjacent to streets in the case of more than two street frontages.
 - c. Where a zoning district splits a lot, the front setback requirements apply based on the district in which the front property line is located.
2. **Rear setback.** The rear setback is measured at a right angle from the rear property line, or from the rear right-of-way or easement line where an alley is present, to the closest point of a building or structure.
 - a. The rear property line is often that which is adjacent to the alley. Where no alley exists, the Zoning Officer is authorized to establish the rear property line from which the setback will be measured.
3. **Side setback.** Side setbacks are measured from the established side property line to the closest point of a building or structure.
 - a. **Street-Side.** On corner parcels, the street-side property line is the property line adjacent to a street that is not the primary street frontage and typically perpendicular to the alley right-of-way or easement lines, where one exists. When no alley exists, the Zoning Officer is authorized to establish the street side property line from which the setback will be measured.

- b. Interior Side. Property lines not established as front, rear, or street-side are considered interior side property lines for the purpose of measuring setbacks. Interior side setbacks are measured at a right angle from the side property line.

FIG. 4 Setbacks

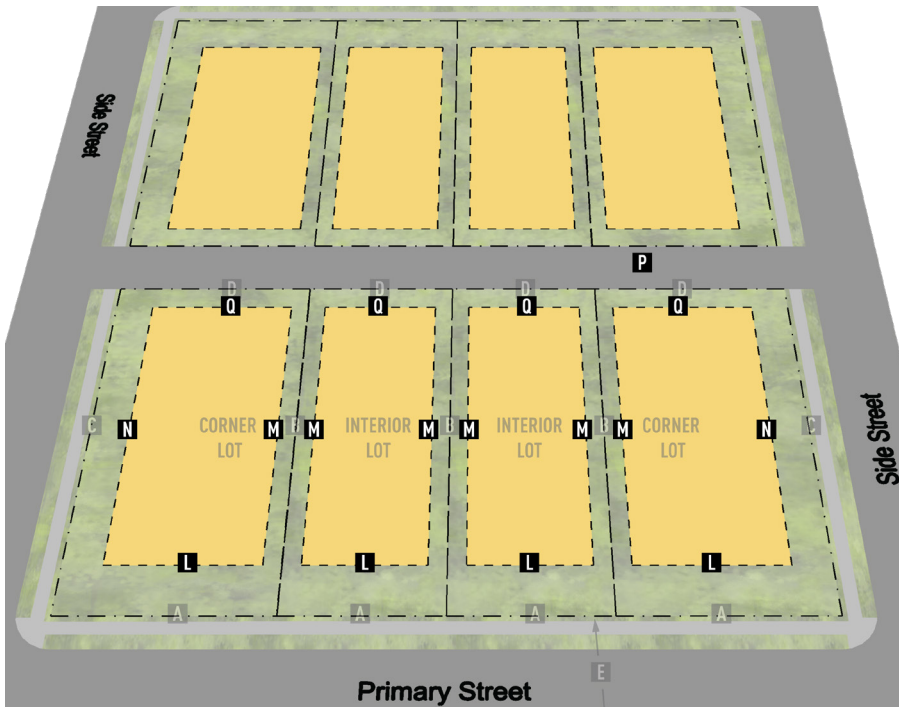


FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E
LOT DIMENSIONS	Lot Area	G
	Lot Width	H
	Lot Depth	J
	Lot Coverage	K
BUILDING PLACEMENT	Front Setback	L
	Side (Interior) Setback	M
	Side (Street) Setback	N
	Rear Setback	P
	Alley Setback	Q
	Front Build-to-Zone	R
	Side (Street) Build-to-Zone	S
	% Front Facade required in BTZ	T
	% Street-Facing Facade required in BTZ	U

4. **Street frontage.** Primary and secondary street frontage may be used to determine property boundaries and setbacks where the Zoning Officer has been given discretion as follows.
 - a. Where a lot abuts only one street, this shall be considered the primary street frontage.
 - b. Where a lot has multiple street frontages, the primary street frontage shall be determined as having one or more of the following characteristics:
 - i. The lot takes its address from the street.
 - ii. The street has the highest roadway classification.
 - iii. The established orientation of the block favors the street.
 - iv. The street is parallel to an alley within the block.
 - v. The pedestrian orientation of adjacent or abutting development favors the street.



B) Build-To Zone.

1. Where build-to zones have been identified, the percentage of the principal structure(s) façade required within the zone shall be measured as a minimum and maximum setback range from the edge of the right-of-way or property line, whichever is closer to the structure (see Figure 5 for detail).
2. The percentage of the building façade required to be located within the build-to zone shall be measured using the width of the building divided by the lot's width.
3. On a corner lot, the build-to zone shall extend along both primary and secondary street frontages. The building facade must be located within the build-to zone portion that extends a minimum of 30 feet along each street frontage from the block corner, measured from the intersection of the two lot lines.
4. Unless otherwise stated, all buildings, structures, and uses (including signage, parking, and outdoor dining) permitted on a property are allowed within the build-to zone, subject to the site design and use-specific requirements of these regulations.
5. Compliance with build-to zones is required only along frontages which abut a road right-of-way or easement.
6. Compliance with the build-to zone on irregularly-shaped lots may be modified or eliminated through a minor waiver to a non-numeric standard. An example of an irregularly-shaped lot that would qualify for consideration of a build-to zone minor waiver is a flag lot.
7. Only one of the two parallel street frontages is required to meet build-to zone setbacks on through-lots where build-to zones have been identified.
8. Agriculture buildings except for those associated with a high-impact agricultural use are not subject to build-to zone requirements.

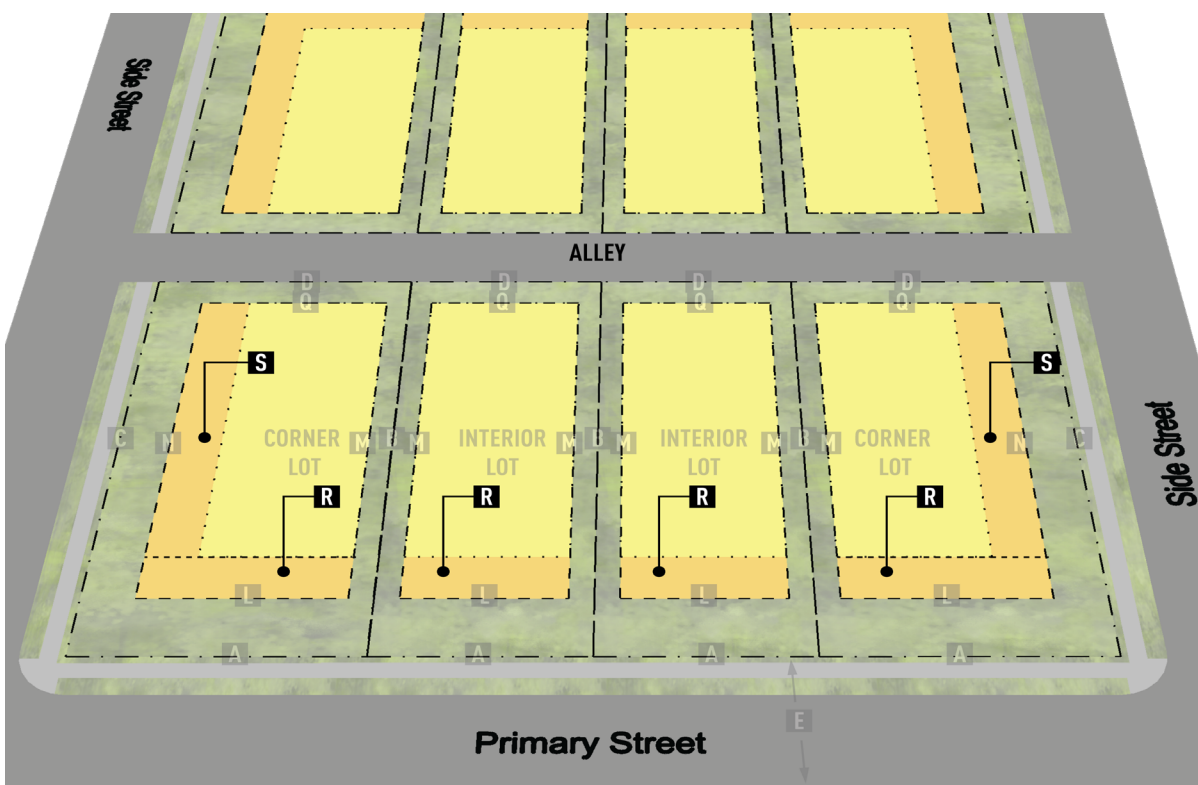


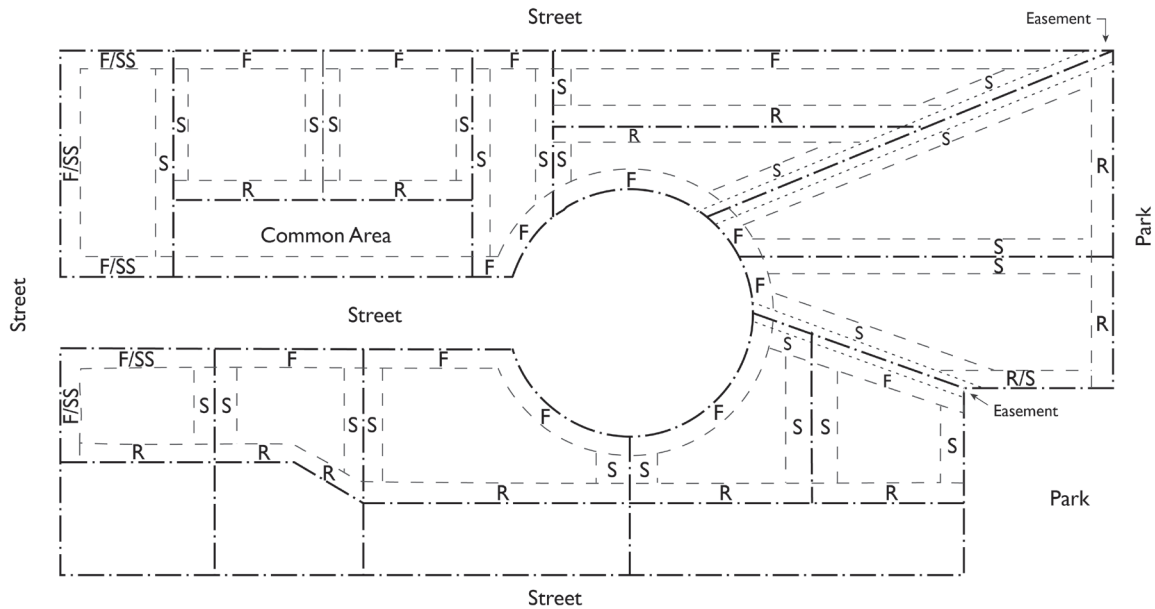
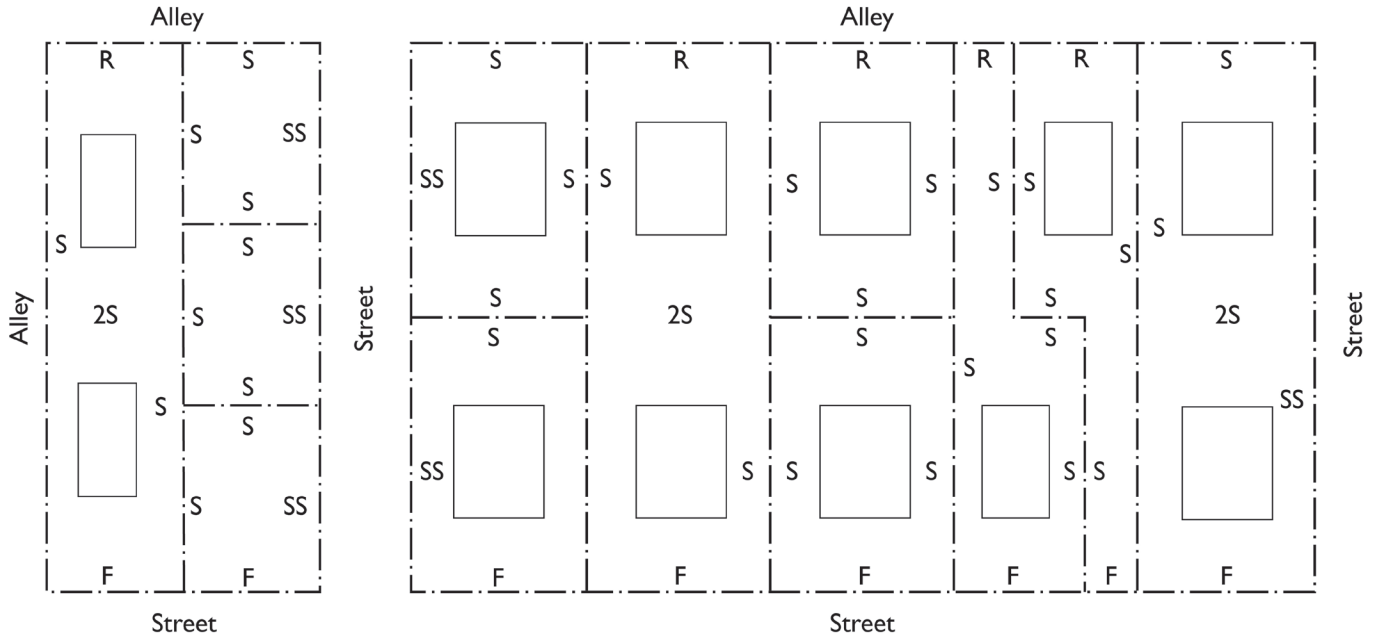
FIG. 5 Build-To Zones

C) Standards Applicable to All Setbacks.

1. The Zoning Officer will determine yard types and setback for irregularly shaped properties. Irregularly-shaped properties are lots with more or less than 4 sides, contain an arc, or are bounded by 3 or more streets.
2. If two principal residential buildings are located on the same lot, there shall be a minimum separation between the two buildings equal to the sum of the required interior side setbacks.
3. For lots with severe floodplain or topographic limitations, the Zoning Officer may reduce required setbacks by one-half (1/2).
4. For buildings and structures constructed across internal lot lines on a parcel comprised of multiple tracts under the same ownership, no setbacks are required from the internal lot lines; otherwise, setbacks from internal lot lines must be met.
5. For legal nonconforming lots which are smaller than the minimum size required of the district in which they are located, the Zoning Officer may apply lot dimensions, building placement, and building scale standards where the minimum lot size nearly equals that of the nonconforming lot.



FIG. 6 Yard Diagrams



Legend

F = Front S = Side R = Rear SS = Street Side 2S = Side x2

Property Line

Setbacks

Easements

D) Exceptions Permitted.

1. Any encroachment into setbacks not listed below, and any encroachment not sufficiently similar to that listed, as determined by the Zoning Officer, is prohibited.
2. Setback exceptions may not be used in conjunction with height exceptions.
3. All buildings and structures must be located at or behind the required setbacks except as defined in this section below.
4. Unless expressly stated in these regulations, no building or structure may extend into an easement or right-of-way without first obtaining approval from the authorizing agency.
5. **Building features.**
 - a. When a legal nonconforming residential dwelling encroaches into the interior side or rear yard setback, additions to that home may also encroach, but no further than does the existing structure.
 - b. Porches and stoops, including steps, may project into a front or street side setback but shall be a minimum of five feet from the vertical plane of any property line or right-of-way, whichever is closer to the structure.
 - c. Uncovered patios, decks, stoops, or terraces may project into an interior side or rear setback, provided that such extension is at least two feet from the vertical plane of any right-of-way or property line, whichever is closer to the structure.
 - d. Balconies, awnings and canopies may project up to five feet into a front or street-side setback.
 - e. Wheelchair lifts and ramps that meet federal, state, and local accessibility standards may project into a required setback.
 - f. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten feet wide, cornices, belt courses, sills, or other similar architectural features may project up to three feet into a required setback, provided that such extension is at least two feet from the vertical plane of any property or right-of-way line, whichever is closer to the structure and at least two feet above grade.
 - g. Chimneys or flues may project up to four feet into a side (street or interior) or rear setback, provided that such extension is at least two feet from the vertical plane of any property line or right-of-way line, whichever is closer to the structure.
 - h. Fire escapes or fireproof outdoor stairwells required by applicable building code may project up to five feet into any setback.
 - i. Window wells that are not

COMMENT: Wheelchair lifts and ramps require a building permit.



part of the foundation wall may project into the setback, provided they do not extend more than 30 inches above the finished grade.

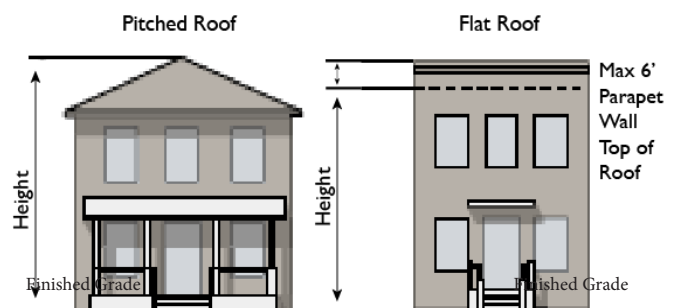
6. **Site features.** The following features may project into a required setback.
 - a. Fences and walls
 - b. Sidewalks and driveways
 - c. Forecourts and non-structural outdoor amenity areas
 - d. Flagpoles, arbors, pergolas, gazebos and trellises
 - e. Low-impact stormwater features, including:
 - i. Cisterns or rain barrels less than six feet in height
 - ii. Planter boxes
 - iii. Bioretention areas
 - iv. Similar features (as determined by the Zoning Officer)
 - f. Recreational equipment (e.g., swing sets and basketball hoops)
7. **Mechanical equipment and utilities.** Equipment and utilities may project into a required setback as follows:
 - a. Satellite dish antennas that do not exceed one meter (40 inches) in diameter.
 - b. Minor structures accessory to utilities, such as hydrants, manholes, transformers, and related fences.
 - c. Mechanical equipment

associated with residential uses, such as HVAC units, ground-mounted small-scale solar energy installations, swimming pool pumps or filters, may project into an interior side or rear setback provided that such extension is at least two feet from the vertical plane of any property line or right-of-way, whichever is closer. Wind energy systems may require a greater setback than required by the zoning district. See Section 5.29.B.1.c.i. for setbacks for wind energy systems.

4.6 HEIGHT

- A) **Building Height.** The height of a building or structure is measured from finished grade to the highest point of the building, structure, or portion thereof.

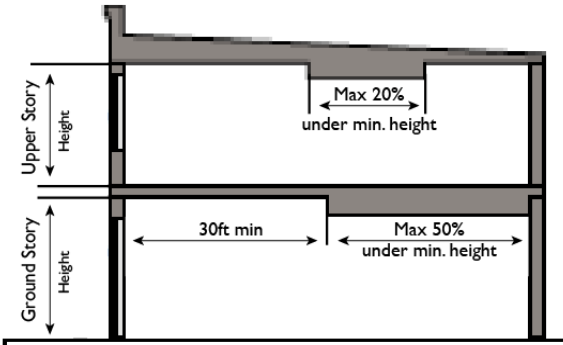
FIG. 7 Building Height



- B) **Story Height.** The height of an individual story is measured from the top of the finished floor to the ceiling above.
 1. Minimum ground story height requirements only apply to multiplex (large), apartments, mixed-use/industrial, and miscellaneous building types.

2. Minimum ground story height applies to the first 30 feet of the building measured inward from the primary street-facing façade's interior wall surface.

FIG. 8 Story Height



C) Exceptions Permitted. The following features may exceed maximum height allowances. Any feature not listed below, or not sufficiently similar as determined by the Zoning Officer, is expressly prohibited. Height exceptions may not be used in conjunction with setback exceptions.

1. Grain elevators.
2. Building features such as a spire, steeple, belfry, cupola, dome, or other similar feature, provided it is not intended for human occupancy.
3. Wireless communication facility lighting rods, provided they do not project more than 20 feet above the maximum height of the zoning district.
4. Non-commercial radio antennas and wireless towers for amateur radios, provided they do not project more than 20' above the maximum height of the zoning district.
5. Small wind energy systems, provided they do not project more

than 20 feet above the maximum height of the zoning district. Large wind energy systems may project up to 50 feet beyond the maximum height of the zone.

6. Ground-mounted solar panels, provided they do not project more than 10 feet above the maximum height of the zoning district.
7. The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than six feet:
 - a. Chimney, flue, or vent stack
 - b. Rooftop fencing and guardrails
 - c. Flagpoles
 - d. Skylights
 - e. Parapet walls
 - f. Rainwater collection systems
8. The following rooftop appurtenances may exceed the established height limits provided they do not exceed the maximum building height by more than ten feet and are set back at least ten feet from the edge of the roof:
 - a. Rooftop deck, patio, or shade structure.
 - b. Elevator or stairway access to the roof.
 - c. Mechanical equipment, including roof-mounted small-scale renewable energy systems.
9. Exceptions to height limits may



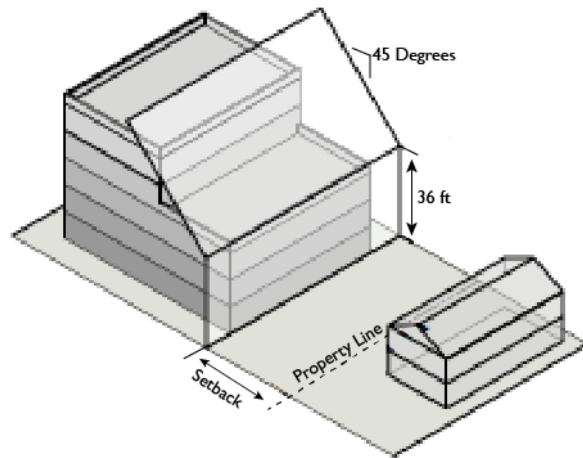
be prohibited, and height may be reduced in any zone for any use within the Airport Influence Area if the building or structure height conflicts with height allowances in Federal Air Regulations, Part 77.

10. Special considerations.

- a. Exposed foundation walls may not exceed eight feet in height and shall be measured as the vertical distance between the lowest point where the building line meets finished grade and the lowest floor line of habitable space.
- b. No portion of the walking surface of a deck or porch with visible supporting columns, posts, or piers may exceed a height of 12 feet above finished grade measured from the furthest projecting point of the deck or porch.
- c. The height of historic buildings meeting the designation criteria in Section 9.8.B. "applicability," shall be considered legal non-conforming, and any building additions in compliance with the historic designation may exceed the maximum height allowance of the zone by the same amount as the existing structure.
- d. Vegetation is not subject to height limitations, except as regulated by Section 4.7 "Visibility at Intersection Sight Triangle."
- e. The height exceptions

permitted in this section may be combined with height bonus awards authorized by Section 9.11. "Development Incentives and Bonuses."

FIG. 9 Height Plane

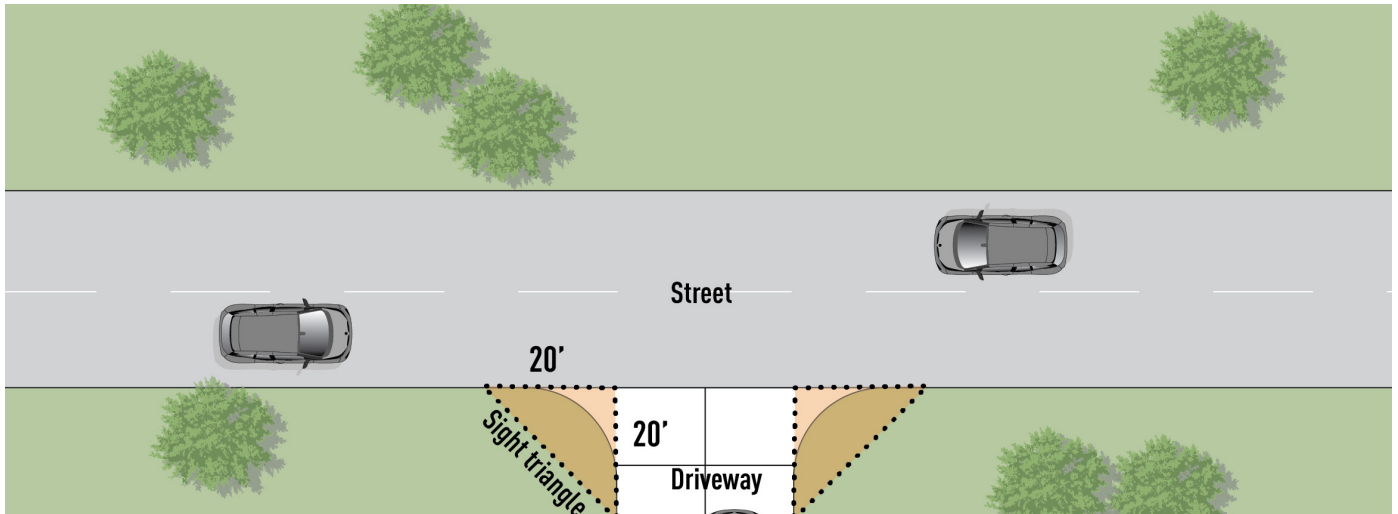


11. **Height plane.** A height plane is required for all structures in Industrial and Mixed-use zoning districts when directly adjacent to a Residential district. Where adjacent to a Residential district, building types cannot extend into a 45-degree angular plane projecting over the subject property measured from a height of 36 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 36 feet until the maximum height of the district is reached.

4.7 VISIBILITY AT INTERSECTIONS - SIGHT TRIANGLE

- A) No planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed in such a manner as to obstruct visibility between a height of two and a half feet and ten feet measured from the upper face of the nearest curb or road surface where no curb exists within any required sight triangle.

FIG. 10 Driveway Sight Triangle



- B) Visibility and site distance at intersections shall be maintained as set forth below:
1. **Street Intersections.** Sight triangles shall be defined according to the Missoula County Public Work Standards.
 2. **Street and Driveway Intersections.** Sight triangles shall be maintained where driveways intersect streets. These sight triangles shall be defined as a 20-by-20-foot triangle bounded on one side by the edge the street, on a second side by the edge of the driveway, and on the third side by a straight line connecting the endpoints of the other two sides (see Figure 9 for detail).
- C) **Exceptions.**
1. Sight distance requirements for properties in Mixed-use districts shall be established along with other dimensional requirements on a project-by-project basis.
 2. Clearing of sight triangles shall be the responsibility of the individual property owner where clearing is required by these regulations, and no clearing shall extend beyond the parcel boundary without the adjacent owner's consent.



CHAPTER

5



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5.1 PURPOSE

The purpose of this chapter is to provide additional design and performance standards applicable to specific uses and activities in accordance with these regulations. Unless otherwise specified, the uses in this chapter are subject to all other provisions of these regulations. These standards are established to increase compatibility with nearby permitted uses and promote public health, safety, and welfare by minimizing or eliminating conflicts and adverse impacts on the community.

5.2 ACCESSORY DWELLING UNITS (ADU)

A) Applicability. All accessory dwelling units must comply with the regulations of this section and any applicable requirements for accessory structures outlined in Section 5.3. "Accessory Uses and Structures."

1. An accessory dwelling unit is permitted on any lot occupied by a single or two household dwelling. Only one ADU is allowed per lot, whether attached or detached.
2. The floor area of an accessory dwelling unit may not exceed 980 square feet nor exceed the gross floor area of the principal structure.
3. Accessory dwelling units are not included in density calculations, meaning no additional land area is required for the accessory dwelling unit.
4. Accessory dwelling units are allowed only if the principal

structure and accessory dwelling unit are connected to public sewer or have sanitation approval that allows for the accessory dwelling unit.

5. Off-street parking is not required for accessory dwelling units.
6. The Zoning Officer may determine a dwelling unit larger than 980 sq. ft. that was legally existing prior to the effective date of these regulations to be an ADU when the structure clearly meets the definition of Accessory Dwelling Unit and meets all other requirements of this section.
7. An ADU shall meet primary structure setbacks when the ADU is a mobile home.

B) Design Standards.

1. **Attached accessory dwelling units.**
 - a. Attached accessory dwelling units shall use the same building entrance as the principal dwelling when entered from a primary street frontage or may have a separate entrance when accessed from the side or rear of a principal dwelling.
2. **Detached accessory dwelling units.**
 - a. Building entrances to detached accessory dwelling units may not face the nearest side property line, nor may they face the rear property line unless there is an alley abutting that rear property line.
 - b. A detached accessory dwelling unit must be physically

COMMENT: Check with the Missoula City-County Health Department to ensure ADUs comply with all health code standards.

separated from the principal structure in conformance with applicable building and fire codes.

- c. Accessory dwelling units shall meet accessory structure setbacks of the district; however, in no case shall accessory dwelling units setbacks be less than 5' unless an ADU is established within or constructed above an existing accessory structure which complies with accessory structure setbacks of the district.
- d. Detached accessory dwelling units are exempt from section 2.a if the structure meets all primary structure setbacks.

5.3 ACCESSORY USES AND STRUCTURES

A) Applicability. The requirements of this section shall apply to all accessory uses, buildings, and structures, as applicable, including but not limited to accessory dwelling units and agricultural-related businesses.

B) Performance Standards.

- 1. Accessory uses, buildings, and structures must be located on the same parcel as the principal use or structure to which they are accessory.
- 2. Accessory buildings and structures shall generally be constructed in conjunction with or after the principal structure. Garages and accessory dwelling units are exempt from this provision and may be constructed prior to a principal building or structure with the issuance of a Zoning Compliance Permit. Where an

accessory building or structure is allowed to precede construction of a principal building or structure, it shall be required to meet the setback requirements for a principal structure.

- 3. When a commercial use is proposed as an accessory use to an industrial use within a TIF Special District, the Zoning Officer, shall determine if the proposed commercial use qualifies as an accessory use before any permit may be issued.

C) Design Standards.

- 1. Accessory buildings or structures used for raising or housing livestock excluding accessory buildings and pens used for the keeping of six or fewer female chickens, shall meet the following setback requirements.
 - a. A minimum of 100 feet from any residential dwelling under separate ownership or located on a separate parcel.
 - b. A minimum of 100 feet from any watercourse, or in conformance with the buffer and protection provisions established in Section 7.4. "Riparian Resource Protection," whichever is greater.
 - c. A minimum of 50 feet from any property line from any Residential, Mixed-use, or Industrial district.
- 2. Accessory structures in Open Land and Agricultural and Residential districts that do not exceed 200 square feet in area and not requiring a building permit do not require a Zoning Compliance Permit but are subject to the requirements of these regulations.



3. Accessory structures in Open Land and Agricultural and Residential districts not requiring a Zoning Compliance Permit and not exceeding 8'6" in height are exempt from side setbacks.
4. Accessory structures in Open Land and Agricultural and Residential districts not requiring a Zoning Compliance Permit and not exceeding 12' in height are exempt from rear setbacks.
5. Accessory structures not requiring a Zoning Compliance Permit may not exceed 12' in height.
6. Accessory structures used for covering or protecting vehicles (e.g., carports), not including an enclosed garage, are exempt from the maximum building footprint for accessory structures required in Chapter 2.
7. The maximum number of parking spaces allowed in a single garage or carport structure is ten; garages or carports for more than ten parking spaces must be broken up into separate structures of no more than ten spaces.
8. The maximum allowable cumulative coverage of accessory structures in Residential districts shall be not more than two times the area of the building footprint of the largest principal structure on the parcel.

5.4 AGRICULTURAL-RELATED BUSINESS

A) Applicability.

1. In order to supplement and diversify income streams of agricultural operations, agricultural uses are allowed agricultural-

related businesses according to this section. Agricultural-related business activities shall be directly related to, supported by, and accessory to an operating agricultural use on the subject property.

2. One principle agricultural-related business is allowed per subject property as a permitted accessory use to a principal agricultural use. Additional accessory agricultural-related businesses can be added as a Special Exception. Agricultural-related businesses may not be approved for high-intensity agricultural uses.
3. Because agriculture can exist at many scales, in many settings, and may be accompanied by many different uses, the Zoning Officer may consider the following factors when determining whether an operating agricultural use is a principal use of a property, in order to qualify operating an accessory agricultural-related business on that property.
 - a. The property is located in an Open Land and Agricultural zoning district;
 - b. The property is classified and taxed as agricultural;
 - c. The agricultural use meets definitions of agricultural activity or commercial production of farm products in MCA §76-2-902;
 - d. The scale and intensity of the agricultural activity nearly equals or exceeds any other principal uses on the property;
 - e. Any other factor that can aid

in establishing the agricultural use is a principal activity on the property.

4. In the event that a principal agricultural operation ceases, so shall all accessory agricultural-related businesses associated with the principal agricultural operation.

B) Performance Standards. The following uses are considered an agricultural-related business and must conform to any requirements listed below in addition to all other applicable requirements of these regulations.

1. Food and beverage establishments limited to 2,500 square feet of floor area.
2. Mobile food courts meeting the requirements in Section 5.21.
3. Campgrounds providing no more than 3 spaces for tents or RVs.
4. Research, cooperative learning and training facilities limited to 2,500 square feet of floor area.
5. Galleries and Exhibition Space limited to 2,500 square feet of floor area.
6. Lodging, Bed and Breakfast.
7. Manufacturing and production, agricultural, limited to 2,500 square feet of floor area.
8. Manufacturing and production, artisan, limited to 2,500 square feet of floor area.
9. Animal services, small, limited to 2,500 square feet of floor area.
10. Farmstands and Farmers Markets
 - a. One farmstand is allowed per parcel.
 - b. The maximum size of a farmstand cannot exceed 2,500 square feet of enclosed or covered activity area.
11. Outdoor special events
 - a. Only one outdoor special event is permitted at one time.
 - b. Up to six outdoor special events are permitted per year.
 - c. The duration of an outdoor special event shall not exceed one business day or one weekend (Saturday and Sunday).
 - d. Outdoor special events accommodating less than 300 people at any one time do not require a Zoning Compliance Permit and do not require a Special Exception when other Agricultural-related businesses are already permitted.
 - e. Outdoor special events accommodating over 300 people shall be reviewed as a Special Exception.

C) Design Standards. Any building, structure, required parking, or storage area associated with an agricultural-related business activity must meet the setback requirements for a principal use or structure when adjoining any parcel with an existing residential use or adjacent to any Open Land and Agricultural or Residential district boundary.



5.5 ANIMAL SHELTER OR BOARDING KENNEL**A) Design Standards.**

1. A minimum lot size of two acres is required for an animal shelter or kennel that includes outdoor kennels or runs.
2. Where outdoor runs are present, these must be screened from any adjacent property boundary in accordance with the screening standards in Section 6.4.F.3. "Screening and Buffering."
3. Use of outdoor space, including outdoor kennels or runs, shall be restricted between 10 p.m. and 7 a.m.

5.6 BED AND BREAKFAST**A) Performance Standards.**

1. A bed and breakfast must be operated by the owner of the home who lives on the property.
2. Food service may be provided for resident guests only.
3. Bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or other similar event space unless it can be demonstrated that all required parking can be accommodated temporarily onsite in accordance with Section 6.3.B.3.
4. A maximum of one non-illuminated freestanding post, monument, or wall sign, not exceeding six square feet in area, may be displayed on the building's first or second story.

5.7 CAMPGROUNDS**A) Applicability.**

1. Campgrounds are allowed in districts as specified in Table 5 in Section 2.4.G. "Table of Uses" and must comply with these standards.
2. Campgrounds catering to both tents and recreational vehicles are considered RV parks and must comply with Section 5.26.

B) Performance Standards.

1. Campgrounds shall comply with all applicable standards and requirements of the Montana Department of Public Health and Human Services (DPHHS).
2. Bathroom facilities, solid waste disposal, and running water may be provided.

C) Design Standards.

1. All campsites and drive lanes shall be located a minimum of 20 feet from all property lines or right-of-way, whichever is closer.
2. A minimum 10-foot-wide landscaped buffer meeting the requirements of Section 6.4.F.3.c. "Landscape Buffer Standards" shall be preserved (where existing) or installed along the campground street frontage and along any property lines that abut an adjacent Residential district or use.
3. Security lighting meeting the requirements set forth in Section 6.5.F. "General Standards" is permitted in a campground to permit safe passage to and from permitted facilities such as restrooms and showers.

5.8 CANNABIS-RELATED USES

- A) Applicability.** These regulations apply to any cannabis use (medical or recreational), new or existing, unless specifically exempted.
- B) Dispensary.**
1. **Location.** Cannabis dispensaries shall be located a minimum distance of 500 feet from other cannabis dispensaries. Distances shall be measured from door to door and apply to ground floor dispensary businesses only.
 2. **Glazing.** The following standards shall apply when transparency is required by the zoning district, as provided in Chapter 2 and subject to the requirements in Section 3.4.I. "Transparency."
 - a. Display windows that do not provide views into the interior of the building may be counted toward satisfying up to 50% of the required transparency area provided they are internally illuminated and at least two feet deep.
 - b. Security walls or gates may obstruct a maximum of 25% of any individual window counting toward the required transparency area.
 - c. Interior walls and other interior visual obstructions are prohibited within six feet of any transparency counting toward the required glazed area, as measured perpendicularly from the exterior face of the glazed area.

C) Cultivation.

1. Micro-tier cannabis cultivation is classified as an artisan manufacturing use as defined in MCA 16-12-223. All other tiers of cannabis cultivation are classified as a high-intensity agriculture activity.

D) Cannabis Manufacturing.

1. Cannabis manufacturing is classified as an agricultural manufacturing and production use.

5.9 CEMETERIES

A) Applicability.

1. No burial plot shall be located within 100 feet of any well, body of water, or agricultural land, nor shall any burial plot be located within a designated floodplain.
2. No burial plot, mausoleum, vault, crypt, or columbarium shall be located within 40 feet of any right-of-way. This requirement is not applicable in county-owned rights-of-way if the Public Works Director certifies that the full 40-foot setback will not be required for the construction of future county right-of-way improvements.

5.10 CRYPTOCURRENCY MINING/DATA CENTERS

- A) Applicability.** Cryptocurrency mining/data center operations shall be permitted in accordance with Section 2.4 "Permitted Use by District" with the following exception:
1. When a parcel is adjacent to a Residential district, excluding roads and other rights-of-way, or within



500 feet of a residential property boundary, the use shall be reviewed as a Special Exception in accordance with these regulations.

B) Performance Standards.

1. Cryptocurrency mining operations/ data centers shall be required to develop or purchase sufficient new renewable energy to offset 100 percent of the electricity consumed by the operation. To meet this condition, the operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.
2. Verification must be provided that all electronic waste generated by the operation will be handled by a DEQ-licensed electronic waste recycling firm.

5.11 DAYCARE, PRESCHOOL, AND SCHOOL (K-12) FACILITIES

A) Design Standards.

1. Drop-off and pick-up areas must be designated on a site plan submitted with the Zoning Compliance Permit at a ratio of one area per 150 students.
2. All outdoor play and recreation areas shall be located in the side or rear yard only and behind the front primary building facade line.

5.12 DEVELOPED OUTDOOR RECREATION

- A) Applicability.** The requirements of this section shall apply to all principal and accessory uses, buildings, and structures associated with a developed outdoor recreation use. Developed outdoor recreation uses may include

accessory uses not otherwise allowed in the zoning district when those uses are typical of the principal use, are owned and managed by the entity that owns and operates the principal use and meets all other requirements of these regulations.

B) Performance Standards.

1. Before the issuance of a Zoning Compliance Permit, the operator of a proposed developed outdoor recreation facility shall provide a site plan that addresses the following:
 - a. The location and extent of the proposed outdoor primary recreational activity which is planned as the principal use of the property;
 - b. The location and extent of operational buildings, utilities, or other facilities necessary to facilitate the recreational activity; and,
 - c. The location, extent, and intent of all other buildings and uses that will be accessory to the principal use of the property including but not limited to, sales offices, equipment rentals, or food and beverage establishments.

C) Design Standards

1. All buildings and structures must meet the Principal Building setbacks of the district as established in Chapter 2.
2. Height restrictions and hillside development standards do not apply to equipment or structures necessary to ensure the safety of the guests and employees, or necessary to operate the

recreational activity. These facilities include but are not limited to communications equipment, first aid stations, and ski lift or zip line towers.

5.13 EATING AND DRINKING ESTABLISHMENTS

- A) Applicability.** The following standards apply specifically to drive-through eating and drinking establishments.
- B) Design Standards.**
1. Attached drive-throughs are only permitted in zoning districts where a drive-through building type is allowed.
 2. In an NC district, only walk-up service windows are permitted, and may occur in any building type allowed in that district.
 3. Drive-through windows and associated lanes must be placed to the side or rear of the building.
 4. Drive-through windows, signage, and ordering apparatus shall not be placed between a primary street right-of-way and the building.
 5. No drive-through window is permitted on the side of a building facing any Residential zoning district or existing residential use unless it is a walk-up window permitted in an NC district.
 6. Screening shall be required as set forth in Section 6.4.F.3. "Screening and Buffering."

5.14 ENTERPRISE COMMERCIAL DEVELOPMENT

- A) Intent.** The purpose of this section is to provide clear design standards by which large commercial development can occur on a parcel or project site to: (1) ensure a quality design aesthetic is met, (2) consolidate vehicular access and circulation, (3) promote a mix of uses, and (4) reinforce pedestrian safety onsite.
- B) Applicability.** The following standards and criteria apply when a new enterprise commercial use is established, or an existing enterprise commercial use is expanded.
- C) Standards and Criteria.**
1. **Location.** All business, servicing, manufacturing, or processing of materials, goods, or products must be conducted within completely enclosed buildings, except for permitted outdoor sales, display, storage and temporary uses in compliance with these regulations.
 2. **Site design.**
 - a. **Parking.** At least two of the following alternatives must be incorporated into the site to mitigate the impacts of parking areas:
 - i. The development must locate at least 50 percent of the parking to the side or rear of the building in an area that is not adjacent to a public right-of-way;
 - ii. The development must



provide a minimum three-foot tall berm around the parking lot perimeter in compliance with the requirements of Section 6.4.F.2.c. "Surface Parking Lot Perimeter Landscaping." The berms may contribute to a maximum of 50 percent of required on-site landscaping;

- iii. The parking lot shall be constructed at least two and a half feet lower in elevation than the adjacent right-of-way, with the embankment landscaped with vegetative groundcover, low shrubs, and shade or ornamental trees meeting the requirements of Section 6.4.E. "Landscaping Materials"; or,
- iv. The development must provide a centrally located, useable outdoor space that is hard-surfaced (concrete or pavers, not asphalt) and incorporates landscaping. The area of such outdoor space must be equal to at least five percent of the enterprise commercial development's combined gross floor area and shall include seating and visual points of interest, such as public art, fountains,

landscaped plazas, public gathering space, etc. Outdoor plazas may be counted toward the on-site landscaping requirement in Section 6.4.F. "Landscaping Standards."

3. Access and circulation.

- a. Enterprise commercial uses must abut an arterial street unless the applicant provides a traffic impact analysis that verifies the street from which the primary access will occur meets the demand of the proposed site development, including warrants for traffic signals as approved by the County Public Works Department and Montana Department of Transportation (as applicable).
- b. An internal pedestrian circulation plan shall be provided that demonstrates an interconnected pedestrian network comprised of walkways connecting all buildings within the development and buildings to perimeter sidewalks.
- c. Sidewalks a minimum of eight feet in width must be provided along the full length of any building façade featuring customer entrances and along any façade abutting customer parking stalls. In all other locations, buildings must be separated from drives and parking areas by a sidewalk a minimum of six feet in width, except where buildings are adjacent to service drives that do not access any customer parking.

- d. All crosswalks within an enterprise commercial development site must be striped or colored and include partial or full texturing, and they must be continued across any intersection with roads, driving corridors, parking areas, loading areas, and driveways.
 - e. Where applicable, the developer must petition the property into the Missoula Urban Transportation District and ensure the construction of a bus turnout area, bus shelter, and bus stop signs as required on or adjacent to the site.
4. **Building design.** Building elements must be incorporated into the building, regardless of building type, to reduce its apparent bulk and visual impact. This requirement applies to all new construction or when the gross floor area of an existing building is altered, reconstructed, or expanded by 50 percent or more.

In addition to the building element requirements in Section 3.4 "Building Elements", the following additional requirements apply to building facades of all building types:

- a. A minimum of four blank wall articulation methods outlined in Section 3.4.J.2. shall be incorporated into a minimum of 75% of the ground floor building facades containing public entrances; all other building facades must utilize a minimum of three blank wall articulation methods outlined in Section

3.4.J.2.

- b. The dominant exterior building material may not include smooth-faced concrete blocks, tilt-up concrete panels, or prefabricated steel panels.

5.15 GASOLINE AND FUEL SALES

A) Design Standards.

- 1. Gasoline and fuel sales must be located on parcels with frontage on a collector or arterial street.
- 2. Where gasoline and fuel sales uses are located on a corner parcel, service buildings shall be placed closer to the intersection of the two street frontages, with pump islands and on-site circulation located further from the street intersection, behind the service building.
- 3. Gas pumps and pump islands shall be located:
 - a. Fifty feet from any property line abutting a Residential district or use; and,
 - b. Thirty feet from all other property boundaries.
- 4. Pump island canopies may not exceed 22 feet in height.

5.16 GOLF COURSES

A) Applicability.

- 1. Golf courses are considered active recreation for the purposes of these regulations and authorized



only in those districts allowing for such uses.

2. A golf course shall not be used to meet the open space set aside for a conservation design development under the requirements of Section 9.3. "Conservation Design Development," or the parkland dedication requirements for subdivision development, except that functional fish and wildlife habitat as determined by Planning, Development and Sustainability Department in consultation with Montana Fish, Wildlife and Parks, which is either natural or created and meets the requirements of these regulations may satisfy up to 50% of the required open space set aside for conservation design development or parkland dedication for subdivision development.

B) Uses. Golf courses may include the following activities:

1. Pitch-and-putt courses;
2. Driving ranges;
3. Nine and 18-hole golf courses;
4. "Par-three" courses; and,
5. Incidental golf course clubhouse facilities such as a pro shop, lounge, food service/bar, health and exercise rooms, and locker rooms.

COMMENT: Site-specific factors such as sloping ground, porous soil texture, and high percolation rates may require putting greens and tee boxes be located further than the riparian resource buffer requires from streams and waterways to protect water quality.

C) Development Standards.

1. **Riparian resource protection.** Golf courses are subject to the requirements of Section 7.4. "Riparian Resource Protection," with the following exceptions.
 - a. Elevated cart paths over riparian resources and non-elevated cart paths providing direct access to elevated paths may be allowed to encroach in the riparian resource buffer and protection areas, subject to 310/404 permit approval and conditions. Cart-path areas not required for direct watercourse crossings shall not be permitted within the riparian resource protection area.
2. **Building standards.**
 - a. The clubhouse and any other golf-course-related building shall not exceed 30,000 square feet of gross floor area combined.
 - b. When any building exceeds 5,000 square feet of gross floor area above grade, all elevations facing public or private rights-of-way or residential lots or zoning districts shall employ varied roof heights and lines and structural articulations to reduce the bulk and scale of the building visually.
 - c. Maintenance and storage buildings must be screened from public view along public or private rights-of-way and adjoining residential parcels and zoning districts in accordance with the screening standards in Section 6.4.F.3. "Screening and Buffering."

5.17 GUEST RANCH, OUTFITTING, OR GUIDE FACILITY

A) Applicability. The following standards apply to all guest ranch, outfitting, and guide facilities and associated activities as defined by these regulations.

B) Performance Standards.

1. Outdoor recreation activities for guests, including but not limited to day and overnight horseback trips, guided hunting trips, fishing trips, rafting trips, cook-outs, hayrides, cross-country skiing, and snowmobiling shall be approved as part of the Zoning Compliance Permit and may be restricted both in location and the time of year during which they may be conducted in accordance with the wildlife protection guidelines provided by the Montana Department of Fish, Wildlife and Parks.
2. Lodging accommodations may be provided in any permanent building type or structure or combination of building types or structures as permitted by the underlying zoning district. Lodging in temporary structures such as tents or RVs is permitted as part of overnight recreational activities but shall not be the primary type of accommodation.
3. A dining facility capable of accommodating the maximum number of guests permitted at the ranch may be provided. If a common dining facility is not provided, cooking facilities shall be provided to guests as part of the lodging accommodations.

C) Design Standards.

1. The property on which a guest ranch, outfitting operation, or guide facility

is located shall be a minimum of 40 acres. Lands restricted by a conservation easement or servitude may be counted as part of this site area requirement, provided the restricted land has not been counted as the required open space for another development.

2. When leased private land or land accessible via a permit issued by a government agency is required to comply with the minimum acreage required, the leased or permitted land shall be contiguous to or within one mile of the guest ranch that possesses the lease or permit.
3. If the leased land or permitted land is not contiguous, but within one mile of the dude/guest ranch, legal access shall permit guests of the ranch to access the leased land or permitted land via a route that is no longer than one mile in length.

COMMENT: The maximum occupancy allowed in lodging accommodations is set by the Building Official and must be posted.

5.18 HOME OCCUPATION

A) Applicability. Home occupations are accessory and subordinate to a primary residential use on a property. They are permitted in any zoning district that allows residential uses so long as the prevailing character of the Residential district is unchanged by the home occupation established.

COMMENT: Consult the Missoula County Public Works Department Building Division to determine if a change of use permit is required for home occupation.



B) Performance Standards. A home or residential accessory building (such as a detached garage) may be used for a home occupation subject to compliance with the following minimum standards.

1. The owner or operator of the home occupation must reside on the property or in the dwelling in which the home occupation is located.
2. In addition to the resident business owner or operator, one employee or associate may be present on the property at any time.
3. A home occupation is permitted to serve up to three clients or customers at one time on the subject property.
4. The home occupation and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within an enclosed building, which is either the principal residential building or a permitted accessory building.
5. The home occupation shall not create, produce, or result in excessive light, noise, vibration, odor, parking demand, traffic, or other activity that negatively impacts or is inconsistent with the character of a residential area.
6. Home occupations conducted within a garage shall not take up space required to meet the minimum off-street parking requirements of Section 6.3.

"Parking and Loading."

7. Deliveries or pick-ups of supplies or products associated with the home occupation are allowed between 8:00 a.m. and 7:00 p.m. Vehicles used for delivery and pick-up may not include semi-tractor trailers.

C) Design Standards.

1. There may be no external structural alterations to primary or accessory buildings or other construction to accommodate a home occupation that would change the residential character of the property upon which the home occupation is located. Examples of prohibited alterations include the construction of parking lots, paving of required setbacks, and the addition of commercial exterior lighting.
2. Separate entrances to accommodate the home occupation shall only be permitted on the side or rear of a primary residential building. There shall be no separate entrance permitted on the front of a primary residential building for the sole use of the home occupation.
3. Window displays and outdoor storage or display of material or merchandise is not permitted. The lawful parking or storage of vehicles is only permitted when screened in accordance with Section 6.4.F.3. "Screening and Buffering."
4. Signage for the home occupation shall be limited to one building-mounted sign not to exceed one square foot meeting all other

COMMENT: The Missoula County Public Works Building Division requires grading and drainage plans for review of mini-warehouses.

standards outlined in Section 8.8. "Additional Requirements by Sign Type." Illumination of the sign is prohibited.

D) Prohibited Uses. The following uses are expressly prohibited as home occupations.

1. Vehicle and small engine maintenance and repair, including household or commercial appliances and any related to automobiles and their parts, except in Open Land and Agriculture Districts.
2. A business having more than three employees who congregate onsite daily and are dispatched to other locations.
3. Equipment rental businesses.
4. Tow truck services.
5. Material or equipment storage businesses.
6. Eating or drinking establishments.
7. Funeral and interment services.
8. Animal shelters and boarding kennels; animal training and grooming services that do not require overnight stays are permitted.
9. Commercial cannabis cultivation or manufacturing; Commercial cannabis dispensary.

5.19 HOMELESS SHELTERS AND MEAL CENTERS, EMERGENCY AND PERMANENT

A) Performance Standards.

1. Before the issuance of a Zoning Compliance Permit, the operator of an emergency homeless

shelter shall provide a written management plan that documents each of the following factors and how they will be addressed.

- a. Continuous on-site management by an employee or volunteer during all hours of operation.
- b. A description of the intake screening process for clients to ensure compatibility with services provided at the facility.
- c. A client code of conduct addressing alcohol/drug use, loitering, and trespassing.
- d. A neighborhood relations plan establishing a staff liaison to coordinate with county staff and officials, local businesses, neighborhood association or neighborhood council representatives, and residents on issues related to the facility's operation.

B) Design Standards.

1. Facilities shall be located a minimum distance of:
 - a. One thousand feet from a daycare, preschool, or K-12 facility;
 - b. Fifteen hundred feet from other permanent or emergency homeless shelters or meal centers;
 - c. Three hundred feet from residential parcels and zoning



districts; and,

- d. 1,500 feet of a public transit route, whenever possible.
2. A site plan shall be submitted with Zoning Compliance Permit application materials ensuring the following standards are met.
 - a. Permanent facility shall be designed or renovated to provide adequate waiting areas indoors to prevent queuing into or otherwise waiting outside the facility or in the public right-of-way.
 - b. When provided, outdoor space for clients shall be screened in accordance with the standards in Section 6.4.F.3., Table 10. "Screening Standards."

5.20 JUNK AND SALVAGE YARDS

A) Design Standards.

1. In addition to the use, dimensional and other applicable standards required by these regulations, the materials collected and stored within a junk or salvage yard shall be at least 300 feet from a property line shared with an existing Residential district or use.
2. The perimeter of a junk or salvage yard shall be screened in compliance with Section 6.4.F.3. "Screening and Buffering."

5.21 MINI-WAREHOUSE

A) Performance Standards.

1. Mini-warehouse spaces shall be used for storage of non-hazardous, non-flammable, non-toxic, non-radioactive, and non-explosive materials only.

B) Design Standards.

1. The total footprint of all buildings of a mini-warehouse development may not exceed 280,000 sq. feet per lot or project area.
2. Screening is required in accordance with Section 6.4.F.3. "Screening and Buffering" along the front property line, adjacent to streets, as well as any property line where the site abuts a Residential zoning district or use. This screening shall be in addition to all other applicable landscaping requirements in Section 6.4. "Landscaping and Screening."
3. Access doors to storage units may not open directly onto a street, including an alley.

5.22 MOBILE FOOD COURTS

A) Applicability. The following standards shall apply to all mobile food courts permitted as a permanent or temporary use.

B) Performance Standards.

1. All mobile food courts must comply with the plan review and permit requirements of

the Missoula City-County Health Department as a condition of Zoning Compliance Permit approval.

2. No amplified music or other loud sounds may be produced by or from any vehicle to attract customers, entertain, or for other purposes.
3. Hours of operation are be limited to:
 - a. Between 6 a.m. and 3 a.m. where mobile food courts are located in a Mixed-use district; and,
 - b. Between 7 a.m. and 10 p.m. where mobile food courts are located within 150 feet of a Residential district or use.

C) Design Standards.

1. All mobile food establishments within a mobile food court shall be set back a minimum of 20 feet from any property located within a Residential zoning district.
2. A minimum of ten feet of separation is required between each mobile food establishment within a court.
3. Signs advertising the mobile food court shall meet the requirements of the zoning district in which the court is located, as required by Chapter 8.
4. Mobile food courts may not be sited in a manner that reduces available parking spaces for established businesses, occupies required parking, including handicapped parking, or interferes with the flow of traffic in parking lots.
5. Mobile food courts shall not operate in loading zones, sidewalks, or alleys or obstruct or impede traffic flow or access to neighboring businesses or residences.

5.23 MULTIPLE-HOUSEHOLD DWELLING

A) Applicability. The following standards apply to all multiplex small, multiplex large and apartment building types.

B) Design Standards.

1. Multiple-household dwelling developments that include multiple buildings must provide a walkway system connecting each building to common areas, adjacent public sidewalks, onsite parking lots, or parking structures, other onsite multiple-dwelling buildings, garages, disposal and recycling containers, mailboxes, recreation areas, and bicycle storage areas.
2. Where detached garages are provided for multi-household dwellings, they shall be accessed internally using shared driveways and onsite circulation and oriented to face away from a street or right-of-way (excluding alleys).
3. Where parking spaces are covered by a carport or enclosed in a garage, such structures shall comply with Section 3.4.J. "Blankwall Articulation," 3.4.L. "Garage Requirements," and Section 5.3 "Accessory Uses and Structures."



5.24 OPEN AIR STORAGE

- A) Applicability.** The following standards shall apply to open air storage as a primary use.
- B) Design Standards**
1. In addition to all other applicable standards, leasing or renting space for the open-air storage of vehicles or other items shall be located at least 100 feet from a property line shared with a Residential district or use.
 - a. The perimeter of an open air storage yard shall be screened in compliance with Section 6.4.F.3. "Screening and Buffering."

5.25 OUTDOOR SALES, DISPLAY AND STORAGE

- A) Applicability.** This section applies to the sale, display, and storage of goods and merchandise as an accessory use in locations outside of an enclosed building. This section does not apply to farmers' markets or farmstands where permitted by the zoning district.
1. Outdoor sales, display, and storage activities are permitted as an accessory use in the following locations by district as shown in Table 1:

Table 1 Outdoor Sales, Display and Storage

DISTRICT	OUTDOOR SALES AND DISPLAY		OUTDOOR STORAGE
	ON A SIDEWALK, IN THE RIGHT-OF-WAY WITH APPROVED ENCROACHMENT PERMIT	IN THE REQUIRED SETBACK/BUILD-TO-ZONE	ON-SITE
Open Lands and Agricultural Districts	No	Yes	Yes
Residential Districts	No	No	No
Mixed-Use Districts	Yes	Yes	SE (By Special Exception)
Industry and Manufacturing Districts	No	Yes	Yes

B) Outdoor Sales and Display.

1. **Performance standards.**
 - a. Outdoor sales and display must be customarily incidental to the principal use and shall comply with the standards in Section 5.3 "Accessory Uses and Structures", unless otherwise permitted by these regulations.
 - b. Only the business entity or use(s) occupying the property shall sell or display merchandise in the outdoor display areas.

2. Design standards.

- a. Where outdoor sales and/or display is permitted on a sidewalk in the right-of-way with an approved encroachment permit from the appropriate agency these activities are subject to the following standards:
 - i. The goods shall be located entirely under an awning or canopy that complies with these regulations;
 - ii. If no awning or canopy is provided, the goods may be displayed in an area abutting and not more than three feet from a storefront;
 - iii. A minimum five-foot unobstructed sidewalk width must be maintained.
- b. Where outdoor sales and/or display is permitted within a setback or build-to zone, the goods shall be located within five feet of the storefront or building façade.
- c. Outdoor sales and display must be located a minimum of 20 feet from any property line of an adjoining parcel.
- d. Outdoor sales and/or display of merchandise shall be screened from view from any property line abutting a Residential zoning district or residential use in accordance with the requirements of Section 6.4.F.3. "Screening and Buffering."
- e. The height of displayed merchandise shall not exceed the height of any fence or screening when adjacent to and visible from a Residential zoning district or use.
- f. Outdoor sales and/or display of merchandise shall not be located where it will interfere with building access, ingress/egress, pedestrian traffic, vehicular and bike parking and handicapped parking, drive aisles, driveways, loading/unloading spaces, street furniture, signage, bus stops and shelters, utilities, drainage systems, fire lanes, alarms, hydrants, standpipes, or other fire protection equipment.

C) Outdoor Storage.

1. Applicability.

- a. This section applies to outdoor storage of goods and merchandise exceeding one week, except for open air storage, junk and salvage yards, and waste and recycling collection facility storage areas, or storage of an emergency nature.
- b. Storage incidental to temporary construction activities is permitted in all districts and is not subject to these requirements.

2. Design standards.



- a. Outdoor storage shall be screened in accordance with the requirements of Section 6.4.F.3. "Screening and Buffering."
 - b. All outdoor storage of commercial vehicles and building materials shall be kept at least 100 linear feet from any adjacent Residential zoning district or use and shall only be located in the rear yard or interior side yard outside of the required front yard.
 - c. Outdoor storage of business and industrial equipment and materials may not cover more than 50 percent of the total rear and interior side yard area, outside of the required front yard.
 - d. Items in outdoor storage areas shall not be piled or stacked over ten feet in height above grade.
3. Openings for ventilation and emergency access must be designed so that cars parked inside are not visible from the street.
 4. Vehicles on all levels of a parking structure must be screened from view from the street using decorative elements such as grille work or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

5.27 RV PARKS

A) **Applicability.**

1. In addition to the requirements found in the Missoula County Subdivision Regulations, recreational vehicle (RV) parks shall meet the requirements of this section.
2. RV parks, including those that also allow tent camping, are allowed in accordance with Section 2.4, Table 5 "Table of Uses."

B) **Performance Standards**

1. RV parks shall comply with all applicable standards and requirements of the Montana Department of Public Health and Human Services (DPHHS).
2. No development shall commence until the Montana DPHHS and the Montana Department of Environmental Quality have granted approvals.
3. Designated spaces for recreational vehicles shall be arranged to permit their safe and practical placement and removal.
4. Bathroom facilities, solid waste disposal, and running water may be provided.

5.26 PARKING STRUCTURE

A) **Design Standards.**

1. The street-level frontage of a parking structure must be either occupied retail space or designed to encourage and complement pedestrian-scale interest and activity by screening the structure's parking areas in accordance with the blank wall standards in Section 3.4.J. "Blank Wall Articulation."
2. A minimum of 50 percent of any first-floor street-facing façade shall include transparency in accordance with the design standards in Section 3.4.I. "Transparency" where retail space is incorporated.

C) Design Standards

1. All RV spaces and driveways shall be located no closer than 20 feet from all property lines and roads, as measured from the edge of road easement or right-of-way. Where no easement exists for internal roads, the setback shall be measured from the edge of the pavement or road surface.
2. Designated RV spaces must be accessed from internal streets that comply with the transportation standards of the County Public Works Department and Section 3.4, Road Design Standards, in the Missoula County Subdivision Regulations.
3. RV spaces.
 - a. Exposed ground surfaces in RV spaces shall be paved, covered with stone or other solid material, or protected with a vegetative growth capable of preventing soil erosion and reducing dust, as determined by Missoula County Public Works and the Air Pollution Control Program.
 - b. Spaces may be double-frontage or pull-through.
4. Accessory structures shall be set back 10' from RV spaces.
5. A minimum 10-foot-wide landscaped buffer meeting the requirements of Section 6.4.F.3.c. "Landscape Buffer Standards" shall be preserved (where existing) or installed along the RV park street frontage and along any property lines that abut an adjacent Open Land and Agricultural, Residential, or Mixed-use district or existing

residential use.

6. Security lighting meeting the requirements set forth in Section 6.5.F. "General Standards" is permitted in RV parks to permit safe passage to and from facilities such as restrooms and showers.

5.28 TEMPORARY USES AND STRUCTURES

A) Applicability. A temporary use is permitted in any zone which allows the same activity or similar as a permanent classification of use, and when the operation of such temporary use will be generally compatible with the surrounding neighborhood and not detrimental to public health and safety. A Zoning Compliance Permit is required for all temporary uses and structures.

B) Performance Standards.

1. Table 2 sets forth the duration and permitting requirements for specific temporary uses.
2. Temporary uses and structures are not subject to the requirements of Chapter 6.
3. Temporary uses and structures shall be reviewed administratively in any district that allows the same or similar activity as a permanent use by the Zoning Officer, who must determine whether the proposed temporary use or structure will be generally compatible with the surrounding neighborhood and will not have adverse impacts on public health, safety and general welfare.



Table 2 Temporary Use Standards

ACTIVITY	MAX. DURATION (CONSECUTIVE DAYS)	EVENT OCCURRENCE (PER YEAR PER PARCEL)
Christmas tree sales	60 days	1
Construction office/sales	180 days	2
Fireworks stand (see also Resolution #92-037)	June 25-July 5 December 29-31	2
Outdoor retail sales	10 days	4
Farm stand or farmer's market*	7 days	N/A
Public assembly, including carnival, festival, show, exhibit, outdoor dance, auction, community fair, concert, or other similar enterprise or event	7 days	N/A

*Not associated with a principal agricultural use.

4. **Construction offices and sales.** Temporary buildings used for and during the construction of any allowed use shall be removed within 30 days of end of construction or end of the building permit period.
5. **Public assembly.** Temporary uses may be conducted on county parkland or other public property, provided such uses have been approved by the Board of County Commissioners or another duly authorized county official.
 - a. Temporary buildings, structures, or tents used for temporary public assembly events shall be removed within three days following the event's conclusion.
 - b. Parking shall be accommodated onsite, or provisions shall be made for off-site parking and transportation to meet the needs and attendance of the event.
 - c. Activities associated with an event shall occur between 8:00 a.m. and 10:00 p.m.
 - d. No overnight camping is permitted as part of a temporary event unless acknowledged and approved as part of the Zoning Compliance Permit.

5.29 TOURIST HOME

- A) **Applicability.** Tourist homes are permitted within any lawfully established home in accordance with the following standards.
 1. No more than one tourist home is permitted per parcel in an AGR, AGW, AGRR, RRS, R, or LM district.
 2. No more than two tourist homes are permitted per parcel in an RM, NR, or NC district.
 3. No person shall be permitted to operate more than two tourist homes in Open Land and Agricultural and Residential districts.

B) Performance Standards.

1. As part of the Zoning Compliance Permit process, the applicant shall provide proof of registering a Lodging Facility Sales and Use Tax account with the Montana Department of Revenue, and provide evidence of securing a Public Accommodations License from the Missoula City County Health Department.
2. An applicant for a tourist home must provide the name, telephone number, address, and email address of the owner and the responsible party tasked with addressing all maintenance and safety concerns on the property 24 hours a day, seven days a week. If the applicant or responsible party is a business, the name(s) and contact information of all business owners must be provided. This information shall be conspicuously posted in the tourist home.
3. The maximum number of tourist home guests shall not exceed one guest per 150 square feet of gross floor area.

C) Signage. A maximum of one non-illuminated wall sign not exceeding one square foot may be displayed on the home's first floor in any Agricultural and Residential district.

5.30 TRAVEL PLAZA OR TRUCK STOP

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

B) Performance Standards.

1. Other uses or activities which are customarily accessory and

clearly incidental and subordinate to the travel plaza or truck stop may include scales, truck wash, tire repair and sales, barbershop, restaurant, shower facility, convenience store, truckers' lounge (for services such as television/exercise/internet access, etc.), casinos, laundry, chain rental, gasoline and fuel sales, and propane dispensing.

C) Design Standards.

1. The minimum lot area for the establishment of a new truck stop or travel plaza is five acres.
2. Lots on which a travel plaza or truck stop is located must have primary frontage on an arterial street and be within 2,000 feet of the centerline of the nearest interstate highway exit or entry ramp.
3. Any use accessory to a travel plaza or truck stop, including gasoline and fuel sales, shall also meet the use-specific requirements for that use contained in this chapter.
4. All vehicle service and repair activities associated with the travel plaza or truck stop must be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires, or other materials must be screened from abutting streets and property in accordance with Section 6.4.F.3. "Screening and Buffering."

5.31 UTILITIES**A) Telecommunications Facilities and Structures.**

1. **Applicability.** These standards apply to all telecommunications facilities, as defined by these regulations, with the following exceptions:
 - a. Telecommunication facilities as stipulated in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), and meets the requirements of an eligible facilities exemption, as interpreted by the Federal Communications Commission's Acceleration of Broadband Deployment Report & Order, which requires the County to approve any request to modify an existing tower or base station that does not result in a substantial change to the physical dimensions of the tower or base station.
 - b. Satellite earth station antennas preempted by Part 25 of Title 47 of the Code of Federal Regulations and any other telecommunication facility specifically and expressly exempt from local regulation pursuant to federal or state law.
 - c. Wireless facilities used solely for public safety purposes, including transmitters, repeaters, and remote cameras, so long as the facilities are designed to match the supporting structure.
 - d. Wireless facilities accessory to other publicly-owned or operated equipment used for data acquisition such as irrigation controls, monitoring, and traffic signal controls.
 - e. Wireless facilities erected and operated for emergencies, as designated by a local or state official, so long as the facility is removed at the conclusion of the emergency.
 - f. Multi-point distribution service antennas and other temporary mobile wireless services, including mobile wireless facilities and services providing public information coverage of news events (less than two-weeks duration).
 - g. Personal wireless internet equipment, such as a wireless router, provided that the equipment is located entirely within a building or residence or screened from public view.
 - h. Satellite earth station antenna in Mixed-use and Industrial districts provided they meet all the following requirements:
 - i. The antennas do not exceed 6.5 feet in either diameter or diagonal measurement.
 - ii. The antennas are located as far away as possible from the edges of rooftops or are otherwise screened pursuant to Section 6.4.F.3. "Screening and Buffering" to eliminate visibility from adjacent properties.
2. **Requirements for all facilities and structures.**
 - a. **Measurement.** The vertical height of a telecommunications facility shall be measured from the lowest point of the base of the support structure to the

highest point of the tower, array, or structure as follows:

- i. For a ground-mounted facility, the height of the support structure shall be measured from the finished grade and shall include the antenna.
 - ii. For a roof-mounted facility the height of the support structure shall not include the height of the building on which the support structure is mounted.
 - iii. For all other structurally mounted facilities the height of the facility does not include that of the host structure on which the facility is mounted.
- b. **Illumination limited.** Building-mounted facilities and support structures may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies. Lighting shall not exceed FCC-required minimum standards.
- c. **Identification sign required.**
- i. Each tower, antenna, or accessory telecommunications facility shall have a posted sign or label identifying the responsible owner and containing current contact information.
- ii. Advertising and other promotional signs anywhere on the premises are prohibited.
- d. **Radiofrequency emissions compliance.** Upon installation of a telecommunications facility, the applicant shall demonstrate that the project will not result in levels of radiofrequency emissions that exceed Federal Communications Commission standards, including FCC Office of Engineering Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended.
- e. **Indemnification.** The holder of any permit issued under this title for tower or facility location on county property shall defend, indemnify, and hold harmless the County and its commissioners, officers, and employees to the maximum extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the permittee's facilities subject to this title.
- f. **Inoperable or unused facilities.** If a telecommunication support structure, or an antenna array affixed to a building or support structure, becomes inoperable or ceases to be used for a period of 180 consecutive days, the permittee shall give written

COMMENT: Wireless towers over 6 feet as well as co-location of equipment on existing structures require a building permit.



notice of inoperability or non-use to the Zoning Officer, and the antenna array and, if applicable, the wireless support structure shall be removed within 90 days of such notice.

- i. All leases for the location of commercial wireless facilities must stipulate that the provider shall have full access to the leasehold space for the purpose of removing the facility. Also, if the provider or landlord fails to remove the facility within the required time period, then the County shall have access to the leasehold space of the abandoned facility for the purpose of removal.
- ii. If removal does not occur, the County may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure, then only the antenna array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it.
- iii. All costs incurred by the County in connection with the removal of the facility shall be recoverable, at the option of the County, against the bond or other

financial assurance posted by the owner or operator, or all costs incurred may be assessed as a lien against the property on which the facility is located. The County may record said lien, and the lien shall be enforceable and may be collected in the same manner as a tax lien by the County Treasurer, and any funds recovered thereby shall be remitted to the County.

- iv. Before any action to remove a structure or facility, the Zoning Officer shall give notice to the provider and the owner or operator, by certified mail, of its intent to remove the facility. Such notice shall be given not less than 30 days before the County's removal.
- g. **Screening required.** The telecommunication facility, tower, and support structures shall be screened in accordance with the requirements of Section 6.4. "Landscaping and Screening"
- h. **Compatible design.** All telecommunication facilities, support structures, and accessory equipment shall be compatible in design, materials, and colors of buildings or structures on the same parcel (or within the right-of-way, as applicable). When a facility is located on its own parcel, design, materials, and colors of buildings or structures on adjacent parcels shall be

used for comparison.

i. **Accessory equipment.**

- i. Telecommunication accessory equipment shall be grouped as closely together as technically feasible.
- ii. The total footprint of all such equipment shall not exceed 400 square feet per provider and shall not reduce the site design requirements, including but not limited to parking and landscaping required for other principal uses on a parcel.
- iii. No accessory equipment shall exceed 15 feet in height.
- iv. Backup generators shall be located as far as possible from nearby residential uses.

3. **Requirements for new towers and support structures.**

a. **Proof of need and compatibility.**

As part of the Zoning Compliance Permit application or Special Exception permit process, as applicable, the burden is on the applicant to prove all the following:

- i. That the new tower or support structure will close a significant gap in service;
- ii. That the new tower or support structure complies in all respects to FCC, state, and county regulations;

- iii. That the need for the new tower or support structure cannot be met through collocation;
- iv. That the location proposed for the new tower or support structure is the least intrusive site for the community;
- v. That the design of the tower or support structure is compatible with the character of the area in which it is located, or that it minimizes incompatibilities, to the maximum extent technically feasible; and,
- vi. That the new tower or support structure is the minimum necessary in terms of height and location to achieve service needs.

b. **Certification required.** At the time of applying for a permit to erect a wireless facility or structure, a qualified professional licensed to work in the State of Montana shall certify that the plans for construction and erection or installation of the facility or structure meet or exceeds current safety and design standards of all applicable federal, state, and county regulations as well as the burdens of proof listed in Section 5.30.A.3.a. "Proof of Need and Compatibility."

c. **Permitted use review.** If a wireless facility or structure is a permitted use in the district in which it is proposed, and the Zoning Officer determines



there is sufficient reason to question any of the material submitted as part of the application proving need and compatibility, the Zoning Officer may require this information be submitted to an independent expert for verification of the application materials. If that occurs, such independent expert shall present their findings in writing to the Zoning Officer and the applicant.

- d. **F.A.A.** review required. Any wireless structure that exceeds two hundred feet in height or is located within the Airport Influence Area shall be reviewed by the FAA.

e. **Future collocation required.**

- i. To the maximum extent technically feasible, each new telecommunication tower shall be designed to allow the collocation of facilities for more than one provider.
- ii. Facility owners and operators shall not unfairly exclude a telecommunication competitor from using the same facility or location. If a telecommunications competitor attempts to collocate a facility on an existing or approved telecommunications facility or location, and the parties cannot reach an agreement, the County may require an independent study, at the expense of either or both parties, to determine the

feasibility of collocation.

f. **Design standards.**

- i. New towers shall be located either in the interior side or rear yard of a developed property.
- ii. Monopoles shall meet the required principal structure setbacks of the underlying zone district. All other towers shall be located at minimum a distance from any property line equal to or exceeding the fall zone distance, as shown on the site plan.
- iii. Wall-mounted telecommunication facilities shall be flush-mounted and shall match the building or structure they are attached to in design, color, and materials.
- iv. No new support structure may project in a horizontal direction from the roof of a building.

- g. **Height limitations.** New towers and support structures shall not exceed the height limitations for a principal structure in accordance with the underlying zoning district unless a variance is approved

Comment: The NEC regulates electrical connections and service extending from a meter. The NESC regulates electrical service from a source to a meter. Utilities are responsible for ensuring compliance with the NESC. Electrical permits must be secured from the Missoula County Public Works Department-Building Division.

by the Board of Adjustment.

- h. **Removal.** Before erecting or installing any new tower, the owner or operator shall post with the County some form of financial assurance deemed suitable to the County to cover the cost of removal of the tower if abandoned or deemed abandoned, pursuant to the terms of these regulations.
4. **Requirements for amateur radio facilities.**
- a. **Design standards.**
- i. Roof-mounted facilities shall not increase the structure's height by more than 20 feet and must adhere to the height requirements of the underlying zoning district
 - ii. Antennas shall be setback at a ratio of 1:1 from all property lines or edge of right-of-way, whichever is closer.
 - iii. Neither guy wires nor their foundation shall be located within five feet of any property line or edge of right-of-way, whichever is closer.
 - iv. Only one facility shall be permitted on any parcel.
 - v. No antenna or support structure may be located so as to extend, move, or swing beyond the plane of the property boundary or edge of right-of-way at any time.
- b. Crank-up antennas are encouraged to provide enhanced radio capability with minimized neighborhood impact. The crank-up tower shall be kept in its lowest extension whenever it is not being used.
- c. No commercial uses shall be allowed to co-locate on any amateur radio facility or related facility. However, amateur radio facilities shall be allowed to co-locate on properly permitted commercial telecommunications facilities.
- d. Facilities shall be located in the rear yard of the property or on the rear one-third of the principal structure.
- e. Amateur radio facilities shall not be used for commercial purposes.
5. **Requirements for small wireless facilities.**
- a. **Permitting exceptions.** All small wireless facilities shall be subject to the Zoning Compliance Permit or Special Exception permitting processes in Chapter 11 with the following exceptions:
- i. Routine maintenance;
 - ii. Replacement of small wireless facilities with small wireless facilities that are substantially similar or the

Comment: Solar and wind installations require building and electrical permits from the Missoula County Public Works Department-Building Division.



same size and weight or smaller; or,

- iii. Installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with the National Electrical Safety Code (NESC).

b. **Design standards.** If the facility is proposed in an area with an existing or adopted theme, streetscape design, or lighting plan, the small wireless facility shall adhere to the design theme for the area in which it is proposed to be placed.

c. **Height limitations.** Each modified or replaced utility pole installed in the right-of-way for the collocation of small wireless facilities shall not exceed 50 feet above finished grade or the maximum height limitation for a principal structure in the underlying zoning district, whichever is greater.

d. **Pole replacement.** A communications service provider may replace a decorative pole when necessary to collocate a small wireless facility if the replacement pole reasonably conforms to the design aesthetics of the decorative pole or poles being replaced.

B) Renewable Energy Installations.

1. Wind energy systems.

- a. Applicability.
 - i. Small wind energy systems

are allowed in all zoning districts that allow for minor utility services.

- ii. One small wind energy system is allowed as an accessory use per parcel.
- iii. Large wind energy systems are allowed in zoning districts that allow major utility services.
- iv. No wind energy system shall be constructed, altered, or maintained that is determined to be a "Hazard to air navigation" as determined by the FAA or other federal agency.

b. Performance standards.

- i. All systems must be equipped with manual and automatic (mechanical or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.
- ii. No illumination of the turbine or tower shall be allowed unless required by the FAA.

c. Design standards.

- i. The base of the tower shall be set back from all property lines, rights-of-way, and public utility easement a distance equal to the total extended height (e.g., if on a roof, roof height + tower height) plus five feet. A tower may be allowed closer to a property line than its total extended height plus five feet if the

- abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or rights-of-way. Guy wires and other support structures and devices shall be setback at least five feet from all property lines and rights-of-way.
- ii. The maximum height of any small wind energy system shall be the maximum height allowed in the zoning district plus 20 feet. The maximum height of any large wind energy system shall be the maximum height allowed in the zoning district plus 50 feet.
 - iii. Wind energy systems may not be located within drainage, utility, or other established easements not associated with the system.
 - iv. Wind energy systems shall not be located in the front or street side yard between the principal structure and the right-of-way in R, RM, NR, or NC districts.
 - v. No portion of a system may extend on or over a property line or the edge of the right-of-way. Blades may not extend over driveways, parking areas, sidewalks, or trails.
 - vi. All power transmission and telemetry lines from the tower to any building or other structure must be placed underground.
 - vii. All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.
2. **Solar energy systems.**
 - a. **Applicability.**
 - i. All roof-mounted solar energy systems and small-scale ground-mounted solar energy systems are permitted as accessory uses in all zoning districts.
 - ii. Owners of solar energy systems are encouraged but not required to obtain solar access easements from neighboring landowners to ensure solar access and to record such easements with the County Recorder.
 - b. **Exceptions.**
 - i. Building-integrated solar energy systems, as defined in Chapter 13, are not subject to the requirements of these regulations.
 - ii. Modifications to an existing accessory solar energy system that increases the solar energy system area by less than ten percent of the original footprint shall not be subject to requirements



of these regulations.

- iii. Flush roof-mounted solar energy systems are exempt from the Zoning Compliance Permit requirements when it can be documented that a structural engineer has determined the roof can hold the additional load.

c. Performance standards.

- i. Solar arrays shall comply with all applicable building and electrical codes.
- ii. To determine compliance with the applicable zoning district's building coverage standards, the total horizontal projection area of ground-mounted solar energy systems shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar energy system.
- iii. As part of the Zoning Compliance Permit application, large-scale solar energy systems shall provide proof of soil stabilization and a stormwater management plan showing existing and proposed grading and drainage, demonstrating no net increase in runoff.

d. Design standards.

- i. A ground-mounted solar energy system shall not be located in the front or street side yard between the principal structure and the

right-of-way in R, RM, NR, or NC districts.

- ii. A ground-mounted solar energy system shall be located a minimum of two feet from interior side and rear property lines and rights-of-way.
- iii. Ground-mounted solar energy systems may not extend into any required setback when oriented at minimum design tilt.
- iv. There shall be no size limits on solar energy systems as a primary use on a site. However, the maximum lot coverage of any solar array shall not exceed eighty percent.
- v. A ground-mounted solar energy system shall not exceed the height allowed in the zoning district by more than 10 feet.
- vi. A roof-mounted solar energy system shall not extend more than 10 feet above the maximum height permitted in the zoning district in which it is located.
- vii. A solar energy system may be located on an accessory structure.
- viii. Solar energy systems may not be located within drainage, utility, or other established easements not associated with the system.
- ix. Ground-mounted solar energy systems must not impair sight distance for

safe access to or from the property or other properties in the vicinity.

5.32 WASTE AND RECYCLING FACILITIES

A) Performance Standards.

1. Containers and dumpsters used to store refuse and recyclable items shall be certified bear-resistant containers or dumpsters.

B) Design Standards.

1. In addition to the use and dimensional standards required by these regulations, all refuse at a permitted waste facility collection or disposal site or a recycling facility shall be located at least 300 feet from a property line shared with an existing Residential district or use.
2. The perimeter of a waste or recycling facility site shall be screened in compliance with Section 6.4.F.3. "Screening and Buffering."



CHAPTER

6



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6.1 PURPOSE

The purpose of this chapter is to provide design standards applicable to the physical development of a parcel or project site within a district.

6.2 ACCESS AND CIRCULATION

A) **Pedestrian Access.**

1. **Purpose.** The purpose of this section is to ensure safe, accessible, direct and convenient off-street multi-modal circulation within a development site and provide connectivity to adjacent parcels and systems.
2. **Applicability.** All developments in Residential and Mixed-Use districts, except for all building types that are single-household and two-household dwellings, triplexes, quadplexes, and townhomes.
3. **On-site multi-modal infrastructure connectivity.** All on-site multi-modal facilities must provide safe, direct and convenient pedestrian pathways based on the following:
 - a. Connect all building entrances within the development to one another.
 - b. Connect any required off-street parking areas, storage areas, recreational facilities, and common areas (when applicable) to the primary building entrance and all other primary uses on the lot.
 - c. Pedestrian access may be placed in Montana Department of Transportation Right-of-way or Missoula County right-of-way when those facilities have

been allowed by the respective agency.

- d. The Zoning Officer may determine that a multi-modal facility is impractical due to physical or topographic conditions (e.g., highways, railroads, steep slopes, sensitive lands, and similar physical constraints), buildings or other existing development on-site or on adjacent properties that prevent a connection, or sites where a recorded legal instrument (easements, covenants, etc.) prohibits the connection.
4. **On-site pedestrian facility design.**
 - a. Required on-site pedestrian access must consist of an accessible, easily discernible, and ADA-compliant walkway.
 - b. Required pedestrian access surfaces located on private property must be paved with fixed, nonslip semi-pervious or impervious materials.
 - c. Pedestrian access routes between buildings and parking must be physically separated from drive aisles, except where required to cross a drive aisle.
 - d. Where a pedestrian walkway crosses a drive aisle, the walkway must have a contiguous, differentiated surface treatment across the drive aisle.

COMMENT: Refer to the Missoula County Public Works Manual for road construction standards.

5. **Primary Entrance Connection.**

A pedestrian access route must be constructed to connect the primary entrance of each building to an abutting street. The primary entrance is the main entrance to the building.

- a. For multi-family buildings where a primary entrance from each home does not exist, one connection to the street is required per building.

B) Vehicular Access.

1. **Purpose.** The purpose of this section is to ensure safe, accessible, direct and convenient off-street circulation within a development site and provide connectivity to adjacent parcels and systems.

2. **Applicability.** All developments in Residential, Mixed-Use and Industrial districts except for all building types that are single-household and two-household dwellings, triplexes, quadplexes, and townhomes.

3. **Curb cuts and driveways**

- a. All curb cuts and driveways onto a public street require approval from Missoula County Public Works, the Montana Department of Transportation, and/or other agencies with jurisdiction. In the case where these standards and the approvals of these agencies conflict, the approval of the agencies shall apply.

- b. Curb cuts and driveways.

- i. Driveway access for a corner lot must be from the street with the lower roadway classification.

- ii. A lot is allowed one driveway access to a street, not including an alley, except that the number of approaches should be the minimum number necessary to provide reasonable access to the property. Additional driveways may be allowed as follows:

Table 1 Access Permitted

STREET FRONTAGE	DRIVEWAYS (MAX.)
150' or less	1
151' to 300'	2
301' or more	3

- iii. When allowed, driveways serving the same lot or project site on the same street frontage must be spaced 150 feet apart, measured from centerline to centerline.
- iv. Driveways may be no closer than 75 feet to the intersection of two streets, not including an alley, measured from the centerline of the driveway to the edge of the road surface.
- v. Whenever a lot is adjacent to an alley, vehicular access to the property shall be provided by the alley only.
- vi. The minimum width of an approach shall be sixteen (16) feet and maximum width shall be thirty (30) feet as measured at the throat.



4. **Shared access and vehicular cross-access.**

- a. All development abutting an arterial or collector road in a Commercial Center (CC) district must provide for future cross-access between other lots or project sites zoned CC by constructing a driveway or providing a stub for future access to adjacent parcel(s) abutting an arterial or collector road, extending to the property line at the most logical point where a future connection could be made.
- b. A shared access may be required by Missoula County Public Works or the Montana Department of Transportation to consolidate access onto collector or arterial roads. In the case where these standards and the approvals of these agencies conflict, the approval of these agencies shall apply.
- c. Shared accesses or frontage streets shall be stubbed to adjacent developable land, so the internal driveway or street temporarily ends at the property line when the adjacent property is undeveloped or likely to redevelop.
- d. A perpetual ingress/egress access easement and an agreement for maintenance for the paved driveway and any required landscaping shall be recorded prior to issuance of a Final Certificate of Zoning Compliance.
- e. The Zoning Officer may determine that a stub to an adjacent parcel is impractical

due to physical or topographic conditions (e.g., highways, railroads, steep slopes, sensitive lands, and similar physical constraints), buildings or other existing development on site or on adjacent properties that prevent a connection, sites where a recorded legal instrument (easements, covenants, etc.) prohibits the connection, or other safety factors exist.

- f. The following uses are exempt from the vehicular cross-access requirement in the Commercial Center district:
 - i. Conservation Design Development;
 - ii. Minor utilities; and,
 - iii. Agricultural uses (excluding high-intensity agriculture).

5. **Vehicle queuing.**

- a. Adequate off-street vehicle queuing space must be made available on-site for any use having a drive-through, control gate or pick-up/drop-off area.
- b. A queuing space shall be a minimum of 20 feet in length and ten feet in width.
- c. Required queuing shall be fully contained on-site, shall not encroach into any right-of-way, and shall not be designed in a way that blocks entry or exit from other on-site parking.
- d. Queuing requirements for specific uses are as follows:

Table 2 Vehicle Queuing Requirements

USE	NUMBER OF SPACES
Eating and drinking establishment – greater than 800 square feet	6 spaces before the order board; 4 spaces between the order board and transaction window
Eating and drinking establishment – less than 800 square feet	2 spaces
Bank, pharmacy or other pick-up service	3 spaces before the transaction window
Control gate	1 space before the gate
All other uses	Determined by the Zoning Officer

6.3 PARKING AND LOADING

A) General Applicability.

1. **New construction.** Any new building or site improvement must comply with this section.
2. **Additions.**
 - a. When an existing building, use, or development is increased in gross floor or outside use area by up to 50 percent cumulatively, these parking and loading standards shall apply to the additional floor or use area only.
 - b. When an existing building, use, or site is increased in gross floor area or outside use area by more than 50 percent cumulatively, both the existing building, use, or site and the additional floor or use area shall meet these requirements.
3. **Change in use.**
 - a. Where a change in use occurs and the number of existing parking spaces exceeds the maximum number of allowed parking spaces for the new use, the additional parking spaces may remain in place.
 - b. When the use of a residential or civic structure is changed and such change creates an increase of 15% or more in off-street parking space requirements, the parking requirements of this section shall be met.
 - c. When the use of a building or structure is changed to a use with operations that include loading or unloading of goods, materials, items, or stock for delivery or shipping loading requirements in Section 6.3.H. "Vehicle Loading" shall be met.
4. **Timing.** All required parking and loading areas shall be completed before issuing a Final Certificate of Zoning Compliance for the use they serve.

B) General Provisions.

1. All driveways, drive aisles, and travel lanes shall be paved in accordance with the requirements of the Missoula County Public Works Department and the Air Pollution Control Program.



2. The following pervious or semi-pervious surface materials may be used as an alternative to the paving in 6.3.B.1. in a Residential district, as determined by Missoula County Public Works and the Air Pollution Control Program.
 - a. Reinforced grass parking systems; or,
 - b. Ring and grid systems used in conjunction with grass, pervious concrete, or permeable pavers.
3. Temporary parking may be accommodated on grass, graveled, or natural surface, with spaces appropriately marked, as long as the use of such parking does not exceed the length of time for which the permitted temporary activity has been approved.
4. The temporary storage of snow may not reduce the required parking area by more than 25 percent and shall not damage landscaped areas required by these regulations.

C) Parking Spaces Required.

1. **Method of calculation.**
 - a. Unless noted in Table 3 below, the parking requirement is based on the building's gross floor area devoted to the particular use specified.
 - b. Parking for uses not expressly provided for in Table 3 shall be determined by the Zoning Officer, who shall apply a standard set forth in the Table 3 for a use deemed most similar to the proposed use.
2. **Parking required.** The provision of off-street vehicle parking is required, as set forth in Table 3. Non-residential uses in the Live/Make district shall provide no fewer than one half of the maximum off-street vehicle parking as established in Table 3.

Table 3 Off-Street Parking Required

USE	PARKING SPACES REQUIRED (MIN.)	PARKING SPACES ALLOWED (MAX.)
Residential Uses		
Single-household dwelling	1 per home	No max.
Two-household dwelling		
Multiple-household dwelling, townhomes	1 per home	2 per home
Cottage court	1 per home	2 per home
Nursing homes	1 per 5 beds	1 per 4 beds
Community residential facility	0.5 per bed	1 per bed
All social services		
Civic Uses		
All civic uses	1 per 1,000 sq. ft. of use area	4 per 1,000 sq. ft. of use area
All recreation	No min. except ADA Compliant parking (see Section 6.3.E.)	No max.
All utilities		

Table 3 Off-Street Parking Required

USE	PARKING SPACES REQUIRED (MIN.)	PARKING SPACES ALLOWED (MAX.)
Commercial Mixed Uses*		
All day care	No min. except ADA Compliant parking (see Section 6.3.E.)	5 per 1,000 sq. ft.
All indoor entertainment venues		4 per 1,000 sq. ft.
All outdoor entertainment venues		4 per 1,000 sq. ft. of indoor space plus 3 per 1,000 sq. ft. of outdoor area
All medical, hospital		4 per 1,000 sq. ft.
All office		4 per 1,000 sq. ft.
All overnight lodging		1.25 per rented lodging room
Schools / colleges		2 per classroom
Religious assembly		2 per 4 seats/8 ft. of bench
All personal service		4 per 1,000 sq. ft.
All eating and drinking establishments		8 per 1,000 sq. ft.
All retail		4 per 1,000 sq. ft.
All vehicle sales/rental		2 per 1,000 sq. ft.
Industrial Uses*		
All manufacturing	No min.	3 per 1,000 sq. ft.
All research and development		
All vehicle service and repair		
All warehouse, storage and distribution		
All waste-related service, junk/salvage yard		No max.
Open Uses		
Agriculture (not associated with a commercial use)	No min.	No max.

* Parking maximum is based on gross floor area.

3. **Maximum parking.** Where a maximum parking standard applies according to Table 3, the number of parking spaces shall not be exceeded. The maximum number of off-street parking spaces may be increased by 50% if they are constructed of porous pavement material such as grass pavers, turf blocks, pervious concrete, or porous asphalt.
4. **Offsets and incentives.**
 - a. Long-term bicycle parking substitution. The required minimum number of off-street parking spaces for a building, development, or land use may be reduced by 0.25 spaces for each long-term bicycle space provided that exceeds the requirements of Section 6.3.F.3. "Long-Term Bicycle Parking."



D) Off-Street Parking Standards.

1. **Parking space dimensions.** All off-street parking must meet the following dimensional requirements. Parking modules consisting of rows of parking accessed from aisles must also meet the requirements of 6.3.B.2.
 - a. Width. A parking space shall be a minimum of nine feet in width.
 - b. Length.
 - i. Standard Parking Space. A standard parking space shall have a minimum length of 18.5 feet.
 - ii. Overhang with Wheel Stop. When provided, the stopping edge of any curb or wheel stop must be placed no less than two feet from the end of the parking stall. Where a curb or wheel stop is provided, the overhang of a vehicle past the curb or wheel stop may be counted as part of the required parking stall depth, up to a maximum of two feet. The length of the overhang may not reduce the width of an adjacent walkway to less than five unobstructed feet.
 - iii. Alley Access. Any parking space accessed directly from any alley shall have a minimum length of 22 feet.
 - iv. Parallel Parking Space. A parallel parking space shall have a minimum length of 22 feet.
 - c. Vertical clearance. Parking spaces shall have a vertical clearance of at least seven feet.
2. **Parking module dimensions.** A parking module is a combination of parking stalls (spaces) and aisles. A module is comprised of one aisle serving a row of stalls on one or both sides of the aisle. For purposes of these regulations, a parking module is an aisle with five or more stalls on one side, or three or more stalls on both sides. Table 4 specifies the minimum widths for parking rows, aisles, and modules (see Figures 1 and 2).

Table 4 Minimum Dimensions for Parking Modules

SINGLE ROW OF PARKING	SPACE ANGLE (IN DEGREES)				
	PARALLEL	30	45	60	90
Parking space depth	9'	18'	21'	22'	20'
Drive aisle width	12'	12'	13'	18'	24'
Total module width	21'	30'	34'	40'	44'

Table 4 Minimum Dimensions for Parking Modules

TWO ROWS OF PARKING	SPACE ANGLE (IN DEGREES)				
	PARALLEL	30	45	60	90
Parking space depth	9'	18'	21'	22'	20'
Drive aisle width	12'	12'	13'	18'	24'
Total module width	30'	48'	55'	62'	64'

FIG. 1 Single-row Parking Module

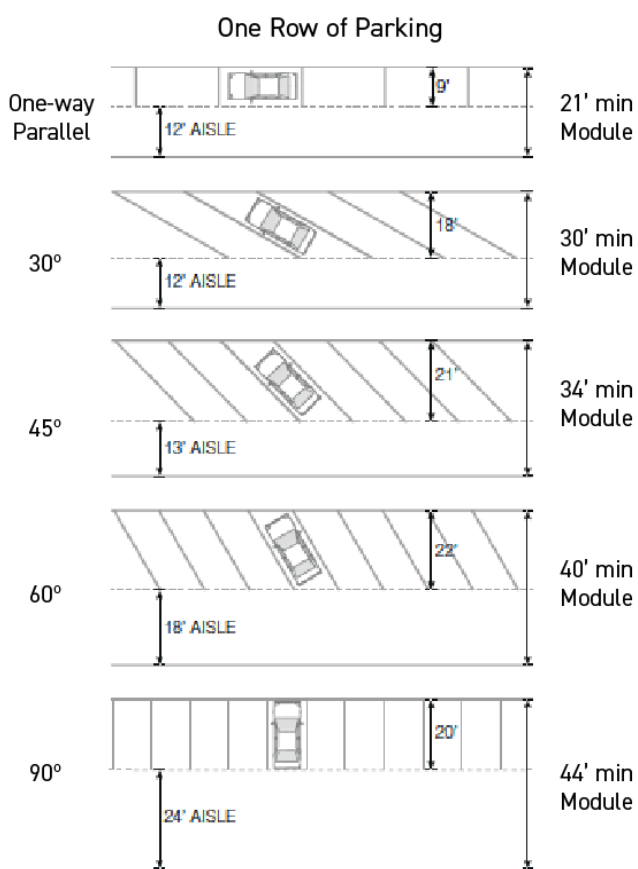
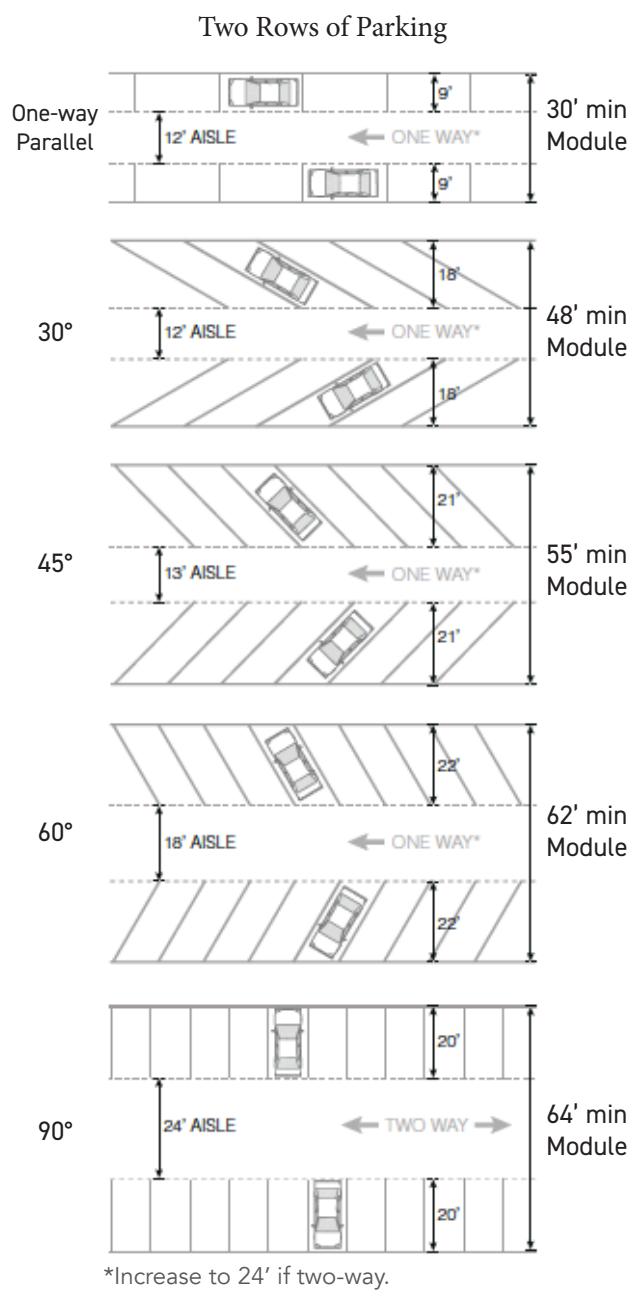


FIG. 2 Two-row Parking Module



E) **Accessible Parking.** If off-street vehicle parking is provided, accessible parking spaces must also be provided in accordance with the requirements of the Americans with Disabilities Act (ADA). If off-street parking is not required or provided accessible parking in compliance with ADA may be required by Missoula County Public Works Department.

F) **Bicycle Parking.**

1. Bicycle parking shall be provided in accordance with the following:

Table 5 Bicycle Parking Requirements

PRINCIPAL USE	MINIMUM BICYCLE PARKING SPACES
Multi-household dwellings	1 long-term space per home; 1 short-term space per home
Schools and educational facilities	1 space per 8 students
Office and industrial uses	1 space per 10,000 square feet of gross floor area
Any other uses with parking areas	1 space per 3,600 sq. ft. of building or structure area

2. **General standards.**

- a. Bicycle parking shall be securely-anchored bicycle racks, bicycle lockers, restricted access bicycle enclosures, or similar secured facilities.
- b. Bicycle parking spaces shall include clear and maneuverable access.
- c. No bicycle rack shall encroach into a required sidewalk or pedestrian walkway.
- d. Bicycle parking shall be located within 150 feet of the primary pedestrian entrance to a building. When there is more than one building on a site, or a building has more than one primary entrance, the bicycle parking shall be proportionally distributed to serve each entrance.
- e. If the bicycle parking is located outside, the bicycle parking areas shall be paved or surfaced with alternative materials as follows:
 - i. Reinforced grass parking systems; or,
 - ii. Ring and grid systems used in conjunction with grass, pervious concrete, or permeable pavers.
- f. Bicycle parking areas shall be connected to a required internal pedestrian circulation network.

3. **Long-term bicycle parking.** Long-term bicycle parking shall meet the following standards:

- a. Be protected from weather and access by unauthorized persons.
- b. Consist of racks or lockers anchored so they cannot be easily removed, and facilitate easy locking without interference from or to adjacent bicycles.
- c. Be of solid construction, resistant to rust, corrosion, hammers, and saws.

- d. Be accessed from outside the home.
- e. Be designed to have a minimum dimension of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet.

G) Shared Parking.

1. **Applicability.** Shared parking is permitted for any lot with a mix of uses, or between abutting lots that can demonstrate that the minimum parking requirements for all uses can be met and the maximum parking for all uses is not exceeded.
2. **General standards.**
 - a. Parking spaces for any use shall not be located further than three hundred feet (300') from the primary entrance to each use, as measured by accessible pedestrian paths or sidewalks.
 - b. Shared parking shall require the recording of a perpetual easement and agreement for maintenance between property owners for the parking and driving areas and any required landscaping. These documents shall be recorded prior to issuance of a Final Certificate of Zoning Compliance.

H) Vehicle Loading.

1. **Applicability.** Non-residential uses with operations that include loading or unloading of goods, materials, items, or stock for delivery or shipping shall be required to provide one loading area either on-site or along the curb of the abutting street or internal drive, subject to Public Works Department

approval.

2. General standards.

- a. The minimum dimensions of a loading area required by these regulations is:
 - i. Width of 12 feet;
 - ii. Depth of 25 feet; and,
 - iii. Overhead clearance of 14 feet.
- b. When located on-site, a loading area shall be:
 - i. Located to the side or rear of the building and adjacent to the loading doors;
 - ii. Arranged to have safe and convenient access to a street, but in no case shall the loading area extend into the required aisle of a parking area;
 - iii. Located a minimum 100 linear feet from a Residential district or use; and,
 - iv. Screened according to the requirements of Section 6.4.F.3. "Screening and Buffering."

6.4 LANDSCAPING AND SCREENING

A) Purpose. This section is intended to provide standards for the landscaping and screening of property that:

1. Establish an attractive landscaped edge and screening adjacent to street right-of-way and residential development.



2. Preserve existing vegetation, maintain the tree canopy, reduce heat island effects, and improve air quality.
3. Provide opportunities for planting of native vegetation, reduce damage to ecosystems from noxious weeds and invasive species, and encourage pollinator food-source species.
4. Promote and enhance the community's appearance as viewed from the public realm.
5. Improve site permeability and reduce stormwater runoff.
6. Incorporate required water quality and stormwater management features into the overall site and landscape design that is attractive and serves as a positive part of an integrated landscape design.
7. Mitigate visual impacts on surrounding properties, open spaces, and rights-of-way arising from roof-top mechanical equipment, outdoor storage of materials and waste, surface parking lots, and other similar outdoor uses and activities.

B) Applicability.

1. Unless otherwise stated, the landscaping requirements of this section apply to all lots and project sites as follows:
 - a. Any new development or change in use in a Residential, Mixed-use, or Industrial district, including any residential development in Residential or Mixed-use districts which results in three or more total dwelling units on a single lot or project site;

- b. Additions to existing structures where the gross floor area of the structure is increased by 50 percent or more of its original footprint, or where a use is expanded by 50 percent or more of its original area on a lot or project site; and,
 - c. Whenever the area of an existing surface parking lot is expanded or when a new parking lot is constructed.
2. **Exceptions.** A parcel or project site is exempt from these requirements when:
 - a. The existing building or site is undergoing repair or maintenance, provided there is no increase in gross floor area or expansion of the use areas original footprint.
 - b. A change in use where the use-specific conditions established in Chapter 5 do not require additional landscaping, provided the increase in gross floor area or expansion of the use area's original footprint is less than 50 percent.
 - c. Residential development resulting in less than 3 dwelling units on a single parcel or project site.

C) General.

1. **Landscaping required.** Required on-site landscaping includes:
 - a. Street frontage landscaping per Section 6.4.F.1.;
 - b. Parking lot landscaping per Section 6.4.F.2.; and,

- c. Screening and Buffering, where applicable, per Section 6.4.F.3.
2. **Native landscaping and xeriscape required.** A minimum of 25 percent of the landscaped area required on a site shall consist of native plant materials and/or xeriscaping, except where existing non-native trees and vegetative cover are retained entirely undisturbed and encompass more than 75% of the required landscaped area. Native landscaping and xeriscaping shall consider fire-wise standards set forth in [Fire-Resistant Plants for Montana Landscapes](#) and incorporate tree and shrub species identified in the [USDA's Conservation Trees and Shrubs for Montana](#).
3. **Maintenance.**
 - a. All landscaped areas required by these regulations shall be continuously maintained by the property owner, their successor, heirs, and assignees.
 - b. Maintenance means all actions necessary to keep landscaping materials healthy, neat and orderly in appearance, and free of litter and debris, including necessary watering, weeding, pruning, pest control, and replacement of dead or diseased plant materials or damaged fences or walls. In order to meet this requirement, landscaped areas may require the installation of a properly designed irrigation system.
 - c. Native landscaping and xeriscaped areas are exempt from the irrigation requirements of this section.
4. **Replacement of planting material.**
 - a. Replacement of dead or diseased plant material shall be of the same type of plant material in the approved landscape plan.
 - b. Replacement of dead or diseased plant material shall occur during the growing season following the event that caused the death or disease to occur. The growing season is generally viewed as the time period between April 1 to October 1 of each year. In no event shall replacement take longer than one calendar year.
5. **Landscape plan.** A landscape plan must be submitted as part of an application for a Zoning Compliance Permit and shall contain the following:
 - a. Identification and description, location, and dimension of all landscaped areas required by these regulations, including trees, shrubs, and other plant and non-living landscape materials, and landscape materials meeting the native species and xeriscape requirements of these regulations.
 - b. The location of riparian resource protection areas and buffers (as required in Section 7.4. "Riparian Resource Protection."
 - c. Existing trees, including tree canopy coverage, to be preserved.
 - d. A description of the proposed irrigations systems required



- e. A maintenance plan for all landscaped areas required by these regulations.

D) Tree preservation.

1. Applicability.

- a. During construction or demolition of any structure or use subject to landscaping requirements in a Residential or Mixed-use district, any established tree not otherwise diseased or decayed and located within the front or street-side setback areas of the lot shall be preserved.
- b. Preservation of existing trees may count toward landscaping requirements of these regulations.

2. Preservation measures. To protect an established tree from damage or destruction and to enhance the tree's chance of survival after construction activities are completed, the property owner shall take and maintain the following measures throughout demolition or construction activities:

- a. Erect and maintain temporary fencing surrounding the area beneath the tree canopy to mitigate the chance of impact injuries to the tree during demolition or construction;
- b. Refrain from operating construction equipment or storing construction materials beneath the canopy of the tree or engaging in other activities that would cause the undue compaction of the soil in the tree's root zone; and,
- c. Refrain from any excavation

beneath the tree's canopy that would cause undue destruction of the tree's roots.

- 3. **Exceptions.** If, to comply with the standards for landscaping of off-street parking areas and the off-street parking requirements, it appears necessary to remove mature, existing trees, the Zoning Officer may allow reasonable reductions through a minor waiver request in either (1) the size of required landscaped areas (to accommodate the required parking), or (2) the number of required parking spaces.
- 4. **Restoration.** Whenever a property owner violates this section's provisions and removes an existing tree from the front or street-side setback, the tree shall be replaced with a tree (or trees) approved by the Zoning Officer in consultation with the Parks, Trails and Open Lands Division.

E) Landscaping Materials. The following materials are allowed and shall meet the stated size specifications at the time of planting.

1. Live plant materials.

- a. Deciduous trees at least two-inch caliper measured four inches above the ground;
- b. Ornamental and flowering trees at least 1.5 inches caliper measured four inches above the ground;
- c. Evergreen trees at least five feet tall;
- d. Evergreen spreaders and broadleaf evergreens five-gallon size minimum, with spreads no less than 18 inches;

- e. Shrubs five-gallon size minimum, with heights no less than two feet
 - f. Vines and ornamental grasses one gallon in size, minimum;
 - g. Ground cover;
 - h. Turf or sod; and,
 - i. Other similar quality and size live plant material.
2. **Non-living landscaping materials.**
- a. Organic mulch (including wood chips and bark);
 - b. Sand or similar permeable material;
 - c. A minimum of two inches of tumbled glass, rock, gravel or stone that allows for permeability; or,
 - d. Hardscaping materials, for decorative or practical purposes which allow for permeability, such as walkways, patios, retaining walls, arbors, firepits/fireplaces, fountains, columns, gazebos, pergolas, benches, planters, and continuous or meandering fences/walls less than 4 feet tall.
3. **Prohibited landscape species and materials.**
- a. In addition to the noxious weeds and invasive species listed on the [Montana Department of Agriculture's State Noxious Weed List](#), the species listed in Table 6 are prohibited in required landscape areas.

Table 6 Prohibited Landscaping Species

COMMON NAME	SCIENTIFIC NAME
Russian olive	<i>Elaeagnus angustifolia</i>
Saltcedar	<i>Tamarix spp.</i>
Scotch broom (and other kinds of brooms)	<i>Cytis scoparius</i>
Yellow sweet clover	<i>melilotus officinalis</i>
White sweet clover	<i>melilotus albus</i>
Norway Maple	<i>Acer platanoides</i>
Boxelder	<i>acer negundo</i>
Dames rocket	<i>Hesperis matronalis</i>
Oriental poppy	<i>Papaver orientale</i>
Japanese honeysuckle	<i>Lonicera japonica</i>
Most other non-native honeysuckles	<i>L. tatarica, L. amur</i>
Baby's breath	<i>Gysophila paniculate</i>
Smooth brome	<i>Bromus inermis</i>
Crested wheat grass	<i>Agropyron cristatum</i>
Woolly mullein	<i>Verbascum thapsus</i>
Bird vetch	<i>Vicia cracca</i>



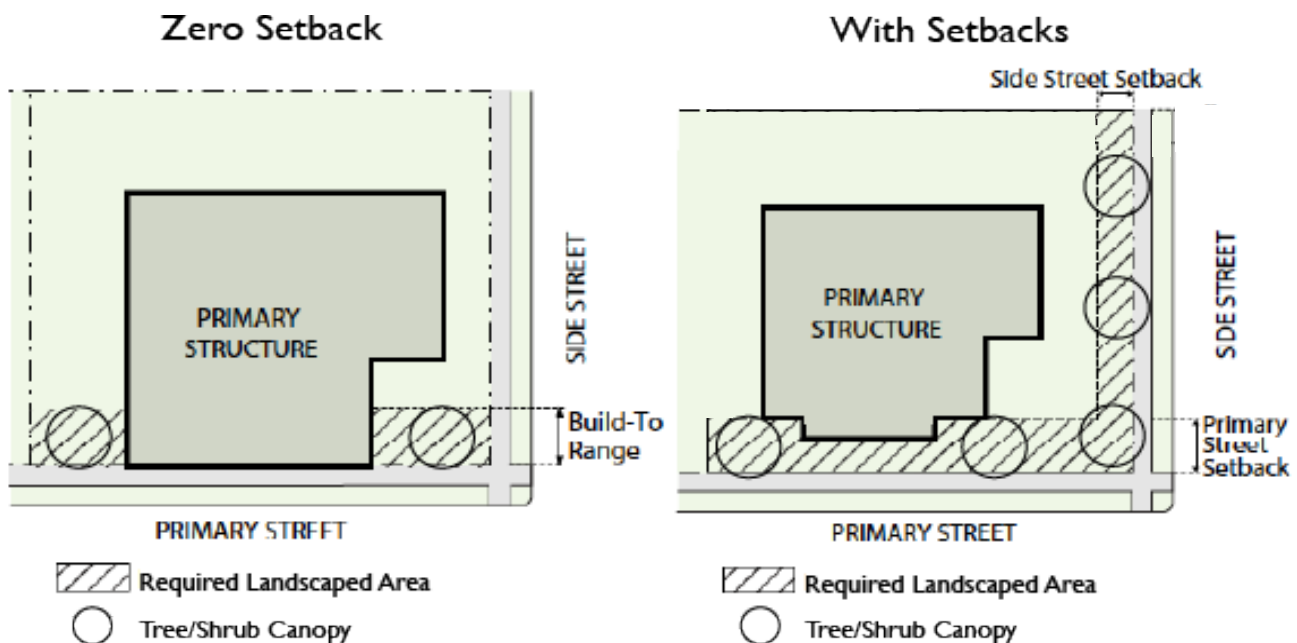
F) Landscaping Standards.

1. Street frontage landscaping

a. General.

- i. A minimum of 50 percent of the required street frontage landscaped area, exclusive of driveways, shall be landscaped with live ground cover material, and the remaining 50 percent shall be landscaped with either live or non-live landscaping material, according to Section 6.4.E. "Landscaping Materials."
- ii. The required street frontage landscaped area shall encompass all unimproved areas within a required setback and build-to zone, where applicable, adjacent to all streets, not including interstate freeways. The required landscaped area for a district with a build-to-zone shall encompass the maximum extent of the build-to-zone range (see Figure 3).
- iii. For the purpose of this section, an unimproved area means an area not occupied by a building (or structure or building element attached to the ground), pedestrian walkway, off-street parking, a permanent outdoor amenity such as an eating or drinking area, or areas required by the County or these regulations to be kept free of landscaping.

FIG. 3 Landscaping Location (except Industrial Districts)



b. Street frontage trees

- i. Trees required in street frontage landscaped areas shall be planted on-site at a rate of one tree for every linear 30 feet of street frontage or fraction greater than one half (15'). Tree spacing may vary, but the distance between trees shall not exceed 40 feet, except where building placement is within 15 feet of a street frontage property line, in which case trees may be placed elsewhere within the street frontage landscape area or in the right-of-way, with approval from the appropriate jurisdiction.
- ii. Existing healthy trees located within the required street frontage landscape areas shall be credited toward this requirement, provided they meet the landscaping material standards in Section 6.4.E. "Landscaping Materials."
- iii. Trees and shrubs in any Mixed-use district may be located in planters.
- iv. Street frontage trees that cannot meet the required 15' spacing requirement can be placed elsewhere on the project site area at the discretion of the Zoning Officer.

2. Parking lot landscaping.**a. Applicability.**

- i. Parking lot landscaping includes interior and perimeter landscaping and is required for all paved off-street surface vehicle parking areas with more than ten spaces. Underground and covered parking areas, including all levels of parking structures, are not required to provide parking lot landscaping.
- ii. When a parcel or a project site contains multiple separate parking areas that are connected with drive lanes, the configuration shall be considered a single parking area for the purpose of these regulations.

b. General.

- i. Required landscaping and trees shall be sited, in compliance with Section 4.7. "Sight Triangle" to achieve maximum shading of parked vehicles, pedestrian walkways, and respite areas.
- ii. On-site drainage shall be incorporated into parking lot landscaped areas to the maximum extent feasible

c. Surface parking lot perimeter landscaping.

- i. The standards in Table 7 below shall be applied to parking lot perimeters within a Residential district where an off-street parking area abuts a residential use or zoning district, unless separated by an alley.
- ii. The standards in Table 8 below shall be applied adjacent to the boundary of any surface parking lot along the entire parking lot perimeter, excluding driveways, within a Mixed-use or Industrial district.
- iii. Perimeter parking lot landscaping is not required adjacent to buildings or when buildings are separated from parking areas by a walkway.



Table 7 Parking Lot Perimeter Landscaping Standards, Residential Districts

ZONING DISTRICT	PARKING LOT PERIMETER LANDSCAPING REQUIRED DEPTH	PLANTING REQUIRED	FENCE REQUIRED
Residential, (R)	5'	One minimum 6' tall at planting deciduous tree for every 30 feet of linear frontage. Tree spacing may vary, but distance between trees may not exceed 40 feet. Non-living landscaping materials meeting the standards in Section 6.4.E. can make up no more than 20% of the parking lot perimeter landscaping.	N/A
Residential, Medium (RM)	5'		
Live/Make (LM)	5'		
Neighborhood Residential (NR)	5'		

Table 8 Parking Lot Perimeter Landscaping Standards, Mixed-Use and Industrial Districts

ZONING DISTRICT	PARKING LOT PERIMETER LANDSCAPING REQUIRED DEPTH	PLANTINGS REQUIRED	SCREENING REQUIRED
Neighborhood Center (NC)	6'	Live plant material meeting the standards in Section 6.4.E., including one minimum 6' tall at planting deciduous tree for every 30 feet of linear frontage. Tree spacing may vary, but the distance between trees may not exceed 40 feet. Non-living landscaping materials meeting the standards in Section 6.4.E. can make up no more than 20% of the parking lot perimeter landscaping.	A minimum 4' tall opaque fence, wall, landscaping, and/or an earth berm with plantings in compliance with Section 6.4.F.3. "Screening and Buffering" shall be installed along parking lot perimeters that are adjacent to Residential districts, residential uses, parks, trails, and open space lands, not including property boundaries adjacent to an alley.
Commercial Center (CC)	15'		
Civic Employment Center (CEC)	10'		
Industrial Center, Light (ICL)	5'		
Industrial Center, Heavy (ICH)	10'		

d. Surface parking lot interior landscaping standards.

Table 9 Surface Parking Lot Interior Landscaping Standards

SURFACE PARKING LOT SIZE	LANDSCAPED AREA REQUIRED	PLANTINGS REQUIRED WITHIN INTERIOR LANDSCAPED AREA	DESIGN REQUIREMENTS FOR INTERIOR LANDSCAPED AREA
10 parking spaces or less	No requirement		
11-100 parking spaces (See Figures 4 and 5)	Landscaped area equal to at least 5% of the gross square footage of the area of surface parking stalls, exclusive of circulation drives, shall be provided.	<ul style="list-style-type: none"> • The parking lot interior shall be landscaped with 50% live planting material and the remaining 50% with either live or non-live material in compliance with Section 6.4.E.; and, • For every 50 linear feet of double-loaded parking rows, or portions thereof, at least one deciduous tree, minimum 6' tall at time of planting, shall be installed in the parking lot interior landscaped area. 	<ul style="list-style-type: none"> • Minimum width: 6' • Maximum row length: 15 contiguous parking stalls • Landscape areas must be within or immediately adjacent to the parking rows and may be in a strip along the center of a double-loaded row or in one or more islands at the ends or interspersed between parking rows and stalls. • A landscaped area along the center of a double-loaded row may serve as the required pedestrian walkway location if the minimum width is increased to 9 feet.
101 or more parking spaces (See Figure 6)	A landscaped area equal to at least 10% of the gross square footage of the area of surface parking stalls, exclusive of circulation drives, shall be provided.	<ul style="list-style-type: none"> • The parking lot interior shall be landscaped with 50% live planting material and the remaining 50% with either live or non-live material in compliance with Section 6.4.E.; and, • For every 200 square feet or part thereof of required parking lot interior landscaped area, at least one deciduous tree and 2 shrubs shall be included in the required parking lot interior landscaped area. 	<ul style="list-style-type: none"> • Minimum width: 6' • Maximum row length: 15 contiguous parking stalls • A landscaped area along the center of a double-loaded row may serve as the required pedestrian walkway location if the minimum width is increased to 9 feet.



FIG. 4 Surface Parking Option A

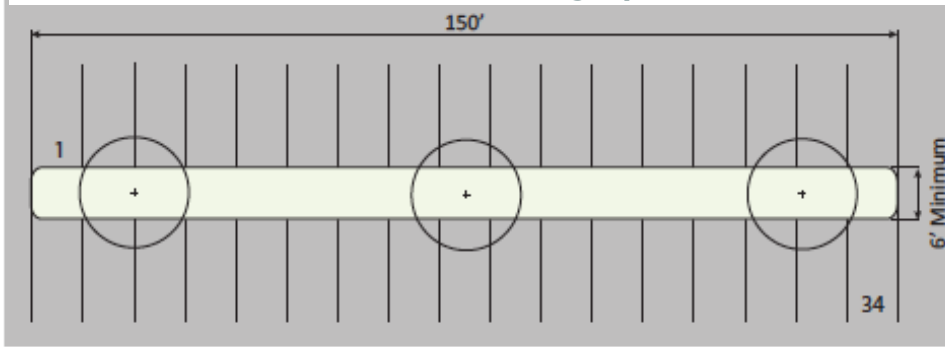


FIG. 5 Surface Parking Option B

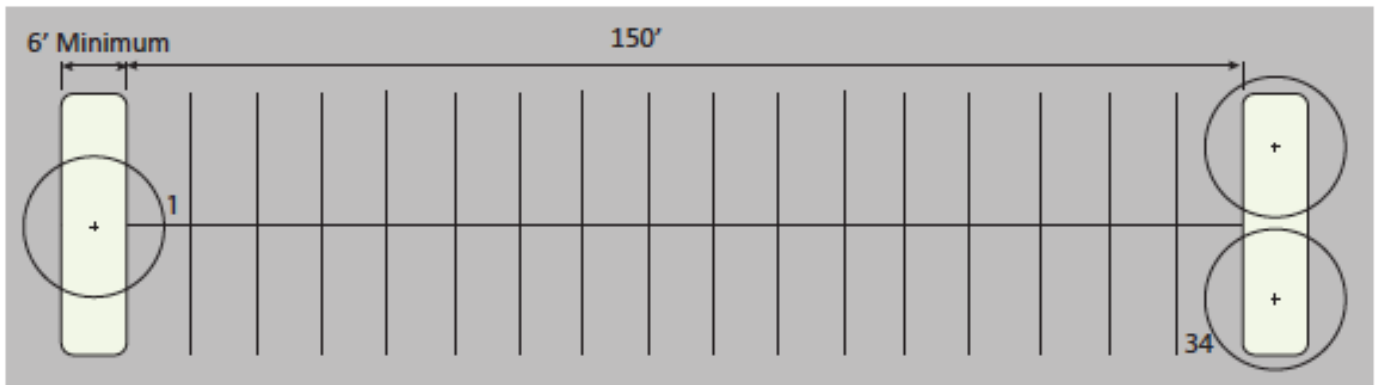
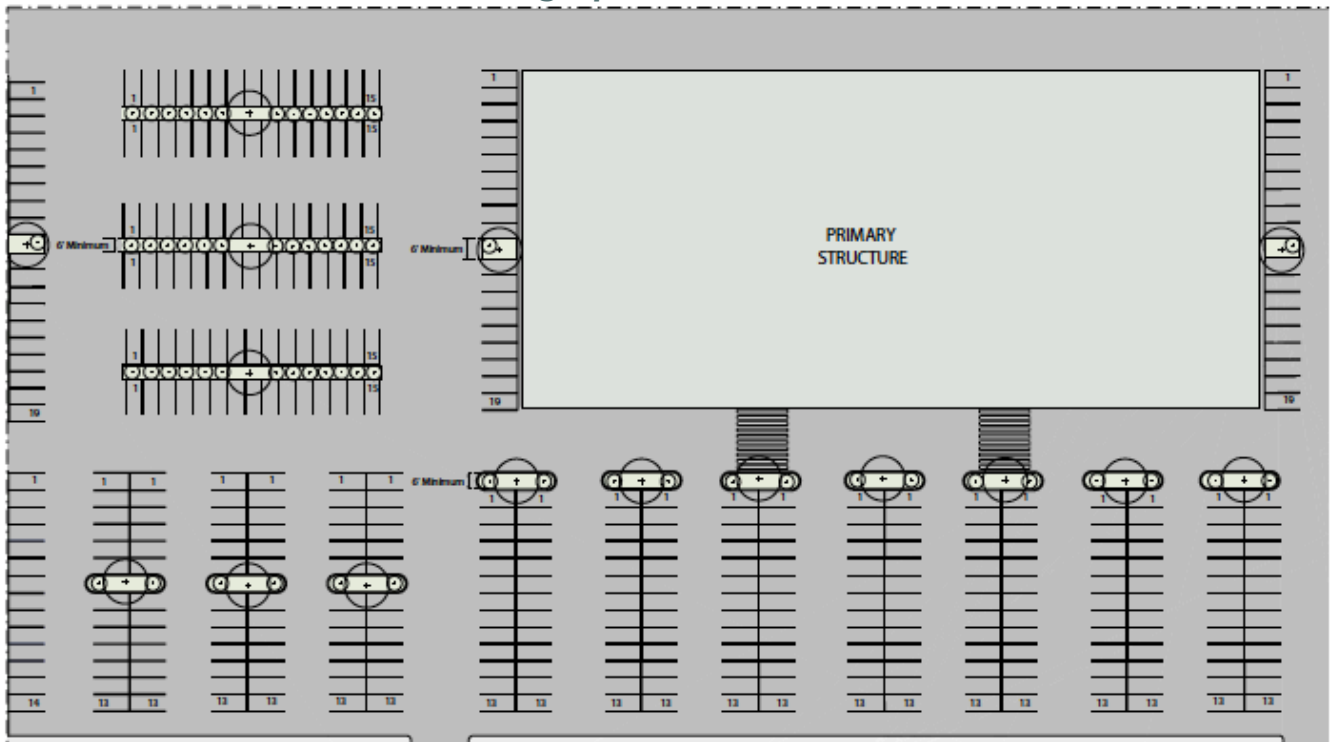


FIG. 6 Surface Parking Option C



- Required Landscaped Area
- + Required Trees
- ⊙ Required Shrubs

3. Screening and Buffering

a. Applicability

- i. Wherever these regulations require screening as a condition or limitation on an activity or use, such screening shall consist of landscaping, fences, and/or walls of a design and density adequate to visually screen the use or activity as required by Table 10 below.
- ii. In addition to the requirements of this section, landscaping, fence, and wall materials required for screening shall comply with the applicable material requirements set forth in Sections 6.4.E. "Landscaping Materials" and 6.4.F.3.e. "Fence and Wall Standards."
- iii. Required screening shall be a minimum of six feet tall unless otherwise stated.

b. **General standards.** Table 10 prescribes the screening required by use and by district, along with any exceptions to these standards.

Table 10 Screening Standards

USE/DISTRICT	SCREENING REQUIRED	TYPE OF SCREENING	EXCEPTIONS
Loading/unloading areas – Open air	Along any adjacent property, street, park, trail, open space land, sidewalk, or right-of-way (excluding alleys).	Fences, walls, berms, landscaping, or a combination thereof, providing an opaque screening year-round.	These requirements do not apply when a loading/unloading area is less than 50 square feet in size
Loading/unloading areas - Enclosed		Garage door or similar.	
Drive-through windows and lanes	Along any adjacent property, street, alley, park, trail, open space land, sidewalk, or right-of-way.	Fences, walls, landscaping, or a combination thereof, provided that opaque screening is present year-round.	These requirements do not apply to walk-up only service windows
Homeless shelter and meal center	Along any adjacent Residential district or residential use.	Fences, walls, berms, landscaping, or a combination thereof, provided that opaque screening is present year-round.	These requirements do not apply when the use area is less than 50 sq. ft. in size
Dog kennels, outdoor runs			
Outdoor sales and display			
Sports fields and performance areas			



Table 10 Screening Standards

USE/DISTRICT	SCREENING REQUIRED	TYPE OF SCREENING	EXCEPTIONS
Outdoor storage	Along any adjacent property, street, park, trail, open space land, sidewalk, or right-of-way (excluding alleys).	Solid fence or wall.	
Outdoor trash and recycling collection and storage areas (when accessory to multi-household dwellings and non-residential uses)		Areas shall be located behind any street-facing facade of the principal structure on a lot. Areas shall be fully enclosed by screening, except that one side may contain an opening (e.g., gate) for access.	
Industrial uses and districts	Where an Industrial district abuts a Residential or Mixed-use district.	Fences, walls, berms, landscaping, or a combination thereof, providing screening that is present year-round per Section 6.4.F.3.f. "Screening and Buffering for Industrial Districts."	When fences are installed along a frontage to meet the screening requirement, they may exceed the maximum 20% opacity allowed by Table 11 "Fence and Wall Standards" in Section 6.4.F.3. (to a maximum of 75% opacity)
Travel plaza/truck stop	Along any adjacent Open Land and Agricultural, Residential, or Mixed-use district, and along any adjacent residential land use, park, trail or open space land	Fences, walls, berms, landscaping, or a combination thereof, providing an opaque screening is present year-round.	
Open air storage			
Junk & salvage yard			
Waste and recycling facilities			
Mini-warehouse (when located in a Mixed-Use district)			
Roof-mounted mechanical or utility equipment	Along the ground-level view from adjacent property and adjacent street right-of-way (excluding alleys).	Opaque fence or wall.	Screening height may be less than 6' if it effectively screens the mechanical or utility equipment
Wall or ground-mounted mechanical or utility equipment	Along or within 50 feet of an adjacent street right-of-way (excluding alleys).	Fences, walls, landscaping, or a combination thereof, provided that opaque screening is present year-round.	Screening height may be less than 6' if it effectively screens the mechanical or utility equipment

c. Landscape buffer standards.

- i. When landscaping is required per Table 10 above, by condition of approval, or by these regulations, it shall include primarily live plant material as listed in Section 6.4.E. "Landscaping Materials" to adequately separate adjacent land uses, providing a six-foot-tall visual buffer of 50% opacity at time of planting or installation.
- ii. It may also include non-living landscaping material listed in Section 6.4.E.
- iii. Unless otherwise stated, a required landscape buffer shall be a minimum of 10 feet deep.

d. Landscape berm standards.

The following standards shall apply to all constructed earth berms as part of required landscaping and screening per Table 10 above.

- i. Berms shall be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site.
- ii. Berms shall be planted live plant material, including ground cover and shrubs as provided for in Section 6.4.E. "Landscaping Materials." No berm shall consist entirely of turf grass, vegetative ground cover,

mulch or similar material.

- iii. Landscape berms shall have a maximum height of four feet, a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1).
 - iv. Berms with plantings shall not extend more than eight feet above grade, inclusive of all vegetation except trees which may exceed this maximum height.
 - v. No structures, including fences, shall be placed on a berm unless approved as part of the landscaping plan.
 - vi. Berms shall not be used for the display of vehicles or other merchandise.
 - vii. Berms shall be designed to prevent standing water and not impede the flow of stormwater from adjacent properties.
 - viii. Berms shall be fully installed, planted, stabilized and a plan for maintenance established prior to issuance of a Final Certificate of Zoning Compliance.
- e. Fence and wall standards.**
- The following standards shall apply to all fences and walls installed as part of required screening per Table 10 above or when a fence or wall is subject to a building permit.



- i. No wall or fence shall be constructed within a public utility easement or right-of-way unless granted permission by the applicable agency.
- ii. Unless otherwise permitted by these regulations, fences and walls shall only be constructed of one or more of the following materials:
 - a) Wood
 - b) Brick, stone, or cast stone
 - c) Stucco over standard concrete masonry blocks
 - e) Glass block
 - f) Wrought iron or decorative metal
 - g) Composite fencing
 - h) PVC Vinyl
 - i) Other material approved by the Zoning Officer
- iii. Concertina wire, corrugated or sheet metal, salvaged doors, tires, car doors, or other similar discarded materials are prohibited from use as fencing materials in all districts.
- iv. The maximum length of a continuous, unbroken, and uninterrupted permanent fence or wall plane shall be 100 feet. Breaks shall be provided by using columns, landscaped areas, transparent sections, or a change in material.
- v. Table 11 prescribes height and location standards for fences and walls subject to these regulations. Fence and wall height shall be measured from natural grade to the highest point of the fence or wall above that grade.

Table 11 Fence and Wall Standards

ZONING DISTRICT CLASSIFICATION	MAXIMUM HEIGHT			MATERIALS
	IN THE FRONT OR STREET-SIDE SETBACK*	IN THE SIDE OR REAR SETBACK	OUTSIDE OF SETBACK	EXCEPTIONS
Open Land and Agricultural Districts	4'	6'	8' when designed to exclude deer or elk from residential gardens, provided there are no gaps more than 18 inches between horizontal fence components, no barbed wire is used, and the top rail is highly visible (flags may be used).	Barbed wire, in addition to those materials permitted in Section 6.4.F.e.ii
Residential and Mixed-Use Districts	4'	6'	6'	N/A
Industrial Districts	6'; or 7' when open fence, such as chain link or mesh is installed with not more than 20% opacity.	7'	10'	Chain link and barbed wire fencing is permitted, in addition to those materials permitted in Section 6.4.F.e.ii

* Including along side property lines in this portion of the street side yard.

- f. **Screening and buffering for Industrial Districts.** Where an Industrial district abuts a Residential or Mixed-use district, a combination of landscaping, screening, and additional setbacks are required according to the following.
 - i. A 30-foot wide buffer is required in all yards on the subject property or project area that abut a Residential or Mixed-use district. The 30-foot buffer shall include the following:
 - a. A landscaped screen meeting the requirements of 6.4.F.3.c. shall be located along the property boundary; or



- b. Screening using a fence or wall per 6.4.F.3.e. or a landscape berm per 6.4.3.d. which is at least 6 feet in height. The screen, fence, wall, or berm shall be located outside the 15-foot wide landscaped buffer.
- ii. In the Industrial Center, Heavy district (ICH), a setback of 20 feet applies in addition to the 30-foot wide buffer. No structures or uses are allowed in the 20-foot setback except for improvements related to access and circulation, and parking and loading.

6.5 OUTDOOR LIGHTING

A) Applicability.

1. The requirements of this section apply to all new outdoor light fixtures, including street lighting, in the County installed after the effective date of these regulations, with the following exceptions:
 - a. Uses in Open Land and Agricultural districts.
 - b. Single and two-household dwellings.
2. The requirements in this section shall also apply to the expansion,

COMMENT: Any light mounted on a pole or feature more than 8' above ground is required to obtain a building permit and/or an electrical permit through the Missoula County Public Works-Building Division.

alteration, or redevelopment of existing structures or land use areas, under the following conditions:

- a. When there is a change to the primary use of the property.
 - b. When an existing building or structure is expanded in size by 25 percent or more;
 - c. When the area of an existing parking area is expanded in size by 25 percent or more;
 - d. When an existing outdoor use or activity area (e.g., outdoor storage, vehicle sales) is expanded in size by 25 percent or more.
 - e. The stated thresholds in items b., c. or d. apply to a single addition or cumulative additions occurring after the effective date of these regulations.
3. Light fixtures installed before the effective date of these regulations which do not comply with the requirements of this section may continue as nonconforming light fixtures without any time limit for as long as they remain unchanged, unless operation of such fixtures constitutes a safety hazard. The following exceptions will initiate a process of voluntary compliance pursuant to Section 12.6 to notify the property owner that the light fixture does not comply with this section and that the fixture(s) shall be replaced or shielded within

COMMENT: Service connections for all freestanding lighting fixtures must be installed underground.

one year after the date of the first notice. Noncompliance may result in enforcement pursuant to Chapter 12.

- a. Public complaints regarding a light fixture containing one or more unshielded flood lamp rated 880 mean lumens or greater, with or without a motion sensor, or
 - b. Public complaints regarding a light fixture generally used as a pole- or building-mounted high-pressure sodium (HPS), mercury vapor, or metal halide light with a dropped, unshielded diffuser.
4. Whenever an existing light fixture is changed or replaced, including the mounting type or location, the lamp, ballast, starter, photo control, housing, lens, or other components of a light, the lighting fixture shall comply with the requirements of this section even if the original lighting fixture was purchased and/or installed before the effective date of these regulations.
- a. Replacement of a singular fixture within an assembly or group of singular fixtures may be the same as existing unless such replacements are no longer available. In such cases, the replacement fixture shall comply with these regulations.
 - b. Routine maintenance of light fixtures is exempt from this section.

B) Exempted Light Installations. The following outdoor light fixtures are exempt from the requirements of this section:

1. All lighting required by state or federal agencies.
2. Seasonal displays using multiple low wattage bulbs (approximately fifteen lumens or less), provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.
3. Lighting used during an emergency.
4. Light fixtures attached to a multiple-household residential building which are less than 2,000 lumens and mounted below the eave.
5. Lighting placed underwater to illuminate swimming pools or fountains.

C) Prohibited Light Fixtures. The following outdoor light fixtures shall not be used in any lighting installation:

1. Lighting that could be confused for a traffic control device.
2. Lighting that is oriented upward, except as otherwise provided for in these regulations.
3. Blinking, flashing, moving, scintillating, flickering, changing intensity, and changing colors light fixtures not otherwise permitted by the sign regulations in Chapter 8.

COMMENT: Outdoor lighting can enhance nighttime security through the use of active controls such as timers and motion-sensing switches. Motion sensors should be adjusted according to manufacturers' specifications in terms of both trigger sensitivity and trigger duration. Trigger duration should not exceed five (5) minutes, at which point the lamp is extinguished. All-night "security" lighting should be avoided.



4. Any lamp or bulb when not within a light fixture and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting.
5. A string of lights, individual lamps larger than 45 lumens, suspended between 2 or more objects (e.g., between 2 poles) unless used only for seasonal decorations.
6. Mercury vapor light fixtures.
7. Any lighting fixture or device that is operated in such manner as to constitute a hazard or danger to persons, or to safe vehicular operation.
8. Floodlights and flood lamps;
9. Search lights, laser source lights, or any similar high-intensity light except for those used in emergencies by police and fire personnel or at their direction, or for approved temporary lighting under a special event permit issued by the County.
10. Light fixtures that lack color correction or do not allow for uniform site lighting.

D) Maintenance. Lighting installations shall be maintained to ensure ongoing compliance with the requirements of this section.

E) Measurement.

1. Unless otherwise specified, illumination shall have maintained intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IES), as from time to time amended. Illumination

levels shall be no more than 125% of the minimum IES recommended horizontal foot-candles for the given task or activity.

2. Measurements shall be made at ground level, free of snow or other obstructions, with the light-registering portion of the meter held parallel to the ground pointing up.

F) General Standards.

1. **Illumination.** Outdoor lighting shall be oriented to direct glare and illumination away from adjacent properties, street rights-of-way, and pedestrian facilities and may not result in light spillover on adjoining property in accordance with the following.
 - a. The maximum light level of any sending source fixture shall not exceed 0.5 vertical foot-candles as measured at the closest property line of a receiving Residential or Open Land and Agricultural district.
 - b. The maximum light level of any sending source fixture shall not exceed 1.0 vertical foot-candles as measured at the closest property line of a receiving Mixed-Use or Industrial district.
2. **Building-mounted light fixtures.**
 - a. Building-mounted light fixtures shall not be attached to a sloped roof and unless otherwise specified shall not exceed 20' or the height of the building, whichever is less.
3. **Pole-mounted light fixtures.**
 - a. Unless otherwise stated, pole-mounted light fixtures shall not

exceed 30' in height in Mixed-Use and Industrial districts, with the following exceptions:

- i. Pole-mounted fixtures within parking lots with fewer than 75 spaces shall not exceed 20', and
 - ii. Light fixtures located within 50 feet of a Residential or Open Land and Agricultural district boundary shall not exceed 15 feet in height.
- b. In Residential districts, pole-mounted light fixtures shall not exceed 25' or the height of the building, whichever is less, except that light fixtures located within 50 feet of property located in a Residential or Open Land and Agricultural district shall not exceed 15 feet in height.
4. Unless otherwise stated, all light fixtures must be full cutoff fixtures.
 5. Outdoor lighting fixtures may not exceed a correlated color temperature of 3000 Kelvin (K).
 6. No lighting fixture or device may be operated in such manner as to constitute a hazard or danger to persons or safe vehicular operation

G) Exterior Building Lighting.

1. Lighting may be used to accentuate an architectural or aesthetic element of a building façade, and not the entire building, as long as direct illumination is focused exclusively on the building façade element or feature and away from adjoining properties and street rights-of-way.
2. Upward-aimed illumination shall

not exceed 4,000 mean lumens per architectural or aesthetic element, shall be fully shielded, and mounted as flush to the wall as possible.

3. Lighting exceeding 4,000 mean lumens per architectural or aesthetic element shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.
4. Accent building-mounted luminous tubing (such as neon) may be used as long as only one horizontal luminous tube is located at the top of the parapet wall or at the leading roof edge of the highest roof system (eaves and rakes). Any luminous tubing installed below the parapet wall or leading roof edge of the highest roof system shall be cutoff by building appendages or shielded so that the fixture is not visible.

H) Historic, Period, or Pole Top Decorative Light Fixtures.

1. To promote a unified development theme, pole top light fixtures (also referred to as period lighting or decorative lighting) may be used under the following circumstances:
 - a. They are equipped with cutoff or semi cutoff optics;
 - b. They are no taller nor mounted higher than 16';
 - c. Lamp lumen output is no more than 17,600 initial lumens (175-watt pulse start metal halide lamp); and,
 - d. Light spillover complies with the requirements of this section.



I) Site Features. For the purposes of this section, site features may include such objects as flag poles, statues, monuments, sculptures and artwork, and plantings, among other common outdoor display objects. Site features may be illuminated, provided the following standards are met:

1. Direct illumination is focused on the site feature.
2. The light fixture lamp or lens shall be fully shielded from direct view by pedestrians and vehicular traffic.
3. Upward-aiming light fixtures shall be set back from the site feature no more than 30% of the object height nor should the light fixture be closer than 15% of the object height unless it can be demonstrated that a closer mounting of the light fixture results in less sky illumination.
4. The light fixtures shall not collectively exceed 40,000 initial lumens.

J) Outdoor Recreation Areas, Sports Fields, and Performance Areas.

1. Light fixtures shall not exceed 60 feet in height from finished grade unless approved through a Special Exception Permit in accordance with Chapter 11.
2. All fixtures must be equipped with a glare-control package, including louvers, shields, or similar devices.
3. Light fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
4. Light fixtures used to illuminate the field or performance area shall be

turned off within one hour after the last event.

K) Outdoor Vehicular Display, Parking Areas and Parking Structures.

1. Parking structures, outdoor parking areas and vehicular display areas shall be illuminated in accordance with the latest edition of the IES standards.
2. Light fixtures located on the top floor of a parking structure, which is open to the sky, shall be located a minimum of 15 feet in from the structure's external edge.
3. Light controls shall be used to reduce lighting levels by 50% in all vehicular display areas and in non-residential outdoor parking areas containing 20 parking spaces or more one hour after the business closing and no later than 12:00 a.m., whichever occurs first, until one hour before the business opens. If lighting levels are already below 50% of the permitted levels, no lighting adjustment is required.

L) Canopy Lighting. This includes lighting associated with a canopy used for vehicular shelters, such as gas stations and car washes.

1. Fixtures permitted as part of a canopy include the following as long as no light source is visible from or causes glare on streets or adjacent properties and lighting is substantially confined to the ground surface directly beneath the perimeter of the canopy:
 - a. Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.
 - b. A fixture incorporating shields

or shielded by the edge of the canopy itself, so that light is restrained to five degrees or more below the horizontal plane of the underside of the canopy.

- c. Surface-mounted fixtures incorporating a flat glass that provides a cutoff design or shielded light distribution.
- d. Surface-mounted fixtures measuring no more than two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.
- e. Indirect lighting where light is beamed upward and then reflected down from the canopy's underside provided the fixture is shielded so that direct illumination is focused exclusively on the canopy's underside.

M) Externally Illuminated Sign Lighting.

Lighting fixtures illuminating signs shall comply with the provisions of Section 8.3.H. and any other applicable standards found in Chapter 8.

N) Street Lighting. The following standards apply to street lighting in public and private road rights-of-way; however, these standards do not apply to traffic signals and other traffic safety and control devices.

- 1. Mercury vapor bulbs or lamp shall not be installed in street lights after the effective date of these regulations.
- 2. Street light fixtures installed after the effective date of these regulations shall not be mounted any higher than 30' above finished

grade. Where a street width is such that a fixture mounted at 30' precludes proper illumination, such lighting shall be mounted no higher than 45' above finished grade. The owner of the lighting shall demonstrate via photometric calculations the need for this deviation from the 30' mounting height limitation.

O) Application Procedures and Review

- 1. An outdoor lighting plan prepared by a lighting professional as defined in Chapter 13 is required for all new outdoor lighting installations. A lighting plan prepared by a lighting professional shall include at least the following information, if applicable:
 - a. Fixture manufacturer specification sheets, cut-sheets, catalog sheets, or manufacturer-provided information for all proposed outdoor fixtures showing compliance with the provisions of these regulations.
 - b. A drawn site plan showing light fixture locations, light fixture types, mounting heights, and aiming instructions as required providing a clear expression of the proposed outdoor light fixture installation design.
 - c. An iso-foot candle plot or contour drawing showing calculated light levels for the area of proposed work. The iso-foot candle plot shall extend no less than 10 feet beyond the property line and to the middle of the street to indicate compliance with light spillover requirements of these regulations.



- d. If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, calculated average, peak, and minimum vertical foot candles in the illuminated area, and the proposed aiming direction of the light fixture(s). The submittals must indicate how light is to be controlled for compliance with the exterior building illumination section of these regulations.
 - e. Any other information necessary to determine compliance with these regulations.
2. For modification or retrofit of existing outdoor lighting systems or replacement of fixtures in an existing lighting system, except for replacement of a single fixture pursuant to Section 6.5.A.4.a., a lighting plan shall include the following information, if applicable:
 - a. Fixture manufacturer specification sheets, cut-sheets, catalog sheets, or manufacturer-provided information for all proposed outdoor fixtures showing compliance with the provisions of these regulations.
 - b. A description of the proposed lighting system change. The description may be a plan, a drawing, or a written description.
 - c. Any other information necessary to determine compliance with these regulations.

6.6 NOISE & VIBRATION

A) Purpose. Certain noise or vibration levels are detrimental and contrary to public health, welfare, and safety. These standards are intended to protect from unnecessary, excessive, and unreasonable noise and vibration from fixed sources in the community which are prolonged, unusual in their time, place, or use, and are detrimental to public health, safety, comfort, convenience, and enjoyment of property.

B) Applicability

1. The requirements of this section apply only to fixed noise or vibration sources, such as speakers/amplifiers, machinery, pumps, fans, compressors, air conditioners, and refrigeration equipment.
2. The requirements of this section shall not apply to any mobile noise or vibration source, such as vehicles and hand-held power equipment.

C) Measurements.

1. All noise or vibration measurements shall be taken at the closest point to the noise or vibration source on the adjacent property or any other property affected by the noise or vibration.
2. Sound levels shall be measured in decibels by the use of the "A" frequency weighted (dB(A) or dBA) and "fast" time averaging, with a sound level meter which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute (ANSI) specifications for sound level meters, or the most

recent version thereof.

D) Performance Standards.

1. No fixed source of disturbing, excessive, or offensive noise shall cause the noise level on any other property to exceed the maximum levels set forth in Table 12 below. Disturbing, excessive, or offensive noise is characterized by sound which causes or tends to cause an adverse physiological or psychological effect on human beings and which conflicts with the criteria of noise levels established in this section.

Table 12 Noise Standards

RECEIVING ZONE	TIME PERIOD	MAXIMUM NOISE LEVEL (DBA)
Open Land and Agricultural Districts	7:00 a.m. - 10:00 p.m.	70
	10:00 p.m.- 7:00 a.m.	65
Residential Districts	7:00 a.m. - 10:00 p.m.	55
	10:00 p.m.- 7:00 a.m.	50
Mixed-Use Districts	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m.- 7:00 a.m.	60
Light Industrial District (ICL)	Anytime	70
Heavy Industrial District (ICH)	Anytime	75

2. For legacy zoning districts, the most restrictive noise standard for the comparable district, as determined by the Zoning Officer, shall apply.
3. No fixed source of disturbing, excessive, or offensive vibration shall cause the vibration level on any other property to exceed the vibration perception threshold of an individual at the closest property line to the vibration source, such that a reasonable person of average sensitivity is aware of the vibration. The minimum perception threshold is presumed to be a motion velocity of 0.01 inch/second over the range of one to 100 Hz.

E) Noise and Vibration Evaluation Criteria. The characteristics and conditions which will be considered in determining whether a violation of this section exists shall include, but not be limited to the following:

1. The volume of the noise or amplitude of the vibration;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise or vibration is from a natural source or a mechanical source;
4. The level of ambient noise;
5. The proximity of the noise or vibration to sleeping areas and facilities;
6. The nature and zoning of the area from which the noise or vibration emanates and the



area where it is received;

7. The time of day or night the noise or vibration occurs;
8. The duration of the noise or vibration; and,
9. Whether the noise or vibration is recurrent, intermittent, or constant.

F) Exceptions. The provision of this section shall not apply to noise or vibration caused by the following:

1. The performance of emergency work necessary to restore property to a safe condition following a public calamity, work to protect persons and property from imminent exposure to danger, or work by utilities to restore services, including the operation of emergency generators and pumps or other equipment necessary to provide services during an emergency.
2. Warning devices necessary for the protection of public health, safety, and welfare including but not limited to civil defense, fire sirens, and theft alarms.
3. Public sewer, water, and electrical utility system facilities.
4. Construction activities which occur during authorized hours or operation.
5. Fireworks display authorized by a permit from Missoula County.
6. The operation of air traffic equipment.
7. Agriculture operations.

G) Plans and Permits. Any plans for plumbing, electrical or mechanical permits for stationary equipment shall

be accompanied by documentation or a written statement signed by the property owner verifying that the equipment noise and vibration levels shall not exceed the standards of this section.

H) Existing Noise or Vibration Sources.

Noise or vibration sources in place and operating prior to the effective date of these regulations which are subsequently found to not be in compliance shall be brought into compliance within one hundred and eighty days of the date of established noncompliance.

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CHAPTER

7



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7.1 HILLSIDE AND RIDGELINE DEVELOPMENT

A) Purpose. Hillside areas in Missoula County are characterized by ridgelines, slope, vegetation, drainage, rock outcroppings, geologic hazards, and other physical and aesthetic factors which, if disturbed for development, can cause negative physical and economic impact to the County, the land, the wildlife, and citizens. The purpose of these regulations is to accomplish all the following objectives.

1. The protection of the public from personal injury and property damage resulting from natural hazards due to seismic activity, soil characteristics which are limiting, slope failure, sedimentation, increased stormwater runoff, sheet flooding on frozen surfaces, soil erosion, and surface water contamination resulting from unmitigated site preparation and construction on steep slopes.
2. The protection of hillside land and resources within the legitimate expectations of property owners and the County's overall goals, including:
 - a. The preservation of vegetation, especially native vegetation, fish and wildlife habitat, and open space lands;
 - b. The retention of natural topographic features, such as drainage channels, streams, ridgelines, and rock outcroppings; and,
 - c. The preservation and enhancement of ridgeline views and other vistas that are important to the character of Missoula County, particularly by use of native vegetation and

minimal excavation, terracing and other visible scars.

3. The establishment and maintenance of on-site and off-site transportation systems, including non-motorized transportation, that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at all times.
4. The encouragement of innovative planning, design, and construction techniques for development on steep slopes.
5. The mitigation of adverse environmental impacts, including, but not limited to, erosion, slope failure, the degradation of air and water quality, and adverse impacts on adjoining properties.

B) Applicability.

1. The standards in this section apply to the following:
 - a. all land within 100 feet of any ridgeline associated with a natural feature, whose elevation is 3,700 or more feet above sea level as established by the most current topographic data available; and
 - b. to all property or developments located on slopes over ten percent.
2. These standards are intended to supplement other standards within these regulations and other local, state, and federal regulations.

C) Permitted and Prohibited Uses and Activities.

1. The following uses and activities are subject to the limitations and requirements outlined below and

are authorized either through a Zoning Compliance Permit (ZC), Special Exception Permit (SE), or they are prohibited (-) according to hillside slope categories expressed in Table 1 below.

Table 1 Permitted and Prohibited Uses and Activities

USES & ACTIVITIES	10%-19.99%	20%-24.99%	>25%
Permanent removal of topsoil not associated with construction activities listed in this table	-	-	-
New roads, driveways, and parking areas	ZC	ZC	SE
Building construction	ZC	ZC	SE
Clearing of vegetation or grading, including the addition of fill	ZC	ZC	-
Resource extraction	ZC	SE	SE

2. Special Exceptions on slopes over 25% shall provide a complete geotechnical analysis prepared by a professional engineer licensed to practice in Montana with the application materials, demonstrating that:
 - a. The activity will not result in accelerated erosion or create hazardous conditions on the site or on adjacent property, as demonstrated by an erosion and sediment control plan and supporting evidence.
 - b. The applicant considered and evaluated alternative locations for all development (including structures, buildings, retaining walls, roads, driveways, parking areas, and other infrastructure) on non-steep slopes (those less than ten percent) and can demonstrate these locations are either inappropriate or infeasible.
 - c. Surface runoff will not create unstable conditions, and appropriate stormwater management facilities will be constructed as necessary.

D) General Standards.

1. **Measurements.** When a use or activity per Table 1 above is proposed on slopes greater than ten percent, the following shall apply:
 - a. All measurements shall be made from existing, pre-project grade.
 - b. A slope map shall be submitted showing contours according to the identifying following:
 - i. All areas on the parcel between ten percent and less 25% slope measured with at minimum with five-foot contours.
 - ii. All areas on the parcel of 25% slope or greater measured with at minimum with ten-foot contours.



2. **Siting.** Siting, design, and grading of development must weigh the need to protect public health, safety, and conservation resources such as natural slope, areas of riparian resources, and habitat for species of concern against the need to protect the view from the valley floor.
3. **Buildable area.**
 - a. All lots shall have a minimum buildable area of 2,000 contiguous square feet of land with a slope of less than 25 percent. Lots created prior to the adoption of Resolution #2001-011, on January 30, 2001, are exempt from this requirement.
 - b. For the purposes of implementing these slope standards, the building envelope shall be a rectangle with a predominant up-slope boundary 40 feet or less from the building, side boundaries 40 feet or less from each side of the building, and a predominant down-slope boundary 25 feet or less from the building. Both primary and accessory structures shall be built within the building envelope.
4. **Access roads and driveways.**
 - a. The construction of access roads and driveways must be accompanied by landscaped berms or other landscaping and erosion control measures, or both, so that visual impacts resulting from cut and fill, runoff, and erosion potential associated with their construction are promptly mitigated.
 - b. Access roads and driveways must be designed to minimize cut and fill and site disturbance, provide year-round access, and accommodate emergency response equipment.
 - c. Access roads and driveways shall substantially follow the natural slope contour and shall not exceed a maximum grade of ten percent.
 - d. Shared driveways are encouraged where the objectives of this section can be met.
 - e. Access road and driveway plans shall be approved by the appropriate fire jurisdiction prior to issuance of a Final Zoning Compliance Permit.
5. **Grading.**
 - a. Grading shall be limited to the minimum amount necessary and shall be designed to retain the shape of the natural landform.
 - b. Site design and architectural techniques (such as custom foundations, split level designs, stacking, and clustering) shall be used to mitigate the need for cut and fill.
6. **Artificial slopes.** Artificial slopes

COMMENT: Refer to the Missoula County Public Works Manual for details on driveway and approach specifications.

shall be designed and landscaped to create natural-appearing slopes and hillsides. The replacement of trees and other significant vegetation with native or low-impact non-native species is imperative for maintaining the natural appearance and function of artificial slopes.

- a. Artificial slopes shall not exceed a 2:1 slope or 15 feet in height.
 - b. Revegetation of artificial slopes other than those where stable rock is exposed shall consist of a combination of native vegetative groundcover, xeriscaping or the placement of trees and/or shrubs, provided not more than 20 percent of any one species is used. Revegetated areas shall be identified in the landscaping plan submitted with the application materials, and such plan shall include provisions for the removal and replacement of dead vegetation, when required.
7. **Drainage.**
- a. Drainage systems must be preserved and incorporated as an integral part of the project design and should appear and function as an essential part of the environment to the greatest extent possible to meet the objectives of this section.
 - b. Drainage channels and ditches must follow the existing drainage patterns to the extent

possible or be otherwise placed in inconspicuous locations and receive a naturalizing treatment to avoid excessive erosion resulting from the runoff of pollutants into waterways. Such treatments may include native rock, colored concrete, and landscaping so that they appear as an integral part of the environment.

8. **Designing for context.** Structures shall be designed to fit into the hillside, rather than altering the hillside to fit the structure. The design may require the use of one or more methods to fit into the hillside. Examples of methods for incorporating structures into hillsides include the following:
 - a. Reduced footprint design, where the building footprint does not exceed 900 square feet of ground floor living area;
 - b. "Step up" or "step down" structures which follow the natural hillside slope on any buildable portion of the site;
 - c. Orientation of buildings to slopes so that the greatest horizontal dimension is parallel with, not perpendicular to, the natural contour of the land; and,
 - d. Use of landscaping and screening of exposed foundations, retaining walls, and wall elements.

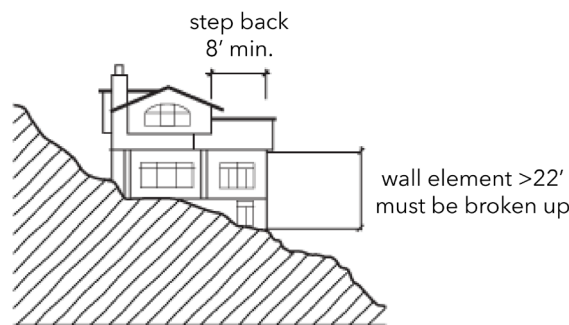
COMMENT: Refer to the Missoula County Public Works Manual Section 9 for more information about grading and drainage.



9. **Building wall elements.**

- a. Where a building wall element which is visible from road rights-of-way, not including alleys, and from public trails and parks, is located on a hillside over 10%, and is taller than 22 feet, it shall be offset to better fit the natural topography of the site.
- b. Stacked vertical building wall elements shall not exceed 125 percent of the maximum allowable height by district when measured from the highest point of the building or structure to the lowest point of finished grade adjacent to the structure (Figure 1).
- c. Wall elements, as measured from the lowest part of finished grade adjacent to the building wall to the underside of the eave, will be considered offset for the purpose of these hillside regulations only if they are:
 - i. Separated by at least 8 feet in horizontal distance; and,
 - ii. The offset occurs by stepping the building back towards the slope.

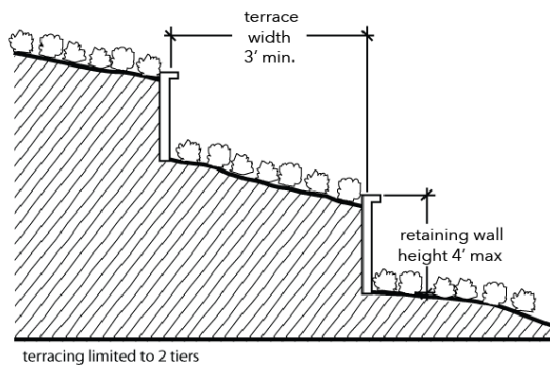
FIG. 1 Building Wall Step-Back



10. **Retaining walls.**

- a. Where retaining walls are used, the walls shall step up or down from the building structure following the natural hillside contours.
- b. Maximum permitted height of a retaining wall is four feet measured from finished grade.
- c. Terracing of retaining walls is limited to two tiers. The width of the terrace between vertical retaining walls is a minimum of three feet deep. Terraces created between retaining walls must be permanently landscaped or revegetated (see Figure 2).

COMMENT: Retaining walls over 4' tall require a building permit and engineering plans certified by a licensed professional.

FIG. 2 Terracing of Retaining Walls**11. Vegetation preservation and screening.**

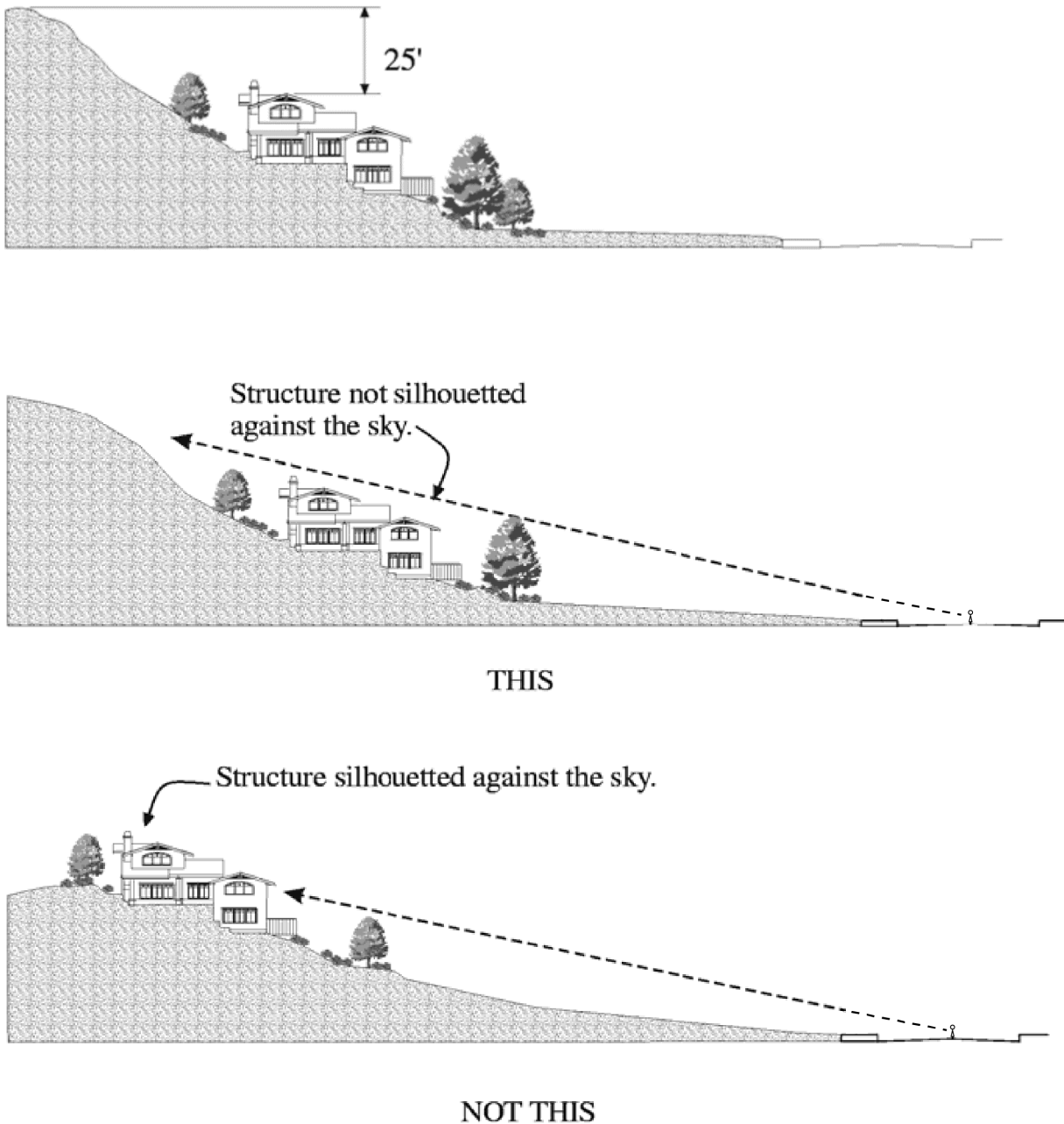
- a. All trees and other natural vegetation shall be preserved except in areas approved for grading or within the area required to be cleared according to the WUI standards. The removal of non-native and invasive plant species and their replacement with native species or low-impact non-native species that are unlikely to spread beyond the planted area is encouraged.
- b. During construction, vegetation preservation areas shall be clearly designated on-site using fencing to protect these areas from disturbance.
- c. Natural landforms and vegetation shall be used to screen buildings and structures from public view to the extent practicable.
- d. Planting of species listed in Section 6.4.E.3. is prohibited.

12. Ridgeline standards.

- a. The highest part of any structure shall be a minimum of 25 vertical feet below the closest high point on the nearest prominent hilltop or ridgeline (see Figure 3).
- b. The ridgeline's natural contour and native vegetation must remain intact.
- c. A suitable building location on vacant lots existing at the time of adoption of these regulations which either meet the minimum lot size of the zoning district or are legally non-conforming, that would be deemed unbuildable due to the application of ridgeline standards in this section may be identified according to the following requirements:
 - i. The suitable building location must minimize the protrusion of the home above the established ridgeline and maximize the distance of the building location from the ridgeline.
 - ii. The Zoning Officer may also consider the existing conditions (e.g., highways, railroads, steep slopes, sensitive lands, and similar physical constraints), when evaluating the suitable building location.
 - iii. The suitable building location is in conformance with all other applicable standards in these regulations.



FIG. 3 Ridgeline Viewsheds



13. **Alternative design.** When an alternative to the design standards in this section is proposed as part of a variance application, the applicant shall document how the proposed design meets the intent of these regulations and adopted County policy. On approving alternative designs through a variance, the Board of Adjustment may require more restrictive hillside design standards than those in other portions of this section.

7.2 GRADING, DRAINAGE, AND EROSION CONTROL

- A) Purpose.** The purpose of this section is to ensure that site grading and the control of stormwater runoff, both quantity and quality, comply with [Missoula County Public Works Manual](#) and [Subdivision Regulations](#). The standards herein are intended to protect public health and safety, preserve natural drainage systems, minimize impacts to waterbodies and riparian areas and associated fish and wildlife communities, and mitigate the effects on property from erosion, sedimentation, flooding, and site grading.
- B) Area Limited.** Clearing of trees and vegetation and grading in conjunction with an approved Zoning Compliance Permit, building permit or preliminary plat shall be limited to that portion of a parcel for which a valid building permit has been issued or for which a preliminary plat has been approved. Unless otherwise defined, the start of construction is when grading begins.
- C) Stabilization Required.** All areas cleared of trees and vegetation or graded shall be stabilized with manmade or vegetative cover as required by Section 6.4.C.4. "Replacement of Planting Materials."
- D) Activities Exempted.** When a Zoning Compliance Permit is not required for activities related to commercial tree harvesting, bona fide agricultural operations, and the creation or extension of public infrastructure occurring within a public or private right-of-way the grading and clearing requirements of this section shall not apply.
- E) Low Impact Stormwater Design.** Natural and vegetated stormwater

management systems such as swales, constructed wetlands, and bioretention cells are encouraged to manage stormwater in compliance with federal, state, and local stormwater regulations.

F) Additional Standards.

1. Grading, drainage, and erosion control shall be reviewed by County Public Works to ensure compliance with the [County Public Works Manual](#), as amended, which is adopted and incorporated herein by reference.
2. In residential developments with parcel sizes one acre or smaller, if the total percentage of the impervious surface exceeds 35 percent of the parcel size, additional drainage and erosion control considerations may be required. Conservation Design Developments are exempt from this standard.

7.3 FLOODPLAIN DEVELOPMENT

- A) Purpose.** It is in the County's best interests to restrict or prohibit uses and activities that may elevate the risk of water quality contamination or result in increased flood hazards in those areas prone to flooding. Such restrictions or prohibitions shall be in addition to any other requirements or permissions stated within these regulations. Where a provision may be in conflict with other requirements or permissions in these regulations, the most restrictive standards shall take precedence.
- B) Floodplain Regulations.** All requirements of the most current version of the adopted [Missoula County Floodplain Regulations](#) apply.



- C) Uses Prohibited.** The following uses are prohibited within the designated floodplain identified by the County.
1. High-intensity agricultural, including agricultural lagoons
 2. Airport maintenance or fueling areas
 3. Automotive or vehicle repair shops, including farm equipment repair shops
 4. Boat services including repair and refinishing
 5. Fleet, trucking, or bus terminals
 6. Funeral and interment services, including crematorium and cemeteries, mausoleums, and other burial grounds, and excluding funeral homes and mortuaries.
 7. Gasoline and fuel sales
 8. Injection wells, dry wells, or sumps
 9. Junk and salvage yards, including auto wrecking
 10. Land application of sewage residuals (biosolids)
 11. Buildings on non-permanent foundations
 12. Manufacturing and production, except for artisan
 13. Parking lots or garages parking structures containing more than fifty spaces
 14. Planting of species listed in Section 6.4.E.4.
 15. Railroad yards, maintenance, or fueling areas
 16. Research cooperative learning and training facilities

17. Underground storage tanks for fossil fuels and other chemicals
18. Utility services, major
19. Vehicle sales and storage
20. Waste and recycling facilities

7.4 **RIPARIAN RESOURCE PROTECTION**

A) Purpose. The purpose of these regulations is to protect public health, safety, and general welfare by protecting the integrity of riparian resources and their natural and recreational functions. Riparian resource areas perform important social, biological, and physical functions such as improving and maintaining water quality, storing and conveying stormwater and floodwater, recharging groundwater, and providing important fish and wildlife habitat and associated outdoor recreational opportunities.

B) Applicability.

1. The standards in this section applies to structures, uses and associated activity that trigger a Zoning Compliance Permit along rivers, streams and creeks and to wetland areas identified as Palustrine, Lacustrine, Riverine and Riparian in the [Montana Natural Heritage Program's Wetland and Riparian Framework Map](#).
2. The following are exempt from the standards in this section:
 - a. Ephemeral and intermittent streams not identified in the [Montana Natural Heritage Wetland and Riparian Framework Map](#).
 - b. Manmade ponds and lakes and other manmade water

bodies, including irrigation ditches, even if identified in the [Montana Natural Heritage Program's Wetland and Riparian Framework Map](#).

C) Riparian Resource Protection Area Required.

1. A minimum 50-foot setback whose measurement is described in Section 7.4.E. is required to protect all riparian resources as defined by these regulations.
2. Those areas within the 50-foot Riparian Resource Protection Area (RRPA) absent of riparian and/or hydrophilic vegetation, including canopy cover of said vegetation, as mapped by a qualified professional specializing in riparian resource systems and species, may be excluded from the Riparian Resource Protection Area and designated within the Riparian Resource Buffer described in Section 7.4.D. below.
3. Riparian or hydrophilic vegetation shall not be removed or altered so as to eliminate it from inclusion in the Riparian Resource Protection Area. Where riparian or hydrophilic vegetation has been removed or altered within the 50-foot protection area, that area shall be designated as included within the Riparian Resource Protection Area and subject to all standards for the Riparian Resource Protection Area.
4. Riparian Resource Protection Areas are not required adjacent to wetlands areas identified as Palustrine, Lacustrine, Riverine, and Riparian as identified in the Montana Natural Heritage Program's Wetland and Riparian Framework Map.

COMMENT: The Montana Natural Heritage Program's MapViewer is intended to provide a simple way to identify, locate, and visualize the mapped rivers, streams, creeks, and wetland areas referenced in this code. Geospatial data related to resource buffers or protection areas is available from the Montana State Library's Geographic Information Clearinghouse as both downloadable datasets and web services. The specific source data used were the [Montana Hydrography Framework \(National Hydrography Dataset\)](#) for rivers, streams and creeks and the [Montana Wetland and Riparian Framework](#) for wetland areas. Information about the [Missoula Channel Migration Zone](#), including an interactive map, is available from the Missoula City-County Health Department.

D) Riparian Resource Buffers Required.

The buffers shown in Table 2 below are established to keep development sufficiently distanced from riparian resources. The Riparian Resource Buffer is applied in addition to the minimum required Riparian Resource Protection Area established in Section 7.4.C. above.

1. The 50-foot Riparian Resource Buffer required for applicable wetlands as designated in the Montana Natural Heritage Program's Wetland and Riparian Framework Map, is not required when a qualified professional specializing in riparian resource systems determines a mapped wetland is not present or is absent of riparian and/or hydrophilic vegetation. Riparian or hydrophilic vegetation shall not be removed or altered so as to eliminate it from inclusion in the Riparian Resource Buffer. Where riparian or hydrophilic vegetation has been removed or altered within the Riparian Resource Buffer, that area shall be designated as included within the Riparian Resource Buffer and subject to all standards for the Riparian Resource Buffer.



Table 2 Riparian Resource Buffers

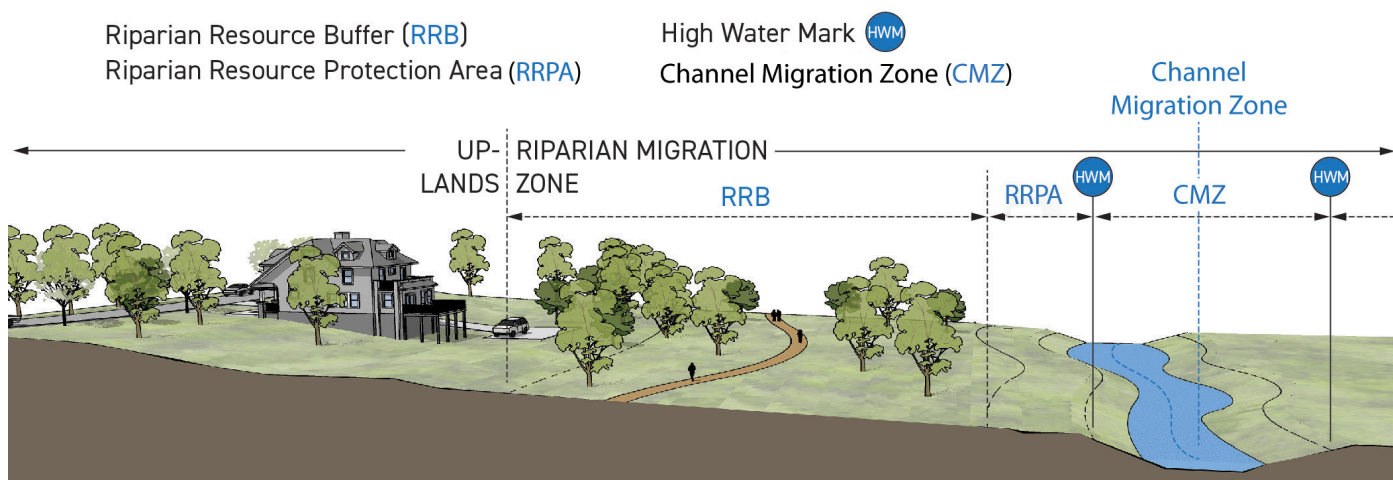
RIPARIAN RESOURCE	GEOGRAPHIC SECTION	MIN. BUFFER REQUIRED
Creeks south and west of Clark Fork River (Hayes Creek, Gilman Creek, O'Brien Creek, and Deep Creek)	Entire length	75 ft.
Bitterroot River	Entire length	450 ft.
Blackfoot River	Entire length	125 ft.
Butler Creek	Upstream of airport property line	75 ft.
	Airport property line to Clark Fork floodplain	125 ft.
	Portion within Clark Fork floodplain	75 ft.
Clark Fork River	East of confluence with Blackfoot River	450 ft.
	Confluence with Blackfoot River to I-90 bridge at East Missoula	125 ft.
	West of Reserve St. Bridge	450 ft.
Deer Creek	Entire length	75 ft.
Grant Creek	Entire length	75 ft.
La Valle Creek	Upstream of airport property line	75 ft.
	Airport property line to Clark Fork floodplain	125 ft.
	Portion within Clark Fork floodplain	75 ft.
Marshall Creek	Entire length	75 ft.
Miller Creek	Entire length	75 ft.
Milltower Gulch	Entire length	75 ft.
O'Keefe Creek	Entire length	75 ft.
Pattee Creek	Entire length	75 ft.
Rattlesnake Creek	North of Mountain View Dr.	75 ft.
Applicable wetlands, as defined in 7.4.B.1 and designated in the Montana Natural Heritage Map		50 ft.

E) Measurement.

1. The Riparian Resource Protection Area shall be measured landward from one of the following:
 - a. Where the Channel Migration Zone (CMZ) is mapped, the edge of the 2018/2019 channel, or

- b. Where the Channel Migration Zone is not mapped, the mean high-water mark of rivers, streams, and creeks.
 - c. There is no requirement for a Riparian Resource Protection Area adjacent to wetlands areas identified as Palustrine, Lacustrine, Riverine, and Riparian in the Montana Natural Heritage Program’s Wetland and Riparian Framework Map.
2. The Riparian Resource Buffer shall be measured landward as an additional area from the established edge of the Riparian Resource Protection Area in accordance with Table 2 above, subject to the following:
- a. Where the Channel Migration Zone is mapped and the Historic Migration Zone (HMZ) extends beyond the Riparian Resource Buffer listed in Table 2, the boundary of the Riparian Resource Buffer shall be extended to include the Historic Migration Zone plus an additional 50-feet from the boundary of the Historic Migration Zone.
 - b. Riparian Resource Buffers measuring 50 feet in width shall be established around wetlands, measured from the upland edge of the wetland, in accordance with Table 2.

FIG. 4 Riparian Resource Measurements



F) Uses and Activities.

1. **Riparian Resource Protection Area.** The following activities are regulated in the Riparian Resource Protection Area.
- a. Non-motorized trail construction is permitted, subject to the following:
 - i. Trail surfaces are made with natural or pervious materials;
 - ii. Trails are located no closer than 25 feet to the waterside edge of the Riparian Resource Protection Area; and,
 - iii. A natural or pervious footpath no more than four feet in width is permitted to provide direct (generally perpendicular) access to a water body, with minimal disturbance to the stream bank and riparian vegetation.



- b. Maintenance and reconstruction of existing driveways, roads, railroads, public levees, utilities, infrastructure necessary to support agriculture, and associated structures is permitted pursuant to engineering best practices and construction standards described in Section 7.4.H., provided such maintenance or reconstruction shall not increase the impervious area within the Riparian Resource Protection Area, and disturbed natural areas are restored to their original or natural condition.
- c. Construction or expansion of driveways, roads, railroads, public levees, utilities, and associated structures by a public agency or public service provider is allowed when no other feasible location or practical route exists.
 - i. Such construction or improvement must be done using methods that would minimize disturbance of the riparian resource.
 - ii. Construction shall comply with the standards in Section 7.4.H.
 - iii. To the maximum extent possible, improvements should locate in areas outside of the Riparian Resource Protection Area.
- d. Construction or expansion of driveways and utilities necessary to provide access to or support an allowable structure or use on a property is allowed when no other feasible location or practical route exists.
 - i. Such construction or improvement must be done using methods that would minimize disturbance of the riparian resource.
 - ii. Construction shall comply with the standards in Section 7.4.H.
 - iii. To the maximum extent possible, improvements should locate in areas outside of the Riparian Resource Protection Area.
- e. Maintenance, repair, or reconstruction of an existing structure or element existing on the effective date of these regulations is permitted.
- f. Expansion or relocation of a legal nonconforming structure or element is permitted according to 7.4.G.2.
- g. All new construction, including new driveways, roads, utilities, structures and elements is prohibited except as otherwise noted in this section.
- h. Only wildlife-friendly fencing is permitted, in accordance with Section 7.4.J.
- i. Outdoor storage as defined in Chapter 13 is prohibited.
- j. Signage is prohibited, with the exception of wayfinding signs. Existing legal nonconforming signs are subject to the provisions of Chapter 10.
- k. Agriculture which minimizes disturbance of riparian

allowed when no other feasible location or practical route exists.

i. Such construction or improvement must be done using methods that would minimize disturbance of the riparian resource.

ii. Construction shall comply with the standards in Section 7.4.H.

iii. To the maximum extent possible, improvements should locate in areas outside of the Riparian Resource Protection Area.

e. Maintenance, repair, or reconstruction of an existing structure or element existing on the effective date of these regulations is permitted.

f. Expansion or relocation of a legal nonconforming structure or element is permitted according to 7.4.G.2.

g. All new construction, including new driveways, roads, utilities, structures and elements is prohibited except as otherwise noted in this section.

h. Only wildlife-friendly fencing is permitted, in accordance with Section 7.4.J.

i. Outdoor storage as defined in Chapter 13 is prohibited.

j. Signage is prohibited, with the exception of wayfinding signs. Existing legal nonconforming signs are subject to the provisions of Chapter 10.

k. Agriculture which minimizes disturbance of riparian

resources is permitted; high-intensity agriculture and resource extraction is prohibited.

- I. Removal, displacement, or alteration of native riparian vegetation (i.e. hazard trees) not associated with an allowable action per this section is permitted only when real property is at risk of damage, or the health and safety of the general public is in danger. Any removal of vegetation may still require a 310 Permit from the Missoula County Conservation District.
 - i. Damage to existing native riparian vegetation must be minimized.
 - ii. Native vegetative groundcover and other riparian vegetation that is removed to allow other permitted activities must be replaced prior to the issuance of a Final Zoning Compliance Permit.
 - iii. Dumping or long-term storing of personal property is considered to displace or alter riparian vegetation and shall not be permitted in the Riparian Resource Protection Area.
 - m. Grading, excavation, and other site-altering activities are prohibited, including installation of new wells and waterlines, wastewater treatment systems, and drainage systems, including stormwater retention and detention areas.
 - i. Emergency activities approved by the county that require grading, excavation, and other site-altering activities to ameliorate acts of nature or to execute necessary utility repairs to prevent an immediate threat to property or public health and safety are permitted. Riparian impacts must be mitigated when emergency situation is resolved, (e.g., riparian vegetation that is removed for emergency activities must be replaced when the emergency is over).
2. **Riparian Resource Buffer.** The following activities are regulated in the Riparian Resource Buffer.
 - a. Non-motorized trail construction is permitted if surfaces are made with natural or pervious materials.
 - b. Maintenance and reconstruction of existing driveways, roads, railroads, public levees, utilities, infrastructure necessary to support agriculture, and associated structures is permitted pursuant to engineering best practices and construction standards described in Section 7.4.H., provided such maintenance or reconstruction shall not increase the impervious area within the Riparian Resource Buffer by more than five percent and disturbed natural areas are restored to their original or natural condition



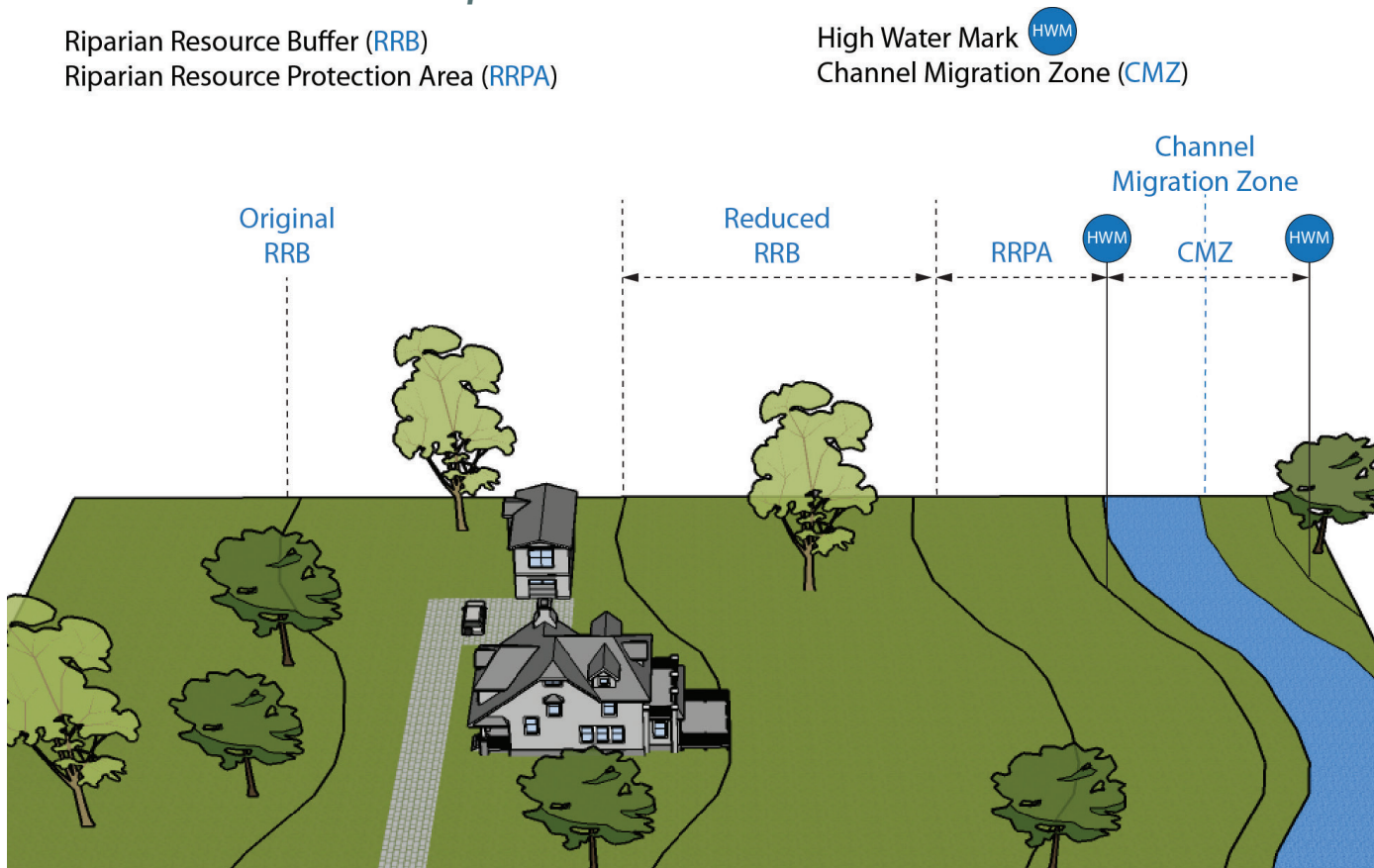
- c. Construction or expansion of driveways, roads, railroads, public levees, utilities, and associated structures by a public agency or public service provider is allowed when there is no other feasible location or practical route.
 - i. Such construction or improvement must be done using methods that would minimize disturbance of the riparian resource.
 - ii. Construction shall comply with the standards in Section 7.4.H.
 - iii. To the maximum extent possible, utilities should locate in areas outside of the Riparian Resource Buffer.
- d. Construction or expansion of driveways and utilities necessary to provide access to or support an allowable structure or use on a property is allowed when no other feasible location or practical route exists.
 - i. Such construction or improvement must be done using methods that would minimize disturbance of the riparian resource.
 - ii. Construction shall comply with the standards in Section 7.4.H.
 - iii. To the maximum extent possible, improvements should locate in areas outside of the Riparian Resource Buffer.
- e. Maintenance, repair, or reconstruction of an existing structure or element existing on the effective date of these regulations is permitted.
- f. Expansion or relocation of a legal nonconforming structure or element is permitted according to 7.4.G.2.
- g. Construction of new structures and elements is prohibited within the Riparian Resource Buffer.
- h. Signage is prohibited, with the exception of wayfinding signs. Existing legal nonconforming signs are subject to the provisions of Chapter 10.
- i. Agriculture which minimizes disturbance of riparian resources is permitted; high-intensity agriculture is prohibited.
- j. Resource extraction is allowed subject to these and other applicable regulations.
- k. Installation of new wells or waterlines, wastewater treatment systems, and drainage systems, including stormwater retention and detention areas is permitted if allowed by Missoula City-County Health Department.
- l. Grading, excavation, and other site-altering activities are prohibited unless part of an approved activity per this section.
 - i. Emergency activities approved by the county that require grading, excavation, and other site-altering activities to

ameliorate acts of nature or to execute necessary utility repairs to prevent an immediate threat to property or public health and safety are permitted. Riparian vegetation that is removed for emergency activities must be replaced when the emergency is over.

G) Exceptions.

1. A suitable building location on vacant lots existing at the time of adoption of these regulations which meet the minimum lot size of the zoning district and legal nonconforming vacant lots that would be deemed unbuildable due to the application of the requirements in Section 7.4.C. or Section 7.4.D. may be identified according to the following requirements:
 - a. The suitable building location should maximize the distance from the riparian resource and minimize disturbance of riparian vegetation.
 - b. The Zoning Officer may consider the existing conditions (e.g. highways, railroads, steep slopes, sensitive lands, and similar physical constraints) when evaluating the suitable building location.
 - c. The suitable building location must be in conformance with all other applicable standards of these regulations.
2. Buildings legally existing at the time of adoption of these regulations and otherwise in conformance with all other aspects of these regulations that are located all or partially within the Riparian Resource Protection Area or Riparian Resource Buffer may be expanded or relocated according to the following requirements:
 - a. Principal Buildings and Uses:
 - i. The applicant must establish the distance between the river, stream, wetland, or riparian resource and the existing building line or built area of the principal building or principal use on the parcel, whichever is closer, following the process identified in Section 7.4.E. This distance must be shown on the site plan across the entire parcel or project area.
 - ii. The distance established in 7.4.G.2.a.i. reduces the effective Riparian Resource Buffer on the subject parcel (Figure 5).
 - iii. The distance established does not reduced the Riparian Resource Protection Area unless the newly established distance is less than 50- feet.
 - iv. The expansion of the built area or of a building, or the relocation of a building, into the reduced Riparian Resource Buffer or Riparian Resource Protection Area is not permitted.
 - v. Any expansion of the built area or of a building, or the relocation of a building outside outside of the area identified in 7.4.G.2.a.i. is permitted when in conformance with all other applicable standards in these regulations.



FIG. 5 Riparian Resource Measurement Reduction

b. Accessory Buildings and Uses

- i. Accessory buildings located within the Riparian Resource Buffer may be expanded by up to 50% of the square footage of the existing building footprint as it existed at the time of the adoption of these regulations when in conformance with all other applicable standards in these regulations.
 - ii. Accessory buildings located within the Riparian Resource Protection Area may be expanded by up to 25% of the square footage of the existing building footprint as it existed at the time of the adoption of these regulations when in conformance with all other applicable standards in these regulations.
3. Habitat restoration and stream stabilization projects proposed or approved by public agencies including, but not limited to, the Missoula Conservation District (310 permit), Montana FWP (SPA-124 permit), Army Corps of Engineers, Missoula County Floodplain Administration, or the Missoula County Water Quality District are exempt from all requirements of Section 7.4.

H) Protection of Riparian Resources During Development Construction. Within the Riparian Resource Protection Area and Buffer, any development activity, including but not limited to new construction, reconstruction and maintenance, shall comply with the following standards:

1. Existing riparian resources and vegetation shall be protected to minimize removal and damage during all development and construction activities unless expressly permitted

by the County for removal or disturbance. The drip lines of trees that are located within the Riparian Resource Buffer shall be protected even when the drip lines lay outside the Riparian Resource Buffer by being included in the demarcated area.

2. Utility placement and road alignment shall minimize impacts to scenic vistas by avoiding areas adjacent to open water and locating below ridge crests and high points, where applicable.
3. Approved development shall be constructed on soils that are not susceptible to erosion and will avoid sedimentation and pollution runoff into water bodies.
4. To the extent possible, road shall be designed to follow natural contours and minimize cut and fill. Fill material shall not be placed in the Riparian Resource Protection Area or Buffer, unless expressly approved by the County.
5. Water body road crossings must occur at perpendicular angles to the orientation of the stream channel to minimize disturbance of riparian resources and vegetation.
6. The sidecasting of material into the water body during construction is prohibited.
7. Effective erosion and sedimentation control best practices shall be conducted during development construction and maintenance activities.
8. Only natural streambank and shoreline stabilization as defined in Chapter 13 may be used along any water body to protect public health and safety, in compliance

with all other applicable regulations. Bank stabilization shall not be used as a preventative measure to stop bank erosion unless expressly authorized by the Missoula Conservation District, Missoula County Floodplain Administrator, and/or Fish, Wildlife and Parks, nor shall it be used to make land suitable for development, whether new or an expansion.

I) Review Process and Procedures.

1. Zoning Compliance Permit applications for properties that contain areas of riparian resource (Riparian Resource Protection Areas or Buffers) must address how the requirements of this Section 7.4 will be met.
2. The Zoning Officer may require that Riparian Resource Protection Areas and Buffers be demarcated in the field prior to issuance of a Zoning Compliance Permit to clearly identify areas intended to remain undisturbed and prevent encroachment into the protected buffer areas. The method of demarcation shall be approved by the County and must, at minimum, be consistent with generally accepted best management practices.



3. Prior to issuance of a Zoning Compliance Permit, the applicant must provide documentation that other agencies have been consulted and necessary license applications submitted. These agencies include, but may not be limited to, the Montana Conservation District (310 Permit), Army Corps of Engineers (404 Permit), and County Floodplain Administration (Floodplain and Shoreline Permits). Prior to issuance of a Final Certificate of Zoning Compliance, the applicant shall provide evidence confirming that all conditions and requirements of these permits have been satisfied. The Zoning Officer may withhold issuance of a Final Certificate of Zoning Compliance if the requirements of the other licenses and permits have not been met.

J) Fencing. Fencing in the Riparian Resource Protection Area is prohibited, except for wildlife-friendly fencing meeting the following standards to allow for safe and convenient wildlife movement.

1. The top rail may either be of solid material or smooth wire, separated by a minimum of 12 inches from the rail or wire below.
2. The top rail or wire shall be no taller than 42 inches above grade.
3. The bottom rail may either be of solid material or smooth wire and must be at least 18 inches above the ground.
4. The spacing of fence posts shall be on 16.5-foot centers unless topography prevents this spacing.
5. The top level of a newly constructed fence shall be flagged with white flagging immediately after construction which shall remain in place for at least one year.
6. Gates, drop-downs, or other passages are encouraged where wildlife concentrate and cross.
7. Where fencing does not meet the specifications above, wildlife-friendly fencing prescribed by Montana Fish, Wildlife & Parks, including temporary fencing to exclude wildlife for habitat restoration projects, may be approved by the Zoning Officer for installation in the Riparian Resource Protection Area. Alternatively, rotational grazing fencing prescribed by NRCS and/or the Missoula Conservation District may be approved by the Zoning Officer for installation in the Riparian Resource Protection Area.
8. Where 50 percent of the linear feet of an existing fence not meeting these requirements is replaced in the Riparian Resource Protection Area, the entire fence shall be considered "new" and shall abide by the standards of this section.

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CHAPTER

8



IN THIS CHAPTER:

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8.1 PURPOSE

This chapter provides comprehensive regulations for signs within Missoula County to eliminate confusing, distracting, and unsafe signs while assuring:

- A) Reasonably efficient and safe transfer of information;
- B) Provision of accurate identification, information, and advertisement in an orderly manner; and,
- C) Enhancement and protection of the visual quality, integrity, character, and safety of gateways, corridors, and neighborhoods throughout the County.

8.2 ZONING COMPLIANCE PERMIT REQUIRED

Unless otherwise expressly exempted in this chapter, the construction, reconstruction, alteration, lighting, and relocation of all signs within Missoula County require the issuance of a Zoning Compliance Permit with the following exceptions:

- A) Painting, cleaning, or other normal maintenance and repair; and,
- B) Changing the message of an existing changeable copy sign, provided that no change is made to any sign's structural or electronic component.

8.3 GENERAL PROVISIONS

A) Placement.

1. Signs must be located entirely on private property unless otherwise permitted by these regulations.
2. Wall-mounted signs shall not extend above the eave or parapet of any building or structure.
3. When permitted to extend over a sidewalk, all parts of a sign or

supporting structure shall be at least eight vertical feet above the sidewalk surface.

4. Signs, including structural components, shall not extend within ten vertical feet and two horizontal feet of a driveway or parking space open to customer use.
5. Unless otherwise indicated in these regulations, all ground-mounted signs must be located a minimum of five feet from all rights-of-way and property lines. When a project site includes multiple parcels, this standard only applies to the external project boundary and not internal property lines.

B) Construction Standards.

1. All signs shall be constructed and installed in accordance with the applicable provisions of the State of Montana Building Code.
2. All signs, except for banners, flags, temporary signs, and window signs conforming to the standards established by these regulations, shall be constructed of permanent materials. They shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure as approved by the County.

C) Electrical Standards.

1. All illuminated signs shall be installed in accordance with the applicable provisions of the Montana State Electrical Code.
2. All freestanding signs that are illuminated shall connect to underground utilities.

- D) Maintenance.** All signs shall be maintained in a good state of repair, including, but not limited to, structural components, lighting, and surface features such as painting. Signs requiring the issuance of building or electrical permits or approval of easements must remain compliant with those approvals.
- E) Obstructions.** No sign shall be placed where it obstructs the clear sight triangle at a street intersection or railroad crossing, the view of motorists entering or leaving an on-street or off-street parking area, or the free movement of people along sidewalks and trails. Refer to Section 4.7 for information on sight triangle measurements.
- F) Encroachment Permit Required.** Before installing any sign on, over, or in a right-of-way, the County or MDOT may require an encroachment permit.
- G) Relationship to Other Building Elements.**
1. Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
 2. Signs placed on the inside of window areas in storefront buildings, whether or not such signs are readable from outside the building, shall conceal no more than 25 percent of the window's

area on which the signs are located.

H) Lighting.

1. **External illumination.** When installed, the light source must be positioned so that light does not trespass onto any adjoining property or a right-of-way in accordance with the lighting provisions in Section 6.5. and the following standards specific to signs.
 - a. Signs may be illuminated from above, provided the light fixture is no taller than the top of the sign and fully shielded.
 - b. Signs less than six feet in height may be illuminated with ground-mounted lights that are fully shielded and designed and installed to shine directly on the sign with no light trespass.
 - c. Light from ground-mounted light fixtures shall not be visible from the opposite side of the sign.
 - d. Light fixture lamps that illuminate a sign externally shall not be visible from vehicular travel lanes, adjacent rights-of-way, or adjoining properties. In no case shall sign lighting shine directly into the eyes of motorists or pedestrians, and bare bulbs shall never be visible to passersby.
2. **Internal illumination.** The average surface illumination of any sign face from dawn to dusk shall not exceed 1.0 foot-candles or ten lumens (lux). Additionally, the following internal illumination standards apply.

COMMENT: Building and electrical permits can be obtained with the Missoula County Public Works Building Division.



- a. Outdoor internally-illuminated advertising signs must either be constructed with an opaque background and translucent text and symbols or with a colored (not white, off-white, light gray, cream, or yellow) background and generally lighter text and symbols.
 - b. Neon signs shall be treated as internally illuminated signs within these regulations. Neon lighting extending beyond the area considered to be the sign area shall conform to all lighting provisions of Section 6.5. "Outdoor Lighting."
3. **Illumination curfew.** Illuminated signs shall be equipped with a sensor, timer, or other devices to automatically adjust the day/night light intensity levels in accordance with these standards. Nighttime illumination shall not exceed 0.3 foot-candles over ambient lighting conditions.
 4. **Electronic message signs.**
 - a. Electronic copy shall be programmed so that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of ten seconds between transitions.
 - b. The transition from one image or display to the next must be accomplished in two seconds or less; fading, scrolling, or dissolving effects may be used.
 - c. Sign animation is not permitted.

I) Sign Face.

1. When a sign is permitted more

than one sign face, the angle created by the two faces shall not exceed 15 degrees.

2. Within this section, different faces of a building oriented in the same direction or within 45 degrees of one another are considered part of the same street façade.

J) Unlawful Removal of Vegetation.

No person may increase or enhance the visibility of any sign by damaging, trimming, destroying, or removing any trees, shrubs, or other vegetation located within:

1. Any right-of-way, unless the work is expressly authorized by the County or other agency having jurisdiction;
2. An established land area set aside in an approved Conservation Design Development in Section 9.3;
3. A required riparian resource buffer or protection area in Section 7.4;
4. Any required landscaped area, or buffer or screening area.

8.4 SIGNS PERMITTED WITHOUT A PERMIT

The following signs shall be allowed without a Zoning Compliance Permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with all other requirements of this chapter and are not otherwise prohibited in Section 8.5.

A) A sign on a property that is for sale, rent or lease.

1. One temporary sign may be located on or off the property when the owner consents and the property is being offered for sale, rent or lease.

2. In Residential districts, the sign may not exceed nine square feet in total area and may be no more than five feet high. In all other districts, the sign may not exceed 32 square feet in total area and may be no more than six feet high.
- B)** Building marker signs, including addresses and private drive identification.
 - C)** Wayfinding signs, including street banner signs, traffic, utility, safety, railroad crossing, and other civic identification.
 - D)** Holiday and seasonal decorations.
 - E)** Emblems of a religious, civil, philanthropic, historical, or educational organization.
 - F)** Security and warning signs, not to exceed two per property.
 - G)** Flags not exceeding 60 square feet in area or 30 feet in height above ground.
 - H)** Seed or crop identification signs.
 - I)** Non-commercial temporary signs may be located in Residential districts when individual signs do not exceed nine square feet in total area and are no more than five feet in height, and the number of signs displayed at the same time per property cannot exceed a total sign area of more than 32 square feet. In all other districts, individual signs may not exceed 32 square feet in total area and may be no more than six feet high, and the number of signs displayed cannot exceed a total sign area of more than 64 square feet.
 - J)** Temporary window signs meeting all other requirements.
 - K)** Sponsorship signs for Big Sky Park partner organizations provided they conform to the [Missoula County Parks](#).

[Trails, and Open Lands' Sponsorship Sign Policy.](#)

8.5 PROHIBITED SIGNS

The following signs are prohibited in all zoning districts.

- A)** Any sign not expressly permitted by this chapter.
- B)** Abandoned and obsolete signs. The following are signs declared abandoned or obsolete:
 1. Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or publicly available, or which has not been in use or publicly available for 180 days, or which is no longer imminent within a period of 180 days;
 2. Any sign or structure that fails to display any sign copy for 12 months;
 3. Any sign which, for a period of 180 days, has unmanaged vegetation growing upon it, clinging to it, touching it or obscuring the sign face or sign parts;
 4. Any sign where the sign face is removed leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, and replacement hasn't begun within 90 days of notice; and,
 5. Any sign that, for a period of 180 days, has not been maintained free of peeling, chipping, rusting, wearing, and fading so as to be legible at all times or to be free of rusting, rotting, breaking, or other deterioration of the sign parts.



- C)** Signs, other than those placed by agencies of government or a sign whose placement is authorized by such agencies, erected or placed on public property including parks, streets, poles, posts, bridges, natural features, and within any part of a public right-of-way. Any sign installed or placed on or over such prohibited locations shall be forfeited to the public and be subject to confiscation and disposal without notification. In addition to other remedies provided by these regulations, the County shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal.
- D)** Signs or sign structures which resemble, imitate, simulate, or conflict with traffic control signs or devices included in the *Manual of Uniform Traffic Control Devices*, which otherwise mislead or confuse persons traveling on streets, which create a traffic hazard, or which violate any county law or state statute.
- E)** Signs which create a health or safety hazard by:
1. Obstructing the clear view of pedestrians or vehicles;
 2. Obscuring official signs or signals;
 3. Obstructing any fire escape, window, door, stairway, ladder, or opening intended as a means of ingress or egress;
 4. Interfering with the minimum provision of light or air required by these or other regulations; or,
 5. Interfering with the function of gutters, downspouts, and other stormwater systems.
- F)** Signs which contain lights, electronic copy, or transitions that flash, blink, rotate, or are otherwise animated. Spotlights, strobe lights, pogo, or zipsticks, not used for sign illumination and intended solely for attracting attention, are likewise prohibited.
- G)** Signs that are highly reflective and hamper the vision of motorists and pedestrians or cause light to be reflected above ambient levels onto adjacent properties.
- H)** Signs that move, flutter, or contain parts that move by motorized or similar mechanical means. This prohibition shall not apply to flags that move and flutter with wind.
- I)** Signs that rotate.
- J)** Pennants, streamers, and wind-blown devices except when authorized by the County in conjunction with permits for temporary street closures, special events, going out of business sales, fairs, carnivals, and parades.
- K)** Roof signs.
- L)** Signs created or painted directly on the ground, including rocks, without a constructed support structure.
- M)** Any vehicular sign, or sign attached to a trailer parked on public or private property unless:
1. The primary purpose of such vehicle or trailer is not the display of signs;
 2. The signs are magnetic, decals or painted upon an integral part of the vehicle or trailer and do not break the silhouette of the vehicle; and,

3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets (where applicable), and actively used or available for use in the daily function of the business to which the sign(s) relate.

8.6 TEMPORARY SIGNS

Unless otherwise exempted by these regulations, temporary signs require the issuance of a Zoning Compliance Permit and must meet the following requirements.

- A) Temporary signs may be located on-premises or off-premises.
- B) Temporary signs may be permitted for up to 30 consecutive days no more than four times per calendar year.
- C) Temporary signs shall be removed within seven days after an advertised event.
- D) No more than one temporary sign is permitted per property frontage, with the exception of blade signs.
- E) Temporary signs must be constructed of materials and inks capable of withstanding normal weather conditions.
- F) Temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by wind or rain.
- G) Temporary signs shall not be lighted.
- H) Temporary signs placed in, on, or over public property, right-of-way, or easement shall require approval of the Public Works Department, and MDOT if a state road is involved.
- I) Temporary signs shall not exceed eight square feet in total size when located in a Residential district and 16 square feet in total size when located in all other districts except as provided in Section 8.8.A.1., unless otherwise approved by the Zoning Officer.



8.7 ALLOWABLE SIGN TYPES BY DISTRICT

A) **Sign Types Permitted by Zoning District.** The following table indicates which signs are permitted in each zoning district.

Table 1 Permitted Sign Types By District

■ =Permitted "-" =Not Permitted

SIGN TYPE	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Banner	■	■	■	■	-	-	-	-	■	■	■	■	■	■
Billboard	-	-	-	-	-	-	-	-	-	-	-	-	■	■
Blade Sign	-	-	-	-	-	-	-	-	-	-	■	-	■	■
Building marker	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Canopy/awning	-	-	-	-	-	-	■	■	■	■	■	■	■	■
Directional (non-governmental)	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Drive-through	-	-	-	-	-	-	-	-	-	■	■	-	■	■
Entry Signs	-	-	-	■	■	■	■	■	■	-	-	-	-	-
Hanging	-	■	■	■	■	■	■	■	■	■	■	■	■	■
Monument	-	-	-	■	■	■	■	■	■	■	■	■	■	■
Pole	-	-	-	-	-	-	-	-	-	■	■	■	■	■
Post (single and double)	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Projecting	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Sidewalk	-	-	-	-	-	-	■	■	■	■	■	■	-	-
Temporary	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Wall	-	-	-	-	-	-	■	■	■	■	■	■	■	■
Window	-	-	-	-	■	■	■	■	■	■	■	■	■	■

B) **Maximum Number of Signs per Parcel or Project Site.** The following table indicates the number of signs permitted by parcel or project site in each zoning district

Table 2 Maximum Number of Signs by Zoning District

SIGN TYPE	OPEN LAND AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Maximum # of signs per parcel	Under 5 acres – 3 per parcel 5 acres+ -- 1 per 100 feet of frontage					2		1	2		4		5	

8.8 ADDITIONAL REQUIREMENTS BY SIGN TYPE

A) Banners.

- Standards.** The following standards apply to banners:



Table 3 Banner Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	1	1	1	1	-	-	-	-	1	1	2	1	1	1
Max. number of sign faces	2	2	2	2	-	-	-	-	1	2	2	2	2	2
Maximum height (ft.)*	6	6	6	6	-	-	-	-	6	6	10	6	10	10
Minimum clearance (ft.)**	1	1	1	1	-	-	-	-	1	1	1	1	1	1
Maximum projection (ft.)	n/a	n/a	n/a	n/a	-	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	32	32	32	32	-	-	-	-	32	32	32	32	32	32

* Building-mounted banners must maintain a clearance of 8 feet above any pedestrian way and may not exceed the height of the eave.

**Applies to ground-mounted signs only.

2. General provisions.

- A banner sign is intended to be temporary in nature and used as an interim



measure for (a) new businesses awaiting permanent sign approval or (b) additional signage announcing an event or activity.

B) Billboards.

1. Standards.



Table 4 Billboard Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Max. number of sign faces	-	-	-	-	-	-	-	-	-	-	-	-	2	2
Maximum height (ft.)*	-	-	-	-	-	-	-	-	-	-	-	-	28	28
Minimum clearance (ft.)**	-	-	-	-	-	-	-	-	-	-	-	-	12	12
Maximum projection (ft.)	-	-	-	-	-	-	-	-	-	-	-	-	n/a	n/a
Max. sign face area (sq. ft.)	-	-	-	-	-	-	-	-	-	-	-	-	300	300

*No more than two billboards may be erected within each 1,000 linear feet of roadway.

2. General provisions.

- a. Billboards may be wall-mounted or pole-mounted.
- b. Pole-mounted billboards must be at least 25 feet from the edge of any right-of-way.
- c. Triplex billboards are not permitted.
- d. No wall-mounted billboard shall exceed the height of the wall upon which it is mounted.

C) Blade Signs.

1. Standards.

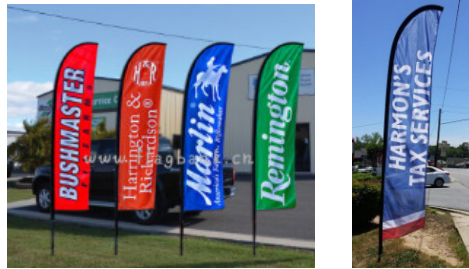


Table 5 Blade Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	-	-	-	-	-	-	-	-	-	-	3	-	3	3
Max. number of sign faces	-	-	-	-	-	-	-	-	-	-	2	-	2	2
Maximum height (ft.)	-	-	-	-	-	-	-	-	-	-	12	-	12	12
Minimum clearance (ft.)	-	-	-	-	-	-	-	-	-	-	n/a	-	n/a	n/a
Maximum projection (ft.)	-	-	-	-	-	-	-	-	-	-	n/a	-	n/a	n/a
Max. sign face area (sq. ft.)	-	-	-	-	-	-	-	-	-	-	32	-	32	32

*Per street frontage.

2. General provisions.

- a. A blade sign is intended to be temporary in nature and used as additional signage announcing an event or activity.
- b. Blade signs must be set back from the edge of rights-of-way by no less than the height of the sign.
- c. Blade signs should be securely anchored into the ground or secured in a portable base designed for such function.



D) Building Markers.

1. Standards.

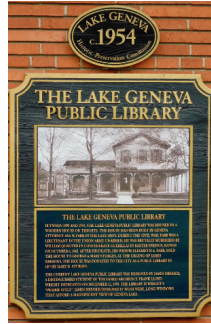


Table 6 Building Markers

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	1	1	1	1	1	1	1	1	2	2	1	2	1	1
Max. number of sign faces	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum height (ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum clearance (ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum projection (in.)	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Max. sign face area (sq. ft.)	6	6	6	6	2	2	2	10	2	6	10	10	10	10

E) Canopy and Awning Signs.

1. Standards.



Table 7 Canopy and Awning Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	-	-	-	-	-	-	2	2	2	2	4	2	1	1
Max. number of sign faces	-	-	-	-	-	-	1	1	1	1	1	1	1	1
Maximum height (ft.)	-	-	-	-	-	-	10	10	10	10	12	12	12	12
Minimum clearance (ft.)	-	-	-	-	-	-	8	8	8	8	8	8	8	8
Maximum projection (ft.)	-	-	-	-	-	-	6	6	6	6	6	6	6	6
Max. sign face area (sq. ft.)*	-	-	-	-	-	-	10/6*	10/6*	10/6*	10/6*	10/6*	10/6*	10/6*	10/6*

*Per canopy/awning.

2. General provisions.

- a. A canopy sign may not extend outside the overall length or width of the canopy or below the canopy. However, a canopy sign may extend up to 12 inches above a canopy.
- b. A canopy sign may encroach over a sidewalk but not over a street or alley. The sign must be a minimum of two feet inside the curb line or edge of pavement, whichever results in greater setback.



F) Directional Signs (non-governmental).

1. Standards.



Table 8 Directional Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	1	1	1	1	1	1	1	1	1	5	5	5	5	5
Max. number of sign faces	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Maximum height (ft.)*	4	4	4	4	4	4	4	4	4	6	6	6	6	6
Minimum clearance (ft.)**	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum projection (ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	6	6	6	6	6	6	6	6	6	6	6	6	6	6

*Building-mounted signs may not exceed the height of the eave.

**Applies to ground-mounted signs only.

2. General provisions.

- a. In Residential districts, directional signs are limited to neighborhood and amenity signs only.
- b. Directional signs may provide the activity's name and a brief description of goods and services offered.
- c. Directional signs may not devote more than 40 percent of the sign face area to advertising, including logos.

G) Drive-Through Signs.

1. Standards.



Table 9 Drive-Through Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	-	-	-	-	-	-	-	-	-	1	1	-	2	2
Max. number of sign faces	-	-	-	-	-	-	-	-	-	1	1	-	1	1
Maximum height (ft.)	-	-	-	-	-	-	-	-	-	12	12	-	12	12
Minimum clearance (ft.)**	-	-	-	-	-	-	-	-	-	8	8	-	8	8
Maximum projection (ft.)**	-	-	-	-	-	-	-	-	-	8	8	-	10	10
Max. sign face area (sq. ft.)	-	-	-	-	-	-	-	-	-	36	36	-	36	36

*Per lane.

**Applies to any portion of the sign over a travel lane. Signs placed adjacent to lanes have no minimum clearance requirement.

2. General provisions.

- a. Drive-through signs may only be internally illuminated.



H) Entry Signs.

1. Standards.



Table 10 Entry Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	-	-	-	1	1	1	1	1	1	-	-	-	-	-
Max. number of sign faces	-	-	-	2	2	2	2	2	2	-	-	-	-	-
Maximum height (ft.)	-	-	-	6	6	6	6	6	6	-	-	-	-	-
Minimum clearance (ft.)**	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	-	-	-	-	-
Maximum projection (ft.)	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	-	-	-	-	-
Max. sign face area (sq. ft.)	-	-	-	24	24	24	24	24	24	-	-	-	-	-

* Per entrance.

** There is no minimum clearance, but the maximum clearance permitted between the ground and the bottom of the sign is 12 inches if supported by a frame or structure other than a pole.

2. General provisions.

- a. An entry sign is a specific type of monument sign associated with a residential development or neighborhood.
- b. An entry sign may only be externally illuminated.

I) Hanging Signs.

1. Standards.



Table 11 Hanging Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	-	1	1	1	1	1	1	1	1	1	1	1	1	1
Max. number of sign faces	-	2	2	2	2	2	2	2	2	2	2	2	2	2
Maximum height (ft.)	-	8	8	8	8	8	8	10	10	10	12	12	12	12
Minimum clearance (ft.)	-	8	8	8	8	8	8	8	8	8	8	8	8	8
Maximum projection (ft.)	-	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	-	8	8	8	8	8	8	8	8	8	8	8	8	8

**Per public entrance.

2. General provisions.

- a. A hanging sign must be located within five feet of an accessible building entrance.
- b. A hanging sign may not be internally or externally illuminated.
- c. A hanging sign may encroach over a sidewalk but not over a street or alley. The sign must be a minimum of two feet inside the curb line or edge of pavement, whichever results in greater setback.



J) Monument Signs.

1. Standards.



Table 12 Monument Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	-	-	-	1	1	1	1	1	1	1	1	1	1	1
Max. number of sign faces*	-	-	-	2	2	2	2	2	2	2	2	2	2	2
Maximum height (ft.)	-	-	-	6	6	6	6	6	6	6	8	6	8	8
Minimum clearance (ft.)**	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum projection (ft.)	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	-	-	-	8	8	8	8	8	16	16	24	16	24	24

*Per primary street frontage.

** There is no minimum clearance, but the maximum clearance permitted between the ground and the bottom of the sign is 12 inches if supported by a frame or structure other than a pole.

2. General provisions.

- a. No portion of the monument sign may encroach into the right-of-way.
- b. The monument sign may be externally or internally illuminated in Mixed-use or Industrial districts. Monument signs in Residential or Open Lands and Agricultural districts may only be externally illuminated.

K) Pole Signs.

1. Standards.



Table 13 Pole Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	-	-	-	-	-	-	-	-	-	1	1	1	1	1
Max. number of sign faces*	-	-	-	-	-	-	-	-	-	2	2	2	2	2
Maximum height (ft.)	-	-	-	-	-	-	-	-	-	12	18	12	18	18
Minimum clearance (ft.)**	-	-	-	-	-	-	-	-	-	8	8	8	8	8
Maximum projection (ft.)	-	-	-	-	-	-	-	-	-	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	-	-	-	-	-	-	-	-	-	24	36	24	36	36

*Per frontage.

**Clearance may be lowered to six feet if the sign obstructs a sight triangle required by Section 4.7.

2. General provisions.

- a. Pole signs must be located at least 15 feet from another structure on the same parcel.
- b. Pole signs must not extend into or over a right-of-way.



L) Post Signs (single and double).

1. Standards.



Table 14 Post Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Max. number of sign faces*	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Maximum height (ft.)	8	8	8	8	4	4	4	4	4	6	8	6	8	8
Minimum clearance (ft.)	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maximum projection (ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	24	24	24	24	6	6	6	6	6	12	24	16	24	24

*Per primary street frontage, except that one additional freestanding sign is allowed for properties with 400 linear feet or more of primary street frontage.

2. General provisions.

- a. Post signs may be externally illuminated.
- b. Post signs must not extend into or over a right-of-way.

M) Projecting Signs.

1. Standards.



Table 15 Projecting Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed*	1	1	1	1	1	1	1	1	1	1	2	1	2	2
Max. number of sign faces	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Maximum height (ft.)	10	10	10	10	10	10	10	10	10	10	12	12	12	12
Minimum clearance (ft.)	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Maximum projection (ft.)	4	4	4	4	3	3	3	3	3	4	4	4	4	4
Max. sign face area (sq. ft.)	8	8	8	8	4	4	4	4	6	8	10	10	4	4

*Per public entrance.

2. General provisions.

- a. A projecting sign must be located within five feet of an accessible building entrance.
- b. A projecting sign may be internally or externally illuminated. Projecting signs in Live/Make (LM) districts shall not be illuminated.
- c. A projecting sign may encroach over a sidewalk but not over a street or alley. The sign must be a minimum of two feet inside the curb line or edge of pavement, whichever results in greater setback.



N) Sidewalk Signs.

1. Standards.



Table 16 Sidewalk Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	-	-	-	-	-	-	1	1	1	1	1	1	-	-
Max. number of sign faces	-	-	-	-	-	-	2	2	2	2	2	2	-	-
Maximum height (ft.)	-	-	-	-	-	-	3	3	3	3	4	4	-	-
Minimum clearance (ft.)	-	-	-	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	-	-
Maximum projection (ft.)	-	-	-	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	-	-
Max. sign face area (sq. ft.)	-	-	-	-	-	-	9	9	9	9	12	12	-	-

2. General provisions.

- Sidewalk signs must be placed to accommodate a minimum six-foot pedestrian clear zone on a sidewalk.
- Sidewalk signs may not be placed in locations that obstruct the visibility sight triangle required in Section 4.7.
- Sidewalk signs may only be displayed during business hours.
- Sidewalk signs must be properly anchored for stability.
- The location, style, color, and design of sidewalk signs must be sensitive to the visually and mobility impaired.

O) Wall Signs.

1. Standards.



Table 17 Wall Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	-	-	-	-	-	-	1	1	1	1	2	1	1	1
Max. number of sign faces	-	-	-	-	-	-	1	1	1	1	1	1	1	1
Maximum height (ft.)*	-	-	-	-	-	-	*	*	*	*	*	*	*	*
Minimum clearance (ft.)*	-	-	-	-	-	-	8	8	8	8	8	8	8	8
Maximum projection (ft.)	-	-	-	-	-	-	1	1	1	1	1	1	1	1
Max. sign face area (sq. ft.)	-	-	-	-	-	-	25	25	25	25	50	25	50	50

*Attached signs may not exceed the height of the eave.

2. General provisions.

- a. Wall signs are limited to the first floor of a building or structure.
- b. A wall sign may be internally or externally illuminated.



P) Window Signs.

1. Standards.



Table 18 Window Signs

	OPEN LANDS AND AGRICULTURAL					RESIDENTIAL				MIXED-USE			INDUSTRIAL & MANUFACTURING	
	RO	AGR	AGW	AGRR	RRS	R	RM	LM	NR	NC	CC	CEC	ICL	ICH
Max. number allowed	-	-	-	-	1	1	1	1	1	5	5	5	5	5
Max. number of sign faces	-	-	-	-	1	1	1	1	1	1	1	1	1	1
Maximum height (ft.)	-	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum clearance (ft.)	-	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum projection (ft.)	-	-	-	-	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. sign face area (sq. ft.)	-	-	-	-	4	4	4	4	4	30% coverage of total window area				

2. General provisions.

- a. Window signs are limited to the first floor of a building.

8.9 SPECIAL PROVISIONS

- A) **Iconic and Heritage Signs.** The Zoning Officer may determine that an existing sign makes a significant artistic or heritage contribution to the County or the neighborhood in which it is located. This declaration, which may be made only at the request of the owner or lessee of the sign, entitles its owner or lessee to continue using the sign subject to the maintenance requirements of this chapter.
- B) **Creative Sign Program.** The purpose of the Creative Sign Program is to encourage signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness, spirit, and sense of place that make a positive visual contribution to the overall image of the County. Creative signs shall be considered through the minor waiver process established in Chapter 11. In addition to any other conditions imposed, creative signs must use or enhance the architectural elements of the building and be placed in a logical location in relation to

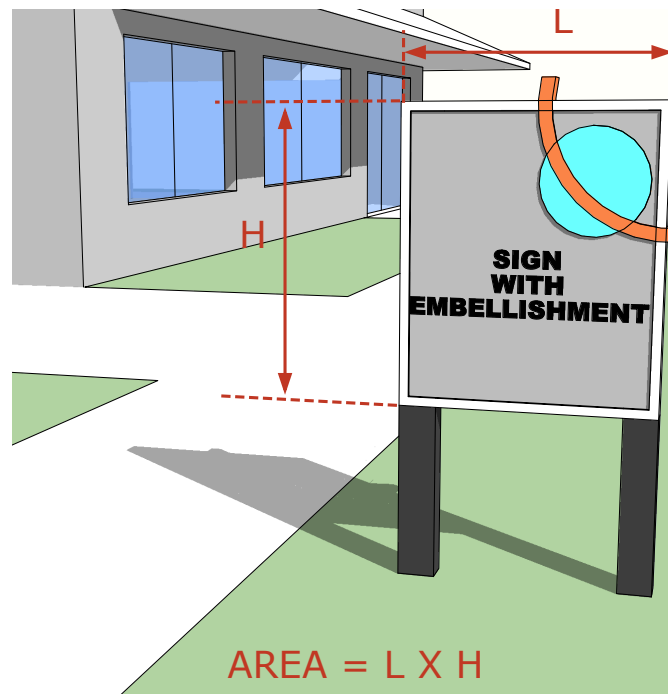
the overall composition of the building's façade or surrounding structures or uses and not covering any key architectural features.

8.10 METHOD OF MEASUREMENT

A) Sign Face Area.

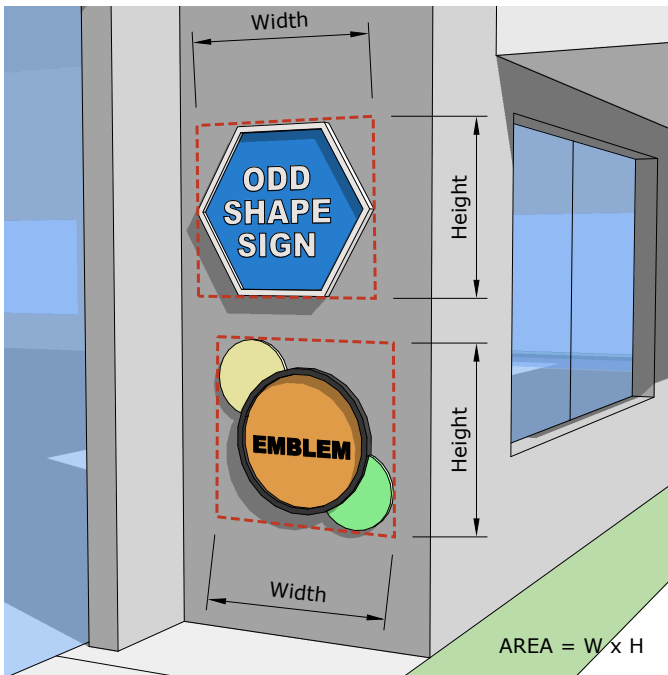
1. Sign face area includes the entire area within the perimeter enclosing the extreme limits of one side of a sign, excluding any structure essential for support or service of the sign and architectural elements of the building.
2. The sign face area for ground signs and monument signs is calculated as the area enclosing the extreme limits of copy only (see Figure 1 for detail).

FIG. 1 Sign Face Area

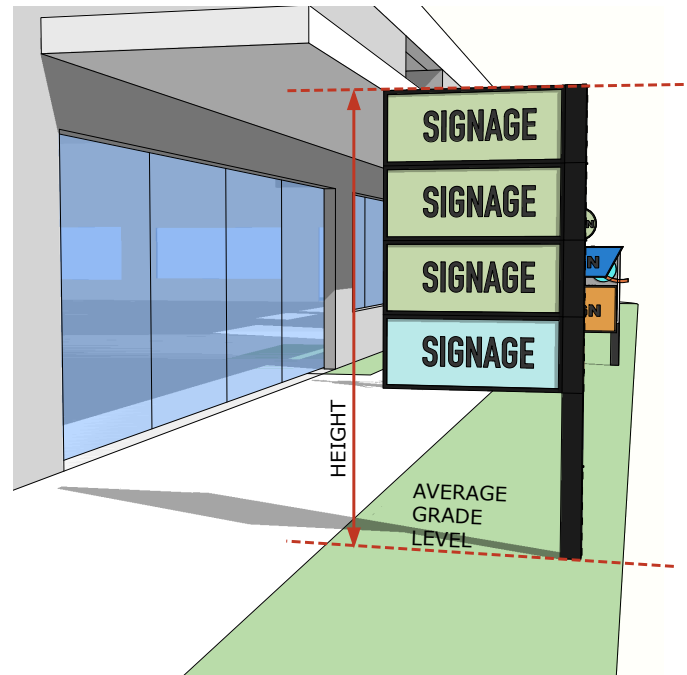


3. In the case of individual letters or unique-shaped emblems mounted to a wall, the area of extreme limits of the copy/shape is considered to be the sign face area (see Figures 2 and 3 for detail).



FIG. 2 Sign Face Area—Emblems**FIG. 3 Sign Face Area—Letters**

- B) Sign Height.** The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or structure (see Figure 4 for detail).

FIG. 4 Sign Height

- C) Sign Setback.** The setback of a sign is measured from the property line or right-of-way, whichever is closer, to the line projected to the ground plane of the nearest portion of the sign.

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CHAPTER

9



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9.1 PURPOSE

The purpose of this chapter is to establish development options and incentives that:

1. Support sustainable and well-planned growth in Missoula County while rewarding the purposeful conservation of resources and conscientious use of land
2. Maximize public and private investment
3. Expand housing options
4. Incentivize quality development where infrastructure exists.

9.2 APPLICABILITY

The development types established in this chapter provide standards for where and how development should occur, in addition to the other applicable requirements of these regulations and the standards of the zoning districts in which a development type may be considered. Development types may allow for the underlying district standards to be altered or adjusted in exchange for the protection of a resource, improved design quality, or directing growth toward areas where infrastructure is best suited to handle it. Most of the development types in this chapter work hand-in-hand with the development incentives described in Section 9.11, when a development is able to meet the base criteria by which added density may be considered. Some development types allow for additional density as a condition of meeting the development-specific criteria, on top of a potential bonus when the provisions of Section 9.11 are applied.

9.3 CONSERVATION DESIGN DEVELOPMENT

A) Intent. Typical rural development patterns often have little, if any, usable open space that isn't privately held in individually owned lots. They often do not result in open space that conserves or protects natural resources, contributes to wildlife and plant habitat, or protects other unique or important features of Missoula County. Conservation design developments are designed to achieve one or more of these objectives while protecting landowners' rights to develop and make reasonable use of their property. This section is intended to incentivize clustering by awarding additional density in areas of the County in exchange for the permanent preservation of land and resources above and beyond what is ordinarily required.

B) Applicability. The conservation design development option applies to development that can demonstrate compliance with the criteria of this section through clustering development and permanently conserving and protecting land, resources and/or other public priorities.

1. Size and location.

- a. A conservation design development may be proposed in any Open Land and Agricultural Resource or Residential zoning district.
- b. To qualify for a conservation design development, the lot or parcel to be divided must be at least twice the minimum lot size required in the underlying district, except in AGR and AGW zones where the lot or parcel to be divided must meet

the minimum lot size required of the district.

- c. The minimum land area required for a conservation design development will be decided upon on a case-by-case basis by the Zoning Officer based upon the lot or project site to be divided and the resources to be protected.
- d. Conservation development is required in AGW, AGRR-10, and AGRR-5 districts when 5 acres or more of important agricultural soils are present (see Section 9.3.E.3.). A minimum of 50% of the important agricultural soils on the lot or project area shall be included in the conservation land area set aside.

C) Resource Protection.

1. Conservation design developments must demonstrate in its application that the protection and/or enhancement of one or more of the following priorities can be achieved and provide a public benefit through the size, location, configuration, and proposed management of the conservation land area set aside. Protection and/or enhancement of one resource shall not result in degradation of another resource.
 - a. Preservation of important agricultural soils.
 - b. Protection of water bodies or riparian resources.
 - c. Protection or enhancement of wildlife habitat and corridors, including nongame wildlife habitat.

- d. Preservation of important public viewsheds and protection/enhancement of rural character.
- e. Connection of public accesses non-motorized facilities to public parks, trails, open space lands, and water bodies where applicable.
- f. Conservation of historic sites and archeological resources.

D) Design Standards. Conservation developments have areas dedicated to development and areas dedicated to resource protection. The design of these areas shall not result in conflicting land uses.

1. General.

- a. All elements of a conservation design developments are subject to the standards within this section as described and all other requirements of these regulations.
- b. Conservation design developments shall be designed to fit the site's topography, physical features, and soil conditions. Regardless of the resource(s) identified for protection, site design that respects natural drainage patterns, the use and preservation of native vegetation, and the stabilization of soils during construction shall be required.



2. **Conservation land area set aside.**

- a. A conservation land area set aside will be contiguous to preserve the effectiveness of the resource and to simplify long-term land management. In limited circumstances, a conservation land area set aside may deviate from this default standard as determined on a case-by-case basis by the Zoning Officer based on the location, type of resource to be conserved, and management and/or enforcement impacts. For instance, a conservation land area set asides intended to preserve agricultural soils for future use should be contiguous to preserve the effectiveness of the resource, whereas the preservation of archeological sites may require multiple conservation land area set asides throughout a development.
- b. Land disturbance associated with street and utility construction shall be minimized and may occur within the land area set aside, but disturbed areas shall not count towards the conservation land area set aside.
- c. Clearing, grading, filling, and construction within the conservation land area set aside is not permitted unless the activity is to provide passive recreation, restoration of resources, or agricultural activity as described in the Stewardship Plan and consistent with the resource protection values.

- d. Only native plant materials shall be used for site restoration, soil stabilization, and landscaping within the conservation land area set aside.
- e. The Zoning Officer may approve one home site to support the agricultural use within the conservation land area set aside when that conservation land area set aside was created to protect important agricultural soils or other agricultural activity such as an operating ranch. The home site, including all associated structures necessary to support the agricultural use, shall occupy the minimum footprint necessary to support the use.
- f. Conservation land area set asides may include areas with greater than 25% slopes, in the regulatory floodplain, and in Riparian Resource Protection Areas or Riparian Buffer.

3. **Areas dedicated to development.**

- a. Lots within a conservation design development are not subject to their districts' minimum lot sizes or building placement requirements. Setbacks for principal structures can be reduced by up to 50%.
- b. Development shall be sited to protect the most important resources and development shall be sited to minimize negative impacts on the site's natural, visual, cultural resources, and between incompatible uses, activities, and adjacent properties.

- c. Lots and buildings must be clustered, and land disturbance associated with street and utility construction must be minimized.
 - d. Low-Impact Stormwater Development (LID) for stormwater management shall be incorporated into the conservation design development plan. Conservation land area set asides cannot be used for stormwater management necessary for the developed areas.
 - e. No portion of a lot in the developed portion of the development can include areas with greater than 25% slopes, in the regulatory floodplain, or in Riparian Resource Protection Areas or Riparian Buffer.
4. **Mobility.**
- a. Pedestrian and bicycle facilities proposed as amenities within a conservation development must be designed to reduce impervious surfaces and connect to the wider County transportation system as appropriate.
 - b. Pedestrian and bicycle facilities and infrastructure within a conservation land area set aside shall be constructed using natural materials that do not increase runoff due to impervious surfaces.
 - c. The internal street network shall be the minimum needed to serve the development while making all feasible motorized and nonmotorized connections.
- E) **Conservation Land Area Set Asides and Density Bonuses.** A conservation development that sets aside a conservation land area set aside in order to protect a resource(s) listed in Section 9.3.C.1., may be eligible for a density bonus based on the amount of acreage placed in the conservation land area set aside and the overall public benefit.
1. **General.**
- a. Conservation land area set asides and bonuses are calculated using the acreage and maximum homes per acre potential of the parent lot or project area to be developed.
 - b. The maximum homes per acre of a parent lot or project area to be developed is based on the maximum homes per acre of the zoning district.
2. **Bonuses.**
- a. Table 1 below outlines the density bonus amount based on the acreage placed in a conservation land set aside for all the resources listed in Section 9.3.C.1. except for important agricultural soils which is described in Section 9.3.E.3.
 - b. Any conservation design development eligible for bonus under Table 1 must have a minimum of 30% of the lot or project area included in the conservation land area set aside.



Table 1 Conservation Area Requirements

Amount of Conservation Land Area as a Percentage of the Total Project Site	Potential Increase in Density from Base District
30 – 40 %	140%
40.1 – 50 %	150%
50.1 - 60 %	160%
60.1 - 70 %	170%
70.1+ %	180%
80.1 - 90%	190%
90.1 + %	200%

3. Enhanced bonuses for protection of important agricultural soils.

- a. Conservation development meeting the requirements in this section may be eligible for a density bonus per Table 2.
- b. In the AGR district, conservation development is required. A minimum of 70% of the lot or project area must be included in the conservation land area set aside.
- c. Conservation development is required in AGW, AGRR-10 and AGRR-5 districts when 5 acres or more of important agricultural soils are present. A minimum of 50% of the important agricultural soils on the lot or project area shall be included in the conservation land area set aside.
- d. All other conservation developments preserving important agricultural soils are eligible for density bonuses per Table 2 when meeting the

following criteria:

- i. The lot or project area has five acres or more of soils classified as important agricultural soils; and
- ii. At least 50% of the important agricultural soils are preserved.
- iii. Conservation developments preserving important agricultural soils that do not meet these criteria or not required in 9.3.E.3.b. and 9.3.E.3.c., are still eligible for a density bonus per Table 1.

Table 2 Agricultural Soil Requirements

Percentage of land area set aside consisting of important ag soils	Potential Increase in Density from Base District
50.1 – 60 %	200%
60.1 - 70 %	250%
70.1 - 80 %	300%
80.1 - 90%	350%
90.1 + %	400%

F) Process and Procedures.

1. **General requirements.** In addition to all other application materials required by these regulations, the following information must accompany all conservation design development applications.
 - a. An intent statement clearly outlining the purpose of the proposed conservation design development as it relates to the intent statement in Section 9.3.A.
 - b. A summary of the resource

- protection(s) accomplished and public benefits provided as described in Section 9.3.C., including a detailed explanation of how these resources will be preserved or enhanced in conformance with or beyond the minimums established by these regulations.
- c. A list of proposed activities and uses for the conservation land area set aside and a description of how those uses are compatible with the resources and the public benefits in Section 9.3.C.
 - d. Evidence demonstrating that the proposed development meets the standards in Section 9.3.D.
 - e. Except for conservation design development required per Section 9.3.E.3. to protect important agricultural soils, a detailed description and documentation, as applicable, comparing development of the site under traditional site development standards permitted in the base district to the proposed development under the conservation design development standards, including at minimum the parcel sizes, dimensions, and densities.
 - f. The name and contact information for the proposed owner(s) of the conservation land area set as well as the type of legal entity if applicable, and the name and contact information of the person responsible for establishing the legal entity.
 - g. The name, contact information, and legal entity of the parties listed on the legal instrument demonstrating permanent protection that will be filed with the County Clerk and Recorder per Section 9.3.F.4.
2. **Stewardship Plan required.**

The application shall include a Stewardship Plan that describes how the conservation land area set aside will be managed to ensure the resources and public benefits described in 9.3.C. will be ensured over time.

 - a. The Stewardship Plan shall include the following elements:
 - i. The name, contact information, and legal entity of the owner of the conservation land area set aside.
 - ii. When applicable, the name, contact information, and legal entity of the parties listed on the legal instrument demonstrating permanent protection per Section 9.3.F.4.
 - iii. A complete list of proposed activities and uses for the conservation land area set aside including a map of the conservation land area set aside and the location of the proposed activities and uses.
 - iv. A detailed description of the management and maintenance of the conservation land area set aside so that it will continue to fulfill the public priority for which it is proposed.



- v. A schedule of regular and periodic maintenance, operation, and management responsibilities.
 - vi. An estimate of staffing needs, insurance, and other associated costs.
 - vii. Performance standards to ensure that the overall intent of the conservation land area set aside is achieved and maintained. The performance standards shall identify specific monitoring, maintenance, and improvement activities to be undertaken to ensure the conservation land area set aside fulfills its stated purpose.
 - viii. When applicable, any additional information required per the legal instrument, the terms of the legal instrument, or the parties to the legal instrument required per Section 9.3.F.4.
 - ix. A statement that the approved Stewardship Plan shall serve as an informational resource for future residents and property owners.
- b. Stewardship Plan administration.**
- i. The owner of the conservation land area set aside is charged per these regulations with executing the management and maintenance of the Stewardship Plan.
 - ii. The Stewardship Plan is considered an element of the zoning approval of a conservation design development, and any violation may be enforced by Missoula County per Chapter 12.
 - iii. The Stewardship Plan shall not be changed without the approval of the County following the procedures per Section 9.3.F.5.
 - iv. Conservation design development required to protect important agricultural soils per Section 9.3.E.2 are exempt from submitting a Stewardship Plan when the conservation land area set aside will be owned by a private individual per Section 9.3.F.3.d., and
 - a) The conservation land areas set aside is created through a subdivision plat and conditions of approval limiting the use of the land area set aside to agricultural activity; or,
 - b) The conservation land areas set aside is created through an agricultural exemption; or,
 - c) A deed restriction, in which Missoula County is a party to, prohibits future development of the conservation land area set aside and limits the use of the property to agricultural activities.

3. **Ownership of the conservation land area set aside required.**

The application must describe the ownership arrangement for the Conservation Land Area Set Aside. Ownership may be in one of the following entities.

- a. A governmental entity such as Missoula County or the State of Montana. Such entity may at their discretion accept dedication in the form of fee simple ownership of the conservation land area set aside. Where Missoula County is the proposed owner, the application must include a statement of acceptance from the County documenting the proposed dedication is consistent with the goals and objectives of Missoula County's currently adopted parks, recreation, open space and/or trails plans
- b. A legally constituted property owners' association. Membership in such an association shall be mandatory for the owners and purchasers of all lots in the development.
- c. A not-for-profit entity whose primary purpose includes the preservation and maintenance of conservation areas and natural resources. If approved by the County, such entity may at their discretion, accept dedication in the form of fee simple ownership of the conservation land area set aside.
- d. A conservation land area set aside with the purpose to protect important agricultural

soils or an operating agricultural activity may be held by a private party whose intent is to operate or lease the property for active agricultural use.

4. **Mechanisms for permanent protection required.**

- Unless otherwise permitted by the County, conservation land area set asides approved as part of a conservation design development shall be protected permanently through a subdivision plat and conditions of approval, agricultural exemption, deed restriction, restrictive covenants, conservation servitude, or a binding conservation easement. The selection of the legal instrument, the terms of the legal instrument, and the parties to the legal instrument are subject of the review and approval of the County per Section 9.3.F.5.
- a. The instrument ensuring the permanent protection of the conservation land area set aside must be recorded with the Missoula County Clerk and Recorder.
 - b. A subdivision plat must identify the conservation land area set aside on the plat and specify the use of the conservation land area set aside either on the plat or as condition of approval.
 - c. An agricultural exemption may only be used when protecting important agricultural soils, created per Section 76-3-207(1)(c), MCA, and reviewed per Chapter 8 of the Missoula County Subdivision Regulations.



d. Conservation easements shall be held by a public bodies or qualified private organizations that meets the requirements of Section 76-6-104(5), MCA. A public body or qualified private organization qualified to hold conservation easements must agree in writing to accept the conservation easement and affirm in writing that it has the commitment, organizational structures, and resources to enforce the conservation easement's terms and purposes.

5. Procedures.

a. Upon receipt of a completed application, the Zoning Officer shall review the proposal to ensure compliance with all the provisions in Section 9.3., and compliance with all other requirements of these regulations.

b. In order to award a density bonus described in Section 9.3.E., the Zoning Officer shall determine that resources to be conserved is of value and that there is an overall public benefit accomplished. When evaluating the value of the resources conserved and the overall public benefit accomplished, the Zoning Office may consider the following:

- i. Providing public access.
- ii. Historic or culturally important landscapes or events.
- iii. Protecting views for the public from adjacent public

lands, public rights-of-way, rivers or streams accessible to the public, or within the view of populated areas.

- iv. The potential to contribute to local food supply and/or agricultural economy.
- v. Protection of wildlife habitat.
- vi. Protecting water bodies.
- vii. Studies, plans, or policies identifying important resources values to Missoula County.
- viii. Other information available to the Zoning Officer or provided by the applicant.

- c. In order to award a density bonus described in Section 9.3.E., the Zoning Officer shall determine that the Stewardship Plan will adequately protect and maintain the resources to be conserved and the overall public benefit over time.
- d. In order to award a density bonus described in Section 9.3.E., the Zoning Officer shall determine that the mechanism for permanent protection in Section 9.3.F.4. will adequately protect the resources to be conserved and the overall public benefit over time.
- e. An award of a density bonus described in Section 9.3.E. shall be an administrative action by the Zoning Officer, as described in Chapter 11.
- f. A determination by the Zoning Officer that a density bonus described in Section 9.3.E. is

not warranted does prevent the applicant from pursuing other approvals provided in these regulations.

- g. Any request for County ownership of a dedicated conservation land area through easements or fee simple title must be reviewed and approved by the Missoula County Board of County Commissioners. Public notice and hearing requirements in the same manner as those required for zoning amendments must be met, as detailed in Chapter 11.
- h. A request to lift the required mechanism for permanent land area set aside protection in a Conservation Design Development, except for conservation easement protections which may not be lifted, must follow all procedures in Section 11.5, in addition to any procedures required per the specific mechanism of protection prescribed in state law. Missoula County may lift the required mechanism for permanent land area set aside protection only if all parties involved, including those associated with the management of the stewardship plan described in Section 9.3.F.2., those associated with the ownership of the conservation land area set-aside per Section 9.3.F.3., and those associated with the legal instrument establishing the mechanism for permanent protection listed in Section 9.3.F.4., affirm their request by

providing a signed application.

6. Enforcement.

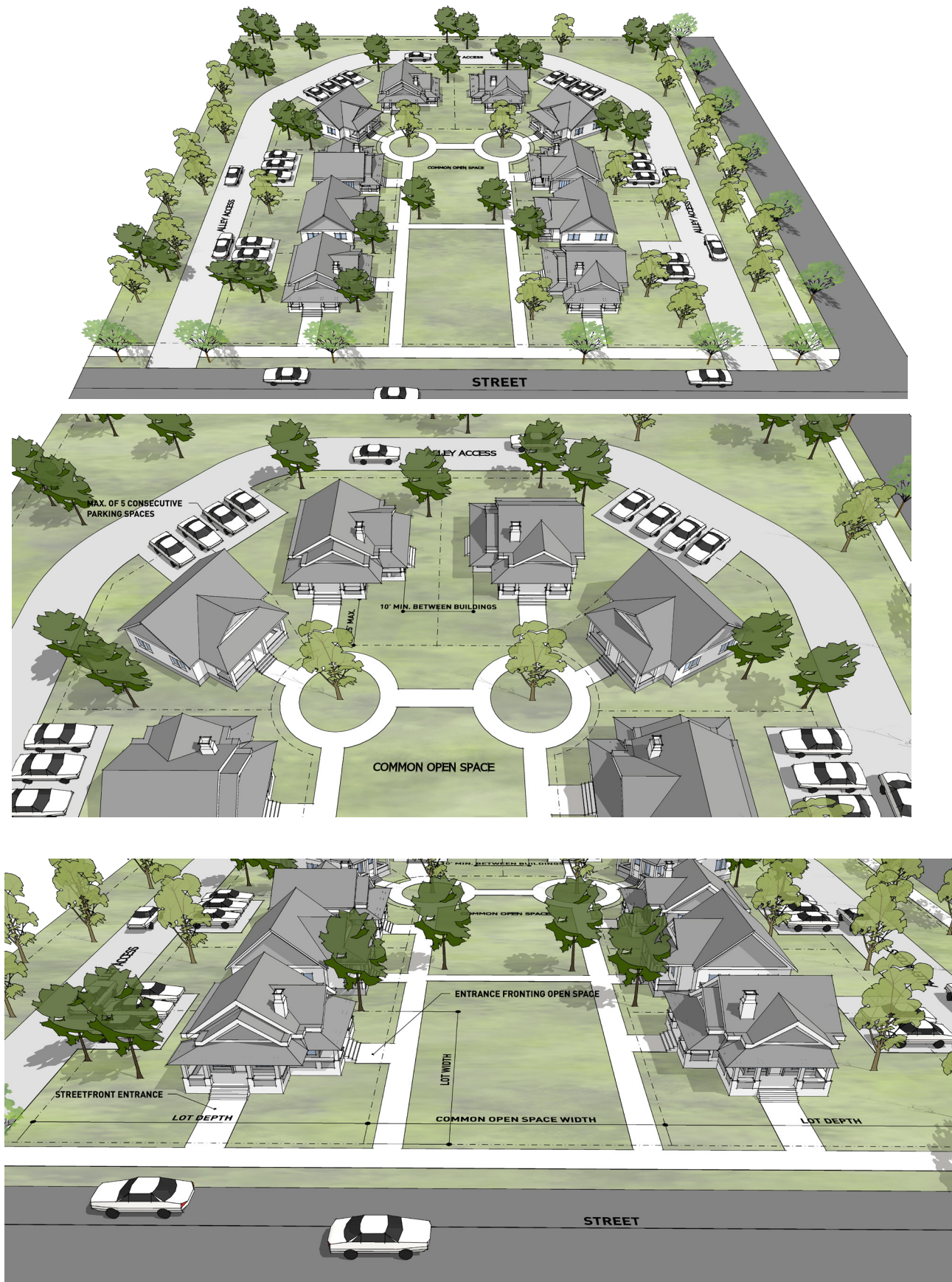
- a. All materials and standards required for an approval of a conservation design development are considered an element of the zoning approval, and any violation of this approval may be enforced by Missoula County per Chapter 12.
- b. In the event the party responsible for maintenance of the conservation land area set aside fails to maintain all or any portion of it in a manner suitable to its purpose, the County may assume responsibility for its maintenance and collect all related costs for such maintenance, including administrative fees from the responsible party in any way permitted by state law.

9.4 COTTAGE COURT DEVELOPMENT (CCD)

- A) **Intent.** This development type is intended to encourage efficient land use, improve affordability and energy conservation, and provide for appropriately-scaled residential development throughout the County. Cottage Court Development allows for increased densities, ownership options, and siting alternatives at a scale appropriately integrated within the context of existing neighborhoods.
- B) **Applicability.** Cottage Court Developments (CCDs) may be developed in any Residential district, or in the Neighborhood Center (NC) or the Commercial Center (CC) or Mixed-Use districts.



FIG. 1 Example of Cottage Court Site Layout



C) Standards and Criteria. CCDs may be built in conformance with the uses and building types permitted by the zoning district and all other requirements of these regulations, subject to the following additional standards.

1. Density

- a. Cottage Court Developments may be constructed at 130 percent of the zoning district maximum homes per acre density.
- b. When at least 30 percent of the gross floor area in the CCD is devoted to multi-household dwellings, the CCD may be developed at 140 percent of the zoning district maximum homes per acre density.
- c. Cottage Court Developments are eligible for a density bonus authorized in Section 9.11. In no case shall density exceed 160 percent of the maximum homes per acre density allowed in the zoning district.

2. Clustering. A minimum of four homes per housing cluster is required, with a maximum of 12 homes per housing cluster for single-household detached dwellings and 16 homes per housing cluster for multi-household attached dwellings.

3. Common open space.

- a. Each housing cluster shall provide common open space to serve the units equal to a minimum of 400 square feet per home per cluster.
- b. Each area of common open space serving a housing cluster shall be contiguous.

- c. The total minimum common open space for CCD is 20% of the total project site.
- d. Homes shall be no more than 25 feet from a common area open space, as measured from the primary entrance point to the nearest boundary of the open space.
- e. At least two sides of the common open space shall have cottages along its perimeter and be oriented as described in Section 9.4.C.4.
- f. Parking areas, private yards, required setbacks, roads, and driveways do not qualify as common area open space.

4. Orientation.

- a. Each principal building shall have a primary entry facing onto a common area open space.
- b. Principal buildings abutting a public or private street, not including an alley, shall also have a secondary entrance oriented toward that street.

5. Dwelling size.

- a. Cottage court developments may utilize any residential building type as permitted by the district except for multi-plex, large, and apartment.
- b. Each dwelling's gross floor area shall not exceed 1,000 square feet for a detached home and 700 square feet per home for an attached dwelling.



- c. Portions of dwellings that do not count toward the gross floor area footprint calculations are:
 - i. Interior spaces with a ceiling height of six feet or less;
 - ii. Basements;
 - iii. Architectural projections such as bay windows, and fireplaces;
 - iv. Utility closets that are less than 12 square feet;
 - v. Balconies and porches; and,
 - vi. Garages or carports.
 - d. CCDs are exempt from the maximum lot coverage allowance specified in Chapter 2.
6. **Setbacks.** The minimum setbacks for all structures in a CCD are:
- a. Six feet from any property line or edge of right-of-way, whichever results in greater setback; and,
 - b. Ten feet from any other building or structure.
7. **Parking and circulation.**
- a. All streets providing onsite circulation to cottage court development housing clusters shall be designed and constructed to meet the standards found in Section 3.4.7. "Road Design Standards," of the *Missoula County Subdivision Regulations*, unless the County determines that due to low levels of expected use a lesser standard will provide equivalent or better safety and durability in accordance with the Missoula County Public Works Manual.
- b. Off-street parking is not required to be located on the lot served but may be located within 300 linear feet of a dwelling's primary entrance. Parking areas are limited to no more than five contiguous spaces and shall be accessed only by a private driveway or a public alley.
 - c. The design of detached garages or carports, including rooflines, shall be similar to and compatible with the design character of the cottage court development as a whole.
8. **Walkways.** A system of interior walkways meeting the design requirements for sidewalks set forth in Section 6.2.A. "Pedestrian Access" shall connect each cottage to one another and to the parking areas serving the homes and any sidewalk bordering the CCD. Interior walkways and sidewalks must be designed to meet ADA requirements.
9. **Ownership.** Community buildings, parking areas, and common open space shall be owned and maintained in common through a condominium association, a property owners' association, or a similar mechanism.

9.5 MOBILE HOME PARK DEVELOPMENT

- A) **Intent.** Mobile home parks are important development types to encourage a mix of affordable and flexible housing options for Missoula County. This section sets

forth development design standards specific to mobile home parks to ensure these development types are safe, functional, compatible with neighboring properties, and designed with appropriate site circulation and amenities to serve their residents.

B) Applicability. In addition to the design and improvement standards required of mobile home parks found in Section 4.4 of the *Missoula County Subdivision Regulations*, the following requirements shall be met.

1. The development shall comply with all applicable standards required of the Montana Department of Public Health and Human Services (DPHHS) pertaining to layout, water systems, sewage systems, and solid waste disposal.
2. No development shall commence until the Montana DPHHS and the Montana Department of Environmental Quality have granted approvals.

C) Standards and Criteria.

1. **Size and location.**
 - a. No mobile home park shall exceed five acres in size.
 - b. Designated spaces for mobile homes shall be arranged to permit their safe and practical placement and removal.
2. **Density.** The maximum homes per acre allowed in a mobile home park development, including any applied density bonus, shall be a maximum of fifteen mobile homes per acre.
3. **Site design.**
 - a. An individual mobile home

pad measuring at least 14 feet wide, and 70 feet long shall be provided for each single-wide mobile home; pad for double-wide mobile homes shall be a minimum of 28 feet wide.

- b. All mobile home pads shall be constructed with a minimum of six inches of crushed gravel over a stabilized sub-base of pit run gravel.
- c. The landscape buffer requirements of Section 6.4.F.3.c. "Landscape Buffer Standards" apply to any mobile home park perimeter boundary where it abuts a Residential district or use or a road easement or right-of-way.

4. Parking and access.

- a. A mobile home space shall be large enough to accommodate at least one paved off-street parking space for the occupants, located at least five feet from the mobile home pad.
- b. One paved guest parking space shall be provided for every ten mobile home spaces. Required guest parking may be consolidated in one location within the park.
- c. Designated mobile home spaces must be accessed from internal streets that comply with the transportation standards of the County Public Works Department Manual and Section 3.4.7., "Road Design Standards," in the *Missoula County Subdivision Regulations*.



5. **Setbacks and separation.**
 - a. A mobile home shall be placed no closer than 15 feet to another mobile home, subject to required fire code separation.
 - b. Mobile homes shall be set back a minimum of 20 feet from the perimeter property boundary of the mobile home park.
 - c. Mobile homes shall be set back a minimum of 20 feet from an internal road, as measured from the edge of a road easement or right-of-way. Where no easement exists for an internal park road, the setback shall be measured from the edge of the pavement or road surface.
 - d. Accessory structures shall be set back from any mobile home a minimum of five feet, unless fire code requires larger separations.
6. **Open space.**
 - a. A minimum of 11 percent of the site shall be designated and improved as common area recreation space to serve the residents and guests of the development.
 - b. Common areas may include community recreation buildings and facilities.

design of tiny home developments and ensure they are designed with appropriate amenities to serve their residents.

B) Applicability. Tiny home developments, consisting of 2 or more tiny homes on permanent foundations may be developed in any Residential district, or in the Neighborhood Center (NC) or the Commercial Center (CC) Mixed-Use districts.

C) Standards and Criteria.

1. Size and location.

- a. No tiny home development project site shall exceed five acres in size. The development can be built on lots larger than 5 acres.
- b. Each tiny home shall have a minimum yard or lot area equal to one and one-half times the home's gross floor area or 1,000 square feet, whichever is larger. This area shall accommodate the primary structure and any accessory structure.

2. Installation.

- a. All tiny homes shall be installed on a permanent foundation.
- b. All tiny homes shall be connected to public water and sewer.

3. Density. The maximum residential homes per acre density allowed in a tiny home development, including any applied density bonus, shall be twenty tiny homes per acre.

4. Site design.

- a. Tiny homes shall meet the setback and height

9.6 TINY HOME DEVELOPMENT

A) Intent. Tiny home developments are important development types to encourage a mix of affordable and flexible housing options for Missoula County. This section is intended to provide guidance on the scale and

requirements for accessory structures according to the district in which the development occurs.

- b. A landscaped buffer is required along the side and rear property boundaries of the project site, in accordance with Section 6.4.F.3.c. "Landscape Buffer Standards."
- c. Each tiny home is permitted one accessory structure less than 300 square feet in gross floor area. Where a tiny home's floor area is 300 square feet or less, the accessory structure must be smaller than the tiny home and comply with Section 5.3. "Accessory Structures and Uses."
- d. Outdoor storage associated with any tiny home shall be screened from view from any abutting right-of-way except alleys in compliance with Section 6.4.F.3. "Screening and Buffering."
- e. Required parking for each home may be consolidated and shall be located within 150 linear feet of a home's primary entrance.
- f. All onsite roads providing access to tiny home developments shall be designed and constructed in accordance with the standards specific to small lot subdivisions found in the County Public Works Department Manual and Section 3.4.7., "Road Design Standards," in the *Missoula County Subdivision Regulations*, unless the County Engineer determines that

due to low levels of expected use a lesser standard will provide equivalent or better functionality, safety and durability.

D) Process and Procedures.

1. Tiny home developments that incorporate common elements shall establish a homeowner's association to maintain all internal streets, utilities, open space, and infrastructure that is not otherwise dedicated to and accepted by the County.

9.7 ADAPTIVE REUSE

A) Intent. The purpose of this section is to:

1. Protect and preserve the historic character and cultural resources of Missoula County;
2. Provide a means by which eligible buildings, sites, and elements may be retained as economically viable while preserving the history and heritage of Missoula County embodied therein;
3. Provide alternative development standards for the conversion of eligible buildings, sites, and elements in areas designated for historic preservation and adaptive reuse; and,
4. Ensure that alternative development standards achieve safe and productive redevelopment in adaptive reuse developments where original design or intent is obsolete.

B) Applicability. The incentives and standards contained in this section allowing for the change of use



or modification of an existing, economically obsolete building, sites, and elements apply when the building or project site meets the definition of an eligible building or site by demonstrating through the use of historical photographs, documents, citations, or other official material that the building or project site is either:

1. Listed on the National Register of Historic Places;
2. Eligible for listing on the National Register of Historic Places; or,
3. Otherwise embodies through function, character, or association with historically important events to Missoula County.

C) Application Requirements. In addition to Zoning Compliance Permit application materials, an applicant seeking to do an Adaptive Reuse development shall:

1. Provide evidence of conformance to the Secretary of the Interior's Standards for the Treatment of Historic Properties, as applicable.
2. Illustrate the proposed design of the adaptive reuse project through an Adaptive Reuse Master Plan, which shall include, at a minimum:
 - a. A description of proposed uses, including densities and intensities and their proposed location within the adaptive reuse project site;
 - b. A site plan showing the boundaries of the lot or project site proposed, including separate, distinct exhibits of existing conditions and proposed conditions;
 - c. Proposed development and

design standards applicable to redevelopment within the lot or project site and meeting the requirements of this section; and,

- d. A summary of how the proposed and amended development and design standards qualify for adaptive reuse designation and meet Sections 9.8.A. and 9.8.B.

D) Adaptive Reuse Project Incentives.

Adaptive Reuse projects may apply one or more of the following incentives.

1. **Additional use opportunities.** In addition to uses permitted by right or Special Exception in the various zoning districts listed in Chapter 2 of these standards, adaptive reuse proposals may be entitled to additional use opportunities, outside of what is allowed in the base district. The Zoning Officer shall approve or refuse the proposed use based on the following criteria:
 - a. The proposed use meets applicable use standards provided in Chapter 5.
 - b. Unless permitted by right or Special Exception in these regulations, some general and intensive uses may not be permitted.
 - c. The proposed use shall not have a destructive impact on the integrity of the historic resource in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - d. Use standards in Chapter 5 and landscaping standards in

Section 6.4 "Landscaping and Screening" shall be met, unless the standards compromise the integrity of the historic resource. In this scenario, the Zoning Officer may allow reasonable reductions to the size or location of landscaped area (to accommodate historic features), using a minor waiver request.

2. Additional density may be permitted for adaptive reuse projects, beyond what is allowed in the zoning district. Density shall be approved or denied at the discretion of the Zoning Officer based on the following criteria:
 - a. Additional maximum homes per acre density allowances shall only be granted toward the reuse of a historic building and shall not be extended beyond the footprint of the historic building. Additional density shall not be allowed in the form of new construction on a lot or project site with historic resources.
 - b. Additional density shall not adversely impact the historic resource, in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. Historic building setbacks shall be considered legal nonconforming and may be applied to proposed development when defined in the Adaptive Reuse Master Plan.
4. Historic building height shall be considered legal nonconforming and may be applied to proposed development when defined in the Adaptive Reuse Master

Plan. Unless expressly permitted according to Section 4.6.C. "Height Exceptions", any additional rooftop construction shall be required to meet the underlying district height restrictions.

5. Where applicable, minimum parking requirements for any converted use may be reduced by half the spaces required according to Section 6.3.C.2. "Parking Required."

E) Processes and Procedures.

1. Where alternate material, design, or construction method is proposed as part of an Adaptive Reuse project site, an applicant shall identify these within the application materials submitted to the County. Upon receipt of such an application, the Zoning Officer shall notify the Building Official or their designated representative and include them in the proposal review. The Building Official shall have the authority to review and grant approval of the material, design, or method of construction proposed when it is satisfactory and complies with current building codes in effect.
2. The Building Official or their designated representative may require additional engineering evaluations, life safety evaluations, or other studies and analysis in determining the acceptability of proposed alternative construction.
3. The Adaptive Reuse proposal shall comply with all other state and local regulations and nothing in this section shall be construed to allow the reduction of fire and life safety elements of an



eligible building where such elements provide a greater level of protection than any proposed alternative.

9.8 CLUSTERED SUBDIVISION

- A) Intent.** This development type is intended to encourage creative subdivision design by allowing for flexible minimum lot size requirements when the application can demonstrate a public benefit of resource protection or provides additional housing opportunities that otherwise would not be possible in a traditional subdivision design, while not adversely affecting the character of the district.
- B) Applicability.** The Clustered Subdivision development option is available to new subdivisions that can demonstrate compliance with the criteria of this section. This development option does not create conservation land area set asides, rather it allows the flexibility of minimum lot sizes through clustering of lots without density bonuses. This development option is available in any district that requires a minimum lot size.
- C) Public Benefit Required.** In exchange for the flexibility of minimum lot sizes, the proposed Clustered Subdivision application must demonstrate a public benefit either through housing diversification or a conservation outcome that mitigates impacts, conserves or protect sensitive lands, or conserves or protects natural resources.
1. A Clustered Subdivision development option providing a public benefit by diversifying housing opportunities must demonstrate in its application that lot layout is designed to

provide housing types or housing options that would not typically be possible if the minimum lot size requirement was strictly adhered to.

2. A Clustered Subdivision development option providing a public benefit by a conservation outcome must demonstrate in its application that the lot layout is designed to mitigate impacts to the natural environment, conserve or protect sensitive lands, or conserves or protects one of the following natural resources.
 - a. Important agricultural soils.
 - b. Operating agricultural uses (not including high-intensity agricultural uses, as defined in these regulations).
 - c. Water bodies or riparian resources.
 - d. Wildlife habitat and corridors, including nongame wildlife habitat.
 - e. Shallow groundwater less than 8 feet from the surface.
 - f. Areas prone to stormwater runoff or seasonal flooding.
 - g. Steep slopes over 10%.
- D) Design Standards.**
1. A Clustered Subdivision development does not allow a development to increase density. The maximum homes per acre requirements of the zoning district still apply.
 2. A Clustered Subdivision must meet the minimum homes per acre calculations of a district, when applicable.

3. Except for the minimum lot area, all bulk and dimensional requirements of the zoning district still apply.
4. When providing a conservation outcome as a public benefit, the subdivision must be designed so lots less than the districts' minimum lot sizes are sited to reduce the impact on the resources the Clustered Subdivision is designed to protect, and larger lots are located where the resource is present.
5. A Clustered Subdivision does not waive or replace parkland requirements.
6. A Clustered Subdivision does not typically create lots held in common or create protected areas outside of individual ownership but can when required as a condition of subdivision approval of the Board of County Commissioners when necessary to mitigate impacts identified in that process. When approved by the Board of County Commissioners, the lots held in common or protected areas outside of individual ownership must be held by a Homeowners Association or similar entity who is responsible for the taxes and maintenance of that lot.
7. Portions of a property in the regulatory floodway are considered unbuildable and do not count toward the overall density of the parcel to be subdivided.
8. A Clustered Subdivision can not be used in place of a Conservation Design Development when a Conservation Design Development

is required.

9. All other requirements in these regulations still apply.

E) Process and Procedures. The intent to create a Clustered Subdivision development option must be included in an application for a minor or major subdivision. All materials necessary to support the resource protection, or diversification of housing justifying the deviation from the minimum lot size must be included in the subdivision application. The review of the Clustered Subdivision will be considered a component of Zoning Compliance during the preliminary plat approval process. If the Zoning Officer determines the proposal does not meet the requirements of this section, the lots will be required to meet the minimum lot size requirements of these regulations.

9.9 TOWNHOME EXEMPT DEVELOPMENT

A) Intent. The purpose of this section is to encourage a range of home ownership options, increased economic opportunities, and reduced development costs through simple divisions of property in areas of the county that facilitate compact development patterns, with few development constraints, while using the infrastructure that is in place. It is not the intent of this section to accommodate complicated development proposals, those should be pursued through subdivision.

B) Applicability. Townhome exempt



development may create individual parcels of land in any Residential, Mixed-Use, or Industrial district if it meets the requirements of this section and of these regulations. A townhome exempt development must be located on a parcel created through Part 4 and 5 of Chapter 3 of Title 76 of the Montana Code Annotated. Condominium or Townhome exempt development that converts spaces in buildings from rental to owner-occupancy that do not include the division of land, and divisions involving townhouses and twin homes as defined in these regulations, do not need to conform to this section.

C) Standards and Criteria.

1. General

- a. Townhome exempt development may be used in conjunction with other development options and incentives within this chapter.
- b. Townhome exempt development must be in conformance with all requirements of these regulations.
- c. A townhome exempt development in any Residential or Mixed-Use district must connect to public water and public sewer.

2. Hazards

- a. Townhome exempt developments of areas in the regulatory floodplain are expressly prohibited.
- b. Townhome exempt developments of areas on slopes greater than 10% are expressly prohibited.

- c. Townhome exempt developments of areas in Riparian Resource Protection Areas or Riparian Buffers are expressly prohibited.

3. Grading and drainage

- a. A grading and drainage plan shall be submitted demonstrating compliance with the standards for stormwater management, grading and erosion control of these regulations, and Section 9, Storm Drainage, of the Missoula Public Works Manual, as amended. The plan must be reviewed for compliance with this section and the Public Works Manual and approved, approved with conditions, or denied by the Public Works Director.

4. Legal and physical access

- a. Each lot created through a Townhome Exempt Development shall have legal and physical access. Any access to more than two lots will be considered public streets and will require a public access easement.

5. Internal street and road standards

- a. All internal streets considered public in Residential or Mixed-use districts must include sidewalks and boulevards on both sides of the street.
- b. All internal streets, curb, gutter and sidewalk required for the development within a public access easement or providing access to more

than two parcels must be built according to Missoula Public Works Manual, as amended. The plan must be reviewed for compliance with this section and the Public Works Manual and approved, approved with conditions, or denied by the Public Works Director.

- c. Any townhome exempt development parcels abutting existing county streets or roads may be required to construct sidewalks if those facilities do not exist on the proposed parcels.
- d. New roads and streets providing legal and physical access to lots shall be paved.

6. **Internal block structure**

- a. Blocks and streets shall be designed to create a block grid pattern to the extent possible given terrain and parent tract configuration, with a perimeter no greater than 2,400 feet.
- b. Blocks and streets shall be designed to maximize connectivity to adjoining developed lands or connectivity potential to adjoining undeveloped lands.
- c. Block length cannot exceed 600 feet.
- d. The Zoning Officer may require roads and streets connect to adjacent properties when an existing road network or rights-of-way are present, when a future road is identified in plans that have been approved by the governing body, or the adjacent property(s) have the

potential to be developed or redeveloped.

7. **Utilities**

- a. Utility easements shall be located along roads or alleys to the maximum extent practical, and when necessary, may be centered on common boundaries of adjoining lots.
- b. All public and private utilities shall be placed underground when technically and economically feasible, and stubbed to each proposed lots, at the expense of the utility and/or divider.

8. **Maintenance of facilities held in common**

- a. Any roads, streets, sidewalks, stormwater facilities, landscaping, open space, or other facilities held in common per these regulations or as a condition of approval must be held by an entity capable of managing the facility, and a legal agreement such as a Road Users Agreement, Covenants, or similar instrument must be filed with the Declaration of Unit



Ownership that demonstrates how the organization will manage and finance the maintenance of the facilities held in common.

9. **Emergency services**

- a. Review and approval by the fire district having jurisdiction or the designated county agent is required for the fire suppression water source, access to the water source and accesses to the individual lots.

D) Process and Procedures.

1. **Application requirements.** In addition to all other application materials required by these regulations, the application must include information that clearly identifies how the development meets the requirements of these regulations. A complete application is required in order for the Zoning Officer to review the materials before a decision on a Zoning Compliance Permit can be issued.
2. **Review and approval.** Townhome Exempt Developments shall be reviewed administratively following the Zoning Compliance Permitting process outlined in Section 11.4. "Administrative Decisions."
 - a. The Zoning Officer will review the application for all materials required by these regulations within 10 working days of the submittal of an application, notifying the applicant in writing or by email of any deficiencies, or if the application is ready for review.
 - b. The Zoning Officer will review the complete application

for compliance with these regulations and may place conditions on the application in order to mitigate impacts or ensure compliance with zoning standards. A decision for approval, approval with conditions, or denial of the application must be made within 30 working days of the application becoming complete. The applicant must be notified of the decision in writing or by email.

- c. An approved Zoning Compliance Permit for Townhome Exempt Developments may be valid for up to three years from the date of issuance. The applicant can request a single one-year extension.
- d. The Final Certificate of Zoning Compliance cannot be issued until the applicant has demonstrated all conditions of approval have been met and the development is in compliance with all aspects of these zoning regulations.
- e. All public improvements are required to be installed prior to issuance of the Final Certificate of Zoning Compliance.
- f. The Final Certificate of Zoning Compliance must be issued for the entire development proposal approved in the initial Zoning Compliance Permit. Phasing is expressly prohibited.
- g. The Declaration of Unit Ownership cannot be filed with the Clerk and Recorder's Office until the Final Certificate of Zoning Compliance has been

issued.

- h. The Issuance of a Final Certificate of Zoning Compliance is for the Declaration of Unit Ownership to create lots, not for the construction of any building or use on any of the lots.
3. **Changes to a Certificate of Zoning Compliance.**
- a. Following the issuance of a Zoning Compliance Permit and prior to the issuance of a Final Certificate of Zoning Compliance, an applicant can request changes to the Zoning Compliance Permit if the changes are in conformance with these zoning regulations, and the changes do not increase the number of proposed lots.
 - b. The Zoning Officer can request additional information necessary to demonstrate compliance with these regulations. The Zoning Officer will review the new information and how it may affect the existing approval per Section 11.4 "Administrative Decisions" and may require new conditions.
 - c. The Zoning Officer, at their discretion, may issue a new timeline that shall not exceed three years, with the opportunity for one one-year extension.

in the base zoning district in exchange for providing a public benefit as described in this section. Development incentive points are awarded based on the degree of meeting development incentive criteria; the more points awarded, the greater the development is allowed to exceed zoning allowances. These incentives and bonuses are intended to direct growth toward areas best suited for development by rewarding development which satisfies incentives meeting identified public benefits, goals, and values.

- B) Applicability.** Incentives and bonuses in this section apply to all uses and building types in all zoning districts with the exception of density bonuses which can only be used in residential districts.
- C) Development Incentives.** Development incentives describe voluntary elements of a development providing a public benefit that are not otherwise required in these regulations. In exchange for including elements that provide a public benefit, the development is awarded development incentive points. A development is eligible to be awarded development incentive points for each development incentive listed within this section as applicable. A development is eligible to be awarded points for multiple public benefits.
 - 1. **Multi-modal connectivity incentive.**

9.10 DEVELOPMENT INCENTIVES AND BONUSES

- A) Intent.** Development incentives and bonuses allow developments to exceed specific zoning requirements



- a. **Standards and criteria.** To facilitate multimodal transportation options, this incentive requires inclusion of multi-modal transportation infrastructure such as shared-use paths, sidewalks, separated bike lanes, or other multi-modal infrastructure improvements beyond what is required by these and other applicable regulations.
 - b. **Development incentive points.** One (1) point awarded per infrastructure element.
 2. **Alternative transportation options incentive.**
 - a. **Standards and criteria.** To increase access to alternative transportation networks, this incentive requires the inclusion of alternative transportation options, including such examples as park and ride lots, bus transit pull-outs and/or shelters within 1,000' of the parcel or project site boundary, or bicycle infrastructure beyond what is required by these and other applicable regulations.
 - b. **Development incentive points.** Two (2) points awarded per infrastructure element.
 3. **Traffic mitigation incentive.**
 - a. **Standards and criteria.** To reduce the impacts of traffic, traffic-impact mitigation measures approved by the County Public Works Department and/or Montana Department of Transportation, where appropriate, must be incorporated into the design of public or private roads serving the development, beyond what is required by these and other applicable regulations. Examples include minimum road widths, grid-pattern street network to replace cul-de-sacs, and traffic-calming devices.
 - b. **Development incentive points.** One (1) point awarded per mitigation element.
4. **Energy efficiency incentive.**
 - a. **Standards and criteria.** To reduce energy consumption in buildings, new and renovated buildings may receive incentive points by achieving a specified reduction in energy use intensity (EUI), relative to a baseline defined for a typical building of the same type normalized by climate zone.
 - b. Building-specific EUI targets for new construction/major renovation projects shall be determined using the Zero Tool (www.zerotool.org) or an equivalent methodology, based on the appropriate EUI reduction from baseline listed in Table 3 or 4. A baseline EUI is calculated by the Zero Tool based on median nationwide energy consumption data from the 2003 Commercial Building Energy Consumption Survey conducted by the U.S. Energy Information Administration, normalized by climate, weather, building type, size, and occupancy. On-site renewable energy generation may be used to help achieve the EUI reduction from baseline unless renewable energy installation

incentives are claimed per Section 9.11.C.6.

- c. An application claiming the energy efficiency incentive must include the results of an energy model of the building showing projected EUI, as well as a narrative describing the building elements that will be included to reduce the EUI from the identified baseline.
- d. **Development incentive points.** New buildings must reduce the EUI from the baseline by 60%, and renovations must reduce the EUI from the baseline by 25% to be eligible for development incentive points. Points awarded for new construction and major renovations vary per Table 3 and Table 4.

Table 3 Energy Efficiency Incentive for New Construction

EUI REDUCTION FROM BASELINE	POINTS
60-69.99%	10
70-79.99%	20
80-89.99%	30
90-100%	40

Table 4 Energy Efficiency Incentive for Major Renovation

EUI REDUCTION FROM BASELINE	POINTS
25-29.99%	20
30-39.99%	25
40-49.99%	35
50%+	40

5. **Electrification incentive.**

- a. **Standards and criteria.** To reduce the use of fossil fuels in buildings, this incentive requires new and renovated buildings to use all electricity rather than fossil fuel combustion. To be eligible for this incentive, development plans must demonstrate that the building will include no fossil fuel combustion and that electric heat pumps, rather than electric resistance heating, will be the primary heat source for the building.
- b. **Development incentive points.** Points shall be awarded based on the gross floor area of a structure, per Table 5.

Table 5 Electrification Incentive Based on Gross Floor Area

STRUCTURE GROSS FLOOR AREA (SQUARE FEET)	POINTS
< 10,000 sq. ft.	10
10,000 - 24,999 sq. ft.	20
25,000 - 49,999 sq. ft.	30
>= 50,000 sq. ft.	40

6. **Renewable energy incentive.**

- a. **Standards and criteria.** To increase the use of renewable energy, this incentive requires the use of on-site renewable energy systems for residential and non-residential buildings.
- b. An application claiming the renewable energy incentive must include the projected on-site renewable energy production, the modeled energy consumption of the building, the percentage of the building's energy consumption



- to be provided by on-site renewable energy, and a narrative description of the renewable energy project.
- c. This incentive may not be used when renewable energy is used to meet the EUI baseline reduction, in accordance with Section 9.11.C.4.
 - d. **Development incentive points.** Projects are eligible for five (5) points for each 20% of the project's energy consumption provided by on-site renewable energy.
7. **Solar ready incentive.**
 - a. **Standards and criteria.** To increase the use of solar energy, this incentive requires the incorporation of solar-ready design into new and existing buildings unless otherwise required by code or regulation. Developments are required to meet all solar-ready provisions described in Appendix RA (residential) or Appendix CA (commercial) of the 2018 International Energy Conservation Code, or equivalent appendix of the most recently adopted version of the International Energy Conservation Code.
 - b. **Development incentive points.** Five (5) points per project.
 8. **Electric vehicle charging station incentive.**
 - a. **Standards and criteria.** To support the use of electric vehicles, this incentive requires the installation of Level 2 charging stations for electric vehicles.
 - b. Any building type in any district is eligible for this incentive when Level 2 charging stations for electric vehicles are installed.
 - c. **Development incentive points.** Two (2) points per charging station per parcel or project area.
 9. **Green roof incentive.**
 - a. **Standards and criteria.** To reduce stormwater runoff and heat island effect and encourage vegetated areas and related amenities such as vegetation providing potential wildlife habitat, this incentive requires installation and maintenance of a green roof designed and engineered to comply with all state and county building code requirements.
 - b. To qualify for this development incentive, a green roof must cover a minimum of 25% of the total roof area.
 - c. The total area of a green roof shall be excluded from the building coverage calculation and allowances.
 - d. Green roofs shall be recognized as an acceptable best management practice when calculating stormwater management requirements and credited appropriately.
 - e. Approved green roofs shall be maintained in accordance with Section 6.4. "Landscaping and Screening" and any other best

practice methods.

- f. **Development incentive points.** Two (2) points awarded for each building or structure.

10. **Affordable housing incentive.**

- a. **Standards and criteria.** To encourage the inclusion of affordable housing options, this incentive requires the construction of homes for homebuyers below 120% of the Area Median Income (AMI) and renter households below 80% AMI.
 - b. Homes constructed in accordance with this section shall be restricted and maintained as affordable in perpetuity using deed restrictions enforced by Missoula County or a non-profit housing organization if approved by the Zoning Officer.
 - c. Each affordable home shall, at a minimum:
 - i. Be fully integrated into the development's overall design and incorporate similar architectural features and amenities characteristic of free-market dwelling units in the same development, including but not limited to decks, patios, parking, fencing, and landscaping.
 - ii. Comply with all applicable requirements of these regulations.
 - iii. Comply with all applicable county building code requirements.
 - iv. Be ready for occupancy no later than the date of the initial occupancy of the residential development's free-market portion.
- d. An Affordable Housing Plan shall be submitted to the Zoning Officer concurrent with the application requirements of these regulations and shall include:
- i. A development site plan and building floor plan illustrating the number of proposed affordable dwelling units and their location in relation to the other development on the parcel or project site;
 - ii. A written summary of the number of affordable homes, the size of each home, the proposed sale/rental mix, and the proposed sales price or rent for each affordable dwelling unit;
 - iii. The proposed deed restrictions to be placed on the affordable dwelling units to ensure they will be maintained as affordable, including a description of the number of homes developed, the level(s) of affordability provided by each home, and, a notarized affidavit that the applicant agrees to implement the Affordable Housing Plan, as approved by the County.
 - iv. The affordable housing



plan and agreement may be amended or modified only in accordance with the procedures and standards established for its original approval.

e. **Development incentive points.** Two (2) points per affordable housing unit.

11. Enhanced landscaping incentive.

- a. **Standards and criteria.** To reduce water consumption dedicated to landscaping, this incentive requires that a development install and maintain more than the required amount area in xeriscaping and/or native plants required in Section 6.4.C.2. "Native Landscaping and Xeriscape Required."
- b. The percentages of xeriscaping and/or native plants for this incentive are determined by the total number of square feet of landscaping required on a lot or project area per Section 6.4.
- c. **Development incentive points.** One (1) point for every 5 (five) percent of additional xeriscaping and/or native plantings beyond what is required by these regulations in Section 6.4.C.2.

Table 6 Development Incentives

CRITERIA	REFERENCE	POINTS AWARDED
Multi-modal connectivity	9.11.C.1.	One point awarded per infrastructure element
Alternative transportation	9.11.C.2.	Two points awarded per element
Traffic mitigation	9.11.C.3.	One point awarded per mitigation measure
Energy efficiency	9.11.C.4.	Varies
Electrification	9.11.C.5.	Ten points awarded per building
Renewable energy	9.11.C.6.	Five points awarded for each 20% of the project's energy consumption provided by on-site renewable energy.
Solar ready	9.11.C.7.	Five points awarded per building or structure
Electric vehicle charging	9.11.C.8.	Two points awarded per station
Green roof design	9.11.C.9.	Two points awarded per building or structure
Affordable housing	9.11.C.10.	Two points awarded per affordable housing unit
Enhanced landscaping	9.11.C.11.	One point awarded for every five percent of additional xeriscape/native landscaping

D) Bonus Types. When a development is awarded development incentive points for providing a public benefit per Section 9.11.C., those points can then be allocated towards a bonus type. There are six bonus types available. Each bonus type contains an explanation of how a development can exceed a specific zoning requirement and thus secure awarded bonus points. Development incentive points can be allocated to different bonus types, but the total number of points allocated cannot exceed the total number of points awarded. Applying one bonus to a zoning standard does not change other requirements of zoning.

1. Density bonus.

a. Applicability.

- i. A density bonus allows a development to exceed the maximum homes per acre of a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a density bonus.
- iii. A density bonus may only be applied in Residential districts.

b. Standards.

- i. The starting number in determining a density bonus is the base number of homes on a lot or project area that are allowed per the maximum homes per acre of the district.
- ii. The base number of homes allowed per lot or project area is determined by multiplying the maximum homes per acre of the zoning district by the gross acreage of a lot or project area.
- iii. The number of homes allowed per a density bonus is determined by multiplying the base number of homes per acre of a lot or project area by the bonus percentages in Table 4 in Section 9.11.D.1.c.
- iv. The final number in this calculation is rounded to the nearest whole number.
- v. When a development is using a development option provided in this chapter, such as cottage court or conservation design, the base homes per acre shall be calculated with the additional densities allowed per that development option type before applying the bonus percentages allowed by this section.
- vi. When applying the density bonus, deviations from lot area, width, and depth are allowed.

c. Point allocation.

- i. A maximum of 50 development incentive points can be allocated toward a density bonus.
- ii. Each development incentive point awarded to a density bonus converts to a two percent bonus per Table 4. For example, if a development allocates 13 points, the maximum deviation from the zoning standard would be 126 percent.

Table 7 Density Bonus

POINTS	DENSITY BONUS
1-5 points	Up to 110% of base density allowed by district
6-10 points	Up to 120% of base density allowed by district
11-15 points	Up to 130% of base density allowed by district
16-20 points	Up to 140% of base density allowed by district
21-25 points	Up to 150% of base density allowed by district



26-30 points	Up to 160% of base density allowed by district
31-35 points	Up to 170% of base density allowed by district
36-40 points	Up to 180% of base density allowed by district
41-45 points	Up to 190% of base density allowed by district
46-50 points	Up to 200% of base density allowed by district

2. **Setback bonus.**

a. **Applicability.**

- i. A setback bonus allows a development to reduce the setbacks for principal structures within a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a setback bonus.
- iii. A setback bonus may be applied in any district.

b. **Standards.**

- i. Setbacks in Mixed-use and Industrial districts adjacent to a Residential or Open Land and Agricultural districts can be reduced up to 50%.
- ii. Setbacks in Residential districts can be reduced up to 75%.
- iii. Setbacks required to meet the landscaping and screening standards in Section 6.4 cannot be reduced.

c. **Point allocation.**

- i. One (1) point per one (1) foot setback reduction per building.

3. **Height bonus.**

a. **Applicability**

- i. A height bonus allows a development to increase the maximum building height and maximum stories within a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a height bonus.
- iii. A height bonus may be applied in any district.

b. **Standards.**

- i. The height of principal structures may be increased by up to 10 feet and no more than one story.
- ii. The height of accessory structures may be increased by an additional six feet.
- iii. In no case may the height of an accessory structure exceed the height of a principal structure when a bonus is used.

c. Point allocation.

- i. One (1) point per one (1) foot in height per building.

4. Maximum footprint bonus.

a. Applicability.

- i. A maximum footprint bonus allows buildings to exceed the maximum building footprint of a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a maximum footprint bonus.
- iii. The maximum footprint bonus may be applied in any district.
- iv. The maximum footprint bonus cannot be used in conjunction with Tiny Home Development or Cottage Court Development options.
- v. The maximum footprint bonus cannot be applied to Accessory Dwelling Units.

b. Standards.

- i. Use of the maximum footprint bonus does not reduce minimum lot coverages or setbacks or permit changes to required build-to zones.

c. Point allocation.

- i. Each development incentive point awarded converts to a three percent footprint bonus per building. For example, if a development applies 16 points towards this bonus, the maximum footprint increase allowed for that building would be 148% ($3 \times 16 = 48$) of the maximum building footprint allowed in the zoning district.
- ii. No more than 20 development incentive points can be allocated per building.

Table 8 Maximum footprint bonus

POINTS	MAXIMUM FOOTPRINT BONUS
1-5 points	Up to 115%
6-10 points	Up to 130%
11-15 points	Up to 145%
16-20 points	Up to 160%

5. Parking requirement reduction bonus.

a. Applicability.

- i. A parking requirement reduction bonus allows a residential development to reduce the minimum parking requirements in Section 6.3. "Parking and Loading."
- ii. Development incentive points awarded from Sections 9.11.C.1. Multi-modal



connectivity, 9.11.C.2. Alternative transportation, 9.11.C.3. Traffic mitigation, 9.11.C.4. Energy efficiency, and 9.11.C.8. Electrical vehicle charging may be applied to the parking requirement reduction bonus.

- iii. A parking requirement reduction bonus may be applied in any district.
- b. Standards.**
- i. When a development is using additional development incentives listed in this chapter such as cottage court, or with a density bonus per this section, the base parking requirement shall be calculated with the additional densities allowed per that development type and/or density bonus.
 - ii. Any design actions per Section 6.3 of these regulations that reduce the amount of required parking can be applied to the base parking requirement prior to the bonus being calculated, but those actions cannot also be eligible for acquiring development incentive points per this section.
 - iii. The parking reduction bonus does not eliminate or reduce the number of ADA required parking spaces.
- c. Point allocation.**
- i. Each development incentive point awarded converts to a three percent reduction in parking required in Section 6.3. For example, if ten parking spaces are required by Section 6.3, and 8 points are being allocated to this bonus, the resulting reduction is ten multiplied by 24% (10×0.24) resulting in 2.4. The result is rounded to the nearest whole number, therefore the required parking in this example can be reduced by two spaces.
 - ii. No more than 20 development incentive points can be allocated to a parking reduction bonus.

Table 9 Parking reduction bonus

POINTS	PARKING REDUCTION BONUS
1-5 points	Up to 15%
6-10 points	Up to 30%
11-15 points	Up to 45%
16-20 points	Up to 60%

6. Maximum lot coverage bonus.

a. Applicability.

- i. A maximum lot coverage bonus allows a development to exceed the maximum lot coverage on a lot or project area for structures within a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a maximum lot coverage bonus.

iii. The maximum lot coverage bonus may be applied in any district.

b. Standards.

i. Use of the maximum lot coverage bonus cannot be used to reduce landscaping and screening standards required in Section 6.4. "Landscaping and Screening."

c. Point allocation.

i. One (1) point per one (1) percent reduction in lot coverage.

E) Procedures.

1. **Application requirements.** In addition to all other application materials required by these regulations, the following information must accompany all development applications when a bonus is requested.
 - a. A statement of intent demonstrating how the development with bonuses meets the requirements of Section 9.11.
 - b. A summary of how the development qualifies for development incentive points and provides public benefits.
 - c. A list of the applicable development criteria in Section 9.11.C. claimed and the number of points the development qualifies for, including how points will be allocated to various bonuses when more than one applies.
 - i. For each bonus requested, information must include the allowance of the base zoning district and calculations that determine the bonus amount.
 - d. A site plan and/or building plans and a written description demonstrating where and how public benefit criteria and design elements listed in Section 9.11.C. have been integrated into the development (e.g., a transit stop, green roof design, affordable housing, etc.).
2. **Review and approval.**
 - a. The Zoning Officer shall verify the bonus points accrued up to the maximum established, in accordance with the standards and criteria for awarding incentive points in Section 9.11.C. and bonuses in Section 9.11.D.
 - b. The process of applying for a bonus per Section 9.11.D. shall be reviewed administratively following the Zoning Compliance Permit process outlined in Chapter 11.
 - c. Development incentive points are not transferrable to any other development.
 - d. In no case shall a development incentive be used to garner points more than once using the same incentive. For example, if a development is granted a density bonus through the installation of an approved shared-use path, that shared use path cannot be used subsequently to garner bonus points toward any other bonus. However, installation of a separate and distinct approved shared use path may qualify for bonus points.



CHAPTER

10



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10.1 PURPOSE

The purpose of this chapter is to establish a clear and consistent method of addressing nonconforming lots, uses, structures, and signs resulting from an interpretation or amendment of these regulations or the zoning classification or reclassification of a property.

10.2 GENERAL PROVISIONS

A) Declared Incompatible.

Nonconformities, as defined in this chapter, are declared to be incompatible with the districts established by these regulations. It is the intent of these regulations to allow nonconformities to continue until they are removed, but not to encourage their survival.

B) Applicability. The provisions of this chapter shall apply to lots, buildings, structures, land, uses, and features which became nonconforming as a result of the application of these regulations, the classification or reclassification of property under these regulations, or any subsequent amendments to these regulations. To establish legal non-conforming status, the landowner must demonstrate that the use or structure was established or constructed legally under rules in place as of the date of adoption of these regulations, as amended, and has operated or existed since that time with no more than 180 days interruption. This chapter shall apply in any Part 1 zoning district established prior to the adoption of these regulations which references these regulations in part or in full.

C) Undue Hardship. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction, or use

of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual construction has been carried out. Actual construction refers to the placement of materials in a permanent position and fastened in a permanent manner on a site and includes the excavation, demolition, or removal of an existing structure as preparation for rebuilding.

D) Extension, Enlargement, and Intensification. A nonconformity shall only be extended, enlarged, or intensified in conformance with the requirements of this chapter.

E) Change in Ownership. There may be a change in ownership of an existing nonconforming use or structure provided there is no change in the nature, character, or intensity of such nonconforming use or structure except as provided by this chapter. Where the nature, character or intensity of the nonconforming use or structure changes in conformance with this chapter, all other applicable requirements shall be met including provisions for non-conforming elements pursuant to Section 10.9.

F) Certain Exceptions. Lots, structures, or features made nonconforming solely as a result of a government entity acquiring land for roads, utilities, or other public infrastructure projects shall not be declared nonconforming. They shall have all the rights and privileges afforded to other legal conforming lots, structures, or features.

G) Burden of Proof. The burden of proof to establish that a nonconformity meets the requirements of this chapter is fully on the property owner, including, but not limited to, proving

that a nonconformity is legal, and that the destruction of a structure was due to accidental means.

10.3 NONCONFORMING LOTS

Legal nonconforming lots are those for which plats or deeds have been recorded in the office of the Missoula County Clerk and Recorder prior to the adoption of these regulations but which fail to comply with the minimum area or other dimensional requirements of the zoning districts in which they are located. Legal nonconforming lots may continue only in accordance with all the following provisions.

- A) **Vacant Nonconforming Lots.** Vacant nonconforming lots may be used for any of the uses permitted in the zoning district in which it is located, provided that all site design and dimensional requirements can be met.
- B) **Developed Nonconforming Lots.** Nonconforming lots which are occupied by buildings or structures and fail to comply with the dimensional requirements for the district in which they are located may continue to be used, provided the specific nonconformity is not increased. The minimum dimensional requirements of these regulations shall not be construed as prohibiting the conversion of an existing building to another permitted use, so long as no further encroachment is made into existing setbacks.
- C) **Space and Bulk for Nonconforming Lots.** For space, bulk, and setback requirements for nonconforming lots, reference Section 4.5.C.5.

- D) **Calculating Allowable Homes on Non-Conforming Lots.** Any nonconforming lot will support a principal use (one dwelling). However, to build an additional dwelling, not including an accessory dwelling unit, the lot size would have to support the required density.

10.4 NONCONFORMING USES

A legal nonconforming use is a use existing legally at the time of the passage of these regulations but is not listed as a permitted use or Special Exception in conformance with the regulations adopted. A use established after the passage of these regulations which is not listed as a permitted use or Special Exception in conformance with these regulations shall be considered an illegal nonconforming use and is a violation subject to the enforcement procedures in Chapter 12. Legal nonconforming uses may continue only in accordance with the following provisions.

- A) **Expansion Limited.** A nonconforming use shall not be expanded except in conformity with this chapter and the following requirements:
 1. Any nonconforming use may be extended throughout any parts of an existing building which were manifestly arranged or designed for such use prior to the adoption or amendment of these regulations.
 2. Any nonconforming use shall not be extended to occupy any land outside the building(s) designed for such use and shall not include an intensification of use, an extension of the hours of operation or number of days of activity and any similar change in activity or location.
 3. A physical expansion of up to 50%



of the existing footprint of a building that results in increased capacity or activity associated with the use may be approved by Special Exception.

4. A nonconforming use of land outside a building may be intensified, enlarged or extended by up to 50% of additional land area by Special Exception.
5. A nonconforming use shall not be moved from one location on a site to another building, structure, or location on the same site.

B) Change of Use Limited. A nonconforming use shall not be changed to any other use unless the new use is permitted by these regulations, or the nonconforming use is replaced by the same or another nonconforming use provided the Zoning Officer determines that the replacement use is equally or more appropriate than the previous use for the zoning district. Conditions may be imposed on the replacement use to ensure protection of conforming uses within the district.

C) Reestablishment Limited. A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any consecutive period of 180 days.

10.5 NONCONFORMING STRUCTURES, EXCEPT SIGNS

A legal nonconforming structure is a structure, including a building, existing legally at the time of the passage of these regulations, which does not by reason of design or dimensions conform to these regulations. A structure established after the passage of these regulations which does not conform to these

regulations shall be considered an illegal nonconforming structure and is a violation subject to the enforcement procedures in Chapter 12. Legal nonconforming structures, excluding signs, may continue only in accordance with the following provisions.

A) Ordinary Repairs Permitted. A nonconforming structure may not be enlarged or altered in any way which increases its nonconformity unless an enlargement or alteration complies with these regulations or is required by law.

B) Relocation Limited. A nonconforming structure shall not be moved to another location unless it thereafter conforms to the dimensional standards of the zoning district in which it is located.

C) Structural Changes Limited. No structural changes shall be made in any structure integral to, and occupied by, a nonconforming use except as follows:

1. Structural changes ordered by an authorized official in order to ensure the safety of the structure shall be permitted.
2. Maintenance and repairs to keep a structure in sound condition shall be permitted.
3. An existing nonconforming structure may be enlarged or altered provided that no additional structures result, and the enlargement or alteration complies with all dimensional requirements of the district.

D) Reconstruction Limited. A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with these regulations after sustaining damage, demolition, or necessitating repair exceeding 50

percent of the replacement cost of the structure at the time of damage or wear. For nonconforming structures necessitating repair less than 50 percent of the replacement cost at the time of damage or wear, reconstruction shall begin within six months from the time of damage or wear as documented by the applicant in the Zoning Compliance Permit application.

10.6 NONCONFORMING SIGNS

A legal nonconforming sign is a sign existing legally at the time of the passage of these regulations, which does not by reason of location, type, design, or dimensions conform to the requirements found in Chapter 8. A sign erected or created after the passage of these regulations, and which does not conform to these regulations shall be considered an illegal nonconforming sign and is a violation subject to the enforcement procedures in Chapter 12. Nothing in these regulations shall prevent the normal maintenance of an existing nonconforming sign. However, a nonconforming sign shall not be:

- A) Changed to another type or shape of nonconforming sign. The copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.
- B) Structurally altered, except for what is required for normal maintenance.
- C) Physically expanded, enlarged, or extended in any manner.
- D) Reestablished after the sign is removed unless removal occurs to allow normal maintenance.

- E) Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost of the sign in its entirety.

10.7 NONCONFORMING ACCESSORY USES AND STRUCTURES

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or structure is permitted as a temporary nonconformity pursuant to Section 10.10.

10.8 NONCONFORMING MOBILE HOMES AND MOBILE HOME PARKS

- A) A pre-HUD mobile home (constructed prior to June 15, 1976) may be replaced by a newer mobile home provided the following conditions were met for the site prior to the adoption of these regulations:
 1. The site was lawfully constructed and occupied;
 2. The site has all utilities, plumbing, and sewage disposal systems installed; and,
 3. The site has an established pad or permanent foundation prepared for the placement of the mobile home.



- B) The number of spaces in a mobile home park that is a nonconforming use due to not being permitted within a district may be expanded by up to 50% by Special Exception.

10.9 NONCONFORMING ELEMENT

A legal nonconforming element is a physical characteristic existing legally at the time of the passage of these regulations, which does not by reason of design or dimension conform to these regulations. Nonconforming elements include, but are not limited to, physical characteristics of development that exceed maximum allowable standards or fall short of required minimum standards (e.g., off-street parking, landscaping, buffering, lighting, etc.). An element added or changed after the passage of these regulations which does not conform to these regulations shall be considered an illegal nonconforming element and is a violation subject to the enforcement procedures in Chapter 12. Legal nonconforming elements may be continued subject to the following limitations.

- A) No action shall be taken that increases the degree or extent of the nonconformity. Any enlargement, reduction, extension, structural alteration, parking changes, and other changes to site design and access shall conform to all applicable requirements of these regulations.
- B) For development existing (or for which a vested right had been established) before the effective date of these regulations, nonconforming elements created by a change in regulations may continue to exist as permitted under the previously established regulations until such time a change is made to the legal nonconforming use or structure upon which the element is based. At such time any required changes to accompanying elements shall comply with these regulations.

10.10 TEMPORARY NONCONFORMITIES

A Zoning Compliance Permit may be issued for an appropriate period of time not to exceed two 12-month increments for temporary nonconforming structures or uses incidental to building construction or land development or in response to a declared emergency, provided that the owner of such temporary nonconformity agrees to remove it upon expiration of the time period established by the Zoning Compliance Permit.

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CHAPTER

11



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11.1 GENERAL PROVISIONS

- A) Purpose.** The purpose of this chapter is to provide for the efficient, reasonable, and impartial administration and enforcement of these regulations and establish a procedure for compliance with the regulations.
- B) Complete Application Required.** A complete [application](#) must be submitted electronically along with one hard (paper) copy to initiate review by the County. The application shall contain a complete [application form](#), required supporting material, and all applicable fees.
- C) Burden of Proof.** The burden to prove intent and compliance with these regulations rests fully on the applicant or property owner. If the County determines that additional information is needed, the additional information requested must be submitted prior to review.
- D) Fees.** No application or request shall be considered complete unless accompanied by all required fees paid in full. Fees are established by the Board of County Commissioners in an adopted fee schedule. [A schedule of fees related to these regulations](#) is available from the Planning, Development and Sustainability Department and can be found on the department's website.
- E) Initiation.** Unless otherwise specified, all applications must be initiated by the subject property owner(s) or the subject property owners' authorized agent.
- F) Applicant Required to be Present.** The applicant or their authorized agent must be physically present at any meeting required by these regulations unless a virtual appearance is authorized. Failure to appear either in person or virtually is grounds for disapproval of any application.
- G) Notice Requirements.** Notice requirements for any action described in this chapter shall meet the minimum requirements and follow the timeframes set forth in the applicable section of the Montana Code Annotated. This does not preclude the County from holding additional meetings or hearings in consideration of a proposal or taking additional steps to notify the public of an action under consideration.
- H) Continuation of a Public Hearing.**
1. Hearings may be adjourned and continued at a subsequent meeting, subject to all the following requirements:
 - a. Any board may continue a public hearing without additional notice if the time, date, and place of the continued hearing are announced during the advertised public hearing, and no material changes in the request are made between the public meetings.
 - b. If the continued hearing will address material changes to the request or new issues brought up during the original hearing, the Zoning Officer shall post notice of the continued hearing which, at minimum, identifies the property or district boundary, summarizes the material changes or issues of concern and provides the date, time and location of the hearing at least 48 hours in advance of

the hearing in a newspaper of general circulation.

2. If a quorum is not present at the originally noticed public meeting, the public hearing is automatically continued to a subsequent regular meeting of the Board of County Commissioners or appropriate board with no additional notice needed.

I) Approvals Run with the Land.

Unless otherwise provided by these regulations or state law, all rights, privileges, benefits, burdens, and obligations created through the application and administration of these regulations attach to and run with the applicable property regardless of ownership.

- J) Files and Records.** A record of all zoning actions shall be kept on file in the Planning, Development and Sustainability Department and recorded with the Missoula County Clerk and Recorder. Such records shall be made available for public inspection in accordance with the County's most current Public Information and Record Requests Policy. Reimbursement for the cost of providing electronic or paper copies shall be required by the County in accordance with the adopted fee schedule.

procedures that carry out the intent and standards of these regulations, including, but not limited to, the following:

- a. The creation and maintenance of different types of land use and zoning permit applications to address specific requests with discrete requirements (e.g., signs, home occupations, etc.) including all necessary permit forms, checklists, submittal deadlines and requirements, informational materials, and other items necessary for efficient and effective intake, distribution, review, and decision-making.
- b. The creation and maintenance of materials necessary to address specific legislative action requests including all necessary [application forms](#) checklists, submittal calendars, hearing and meeting requirements, informational materials, and other items necessary for efficient and effective intake, distribution, review, and staff findings and recommendations to the Planning Board and County Commission.

11.2 DUTIES RELATED TO CODE ADMINISTRATION

- A) Zoning Officer.** The Zoning Officer shall have the following duties under these regulations:

1. Delegate authority to carry out the administrative and enforcement duties and processes established in these regulations.
2. Establish processes and



- c. The creation and maintenance of materials necessary to address specific quasi-judicial action requests including all necessary [application forms](#), checklists, submittal calendars, hearing and meeting requirements, informational materials, and other items necessary for efficient and effective intake, distribution, review, and staff findings and recommendations to the Board of Adjustment.
3. Issue Zoning Compliance Permits.
4. Determine vested rights claims.
5. Issue minor waivers.
6. Maintain files and records to document all matters relating to zoning within Missoula County.
7. Receive and process all zoning requests in accordance with the provisions of these regulations.
8. Publish notice of public hearings as required by these regulations and applicable state statutes.
9. Prepare materials (e.g., maps, agendas, property descriptions, survey sheets) as may be necessary for the appropriate body to conduct proper meetings for the purpose of administering these regulations.
10. Provide written findings and recommendations for petitions and requests and the background information required to support such findings and recommendations to the appropriate body.
11. Coordinate closely with the City of Missoula on matters relating to annexation to allow for the smooth transition of land uses from one zoning district to another.
12. Ensure all materials and documents relating to zoning within Missoula County are properly filed with the Missoula County Clerk and Recorder as required by the applicable statutes.
13. Act as an administrative agent of the Missoula Consolidated Planning Board and Board of Adjustment.
14. Provide zoning information to the public and government agencies and officials to assist in the interpretation and understanding of the meaning and intent of these regulations and otherwise promote procedural uniformity in the administration of these regulations.
15. Initiate appropriate investigatory action for apparent zoning violations.
16. Refer any matters under appeal to the Board of Adjustment for their action.
17. Inspect subject premises in the performance of these duties. The Zoning Officer or their designee may enter any premises to investigate and inspect during reasonable hours. Except in cases involving an imminent threat to public health, safety, or welfare, or when a warrant has been obtained from a court of competent jurisdiction, entry requires the consent and presence of the owner or applicant and the tenant(s) of the premises being inspected.
18. Any other duties necessary for the administration of these regulations

as provided for by state statute.

B) The Consolidated Planning Board.

The Planning Board shall act in an advisory capacity to the Board of County Commissioners on matters related to these regulations, in accordance with [established bylaws](#) and as specified below.

1. Make recommendations regarding the establishment or amendment of zoning regulations and the creation of zoning district boundaries in accordance with §76-2-204 MCA.
2. Make recommendations regarding the adoption or amendment of a growth policy and any other planning document designed to be a guide for the orderly development of the community, and any other matter referred to it by the Board of Commissioners not inconsistent with the Interlocal Agreement or §76-1-106 MCA.
3. Any other duties necessary for the administration of these regulations as provided for by state statute.

C) The Zoning Board of Adjustment.

The Zoning Board of Adjustment, referred to simply as the Board of Adjustment, provides equality and flexibility in the administration of these regulations through the following duties.

1. Authorize a variance from these regulations in a manner that ensures the spirit of the zoning regulations are observed and substantial conformance with the review criteria demonstrated.
2. Hear and decide on Special Exception Permit applications according to the terms of these regulations upon which the Board

of Adjustment is required to decide.

3. Hear and decide appeals when it is alleged there has been an error in any order, requirement, decision, or determination made by the Zoning Officer or their designee in the administration and enforcement of these regulations.

D) The Board of County Commissioners.

The Board of Commissioners shall have the following duties and powers.

1. Decide upon any application or request for an amendment to these regulations or the official zoning maps.
2. Establish interim zoning districts and regulations to address an emergency that involves public health, safety, and general welfare in accordance with §76-2-206 MCA.
3. Review and initiate changes to these regulations.
4. Take any other action not otherwise delegated to the Zoning Officer, the Planning Board, or the Board of Adjustment as the Board of Commissioners may deem desirable and necessary to implement these regulations.



11.3 TYPES OF DECISIONS

Different types of decisions require different processes and procedures. Table 1 lists actions along with their associated decision type and which entity has authority for decision-making. The remainder of this chapter addresses the specific processes and procedures for each type of decision and action.

Table 1 Types of Decisions

ACTION	DECISION TYPE	DECISION MAKER
Zoning Compliance Permits	Administrative	Zoning Officer
Determine a vested rights claim	Administrative	Zoning Officer
Minor waivers	Administrative	Zoning Officer
Create and amend the zoning text	Legislative	Board of Commissioners
Amend the zoning map	Legislative	Board of Commissioners
Hear and decide requests for appeals of administrative decisions	Quasi-judicial	Board of Adjustment
Hear and decide requests for variances	Quasi-judicial	Board of Adjustment
Hear and decide requests for Special Exceptions	Quasi-judicial	Board of Adjustment

11.4 ADMINISTRATIVE DECISIONS

A) Zoning Compliance Permits. A Zoning Compliance Permit is required before any structure, or part thereof, is created, erected, changed, or converted in its use, occupancy, or construction. A Zoning Compliance Permit is also required before any new use is established or any existing use is changed on a property, in whole or in part. The following requirements generally apply to all administrative action requests, in addition to other permits that may be required to be obtained from other local, state, or federal agencies to ensure compliance with applicable codes and regulations.

- 1. Application.** A complete [application form](#), supporting documentation, and fee (when applicable) is required to be submitted by the property owner or their authorized representative to initiate review by the Zoning Officer and before any unauthorized activity associated with the request commences onsite.
- 2. Decision and notice.** Upon full review of a complete application, the Zoning Officer will approve, approve with conditions, or deny the permit. Written notification explaining why a permit was denied shall be provided to the applicant detailing how the request failed to meet the requirements of these regulations.
- 3. Zoning Compliance Permit issued.** Whenever a request for an administrative permit is approved in compliance with the regulations, the Zoning Officer shall issue a Zoning Compliance Permit. Any conditions that may apply to this approval will be fully listed on the permit. Zoning Compliance Permits are valid for six months or until the expiration of a building permit unless otherwise stated in the conditions of approval in the permit.
- 4. Final Certificate of Zoning Compliance.** The Zoning Officer has the right to conduct a final inspection. No building, structure, or premises may be used or occupied until

the Zoning Officer has issued a Final Certificate of Zoning Compliance stating that the use and arrangement of structures and site features comply with all applicable requirements of these regulations. The Final Certificate of Zoning Compliance may be issued only after the Zoning Officer has determined that the site has been developed in compliance with the site plan approved at the time a Zoning Compliance Permit was issued.

B) Determination of a Vested Right.

Any person who believes a past action or approval has granted them a vested right may submit their claim in writing along with documentation in support of their claim to the Zoning Officer. The Zoning Officer shall review the claim and determine its validity. In doing so, the Zoning Officer may request additional information to support the claim. Once a determination has been made, it shall be provided in writing to the applicant.

1. **Criteria for review.** In reaching a decision, the Zoning Officer shall consider:
 - a. The alternatives available to the applicant which would conform to zoning and thereby negate hardship claims.
 - b. Commitments, taken as a whole, made by the applicant, such as land cost, building materials, planning expenses, site preparation, etc. Financial commitments shall be documented in the application.
 - c. Contracts to which the applicant is bound, such as leases or the delivery of a product or service, which

would require use of the subject property. Contractual obligations shall be documented in the application.

- d. The length of time the applicant has controlled or owned the subject property and the degree to which plans for new or expanded land use or structures may have relied on previous zoning.

C) Minor Waivers. To encourage creative design, to avoid stifling innovation, and to build needed flexibility into the zoning approval process for developments within the County, the Zoning Officer is authorized to grant a minor waiver from certain standards of these regulations.

1. **Application.** A request for a minor waiver must include a complete application and supporting documentation. Any request for a minor waiver of a standard established in these regulations must include a complete minor waiver application and shall only be granted after the applicant has demonstrated that the waiver will result in an overall project that meets or exceeds all other requirements of these regulations.
2. **Eligibility.** Standards eligible for minor waivers include any standard described as follows:
 - a. Lot dimension, density, building placement, scale, and vehicular access in Chapter 2;
 - b. Building element design standards in Section 3.4;



- c. Access and circulation, parking and loading, landscaping and screening, lighting, and noise/vibration standards in Chapter 6;
 - d. Numerical standards to hillside and ridgeline development standards in Section 7.1.
 - e. Riparian resource protection area and buffer widths as described in Section 7.4.
 - f. A sign standard described in Chapter 8. Creative signs may request administrative relief to numeric design standards in excess of the maximum five percent allowed under Section 11.4.C.4. below.
 - g. Eligible landscaping size and location in an Adaptive Reuse Development (Section 9.8.D.1.d.). Landscaping locations may be considered under a minor waiver to a non-numeric standard.
3. **Review.** Before granting a minor waiver, the Zoning Officer shall reasonably determine that granting the waiver will not violate the spirit and intent of the regulations and will not adversely affect the rights of other affected property owners in any material manner. The Zoning Officer must also determine that a minor waiver is a more appropriate and reasonable response to the request than a variance or an amendment to these regulations. Conditions of approval are intended to establish the nature and extent of a minor waiver approval.
4. **Waivers limited.** Minor waivers to any numerical standard shall not result in a deviation of more or less than five percent from the adopted design standard. Minor waiver requests to non-numeric standards shall be determined on a case-by-case basis by the Zoning Officer and may require a variance if the waiver is determined to significantly deviate from the intent of these regulations.
5. **Decision and notice.** The authority given to the Zoning Officer to grant a minor waiver shall be construed to be permissive and not mandatory, and the Zoning Officer may decline to grant such waiver. If the request is denied, a written statement of why the waiver was denied will be returned to the applicant, explaining how the request failed to meet the requirements of these regulations. The applicant has the right to appeal the Zoning Officer's decision to the Board of Adjustment. The Zoning Officer may impose conditions on the approval of a minor waiver to meet the intent of these regulations and to mitigate adverse impacts on neighboring properties and to protect public health, safety, and general welfare.
6. Decisions on minor waivers shall be filed in the Office of the County Clerk and Recorder.
- D) Appeals.** Appeals to administrative decisions may be made by any aggrieved party to the Board of Adjustment as a quasi-judicial decision detailed in this chapter and in accordance with §76-2-226 MCA.

11.5 LEGISLATIVE DECISIONS

- A) Zoning Requests.** The following procedures apply to zoning requests, including creation and amendment of zoning regulations and amendments

to the zoning map. These regulations are intended to summarize or augment adopted rules of procedure and not replace or amend them in any manner inconsistent with applicable rules or procedures detailed in the Montana Code Annotated.

1. **Initiation of text creation or amendment.** The Board of County Commissioners or Zoning Officer may initiate an amendment to the text of these regulations or the creation of new zoning regulations. The creation or amendment of text specific to a legacy district, not including miscellaneous legacy districts listed in Appendix A or Nuclear-Free, Cryptocurrency Mining, or Corridor Advertising Zones, may be initiated by any property owner within the district or by the Board of County Commissioners or Zoning Officer. Amendments to the text of any legacy district must move toward conformance with these zoning regulations.
2. **Initiation of a map amendment.** The Board of County Commissioners, the Zoning Officer, or all of the owner(s) of a subject property or their authorized agent may initiate a map amendment.
3. **Application.** When a text or map amendment has been initiated by the Board of County Commissioners or staff, no formal application or review fee is required. When a map amendment or a text amendment to a legacy district as outlined in Section 11.5.A.1. is initiated by a property owner or authorized agent, a complete application meeting the requirements of these regulations and including the applicable fee shall be submitted prior to official

consideration and review.

4. **Staff review.** The Zoning Officer will determine the completeness of each application received and, once deemed complete, will review each application, share the application with other staff and agencies to solicit comments, compile a staff report including recommendations, and transmit the application and staff report to the applicant and their authorized agent, when applicable, as well as each member of the Planning Board.
5. **Notice requirements.** When a notice or public hearing is required by these regulations or state law, the procedures outlined in this section regarding text and map amendments, along with any applicable procedures found in §7-1-2121, §7-1-2122, and §76-2-205 MCA, shall be followed.
6. **Public hearing.** The Planning Board shall hold a public hearing on the application. Notice of the public hearing shall conform with the requirements set forth in §76-2-205 MCA.
7. **Criteria for review.** Before making a recommendation to the Board of County Commissioners on a request to adopt new zoning regulations or amend the existing zoning map or text, the Planning Board shall



evaluate the proposed amendment to ensure its conformance with the *Missoula County Growth Policy* and that it meets the criteria and guidelines set forth in §76-2-203 MCA as follows.

- a. Zoning shall be made in accordance with the growth policy.
- b. Zoning shall be designed to:
 - i. Secure safety from fire and other dangers;
 - ii. Promote public health, public safety, and general welfare; and,
 - iii. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- c. Zoning shall provide for and consider:
 - i. Reasonable provision of adequate light and air;
 - ii. The effect on motorized and nonmotorized transportation systems;
 - iii. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - iv. The character of the district and its peculiar suitability for particular uses; and,
 - v. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
- d. Zoning regulations must,

as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities well as any other applicable criteria found in the *Missoula County Growth Policy*.

8. **Planning Board action.** In taking action on a zoning request, the Planning Board may recommend that the Board of County Commissioners:
 - a. Deny the request, stating specific reasons for this recommendation, supported by findings of fact;
 - b. Approve the request, supported by findings of fact;
 - c. Approve the request with reasonable modifications, supported by findings of fact.
9. **Information delivered to the Board of County Commissioners.** Following a formal recommendation by the Planning Board, the Zoning Officer shall deliver both the staff and Planning Board recommendations, in writing, to the Board of County Commissioners along with a copy of the Planning Board's meeting minutes.
10. **County Commission action.** In addition to any procedures noted for text or map creation or amendments, the Board of County Commissioners may approve or disapprove of any proposed zoning request or approve a request with modifications. The Board of County Commissioners may consider such modifications as necessary to ensure the criteria for review established in §76-2-203 MCA are met. These include, but are not limited to, any change in wording or standards

necessary. At the discretion of the Commission, any modification it deems significant may require additional public hearings and notices and shall be supported by findings of fact.

11. **Appeals of legislative zoning decisions.** Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners may present to a court of record a petition in accordance with §76-2-227(2) MCA within 30 days after the filing of the decision with the County Clerk and Recorder or from date of Commission action, whichever occurs later.

B) Exception for Interim Zoning. The procedures for interim zoning are subject to the process and provisions set forth in §76-2-206 MCA.

11.6 QUASI-JUDICIAL DECISIONS

A) General Procedures. The following procedures are intended to summarize or augment adopted rules of procedure and not replace or amend them in any manner inconsistent with applicable rules or procedures detailed in the Montana Code Annotated.

1. **Application.** A complete application must be submitted by the property owner or their authorized representative before any activity associated with the request commences onsite. A complete application is required to initiate a review by the Zoning Officer and consideration by the Board of Adjustment.
2. **Notice requirements.** All meetings of the Board of Adjustment are public and require

public notice. Notice of the public hearing shall conform with the requirements in accordance with §7-1-2121 and §7-1-2122, MCA.

3. **Decisions.** In making its decision, the Board of Adjustment may:
 - a. Deny the request;
 - b. Approve the request; or,
 - c. Conditionally approve the request with reasonable modifications or conditions.

All conclusions and decisions of the Board of Adjustment shall be based on findings provided in writing to the applicant. The written decision shall also include any required modifications or conditions and be consistent with procedures established in the board's bylaws. The Zoning Officer shall file the decision of the Board of Adjustment at the Office of the Clerk & Recorder.

4. **Appeals of quasi-judicial decisions.** Any person or persons, jointly or severally, aggrieved by a decision of the Board of Adjustment may present to a court of record a petition in accordance with §76-2-227(2) MCA within 30 days after the filing of the decision in the office of the County Clerk and Recorder or from date of Board of Adjustment action, whichever occurs later.
5. **Timeframe for conditional approvals.** A conditional approval per Section 11.6.A.3.c. is valid for a period of three years starting on the date of the filing of the Board of Adjustment's decision in the Office of the County Clerk and Recorder.



A one-time extension may be granted by the Zoning Officer for no more than one year if the Zoning Officer determines the extension is necessary to address delays beyond the reasonable control of the applicant. A Final Certification of Zoning Compliance demonstrating all modifications are complete and all conditions are met must be issued prior to the end of the three-year period. The failure to receive issuance of a Final Certification of Zoning Compliance will invalidate the conditional approval of the Board of Adjustment and the conditional approval will be considered revoked.

B) Appeals of Administrative Decisions.

The Board of Adjustment may hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of these regulations.

1. **Grounds and limitations.** Appeals to the Board of Adjustment may be made by any person, board, association, or corporation allegedly aggrieved by the granting or refusal of a Zoning Compliance Permit or minor waiver or by any other administrative decision provided for in these regulations. Hardship shall not be grounds for requesting or approving an appeal. Appeals may not be made until all other administrative remedies provided in these regulations have been exhausted.
2. **Stays.** An appeal stays all activities associated with the request and decision appealed from unless the Zoning Officer certifies to the Board of Adjustment after the notice of

appeal has been filed that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by a court of record.

3. **Criteria for review.** In considering a request for appeal, the Board of Adjustment shall consider the written record and reports from the Zoning Officer documenting actions relevant to the appeal and testimony and evidence submitted by the applicant in support of their request.
- C) **Variances.** The Board of Adjustment may approve a variance from a specific requirement of these regulations provided it is not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the regulations will result in unnecessary hardship. In granting the variance, the board must ensure that the spirit of the regulations is observed and substantial justice is done. Procedural and administrative variances shall not be considered.
1. **Criteria for review.** A variance from a specific requirement of these regulations shall not be granted by the Board of Adjustment unless and until the applicant demonstrates all of the following:
 - a. The proposed variance will not authorize a use that is not already authorized in the zoning district.
 - b. The proposed variance will not authorize additional density beyond what is allowed in the zoning district.
 - c. Special conditions exist that are unique to the property, such

as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.

- d. Literal enforcement of the provisions of these regulations will result in unnecessary hardship that is not of the applicant's own making.
 - e. Granting the variance will be in harmony with the general purpose and intent of these regulations and the *Missoula County Growth Policy* and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - f. The request for the variance is not based on monetary factors or potential economic gain.
2. **Minimum variance.** In making its decision, the Board of Adjustment shall demonstrate that the variance granted is the minimum variance that will make possible a reasonable use of the land, building, or structure.
 3. **Conditions.** In considering an application for a variance, the Board of Adjustment may attach reasonable and appropriate conditions to ensure that any potentially injurious effect of the variance on adjoining properties, the character of the neighborhood, or the health, safety and general welfare of the community will be minimized. Such conditions shall be based on the criteria for review and shall be reflected in the board's findings and conclusions. The applicant shall have a reasonable opportunity to consider and respond to any conditions or

requirements before final action by the Board of Adjustment.

- D) **Special Exceptions.** The Board of Adjustment is authorized to grant Special Exception permits authorizing a use established as eligible for such classification according to the districts set forth in Chapter 2 but which, because of location, scale, required infrastructure, or other potential impacts, requires a special degree of consideration and control to ensure such uses are consistent and compatible with the overall community character.
 1. **Application.** To initiate review by the Zoning Officer and consideration by Board of Adjustment, a complete application must be submitted by the property owner or their authorized representative before any activity associated with the request commences onsite. In submitting a request for a Special Exception Permit, the applicant shall address all of the following:
 - a. Access, traffic, and parking demand created by or impacted by the use, and pedestrian, bicycle, and onsite vehicular circulation.
 - b. Dedication and development of streets, right-of-way, and public use areas, such as sidewalks adjoining the property and the capacity to handle the use.
 - c. Impacts on or of public and private utilities or services.
 - d. Proposed siting of any new structures necessary to accommodate the use and their relationship to adjoining



- and surrounding properties.
- e. Recreation opportunities and open lands available to serve the use.
 - f. Natural resource protections.
 - g. Landscaping and screening requirements.
 - h. Signage and sign lighting, as applicable.
 - i. Noise, vibration, outdoor lighting, and other on and off-site impacts resulting from the use.
 - j. Frequency of use and hours of operation.
 - k. Area of land necessary and adequacy of the site to accommodate the use and meet the intent of the district and character of the neighborhood.
 - l. Where applicable, how the proposed use addresses the purpose of the TIF Special District intended to attract, retain, grow and develop secondary value-adding industries.
 - m. Any other unique or relevant circumstances related to the property.
2. **Criteria for review.** A request for a Special Exception Permit shall not be approved unless and until the Board of Adjustment finds the application demonstrates all of the following:
 - a. The proposed use or development will be compatible with and will not substantially injure the value of adjoining property.
 - b. The proposed use preserves the character of the district, and the property is suitable for the use proposed (e.g., can meet the bulk and dimensional standards without requiring a variance).
 - c. The proposed use promotes the purpose and intent of the TIF Special District, where applicable.
 - d. Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities.
 - e. In reviewing a Special Exception application, the board shall give due consideration to all of the factors listed in 11.6.D.1.a-m.
 3. **Conditions.** In considering an application for a Special Exception, the Board of Adjustment may attach reasonable and appropriate conditions to ensure that any potentially injurious effect of the Special Exception on adjoining properties, the character of the neighborhood, the purpose and intent of the TIF Special District (if applicable), or the health, safety and general welfare of the community will be minimized. Such conditions shall be based on the criteria for review and shall be reflected in the board's findings and conclusions. The applicant shall have a reasonable opportunity to consider and respond to any conditions or requirements before final action by the Board of Adjustment.
 4. **Amendment.**

- a. Any amendments to an approved Special Exception Permit shall require the same process and procedure as the original request, except that the Zoning Officer may approve minor adjustments to a plan approved by the Board of Adjustment which are not contrary to the findings and conclusions upon which the board's approval was based and which do not affect the intent and basic character of the approved plan and will not adversely affect adjoining or nearby properties in any material way.



CHAPTER

12



IN THIS CHAPTER:

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12.1 APPLICABILITY

Any of the following persons may be held jointly or individually accountable for violating the provisions of these regulations.

- A) Any owner of property upon which a violation of these regulations occurs.
- B) Any architect, engineer, builder, contractor, agent, or any other person who knowingly participates in, assists, directs, creates, or maintains a situation that constitutes a violation of these regulations.
- C) Any tenant or occupant who has control over, or responsibility for, the use or development of the subject property.
- D) The provision of 12.1.A., B., and C. above shall apply to any Part 1 zoning district established prior to the adoption of these regulations that references these regulations.

12.2 TYPES OF VIOLATIONS

Any of the following actions governed by these regulations shall be a violation subject to the enforcement remedies and penalties provided in this chapter and state law.

- A) **Development Without Approvals or Permits.** Any action to engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements to land subject to the jurisdiction of these regulations without all required development application permits, certificates, or other forms of authorization established by these regulations is a violation.

- B) **Development Inconsistent with Approvals or Permits.** Any action to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form or authorization granted for such activity is a violation.
- C) **Submitting False or Incomplete Information.** Knowingly submitting false or incomplete information either in writing, such as in an application, or in testimony regarding a permit or a request or item before a board is a violation.
- D) **Acts of Omission.** The omission of any term, variance, modification, condition, or qualification placed by the Board of Commissioners, Planning Board, Board of Adjustment, or staff upon any required plan, permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements to land is a violation.
- E) **Use Violation.** Any use of land or structures in violation of these regulations as well as any action to construct, reconstruct, alter, or convert any structure to allow such illegal use is a violation.
- F) **Failure to Act.** Failing to comply with any lawful order related to these regulations is a violation. Failing to comply also means disobeying, omitting, neglecting, or refusing to comply with or resisting the enforcement of any provision.
- G) **Damage to Required Postings.** Obscuring, obstructing, removing, or destroying any notice required to be posted or otherwise given under these regulations is a violation.

12.3 VIOLATIONS CONTINUE

- A) Nothing in these regulations will be interpreted to prohibit the continuation of previous enforcement actions undertaken by the County under previously valid laws.
- B) The adoption of these regulations does not affect nor prevent pending or future prosecution of or action to abate violations of previous regulations.

12.4 INITIATION OF ENFORCEMENT ACTION

A) **Complaints.**

1. Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a written complaint with the Compliance Official. The written complaint must clearly state the alleged violation and may be submitted anonymously.
2. Suspected violations of these regulations may be referred to the Compliance Official for investigation by any county official by any means.

- B) **Duty to Act.** If, in the course of other duties, the Compliance Official is made aware of a violation or suspected violation, the Compliance Official has a duty to investigate and act as needed and warranted by these regulations regardless of whether or not a complaint has been filed.

12.5 INSPECTION AND INVESTIGATION

In order to determine violations of these regulations, the Compliance Official shall have the following authority.

- A) **Investigations.** The Compliance Official shall conduct such investigations as deemed necessary to carry out their duties as prescribed in these regulations. For this purpose, the Compliance Official is authorized to enter public or private property at reasonable times, with the consent of the owner, to investigate and inspect the sites of any complaints or alleged violations of these regulations. The decision to investigate anonymous complaints shall be at the discretion of the Zoning Officer.
- B) **Record of Inspection.** The Compliance Official shall keep a record of inspection and investigation activities and may submit a written investigation report to the County Attorney's office.
- C) **Supporting Documentation.** The Compliance Official may require written statements, certifications, or additional information to be submitted by the complainant to clarify or support a report of an alleged violation.

12.6 VOLUNTARY COMPLIANCE

Pursuant to §76-2-210 (2) MCA, the County shall attempt to obtain voluntary compliance with these regulations for a period of 30 days before issuing a notice of violation. Actions to facilitate voluntary compliance shall include but not be limited to communicating verbally and in writing to the property owner of the complaint received and making them aware of all regulations and standards that apply to the property, use, or activity that triggered the complaint.



12.7 NOTICE OF VIOLATION

When any violation of these regulations is found to exist, the Compliance Official shall issue, after pursuing voluntary compliance outlined in Section 12.6, a notice of violation to the person responsible for the violation and to the owner of the premises (if different) with an order to abate or remove the violation. The notice shall be made in writing and include a description of the premises sufficient for identification, a description of the violation reported, stipulate a date by which corrective action must be completed, and state that if the violation is not corrected as directed, the County may proceed with any and all applicable enforcement remedies permitted by these regulations and state law. Service of the notice shall be by any one of the following methods:

- A) Delivering an electronic copy to the owner if an email address is known.
- B) By mailing the notice, postage paid, to the property owner at their last known address.
- C) By posting for 30 days a copy of the notice, in placard form, in a conspicuous place on or within ten feet of the premises on which the violation exists, when notice cannot be otherwise served.
- D) Delivering to any person identified as a violator in Section 12.1 or by leaving the notice at the usual residence of the violator with a household resident who is over the age of 16 years.

12.8 TYPES OF REMEDIES

- A) **Withholding Permits and Other Development Authorizations.** The Zoning Officer may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements on the property upon which there is an uncorrected violation of a provision of these regulations or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County. This enforcement power may be applied regardless of whether the current property owner or applicant is responsible for the existence of the violation in question. This provision may also be applied regardless of whether the property for which the permit or other approval is sought is the property in violation.
- B) **Conditioning New Permits and Other Development Authorizations.** Instead of withholding or denying a permit or other authorization, County officials may grant such authorization subject to the condition that the violation is corrected within a specified period of time. County officials are authorized to require a financial guarantee to ensure that corrective actions will be taken.
- C) **Development Application Approval Revocation.** Development application approval may be revoked by the County by notifying the holder in writing, stating the reason for the revocation. The County shall follow the same development review and approval process that is required for issuance of the development application approval, including any required notice or hearing, in consideration of revocation of that approval. Any development application approval mistakenly issued in violation

of an applicable state or local law may also be revoked. The revocation of a development application approval by the Zoning Officer may be appealed to the Board of Adjustment.

- D) Stop-work Orders.** Whenever a structure or any part of a structure is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of these regulations, the Compliance Official may order the specific part of the work that is in violation or would be when the work is completed, to be immediately stopped. The stop-work order shall be made in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.
- E) Stop-use Orders.** Whenever a structure or part of a structure is being used in violation of these regulations, the Compliance Official may order the use to be immediately stopped. The stop-use order shall be made in writing, directed to the property owner on which the use is occurring, and shall state the specific use to be stopped, the reasons for cessation, and the action(s) necessary to resume the use or activity lawfully.
- F) Forfeiture and Confiscation of Signs.** Any sign installed or placed on public property, except in compliance with these regulations, will be subject to forfeiture and confiscation by the agency with jurisdiction. The County has the right to remove and dispose of such signs without notice and to recover from the sign owner or person who placed the sign the full costs of sign removal and disposal.
- G) Injunctive Relief.** The County may seek an injunction or other equitable relief in court to stop any violation of these regulations.
- H) Abatement.** The County may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed before the violation.
- I) Remedial Action.** Any person who violates these regulations by alteration or modification of a structure to increase the number of dwellings or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used, or any alteration or modification of a structure for a use not otherwise permitted, is required to remove all fixtures, electrical and plumbing connections, furnishings, partitions and non-load bearing walls used in the violation.
- J) Misdemeanor.** A violation of these regulations is hereby declared a misdemeanor and punishable pursuant to §76-2-211 MCA.
- K) Other Remedies and Enforcement Powers.** The County may seek other remedies and use other enforcement powers as allowed by law.

12.9 REMEDIES ARE CUMULATIVE

- A)** The remedies and enforcement powers established in these regulations are cumulative, and the County may exercise them in any order or combination.
- B)** Each day a violation continues shall be considered to be a separate and distinct offense.



CHAPTER

13



IN THIS CHAPTER:

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13.1 MEANING OF TITLES AND ABBREVIATIONS

- A) The following titles and abbreviations shall have their stated meaning in these regulations. Whether or not listed below, all titles used in these regulations shall mean an individual, group, board, commission, or committee duly appointed or established serving the County of Missoula, Montana, unless otherwise expressly noted.
1. Board of Adjustment shall mean the Missoula County Zoning Board of Adjustment as duly appointed by the Board of County Commissioners.
 2. Board of County Commissioners shall mean the elected Board of County Commissioners of Missoula County. This term may be abbreviated "the Commission" or "Commissioners." The Board of County Commissioners may also be referred to in this document as the Governing Body.
 3. The Planning, Development and Sustainability Director shall mean the Director of Planning, Development and Sustainability, as confirmed by the Board of County Commissioners or their designee.
 4. Compliance Officer shall mean the person designated by the Planning, Development and Sustainability Director to enforce the provisions of these regulations in accordance with the requirements of Chapter 12, and to whom enforcement powers have been lawfully delegated by a designated enforcement officer.
 5. F.A.A. shall mean the Federal Aviation Administration.
 6. F.C.C. shall mean the Federal Communications Commission.
 7. Health Authority shall mean either the Montana Department of Environmental Quality, the Missoula City-County Health Department, the Board of Health, or all of the above.
 8. Jurisdictional Area shall mean the unincorporated area of Missoula County.
 9. Missoula Consolidated Planning Board shall mean the duly established City of Missoula and Missoula County Consolidated Planning Board. This term may be abbreviated "Planning Board."
 10. NAICS shall mean the North American Industry Classification System. Any reference to a NAICS code shall mean a code listed in the latest version of the North American Industry Classification System Manual.
 11. Zoning Officer shall mean The Planning, Development and Sustainability Director or their designee charged with administering the provisions of these regulations.

13.2 DEFINITIONS OF WORDS AND TERMS

- A) The following definitions apply to these regulations. The latest edition of *Merriam-Webster's Unabridged Dictionary* should be used in any instance where a word or term has not been expressly defined.

A

1. **Accessory Dwelling Unit (ADU).** A subordinate dwelling unit located on the same lot as a principal dwelling that functions independently from the principal dwelling and, while not required, usually has a separate entrance. Accessory dwelling units may be located under the same roof with a primary dwelling (internal ADU) or in a separate structure (detached ADU).
2. **Accessory Structure.** A structure that is customarily incidental, subordinate to, and located on the same parcel or project site as a principal structure. The term "accessory structure" may include, but is not limited to, accessory buildings, garages, small-scale solar and wind generators when not attached to another structure, and storage sheds.
3. **Accessory Use.** A use clearly incidental, customarily found with, and subordinate to the main use located on the same parcel.
4. **Adaptive Reuse Master Plan.** A proposed or approved plan for an adaptive reuse project site.
5. **Adaptive Reuse Project.** The renovation and reuse of all or a portion of a pre-existing structure(s) for a use or purpose similar to, or distinctly different from what the structure was originally intended. This term includes projects on individual lots and project sites.
6. **Administrative Facilities.** Federal and state-run work centers, ranger stations, lookout towers, boathouses, cabins, and similar facilities that support the management of open lands.
7. **Affordable Housing.** Housing targeted specifically for homebuyers below 120% of the Area Median Income (AMI) and renter households below 80% AMI (as referenced in [Missoula County Housing Action Plan: Breaking Ground](#)).
8. **Agent.** A person duly authorized to act on behalf of the subject property owner.
9. **Agricultural Building.** A structure designed and constructed for use in a bona fide agricultural operation to house farm implements, hay, grain, poultry, livestock, or other horticultural or similar products and animals. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public for business or commercial uses.
10. **Agricultural-Related Business.** A business operated as an accessory use primarily in support of agricultural activities occurring on the same property. It may consist of storage and limited processing of agricultural products, animal services, farm stands, markets, farm-to-table food and beverage offerings, temporary events, and agritourism opportunities, where appropriate.



11. **Agriculture.** The use of land for customary agricultural and ranching activities involving the harvesting of plants or animals to produce food, feed, or fiber commodities. Agricultural activities may create odors, flies, fumes, dust, smoke, mud, light, noise, traffic, changes in appearance, the operation of machinery of any kind during any 24-hour period (including aircraft), animals, the storage and transport and disposal of manure and the application of chemical fertilizers, soils amendments, herbicides and pesticides. Examples may include but are not limited to the cultivation and harvest of crops, horticulture, urban agriculture, family farming and ranching, limited animal husbandry, bee-keeping, other agricultural activities.
12. **Agriculture, High-Intensity.** The use of land for the primary purpose of raising, harvesting, and marketing/selling plants or animals to produce food, feed, or fiber commodities requiring larger amounts of labor, capital, or infrastructure relative to what is customary in Missoula County. High-Intensity Agriculture is characterized by large-scale structures housing commercially high volumes of animals or crops, high concentration of animals, high employment levels, or other activities where the scale and intensity of the operation generates ongoing dust, noise, odor, pollutants, significant grading or permanent removal of vegetation, or visual impacts that adversely impact adjacent properties. Examples may include but are not limited to commercially large-scale dairying; the raising of commercially large volumes of livestock, feedlots, poultry, fur-bearing animals, or biological-control insects; large-scale commercial growing and harvesting of crops requiring unordinary infrastructure such as crops requiring to be grown entirely indoors or requiring high levels of energy consumption; cannabis cultivation; and other agricultural activities where the scale and intensity of the operation generates ongoing dust, notice, odor, pollutants, or visual impacts that generate adverse impacts on adjoining properties beyond customary impacts of agriculture in Missoula County.
13. **Agritourism.** A form of commercial enterprise that links agricultural production or processing or both with tourism to attract visitors onto a farm for education about agriculture or generating income supplemental to the primary agricultural use.
14. **Alteration.** A change to an existing structure or use, resulting in an increase or decrease in overall square footage, height, design, intensity, or location.
15. **Animal Services.** The use of land or structures for providing services related to animal care, including but not limited to veterinary care, animal hospitals, grooming, and training facilities. Boarding may be associated with, but not independent of, an animal service facility. For the purposes of these regulations, this use is divided into two categories:
 - a. **Large Animal.** Any animal not otherwise defined as a small animal, including but not limited to horses, goats, and pigs, whether or not they are considered pets or livestock. Horse riding arenas and stables not for personal use and not intended for entertainment are considered Large Animal Services.
 - b. **Small Animal.** Any small pet or companion animal kept primarily for their company. This term is limited to domesticated dogs and cats, small mammals such as guinea pigs and hamsters, birds, small reptiles, and amphibians commonly kept within the home.

16. **Animal Shelter or Boarding Kennel.** Any premises used for the primary purpose of boarding small domestic animals, such as dogs and cats, overnight. This term includes commercial breeding and training facilities, as well as facilities where lost or abandoned animals are temporarily housed for adoption. This term does not include boarding facilities associated with and accessory to a veterinary operation or an agricultural use, such as equine boarding.
17. **Antenna.** This word broadly refers to equipment used to collect or transmit electromagnetic waves, including but not limited to panels, micro-cells, small cell antennas, and antennas for distributed antenna systems (D.A.S.), microwave and satellite dishes, and omnidirectional or whip antennas.
18. **Area Plan.** A plan for a specific geographic area within the County that addresses one or more of the elements of the growth policy in more detail.
19. **Artificial Slope.** A change in the natural slope profile resulting from land-disturbing activity related to use or construction.
20. **Auto Wrecking.** The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.
21. **Awning.** A cantilevered covering that provides shade and cover from the weather which is supported by a rigid frame attached to and fully supported by the wall of a building.

B

22. **Balcony.** A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.
23. **Bay Window.** A building projection that:
 - a. Is primarily comprised of a large window or series of windows;
 - b. Is not supported by a building foundation beneath the window; and,
 - c. Has glazing over at least 33 percent of its vertical surface area.
24. **Best Management Practices.** Products, techniques, or methods that have been shown to be the most reliable and effective way to minimize adverse impacts on natural resources, particularly stormwater quality.
25. **Billboard.** A large outdoor off-premises advertising sign typically directed at the motoring public.
26. **Blank Wall.** This term means a portion of the structure's exterior facade that does not include windows, doors, columns, pilasters, or other articulation features.
27. **Block.** An area of land enclosed by streets and occupied by or intended for buildings.
28. **Block Face.** All lots abutting one side of a street between the two nearest intersecting streets.
29. **Buffer.** A vegetated area extending from an identified boundary inward and used to



- separate potentially incompatible land uses.
30. **Buildable Area.** That portion of a lot or project site that may be built upon according to these regulations after all requirements (e.g., setbacks, lot coverage, landscaping, and buffers) have been met.
 31. **Building.** A structure having a roof supported by walls that is intended for any occupancy, including structures to be used for sheltering people, animals, property, vehicles, or business activity.
 32. **Building Envelope.** The two-dimensional area on a lot upon which a building or structure can be placed. No part of a building or structure may protrude beyond the building envelope.
 33. **Building Façade.** The face of a building that delineates the edge of conditioned floor space as seen from one side or view.
 34. **Building Foundation Wall.** A structural portion of a building that serves to retain grade or maintain a continuous ground floor elevation. A building foundation wall is an integral part of a structure.
 35. **Building Line.** An imaginary line representing the vertical projection (or plumb line) of an exterior building wall that encloses interior floor space.
 36. **Build-To Zone.** The area of a lot where a certain percentage of the front building facade must be located.
 37. **Built Area.** The sum of the horizontal areas of impervious materials existing or placed on the ground surface, including but not limited to parking areas and driveways constructed of permeable and semi-permeable pavements and pavers, green roofs, and living roofs.
 38. **Business Equipment Sales and Service.** Sales, rental, or repair of office, professional, and service equipment and supplies to companies. Typical uses include office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms but exclude automotive and heavy equipment sales or service.

C

39. **Campground.** A parcel of land available to and principally used by the public for camping that meets the Montana Department of Health and Human Services definitions of a campground, where a persons can secure spaces for tents for camping and sleeping purposes. A campground does not include spaces for Recreational Vehicles (see Recreational Vehicle Park).
40. **Cannabis Canopy.** The total amount of square footage dedicated to live plant production at a registered premise consisting of the area of the floor, platform, or means of support or suspension of the plant. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
41. **Cannabis Cultivation.** A use operated by a person licensed by the State of Montana

to (a) plant, cultivate, grow, harvest, and dry marijuana; and (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

42. **Cannabis Dispensary.** A licensed premises from which a person licensed by the State of Montana may (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved by the State; and (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age, or both.
43. **Cannabis Manufacturing.** A use operated by a person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extract and package, repackage, label, or relabel marijuana products.
44. **Cannabis Products.** Products containing THC, derived from cannabis, for consumption. The term does not include hemp as defined in State law (MCA §16-12-102).
45. **Cannabis, Recreational.** A term used in this zoning code replacing the term “adult-use” used in state statutes and defined by the State of Montana (MCA §16-12-102).
46. **Cannabis Tier.** The canopy square footage allotted by the State of Montana based on state guidelines found in MCA §16-12-223.
47. **Canopy.** A covering intended to protect against the sun or weather mounted on a rigid metal frame and frequently supported in full or in part by posts attached to the ground, a deck, or a paved surface.
48. **Canopy, Tree.** The branches, leaves, or other foliage from woody vegetation exceeding five feet in height. The area of tree canopy may be measured by determining the area surrounding a tree located within the dripline.
49. **Casino/Gambling Establishment.** Any establishment that offers legalized gambling authorized under Title 23, Chapter 5, Part 1, *et. seq.*, MCA, and where any one of the following characteristics applies:
 - a. The establishment is referenced as a “casino” or “gambling establishment” or makes any reference to legalized gambling by signage, advertisement, or by name;
 - b. Five or more gambling machines are on the premises; or,
 - c. A card table is on the premises.
50. **Channel Migration Zone.** A delineated river corridor that is anticipated to accommodate natural channel migration rates over a given period of time. The CMZ typically accommodates both channel migration and areas prone to avulsion. The result is a mapped “footprint” that defines the natural river corridor that would be active over some time frame, which is commonly 100 years. The CMZ is composed of four sub-areas:
 - a. **2018/2019 Channel.** The most recent riverbank lines digitized from 2018/2019 aerial photography as part of the Clark Fork and Bitterroot Rivers Channel Migration Mapping Report released by Missoula County on March 3, 2021.
 - b. **Historic Migration Zone (HMZ).** The historic channel footprint that forms the core



- of the Channel Migration Zone (CMZ). The HMZ is defined by mapped historic channel locations, typically using historic air photos and maps.
- c. **Avulsion Hazard Zone (AHZ).** Floodplain areas geomorphically susceptible to abrupt channel relocation.
 - d. **Erosion Hazard Area (EHA).** Area of the CMZ generated by applying the erosion buffer width to the active channel bankline.
51. **Civic Use.** A use which provides public or semi-public functions or facilities in service of a public, non-profit, or charitable nature to the citizens in the community.
 52. **Co-location.** The mounting or installation of more than one set of transmission equipment on a single support structure to transmit or receive radio frequency signals for communications purposes.
 53. **College/University.** Institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or encompassing multiple blocks, lots, or parcels. This definition includes nursing and medical schools, not accessory to a hospital, conservatories, and seminaries.
 54. **Commerce and Business.** The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, or commodity for livelihood, profit, or management. The maintenance and use of buildings, structures, or premises by professionals, tradespersons, or persons rendering such sales and/or services.
 55. **Common Open Space.** An area improved for recreational use or gardening that is used in common by residents of a development.
 56. **Community Residential Facility.** This type of group residence includes the following activities and is generally regulated according to the number of persons served:
 - a. A group, foster, or other home specifically provided as a place of residence serving developmentally disabled or handicapped persons who do not require nursing care; and as defined by §76-2-411, MCA;
 - b. A district youth guidance home serving youths in need of supervision, or youths in need of care or delinquent youths as defined by §76-2-411, MCA, and established pursuant to the Montana Youth Court Act;
 - c. Detention, receiving, or shelter homes defined by §76-2-411, MCA, and established pursuant to the Montana Youth Court Act;
 - d. A halfway house operated in accordance with regulations of the Department of Public Health and Human Services for the rehabilitation of alcoholics or drug dependent persons, pursuant to §76-2-411, MCA;
 - e. A licensed adult foster family care home as defined by §76-2-411, MCA; or,
 - f. An assisted living facility licensed under §76-2-411, MCA.
 57. **Complete Street.** A transportation policy and design approach that requires streets

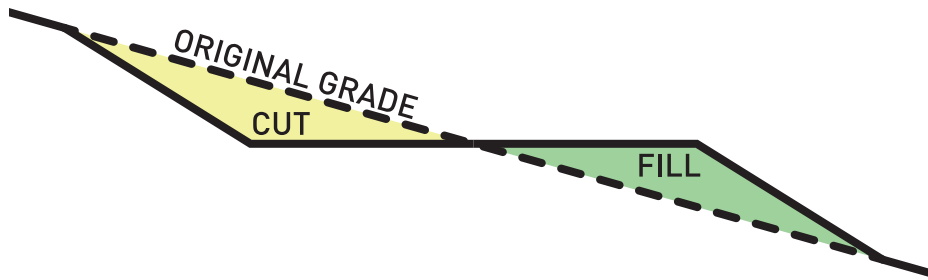
to be planned, designed, operated and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation.

58. **Conforming Use.** Any use allowed by the regulations of the district as a permitted use or Special Exception.
59. **Conservation Easement.** A voluntary legal agreement that runs with the land and permanently limits uses of the land in order to protect its conservation value. The limitation of uses is voluntary and agreed upon by and between the owner of the land and the holder of the easement but generally restrict improvements to the land that would otherwise be permissible under the applicable land use regulations in place.
60. **Conservation Land Area Set Aside.** An area of land required as part of a conservation design development intended to protect natural resources, support wildlife and plant habitat, and preserve unique features of the landscape. This conservation area is protected and cannot be built upon or used for purposes other than those that support the listed objectives.
61. **Construction Sales and Services.** Construction and development activities and related storage on parcels other than construction or development sites. Typical uses include tool and equipment rental or sales, and building contracting/construction businesses. Uses that involve office or administrative functions only, with no on-site equipment or vehicle storage, are classified as offices.
62. **Cottage Court Development (CCD).** A development containing a cluster (or clusters) of dwellings located around common open space that is designed and constructed as a coordinated development in accordance with Section 9.4.
63. **Cryptocurrency Mining.** The operation of specialized computer equipment for mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity, which is also termed "proof of work", involves the solving of algorithms as part of the development and maintenance of a blockchain, which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency, nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.
64. **Cultivation Facility, Indoor.** An enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.
65. **Cultural Services.** A library, museum, performing arts center, community center, or similar civic or cultural use. Such use may involve displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences or providing a place for the community to gather for educational, social, or limited recreational activities.



66. **Cut and Fill.** The excavating of material in one place and depositing of it as fill in another place on the same lot or project site (see Figure 1 below).

FIG. 1 Cut and Fill



67. **Cutoff Fixture, Full.** An outdoor lighting fixture that emits 0% of its light above 90 degrees and 10% above 80 degrees from horizontal. This is a standard IES definition.
68. **Cutoff Fixture, Semi.** An outdoor lighting fixture that emits no more than 5% of its light above 90 degrees and 20% above 80 degrees from horizontal. This is a standard IES definition.
69. **Cut Slope.** The exposed ground surface resulting from excavation of material.

D

70. **Daycare.** The care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are two types of daycare:
- Daycare Home.** Daycare provided within for up to 15 children or adults, in addition to the members of the daycare provider's household. This term includes family day care homes and group day care homes as defined in MCA §52-2703 when care is provided within a residential home.
 - Daycare Center.** An out-of-home place in which daycare is provided to 16 or more children or adults on a regular basis.
71. **Density, Gross.** The total number of homes divided by the total project land area in acres without subtracting areas devoted to open space, roadways, parks or similar public use and infrastructure areas
72. **Density, Net.** The total number of homes per acre of land, excluding allowed deductible areas. Allowed deductible areas are dedications of land for streets, sidewalks, and open space.
73. **Development.** Any human-made change to real estate or property, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling.
74. **Development Application.** A formal request, usually in writing, to undertake, modify, remove, or install any use, structure, element, or development activity covered by these regulations.

75. **Direct Glare Source.** Light that originates in a direct line of sight from a source which results in objectionable glare
76. **Directional Sign.** An off-premise sign erected for the purpose of directing motorized and sometimes non-motorized traffic to the location of a business or facility.
77. **Distributed Antenna System (D.A.S.).** A distributed antenna system network consisting of one or more nodes connected by a fiber system to a carrier's base transceiver station or other location commonly referred to in the communications industry as an "eNodeB," or "NodeB," or similar designation.
78. **District.** An area of the County in which zoning regulations governing the use of the land and buildings and space and bulk requirements are the same.
79. **District, Base.** Any zoning district that is not a special district (a PUD, overlay, legacy, Part 1, etc.).
80. **District, Special.** A zoning district that was created through the provisions of Title 76, Chapter 2, Part 1, of the Montana Code Annotated, or that was created through the provisions of Title 76, Chapter 2, Part 2, and has been identified as a legacy district by these regulations, including those that overlay one or more base zoning districts and impose requirements in addition to those of the base district, or that modify the standards otherwise applicable in the base zoning district.
81. **Double Post Sign.** A freestanding sign where the primary support is supplied by two posts positioned no more than two inches from the outer edge of the sign face.
82. **Drainage System.** The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, as well as manufactured elements including culverts, ditches, channels, retention facilities, and the storm sewer system.
83. **Driveway.** An improved and maintained way providing vehicular access from a public or private road right-of-way to an off-street parking area, a garage structure, a dwelling, or to other uses.
84. **Driveway, Shared-Access.** An improved and maintained way providing vehicular access from a public or private road right-of-way to no fewer than two properties, dwellings or uses.
85. **Drive-In or Drive-Through Facility.** Any service window, automated device, or other facility that provides goods or services to individuals in a motor vehicle.
86. **Dwelling or Dwelling Unit.** See Definition of "Home."
87. **Dwelling, Multiple-Household.** A building designed for occupancy by three or more households living independently of each other, which may have a common building entrance and hallway to each dwelling. The term includes attached tri-plexes, quad-plexes, multiplexes, townhouses, apartments, communal-style living with shared kitchen or bath facilities, and transitional housing.



88. **Dwelling, Single-Household.** A detached building designed for occupancy by one household. Unless expressly stated otherwise, this definition includes a manufactured home and a mobile home.
89. **Dwelling, Two-Household.** A building designed for occupancy by two households living independently of each other. This term also includes a twinhome/twinhouse.

E

90. **Easement.** A right acquired by a public or private authority to use or control property for a designated purpose.
91. **Eating and Drinking Establishments.** An establishment providing prepared food, beverages, or both for on or off-premises consumption. Typical uses include restaurants, taverns, and nightclubs.
92. **Element.** A development feature that is incidental and subordinate to and located on the same lot or project site as a principal use. Such features include but are not limited to surface parking, on-premises advertising signs, freestanding energy generation facilities, landscaping, helicopter pads, stormwater detention facilities, building design element, lighting, playgrounds, and non-structural recreational facilities.
93. **Eligible Building or Site.** Any historically significant building or site meeting the criteria for National Register nomination, or a building or site that has been determined to meet the requirements for adaptive reuse found in Chapter 9, or that has been determined by Missoula County to be significant to the history of Missoula County.
94. **Energy Use Intensity.** The energy used per square foot of a building, reported in units of thousands of British thermal units per square foot per year (kBtu/ft²/yr).
95. **Enterprise Commercial.** Commercial development containing 30,000 or more square feet of gross floor area within one building and may include additional buildings on a parcel or a project site. Malls, strip development centers, and big-box commercial are examples of traditional enterprise commercial development. Under these regulations, enterprise commercial development may include a mix of uses (e.g., retail, office, eating and drinking establishment) as allowed by the district.
96. **Entertainment Venue.** Any building, structure, or outdoor space dedicated to events typically involving spectators such as auditoriums, theaters, cinemas, fairgrounds, stadiums, and racetracks. Entertainment venues are divided into the following categories to further regulate impacts:
- a. **Small Venue.** Establishments having a capacity of no more than 149 people, such as a small theater, meeting, or banquet hall.
 - b. **Medium Venue.** Establishments having event capacity between 150 and 500 people, including single or dual screen cinemas and large meeting or banquet halls.
 - c. **Large Venue.** Establishments with a capacity to serve more than 500 people, such as stadiums and arenas, large theaters, multi-screen cinemas, auditoriums, and outdoor music venues.

97. **Entry Sign.** A permanent onsite ground or wall sign that serves to identify the name of a city, subdivision (residential, commercial, or industrial), multi-family development, or other special place with a discrete identity.
98. **Ephemeral Stream.** Surface water flowing or pooling only in direct response to precipitation (e.g., rain or snow fall).
99. **Equipment Enclosure.** A small structure, shelter, cabinet, box, or vault designed for and used to house and protect equipment used in the operation of utilities and utility systems, including wireless communications.
100. **Erosion.** The wearing away of the ground surface resulting from the movement of wind, water, ice, land disturbance activities, or any combination of these processes.

F

101. **Farmstand.** A booth, stall, or building that is typically (but not always) accessory to an agricultural use from which produce and farm products—the majority of which are grown, raised, or produced within Missoula County or a neighboring county—are sold to the general public.
102. **Feedlot.** A confined area for feeding livestock. A feedlot may be accessory to a primary agricultural operation, or it may be a commercial feedlot that is the primary use of the property. A feedlot may be completely or partially sheltered or located entirely on unsheltered land.
103. **Fence.** A wall, enclosure, or barrier intended for enclosing a space or separating parcels of land and which do not otherwise structurally function as a retaining wall or as an integral structural part of a building as defined by the International Building Code (I.B.C.) and the International Residential Code (I.R.C.).
104. **Fill Slope.** The exposed ground surface resulting from manual deposition of material resulting from onsite grading or excavation, or it may be fill hauled from an offsite location and deposited on site.
105. **Financial Services.** Financial or securities brokerage services. Typical uses include banks, savings, and loan institutions, consumer investment businesses, check cashing, and loan services.
106. **Flashing Sign.** A sign which has a lighting source or lighting element that periodically illuminates or is not stationary or constant in intensity or color at all times when the sign is in use, usually in a manner intended to draw the attention of the viewer.
107. **Floodplain.** Any land area susceptible to being inundated by floodwaters from any source designated as A, AE, AH, AO, Floodway, and Shaded Zone X on a FEMA Flood Insurance Rate Map.



108. **Floor Area, Gross.** The gross horizontal area of the subject space measured from the exterior faces of any exterior walls or from the centerline when two buildings or units abut, excluding such features as covered walkways, covered open areas, unenclosed porches and balconies, exterior terraces or steps, chimney roof overhangs, and attic or basement spaces having headroom of less than seven feet ten inches. Unless otherwise expressly stated, accessory buildings and parking and vehicular circulation areas within principal buildings are not counted as gross floor area.
109. **Food and Beverage Sales.** Establishments primarily engaged in the retail sale of food, beverages, or household products for off-premise consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, liquor stores, and candy shops.
110. **Foot-Candle.** A unit of measurement for a total amount of light cast on a surface (illuminance). One foot-candle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. Vertical foot-candle is the measurement on a vertical surface. Horizontal foot-candle is a measurement on a horizontal surface.
111. **Forecourt.** An open area at grade, or within 30 inches of grade, located in front of the entrance to a large building that serves as a public space, plaza, or outdoor dining area.
112. **Foundation, Permanent.** Any structural system typically comprised of concrete, concrete block, or wood pier resting on embedded concrete or concrete block footings and capable of transferring loads from a building or structure to the earth at a depth below the established frost line without exceeding the bearing capacity of the supporting soil.
113. **Frontage, Street.** The property line or boundary of a lot or project site abutting a street right-of-way or easement.
114. **Funeral and Interment Services.** Provision of services involving the care, preparation, or disposition of human dead, including:
- a. **Cemetery or Mausoleum.** Land or facilities used for burial of the dead, including pet cemeteries.
 - b. **Cremating/Crematorium.** Crematory services involving the purification and reduction of the human body by fire.
 - c. **Funeral Home or Mortuary.** Undertaking services such as preparing the dead for burial and arranging and managing funerals.

G

115. **Galleries and Exhibition Space.** Commercial space used to display and sell artwork. This term does not include art museums as defined under "Cultural Services" or studio or production space that may be part of a home occupation or a live/make district use.
116. **Gasoline and Fuel Sales.** A building or portion of a building used to sell at retail gasoline and fuel, oils, and accessories for motor vehicles. Repair service and automobile washing may be incidental, but the sale, rent, or storage of vehicles is prohibited.
117. **Geographic Information Systems (G.I.S.).** A computerized framework for gathering,

managing, and analyzing data based on spatial location.

118. **Geospatial.** Of or relating to the location of objects on the earth.
119. **Glare.** The sensation produced by a light source that is sufficiently brighter than the level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.
120. **Glazed Area/Glazing.** The portion of a building's façade comprised of glass, including windows, glass block walls, and windows indoors.
121. **Grade, Existing.** The elevation of the ground surface in its natural state, before human-made alterations.
122. **Grade, Finished.** The final elevation of the ground surface of a site after completion of development.
123. **Green Roof.** A roof of a building that is wholly or partially covered with vegetation and a growing medium planted over a waterproof membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Pre-planted tray systems with green roof layers combined into small units shall qualify as a green roof. However, container gardens with plants in pots or roofs painted a reflective color without plants shall not qualify as a green roof for purposes of these regulations.
124. **Greenway.** A linear park, alternative transportation route, or open space conservation area approved that provides for passive recreational opportunities, the conservation of open space and natural areas, and multimodal transportation options through pedestrian and bicycle paths.
125. **Ground Floor.** The first floor of a building (as measured from the lowest floor upward) that has more than 50 percent of its floor-to-ceiling height above finished grade.
126. **Ground Floor Unit.** A residential, retail, business, or office space located on the ground floor of a multi-unit, multi-story building.
127. **Groundcover.** Any living or non-living material incorporated in or covering the soil surface used to hold moisture, control erosion, and prevent weeds.
128. **Growth Policy.** A comprehensive development plan, master plan, or comprehensive plan as defined in Montana Code Annotated §76-1-103 and §76-1-601, or any plan such as a plan of land use, zoning, thoroughfares, sanitation, recreation, or other related matters, or any part of such plan.

H

129. **Height, Light Fixture.** The distance between the lamp in a light fixture and the ground, measured perpendicular to the ground.



130. **Heritage Sign.** A sign having historical or cultural significance as determined by Missoula County. A heritage sign may be maintained, repaired, or relocated, so long as no modifications that alter its significance are made.
131. **High-Water Mark or Elevation.** The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
132. **Historic Streetlight.** Streetlight fixtures and poles manufactured before January 1, 1945, and streetlight fixtures manufactured after 1945 that are designed to replicate streetlight fixtures manufactured before January 1, 1945.
133. **Historically Significant Building or Site.** Any building that is listed on the National Register of Historic Places or is eligible for such listing based on criteria established by the National Park Service.
134. **Home.** A building, or portion within a building, that provides independent living facilities for one or more persons, including permanent provisions for living and sleeping. Homes also include provisions for eating, cooking, and sanitation, which may be communal in Multiple-Household dwellings. In determining whether a building contains one or more homes, the Zoning Officer may in addition to building code definitions, use one or more of the following indicators: the layout of the floor space including the appearance of bedrooms and closets, kitchen appliances, a 220V electrical service, independent utilities, complete bathroom facilities, or independent exterior access.
135. **Home Occupation.** An accessory use of a home or a residential accessory structure for business or commercial purposes.
136. **Homeless Shelter.** Housing that provides minimal supportive services and is limited to occupancy of six months or less by individuals whose homelessness poses a threat to their lives or health.
137. **Hospital.** An establishment providing emergency, medical, or surgical care to patients and offering inpatient (overnight) care.
138. **Household.** One or more individuals living, sleeping, and usually cooking and eating on the premises as a single housekeeping unit.
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139. **IES.** Illumination Engineering Society of North America. The professional society of lighting engineers. IES publications contain industry standard guidelines for lighting design, including outdoor lighting
140. **Illuminance.** The amount of luminous flux per unit area in the English system, equal to one lumen per square foot, and measured in foot candles. The metric system uses the lux; one foot-candle equals approximately 0.1 (0.093) lux.
141. **Illumination.** Lighting sources installed for the primary purpose of lighting an area or an object such as a specific sign or group of signs.

142. **Impervious Surface.** Any material that significantly reduces or prevents natural infiltration of water into the soil or causes water to run off the surface in greater quantities or at an increased flow rate from that which is present under natural conditions before development. Drainage swales are not considered impervious under this definition.
143. **Important Agricultural Soils.** Any soils defined by the U.S. Department of Agriculture (USDA) and identified by Natural Resources Conservation Service within Missoula County as prime farmland, prime farmland if irrigated, or farmland of statewide importance, or soils with similar qualities and characteristics to the USDA definitions that have been identified through a site survey and analysis conducted by a soil's scientist or similarly qualified individual.
144. **Improvement.** One or more of the following features required by these regulations as part of a Zoning Compliance Permit or development approval: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds.
145. **Indoor Cultivation Facility.** An enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.
146. **Industrial Flex Space.** This land use type encompasses a mix of low-impact non-residential uses that do not generate smoke, noise, noxious odors, or other hazards. Use encompasses a broad range of manufacturing and production uses, including agricultural, artisan, limited, and general industrial types. Industrial hybrid use also includes a broad range of non-industrial uses that can safely occupy a warehouse or similar industrial-style building: administrative facility, small animal service, business equipment sales and service, small and medium entertainment venue, manufacturing and production (artisan), walk-in medical facility, microbrewery, professional office, research, cooperative learning and training facility, indoor active recreation, vehicle repair, warehousing, wholesaling and freight movement. Retail or food and beverage sales and service uses are allowed but should be limited and accessory to other uses listed here.
147. **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.
148. **Infrastructure.** One or more of the following facilities or improvements: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer



mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds; and public elementary and secondary school sites.

J

149. **Junk or Salvage Yard.** An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard may include an auto wrecking yard but does not include waste-related uses or recycling facilities.

K

150. **Kilowatt-hour (kWh).** A unit of energy equivalent to one kilowatt (1 kW) of power expended for one hour of time.

L

151. **Lawfully Established.** A use, structure, sign, or parcel that conforms to all applicable zoning and subdivision regulations in effect at the time of its establishment.
152. **Light Fixture.** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast housing, and the attachment parts.
153. **Light Source.** Artificial light emitted directly from a fixture lamp, lens, or mirror. Light which is reflected after leaving the fixture does not constitute a light source.
154. **Light Spillover.** Any form of artificial illumination emanating from a light fixture that spills over property boundaries and creates a direct glare source that exceeds the allowable foot-candles horizontal on the work plane at the subject property line.
155. **Lighting Professionals.** An individual capable of specifying and designing lighting systems in accordance with the provisions of these regulations. Lighting Professionals may include but are not necessarily limited to licensed lighting designers, registered professional engineers, licensed architects, lighting company representatives skilled in lighting system design, utility company employees skilled in lighting design, and electrical contractors skilled in lighting design.
156. **Lighting, Security.** The minimum level of illumination needed to clearly identify persons or objects and create a deterrent to criminal activity in the area being protected.
157. **Lodging Services.** Establishments that provide lodging services on a temporary basis, including incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:
- Bed and Breakfast.** An owner/manager-occupied facility located in a detached house in which the owner offers overnight accommodations and may provide meal service to guests for compensation.

- b. **Guest Ranch.** A facility that satisfies the definition of guest ranch at Montana Code Annotated §50-51-102(5).
- c. **Hostel.** An establishment not otherwise defined that provides inexpensive food and lodging for a specific group of people such as students, workers, or travelers where sleeping quarters are typically provided in a dormitory setting and kitchen and sanitary facilities are typically shared by transient guests..
- d. **Hotel/Motel.** An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation that may or may not include the service of one or more meals to guests.
- e. **Outfitting and Guide Facility.** A facility that satisfies the definition of outfitting and guide facility at §50-51-102(7), MCA
- f. **Tourist Home.** A private home or condominium that is not occupied, either temporarily or permanently, by an owner or manager and is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis (§50-51-102(12), MCA). A transient guest is defined as a guest for only a brief stay, such as the traveling public (§50-51-102(13), MCA). A tourist home does not include any incidental sale of food, drink, or other sales and services.
158. **Logo.** A symbol, shape, or form of local or national design which is readily recognized by the public, and which may contain abbreviations, numbers or wording commonly associated with the symbol.
159. **Long-Term Care Facility.** A facility or part of a facility licensed by the State Department of Public Health and Human Services that provides skilled nursing care, residential care, intermediate nursing care, or intermediate developmental disability care to two or more individuals. This term does not include facilities that meet the definition of a community residential facility.
160. **Lot.** A parcel, plot or other land area created by subdivision or by subdivision exemption. For the purposes of these regulations, the words lot and tract are interchangeable.
161. **Lot, Corner.** A lot or parcel located at the intersection of two streets.
162. **Lot, Flag.** A lot or parcel with less width of property on a public street than is normally required, with no less than 18 feet abutting a public or private street generally intended to make deeper property accessible.
163. **Lot, Interior.** A lot or parcel with street frontage on only one street (*i.e.*, a parcel whose side and rear property lines do not abut a street).
164. **Lot, Through.** A lot or parcel having street frontage on two parallel, or approximately parallel, streets, or whose front and rear lot lines both abut a street other than an alley.
165. **Lot Line, Front.** The property line adjacent to the street on which the primary street



address and primary street front setback is based.

166. **Lot Line, Rear.** The property line typically opposite and parallel to the front property line.
167. **Lot Line, Side.** The property line typically perpendicular to the front or rear property line.
168. **Lot Line, Interior Side.** A side property line that does not abut a street or, in most cases, an alley.
169. **Lot Line, Street-Side.** A side property line of a corner parcel that is adjacent to a street. The street-side property line is the property line that is generally perpendicular to the alley, or as determined by the Zoning Officer.
170. **Low-Impact Stormwater Development (LID).** A site design strategy to maintain or replicate the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Through the use of LID techniques, hydrologic functions of storage, infiltration, and groundwater recharge, and the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include preserving/protecting environmentally sensitive site features such as riparian resource areas, wetlands, steep slopes, mature woodlands, floodplains, and highly permeable soils.
171. **Lumen.** A derived unit of luminous flux equal to the amount of light emitted per second in a unit solid angle of one steradian from a uniform source of one candela.
172. **Lumens, Initial.** Amount of luminous flux emitted by a lighting fixture at initial installation. Initial Lumens are usually listed by the manufacturer. A 100-watt incandescent light bulb emits approximately 1800 lumens.
173. **Lumens, Mean.** The lumen output of a lamp after it has operated for approximately 40% of its rated life.

M

174. **Maintenance Services.** Establishments providing off-site maintenance and custodial services such as janitorial, landscape maintenance, window cleaning, and extermination, and that result in significant commercial traffic, parking of multiple service vehicles, and require the storage of cleaning supplies and service equipment onsite.
175. **Major Renovation.** Rehabilitation of an existing building that involves major work to heating, ventilation, and air conditioning (HVAC) systems, the building envelope, and/or the building interior. Typically, the extent and nature of the work is such that the primary function space cannot be used for its intended purpose while the work is in progress.
176. **Manufactured Home.** A factory-built, single-household dwelling which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards to be used as a place for human habitation, and which meets the definition of "manufactured housing" established in §76-2-202(4)(a) MCA. A manufactured home shall be considered the same as any site-built, single-household detached dwelling and does not include a "mobile home" as defined in these regulations

or “house trailer” as defined in §15-1-101 MCA.

177. **Manufacturing and Production.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, and resins. This use group also includes commercial production of cannabis products, beer, wine, and spirits that do not meet the definition of microbreweries and micro-distilleries. Manufacturing activities are divided into the following categories based on character and intensity, infrastructure needs, and potential offsite impacts:
- a. **Agricultural.** The processing of crops, animals, and animal by-products raised for commercial sale, including animal slaughter.
 - b. **Artisan.** Production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment typically in an enclosed building with no outdoor storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.
 - c. **Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include commercial kitchens and catering; printing and related support activities; machinery, electronic equipment, small appliance and computer manufacturing and assembly; furniture manufacturing and assembly; and any other manufacturing or assembly activity that has limited external impacts on surrounding properties that can be adequately addressed through site design.
 - d. **General.** Manufacturing of finished or unfinished products, primarily from extracted or raw materials, recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include textile mills and apparel manufacturing; leather goods and woodworking activities; paper manufacturing; plastics, rubber, and chemical manufacturing; non-metallic mineral product manufacturing; metal fabrication and manufacturing; service and repair of industrial and commercial machinery; and medical, scientific, or technology-related research activities that generally have an impact extending beyond the boundaries of the subject property.
 - e. **Intensive.** Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This term also includes smelting and oil refining.
178. **Material Change.** Any substantial change to a permit or application which would require changes to the type or conditions of permit approval or alters the outcome or intent of the original approved use or activity.
179. **Maximum Permitted Sign Area.** The total amount of sign area permitted on a property by these regulations as measured in square feet.



180. **Mechanical Equipment.** Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
181. **Microbreweries, Micro-distilleries and Wineries.** An establishment where beer, wine, or spirits are brewed, typically in conjunction with a tasting room or restaurant as permitted by these regulations. The maximum brewing capacity shall not exceed 10,000 barrels or 25,000 proof gallons annually and must be in accordance with respective licensing requirements set forth in §16-4-310 through 312, MCA.
182. **Mini Warehouse.** Storage or warehousing service within a building or under a shelter for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere.
183. **Mining.** See also "Quarrying." Pursuant to MCA §82-4-303(17), mining is the extraction of ores or minerals in commercial quantities for sale, beneficiation, refining, or other processing or disposition, or takes bulk samples for metallurgical testing in excess of the aggregate of 10,000 short tons.
184. **Mobile Food Establishments.** To include food trucks but exempt licensed ice cream trucks. Mobile food trucks are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. They are retail food facilities and health-regulated businesses subject to Missoula City-County Public Health permitting requirements.
185. **Mobile Food Court.** A congregation of two or more mobile food establishments.
186. **Mobile Home.** A factory-assembled structure built before the 1976 Mobile Home Construction and Safety Act (June 15, 1976), equipped with necessary service connections, made so as to be readily movable as a unit on its own running gear and designed to be used as a home without a permanent foundation. The term "mobile home" includes forms of housing known as "trailers," "house trailers," and "trailer coaches" exceeding eight feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to eight feet in width or 45 feet in length used as a principal residence.
187. **Mobile Home Park.** A parcel containing two or more spaces for lease or rent for a mobile or manufactured home placement as defined in these regulations.
188. **Mobile Home Space.** A plot of land within a mobile home park designed for the accommodation of a single mobile or manufactured home.
189. **Moving Sign.** A sign which conveys its message through mechanical or simulated electronic movement.

N

190. **Natural Area.** Land and water that has substantially retained its natural character, or land and water that, although altered in character, is important as habitat for plant, animal, or marine life, for the study of its natural, historical, scientific, or paleontological features, or for the enjoyment of its natural features.

191. **Nonconforming Feature.** A physical characteristic that exists legally at the time of the passage of these regulations, which does not, because of design or dimension, comply with the current regulations of the district in which it is situated.
192. **Nonconforming Lot.** A lawfully existing lot created in accordance with the zoning regulations in effect at the time it was recorded on a plat or survey in the Recording Division of the Clerk and Treasurer for Missoula County, which does not comply with the current regulations of the district in which it is situated.
193. **Nonconforming Structure.** Any structure, including buildings and signs, lawfully established in accordance with the zoning regulations in effect at the time it was constructed, which does not comply with the current regulations of the district in which it is situated.
194. **Nonconforming Use.** A land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment, which does not comply with the current regulations of the district in which it is situated.
195. **Non-Motorized (Transportation) Facilities.** Infrastructure designed or improved for the use, safety, and comfort of pedestrians, cyclists, equestrians, and other forms of non-motorized transportation. Examples include sidewalks, walkways, trails, bikeways, and related appurtenances, such as signs and ramps.
196. **Nuclear Facility.** A plant, unit, or other facility and associated facilities designed for or capable of:
- Generating electricity using nuclear fission or fusion;
 - Mining, milling, converting, enriching, fabricating, or reprocessing uranium minerals or nuclear fuels for a nuclear facility as defined in (1) above; or,
 - Storing or disposing of radioactive wastes or materials from a nuclear facility as defined in (a) and (b) above.
- This term does not include the use of radioactive materials in diagnostic and therapeutic radiology, biomedical research, educational programs, medical devices for individual application, agricultural programs, and commercial equipment, processes, or facilities where such use poses no known public health hazard and is approved by federal and state licensing and regulatory agencies.
197. **Nursing Home or Skilled Nursing Facility.** A facility that provides a wide range of health and personal care services that focus on medical care more than assisted living or community residential facilities as defined in these regulations. Services typically include nursing care, 24-hour supervision, three meals a day, and assistance with everyday activities. Rehabilitation services, such as physical, occupational, and speech therapy, may also be available. For the purposes of these regulations, nursing home includes a long-term care facility.



198. **Office, Professional.** Establishments where professionals, government officials, managers, or administrative services providers offer professional services. Such services



include, but may not be limited to, those rendered by attorneys, accountants, medical professionals, chiropractors, podiatrists, architects, optometrists, planners, physical therapists, professional engineers, surveyors, and realtors. This definition includes walk-in clinics providing medical services that do not involve overnight stays. This definition does not include uses more specifically classified or defined within these regulations.

199. **Off-Premises Sign.** A sign that advertises a business, product, or service not sold or offered on the premises on which the sign is located.
200. **Open Space.** Any land provided or preserved for recreation opportunities, the conservation of land or other natural resources, or historic or scenic purposes.
201. **Outdoor Display and Sales.** A portion of a lot used for the orderly display or sales of seasonal products, merchandise, or the supply of services provided by a business located on the same parcel.
202. **Outdoor Storage.** An area of land used in conjunction with a principal use or activity located on the same lot, for the long-term storage of merchandise, goods, inventory, materials or equipment or any other items which are not intended for immediate use or sale, outside of an enclosed building
203. **Owner-Occupancy.** A property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration or similar means, and resides at the site more than six months out of any given year. Owner-occupancy may also include a named natural person with an ownership or benefit in a private trust. Temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences does not affect an owner-occupancy status.

P

204. **Parcel.** A plot of land distinguishable by ownership boundaries. The term "parcel" may also be used to refer to a lot or a tract of land.
205. **Permitted Use.** A use listed as permitted by right within a specific zoning district and required to meet the intent of the district through adherence to specific site, building, and environmental design standards prescribed within these regulations.
206. **Person.** A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
207. **Personal Improvement Service.** An establishment or facility which provides Information, instruction, or services for personal improvement and other similar services of a non-professional nature, including the cleaning, maintenance or repair of clothing or footwear, and maintenance or improvement of the customer's physical appearance. Typical uses include hair salons, barber shops, beauty shops, nail salons, yoga or dance studios, driving schools and martial arts studios.
208. **Plaza.** An open space that may be improved, landscaped, or paved, usually surrounded by buildings or streets.
209. **Pole Sign.** A detached sign supported wholly by poles, pylons, pillars, or beams firmly

anchored to the ground.

210. **Porch.** An attached structural element that includes a roof projecting from the exterior wall of a building that is open on at least three sides with at least 50 percent of the total area of the vertical plane on those three sides unobstructed in any manner except for screens. This term also includes a deck covered by a roof.
211. **Premises.** Land, structures, or both.
212. **Pre-School.** A facility that provides educational instruction designed for children five years of age or younger, with limited hours of education per child. Pre-school facilities are divided into two categories based on the size of the community served:
- a. **Preschool.** A facility providing education for 12 children or less.
 - b. **Preschool Center.** A facility providing education for 13 or more children.
213. **Principal (Primary) Building.** The primary or predominate building(s) on a parcel, including any attached subordinate garage or structure, in which the principal use is conducted.
214. **Principal (Primary) Use.** The primary or predominate activity for which a premises is designed, arranged, or intended. For the purposes of multiple principal uses, one or more of the same uses or structures are considered multiple principal uses.
215. **Project Site.** Two or more contiguous parcels of land where land-disturbing activities have been or will be undertaken to complete an approved coordinated land development project. This term includes but is not limited to land subdivisions, commercial projects with outparcels, and projects where required or desired accessory features are located on lots contiguous to the primary use they serve.
216. **Projecting Sign.** A sign erected on a building wall or corner approximately perpendicular to the building façade.
217. **Product Display Window.** An illuminated window display area in which products and goods are displayed, usually to pedestrians, that generally does not allow visibility into the interior of the building.
218. **Property Line.** The exterior boundary of a lot, as shown on a subdivision plat or survey as the boundary of a lot, tract, parcel or project site.
219. **Public Safety Service Facility.** A facility that provides fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.
220. **Public Utility.** Public utility as defined in §69-3-101, MCA.
221. **Public Wastewater System.** Wastewater system as defined in Montana Administrative Rules 17.36.101; also includes the term public sewer system.
222. **Public Water.** Water supply system as defined in Montana Administrative Rules 17.36.101.



Q

223. **Qualified Professional.** A professional licensed or registered in the state of Montana performing services only in their area(s) of competence. This term shall only include registered land surveyors, registered engineers, registered architects, registered landscape architects, certified arborists, forestry professionals, and any other professional the Zoning Officer determines has sufficient education and knowledge to perform services in a given area expertise required by these regulations.
224. **Quarrying.** See also "Mining." Quarrying is the process of removing rock, sand, gravel or other minerals from the ground in order to use them to produce materials for construction or other uses.

R

225. **Recreation, Active.** Parks and other areas requiring some level of development intended for hosting organized activities. Permanent infrastructure associated with active recreation may include playground structures, paved paths, restroom facilities, sports fields, picnic shelters, and other supporting structures.
226. **Recreation, Commercial.**
- Indoor.** A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall, game arcade and amusement rides where such activities are contained within a building.
- Outdoor.** A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide, alpine slide and amusement rides where part or all of such activities are outdoors.
227. **Recreation, Developed Outdoor.** An establishment whose main purpose is to provide the general public with outdoor recreational opportunities requiring varying levels of developed facilities where tickets are sold or fees are collected for the recreational activity. Developed Outdoor Recreation activities generally capitalizing on natural landscapes and are typically dependent on rural locations. Examples include alpine skiing, Nordic skiing, mountain bike parks, zip lines, or shooting ranges.
228. **Recreation, Passive.** Recreation that involves limited development with minimal impact to the natural environment. Examples of passive recreation include parks and open spaces that allow for hiking, biking, horseback riding, picnicking, birdwatching, and birdwatching or similar activities. Limited developed support facilities are provided onsite.
229. **Recreational Vehicle.** A vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper, as defined in Montana Administrative Rules Section 37.111.201. Tiny homes on wheels and registered as an RV also fall under this definition.
230. **Recreational Vehicle (RV) Park.** A parcel of land available to and principally used by the public for camping that meets the Montana Department of Health and Human Services

definitions of a campground, where a persons can park recreational vehicles for camping and sleeping purposes. A recreational vehicle park can also include spaces for tent camping.

231. **Recycling Service.** Any building, portion of building, or area in which recyclable material is collected, stored, or processed (including the cleaning, bundling, compacting, or packing of materials) for the purpose of marketing or using to manufacture new, reused, or reconstituted products. This term does not include consumer-oriented collection boxes for recycled materials, which are considered an accessory use and may be allowed in any zoning district.
232. **Religious Assembly.** Religious services and facilities involving public assembly customary to that occurring in synagogues, temples, mosques, and churches.
233. **Renewable Energy.** Renewable energy includes the following:
- a. Solar energy;
 - b. Wind energy;
 - c. Geothermal energy;
 - d. Water power, in the case of a hydroelectric project that does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less, or is an expansion of an existing hydroelectric project;
 - e. Landfill or farm-based methane gas;
 - f. Gas produced from the treatment of wastewater;
 - g. Low-emission, non-toxic biomass energy based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome arsenic; and,
 - h. Hydrogen derived from any of the sources listed above for use in fuel cells.
234. **Research, Cooperative Learning, and Training Facilities.** Facilities and operations focused primarily on the research and development of new products, technology, and methods and often incorporating an education, hands-on training, or other active engagement onsite with students, clients, or the general public.
235. **Resource Extraction.** Activities, such as mining and quarrying, dedicated to the recovery of sand, gravel, rock, oil, natural gas, and other natural materials that are obtained by excavation, drilling, boring, or other similar methods.
236. **Retail Sales and Service.** Businesses involved in the sale, lease, or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores.
237. **Right-of-way.** A legal right of passage along a specific route through another persons property; also, the area of land over which a right-of-way exists.
238. **Riparian Resource.** A river, stream, lake, pond or other water body, wet meadow, woody



draw, wetland, and adjacent riparian vegetation. This term does not include incidental areas such as roadside ditches or swales that may include riparian vegetation.

239. **Riparian Resource Protection Area and Buffer.** Areas of land measured in accordance with Section 7.4.D. and intended to protect a riparian resource by preserving hydrophilic vegetation and keeping development sufficiently distanced.
240. **Roof Pitch.** The slope and inclination angle of a roof measured as vertical rise divided by the horizontal span. The primary roof pitch is the pitch of the majority of the surface area of a building's roof, not including dormers.
241. **Roof Sign.** A sign erected on or above and anchored to the roof of a building.
242. **Runoff.** The part of precipitation that flows off the land without filtering into the soil or being absorbed into plant material.

S

243. **School.** Public and private school facilities at the elementary, junior high, or high school level that provide state-mandated basic education.
244. **Secondary Value-Added Products.** Products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.
245. **Secondary Value-Adding Industry.** A business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.
246. **Setback.** The minimum horizontal distance between a lot line and the nearest part of any building or other structure on the lot. See Chapter 4 for general information on setbacks.
247. **Setback, Front.** The minimum setback required between a building or other structure and the front lot line of the parcel on which such structure is located.
248. **Setback, Rear.** The minimum setback required between a structure and the rear lot line of the parcel on which the structure is located.
249. **Setback, Interior Side.** The minimum setback required between a structure and the interior side lot line of the parcel on which the structure is located.
250. **Setback, Street-side.** The minimum setback required between a structure and the street-side lot line of the parcel on which the structure is located.
251. **Shared-use Path.** Shared paths are paved, off-road facilities designed for travel by a variety of nonmotorized users, including bicyclists, pedestrians, skaters, joggers, and others.
252. **Sign.** A permanent or temporary graphic display erected out-of-doors or placed in view of the general public, upon the ground, roof, or a wall, or in a window, including illuminated and projecting displays, banners, announcements, and declarations, to

advertise, promote, identify, or give direction to an activity and its related goods and services.

253. **Sign Allowance.** The total sign area permitted on a premises expressed as a flat rate in square feet or as a sign area ratio computed according to these regulations.
254. **Sign Clearance.** The distance from the bottom of a sign structure, excluding vertical supports such as poles or bases, to the grade below.
255. **Sign Face Area.** The area (expressed in square feet) of one side of a sign to be assessed against an activity's total signing allowance.
256. **Sign Kiosk.** A freestanding sign that is cylindrical, curvilinear, or contains three or more sides used to communicate information to pedestrians by static (paper) or dynamic (interactive) means.
257. **Sign, Single-Post.** A freestanding sign where the primary support is a single post mounted to the ground or to a wall.
258. **Sign, Temporary.** A portable and often freestanding sign, constructed of cloth, canvas, paper, light fabric, or cardboard, with or without frames, for use over a limited period of time.
259. **Sign, Wall.** A sign erected against a building wall with the plane of its exposed face parallel to the wall's plane, extending no more than 18 inches from such wall, or suspended from the ceiling of a marquee, canopy, or vestibule in a plane parallel to the street right-of-way line.
260. **Sign, Wayfinding.** A sign required by, erected by, or authorized by a governmental agency or civic use to provide identification of or directions to the location of a place, or an activity, goods, or services.
261. **Sign, Window.** A sign that is displayed inside the first-floor window area of a building.
262. **Site Disturbance.** Any area that is subject to clearing, excavating, grading, or stockpiling earth materials (e.g., soil, rock, and vegetation), as well as the placement or removal of earth materials.
263. **Slope.** The extent to which a landform deviates from the perfectly horizontal as expressed in percent, degree, or ratio.
264. **Small Cell Network.** A network consisting of one or more nodes connected, directly or indirectly, by fiber to a carrier's mobile switching center or other point of interconnection.
265. **Social Service Facility.** Facilities providing essential services and supportive programs for underserved and at-risk populations. Typical uses include homeless shelters, senior centers, meal centers, and associated services.
266. **Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for electricity generation, water heating, or space heating or cooling. Solar energy systems may be further defined as:



- a. **Small-Scale.** A solar energy system that occupies 2,000 square feet of surface area or less.
 - b. **Medium-Scale.** A solar energy system that occupies more than 2,000 square feet but less than or equal to one acre of surface area.
 - c. **Large-Scale.** A solar energy system that occupies more than one acre of surface area.
 - d. **Roof-Mounted.** A solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small, medium, or large-scale).
 - e. **Ground-Mounted.** A solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or large-scale).
 - f. **Building-Integrated.** A solar energy system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing.
267. **Special Exception.** A use which is specifically listed as a Special Exception for a district and which meets the intent of the district when design standards and conditions are met, after review and approval of the Board of Adjustment, which will make it consistent with and compatible to other existing and conforming uses within the district.
268. **Split-Zoned.** A single tract that has two or more base zoning districts.
269. **Stoop.** A small stair, landing, or ramp often connecting a building entrance to a walkway. A stoop may be covered but shall not be enclosed by walls, screens or structural elements other than railings.
270. **Storage, Open-Air.** Storage yards where the only buildings on the parcel are incidental and accessory to the principle open-air storage use of the parcel. This use does not include accessory outdoor storage of items intended for marketing or sales.
271. **Streambank Stabilization.** Bioengineering techniques such as live staking, root wads, tree revetments, and the limited, strategic use of large rocks to prevent streambank erosion. Loose gravel, sand, rip rap, wire mesh, and similar materials used in bank hardening are not considered natural streambank stabilization.
272. **Street or Road.** A travel-way providing access to two or more lots and of adequate width to permit the unrestricted movement of traffic.
273. **Streetlight.** An outdoor light fixture located within a road right-of-way.
274. **Structural Alteration.** Any change in the supporting members of a structure such as load-bearing walls or partitions, columns, beams, or girders.
275. **Structure.** Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, fences, walls, signs, poles, and kiosks.

276. **Substantial Change.** Any modification in a use, structure, feature, or lot dimension that increases its impacts on adjacent properties; that alters its conformity to these regulations or other county, state, or federal regulation; or that triggers a required permit or review as specified in these regulations.
277. **Substantial Change, Telecommunications.** Under the telecommunication provisions, a substantial change shall mean any modification that alters the physical dimensions of an eligible support structure if it meets any of the following criteria:
- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
 - d. It entails any excavation or deployment outside the current site;
 - e. It would defeat the concealment elements of the eligible support structure; or,
 - f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections a-d of this definition.

T

278. **Tax Increment Financing (TIF) Special District.** A legally described area established by Missoula County in accordance with state law where it has been determined there is a lack of public infrastructure to support and retain secondary value-adding economic development, and that it is in the best interest of the citizens of Missoula County to invest T.I.F. funds in support of secondary value-adding economic development.
279. **Technically Feasible.** A project or activity that can be designed, constructed, operated,



or carried out to accomplish its goals and objectives, using accepted engineering or other technical principles and concepts. This includes the proposed placement, design, or location of a wireless facility that can be implemented without reducing the wireless facility's functionality by virtue of engineering or spectrum usage.

280. **Technology-Based Operation.** Businesses or organizations engaged in operations that through the practical application of science to commerce and industry includes, but is not limited to, any one or more of the following elements:
- a. The tools and machines that help solve problems;
 - b. The techniques and knowledge that includes methods, materials, tools, and processes for solving a problem (such as building technology or medical technology);
 - c. A culture-forming activity (such as manufacturing technology, infrastructure technology, or space-travel technology); and,
 - d. The application of resources to solve a problem (such as knowledge, skills, processes, techniques, tools, and raw materials).
281. **Telecommunication Antenna.** An apparatus designed to emit radiofrequency radiation, to be operated or operating from a fixed location pursuant to F.C.C. authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including the transmitting device and any onsite equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. This term includes communications equipment that transmits or receives electromagnetic radio frequency signals used to provide services using small wireless facilities.
282. **Telecommunications Co-location.** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting, receiving, or both, radio frequency signals for communications purposes.
283. **Telecommunication Site.** For towers other than towers in the public right-of-way, this term shall be interpreted to include current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and other transmission equipment already deployed on the ground.
284. **Telecommunication Tower.** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including wireless support structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A tower may be ground-mounted, roof-mounted, or building mounted.
285. **Temporary Use.** A use intended for limited duration, which is transitory in nature and may or may not involve the construction or alteration of a permanent structure or the issuance of a building permit.

286. **Tiny Home.** A dwelling typically less than 750 square foot that includes the basic amenities of a permanent home, such as kitchen, bathroom, and sleeping area, on a permanent foundation, often designed and built on the principles of affordability and sustainability. A tiny house is considered a recreational vehicle when it is on wheels and licensed as such.
287. **Tiny Home Development.** A development comprised of two or more tiny homes on permanent foundations.
288. **Topography.** Of or relating to the shape and arrangement of physical characteristics of the land surface such as slope and drainageways.
289. **Tower, wireless.** Any ground-mounted support structure and associated onsite fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antenna as defined herein. A tower may be included as an element of a personal wireless facility.
290. **Tract (or Tract of Record).** A parcel of land, irrespective of ownership that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's Office (as stated in §76-3-103, MCA). For the purposes of these regulations, the words lot and tract are interchangeable.
291. **Transmission Equipment.** Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular backup power supply.
292. **Travel Plaza/Truck Stop.** Facilities providing service and support to intrastate and interstate vehicles and drivers, especially long-haul and semi-truck drivers. Truck stops are specifically designed to accommodate the circulation and parking of large semi-tractor/trailer combinations.
293. **Twinhome/Twinhouse.** A structure containing two attached dwellings where a lot line divides not only the land but the structure into two separate but attached homes.

U

294. **Urban Service Area.** An area considered appropriate for urban growth as described and mapped in the Missoula County Growth Policy.
295. **Utility Pole.** A pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function or for the collocation of small wireless facilities. The term "utility pole" shall not include wireless support structures.
296. **Utility Services.** Any enterprise, both public and private, providing heat, light, power, water, sewer, telecommunication service, street-railway service, and audio/visual and data link communications. Utility services are divided into two categories based on the intensity of use:
- Minor.** Minor utilities typically require infrastructure and facilities to be located



in the area where the service is provided. These utilities and services generally do not have regular employees at the site and typically have few, if any, impacts on surrounding areas. Minor utilities include but may not be limited to water and sewer pump stations; minor water towers and reservoirs; minor electrical substations; small-scale wind and solar energy systems; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities. Amateur radio, small and micro-wireless facilities, and bus and rail passenger facilities for local or sub-regional service, such as Mountain Line stops and transfer centers, are also classified as minor utilities and services for the purposes of these regulations.

- b. **Major.** Major utilities typically require infrastructure and facilities that have substantial land-use impacts on surrounding areas. Major utilities include but are not limited to water and wastewater treatment facilities, major water storage facilities, telecommunications towers and communication facilities, and electric generation plants, not including small-scale wind and solar energy.

V

297. **Variance.** A relaxation of specific provisions of these regulations when literal enforcement of these regulations would result in unnecessary or undue hardship.
298. **Vegetative Cover.** Grasses, shrubs, trees, and other vegetation which holds and stabilizes the soil.
299. **Vehicle and Small Engine Maintenance and Repair.** A building, site, or establishment providing repair, bodywork and painting, the replacement of parts, or the checking, changing, and addition of lubricants and other fluids and filters necessary to the maintenance of a vehicle or implement having an internal combustible engine, including but not limited to autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawnmowers, chain saws, and other small engines. This definition also includes facilities for washing or detailing automobiles by hand or through an automatic production line.
300. **Vehicle Sales and Storage.** A building or premises where the retail or wholesale sale or rental of more than three automobiles, non-commercial trucks, motorcycles, trailers of less than 10,000 lbs. gross cargo weight, recreational vehicles, and boats occurs. This term includes dealerships that provide incidental maintenance on vehicles sold. For the purposes of these zoning regulations, the sale or rental of heavy construction equipment, trucks and aircraft, together with incidental maintenance, also falls under this definition, as does vehicle towing services and the temporary storage of operating motor vehicles to be returned to the owners upon payment of towing and storage fees, as well as the temporary storage of vehicles that are to be sold, rented, salvaged, dismantled, or repaired.
301. **Vested Right.** The right to initiate or continue the use or occupancy of land or structures, or to continue construction of a structure or initiation of a use, where a law or regulation in effect prohibits such use, occupancy of land, or construction. This term includes rights obtained under the principles of estoppel.

W

302. **Wall Element.** Any individual wall or continuous element of a building on a single continuous plane.
303. **Warehousing, Wholesaling, and Freight Movement.** The storage, wholesale sales, and distribution of goods, materials, and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to other businesses and the general public. This term does not include mini-warehouses.
304. **Waste Facilities.** Waste-related uses are characterized by the receiving of solid or liquid wastes from other users and sites for transfer to another location; by the collection of sanitary wastes or other approved waste materials for onsite disposal; or by the manufacture or production of goods or energy from the composting of organic material. Uses are generally separated into the following categories based on intensity:
- a. **Landfill.** A facility or site used for the disposal of household and demolition waste, construction materials, used building materials, brush, wood waste, soil, rock, concrete, and inert solids soluble in water.
 - b. **Transfer Station.** A facility where mixed solid waste is collected from smaller vehicles, manually or mechanically separated and packaged into recovered materials, and further processed for transport to other facilities, including a solid waste landfill.
305. **Watercourse.** Any depression two feet or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks; provided that, upon order of the Department of Natural Resources and Conservation, it also includes any particular depression that would not otherwise be within this definition. This term does not include an irrigation ditch or canal.
306. **Wetlands.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include riparian vegetation, marshes, swamps, bogs, and similar areas.
307. **Wind Energy System, Small.** A minor utility with one or more wind turbines with a combined nameplate capacity rating of 100 kilowatts or less.
308. **Wind Energy System, Large.** A major utility with one or more wind turbines with a combined nameplate capacity rating of more than 100 kilowatts or more.
309. **Wind Turbine.** An electricity generating system that converts the kinetic energy of the wind into electricity; includes a tower, generator, rotor with blades, and related equipment.
310. **Wireless Facility.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a telecommunication tower as defined herein nor



any equipment associated with a tower, nor does it include any structure that, at the time the relevant application is filed with Missoula County under these regulations, does not support or house equipment expressly included this definition. The term “wireless facility” does include, without limitation:

- a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“D.A.S.”) and small-cell networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed with the Missoula County under these regulations, supports or houses equipment described in paragraphs “a” and “b” that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
311. **Wireless Facility, Micro.** A small wireless facility having a dimension no larger than twenty-four inches in height, fifteen inches in width, and twelve inches in depth, provided that the exterior antenna, if any, does not exceed eleven inches in length.
312. **Wireless Facility, Small.** A wireless facility or other facility providing communications service that meets one or both of the following qualifications:
- a. Each communications service provider’s antenna can fit within an enclosure of no more than six cubic feet in volume; or,
 - b. All other equipment associated with the communications service facility, whether ground- or pole-mounted, that is cumulatively no more than twenty-eight cubic feet in volume; provided that the following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.
313. **Wireless Services, Personal.** Commercial wireless telecommunication services including cellular, personal communications services (P.C.S.), specialized mobilized radio (S.M.R.), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
314. **Wireless Provider.** An individual, corporation, company, association, trust, or other entity or organization who:
- a. Provides services, including wireless broadband services, whether at a fixed location or mobile, to the public using wireless facilities; or,
 - b. Builds or installs wireless communication transmission equipment or wireless

facilities, including an individual authorized to provide telecommunications service in the state.

315. **Wireless Support Structure.** A structure, such as a telecommunication tower or other existing or proposed structure, designed to support or capable of supporting broadband or small wireless facilities, other than a structure designed solely for the co-location of wireless facilities. The term “wireless support structure” shall not include a utility pole unless a wireless facility is using the pole for co-location.
316. **Wireline Backhaul.** The transport of communications data or other electronic information by wire from wireless facilities to a communications network. The term “wireline backhaul” shall not include wire connecting the wireless facility to the backhaul.

X

317. **Xeriscaping.** A landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

Y

318. **Yard.** The actual (as opposed to required) horizontal distance existing between a principal structure and a property line.
- a. **Front.** The yard that exists between a principal structure and the front property line of the lot on which the structure is located, extending along the full length of the front property line between the side property lines. For corner lots, a primary front yard is one that fronts onto a street that is parallel to any alley serving this corner lot. When no alley exists, a corner lot’s primary front yard is adjacent to the street of longer length or onto that street determined to have a higher functional classification (by surrounding neighborhood prevailing uses and traffic patterns) by the Public Works Department.
 - b. **Rear.** The yard that exists between a principal structure and the rear property line of the lot on which the structure is located, extending along the full length of the rear property line between the side property lines.
 - c. **Side.** The yard that exists between a principal structure and the side property line of the lot on which the structure is located, extending along a side property line, excluding those areas as defined as a front or rear yard.



CHAPTER

14



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14.1 APPENDIX A: LEGACY DISTRICTS

Legacy districts are those zoning districts adopted prior to the effective date of these regulations that have not been amended, superseded, or rescinded by the adoption these updated regulations. Legacy districts are listed in Table 1 below. This table may be revised administratively from time to time as legacy districts are approved for rezoning and removed from their legacy district.

- A) Legacy zoning districts land use regulations are governed by the regulations established for each legacy district, as evidenced by the adopted regulations in the resolutions shown in Table 1 or other official record.
- B) All references to the Missoula County Zoning Regulations in legacy districts refer to the Missoula County Zoning Regulations, originally adopted by Resolution #1976-113, and last amended April 11, 2017, through Resolution #2017-039, recorded at Book 977 Page 320 Micro.

Table 1 Legacy District List

TYPE	LEGACY ZONING DISTRICT	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE (MICRO)	NOTES
Planned Unit Developments					
PUD	Grantland PUD	10-17-1972			Original rezoning resolution of Grantland Ranch to PUD.
		07-01-1987	1987-072	263-159	Amended Grantland PUD zoning.
PUD	Gleneagle at Grantland PUD	03-25-1987	1987-040	258-681	Amended Grantland PUD for Gleneagle PUD
PUD	Grizzly Dens PUD	03-09-2005	2005-029	749-160	-
PUD	Hidden Heights PUD	1979			Density Transfer adopted through subdivision approval (see also Hidden Heights PUD)
PUD	Miller Creek View Addition PUD	01-24-2000	2000-011	607-0475	-
PUD	Taylor Acres PUD	11-07-1996	1996-091	490-261	-
PUD	Osprey Heights PUD	08-10-1995	1995-078	451-571	-

Table 1 Legacy District List

TYPE	LEGACY ZONING DISTRICT	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE (MICRO)	NOTES
Special Zoning Districts					
SD	Water's Edge Special Zoning District	04-02-2008	2008-052	816-0429	-
SD	JTL-Allen (Mullan Road) Special Zoning District	06-04-2004	2004-080	733-1324	Original rezoning resolution
		09-21-2004	2004-106	740-531	Corrected Resolution
SD	Grove Street (Home Harvest Loop) Special Zoning District	05-25-2004	2004-076	733-3	-
SD	Miller Creek Land Sensitive Zone Special District	03-08-1993	1993-015	375-358	Included a "voluntary" conservation easement with FVLT. A portion of this special district also includes the Evans Ridge Planned Variation.
Rural Zoning Districts					
RZD	Valley West (6.02)	06-04-1980	1980-081	153-1014	Includes Mobile Home Overlay as part of RZD.
RZD	East Butler Creek Foothills (6.05)	02-09-1995	1995-012	435-119	Creation of E. Butler Creek Foothills Districts, Modified (Areas A & B - Circle H)
		08-15-2001	2001-073	666-888	E. Butler Creek Foothills Districts, Modified (Area C -West Point)
		04-06-2005	2005-041	750-388	
RZD	Fort Missoula Historic District (6.06)	08-24-1994	1994-092	423-036	-
RZD	Sawmill Meadows (6.07)	06-12-1996	1996-050	477-425	-



Table 1 Legacy District List

TYPE	LEGACY ZONING DISTRICT	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE (MICRO)	NOTES
RZD	Missoula Development Park (6.08)	10-31-1996	1996-086	489-1167	Original Rezoning to Missoula Development Park (MDP) (6.08)
		08-11-1999	1999-053	593-0471	Amendment of MDP Zoning Regulations
		03-08-2001	2001-022	643-0673	This the Resolution of Intent to zone Reserve Parcel "B". This area is now in the City.
		11-15-2002	2002-111	693-306	Amendment of MDP Zoning Regulations
		12-01-2005	2005-121	765-942	Established Technology Subdistrict.
		03-13-2008	2008-046	815-159	Amendment of MDP Zoning Regulations
		11-05-2009	2009-161	850-503	Amendment of MDP Zoning Regulations, portion of Reserve "B"
		01-18-2011	2011-004	872-1019	Amendment of MDP Zoning Regulations
		04-26-2011	2011-054	876-1159	Rezone Neighborhood Commercial Subdistrict to Light Industrial Subdistrict
		02-21-2017	2017-021	975-162	Rezone 6170 Butler Cr. Rd. from Light Industrial to Community Commercial Subdistrict
RZD	JTL Wheeler Natural Resource Recovery and Processing District (6.09)	10-06-1998	1998-078	557-1264	Original Rezoning Resolution
		02-14-2012	2012-005	889-1184	Revision to hours of operation
RZD	Primrose Heights (6.10)	04-13-1999	1999-019	579-0172	-
RZD	Target Range West End (6.12)	08-18-2005	2005-079	758-979	-
RZD	North Lolo (6.13)	05-26-2010	2010-066	860-514	-
RZD	Olde Dairy (6.14)	02-23-2016	2016-020	-	Resolution of Intent is recorded at Book 956 Page 477 Micro (#2016-003)
RZD	MT Suds (6.15)	11-12-2019	2019-159	1021-921	
RZD	O'Keefe Ranch (6.16)	03-17-2021	2021-026	1051-921	-

Table 1 Legacy District List

TYPE	LEGACY ZONING DISTRICT	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE (MICRO)	NOTES
RZD	Waldo-George Cates (6.17)	04-22-2021	2021-064	1054-401	-
Planned Variations					
PV	Cheyenne Lane Planned Variation	06-13-2007	2007-091	799-518	-
PV	Evan's Ridge PV	04-24-1996			Planned Variation allowed lots in this subdivision to exceed length-to-width ratio (see also Miller Creek Land Sensitive Zone SD)
PV	Grantland PV	07-12-1978	1978-104	123-88	Planned Variation to setbacks in the Grantland-Rankin Subdivision/PUD
		1978	-	-	Transferred density (56 dwellings) from 282 acres zoned C-A3 to Grantland-Rankin subdivision. (Also recorded as Special Condition #14)
PV	The Grove (formerly McAfee) Planned Variation	05-18-2000	2000-040	616-1321	-
PV	Hidden Heights PV	08-09-1978	78-122	123-1359	Planned Variation reduced side yard setbacks to 15' (See also Hidden Heights PUD)
PV	Stillwaters on the Clark Fork No. 3 Planned Variation	2005	Not Recorded	None	-



Table 1 Legacy District List

TYPE	LEGACY ZONING DISTRICT	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE (MICRO)	NOTES
PV	Susan Lane (Renae Court) Planned Variation	02-07-2002	2002-014	676-1240	-
Miscellaneous Legacy Districts					
Misc	Nuclear Free Zone	08-01-1978	1978-117	128-825	This resolution placed the nuclear initiative on ballot and set the stage for establishing the nuclear free zoning regulations (including language such as creating zoning to ban the construction of nuclear facilities). This will remain intact in the unzoned parts of the county; the updated zoning code incorporates these standards in zoned portions of the County.
Misc	Corridor Advertising Zone	08-03-1995	1995-071	448-902	Zoning regulating off-premise signs county-wide in otherwise unzoned areas. This will remain intact in the unzoned parts of the county; the updated zoning code incorporates these standards in zoned portions of the County.
Misc	Fireworks Stands	06-04-1981	1981-85	164-561	This resolution contains fireworks stands regulations that apply countywide and will continue to do so after the adoption of new zoning regulations.
Misc	Cryptocurrency Zoning	03-30-2021	2021-033	1052-894	Permanent county-wide zoning that will apply to the otherwise unzoned parts of the county; the updated zoning code incorporates standards for cryptocurrency mining to replace these regulations on zoned land.

Table 1 Legacy District List

TYPE	LEGACY ZONING DISTRICT	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE (MICRO)	NOTES
Misc	Airport Influence Area	07-05-1978	1978-96	121-1219	A resolution adopting the Missoula County Johnson-Bell Field Influence Area concerning land use regulations in the vicinity of the airport.
		12-06-1978	1978-187	135-474	Amending prior resolution #78-96
		07-05-1978	1978-96	121-1219	This resolution limits the height of structures and trees and requires soundproofing features in residential structures. (Also recorded as Special Condition #4)

PUD = Planned Unit Development Overlay, adopted through Missoula County Zoning Regulations (MCZR, Resolution #76-113, as amended) Chapter 5

SD = Special Zoning District, stand-alone district

MH = Mobile Home Park Overlay, adopted through MCZR Chapter 5

RZD = Rural Zoning District, adopted through MCZR Chapter 6

PV = Planned Variation, adopted through MCZR Chapter 8

14.2 APPENDIX B: SPECIAL CONDITIONS

The following resolutions rezoned properties with conditions of approval attached. While these properties have been rezoned pursuant to these zoning regulations, the conditions of approval contained in each of these resolutions still apply to the subject properties.

Table 2 Special Conditions

ZONING/ REZONING	DATE OF ADOPTION	RESOLUTION NUMBER	BOOK & PAGE	NOTES
Town Pump – Bonner	07-11-1995	1995-063	446-602	This is a rezoning to C-C2 that included five conditions of rezoning.
Waldo & Highway 93_ Denbleyker, Lot 1	03-11-2020	2020-024	1027-492	This is a zoning that included a condition recorded as Special Condition #35
Waldo & Highway 93_ Manley, Lot 1	04-24-2025	2025-052	1111-1051	Basements are prohibited and stormwater review must include specific design storm criteria

