
Chapter 4

Special Design Standards

CHAPTER 4 – SPECIAL DESIGN STANDARDS

SECTION 4.01 PURPOSE

The purpose of this Chapter is to provide additional design and location standards for the issuance of Conditional Use and Special Exception Use Permits and the creation of Special Districts. The standards are established for uses which may be compatible with existing and permissible uses in any district to promote the public health, safety, and welfare, and minimize or eliminate conflicts and adverse impacts on the community.

SECTION 4.02 PUBLIC, QUASI-PUBLIC, AND PUBLIC UTILITY

A. Intent

The proper siting and development of public utilities, public and quasi-public buildings and uses, is intended to provide maximum service to the neighborhood, community, or region with minimal adverse impact on the environment, both natural and cultural.

B. Standards

1. Space and bulk requirements for public utility, public, and quasi-public uses shall be consistent with the space and bulk requirements of the zoning district in which they are to be placed.
2. Required front, side, and ten (10) feet of rear yard setbacks measured from the lot lines, exclusive of driveways, shall be landscaped and permanently maintained subject to Section 3.05. This requirement shall not be interpreted to satisfy the landscaping requirements of required off-street parking. Landscaping adjacent to residential areas shall provide a visual screen not less than five (5) feet high.
3. Development in residential zones requires improvement of the entire lot. All areas not devoted to buildings, drive aisles and parking lots shall be landscaped and permanently maintained subject to Section 3.05.

SECTION 4.03 RESIDENTIAL USES

A. Intent

These standards are to provide development criteria by promoting and protecting the character of the residential environment, by assuring that development is adequately served by public services and facilities, by providing for natural environmental protection, and by maintaining a quality environment providing for the health, safety, and welfare of the community.

B. General Standards

1. Residential development shall have access by means of frontage or easement onto a public right-of-way maintained by the local governing body or the State of Montana Department of Transportation.

C. Day-Care Centers

1. All areas not devoted to buildings, drive aisles and parking lots shall be landscaped and permanently maintained subject to Section 3.05.
2. Required front, side, and ten (10) feet of rear yard setbacks measured from rear lot line, exclusive of driveways, shall be landscaped and permanently maintained subject to Section 3.05. This requirement shall not be interpreted to satisfy the landscaping requirements of

required off-street parking. Landscaping adjacent to residential areas shall provide a visual screen not less than five (5) feet high.

D. Community Residential Facility Standards

1. All areas not devoted to buildings, drive aisles and parking lots shall be landscaped and permanently maintained subject to Section 3.05.
2. Required front, side, and ten (10) feet of rear yard setbacks measured from the lot lines, exclusive of driveways, shall be landscaped and permanently maintained subject to Section 3.05. This requirement shall not be interpreted to satisfy the landscaping requirements of required off-street parking. Landscaping adjacent to residential areas shall provide a visual screen not less than five (5) feet high.

E. Two Family and Multiple Family Standards

In addition to other appropriate standards, two-family and multiple-family development shall conform to the following requirements:

1. Adverse impacts of any site activity incompatible with uses adjacent to the development shall be absorbed by the site itself rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.
2. All elements of the site, such as parking, circulation, recreation, landscaping, screening, buildings and storage, shall be related to the development in such a manner that no portion remains unplanned.
3. Twenty-five (25) square feet of floor area storage shall be provided for each dwelling unit, exclusive of storage space within the units. These storage areas shall be located within, or attached to, the dwelling.
4. Any development adjacent to an existing or planned single family residential area shall provide a visual buffer meeting the standards set forth in Section 3.05.
5. For multiple family development with more than four (4) contiguous dwelling units, a site plan certified by a registered architect shall be required stating that he has personally viewed the site and has designed the building to be harmonious with neighboring buildings, topography, and natural surroundings.

F. Home Occupation

1. General

Home occupations are considered accessory uses to principal uses of a dwelling unit.

2. Purpose

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

3. Applicability

Home occupations shall comply with all of the standards in this section.

4. Exemptions

The following uses are not regulated as home occupations and are exempt from the regulations in this section.

- a. Community Residential Facilities
- b. Day Care Homes and Centers

5. Home Occupation Standards

A dwelling unit or residential accessory building, such as a detached garage, may be use for one or more home occupations subject to compliance with all of the following minimum standards:

- a. The home occupation must be accessory and secondary to the primary residential use, and the home occupation must not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, traffic, or any exterior activity that is inconsistent with the character of a residential area.
- b. There may be no external structural alterations or construction that would change the residential character of the property upon which the home occupation is located. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, and the addition of commercial-like exterior lighting.
- c. No separate entrance from the outside of the building may be added to the front of a residential building for the sole use of the home occupation.
- d. The home occupation and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within a completely enclosed building, either the principal residential building or an allowed accessory building (e.g., detached garage.)
- e. Home occupations conducted within garages may not take up space that provides space for meeting minimum off-street parking requirements.
- f. No window display or other public display of any material or merchandise is allowed.
- g. The owner or operator of the home occupation must reside on the property or in the dwelling unit in which the home occupation is located.
- h. In addition to the resident business owner or operator, up to three nonresident persons, including employees, associates, and customers may be present on the property at any time. This three-person maximum limit per property applies regardless of the number of home occupations being conducted on the property. In order to accommodate occasional larger gatherings, the three-person limit may be exceeded up to two days each calendar month.
- i. The home occupation is limited to one non-illuminated, building-mounted sign, not exceeding one square foot (144 square inches) in area.
- j. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the site of the home occupation only between 8:00 a.m. and 7:00 p.m. Vehicles used for delivery and pick-up may not include semi-tractor trailers.
- k. The following uses are expressly prohibited as home occupations:
 - i. any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts;
 - ii. dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - iii. rental businesses;

- iv. tow truck services;
- v. material or equipment storage businesses;
- vi. restaurants;
- vii. funeral or interment services; and,
- viii. animal boarding businesses.

G. Residential Mini-Warehouse

In addition to other applicable standards, a residential mini-warehouse shall meet the following standards:

- 1. The subject property must front on a designated collector or arterial street.
- 2. Signing shall conform to those standards of the C-C1 (Neighborhood Commercial zone).
- 3. Siding and general appearance of the structure shall conform to materials and design common to residences in the area.
- 4. Mini-warehouses in residential zones shall provide security fences for designated outside storage areas and shall screen such areas in accordance with Section 3.05 B of these regulations.
- 5. Outside storage shall be confined to designated areas and shall be restricted to recreational vehicles.

SECTION 4.04 COMMERCIAL USES

A. Intent

These standards are to provide for the establishment of shopping and business facilities conveniently grouped in a concentrated area within the neighborhood, community or region, forming a point of reference to establish economy of services, land development, and human use.

B. General Standards

- 1. Commercial buildings or related accessory buildings shall not be permitted within one hundred (100) feet of existing or planned residential areas or public sites, and shall not have direct access into areas of residential and public uses.
- 2. Commercial uses shall have functional access to designated arterials or collectors.

C. Extensive Commercial

The use of large amounts of land at a low intensity for commercial activity is considered extensive. Traditionally, such uses have been oriented along major arterials relying on transient customers outside of the immediate neighborhood, and includes trade and service in building materials, warehousing, automotive and other heavy equipment such as farm, marine, mobile home, aircraft, etc., contract construction, outdoor recreation, and transient lodging. In addition to other appropriate standards, extensive commercial development shall conform to the following requirements:

- 1. The required setbacks shall not be used for outdoor display or storage of products sold on the premises.
- 2. Automotive service stations
 - a. Setback Requirements:
 - i. Buildings - front Forty (40) feet minimum
 - sideTen (10) feet minimum

- rearTen (10) feet minimum
- heightThirty (30) feet maximum
- ii. Pump IslandsFifteen (15) feet minimum from lot lines
- b. Lot width shall be one hundred twenty (120) feet.
- c. Interior curbs shall be constructed within the property lines to separate driving surfaces from sidewalks, landscaped areas, and along property lines adjacent to streets.
- d. Landscaping Requirements
 - i. Five (5) feet wide landscaped area, excluding access driveways, adjacent to non-commercial lot lines.
 - ii. Screening adjacent to residential areas shall provide a visual barrier at least five (5) feet high.
- e. Service stations shall front on designated collectors or arterials. A service station shall not occupy more than two (2) quadrants of any intersection.

D. Intensive Commercial

Intensive commercial uses are those which are grouped into shopping districts or shopping centers with a high intensity of activity in a small area of land. Intensive commercial areas serve different scales of market areas, including neighborhood, community and region. The following standards promote scale of service, concentration of activity, and conservation of resources.

1. Neighborhood Commercial Standards
 - a. A rural neighborhood shopping area shall be allowed only within the Rural Activity Centers indicated in the Missoula County Growth Policy.
 - b. The site shall be no larger than ten (10) acres with a maximum gross leasable floor area of seventy-five thousand (75,000) square feet.
 - c. Neighborhood shopping development shall be located fronting on and providing access to designated arterial or collector or at the junction of a designated arterial or collector and a paved major local street. It may be central within its trade area and at a point best serving two (2) or more elementary school neighborhoods or parts thereof.
 - d. The required front yard setback, exclusive of driveways, shall be landscaped according to the requirements of Section 3.05.
 - e. Exterior finish building materials shall be consistent with typical residential construction materials.
 - f. Maximum building height shall be thirty (30) feet.
2. Community and Regional Commercial Standards
 - a. Community and regional shopping areas shall be no smaller than ten (10) acres.
 - b. Community and regional commercial areas shall be located at the junction of two (2) collectors, two (2) arterials, or a collector and an arterial.

E. Commercial Mini-Warehouse

As a conditional use, the Zoning Officer shall approve the application for a commercial mini-warehouse based on the following standards:

1. The approval shall specify in writing the types of storage permitted.
2. Commercial mini-warehouses shall provide security fences for designated outside storage areas which abut residential zones and shall screen such areas in accordance with Section 3.05 B of these regulations.

SECTION 4.05 INDUSTRIAL USES**A. Intent**

These standards provide for and accommodate the development of a variety of industrial uses including: light and heavy manufacturing, processing, fabrication, repairing and assembly of products or materials, warehousing and storage, and transportation facilities which will sustain industrial uses. Such uses shall be located in areas which will sustain industrial activity and which will be environmentally safe and complementary to the surrounding environment. Performance standards in the control of industrial uses permit potential industrial annoyances to be measured factually and objectively, to ensure that all industries will provide methods to protect the community from hazards and annoyance which can be prevented by processes of control and elimination, and to protect industries from arbitrary exclusion or prosecution based solely on the history of annoyances by particular types of industry in the past.

B. General Standards

1. No dwellings except those used exclusively by the owners, caretakers, or other managerial personnel of industrial uses and their immediate families are permitted.
2. A perimeter buffer strip ten feet wide adjacent to all non-industrial areas shall be constructed and maintained in accordance with the requirements of Section 3.05.
3. All industrial activities shall comply with the noise level standards specified in subsections C and D of this section. Exempt from these standards are:
 - a. Temporary construction and maintenance activities between 7:00 a.m. and 7:00 p.m.
 - b. Occasionally used safety devices, warning signals, and pressure relief valves.
 - c. Transportation and other noises not under the control of the industrial user.
4. All industrial activities which involve the use, storage, or transfer of flammable and combustible liquids, solids, gasses, or explosives shall comply with current National Fire Protection Association (NFPA) Standards, the International Fire Code (IFC) as adopted by Montana State Fire Marshal, the Authority of Having Jurisdiction (AHJ), and the International Building Code as adopted by the State of Montana.
5. All industrial activities producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five (5) foot-candles when measured in a residential district. All illumination of industrial uses whose lot lines are adjacent to residential uses shall be directed inward to the industrial use.
6. All industrial activities shall be located with functional access to a designated arterial. Such access shall not cross residential or public uses, but may cross commercial, other light industrial or heavy industrial uses.

C. Light Industrial Standards

1. All businesses servicing, manufacturing, or processing materials, goods or products shall be conducted within enclosed buildings or screened areas in areas designated C-I1. Outdoor storage shall be so effectively screened by a wall, fence, or planting that materials are not visible from a public way.
2. The maximum allowable noise levels measured at the property lines for industrial activities in an C-I1 area shall be seventy (70) dB(A) (decibels measured on the A-scale) from 7:00 a.m. to 7:00 p.m. and sixty-five (65) dB(A) from 7:00 p.m. to 7:00 a.m., except where such property lines are adjacent to residential or public uses in which case the maximum allowable noise levels shall be sixty (60) dB(a) from 7:00 a.m. to 7:00 p.m. and fifty-five (55) dB(A) from 7:00 p.m. to 7:00 a.m.

D. Heavy Industrial Standards

All businesses servicing, manufacturing, or processing materials, goods or products on lots adjacent to residential or public uses shall be conducted in completely enclosed buildings or according to Section 3.05.

1. The maximum allowable noise levels measured at the property lines for activities in an C-12 area shall be eighty (80) dB(A) from 7:00 a.m. to 7:00 p.m. and seventy-five (75) dB(A) from 7:00 p.m. to 7:00 a.m., except where such property lines are adjacent to residential or public uses, in which case the maximum allowable noise levels shall be sixty (60) dB(A) from 7:00 a.m. to 7:00 p.m. and fifty-five (55) dB(A) from 7:00 p.m. to 7:00 a.m.; or except where such property lines are adjacent to commercial uses, in which case the maximum allowable noise levels shall be sixty-five (65) dB(A) from 7:00 a.m. to 7:00 p.m. and sixty (60) dB(A) from 7:00 p.m. to 7:00 a.m.

SECTION 4.06 SEASONAL COMMERCIAL AND TEMPORARY USES

A. Intent

In approving a seasonal commercial or temporary use, the Zoning Officer and/or County Board of Adjustment is authorized to impose conditions on the operation of such uses that will help to ensure that they do not create unreasonable adverse impacts on surrounding uses and that they operate safely, consistent with the general purposes of these zoning regulations.

B. Conditions of Approval

Such conditions may include the following:

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

SECTION 4.07 TIF DISTRICT USES CLASSIFIED UNDER 3.06 P: 6.B.6 and 7.B.8.

A. Intent

These conditional use review criteria apply only to Conditional Uses listed in 3.06 P. 6. B. 6. and 3.06 P. 7. B. 8. referenced as "all other uses listed..." The conditional uses subject to these review criteria are intended to encompass non-industrial uses that are not already authorized as permitted or conditional uses in the modified C-11 (TIF) and modified C-12 (TIF) but are permitted or conditional uses in Section 2.18 (C-11) or Section 2.19 (C-12).

The Zoning Officer is authorized to impose conditions on the operation of such uses that will ensure that they do not create unreasonable adverse impacts on surrounding uses and that they operate safely and consistently with the general purposes of TIF district standards and definitions found in Section 3.06 P. and with state law.

B. General Requirements

1. Prior to issuance of a Zoning Compliance Permit, all applications for a permit for Conditional Uses listed in Section 3.06 P. 6. B. 6. and Section 3.06 P. 7. B. 8. must receive approval
 - a. from the Missoula County TIF District Manager or other delegated authority; and,
 - b. from the Zoning Officer.

C. Criteria for Review

1. The TIF District Manager or other delegated authority shall evaluate all proposals to determine that the proposed use complies with the following criteria.
 - a. protects public health and safety;
 - b. protects TIF districts from being dominated by non-industrial uses.
 - c. qualifies as a subordinate use of less importance than the associated permitted use it is dependent upon, as determined by at least two the following: revenue generation, size and extent, and operation.
2. The Planning Office shall evaluate all proposals to determine that the proposed use complies with the following criteria.
 - a. The location, character and natural features of the property and surrounding properties;
 - b. Non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone;
 - c. The use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan;
 - d. That the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of these regulations;
 - e. That the use meets the overall density, setback, height and other requirements of the zone in which it is located;
 - f. That the use will not adversely affect nearby properties or their occupants;
 - g. Site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to: landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;
 - h. Vegetation, topography and natural drainage; and,
 - i. The availability of public utilities and services.