
Chapter 5

Special Districts

CHAPTER 5 – SPECIAL DISTRICTS

SECTION 5.01 PURPOSE

Within all areas of the community certain types of development may be better served by special zoning districts tailored to the unique needs, problems, and qualities of the development. In recognition of this fact, it is the purpose of this chapter to provide for the creation of special districts in order to promote proper and rational development of the community and to provide procedures and standards for the development of certain complex, special uses.

SECTION 5.02 PUD/PLANNED UNIT DEVELOPMENT

A. Intent

The County of Missoula is faced with increasing population and urbanization and with substantial changes in the technology of land development and in the need for housing. Each PUD zone shall be separate, having different design criteria to provide for uses and improvements based on a particular environmental situation. This zone and its standards and criteria are intended to provide the means to:

1. Encourage development of a variety of housing types and densities by allowing for a mixture of types ranging from single-family homes to multiple-family dwellings;
2. Foster and retain the natural variety inherent in the landscape by reason of topographic variation, views, water areas, and native vegetation;
3. Create and preserve usable open space for recreational and aesthetic enjoyment;
4. Preserve and enhance unique qualities of the total environment;
5. Avoid construction in hazardous areas;
6. Encourage creativity and variation in the design of PUD areas and their related facilities;
7. Permit flexibility of design, placement of buildings, use of required open spaces, circulation and utility systems, off-street parking areas, and better utilization of the potential of sites characterized by special features of geography, topography, size, or shape; and,
8. Provide a guide for developers and local government officials who review and approve developments, meeting the standards and purpose of this zone, through a close working relationship with all parties involved.

It is further intended that each PUD zone will be a separate zone, each having differing design criteria to provide for the uses and improvements based on a particular environmental situation.

B. Procedure

1. Preliminary Procedure
 - a. The legal owner shall submit an application for a change of zone from the existing zone to the PUD zoning district, pursuant to Section 8.20, containing the following:
 - i.) All information required by Section 4.2.3 Submittal Requirements of the Missoula County Subdivision Regulations;
 - ii.) A vicinity sketch showing the relationship of the proposed development to adjacent subdivisions, certificates of survey, ownerships, public rights-of-way, and existing land uses;
 - iii.) Statistical data on the total size of the project area, common area, area dedicated to the public, and private open space, and area of ground to be covered by buildings, specific types of land uses which will be developed, and percentage of land to be devoted

- there, density computation, and proposed number of residential units, and maximum heights of buildings or structures to be built; and,
- iv.) For proposed developments of more than one hundred (100) acres or fifty (50) dwelling units, statistical data on population, markets, economic impact on municipal services, and environmental assessment.
- b. The Missoula Consolidated Planning Board shall hold a public hearing in compliance with Section 8.21. At such hearing the Missoula Consolidated Planning Board shall consider, but not be limited to, the relationship between the proposed zone and the following matters:
 - i.) All materials and conditions in Section 4.2.3 Submittal Requirements of the Missoula County Subdivision Regulations;
 - ii.) The growth policy adopted by the governing body;
 - iii.) Existing land uses surrounding the proposed area to be zoned and the character of the general neighborhood;
 - iv.) The existing or proposed public improvements in the area such as schools, roads, utilities, parks, and other such features; and,
 - v.) Responsible comments concerning the request by interested citizens.
 - c. After the public hearing, the Missoula Consolidated Planning Board shall make written recommendations to the governing body on the proposed zone change, and may recommend denial, approval, or approval with conditions, including:
 - i.) Recommended residential density;
 - ii.) Recommended use other than residential and specific amounts of land to be used for such purposes;
 - iii.) Recommended maximum heights; and,
 - iv.) Recommended amount of open space and maximum amount of building coverage.
 - d. The governing body shall proceed in accordance with applicable State statutes.
2. Final Procedure
- a. When the governing body approves the zoning change, it shall condition such approval upon the presenting within one (1) year thereafter one of the following:
 - i.) If development of the PUD district is to occur in a single phase, an application of subdivision approval of the entire PUD district.
 - ii.) If development of the PUD district is to occur in more than one phase, an application for subdivision approval of the first phase along with a reasonable development schedule for the remainder of the PUD district. The development schedule shall state the time span over which development of the entire PUD district will occur and shall indicate what percentage of the total development approved for the district will occur each year.
 - b. All subdivision submittals and final review and approval of all development proposed in the PUD zone shall conform with the provisions and procedures of the Missoula County Subdivision Regulations.
 - c. If the provisions of part of this section have not been met within one (1) year from the date of the zone change, said change shall revert to the original zone classification(s).

C. Standards and Criteria

In addition to the design and improvement standards of the Missoula County Subdivision Regulations, the following requirements shall be met:

1. Planned unit developments may be composed of a single use or a mixture of uses, when compatible with the overall development plan of the PUD and the growth policy adopted by the governing body pursuant to Montana Code Annotated, Title 76, Chapter 1.
2. Individual uses and structures in a PUD district need not comply with the specific building location, height, building size, and open space requirements of the original zoning district, provided that the spirit and intent of such requirements are complied with within the overall development plan and are consistent with the other criteria established in this section.
3. Areas exceeding twenty-five percent (25%) slope shall not be used to provide the total common open space requirement.
4. The PUD plan shall specify the means of developing the common open space.
5. If private open space is provided for each dwelling unit the plan shall specify the means of developing the open space.
6. The PUD shall comply with the applicable standards of Chapters 3 and 4.
7. The PUD design shall consider the relationship of the site to the surrounding area. The site perimeter shall be designed to minimize undesirable impacts between it and surrounding land uses.
8. All public utilities shall be placed underground.
9. Space and bulk requirements may be modified to promote innovative approaches to housing and environmental design.
10. In order to promote the use of residential PUDs, the following density bonuses shall apply:

Density Increases for PUDs (Dwelling Units / Acre)									
Original Zoning District	C-A1	C-A2	C-A3	C-RR1	C-RR2	C-RR3	C-R1	C-R2	C-R3
Residential Density	1/40	1/10	1/5	1/1	2/1	4/1	8/1	16/1	36/1
Percentage Increase	200 %	150 %	150 %	100%	100%	50%	50%	25%	25%
PUD Density	1/10	1/4	1/2	2/1	4/1	6/1	12/1	20/1	45/1

D. Plan Adjustments

1. Minor adjustments may be made and approved by the Zoning Officer at the time the Zoning Compliance Permit is issued. Minor adjustments are those changes which may affect the precise dimensions of buildings and the siting of buildings, but which do not affect the basic character or arrangement of buildings, the density of the development, or the open space requirement.
2. Major adjustments are those which, in the opinion of the Zoning Officer, substantially alter the basic design, density, or open space requirements of the PUD. When, in the opinion of the Zoning Officer, such changes constitute a major adjustment, no Zoning Compliance Permit shall be issued without a review and recommendation by the Missoula Consolidated Planning Board and approval by the governing body.

SECTION 5.03 MH/MOBILE HOME PARK**A. Intent**

This district provides for the location and development of mobile home parks and minimizes the adverse impacts and possible conflicts between mobile home park developments and other forms of residential development.

B. Procedure**1. Preliminary Procedure**

- a. The legal owner shall submit an application for a change of zone from the existing zone to the MH zoning district, pursuant to Section 8.20, containing the following:
 - i.) All information requested in Section 7.4 Preliminary Plat/Plan Submittal Requirements, of the Missoula County Subdivision Regulations;
 - ii.) A vicinity sketch showing the relationship of the proposed development to adjacent subdivisions, certificates of survey, ownerships, public rights-of-way, utilities, and existing land uses; and,
 - iii.) A copy of the park rules or covenants, whichever is appropriate.
- b. The Missoula Consolidated Planning Board shall hold a public hearing in compliance with Section 8.21. At such hearing the Missoula Consolidated Planning Board shall consider, but not be limited to, the proposed zone and the following matters:
 - i.) The growth policy adopted by the governing body;
 - ii.) Existing land uses surrounding the proposed area to be zoned and the character of the general neighborhood;
 - iii.) The existing and/or proposed public improvements in the area such as schools, roads, utilities, parks and other such features; and,
 - iv.) Responsible comments concerning the request by interested citizens.
- c. After the public hearing the Missoula Consolidated Planning Board shall make written recommendations to the governing body on the proposed zone change, and may recommend denial, approval, or approval with conditions, including:
 - i.) Recommended mobile home density;
 - ii.) Recommended use other than residential uses and specific amounts of land to be used for such purposes; and,
 - iii.) Recommended amount of open space.
- d. The governing body shall proceed in accordance with applicable State statutes.

2. Final Procedure

- a. When the governing body approves the zoning change, it shall condition such approval upon the presenting within one (1) year thereafter of an application for subdivision approval of the MH district development plan to the Missoula Consolidated Planning Board in accordance with the Missoula County Subdivision Regulations.
- b. Final review and approval of all development proposed in the MH zone shall conform to the provisions and procedures of the Missoula County Subdivision Regulations.
- c. If an application for subdivision approval has not been filed within one (1) year from the date of the zone change, said change shall revert to the original zone classification(s).

C. Standards and Criteria

In addition to the design and improvement standards of Section 4.4 Mobile Home, RV Parks of the Missoula County Subdivision Regulations, the following requirements shall be met:

1. Mobile home districts may only be created in residential (R) zoning districts.
2. Areas exceeding twenty-five percent (25%) slope and areas within a designated floodway shall not be used to provide the total common open space requirements.
3. The mobile home development plan shall specify the means of developing the common open space.
4. The mobile home park design shall consider the relationship of the site to the surrounding area. The site perimeter shall be designed as to minimize adverse impacts between it and surrounding land uses.
5. All public utilities shall be placed underground.
6. The minimum sizes for mobile home parks shall be five (5) acres if owner-occupied and managed, and ten (10) acres for all other types of mobile home development.
7. The density requirements of the mobile home development shall be no more than those of the prior zoning district, with a maximum density of seven (7) dwelling units per acre.
8. Mobile home parks shall conform to the space and bulk requirements of Section 4.4.6 General Standards, Mobile Home and RV Parks of the Missoula County Subdivision Regulations.

D. Plan Adjustments

1. Minor adjustments may be made and approved by the Zoning Officer at the time the Zoning Compliance Permit is issued. Minor adjustments are those changes which may affect the precise dimensions of buildings and the siting of buildings, but which do not affect the basic character or arrangement of buildings, the density of the development, or the open space requirement.
2. Major adjustments are those which in the opinion of the Zoning Officer, substantially alter the basic design, density, or open space requirements of the Mobile Home Park District. When in the opinion of the Zoning Officer such changes constitute a major adjustment, no Zoning Compliance Permit shall be issued without review and recommendation by the Missoula Consolidated Planning Board and approval by the governing body.

SECTION 5.04 SC/SHOPPING CENTER

A. Purpose

The Shopping Center zone encourages the effective and timely development of land for commercial purposes in accordance with the objectives and policies of the growth policy for the county, assures suitable design in order to protect the property values and the residential environment of adjacent neighborhoods, and minimizes adverse effects on the community in the best interests of the public health, safety and welfare. It is not possible or desirable to attempt to outline shopping center districts on vacant land prior to population growth and related residential development or construction of major transportation arteries, which together are prerequisites of well-planned, properly located, modern shopping center development.

B. Definition

For the purposes of this section, a shopping center district is defined as a retail business area composed of one (1) or more adjacent or adjoining commercial establishments with a total gross

floor area of one hundred thousand (100,000) square feet or more, with adjacent off-street parking.

C. Preliminary Procedure

1. A Shopping Center (SC) district may be created only in C-C2 or C-C3 zoning districts. Application for zone change shall conform to procedures of Section 8.20.
2. The legal owner shall submit an application for a change of zone from the existing zone to the SC zoning district, pursuant to Section 8.20, containing the following:
 - a. Site plan of a minimum scale of one inch (1") equals thirty feet (30'), showing the following:
 - i.) Proposed name of the shopping center;
 - ii.) Location by legal description;
 - iii.) Names and addresses of applicant and surveyor, engineer and architect who prepared the plans;
 - iv.) Boundary lines of proposed shopping center site and the total acreage encompassed therein;
 - v.) Location, widths, and names of all existing or previously platted streets, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, permanent easements, and section or municipal boundary lines;
 - vi.) Existing contours at minimum five (5) foot intervals, proposed contours at minimum five (5) foot intervals including any slopes, berms, banks, and ditches.
 - vii.) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking, and total number of parking spaces provided;
 - viii.) Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
 - ix.) Location and dimensions of vehicular drives, entrances, exits, and acceleration and deceleration lanes;
 - x.) Location and dimensions of pedestrian entrances, exits, walks, and walls, or protective rails;
 - xi.) Location, height, and materials of walls, fences, and visual buffer plantings;
 - xii.) Location and type of landscaped and planted areas and total area of landscaping in square feet and percentage of total site area;
 - xiii.) Location and general dimensions of exterior trash and garbage storage and burning facilities;
 - xiv.) Location, size, height, orientation, and design of all signs;
 - xv.) Existing and proposed facilities, such as storm and sanitary sewers, water mains, culverts, and other facilities within the tract, indicating pipe sizes, grades, manholes, and location;
 - xvi.) Location and exterior dimensions of main and accessory buildings;
 - xvii.) Proposed use of buildings within the site area;
 - xviii.) Proposed exterior sound and lighting systems, if any;
 - xix.) Proposed size, number, location and signing of interior sanitary facilities;
 - xx.) Area map of approximate scale to show items listed in (e) above within five hundred (500) feet of the boundary of the proposed shopping center;

- xxi.) Architectural floor plans of all buildings to appropriate scale (minimum 1/16" = 1'), including provisions for public sanitary facilities;
 - xxii.) Architectural elevations of all buildings showing exterior design, color, and materials of all sides;
 - xxiii.) The stages, if any, to be followed in the construction of the shopping center; and,
 - xxiv.) Traffic flow chart showing circulation patterns within the confines for the proposed shopping center.
- b. Market and economic analysis, including determination of:
 - i.) The trade area of the proposed shopping center;
 - ii.) The present and projected population of the trade area;
 - iii.) The present and projected effective buying power in the trade area;
 - iv.) The net potential customer buying power for stores in the proposed shopping center and, on the basis of such buying power, the recommended store types and store floor area; and,
 - v.) Probable local tax revenues generated by the center as compared to probable public costs. Public costs to be considered shall include, but not be limited to, the costs of providing: water service, sanitary sewer service extensions, storm drainage facilities, fire protection, police protection and streets and traffic control devices.
 - c. Statement of financial responsibility
 - d. Traffic analysis providing the necessary information to allow the County Surveyor's Office to assess the impact of the proposed center on existing public rights-of-way.
- D. If the Missoula Consolidated Planning Board recommends approval, it shall, in addition to the provisions of Chapter 8, include:
- 1. Recommended uses and specific amounts of land to be used for such purposes;
 - 2. Recommended maximum heights;
 - 3. Recommended site plan and specific amount of landscaping, number of parking spaces, and loading berths, and amount of building coverage;
 - 4. Recommended circulation pattern;
 - 5. Recommended exterior design, color, and materials of buildings; and,
 - 6. Recommended design of signs.
- E. The governing body shall proceed in accordance with applicable State statutes.
- F. Final Procedure
- 1. When the governing body approves the zoning change, it shall condition such approval upon the presenting within two (2) years thereafter an application to the Planning Office, on forms provided thereby, for final development plan approval to the governing body containing the following:
 - a. Information and materials required in subsection 5.04 C.2;
 - b. Final architectural drawings of buildings and site layout; and,
 - c. Additional information and drawings as may be required as a condition of preliminary approval.

2. Final review and approval of all development proposed in the SC zone shall conform with the provisions and conditions of preliminary plan approval.
3. If an application for final approval has not been filed within two (2) years from the date of the zone change, said change shall revert to the original zone classification(s).
4. Within sixty (60) days of the date of the final development plan application, the governing body shall take action on the final development plan to:
 - a. Approve, having found the plan substantially complies with the purpose of this section and the provisions and conditions of preliminary plan approval.
 - b. Conditionally approve, having found the plan fails to comply with the purpose of this section and the provisions and conditions of preliminary plan approval. The governing body may take the following actions:
 - i.) Hold public meetings with the applicant to resolve problems of compliance; and,
 - ii.) Allow the applicant to resubmit his final development plan as an amended preliminary development plan, subject to the same procedure as applies to the original preliminary plan.
 - c. Disapprove, having been unable to resolve the issues of compliance, the purpose of this section and the provisions and conditions of preliminary plan approval.
5. After approval by the governing body, the applicant may apply for a Zoning Compliance Permit, provided, however, that if an application for a Zoning Compliance Permit has not been filed within one (1) year after the date of the final development plan approval, the SC zone shall revert to the original zone classification.

G. Plan Adjustments

1. Minor adjustments may be made and approved by the Zoning Officer at the time the Zoning Compliance Permit is issued. Minor adjustments are those changes which may affect the precise dimensions of buildings and the siting of buildings, but which do not affect the basic character or arrangement of buildings, the intensity of development or the parking requirements.
2. Major adjustments are those which in the opinion of the Zoning Officer, substantially alter the basic design, the intensity of development, or the parking requirements of the Shopping Center district. When in the opinion of the Zoning Officer such changes constitute a major adjustment, no Zoning Compliance Permit shall be issued without a review and recommendation by the Missoula Consolidated Planning Board and approval by the governing body.