
Chapter 6

Rural Zoning Districts

CHAPTER 6 – RURAL ZONING DISTRICTS

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SECTION 6.01 PURPOSE

Rural zoning districts are created to stabilize and protect the land uses and to allow a maximum degree of latitude with these regulations to promote residential harmony, conduct gainful business, and contribute to the development of a sound economic base for the rural areas of the County of Missoula. It is the purpose of these classifications to coordinate growth with physiographical criteria, to more efficiently and economically design, install, and maintain the size and capacity of physical and public service facilities to adequately and permanently meet needs resulting from a defined intensity of land use, and to provide for the health, safety, morals, prosperity, and well-being of the rural community at large.

SECTION 6.02 VALLEY WEST COMMUNITY DEVELOPMENT DISTRICT

A. Intent

This district is intended to provide overall standards which will serve to implement the planned community approach to development as stated in the Missoula County Growth Policy: Wye/O-Keefe Creek Area. Specifically, it is the intent of this district to provide for:

1. An integration of the home with other aspects of daily life (e.g. work, shopping, school and recreation).
2. A safe and healthy living environment for all ages and income groups.
3. A feeling of identity and responsibility for all residents towards each other and the community.
4. Opportunities for social interaction, political participation and environmental sensitivity.

B. Space and Bulk Requirements

The following are in addition to the specific requirements of the individual zone:

- Building site Each building site shall not be less than the minimum lot requirements nor more than one hundred fifty percent (150%) of the minimum lot requirement of the zoning district classification in which it is located.
- Minimum lot area All structures shall be set back twenty-five (25) feet from the center line of all natural drainages with an area exceeding one (1) square mile or out of any delineated floodplain, whichever is greater.
- Minimum required setback The minimum required setback shall be measured from the building site boundaries and proposed right-of-ways.

C. General Standards

The following standards are in addition to the general regulations of these regulations:

1. Transportation systems
 - a. Each building site shall be contiguous to a proposed public right-of-way designed to contain a portion of a pedestrian or bicycle circulation system.
 - b. No access is permitted onto Highway 93.
 - c. No single-family lots shall access onto streets which are anticipated to serve more than two hundred (200) dwellings.
 - d. On-street parking is prohibited on all streets which are anticipated to serve two hundred (200) dwellings unless the streets have improved parking lanes on both sides.
 - e. No commercial or industrial access is permitted on any street which fronts on a C-RR1, C-RR2, C-RR3, or C-R1 zoned residential district.
2. All mobile homes shall meet or exceed the 1975 ANSI regulations and be in compliance with the HUD standards for the year in which the unit was manufactured.
3. Structures or roads shall not be constructed on any grade over twenty-five percent (25%).
4. Commercial Standards - The intent of these standards is to provide for the orderly establishment of a work place associated with the Valley West Community Development District. Commercial, service and light industrial standards should promote development in a manner sensitive to existing natural features and planned community development objectives.
 - a. Outdoor storage shall be effectively screened by a wall, fence, or planting so that stored materials are not visible from an adjacent public way, with the exception that some visibility will be permitted from the elevated portion of U.S. Highway 93.
 - b. All elements of the site, such as parking, circulation, recreation, landscaping, screening, building and storage, shall be related to the development in such a manner that no improved or unimproved area remains unmaintained.
 - c. Required setbacks adjacent to residential zones shall be landscaped in accordance with Section 3.05.

D. Uses

The design, placement and relationship of commercial, light industrial and multiple-family is recognized as an important function of Valley West Community Development District. To ensure the proper interrelationship and development of these mixed uses, the following uses are set as follows:

1. Permitted Uses

Zone	Permitted Listed Uses
C-P1	All uses listed in Section 2.05 D
C-RR3	All uses listed in Section 2.11 D
C-R1	All uses listed in Section 2.12 D
C-R2	All uses listed in Section 2.13 D
C-C1	None
C-C2	None

2. Conditional Uses

Zone	Permitted Listed Uses
CP-1	All uses listed in Section 2.05 E
C-RR3	All uses listed in Section 2.11 E
C-R1	All uses listed in Section 2.12 E
C-R2	All uses listed in Section 2.13 E
C-C1	All uses listed in Section 2.15 D and E
C-C2	All uses listed in Section 2.16 D and E

3. Special Exceptions

Zone	Permitted Listed Uses
C-P1	All uses listed in Section 2.05 F
C-RR3	All uses listed in Section 2.11 F
C-R1	All uses listed in Section 2.12 F
C-R2	All uses listed in Section 2.13 F
C-C1	All uses listed in Section 2.15 F and Section 2.16 D
C-C2	All uses listed in Section 2.16 F and Section 2.18 D

SECTION 6.03 SPECIAL DISTRICT #2

A. Intent

This Special District promotes a wide range of uses including residential, office and commercial and incorporates standards referred to as absolute performance and relative standards that address existing and potential problems identified in the adopted Growth Policy. The use of performance and relative standards is known as the Permit System. The Permit System and the Special District Standards would allow for flexibility in that a developer may comply with a variety of standards to the extent which satisfies the function of the proposed development and satisfies the public's interest; by providing for safe and convenient vehicular and pedestrian travel ways; by abating noise generated by vehicular traffic and by minimizing conflicts between commercial and residential uses with standards which address lighting, signs and incompatible building design.

B. Space and Bulk Standards

- Minimum lot area None
- Minimum required setback - front Twenty-five (25) feet from any street other than Reserve St.
Twenty-five (25) feet from any street for seasonal commercial uses.

	Seventy-five (75) feet between any non-residential use and Reserve St.
	One hundred (100) feet between any residential use and Reserve St.
- rear.....	Rear yard setbacks shall equal the height of the building.
- side	Side yard setbacks shall equal one third (1/3) the height of the building.
Maximum building height	Forty-five feet (45')
Minimum setback for automotive service station pump islands.....	Fifteen feet (15')

C. General Standards

See Supplementary Regulations - Chapter 3

D. Permitted Uses

Permitted uses requiring a minimum score of at least zero (0).

1. Single-family dwelling
2. Two-family dwelling
3. Home occupation
4. Mini-warehouse
5. Seasonal commercial uses
6. Day-care home
7. Agriculture, including any and all structures or buildings needed to pursue such activities

E. Conditional Uses

1. Conditional uses requiring a minimum score of twenty percent (20%) of the maximum possible points.
 - a. Community residential facility
 - b. Boarding house
 - c. Long-term care facility
 - d. Multiple-family dwelling not more than thirty-six (36) feet high and having a maximum density of ten (10) dwelling units per acre
 - e. Business, professional, or government office
2. Conditional uses requiring at least a score of forty percent (40%) of the maximum possible points.
 - a. Multiple-family having a maximum density of sixteen (16) dwelling units per acre
 - b. Private lodge or fraternal organization
 - c. Personal services
 - d. Transient lodging
 - e. Public/quasi-public use
 - f. Retail trade and service with no outdoor storage or display and with a maximum floor area of three thousand five hundred (3500) square feet (except retail food, eating and drinking establishments and repair service)

F. Special Uses

1. Special uses requiring a score of at least sixty percent (60%) of the maximum possible points:
 - a. Day care center
 - b. Recreation, amusement, cultural facility – indoor
 - c. Eating establishment - without drive-in restaurant
 - d. Retail food - less than three thousand five hundred (3500) square feet
 - e. Repair service - without auto
 - f. Wholesale trade
 - g. Public utility
2. Special uses requiring a score of at least eighty percent (80%) of the maximum possible points:
 - a. Printing and publishing
 - b. Recreation, amusement, cultural facility – outdoor
 - c. Veterinary service, animal hospital and kennel
 - d. Retail trade and service with a gross building floor area of less than one hundred thousand (100,000) square feet
 - e. Automobile service station

G. Development Standards

1. Neighborhood Compatibility
 - a. Growth Policy Compliance Standards
 - i.) Absolute standards
 - 1) All development shall substantially comply with the goals and, more specifically, the uses and densities of the adopted Reserve Street Growth Policy.
 - 2) Each lot or parcel used exclusively for residential development must comply with the designated densities of the adopted Reserve Street Growth Policy.
 - 3) Mixed use lots or parcels must comply with the designated residential densities of the Reserve Street Growth Policy and must satisfy the required minimum percentage of the relative standards for the proposed commercial use.
 - 4) Any development which includes more than one (1) primary building on a single lot or parcel must be designed such that the lot or parcel could be subdivided, creating a separate lot or parcel for each primary building which would be in compliance with the development standards of this section.
 - ii.) Relative standards – None
 - b. Landscaping/Buffering
 - i.) Absolute standards
 - 1) For all developed lots, excluding single-family lots, the area not covered by building, sidewalks, pavement and driveways shall be landscaped.
 - 2) Twenty-five (25) feet of required front yard setback, exclusive of driveways and parking, shall be landscaped in accordance with Section 3.05.
 - 3) Residential uses, excluding single-family residences, shall provide an area equal to seventy percent (70%) of the units' total floor area for outdoor recreation. Any area used to satisfy this requirement must be a minimum of ten (10) feet in width and must consist of a minimum of two hundred (200) square feet. Paved recreation areas,

- such as basketball or tennis courts, may be used toward the satisfaction of this requirement, provided that this paved recreation area is not also used for drives or parking areas.
- 4) All buildings must be separated from drives and parking areas by a minimum of six (6) feet, with the exception of that part of a driveway leading directly into an attached parking structure. This six (6) foot setback area shall be maintained as paved sidewalk and/or landscaping (in accordance with Section 3.05 of the Missoula County Zoning Regulations).
- ii.) Relative standards
 - 1) Internal parking areas should provide the types, amounts and locations of accessibility needed to meet the uses and functions of the development. Internal circulation should facilitate the movement of goods, services and waste products in a safe manner. Landscaped islands are encouraged between every ten (10) adjacent parking spaces and at the end of each row. Each island shall have an average width of five (5) feet with a minimum size of one hundred (100) square feet.
 - 2) The use of vegetative and/or non-vegetative visual barriers are encouraged between uses of different intensities. Non-vegetative visual barriers are encouraged to be architecturally compatible with adjacent main buildings to maintain or improve the character of the area.
- c. Design of Development
- i.) Absolute standards – None
 - ii.) Relative standards
 - 1) A development is encouraged to be designed and maintained in such a way that nuisances, such as glare, noxious odors, noise, dust, noxious fumes and storm drainage, will not emanate off-site to produce any adverse impacts on adjacent uses.
 - 2) All development is encouraged to be developed in such a way that the siding and general appearance of structures should conform to materials and design common to residences in the area. The degree of aesthetic improvement shall be measured against the existing character of the site and the basic nature of the proposed use.
- d. Signs
- i.) Absolute standards
 - 1) Proposed uses shall follow the standards in Section 3.04, A through L, and proposed uses should follow the sign standards with similar applicability. For example, residential development shall follow Section 3.04 M. 1.
 - ii.) Relative standards - Illumination of signs is discouraged.
 - 1) Non-illuminated signs.
 - 2) Illuminated signs.
 - 3) Flashing signs.
- e. Commercial Standards
- i.) Absolute standards – None
 - ii.) Relative standards - Non-residential uses are discouraged from operating between the hours of 7:00 p.m. and 7:00 a.m. to avoid noise, traffic, light and activity which would conflict with adjacent uses.
- f. Specific Use Standard

- i.) Absolute standards
 - 1) Day care homes and centers shall comply with the standards contained in Section 4.03 C. of the Missoula County Zoning Regulations.
 - 2) Community residential facilities shall comply with the standards contained in Section 4.03 D. of the Missoula County Zoning Regulations.
 - 3) Two-family and multiple-family structures shall comply with the standards contained in Section 4.03 E. of the Missoula County Zoning Regulations.
 - 4) Home occupations shall comply with the standards contained in Section 4.03 F. of the Missoula County Zoning Regulations.
- 2. Transportation
 - a. Vehicular Access
 - i.) Absolute standards
 - 1) Residential lots along Reserve Street shall have only one (1) access on Reserve Street.
 - 2) Corner lots shall access on the street with the lowest classification.
 - 3) Service stations shall front on designated collectors or arterials. Service stations shall not occupy more than two (2) quadrants of any intersection.
 - ii.) Relative standards
 - 1) All uses are encouraged to locate access drives at a distance greater than required by Missoula County Public Works' standards to minimize driveways and to provide for better traffic flow and to draw traffic away from single-family areas.
 - 2) Non-residential uses are encouraged to locate at intersections of major streets to avoid traffic conflict on local streets.
 - b. Pedestrian Access
 - i.) Absolute standards – None
 - ii.) Relative standards - The internal pedestrian walkway system should be designed to meet the uses and functions of the development. Internal circulation should facilitate the movement of pedestrians through the lot and to and from the structure in a safe manner. The sidewalks/walkways should connect with existing sidewalks/walkways, if any, and should be provided within two years of development. All lots fronting on Reserve Street should have sidewalks and walkways outside of the right-of-way of Reserve Street except at pedestrian crosswalks or walkways.
 - c. Parking
 - i.) Absolute standards - Except for seasonal commercial uses, interior curbs for any commercial use shall be constructed within the property lines to separate driving surfaces from sidewalks and landscaped areas and along property lines adjacent to street.
 - ii.) Relative standards
 - 1) Joint parking is encouraged for best utilization of the land and to minimize access.
 - 2) Joint use of loading berths is encouraged for best utilization of facilities.
- 3. Noise Abatement
 - a. Absolute standards
 - i.) All residential structures shall erect walls and/or berms or incorporate non-residential structures or meet or exceed STC-39 (Sound Transmission Coefficient) standards to

reduce the noise level to the acceptable rate of forty-five (45) decibels within the dwellings.

- ii.) If a wall, berm or combination thereof is constructed along Reserve Street, it shall be at least ten (10) feet in height.
 - iii.) Accessory structures may be located within the required twenty-five (25) foot landscaped strip along Reserve Street, but not within five (5) feet of the property lines.
- b. Relative standards
- i.) Outdoor recreation areas for group activities are encouraged to be at least twenty-five (25) feet from single-family residential uses or districts and to be visually and acoustically screened from Reserve Street to allow proper noise reduction and to be designed for maximum recreation utility.

H. Permit System

1. Intent

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

Where this section has more specific standards or procedures, they shall apply rather than the more general standards or procedures of these regulations.

2. Definitions

In addition to other definitions in Section 1.04, the following definitions apply to this district:

- a. Absolute Standard - Required for approval of a development, unless not applicable to the development.
- b. Approving Agent - The Zoning Officer for permitted uses and conditional uses. The Governing Body for special uses.
- c. Assigned Value - The number awarded an applicant by the reviewing agent for each performance and relative standard according to criteria established in these districts.
- d. Multiplier - An established weight set by the Governing Body which is used to determine the importance of a relative standard. The higher the number the greater the relative importance of the standard.
- e. Performance Standard - A standard which need not be implemented by the development, but is encouraged. Each performance standard is assigned a value based on the level of performance, unless not applicable to the development.
- f. Points - A numerical score computed by multiplying the relative and/or performance standard's multiplier by the assigned value.
- g. Relative Standard - A standard which need not be implemented by a development, but is encouraged. Each relative standard is assigned a value based on the features of the proposed development, unless not applicable to the development.
- h. Reviewing Agent - The Zoning Officer for permitted uses, conditional uses, and special uses.
- i. Special Use - A use which is specifically listed for the district and meets the intent of the district when design standards and conditions are met. A special review by the Zoning

Officer is required, with final consideration given by the Governing Body. This review shall assure consistency and compatibility with existing and conforming uses within the district.

3. Procedure

- a. Basis for Permit - Permits as required in Section 8.22 may be granted only if the applicant complies with all absolute standards and other mandatory requirements of the permit system district and obtains the appropriate overall points required for all applicable performance and relative standards.
- b. Assignment of Points for Performance Standards - Applicable performance standards shall be assigned values as set by specifications based on the level of performance. The assigned value shall be multiplied by the performance standard multiplier to determine the points received.
- c. Assignment of Points for Relative Standards - Applicable relative standards shall be assigned values based on the public interest as defined by consideration of the goals, objectives and policies established by the community's growth policy and the purposes, intents and standards established by the community's land use regulations in the following manner:
 - +2- Provides a significant public benefit with no substantial public detriment. An excellent job of implementation of a relative standard.
 - +1- Provides some public benefits, mitigates a minor public detriment. A good job of implementation of a relative standard.
 - 0- No public benefit or detriment from the project. An adequate job of implementation of a relative standard.
 - 1- Produces some public detriment. An inadequate job of implementation of a relative standard.
 - 2- Produces significant public detriment. Substantially no effort to implement a relative standard.

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

4. Pre-Application Conference

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

5. Application Acceptance

The Zoning Officer shall determine if an application is complete within one (1) business day after submittal. Only complete applications shall be accepted and shall be set for hearing as follows:

- a. Permitted uses shall be reviewed within ten (10) calendar days of acceptance. The Zoning Officer shall schedule a regular review session not more than once a week and post in public view at the Planning Office and the Clerk and Recorder's office an agenda at least five (5) calendar days prior to the review.

- b. Conditional uses shall be reviewed within fifteen (15) calendar days of acceptance. The Zoning Officer shall schedule a regular review session not more than once a week and post a notice and agenda on the property and in public view at the Planning Office and at the Clerk and Recorder's office at least five (5) calendar days prior to the review.
- c. Special uses shall be submitted to the Zoning Officer. Notice of the hearing shall be in accordance with Section 8.21 "Notice Requirements". The Zoning Officer shall make a recommendation to the Governing Body on special uses.

6. Hearing Procedure

- a. Review Criteria - In making decisions the reviewing agent shall consider the application, comments from reviewing agencies, findings and conclusions in the staff report, the requirements of this district, and public testimony limited to the applicable standards.
- b. Approval/Denial - If a proposed development implements all applicable absolute standards and is allocated the minimum points as required in the Permit System District for the performance and relative standards, the approving agent shall approve the development with conditions deemed necessary or desirable to ensure compliance. If a proposed development does not implement an applicable absolute standard does not obtain the required minimum points or if the applicant will not comply with an approval condition, the approving agent shall deny the application.
- c. Burden of Proof - In all hearings and decisions the burden shall be on the applicant to prove that the proposed development complies with the provisions of the Permit System District and implements all applicable standards.

7. Conditions

The reviewing or approving agent may place conditions upon the issuance of a permit which it deems necessary and desirable to ensure that a standard will be implemented in the manner indicated in the application for a permit. The conditions may consist of one (1) or more of the following:

- a. Development schedule - The conditions may place a reasonable time limit on construction activity associated with the proposed development, or any portion thereof, to prevent speculation in permits, to enable new applications or revisions to come forward for nonviable developments or to implement other policies.
- b. Use - The conditions may restrict the future use of the proposed development to that indicated in the application, and the approving agency may require another permit for a change in use.
- c. Homeowner's Association - If a homeowners' or merchants' association is necessary or desirable to hold and maintain common property or enforce covenants, the conditions may require that one be created prior to issuance of a permit.
- d. Dedications - The conditions may require conveyances of title or easements to public utilities or the homeowners' association. They may require construction to public standards and dedication of public facilities to serve the development and the public.
- e. Construction Guarantees - The conditions may require the posting of a bond or other surety or collateral which may provide for partial releases to ensure that all construction features required by policy are in fact constructed as represented and approved.
- f. Commitment Letter - The conditions may require a letter from a utility company or public agency committing it to serve the development if such service is required by standards.
- g. Covenants - The conditions may require the recording of covenants on the subject property.

8. Appeal and Call Up

- a. Notification of Decision - The Zoning Officer shall notify the Governing Body of any decision on conditional uses and recommendations on special uses within five (5) working days of the decision or recommendation.
- b. Appeal Procedures - An appeal of any permitted use or conditional use by anyone allegedly aggrieved may be made within five (5) working days of the reviewing agent's action to the Board of Adjustment. The appeal shall be filed with the Planning Office and shall include the following:
 - i.) Name of applicant;
 - ii.) Proposal;
 - iii.) Standards in contention;
 - iv.) Supporting evidence; and,
 - v.) Other pertinent information.

After proper notice the Board of Adjustment shall hold a public hearing to review the record and application. The Board of Adjustment may decide to rehear the application or to limit its scope to specific standards. A decision must be made by the Board of Adjustment within thirty-five (35) days of receiving the appeal. The decision of the Board of Adjustment to approve or deny the proposal shall follow Section H.6.b. (Approval/Denial) of these procedures.

Notice of the hearing shall be in accordance with Section 8.21 "Notice of Hearing." The review criteria set forth in the Permit System District shall be the basis of any decision by the Board of Adjustment.

Any appeal from the decision of the Board of Adjustment may be made by petition to the District Court within thirty (30) days after the decision and shall specify the grounds of appeal.

An appeal of any special use by anyone allegedly aggrieved may be made within five (5) working days of the Governing Body's action to District Court.

9. Revisions to Applications

The applicant may make revisions to the application at any time before the decision. The Zoning Officer shall determine if the revision requires study by the staff or comment by one (1) or more referral agencies and may move the application back in the hearing procedure. The applicant bears any hardship caused by such delay.

10. Abandonment and Revocation of Permits

An approval shall be revoked if a Zoning Compliance Permit is not obtained within six (6) months of approval and held valid until completion.

A permit may be revoked by the reviewing or approving agent at any time for the violation of the permit or any of its conditions. Along with written notice to the applicant, a hearing date shall be set as described in Section 6.03 H.5. The approving agent may revoke the permit by motion at the hearing.

If a permit is abandoned or revoked such action shall be recorded in the Clerk and Recorder's office, and the terms of the permit and its conditions shall be of no force and effect.

11. Permit Recording

No approval shall be valid and no Zoning Compliance Permit shall be issued until the permit is filed and recorded in the Clerk and Recorder's office. It is the responsibility of the applicant to accomplish this recording.

SECTION 6.04 KONA EAST RESIDENTIAL DISTRICT**A. Intent**

This district is intended to provide standards which promote a rural residential/agricultural neighborhood which conforms to the adopted growth policy and allows the compatible aspects of residential development and agriculture to be grouped together. Specifically, it is the intent of this district to provide for:

1. An integration of rural residential development & agricultural uses on property of sufficient size.
2. A rural living environment.
3. A feeling of identity and responsibility for all residents towards each other and the community.

B. Space and Bulk Requirements

Maximum Residential DensityOne (1) dwelling per one (1) acre

Minimum lot widthOne third (1/3) its average depth

Minimum required setback - frontTwenty-five (25) feet

- sideFifteen (15) feet

- rearTwenty-five (25) feet

Maximum building heightThirty (30) feet

Any accessory building used for the raising & housing of livestock shall not be nearer than:

1. One hundred (100) feet to any place of human habitation under separate ownership or on a separate lot.
2. Fifty (50) feet to any property lines.

C. General Standards

See Supplementary Regulations - Chapter 3

D. Permitted Uses

1. Single-family dwelling. (Mobile homes constructed prior to June 15, 1976, must be placed on a minimum of five (5) acres with fifty (50) foot front, rear and side yard setbacks.)
2. Accessory buildings and uses
3. Agriculture, except intensive agriculture use such as commercial feed lots and poultry farms.
4. Day-care home

E. Conditional Uses

1. Home occupation
2. Community residential facility serving eight (8) or fewer persons.
3. Buildings housing livestock in conjunction with residential use only, excluding commercial livestock raising.

F. Special Exceptions

1. Public and quasi-public uses and buildings
2. Long-term care facility
3. Day-care center
4. Residential mini-warehouse
5. Public utility

SECTION 6.05 EAST BUTLER CREEK FOOTHILLS RURAL ZONING DISTRICT, MODIFIED (Circle H Ranch and West Pointe)

A. Intent

This district recognizes the need for an alternative to traditional large lot rural zoning. Traditional zoning that promoted the creation of large acreage lots for ranchettes has diminished the rural character and natural setting it was intended to preserve. Specifically, it is noted that large acreage tracts promote the following situations:

- Intensive grazing on tracts too small to be properly managed. This leads to over grazing, soil erosion, stream sedimentation, contamination of surface and ground water and weed infestation.
- Fencing of individual tracts which diminishes the feeling of openness characteristic of rural areas and restricts wildlife movement.
- Displaces viable agricultural operations with a series of highly visible suburban style homes.
- Free roaming dogs deplete the wildlife resource and severely limit the usable winter range. These same free roaming dogs prey upon and harass domestic livestock further threatening the viability of agricultural operations.
- Cause more intensive and less well managed use of irrigation water to the detriment of the other users and contributing to the de-watering of our rivers and streams.
- Create multiple access points onto rural roads adding to congestion and increased road maintenance costs as well as over-burdening other infrastructure such as bridges.
- Create a demand for increased bussing on the part of rural school districts.
- In the situation of wildland fires, emergency resources are diverted to structure protection rather than overall fire suppression.

This district further recognizes the need for close major transportation routes, schools and infrastructure.

Stabling of horses is recognized as an important part of the rural lifestyle. This district allows for the pasturing, stabling, and riding of horses in a separate facility designed specifically for this purpose.

Diversity in housing types and price range is recognized as an important community goal. This district allows for the placement of attached housing within the site.

Area A: Clustered Rural Residential Area

A. Space and Bulk Requirements

Maximum Residential Density	One dwelling unit per ten (10) acres
Minimum Lot Width	One hundred and eighty (180) feet
Maximum Lot Width	Two hundred (200) feet
Maximum Lot Size	Thirty-one thousand (31,000) square feet
Minimum Required Setback	There are no minimum setbacks. Buildings may be up to the property line.
Lot Location	No area other than a residential lot as shown on the final plat for Circle H Ranch shall be used for any residential structure or any residential accessory use of any kind
Maximum Building Height	Thirty-five (35) feet. The building height shall be

measured from the top of the lowest finished floor of a daylight basement to the eave for homes with a daylight basement. For homes without daylight basements, the height shall be measured from the top of the first floor above grade to the eave.

B. General Standards

See Supplementary Regulations - Chapter 3

C. Permitted Uses

1. Single-family dwelling
2. Accessory building and uses
3. Recreational uses accessory to a residential cluster
4. Day-care home
5. Agriculture, including any and all structures or buildings needed to pursue such activities

D. Prohibited Uses

1. RV storage

E. Conditional Uses

1. Home occupation
2. Community residential facility serving eight (8) or fewer persons

Area B: Equestrian Area Lot 1

A. Space and Bulk Requirements

Minimum-Lot Size	Eighty (80) acres
Minimum Required Setback	Fifty (50) feet for all buildings
Maximum Building Height	Forty (40) feet

B. General Standards

See Supplemental Regulations - Chapter 3

C. Permitted Uses

1. Professional horse boarding
2. Professional horse training
3. Riding arena
4. Concessions accessory to the riding arena
5. Single-family dwelling accessory to the riding arena
6. Temporary sales office for Circle H Ranch
7. Accessory buildings and uses
8. Ranch headquarters building
9. Day-care home
10. Agriculture, including any and all structures or buildings needed to pursue such activities

D. Conditional Uses

1. Community residential facility serving eight (8) or fewer persons.

Area C: Attached Housing Lot 2

A. Space and Bulk Requirements

Maximum Residential Density		Not to exceed 240 dwelling units
Minimum Lot Area for Detached Single-family Dwellings		Three thousand four hundred (3,400) square feet
Minimum Lot Area for Attached Single-family Dwellings		None
Minimum Lot Width		Twenty-eight (28) feet
Minimum Required Yard Setback	Front	Fifteen (15) feet from the line shown on the plat depicting the edge of private road easement or twenty (20) feet from back of sidewalk, whichever is greater.
	Side	Five (5) feet. For townhouses/attached single-family dwellings, there shall be no required side yard setback between units, only between structures.
	Rear	Twenty (20) feet for detached dwelling units, except that detached dwelling units in West Pointe, Phase 1 (Lots 1-43c), may have a rear yard setback of fifteen (15) feet. Fifteen (15) feet for attached dwelling units.
Perimeter Setback		One hundred (100) feet from the boundary of Area B for all structures.
Maximum Building Height		Thirty-six (36) feet

B. Space and Bulk Requirements

1. Lots adjacent to a walkway easement shall prohibit fences nine (9) feet from either side of the center line of the easement. Fences within the walkway easement shall be no taller than thirty (30) inches tall and constructed of decorative wood, stone or other materials as approved by the zoning officer, with a maximum opacity of sixty percent (60%).
2. Grading plans for each lot shall be reviewed and approved by the county or the appropriate jurisdiction, prior to Zoning Compliance Permit issuance.
3. See Supplementary Regulations - Chapter 3 (Resolution 76-113, as amended), with the following exception: In Section 3.06.J., only numbers 1, 3, 4, 5, 6 (a-c, and e) and 7 shall apply.

C. Permitted Uses

1. Detached single-family dwelling
2. Townhouse or attached single-family dwelling
3. Accessory buildings and uses
4. Day-care home
5. Agriculture, including any and all structures or buildings needed to pursue such activities

- D. Conditional Uses
 1. Home occupation
 2. Community residential facility serving eight (8) or fewer persons
- E. Special Exceptions
 1. Day-care center

SECTION 6.06 FORT MISSOULA HISTORIC DISTRICT

A. Intent

The purpose of this zone is to provide for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the zone that reflect special elements of the zone's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage. These regulations and standards are established for the following reasons:

1. To safeguard the area's heritage by protection of its cultural resources;
2. To provide for appreciation of the area's past;
3. To promote civic and neighborhood pride and a sense of identity based on the area's cultural resources;
4. To enhance the area's visual character by encouraging and regulating the compatibility of architectural elements in the district;
5. To enhance property values and to increase economic and financial benefits to the area and its inhabitants;
6. To attract tourists and visitors to the area;
7. To provide for identification of cultural resources in order to resolve conflicts between preservation and alternative land uses and development.

B. Definitions

1. The Fort Missoula Historic District shall be defined as those lands at Fort Missoula which are on the National Register of Historic Sites, including the cemetery.
2. "Alteration" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.
3. "Area of influence" means a transitional zone which lies wholly or partially within one hundred fifty feet in any direction from the outermost property line of the ownership parcel upon which a designated cultural resource or significant site is located and shall include the parcel of the cultural resource or significant site itself.
4. "Board" means the Board of County Commissioners or its agent.
5. "Cultural resource" means private or public improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance to the citizens of the county, and which has been designated a cultural resource pursuant to this section.

6. "Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to, the type, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.
7. "Historic area" means any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to the history of the area that has been designated an historic district pursuant to this section.
8. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.
9. "Preservation" means the identification, study, protection, restoration, rehabilitation, or enhancement of cultural resources.
10. "Review criteria" means standards to be used by the Board of County Commissioners or its agent when reviewing an application for permits pursuant to this section or any other ordinance applicable within the area under review.

C. Procedure

1. In order to preserve the historical integrity of the fort environs, any development or alteration requiring a building permit within the zone must be reviewed by the Zoning Officer for a Certificate of Appropriateness.

Submission Requirements for Certificate of Appropriateness. Certain information shall be provided to the Zoning Officer to review prior to granting or denying a Certificate of Appropriateness. All materials to be submitted shall be prepared on 8 1/2' x 11" paper and packaged or bound to fit a standard, letter size file. Applications that involve more voluminous architectural plans and specifications may be accompanied by simplified sketches, details and supporting documentation, on letter size paper, which synthesizes the detailed design documents.

The extent of documentation to be submitted on any project shall be dictated by the scope of the planned alteration and the information reasonably necessary for the Zoning Officer to make her determination. At a minimum, the following items shall be included in the submission:

- a. Completed application on form provided by the Planning Office.
- b. One current picture of each elevation of each structure planned to be altered and such additional pictures of the specific elements of the structure or property to be altered that will clearly express the nature and extent of change planned, except when otherwise recommended, no more than eight (8) pictures should be submitted and all pictures shall be mounted on letter size sheets and clearly annotated with the property address, elevation direction (N, S, E, W) and relevant information.
- c. Site sketch, oriented with north at the top of the page, approximately to scale; showing site boundaries, street and alley frontages with names, and location of all structures with distances to the nearest foot between buildings and from buildings to property lines.
- d. Historical information, including available data such as pictures, plans, authenticated verbal records and similar research documentation that may be relevant to the planned alteration.

- e. Plans, sketches, pictures, specifications and other data that will clearly express the applicant's proposed alterations.
 - f. A schedule of planned actions that will lead to the completed alterations.
 - g. Such other information as may be suggested by the Planning Office.
 - h. It is further suggested that the applicant seek comments from the neighborhood or area.
2. It is unlawful for any person to tear down, demolish, construct, alter, or relocate any improvement, or any portion thereof, or to alter in any manner any exterior architectural feature, or to place, erect, alter, or relocate any sign, of a designated cultural resource or located within an area of influence of a cultural resource included in this zone without first obtaining a Certificate of Appropriateness.
 3. Any application for a permit for erection or construction of a new building or structure, or which would affect the exterior appearance of any existing building or structure (including signs) located within an area of influence shall require review by the Zoning Officer in accordance with the criteria adopted for this zone.
 - a. If the Certificate of Appropriateness is granted by the Zoning Officer, all requirements of this section will have been met.
 - b. Any Certificate of Appropriateness that is denied by the Zoning Officer pursuant to the provisions of this section shall be automatically referred to the Board of County Commissioners or its agent upon the written request of the applicant and scheduled for public hearing at the next regularly scheduled meeting at which legal notice can be provided.
 4. Appeals Process. Appeals of decisions made under this section shall be made to the Board of Adjustment following the procedure described in Section 8.27 of these regulations.

D. Standards and Criteria

All structures must be built with the consideration that they are in an historic district. The following standards are criteria by which the Zoning Officer or Board of County Commissioners or its agent shall review applications for a Certificate of Appropriateness:

1. Permitted and prohibited uses shall be as described in Section 2.05 for C-P1 zoning with the following exemptions and additions:
 - a. airports and landing fields are prohibited,
 - b. commercial recreation, amusement and cultural activities are prohibited except as permitted under one of the following:
 - c. medical offices are permitted,
 - d. community residential facilities serving eight or fewer residents are permitted,
 - e. business and professional offices, health clubs, commercial recreation, amusement and cultural activity, visitor and tourist support services may be proposed as part of a Planned Unit Development application.
2. The historical and architectural characteristics of a historic structure which make it unique shall be properly preserved and any changes shall generally conform to the character of the structures located within the zone.
3. No specific architectural style shall be required for the design of a new building or other structures that have not been designated a cultural resource; however, such buildings and structures are subject to the following:
 - a. The design of the structure shall generally conform to the character of the buildings and structures located within the zone,

- b. If the building is demolished and the area left vacant, the area shall be maintained in a clean and unoffensive manner,
 - c. If the building is demolished and the area converted to another use not requiring buildings (such as a parking lot), the area shall be buffered by landscaping or have walls or fences that generally conform to the character of the other buildings and structures located within the zone,
 - d. If the building is demolished and new structures erected, the design shall be sympathetic to the character of structures and features located within the historic zone.
4. The following criteria shall be used by the Zoning Officer when approving a Certificate of Appropriateness:
- a. Height: Absent of showing exceptional mitigating circumstances, new structures may be constructed no higher than the tallest building located within the zone at the time of establishment of the zone;
 - b. Setbacks: Absent of showing exceptional mitigating circumstances, new structures shall generally conform to the prevailing setback existing within the zone at the establishment of the zone;
 - c. Proportion: The relationship between the height and width of the front elevation of the building;
 - d. Recurrent alternation of solids to voids in the front facade;
 - e. Roof types;
 - f. Surface texture of buildings;
 - g. Site utilization: The width of side yards as it affects the spacing between individual buildings and structures;
 - h. Projections and recessions: The presence or absence of porches, steps, awnings, overhangs, etc.;
 - i. Architectural details: Cornices, lintels, arches, grill work, shutters, etc.; and,
 - j. The criteria and standards included in Appendix A: "Development Guidelines and Standards for the Fort Missoula Historic District."

E. Designated Cultural Resources Within the Zone

The regulatory area is that area on the National Register of Historic Sites, including the cemetery, as listed by the US National Park Service, 1987.

F. Maintenance Requirement

1. The owner, occupant, or persons in charge of a cultural resource or an improvement; building or structure in this zone shall keep in good repair all of the exterior portions of an improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.
2. However, nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by these regulations that does not involve a change in design, material or external appearance, nor do these regulations prevent the construction, reconstruction, alteration, restoration, demolition or removal of any feature when the building inspector certifies to the Board that such action is required for the public safety due to unsafe or dangerous condition.

- G. Demolition of a Designated Cultural Resource
1. In the review of a permit sought to demolish or remove a designated cultural resource, the board may approve or disprove the permit. In making its decision, the board shall determine if the applicant has shown that the preservation of the structure(s) is physically and/or economically infeasible, and that the denial of a permit would constitute a hardship.
 2. If the board finds that the denial of a permit would result in a hardship to the owner, the permit shall be granted if:
 - a. Within one hundred eighty days, after denial of a permit, the board and the owner all in good faith cannot provide alternatives or funding for improvements, which would make demolition unnecessary; or,
 - b. The board has required the owner to put the property up for sale for a period of time after the denial of a permit (one hundred eighty days for a designated cultural resource, and ninety days in the case of all other structures within an area of influence) in an attempt to save the property before granting a demolition permit and no investor can be attracted to purchase the property at fair market value.

Related Community Plans and Guidelines. The Fort Missoula Plan 1993 Update and the application for the National Register of Historic Places Inventory (1987) provide information about the nature of the site and buildings in the area. In addition, the area is discussed in the Missoula Urban Comprehensive Plan, 1990 Update, and the Report to Missoula: \$16,000 Pilot Project, Park/Open Space/Resource Planning and Management.

SECTION 6.07 SAWMILL MEADOWS RURAL ZONING DISTRICT

- A. Intent
- This district recognizes the need for an alternative to traditional large lot rural zoning. Traditional zoning that promotes the creation of large acreage lots has diminished the rural character and natural setting it was intended to preserve.

This district recognizes that preservation of rural character is not solely a function of lot size but more an issue of site selection and sensitive design. This district is intended to allow for limited residential home sites which are clustered into the natural setting to preserve the natural characteristics of the land including vegetation, views of the site, wildlife habitat and open space. Rather than displacing the characteristics that create rural value, this district is intended to preserve those characteristics, including stewardship of the land while providing home sites in a natural setting. Agriculture is recognized as an important part of the rural life style. This district allows for the pasturing and stabling of animals in limited common area elements designed specifically for this purpose.

Clustered Rural Residential

- B. Space and Bulk Requirements
- | | |
|-----------------------------|---|
| Maximum Residential Density | One Dwelling Unit Per Thirty (30) Acres |
| Minimum Lot Width | One Hundred and Fifty Feet (150') |
| Maximum Lot Width | Five Hundred Feet (500') |
| Maximum Lot Size | Five and One-Half Acres (5.5 Acres) |
| Minimum Required Setback | Dwellings Shall Be Contained Within the Designated Building Site As Shown On The Plat For Sawmill Meadows |
| Accessory Buildings | Ten Feet (10') From the Property Line |
| | No Area Other Than A Residential Lot Or Limited Common |

Lot Location	Area As Shown On The Final Plat-For Sawmill Meadows. Shall Be Used For Any Structure
Maximum Building Height	Thirty-Five Feet (35')

C. General Standards

See Supplementary Regulations - Chapter 3

D. Permitted Uses

1. Single family dwelling
2. Accessory building and uses
3. Agricultural, including any and all structures or buildings needed to pursue such activities
4. Day-care home

E. Conditional Uses

1. Home occupation
2. Community residential facility serving eight (8) or fewer persons

SECTION 6.08 MISSOULA DEVELOPMENT PARK

A. Intent

The intent of this district is to accommodate a mix of industry and technology related land uses and community service and support activities. These standards are meant to promote a neighborhood of integrated uses and enhanced image.

B. General Provisions

1. Where provisions of this section conflict with other parts of the Missoula County Zoning Regulations, Resolution 76-113, as amended, the provisions of this section shall apply.
2. This section is subject to the following parts of Missoula County Zoning Regulations, Resolution 76-113, as amended:
 - a. Chapters 1, 4, and 7;
 - b. Section 2.03 and 3.06 O.;
 - c. All portions of Chapter 8 except those applicable to Conditional Uses (8.23), Special Exceptions (8.24), Planned Variations (8.25); and,
 - d. Other subsections as specified herein.
 - e. Section 3.06 P. does not apply within this Rural Zoning District 6.08 Missoula Development Park.

C. Definitions

1. Accessory Apartments. One or more dwelling units within a business building or in a detached building co-located with a business on the same property, which provides complete, independent, and permanent living facilities for each household. Accessory Apartments are only for the use and tenancy of people associated with the main business(es).
2. Airway Boulevard Corridor. Airway Boulevard Corridor is generally described as two lots, either side of Airway Boulevard, shall specifically mean and refer to the following described lots as shown on the approved preliminary plat of the Missoula Development Park:

Block 9: Lots 3, 4, 5, 6,7A, 78, 8, and 9; Block 10: Lots 1 and 2; Block 11: Lots 1 through 4; Block 13: Lots 1,2,3,4, 9 and 10

3. Bicycle Parking. Class I Facility. A high security facility to fully protect the entire bicycle and its components and accessories from theft and weather these facilities are intended for long-term use. Examples are bicycle lockers, in-building parking, check-in systems, fenced areas and covered parking structures, which are attended.
4. Bicycle Parking. Class II Facility. A stationary rack to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock.
5. Boulevard. The area of public right-of-way between the edge of the public street, whether curbed or not, and the private property line.
6. Caretaker Apartment. One and only one dwelling unit within a business building which provides complete independent and permanent living facilities for one household. Occupancy of a caretaker apartment is restricted to the household of an owner or employee of the business in which it is located.
7. Civic Center. A building or complex of buildings that house government offices and services and which may include cultural, recreational, athletic, convention and entertainment facilities owned leased or operated by a government agency.
8. Conference Center. A building or rooms used for conventions, seminars, workshops or similar activities and which may include dining, lodging and other compatible accessory facilities for participant use.
9. Incidental use of stone and wood. Stone or wood used as mulch in a planting bed with plantings that will provide a minimum of 50% coverage at maturity and/or stone (mixed sizes and boulders) that is designed to function as an intermittent channel for stormwater run-off.
10. Industrial Mini-Warehouse. A building with divisions separately rented or leased for the purpose of storing retail, wholesale or industrial materials, or merchandise.
11. Noxious Weed Control. Site and vegetation management in conformance with Missoula County Weed Control Act and the Missoula County Noxious Weed Management Plan.
12. Sign, Back Lit. A sign with letters raised beyond the sign's background and the covered lighting source, which illuminates the background.
13. Sign, Externally Lit. A sign illuminated by external lights, spot or otherwise.
14. Sign, Internally Lit. A sign made of translucent material with internal lights.
15. Yard, Front. The yard that exists between a principal building and the street(s) on which the building is located, extending along the full length of the street between the side property lines.
16. Yard, Rear. The yard that exists between a principal building and the rear property line of the parcel on which the building is located, extending along the full length of the rear property line between the side property lines.
17. Yard, Side. The yard that exists between a building and the side property line of the parcel on which the building is located, extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback.

D. Permitted and Conditional Uses

It is not the intent of this district to permit any use, which generates dust, fumes, smoke, vapors, odors, or noise; or, uses which degrade air or water quality, or pose a threat to the health and

safety of the community. No building or lot shall be used, maintained, erected, altered, replace, or occupied except for one or more of the following uses:

1. Light Industrial Subdistrict
 - a. Permitted Uses
 - i.) Light manufacturing, processing, fabrication, and assembly of products or materials.
 - ii.) Warehousing and related distribution.
 - iii.) Industrial mini-warehouse.
 - iv.) Incidental retail, repair, or service of products manufactured or warehoused on site.
 - v.) Research and development offices and laboratories.
 - vi.) Private or public vocational training facilities.
 - vii.) University Business and Technology Business Park.
 - viii.) Educational and institutional offices and displays.
 - ix.) Caretaker apartment, accessory to a permitted use.
 - x.) Correctional institutions and facilities.
 - xi.) Fire stations and law enforcement patrol offices.
 - xii.) Agriculture, including any and all structures or buildings needed to pursue such activities
 - xiii. Accessory building to a permitted use.
 - b. Conditional Uses
 - i.) Within the Airway Boulevard Corridor, the following shall be conditional uses and shall meet the site development standards of Sections E and F:
 - 1) Sale and service of automobiles, motorcycles, trucks, marine and recreational vehicles
 - 2) Retail or wholesale of furniture, hardware, home building supply, automotive supply, electrical, plumbing, machine parts, and tools.
 - ii.) As a conditional use, outside storage may be permitted as accessory to an onsite use on all lots except those adjacent to Interstate 90, specifically Lot 1, Block 2; Lots 2, 4, 5, 6 and 7, Block 3; Lots 1 and 6, Block 5; and Lots 3 and 4, Block 7. If these lots are combined with other lots or reconfigured, the restriction for outside storage shall apply to the area of their original configuration. Conditional uses for outside storage shall meet the standards of Sections E and F.
2. Community Commercial Subdistrict
 - a. Permitted Uses
 - i.) Full-service destination and transient lodging.
 - ii.) Bars, off-sale liquor stores, and on-premise consumption of alcohol.
 - iii.) Civic, conference and cultural centers.
 - iv.) Private or public vocational training facilities.
 - v.) University Business and Technology Business Park.
 - vi.) Educational and institutional offices and displays.
 - vii.) Indoor recreational and amusement facilities.
 - viii.) Accessory apartments. The total floor area of accessory apartments shall not exceed 25% of the total floor area of the primary use located on the property.

- ix.) Fire stations and law enforcement patrol offices.
 - x.) Business, professional, and government offices.
 - xi.) Radio or television offices and studios.
 - xii.) Financial institution and drive-through.
 - xiii.) Automotive service station.
 - xiv.) Convenience and specialty store (foods, ice cream, coffee, bakery, etc.).
 - xv.) Restaurant, cafe, and other food services.
 - xvi.) Personal services.
 - xvii.) Day-care center.
 - xviii.) Retail food store.
 - xix.) Retail sale of goods incidental to a permitted use.
 - xx.) Agriculture, including any and all structures or buildings needed to pursue such activities
 - xxi.) Accessory building and uses.
- b. Conditional Uses
- i.) Within the Airway Boulevard Corridor, the following shall be conditional uses and shall meet the site development standards of Sections E and F:
 - 1) Sale and service of automobiles, motorcycles, trucks, marine and recreation vehicles.
 - 2) Retail or wholesale of furniture, hardware, home building supply, automotive supply, electrical, plumbing, machine parts, and tools.
 - 3) Retail sale of goods, including retail food store.
3. Neighborhood Commercial Subdistrict
- a. Permitted Uses
- i.) Automotive service station.
 - ii.) Convenience and specialty store (foods, ice cream, coffee, bakery, etc.).
 - iii.) Restaurant, cafe and other food services.
 - iv.) Personal services.
 - v.) Day-care center, accessory to another permitted use.
 - vi.) Retail food store not to exceed 3,500 square feet.
 - vii.) Retail sale of goods incidental to a permitted use.
 - viii.) Accessory apartments. The total floor area of accessory apartments shall not exceed 25% of the total floor area of the primary use located on the property.
 - ix.) Agriculture, including any and all structures or buildings needed to pursue such activities
 - x.) Accessory building and uses.
4. Technology Subdistrict
- a. Permitted Uses as allowed by MCA §7-15-4295 with sub. 1 and Missoula County Resolution No. 2005-121.
- i.) These uses include businesses or organizations engaged in technology based operations within Montana that through the practical application of science to commerce or industry, includes, but is not limited to, elements of the following:

- 1) The tools and machines that help solve problems;
 - 2) The techniques and knowledge that includes methods, materials, tools, and processes for solving a problem (such as building technology or medical technology);
 - 3) A culture-forming activity (such as manufacturing technology, infrastructure technology, or space-travel technology);
 - 4) The application of resources to solve a problem (such as knowledge, skills, processes, techniques, tools, and raw materials);
 - 5) Caretaker Apartments, Accessory to a Permitted Use;
 - 6) Accessory apartments. The total floor area of accessory apartments shall not exceed 25% of the total floor area of the primary use located on the property;
 - 7) Agriculture, including any and all structures or buildings needed to pursue such activities
 - 8) Accessory buildings, accessory to a permitted use;
 - 9) Day-care center, accessory to a permitted use;
- ii.) In addition, a determination shall be made by Missoula County Development Park Manager or successor that the proposed use meets the standards of MCA §7-15-4295 with sub. 1 and Missoula County Resolution No. 2005-121, as adopted or subsequently amended.

E. Site Development Standards

1. Space and Bulk Requirements

a. Maximum Lot Building Coverage (as determined from the primary use):

- i.) 60% for Warehousing and Industrial Mini-Warehouse.
- ii.) 40% for Light Manufacturing and R&D.
- iii.) 25% for all other uses. 50% if located with accessory apartments.

b. Minimum Setbacks

Lots fronting on:	Front Yard <u>Airway Blvd.</u>	Front Yard <u>Expressway</u>	Front Yard <u>Other Street</u>	Side/Rear <u>Yards</u>	Building <u>Separation</u>
<u>Sub-District Light Industrial</u>	60'	50'	40'	20'	20'
Community Comm.	60'	50'	40'	40'	40'
Neighborhood Com.	60'	50'	40'	30'	30'
Technology	60'	50'	40'	20'	20'
Parking/ Driveways	20'	20'	15'	15'	15'

- i.) Driveways or parking areas shared by adjacent owners have no setbacks from the shared lot line.

c. Maximum Height

No building shall exceed a height equal to the shortest distance between the building and the closest lot line, to a maximum of fifty (50) feet. Height shall be measured from finished grade to the highest point of the building. Subject to approval by the Missoula

County Airport Authority, structures shall comply with Part 77 of Federal Aviation Regulations (FAR).

d. Traffic Safety Visibility

Traffic safety requires sight distances be maintained on lot corners formed by intersecting public streets or a public street and access driveway. Control areas are defined and restricted as follows and shall be reviewed and approved by County Public Works prior to building permit approval:

i.) Visibility Obstruction Triangle

- 1) On intersecting public streets with no stop control, the triangle is defined by the rights-of-way intersect point and points on the rights-of-way which are fifty (50) feet back from the intersect point.
- 2) On intersecting public streets with one stop control, the triangle is defined by the rights- of-way intersect point, a point on the uncontrolled right-of-way which is seventy-five (75) feet back from the intersect point and a point on the control right-of-way which is fifteen (15) feet back from the intersect point. The standard shall also apply to driveways, which access public streets, with points being placed on the right-of-way and driveway edges.

ii.) Clear Zone of Visibility

- a. As measured from the center of the public street or driveway, a space within a Visibility Obstruction Triangle which extends vertically from two and one-half feet to eight feet.
- b. No building, off-street parking area, or off-street loading area shall be located in a Visibility Obstruction Triangle.
- c. No finished grade, fence, sign, landscaping berm, shrubbery or tree foliage shall extend into the Clear Zone of Visibility.

2. Off-street Parking, Off-street Loading, Driveways and Access

- a. Sections 3.02 and 3.03 of Resolution 76-113, as amended, shall apply, unless otherwise stated.
 - i.) For industrial zoned lots, there shall be a minimum of one parking space per two employees at peak shift. The maximum number of parking spaces must allow a minimum of twenty percent (20%) of the lot area in landscaping, excluding approved landscape division areas. Any parking plans must have Missoula Development Authority approval prior to issuance of a Zoning Compliance Permit for the main use.
 - ii.) For commercial zoned lots, the number of off-street parking spaces constructed shall not exceed the minimum number of spaces required in Section 3.02 by more than ten percent (10%).
- b. Access (approach) points to public streets must be approved by the County Public Works Department before a building permit is issued.
- c. All off-street parking and off-street loading areas shall be connected to a public street by a paved driveway(s). Off-street loading in front yards is prohibited.
- d. All off-street parking areas, off-street loading areas, and driveways shall be paved or surfaced to conform to County Public Works and City-County Health Department requirements. Parking areas shall be striped and defined by poured curb and gutter or an alternative approved by the Planning Office and County Public Works Department to prevent vehicles from encroaching onto adjacent landscaping and pedestrian paths. Plans must be approved by the County Public Works Department.

3. Signs

a. Sections 3.04. A. through 3.04. L. of Missoula County Zoning Regulations, Resolution 76-113, as amended, shall apply.

b. Privately Owned Lot Areas

- i.) As measured in background profile, the maximum signing allowance for each lot is one hundred (100) square feet, or one (1) square foot of signing per one hundred (100) square feet of business floor area to a maximum of two hundred (200) square feet. Directional required signs shall not be assessed against this signing allowance.
- ii.) All signs shall have a minimum setback from all property lines often (10) feet. No pole sign shall overhang a sidewalk, pedestrian path, traffic lane or parking area.
- iii.) The following types of signs are prohibited: billboards, off-premise, projecting, roof, portable, trailer mounted, moving, flashing, blinking, or signs, which use intermittent light sequence or glitter material.
- iv.) Internally lit signs are restricted to commercial retail and service uses, which are open for business at night and shall be turned off when the business is closed.
- v.) Externally lit or back lit signs are permitted. The source of illumination shall not be directly exposed to view and reflected light shall not exceed one (1) foot-candle.
- vi.) Signing allowances may be applied with the following types of signs in the maximum number height and size indicated:

<u>Type</u>	<u>Number</u>	<u>Height</u>	<u>Size</u>
Pole (night business*)	One	24' above the road**	48 s.f.
Pole (day business)	One	16' above the road**	32 s.f.
Wall (surface)	Two	2' below roof lines***	10% of the wall
Directional	As needed	10' above finished grade	12 s.f.

* Open for business at night.

** As measured at the centerline of the closest adjacent street (I-90 not included).

*** As defined by a parapet or eaves and no more than 24' above finished grade.

vii.) The total signing allowance for directional signs is fifty (50) square feet. One directional sign may be located at each access point.

4. Exterior Lighting (This standard does not apply to ballpark field lights)

- a. Exterior lights, pole or wall mounted, shall not exceed a height of forty (40) feet.
- b. Exterior lights shall have reflectors, shields or refractor panels which provide a total cut off of light rays at an angle of less than ninety (90) degrees, as measured from the vertical line from the light source to the ground.
- c. Exterior lights shall emit maximum candlepower at an angle* no greater than seventy-five (75) degrees.

5. Landscaping

- a. Areas to be landscaped shall be planted in living ground cover with a mix of lawns, flowerbeds, evergreens, shrubs, deciduous trees and natural grasses. Use of stone and wood shall be incidental. Landscaping may incorporate the use of structural features, including but not limited to, walls, fences, benches, kiosks, fountains, pools and outdoor art work. Landscape features shall accomplish the following objectives:
 - i.) Emphasize entrances to the property and buildings;
 - ii.) Screen trash receptacles, out buildings, mechanical equipment, utility features and designated outside storage and loading areas;
 - iii.) Blend with, and gradually transition into, adjacent open space, boulevards, parks and landscaping on adjacent properties; and,
 - iv.) Buffer impacts between different adjacent land uses on the same or adjacent lot.
- b. For purposes of this subsection, the owner may create "landscape division lines" to define lot portions for future expansion or subdivision. Such "landscape division lines" shall fully encompass all improvements, setbacks, and areas for required landscaping. Except for required front yards on Airway Boulevard and Expressway, which shall be landscaped, the lot area outside division lines shall not be subject to the landscaping requirements of this section, but shall be kept free of trash, have noxious weeds controlled, shall not be used for parking, storage or fill material and shall be kept mowed to a maximum height of six (6) inches or a stand of natural grasses maintained weed-free shall be allowed to grow unmowed; during times of very high fire danger natural grasses must be watered to keep moist or cut to 10 inch height.

Concept: Irrigation system features are specified to minimize water application. Reducing the application of water during the growing season will reduce the amount of run-off water generated by the irrigation system (additional calculations are provided to demonstrate natural stormwater and irrigation caused run-off quantities. Sensors at Controllers and heads with the least precipitation rates are described.)

- c. The irrigation plan shall include:
 - i.) Controller: Use a controller with at least one of the following water conservation devices installed and operational; rain shut-off sensor, soil moisture or ET sensor, or weather station. Controller shall be equipped with "cycle-soak" feature.
 - ii.) Spray heads, Rotors: Use most recent technologies to provide uniform coverage, large droplet size, low angle trajectory and low precipitation rates. 'Matched Precipitation Rate (MPR)' nozzles are recommended.
 - iii.) The Zoning Officer has some discretion in the strict application of these standards based in current water conservation technology.
- d. All landscaped areas shall be maintained and irrigated by an automatic underground sprinkler system and surface drip or xeriscape, low volume system with backflow prevention. The goal of irrigation design is to maximize water conservation and minimize the rate of application.

Concept: The use of grasses is increased. Grasses are consistent with the natural landscape at the Missoula Development Park, are low maintenance, and use limited amounts of supplemental irrigation. Native grasses need irrigation for the first 3 years during establishment and then only 2-3 times annually. Grasses can be used in raised berms that collect or direct stormwater runoff away from infrastructure to help prevent damage from saturated, unstable soils.

- e. Natural grasses may be used for 100% of the area of the plant cover in the rear yard, 50% of the area in the side yard and up to 20% of the area in the front yard area; when used in the front yard, plants (not seed) are to be planted and may be 4" pot size, or larger, at spacing recommended. Natural grasses are defined as native, adapted non-native and ornamental grasses that may be planted in the side or rear yard by seeding method or by planting plants.

List of Grasses	Spacing in Planting Bed
Natives: Bluebunch Wheatgrass, Idaho Fescue, Junegrass, Rough Rescue, Basin Wildrye	1-2 feet or seeded @ 15#/acre
Adapted Grasses: Intermediate Wheatgrass Sheep Fescue, Hard Fescue	Seeded @ 15#/acre
Ornamental Grasses: Blue Oatgrass, Blue Fescue, Karl Forester, Tufted Hairgrass	2-6 feet

- f. Exclusive of boulevard trees as required by Section E.5.h.i., there shall be a minimum of one tree planted for each two thousand (2,000) square feet of on-site landscaped area. Minimum tree size at planting shall be two inch (2") caliper (American Nursery Standard) and eight feet (8') tall. Minimum size for a shrub at planting is 24 inches (height or spread depending on species).
- g. For each ten (10) contiguous parking spaces there shall be a landscape island. Landscape islands shall be a minimum of one hundred-fifty (150) square feet and shall contain no fewer than one (1) tree or three (3) shrubs such that no parking space shall be more than fifty (50) feet from a tree or shrub trunk.
- h. Boulevard Landscaping Standards
 - i.) Boulevard landscaping shall contain grass and one (1) tree per every forty feet (40') of street frontage. Minimum size at planting shall be two inch (2") caliper (American Nursery Standard) and eight feet (8') tall. Boulevard trees shall be (a) Green Patmore Ash, or (b) Burr Oak, or (c) Greenspire Little Leaf Linden, or a substitute approved prior to issuance of a Zoning Compliance Permit.
 - ii.) Boulevard landscaping may also consist of shrubs, flowers, or other ornamental plants. Except for sidewalks, walkways, benches, bus stops, kiosks, driveways and signs, boulevard landscaping shall not include non-living materials.
 - iii.) Except for excluded areas (see b. above), all lot areas shall be landscaped. The total area paved on any lot shall not exceed the minimum required by this section and standards of the County Public Works Department and Missoula City-County Health Department. Lots within the Light Industrial sub-district shall have a minimum of twenty percent (20%) of the lot in landscaping, excluding approved landscape division areas.

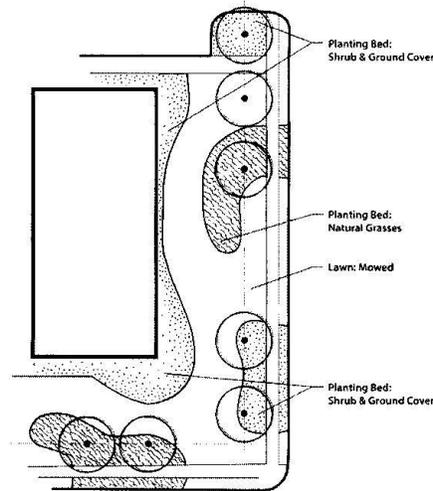


DIAGRAM 1-a:
FRONT YARD AREA WITH NATURAL GRASS PLANTING BEDS & GROUPED BOULEVARD TREES

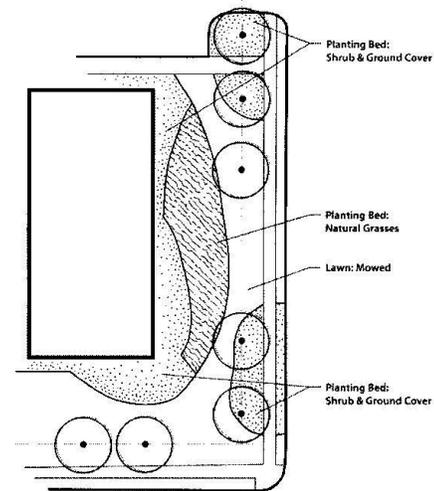


DIAGRAM 1-b:
FRONT YARD AREA WITH NATURAL GRASS PLANTING BEDS & GROUPED BOULEVARD TREES

- i. A detailed landscaping maintenance plan must be submitted with all development permit applications. The landscaping maintenance plan must cover all developed and undeveloped areas of the property and include methods for providing the following:
 - i.) Consistent irrigation
 - ii.) Integrated pest management
 - iii.) Fertilization
 - iv.) Tree care and pruning
 - v.) Replacement of lost vegetation
 - vi.) Weed management plan that includes methods to control all the noxious weeds listed in the Missoula County Weed District plan.
- 6. Grading and Drainage
 - a. Plans must be approved by the County Public Works Department.
 - b. The landscape design shall incorporate berms and/or landscape grading to:
 - i.) slow or direct stormwater run-off,
 - ii.) provide shallow infiltration and evaporation,
 - iii.) distribute collection and detention throughout the site to minimize large, ditch like detention ponds, and
 - iv.) minimize standing water, especially due to the collection of irrigation run-off.
 - c. Drywells (Sumps) are not allowed within the Missoula Development Park.
 - d. Each site will provide for the adequate storage for the difference between the existing storm runoff for 24 hour-100 year storm and the developed runoff for the 24 hour-100 year storm.

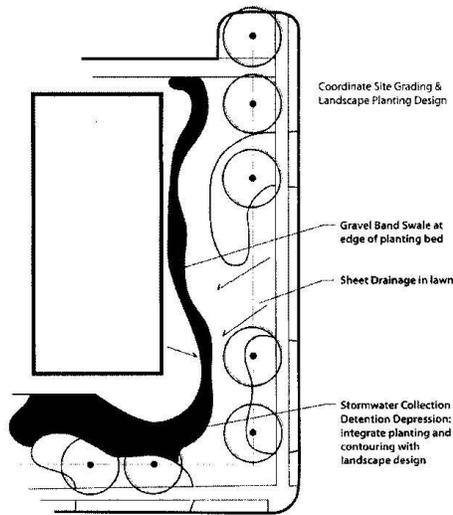


DIAGRAM 2-a:
STORMWATER & LANDSCAPE INTEGRATION

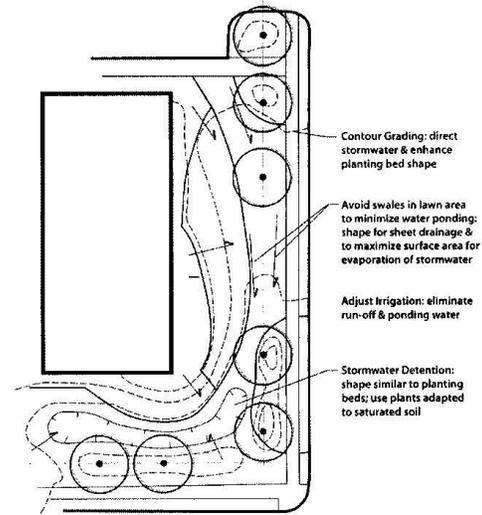


DIAGRAM 2-b:
STORMWATER & LANDSCAPE INTEGRATION

7. Fences

- a. Except for screening required herein, fences are not permitted in front yards. Except for security or screening use, fences shall not exceed a height of five (5) feet.
- b. Security fences are restricted to rear yards and the rear one-half of side yards, and shall not encompass areas beyond a functional minimum. Where secured area is less than 40 feet from the property line, locate fences on property line to facilitate access to side and rear yards for maintenance. Use of security fences, is restricted to securing company vehicles, outside storage units, equipment specified in subsection 10.e. and along public park boundaries adjacent to railroad right-of-way.
- c. Fences shall be kept in good repair and free of trash and weeds. Use of barbed wire, other than in security fences, and use of razor wire or electric fence is prohibited.

8. Pedestrian Movement, Sidewalks, and Safety

- a. Movement. At a minimum and on the same property, pedestrians shall be able to walk on paved surfaces, sidewalks, or combinations thereof, between the following:
 - i.) Entrances to the same or separate buildings;
 - ii.) Building entrances and parking lots; and,
 - iii.) Building entrances and a public street or sidewalk.
- b. Sidewalks. A cement sidewalk which meets ADA standards shall lead from each building entrance to the closest point on an adjacent driveway or parking area.
- c. Safety. Land uses frequented by the public, including apartments, shall separate pedestrian and vehicle traffic by means of cement sidewalks constructed to lead from public entrances to adjacent public streets, public sidewalks, and parking lots.

9. Bicycle Parking.

- a. Bicycle parking facilities shall be in clearly designated, safe, and convenient locations and shall not impede pedestrian access or movement. Facilities shall be placed no more than fifty (50) feet from the intended building entrance.

- i.) Non-residential Use. Class II facilities shall be provided to accommodate bicycle parking at a ratio of (1) bicycle for every four (4) required automobile parking spaces. At a minimum, there shall be a facility for one (1) bicycle.
- ii.) Residential Use. Bicycle parking facilities shall be provided for each structure used in whole or in part as a multi-family dwelling. Such structures shall have Class I facilities to accommodate one (1) bicycle for each dwelling unit and Class II facilities to accommodate one (1) bicycle for every five (5) dwelling units.

10. General Site Standards.

- a. Utility lines shall be buried.
- b. Outside Storage.
 - i.) Except where permitted as a conditional use, outside storage is restricted to materials within truck trailers, vans and other types of enclosed mobile storage units accessory to an on-site use.
 - ii.) Areas for approved outside storage shall be designated on the site plan. Outside storage areas shall be paved, landscaped in accordance with this section, and located in a rear yard, or in the case of corner lots, located in the rear one-half of side yards.
 - iii.) Where outside storage is authorized as a conditional use, the standards of Section F. must be met.
- c. Manufacturing, assembly, servicing, or processing of materials, goods or products shall be conducted within enclosed buildings.
- d. Accessory buildings are not permitted within a front yard.
- e. Mechanical equipment mounted on a roof, stand or ground; lift and pumping stations for water and sewage; bins, storage tanks, accessory buildings and trash receptacles; and, pad mounted utility equipment and utility buildings are subject to the following:
 - i.) Unless otherwise required by function, such devices and uses shall be located in rear yards or the rear one-half of side yards; and,
 - ii.) Assuming a pedestrian's view along applicable lot line(s), or portions thereof, such devices and uses shall be screened by shrubs, decorative fences, facades, walls, or any combination thereof, as follows:
 - 1) 75% opacity as viewed from the front yard;
 - 2) 50% opacity as viewed from the side yard; and,
 - 3) 25% opacity as viewed from the rear yard.
- f. Inordinate use of colors, symbols, designs, structures or any aspect of development which is unsightly or wholly inconsistent with adjacent development and the theme of the Development Park is prohibited.
- g. With the exception of one-day promotions for on-site businesses or non-profit fund raising, roadside vending stands, or the "For Sale" display of goods or services on a private frontage are prohibited. All such activities are prohibited on public right-of-way.

F. Conditional Uses

1. The purpose of this section is to provide additional design standards for conditional uses within the Airway Boulevard Corridor allowed in Sections 6.08.D.1.b.i. and 6.08.D.2.b.i. of this district.
 - a. Perimeter Buffer Landscaping. When a lot is located adjacent to a public right-of-way, a minimum of twenty (20) foot perimeter landscaped buffer shall be planted with shade,

- canopy or ornamental trees and shrubs, and mowed turf, excluding that area required for sidewalks. The twenty (20) foot width may, at the discretion of the Zoning Officer, include landscaping in the boulevard.
 - b. No free-standing light fixture shall exceed thirty feet (30') in height.
 - c. For outdoor display and parking areas, landscaping in the amount of ten percent (10%) of the paved area shall be placed within the paved area. The landscaping in the outdoor display and parking areas contributes to the total on-site landscaping required in the zoning.
 - d. Except as integral to permitted signs, the use of neon or directly exposed lighting tubes external to the building is prohibited.
2. The purpose of this section is to provide standards for conditional uses for outside storage allowed in Section 6.08.D.1.b.ii.
- a. Outside storage shall be located in the rear yard and/or the rear one-half of side yards. Outside storage shall be screened to a minimum of seventy-five percent (75%) year-round opacity (within three (3) years in the case of vegetative screening), as viewed from the public right-of-way, or from the lot line of common boundaries of adjacent lots or parks. The height of storage shall not exceed the height of screening.
 - b. Screening may consist of landscaped berms, decorative fences, walls, facades, coniferous shrubs and trees, the sides of buildings, or any combination thereof. Berms shall not exceed a 2:1, (2 feet horizontal and one foot vertical) slope and shall have a crown of at least two feet (2') in width. Design of the screening must be approved by the Missoula Development Authority prior to issuance of a Zoning Compliance Permit for the main use.
 - c. Proposed outside storage areas shall not exceed twenty-five percent (25%) of the lot area, excluding areas outside the landscape division line, and shall be shown on the site plan. The development application shall also include an elevation drawing of the screen design and a brief narrative describing the stored items.
 - d. The Zoning Officer has some discretion in the strict applications of these standards based on topography, existing adjacent screening, and zoning or use of adjacent lots.

G. Plans

Before building permits are approved, a narrative and scaled graphics shall be provided by the developer to demonstrate compliance with this section. A Plans Checklist may be obtained at the Planning Office. Prior to issuance of a permit, the Missoula Development Park Design Review Committee shall provide to the Planning Office a letter authorizing the development.

SECTION 6.09 JTL SPECIAL DISTRICT: NATURAL RESOURCE RECOVERY AND PROCESSING

A. Intent

This zoning district classification is intended to allow for sand and gravel extraction and processing on the "Wheeler Site" located south of Interstate 90 and west of Grant Creek. This district recognizes the importance of providing sand and gravel and its byproducts to the community at a location close to the urban area.

This district provides for performance standards to mitigate potentially negative impacts to adjoining property. This district is not intended for open storage of any permanently inoperative junk vehicles or equipment, nor is dumping of any kind permitted except for storing of materials associated with sand and gravel processing and recycling.

B. Space and Bulk Requirements

Minimum Lot Area	None
Minimum Required Setback for Structures, Equipment, and Storage*	100 ft. (Front, Side, and Rear)
Maximum Building Height	35 feet, except for mineral processing equipment

*In addition, resource processing equipment such as screening plants, crushers, concrete and asphalt batch plants shall be located no closer than 500 feet from any existing residential zoning district.

C. General Standards

1. See Supplementary Regulations - Chapter 3
2. Phasing
 - a. This district contains a three-phase operational plan, with a projected lifetime of the gravel extraction operation of fifty years. Unless otherwise specified in these district regulations or in conditions of rezoning approval, this district does not set specific time frames for allowed uses and activities. All other time frames specified within the phasing plan are projections and not required to be followed.
 - b. Preliminary Site Improvements shall occur prior to issuance of a Zoning Compliance Permit. These improvements include site clean-up, landscaping, buffering, fencing and road construction.
 - c. Phases 1, 2 and 3 are depicted in the attached maps. If Michael Road access is acquired (per condition of rezoning), the phasing for sand and gravel extraction shall occur east to west, instead of west to east as proposed, and a new phasing plan shall be presented to and approved by the Planning Office prior to issuance of a Zoning Compliance Permit.
3. Landscaping and Buffering
 - a. All landscaping and buffering shall be completed prior to commencement of gravel resource recovery or processing and no later than two years of rezoning. Posting of a performance bond is required to guarantee the construction of berms and installation of all landscaping, to be completed no later than two years after rezoning approval. The use of the site for any purpose other than agriculture shall require screening and buffering from residential districts and public roadways.
 - b. The preliminary site improvements plan and conditions of rezoning contain specifications and locations for landscaping and buffering, including berms, planting of trees and shrubs, and seeding of native grasses, lawn and wildflowers. The plan contains provisions for the maintenance of the screening and buffering.
4. Air Quality
 - a. Haul roads from the site to the public right-of-way shall be paved. Public rights-of-way from the site to the nearest paved arterial shall be paved.
 - b. Operations within the property shall meet the requirements of the Missoula City-County Health Department.
5. Hours of Operation
 - a. Hours of operation for processing of material shall be limited to the hours between 7:00 AM and 6:00 PM.

D. Permitted Uses

1. Sand and gravel extraction
2. Facilities for the complete storage, processing and manufacture of sand and gravel products, such as screening, crushing, concrete and asphalt batch plants, including all structures or buildings needed to pursue such activities
3. Concrete products manufacturing and storage
4. Storing asphalt and concrete for recycling
5. Recycling concrete and asphalt
6. Agriculture, including any and all structures or buildings needed to pursue such activities
7. Business office and shops associated with the primary use of the property
8. Accessory building and uses

SECTION 6.10 PRIMROSE HEIGHTS

A. Intent

This district recognizes the need for an alternative to traditional large lot rural zoning. This district is intended to provide standards which promote a rural residential/ agricultural lifestyle through designation of areas for agriculture and open space and areas for quality, moderately-priced clustered housing. Exhibit A shows the boundaries of three distinct areas within the district as described below.

B. **AREA 1: Adler Acres Subdivision**

The intent of the district for this area is to provide single family residential lots of a manageable size for those interested in a semi-rural lifestyle.

1. Space and Bulk Requirements

Maximum Residential Density		One dwelling unit per 3 acres
Minimum Lot Size		3 acres
Minimum Lot Width		One third (1/3) average depth
Minimum Required Setback	- Front	50 feet
	- Side	50 feet
	- Rear	50 feet
Maximum Building Height		30 feet

2. General Standards

See Supplementary Regulations - Chapter 3
 All development shall comply with a Noxious Weed Management Plan for the district.

3. Permitted Uses

- a. Single-family dwelling
- b. Accessory buildings and uses
- c. Day-care home
- d. Agriculture, including any and all structures or buildings needed to pursue such activities

- 4. Conditional Uses
 - a. Community residential facility serving eight (8) or fewer persons
 - b. Home occupation

C. **AREA 2: Agricultural and Open Space Parcel**

The intent of the district for this area is to provide a relatively large, contiguous, and agriculturally viable parcel of land chiefly for continuation of agricultural use. One single family home may be permitted on the parcel.

1. Space and Bulk Requirements

Maximum Residential Density		One dwelling unit per 125 acres
Minimum Lot Size		125 acres
This lot is not divisible for development purposes.		
Minimum Required Setback	- Front	50 feet
	- Side	50 feet
	- Rear	50 feet
Maximum Building Height		30 feet

2. General Standards

See Supplementary Regulations - Chapter 3
 All use shall comply with a Noxious Weed Management Plan for the district.

3. Permitted Uses

- a. Agriculture and open space, including any and all structures or buildings needed to pursue such activities
- b. One Single-family dwelling
- c. Accessory buildings and uses
- d. Day-care home

4. Conditional Uses

- a. Community residential facility serving eight (8) or fewer persons
- b. Home occupation

D. **AREA 3: Clustered Housing, 80-Acre Parcel**

The intent of the district for this area is to provide for single family homes in a clustered manner so as to make efficient use of infrastructure, to preserve the main draw in the central area for wildlife habitat, to preserve natural drainage systems, to allow for aggregate agricultural use of the remaining land in the area and the district as a whole, and to allow housing to be concentrated on sites that are outside of sensitive land areas.

1. Space and Bulk Requirements

Maximum Residential Density		One dwelling unit per 22 acres
Minimum Lot Size		One-half (½) acre
Minimum Lot Width		One third (1/3) average depth
Minimum Required Setback	- Front	25 feet
	- Side	15 feet
	- Rear	25 feet
Maximum Building Height		30 feet

All buildings shall be set back 50 feet from draws or watercourses.

2. General Standards

- a. See Supplementary Regulations - Chapter 3
- b. In addition, the following development standards shall apply:
 - i.) No building in Area 3 shall occur in the floodplain, the central draw, the southeast draw, or the area along the Grass Valley irrigation ditch as shown in Exhibit A. Road construction may occur in the southeast draw.
 - ii.) Primary and accessory buildings shall be constructed only on land with an existing slope of less than 25%.
 - iii.) Disturbed slopes greater than 10% shall be graded to accomplish the following:
 - 1) Cut and fill slopes shall have continuous slopes that reflect the forms and shape of surrounding topography.
 - 2) At the intersections of manufactured and natural slopes, contours shall be curved to blend with the natural slope.
 - 3) Man-made slopes may exceed a ratio of 3:1 only if significant environmental characteristics of a site are preserved or the need for extensive cut and fill is substantially reduced.
 - 4) All graded or disturbed areas shall be permanently revegetated with native plants, fire-resistant vegetation, or other plantings in accordance with a Noxious Weed Management Plan.
 - iv.) All development shall comply with a Noxious Weed Management Plan for the district.
 - v.) In order to protect water quality, development may be required by the Missoula City-County Health Department or governing body to use wastewater nutrient removal technology.

3. Permitted Uses

- a. Single-family dwelling.
- b. Accessory buildings and uses.
- c. Day-care home
- d. Agriculture, including any and all structures or buildings needed to pursue such activities

4. Conditional Uses

- a. Community residential facility serving eight (8) or fewer persons
- b. Home occupation

SECTION 6.11 - [RESERVED]

SECTION 6.12 TARGET RANGE-WEST END

A. Intent

This County Rural Zoning District (“Target Range-West End”) in Target Range is established to promote the public health, safety and general welfare of the citizens and to recognize its citizens’ desire to maintain the area’s rural and low density pattern of development. This district is part of the greater Target Range community which offers easy accessibility to the city and the rural county. This district offers the unique opportunity to enjoy a rural setting and such facilities that are only available in an area that is not overcrowded. This district is being expressly created to perpetuate these characteristics and its rural design. Planned Unit Developments, Planned Variations, and cluster developments are neither encouraged nor deemed necessary to meet the intent of this district.

The purpose of this district is to retain the area’s unique rural character. This area is a transition zone between the open space of McCauley Butte and the Bitterroot River, and the more densely developed areas of Target Range to the north and east of the district. The regulations are strongly prescriptive so that citizens will know exactly what is expected of them. The district emphasizes low-density housing consistent with the area’s historical and current level of development.

B. Applicable

The boundaries of this district are from the center point of the intersection North Avenue and Humble Avenue, then south along the centerline of Humble Avenue to the intersection of South Avenue, then east along the centerline of South Avenue to the western boundary of Target Range School. The boundary will then follow the private property boundaries shown on the attached map to the intersection with the Bitterroot River. Then the district boundary follows the Bitterroot River downstream along the centerline of the Bitterroot River to the point where the Maclay Bridge crosses the Bitterroot River, excluding Certificate of Survey #5680, then east along the centerline of North Avenue to the intersection with Humble Avenue, the beginning point. The district includes all streets and properties within these boundaries located in Sections 26 and 35, Township 13 North, Range 20 West, P.M.M., Missoula County, Montana.

C. Space And Bulk Requirements

Minimum Lot Size		One (1) acre, including adjacent county right-of-way
Minimum Required Setbacks	- Front	Twenty-five (25) feet
	- Side	Fifteen (15) feet
	- Rear	Twenty-five (25) feet
Maximum Building Height		Thirty (30) feet, as defined by Missoula County Zoning Regulations

D. Uses

1. Permitted Uses

- a. One single-family residential dwelling unit, including manufactured homes and mobile homes on permanent foundations
- b. Residential accessory uses
- c. Accessory buildings

- d. Agricultural activities as defined in MCA §76-2-902
- e. Day-care home

2. Conditional Uses

Conditional uses require permits issued according to Section 8.23 of Missoula County Zoning Regulations.

- a. Home Occupation
- b. Community residential facility serving eight (8) or fewer persons

3. Special Exception Uses

Special exceptions uses require permits issued according to Section 8.24 of Missoula County Zoning Regulations.

- a. Long-term care facility
- b. Day care center

E. General Regulations

- 1. No building, sign, or other structure shall be constructed, moved, enlarged, rebuilt, added to, or structurally altered without having received a Zoning Compliance Permit issued by the Planning Office in compliance with these regulations and other applicable codes and regulations.
- 2. Minimum lot size in this district may not be decreased by density bonuses as defined in Section 3.06. (I) or cluster developments as defined in Section 3.06. (K), both are sections of Missoula County Zoning Regulations.
- 3. Any single lot on record at the County Clerk and Recorder on the date of adoption of this rural zoning district will be deemed a conforming lot and the provisions of Chapter 7 of the Missoula County Zoning Regulations will not apply as to lot size.
- 4. Additional General Regulations are stated in Missoula County Zoning Regulations.

F. Variances

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 Missoula County Zoning Regulations, 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.

SECTION 6.13 NORTH LOLO RURAL SPECIAL ZONING DISTRICT

6.13.01 INTENT

The North Lolo Rural Special Zoning District (NLRSD) recognizes the need to allow for a mix of residential densities and existing non-residential uses, while preserving to the extent possible this area as the northern entrance to the community of Lolo and protecting public health and safety. This district allows the continuation of appropriate growth and development for the North Lolo area, while also protecting resource areas and providing a pleasing entrance into the community of Lolo.

6.13.02 SCOPE AND RELATION TO OTHER PROVISIONSA. Scope

The NLRSD shall cover the area identified in the **North Lolo Rural Special Zoning District Map** and shall include the zoning classifications shown in the exhibit.

B. Application of Other Chapters of the Missoula County Zoning Regulations (MCZR) to NLRSD

Certain provisions in the MCZR apply to areas that are urban or suburban in nature, and may not adequately address the needs of the county's rural communities and areas such as the NLRSD. Accordingly, the following provisions of the MCZR shall not apply to the NLRSD:

Chapter 1 - General Provisions:	Sections 1.04 (Definitions of District, Dwelling, Industry, Mobile Home, and Open Space Land)
Chapter 2 - Zoning Districts:	All sections
Chapter 3 – Supplementary Regulations:	All sections except where specifically noted
Chapter 4 – Special Design Standards:	All sections except where specifically noted
Chapter 5 – Special Districts:	All sections
Chapter 7 – Nonconformities:	All sections, except 7.02 Non-Conforming Lots of Record
Chapter 8 – Administration & Enforcement:	Section 8.23 Conditional Uses

All provisions of the MCZR not listed above apply to the NLRSD unless a conflict among provisions results. If any provision of the MCZR conflicts with this district, the provisions of this district shall govern.

6.13.03 DEFINITIONS

In addition to the applicable definitions in other sections of the MCZR, the following additional definitions apply to this district:

1. **Assembly:** encompasses a range of public, quasi-public and private uses where people come together for some common purpose. Assemblies include but are not limited to churches, synagogues, temples and other places of religious exercise, as well as meeting halls, clubs, and membership organizations. Commercial theatres and entertainment establishments are not included.
2. **Base Density:** a ratio indicating the amount of acreage required for every Dwelling Unit on a parcel of land based on that parcel's zoning classification. For example, a parcel within a zoning classification that allows 1 dwelling unit for every 1 acre has a base density of 1:1 acre.
3. **Bed and Breakfast:** an owner-occupied dwelling where breakfast is served and where there are no more than four rooms for rent to the traveling or vacationing public.
4. **Campground:** a place or building, or portion thereof, that is used or is intended for public camping, where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, or recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as laundromats and retail stores exclusively for the use of campground guests.
5. **Child or Adult Day care Center:** uses providing care, protection and supervision for 13 or more children or adults on a regular basis away from their primary residence for less than 24 hours per day. The Child or Adult Day-care Center does not include day care homes serving 12 or fewer individuals, in addition to members of the day care provider's household, that is registered by the department of public health and human services, in accordance with Montana Code Annotated §76-2-412.

6. **Conference Center or Events Facility:** a facility that provides space and amenities to host public and private business and social events for the surrounding community.
7. **Construction:** as it relates to roads, the cutting, moving and filling of earthen material resulting in a travel-way for motorized and non-motorized vehicles. As it relates to buildings, the preparation of a site for a structure, as well as the building of the structure itself.
8. **Destination Resort:** a development in a setting with high natural amenities that is designed to attract and accommodate guests by offering food, drink, lodging, recreation, entertainment, and shopping on the premises so that guests have no need to leave the facility during the course of their stay.
9. **District:** the planning area that comprises a rural special zoning district.
10. **Dwelling or Dwelling Unit:** a building or portion thereof that has a permanent foundation, and provides complete and independent living facilities for one household. A manufactured home is a Dwelling Unit. A Dwelling Unit is not a mobile home, recreational vehicle, tent, teepee, or other type of mobile shelter.
11. **Existing Road:** an existing access or haul route for motorized or non-motorized vehicles that is passable under one or more of the following circumstances:
 - a. as is;
 - b. with cleaning of windfall or small woody vegetation;
 - c. with surface blading;
 - d. with replacement of stream crossing structures and drainage structures that were removed to restrict access; or,
 - e. with removal of constructed access barriers.
12. **Financial Institutions:** a place or building used to provide financial and banking services. The term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. The term does not include automated teller machines, which are considered Accessory to commercial uses.
13. **Fitness Center:** a place or building used to provide health and athletic facilities to a community. The term includes indoor gyms, pools, athletic facilities, weight rooms and similar facilities.
14. **Geologic Hazard:** potential for movements of earth that endangers life or property and may include landslides, avalanches, mudflows, earthquakes, or rock slides.
15. **Guest Ranch:** a recreational facility with infrastructure to support ranching and horseback experiences to paying customers, including overnight pack trips, hunting trips, trail rides, cattle drives, team penning, cutting, guest rodeos, and the like.
16. **Home Industry:** accommodates Accessory commercial uses of residential property that are more intensive than a Home Occupation Conditional Use but that does not alter the residential character of the surrounding area. Examples of Home Industry include cabinet making, taxidermy, and arts and crafts studios. Home Industry does not include businesses that could be a nuisance to or impact others such as feed lots or junk yards.
17. **MCSR:** Missoula County Subdivision Regulations.
18. **MCZR:** Missoula County Zoning Regulations, Resolution No. 76-113, as amended.
19. **Nursery:** a place or building that is used for the growing or sale of fruit, vegetables, flowers, trees, and other plants.
20. **Open Space Land:** any land which is provided or preserved for:
 - a. park or recreational purposes;

- b. conservation of land or other natural resources;
 - c. historic or scenic purposes; or,
 - d. assisting in the shaping of the character, direction, and timing of community development. (Ref. Montana Code Annotated §76-6-104(3)).
21. **Qualified Professional:** a person with demonstrated professional education, training, or experience in a field relating to the subject matter on which that person is providing an assessment, report, or opinion to the county.
 22. **Recreational or Recreational Use:** low-impact, outdoor recreational land uses that do not involve the construction of roads, trails, or structures, and that are compatible with the preservation goals of the property's zoning classification, including hunting, fishing, camping, hiking, horseback riding, swimming, kayaking, canoeing, and similar activities. Recreational Use does not include off-road all-terrain vehicle use, off-road snowmobile use, or motorized watercraft use.
 23. **Recreational Commercial Use:** a use characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood that is intended to promote recreation and tourism, while protecting the natural environment and other existing uses. Examples of Recreational Commercial Use may include day camps, bed and breakfasts or guest houses, recreational vehicle (RV) parks, guest ranches, destination resorts or conference centers, and campgrounds.
 24. **Residential or Residential Use:** the use of land and building space as a Dwelling or Dwellings for one or more persons. Residential includes Manufactured Homes and assisted living facilities that house eight or fewer individuals, in accordance with Montana Code Annotated §76-2-412, but excludes hospitals, and other facilities designed to house more than eight individuals. Residential includes day care homes serving 12 or fewer individuals that is registered by the department of public health and human services, in accordance with Montana Code Annotated §76-2-412. Unless a classification expressly indicates otherwise, Residential Use includes single-family detached housing, townhouses, duplexes, tri-plexes, four-plexes and apartments.
 25. **Riparian Resource Area:** a stream, lake, wetland or other body of water and land containing any of the habitat or community types (listed in Appendix F *Riparian and Wetland Habitat and Community Types* of the MCSR) and an adjacent buffer area of varying width where development may have significant negative impacts on wildlife habitat, water quality and quantity, fish, or other aquatic resources.
 26. **Road Construction Standards:** those applicable standards set forth in the Missoula County Subdivision Regulations §3.2.5 Road Construction and §3.4 Transportation Standards.
 27. **Senior or Disabled Housing Conditional Use:** is a type of housing that accommodates the unique needs of senior citizens or disabled adults. Examples of housing that would qualify for these individuals include rentals, cooperatively owned spaces, individually owned condominiums, or other fee-simple arrangements. The buildings may be multi-family homes, attached single-family homes, and detached single-family homes, facilities that provide ambulatory care or facilities that provide congregate care or hospice care. The Senior or Disabled Housing Conditional Use does not include community residential facilities housing eight (8) or fewer individuals, which are defined as a Residential Use.
 28. **Site Plan:** a physical depiction of the subject property and the proposed use that includes the information required under General Requirements.
 29. **Stable Soils:** soils that can withstand the stresses of development without movement that would cause damage to people or property.

- 30. **Townhouse:** a residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared parcel lines. Each dwelling unit has its own external entrance. No more than one dwelling unit may be located on a single parcel.
- 31. **Transitory Housing:** any type of shelter, utilized for more than two weeks as housing, which is not expressly included in the definition of Dwelling Unit.
- 32. **Wetlands:** 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 marshes, swamps, bogs, and similar areas.
- 33. **Wildland Urban Interface:** the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.
- 34. **Winter Range:** areas that provide habitat for elk and deer during the winter months when snow depths at higher elevations require animals to move to lower elevations with less snow in order to find food, water, shelter, and space to sustain themselves throughout the colder months.

6.13.04 GENERAL REQUIREMENTS

Unless expressly modified by a provision of the North Lolo Rural Special Zoning District (NLRSD), the following general requirements apply in all North Lolo zoning classifications:

- A. Accessory Buildings.
 - 1. Accessory Buildings are a permitted use.
 - a. Size and Location Limitations. An accessory building shall not be erected in a required front yard setback. An accessory building shall be set back at least ten (10) feet from a main building and at least three (3) feet from all lot lines. An accessory building shall not exceed the height limitations of the zoning classification and the cumulative space occupied by all accessory buildings on a property shall be no greater in floor area than 75% of the main building.
 - b. Agricultural Structure. When part of an Agricultural Use, an Agricultural Building is not subject to the height or floor area limitations of this section.
 - c. Nonconforming Uses. When the main building is a Nonconforming Use, an accessory building is considered an enlargement of use and is subject to the Nonconforming Uses Section.
 - 2. Off-Premise Signs. To protect the unique rural and natural viewshed, the historic development pattern, and the safety of the traveling public, off-premise signs shall not be permitted within the NLRSD.
 - 3. Sand and Gravel Mining and Concrete and Asphalt Operations. To protect the predominately residential and rural residential development pattern in the area and public health, safety, and general welfare, sand and gravel mining and concrete and asphalt operations are prohibited within the NLRSD.
 - 4. Condominiums. All condominium developments are required to undergo subdivision review.
 - 5. General Development Requirements. The following development requirements are applicable to any development that does not go through subdivision review under the MCSR:
 - a. Outdoor Lighting. All outdoor lighting shall be directed downwards and onto the property.
 - b. Road Requirements.

- i. New road construction shall follow existing contours and utilize Existing Roads to the maximum extent possible.
 - ii. Roads with a slope exceeding 10% shall be accessible to emergency vehicles and provide a safe route for nonemergency vehicles to exit and reviewed and approved by the appropriate fire jurisdiction.
 - iii. Roads must be designed to meet Road Construction Standards.
- c. Slope Limitations. Buildings, roads and driveways shall not be located on slopes exceeding 25% as measured before disturbance or alteration. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.
- 6. Transitory Housing. To prevent the evasion of zoning requirements, and to maintain public health, sanitation, and safety, Transitory Housing is allowed only when expressly permitted in a zoning classification.
- 7. Highway Setbacks. A minimum building setback of 50 feet is required from all highways. This setback shall be measured from the common boundary line between the edge of the highway right-of-way and the property.
- 8. Site Plans. In addition to the basic requirements of Section 8.01.C. MCZR, an application for a permit shall include a site plan that shows the following information:
 - a. locations and dimensions of all existing and proposed structures;
 - b. property boundaries;
 - c. location of any service or loading areas;
 - d. pedestrian and bicycle circulation for publicly accessed development;
 - e. applicable setbacks;
 - f. proposed uses of property;
 - g. easements;
 - h. access points;
 - i. roads and road designs;
 - j. areas of cut and fill;
 - k. existing and proposed drainages;
 - l. retaining walls and height;
 - m. all development requirements capable of illustration – both the general requirements of this section, and the requirements specific to the property's zoning classification or applicable incentives, design standards, or conditional use permit requirements.
- 9. All depictions shall be drawn to a scale of one inch for every 20 feet, unless the Zoning Officer determines that a different scale is necessary to evaluate the application. The applicant shall also include a topographic map with existing and proposed contours at an appropriate interval as determined by the Zoning Officer.

6.13.05 NORTH LOLO ZONING CLASSIFICATIONS

Resource Transition (RT)

A. Intent

The Resource Transition Classification is intended to provide important transitional areas between lands suitable for denser development and lands requiring greater resource protection. These

transitional areas may include forest lands, riparian resource area, wetlands, agricultural lands, steep slopes, and wildlife habitat. The Resource Transition Classification should balance moderate human use with protections for water quality, winter range, open space land, riparian resource area, and wildlife habitat.

B. Development Requirements

In addition to the General Requirements, the following classification-specific development requirements shall apply:

1. **Site Constraints.** New construction shall be prohibited on areas of a parcel with more than 25% slope, as measured before disturbance or alteration, or in a designated 100-year floodplain. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.

C. Space and Bulk Requirements

Maximum residential density		One Dwelling Unit per 40 acres
Minimum setbacks	– front	50 feet
	– side	50 feet
	– rear	50 feet
Maximum building height		30 feet

D. Permitted Uses

1. Residential - Single-family detached housing
2. Agricultural
3. Recreational
4. Transitory housing, excluding mobile homes and recreational vehicles, but including tents and other low-impact, easily removable types of shelter
5. Day-care home

E. Conditional Uses

1. Recreational commercial
2. Assembly
3. Home occupation
4. Community residential facility serving eight (8) or fewer persons

Residential (R)

A. Intent

The Residential classification is intended to support residential densities that are between those appropriate in rural residential areas and town. Density limits are intended to accommodate septic concerns and to maintain ground and surface water quality. Development should include parks and open space.

B. Development Requirements

In addition to the General Development Requirements, the following classification-specific development requirements apply:

1. Pathways. When public roads are present, pathways and sidewalks shall be constructed adjacent to a public road.
2. Site Constraints. The area of land on a parcel with more than 25% slope, as measured before disturbance or alteration, or within the designated 100-year floodplain shall be excluded from the base density calculation for the parcel. New construction shall be prohibited on areas of a parcel with 25% slopes or floodplain. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.

C. Space and Bulk Requirements

Maximum Base Density	When connected to water and sewer	Two Dwelling Units per acre
	When not connected to water and sewer	One Dwelling Unit per acre
Minimum setbacks	– front	25 feet
	– secondary front	12.5 feet
	– side	15 feet
	– rear	25 feet
Maximum building height		30 feet

D. Permitted Uses

1. Residential - Single-family detached housing
2. Agricultural
3. Recreational
4. Day-care home

E. Conditional Uses

1. Recreational commercial
2. Assembly
3. Home occupation
4. Home industry
5. Hospital or medical clinic
6. Child or Adult Day Care Center
7. Mobile home parks
8. Senior or disabled adult housing
9. Community residential facility serving eight (8) or fewer persons

Town Residential (TR)

A. Intent

The Town Residential classification is intended to provide urban-type housing density. All lands under this classification are within the boundaries of the existing community water and sewer district. A range of building types is encouraged. New development and road rights-of-way should be designed to accommodate community transit services that may be installed in the future.

B. Development Requirements

In addition to the General Development Requirements, the following classification-specific development requirements apply:

1. **Appropriate Infrastructure.** Development shall include sidewalks, curbs and gutters, streetlights, and motorized and non-motorized transportation connections.
2. **Site Constraints.** The area of land on a parcel with more than 25% slope, as measured before disturbance or alteration shall be excluded from the base density calculation for the parcel. New construction shall be prohibited on areas of a parcel with 25% slopes. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.

C. Space and Bulk Requirements

Maximum Base Density	When connected to water and sewer	Six (6) Dwelling Units per acre
	When not connected to water and sewer	One (1) Dwelling Unit per acre
Minimum setbacks	– front	20 feet
	– secondary front	10 feet
	– side	10 feet
	– rear	20 feet
	Townhouse setback exception	0 feet for sides with common or abutting wall
Maximum height		30 feet
		35 feet with roof pitch of 8 in 12 or greater

D. Permitted Uses

1. Residential – Single-family detached housing, townhouses, duplexes, tri-plexes and four-plexes
2. Agricultural
3. Recreational
4. Day-care home

E. Conditional Uses

1. Recreational commercial
2. Home occupation
3. Home industry
4. Assembly
5. Hospital or medical clinic
6. Senior or disabled adult housing
7. Child or Adult Day-care center
8. Mobile home parks
9. Community residential facility serving eight (8) or fewer persons

Community Commercial (CC)

A. Intent

The Community Commercial Classification is intended to serve as a transition area between Residential and Town Mixed Use classifications and/or in rural locations where a community crossroads type of mixed development is deemed appropriate. This classification will allow development that combines residential and small scale non-residential uses to enable business owners to live where they work or to supplement commercial income with rental income.

B. Development Requirements

In addition to the General Requirements, the following classification-specific development requirements apply:

1. Site Constraints. The area of land on a parcel with more than 25% slope, as measured before disturbance or alteration, or within the designated 100-year floodplain shall be excluded from the base density calculation for the parcel. New construction shall be prohibited in areas of 25% slope or floodplain. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.
2. Street Frontage. All street frontage sides of a primary structure shall provide frontage with street level windows, window displays, doorways, and development entries.
3. Primary Entries. Primary entries shall be oriented to exterior blocks or street frontages.
4. Secondary Entries. Service, delivery, or other secondary entries shall open to interior blocks or parking lots.
5. Parking. Parking requirements from Section 3.02, MCZR shall apply. Development shall provide all residential parking on-site. Where practicable, commercial parking shall be located behind businesses.
6. Signage. The signage requirements for Neighborhood Commercial Uses from Section 3.04, MCZR shall apply.
7. Landscaping. The landscaping requirements from Section 3.05, MCZR shall apply.

C. Space and Bulk Requirements

Maximum Base Density		Two (2) Dwelling Units per acre
Minimum setbacks	– front	25 feet
	– secondary front	12.5 feet
	– side	15 feet
	– rear	25 feet
Maximum building height		30 feet

D. Permitted Uses

1. Residential
2. Public spaces
3. Business and professional offices
4. Small scale veterinary services and animal hospitals (less than 5,500 square feet of ground floor area)
5. Kennels
6. Personal Services

- 7. Nurseries
- 8. Art Galleries
- 9. Day-care home
- 10. Agriculture, including any and all structures or buildings needed to pursue such activities

E. Conditional Uses

- 1. Home occupation
- 2. Home industry
- 3. Assembly
- 4. Child or Adult Day Care center
- 5. Hospital or medical clinic
- 6. Senior or Disabled Adult Housing
- 7. Community residential facility serving eight (8) or fewer persons

Ponderosa Heights Subdivision (PHZ)

A. Intent

The Ponderosa Heights Subdivision (PHZ) classification is intended to support residential uses and mixed uses that are appropriate for the community core of Lolo.

B. Application

Due to previous platting of this subdivision and the specific development requirements included in the covenants, the General Requirements provision of the North Lolo Rural Special Zoning District (NLRSD) shall not apply and the relevant sections of the Missoula County Zoning Regulations (MCZR) are as follows:

- Chapter 1 – General Provisions: All sections, as modified herein
- Chapter 7 – Nonconformities: All sections, except 7.02 Non-Conforming Lots of Record
- Chapter 8 – Administration and Enforcement: Section 8.23 Conditional Uses

C. Development Requirements

Development requirements are addressed in the Ponderosa Heights Subdivision and will not be administered through the NLRSD, with the exception of the No Build Zone as established in the Ponderosa Heights Covenants section V.E., as amended up to 1/24/08. In addition, the following classification-specific development requirements apply to Commercial Uses:

- 1. Parking. Relevant parking requirements from Section 3.02, MCZR shall apply.
- 2. Signage. The signage requirements from Section 3.04, MCZR shall apply.
- 3. Landscaping. The landscaping requirements from Section 3.05, MCZR shall apply.

D. Space and Bulk Requirements

- 1. No further subdivision allowed per Section V.G. of the Ponderosa Heights Covenants, as amended as of 1/24/2008.

E. Permitted Uses

- 1. Residential and Commercial Uses, as established in the Ponderosa Heights Covenants Section V.G. and V.H, as amended as of 1/24/08.
- 2. Day-care home

3. Agriculture, including any and all structures or buildings needed to pursue such activities

F. Conditional Uses

1. Home occupation
2. Community residential facility serving eight (8) or fewer persons

Town Mixed Use (TMU)

A. Intent

The Town Mixed Use classification is intended to allow for more intense commercial uses or uses that primarily serve those who are passing through the district. This classification is not designed to accommodate commercial uses that are out of character or scale with the area, such as large warehouses, or "big-box" stores.

B. Development Requirements

In addition to the General Requirements, the following classification-specific development requirements apply:

1. Parking. Parking requirements from Section 3.02, MCZR shall apply.
2. Signage. The signage requirements for Commercial from Section 3.04, MCZR shall apply.
3. Landscaping. The landscaping requirements from Section 3.05, MCZR shall apply.

C. Space & Bulk Requirements

Maximum Base Density		Two Dwelling Units per acre.
Maximum Commercial Area		10,000 square feet.
Minimum setbacks	– front	25 feet
	– side	15 feet
	– rear	25 feet
Maximum building height		50 feet

D. Permitted Uses

1. All permitted and conditional uses set forth in Community Commercial (CC) zoning classification
2. Public parking areas
3. Retail stores
4. Financial institutions
5. Food and beverage establishments
6. Gas stations
7. Lodging facilities providing less than 25 rooms
8. Small scale entertainment facilities, such as small theaters and playhouses, having fewer than 1,000 seats
9. Fitness centers
10. Uses that involve outdoor storage of merchandise or materials
11. Wholesale trade
12. Support services to business or industry
13. Agriculture, including any and all structures or buildings needed to pursue such activities

6.13.06 NONCONFORMING USES**A. Application**

This section does not modify the rules applicable to non-conforming lots of record in Section 7.02, MCZR. This section does modify the Chapter 7 rules applicable to uses and structures that become nonconforming as a result of the application of the North Lolo Rural Special Zoning District (NLRSD), or any of its amendments. Where the word "nonconforming use" occurs in this section, it shall mean both non-conforming land uses and structures. These modifications from Chapter 7 are intended to accommodate the differences between the unique development patterns and rural nature of the county's rural areas and the urban nature of the Missoula metropolitan area.

To avoid undue hardship, nothing in this section shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this district and upon which actual construction has been carried on diligently. For the purposes of this section, actual construction includes permanently placing and fastening construction materials, as well as substantial excavation, demolition, or removal of a building in preparation for rebuilding.

B. Continuation of Non-Conforming Uses

A lawful use of land or structure existing on the effective date of adoption or amendment of the NLRSD, prohibited by this district as enacted or amended, may be continued in the same manner and to the same extent so long as it remains otherwise lawful, subject to the following conditions:

1. **Movement of Use.** A non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the NLRSD.
2. **Cessation of Use.** If any non-conforming use ceases for any reason for a period of two (2) years or more, any subsequent use of land shall conform to the NLRSD.

C. Enlargement or Replacement

A non-conforming use may only be enlarged, increased, or replaced by another non-conforming use with approval of the Board of Adjustment. The Board of Adjustment shall:

1. Hold a public hearing;
2. Impose standards that contribute to the protection of surrounding land uses; and,
3. Make findings in the specific case that the proposed change in the non-conforming use is equally appropriate or more appropriate than the current non-conforming use.

D. Accidental Destruction

Any non-conforming use that is unintentionally destroyed, for example by fire, may be rebuilt, but only to the same manner and extent that it existed before its destruction.

E. Repair and Maintenance

Non-conforming uses may be repaired and maintained. Such maintenance shall include only building code repairs or other safety-related restorations ordered by a public official, incidental alterations, and cosmetic improvements that do not extend the degree of conformity of the use.

F. Record of Non-Conforming Uses

The Zoning Officer shall ascertain the date on which any non-conforming use was established or acquired and shall prepare a map and photos showing the exact location of the non-conforming structure or land use. Along with the map, the Zoning Officer shall maintain a file for each

nonconforming use containing: a Zoning Compliance Permit establishing a lawful use; the name and address of the owner; and other information deemed appropriate by the Zoning Officer.

6.13.07 ADMINISTRATION AND ENFORCEMENT

A. Application

This section only modifies Chapter 8 rules of the MCZR applicable to conditional uses. Otherwise the provisions of Chapter 8 apply to the North Lolo Rural Special Zoning District (NLRSD).

B. Conditional Uses

1. Intent. The zoning classifications in this rural special zoning district list certain conditional uses that may be appropriate within a zoning classification when mitigating conditions are met. These uses require discretionary approval and imposition of conditions to ensure compatibility with surrounding land uses. Where unacceptable adverse impacts cannot be mitigated, a conditional use permit may be denied.
2. Relationship to other Provisions. A conditional use permit may be issued only for conditional uses expressly listed in the property’s zoning classification. The requirements of this section are in addition to the requirements of the property’s zoning classification. If the requirements of this section conflict with the requirements of the property’s zoning classification, the provisions of this section shall govern.
3. Types of Review. To promote an application process that is efficient and tailored to the complexity and intensity of the conditional use sought, there are two categories of conditional use permits. Administrative CUPs are reviewed by the Zoning Officer. Board CUPs are reviewed by the Board of County Commissioners.

	Administrative Review (no notice)	Administrative Review	BCC Review
Home Occupation	X		
Community Residential Facility, serving 8 or fewer	X		
Home Industry		X	
Child or Adult Day Care Center		X	
Kennels		X	
Mobile Home Parks			X
Senior or Disabled Adult Housing			X
Recreational Commercial			X
Hospital or Medical Clinic			X
Assembly			X

4. Permit Application. The property owner or a designated representative shall submit applications for conditional use permits to the Zoning Officer. Applications shall address all of the general review criteria in subsection 6, below. Applications shall also demonstrate that

the proposed use meets all permit-specific development requirements. Each Conditional Use Permit has specific application requirements that may include a Site Plan, as described in the General Requirements Section, shall be submitted with each conditional use application, along with any other materials deemed necessary by the Zoning Officer to do an adequate review of the request. In the case of Recreational Commercial, a Natural Features Assessment is required. The application is deemed complete when the Zoning Officer receives all of the required information.

5. Notice. Public notice is required for all Conditional Use Permits, except a Home Occupation. The public notice regarding the proposed conditional use must be:
 - a. Mailed to property owners within 300 feet of the project at least 15 calendar days prior to the county's decision on the permit application; and
 - b. Published in a newspaper of general circulation within the county at least 15 calendar days prior to the county's decision on the permit application.
 - c. Posted on the subject property.
6. General Review Criteria. A Conditional Use Permit application shall be reviewed for its adverse impacts on all of the following:
 - a. The use and enjoyment of neighboring properties, including the creation of noise, odor, light, or dust that affects neighboring properties;
 - b. Traffic congestion and safety;
 - c. Parking demands on the neighborhood;
 - d. The normal and orderly development and improvement of the neighborhood, including the provision of adequate utilities, roads, drainage, and other public services; and
 - e. Any other public health, safety, and general welfare concerns implicated by the application.
7. Administrative CUP Review. In reviewing applications, the Zoning Officer shall apply the general review criteria in subsection 6 and verify that all applicable development requirements are met. If the adverse impacts of the proposed use can be mitigated, the Zoning Officer shall conditionally approve the permit with appropriate mitigating conditions. If there are unacceptable adverse impacts that cannot be mitigated, the Zoning Officer shall deny the permit. All decisions on administrative conditional use applications shall be made within 35 working days of the date the application was deemed complete.

The Zoning Officer, a County Commissioner, or any affected party may request that a Conditional Use Permit application be sent to the Board of County Commissioners for a decision, at which point the application follows the procedures for Board CUP Review.
8. Board CUP Review. In reviewing the application, the County Commissioners shall apply the general review criteria in subsection 6 and verify that all applicable development requirements are met. If the adverse impacts of the proposed use can be mitigated, the County Commissioners shall in a public meeting as an item for consideration conditionally approve the permit with appropriate mitigating conditions. If there are unacceptable adverse impacts that cannot be mitigated, the County Commissioners shall deny the permit. All decisions on conditional use applications shall be made within 35 working days from the date the application was deemed complete.
9. Effect of Permit. If the permit is conditionally approved, all conditions imposed upon the permit shall be considered a covenant that runs with the land and is binding upon all subsequent property owners. All Conditional Use Permit conditions are to be undertaken at the expense of the permit holder.

10. Modification of Permit Condition. Any change to an existing permit condition requires the submission of a new conditional use permit application.
11. Expiration of Permit. An approval shall be revoked if a Zoning Compliance Permit is not obtained within six (6) months. The Conditional Use Permit shall expire one (1) year from the date of issuance if substantial work has not been commenced under the permit.
12. Permit Revocation. The county shall have the power, after hearing, to revoke a Conditional Use Permit for violation of this section or of any permit conditions. After providing the permit holder at least fifteen (15) days notice, the county shall hold a hearing to determine the nature and scope of the alleged violation. Upon finding a violation, the county may revoke the Conditional Use Permit and require that immediate reparative or mitigating measures be commenced at the cost of the permit holder.
13. Use-Specific Requirements. The following list describes each type of conditional use listed in the rural zoning classifications and sets forth the specific development requirements applicable to that conditional use.
 - a. Home Occupation Conditional Use
 - i. Intent. The intent of the Home Occupation Conditional Use is intended to accommodate a small-scale accessory commercial use occurring within a residential dwelling. Examples of a Home Occupation include home-based accounting, knife sharpening, tax consulting, counseling and data networking or web design.
 - ii. Development Requirements. The development requirements in Section 4.03. F. MCZR shall apply.
 - b. Community Residential Facility, serving eight (8) or fewer persons Conditional Use
 - i. Development Requirements. The development requirements in Section 4.03 D. MCZR shall apply.
 - c. Home Industry Conditional Use
 - i. Intent. The intent of the Home Industry Conditional Use is intended to accommodate accessory commercial uses of residential property that are more intensive than the Home Occupation Conditional Use but that do not alter the residential character of the surrounding area. Examples of Home Industry include cabinet making, taxidermy, and arts and crafts studios.
 - ii. Development Requirements. In addition to any mitigating conditions imposed on a Conditional Use Permit under subsection 6, all of the following mandatory development requirements shall apply:
 - 1) Accessory Buildings. Home Industry may occur within the Primary or Accessory Buildings on the property.
 - 2) Outdoor Storage and Screening. Outdoor storage for Home Industry uses are limited to Accessory Buildings or areas screened from view of adjoining properties by dense landscaping, berms, walls, or opaque fencing. Existing vegetation screens shall be retained whenever possible.
 - 3) Employees. Home Industry uses may employ no more than three non-resident employees.
 - 4) Signage. No displays, advertising, or signage, other than directional signs smaller than six square feet are permitted.
 - 5) Operation. The regularly scheduled hours of operation and volume of users shall be established to ensure compatibility with neighboring property use.

- d. Child or Adult Day Care Center Conditional Use
 - i. Intent. Missoula County needs affordable, good quality, licensed day care centers to provide for the needs of parents and children alike as well as for those adults who are unable to care for themselves. The Child or Adult Day Care Center Conditional Use is intended to provide for the health, safety, and welfare of children and incapacitated adults as well as considerations for the surrounding neighbors. The Child or Adult Day Care Center Conditional Use does not include day care homes serving 12 or fewer individuals that is registered by the department of public health and human services, in accordance with Montana Code Annotated §76-2-412.
 - ii. Development Requirements. In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
 - 1) Licenses. To establish a Child or Adult Day Care Center, the owner shall apply for all appropriate licenses and other requirements from the various agencies overseeing such facilities.
 - 2) Fencing. If providing care to children, the property shall contain a secure, opaque fenced play area. If providing care to adults, a secure open space shall be provided.
 - 3) Parking. The property shall contain adequate parking to minimize parking demands during drop off and pick up times.
- e. Kennels and Animal Protection Conditional Use
 - i. Intent. Rural Missoula County has attracted various breeding and training operations of dogs and other animals. The intent of the Kennels and Animal Protection Conditional Use is intended to acknowledge the importance of adequate facilities to care for dogs and other animals in the most humane way while protecting neighboring property values.
 - ii. Development Requirements. In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
 - 1) Licenses. To establish a Kennel, the owner shall apply for all appropriate licenses and other requirements from the various agencies overseeing such facilities.
 - 2) Control. The animals shall be kept in such a manner so as not to create a nuisance by noise or odor, create a danger to human life or property, or endanger the health or safety of the animals.
 - 3) Enclosure. Enclosures for animals shall be adequate for the animal to stand, sit, and turn around. The animals must be kept within a secure, opaque fenced area that ensures both the animal’s and the public’s safety.
 - 4) Waste. All waste shall be removed as often as necessary to prevent odor and disease.
- f. Mobile Home Park Conditional Use
 - i. Intent. The Mobile Home Park Conditional Use is intended for the location of mobile home development and minimizes the adverse impacts and possible conflicts between mobile home development and other forms of residential development.
 - ii. Development Requirements. In addition to any mitigating conditions imposed on a Conditional Use Permit under subsection 6, all of the following mandatory development requirements shall apply:

- 1) Design. 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 on surrounding land uses.
 - 2) Utilities. All public utilities shall be placed underground.
 - 3) Visual Impacts. The buffering required under MCSR §4.4.6.5 Visual Screen shall be created from dense landscaping or berms containing native vegetation.
- g. Senior or Disabled Adult Housing Conditional Use
- i. Intent. The Senior or Disabled Adult Housing Conditional Use is intended to recognize the unique needs of senior citizens and disabled adults. (This Conditional Use does not include community residential facilities housing eight (8) or fewer individuals, which are treated as a permitted residential use.) Appropriate areas are near essential services and amenities required by senior citizens or disabled adults, including medical services. Examples of housing that would qualify for these individuals include rentals, cooperatively owned spaces, individually owned condominiums, or other fee-simple arrangements. The buildings may be multi-family homes, attached single-family homes, and detached single-family homes, facilities that provide ambulatory care or facilities that provide congregate care or hospice care. This conditional use may result in different densities and setbacks than those allowed by underlying zoning.
 - ii. Development Requirements. In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
 - 1) Open Space Areas. Development shall provide open plazas, courtyard areas, or other open land areas with landscaping and sidewalks.
 - 2) Development Placement. Development shall be oriented to ensure that livable areas of the development overlook open space, a courtyard, or other open plaza. Parking lots shall be located to allow ease and safety of access. Rooms used for living and sleeping which overlook parking lots shall have a landscaped courtyard, wall, or fence to screen the parking lot from view.
 - 3) Travel Corridors. Development shall provide pedestrian walkways between buildings, communal open areas, parking areas, and roadways. Travel corridors shall be wheelchair accessible.
 - 4) Building Linkages. Buildings shall be linked with covered, paved walkways.
 - 5) Street Access. Buildings shall be linked to public streets and other neighboring areas with landscaped walkways.
 - 6) Surrounding Land Uses. Development of Senior or Disabled Housing shall be designed so as to mitigate health or safety hazards to senior citizens or disabled adults that may be generated by surrounding land uses.
 - 7) Access Consideration. Buildings shall be wheelchair accessible.
 - 8) Building Height. Buildings are subject to the height limits in the property's zoning classification. Further, no building shall be taller than one story unless designed or equipped so that residents using wheelchairs or walkers can reach upper stories without assistance.
- h. Recreational Commercial Conditional Use
- i. Intent. The Recreational Commercial Conditional Use is intended to promote recreation and tourism, while protecting the natural environment and existing uses. Examples of Recreational Commercial include day camps, bed and breakfasts or guest

- houses, recreational vehicle (RV) parks, guest ranches, destination resorts or conference centers, and campgrounds.
- ii. This conditional use may result in different densities and setbacks than those allowed by the underlying zoning classification. A natural features assessment is required in addition to other application requirements for this conditional use:
 - iii. Natural Features Assessment. The applicant shall submit a contour map of the property, prepared by a qualified professional, that demonstrates how the proposed development meets the applicable conservation design standards and that identifies the following features:
 - 1) Proposed open space land.
 - 2) Waterbodies, waterways, wetlands, and floodplains.
 - 3) Tree canopy, forest vegetation areas or tree stands.
 - 4) Wildlife habitat, including winter range, migration corridors, breeding areas, and nesting areas.
 - 5) Lands used for agricultural purposes.
 - 6) Historic, archeological, or cultural features listed (or eligible to be listed) on the National Register of Historic Places or with the State Historic Preservation Officer.
 - 7) Slopes in excess of 10%.
 - 8) Ridgelines, hilltops, and watershed divides.
 - 9) Existing lighting on the property.
 - 10) Existing roads, trails, utilities or other easements.
 - 11) Proposed roads, trails, or other easements.
 - 12) Lands with soils that do not support residential development.
 - 13) Locations and types of proposed landscaping.
 - 14) Additionally, a Grading Plan shall be included with the Assessment in all cases.
 - iv. Development Requirements. In addition to any mitigating conditions imposed on a Conditional Use Permit under subsection 6, all of the following mandatory development requirements shall apply:
 - 1) Emergency Services. Roads shall provide access for emergency service providers such as ambulances and fire engines and shall be approved by the appropriate fire jurisdiction.
 - 2) Visual Impacts. All structures, including temporary structures, shall be screened so that they cannot be viewed from public roadways or residential areas. Screens shall use native vegetation where possible, and shall be created from dense landscaping or berms.
 - 3) Conservation Design Standards. Development shall meet the following standards:
 - a) Open Space Land. Open space land shall be designated through a deed restriction that permanently restricts development.
 - b) Topographic Constraints. Development shall cause minimal visual impacts by locating structures adjacent to roads, tree lines, and wooded field edges when feasible and when resource and fire concerns are not implicated. Development shall not obscure ridgelines, hilltops, or watershed corridors.
 - c) Compatibility with Scenery. All structures shall be constructed and maintained so that exterior wall and roofing color and materials repeat the

- colors most commonly present in the land and vegetation around the structure. All structures shall have a light reflective value of no more than forty percent.
- d) Environmentally Sensitive Areas. Structures, roads, driveways, and areas of use shall be located outside of environmentally sensitive areas, such as wildlife habitat, riparian resource areas and wetlands. To prevent intrusion into environmentally sensitive areas, the county may require clustering of structures and areas of use.
 - e) Grading. Development shall provide suitable drainage for surface runoff. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas. Site grading shall not alter natural vegetation areas and wildlife habitat.
 - f) Fencing. Wildlife friendly fencing shall be used. Fencing shall blend in with existing flora and fauna by using natural materials or landscaping.
 - g) Landscaping. Plants and tree species characteristic of the local or regional habitat shall be used whenever possible, and shall be based on species lists maintained by the Missoula County Extension Office. Noxious weeds shall not be used in landscaping. All vegetation shall be kept alive and maintained. If the vegetation dies, it shall be replaced.
 - h) Contiguous Habitat. Species habitat shall remain contiguous within the site and with neighboring lands. Clustering of buildings is encouraged to further protect open space, natural vegetation, wildlife habitat, and any cultural or historic features present.
 - i) Mitigation. Mitigation of any development disturbances shall occur after construction so as to not impact the environmental or cultural resources of the surrounding area.
 - j) Geologic Constraints. Development shall only occur in areas with stable soils and where geologic hazards are not present.
 - k) Roads. Development shall comply with the following road construction requirements, as well as the requirements in MCSR Sections 3.2.5 Road Construction and 3.4 Transportation Standards. Roads, basins, grading, and other improvements shall create minimal site disturbance.
- i. Hospital or Medical Clinic Conditional Use
 - i. Intent. The Hospital or Medical Clinic Conditional Use is intended to provide a site for a hospital or medical clinic for services to the rural areas of Missoula County and minimize the adverse impacts and possible conflicts between a hospital or medical clinic and other forms of development.
 - ii. Development Requirements. In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
 - a. Other Permits. The application shall be accompanied by all other permits required by the State of Montana for the construction of a hospital or medical clinic or evidence that the needed permits will be issued pending the granting of proper zoning.
 - b. Parking. This use shall comply with off-street parking requirements for the zone in which the use is being requested. On-site parking shall be available for patients and their visitors.

- c. Open Space Areas. Development shall provide open plazas, courtyard areas, or other open land areas with landscaping and sidewalks.
 - d. Development Placement. Developments shall be oriented to ensure that livable areas of the building overlook open space, a courtyard, or other open plaza. Parking lots shall be located to allow ease and safety of access. Rooms used for sleeping which overlook parking lots shall have a landscaped courtyard, wall or fence to screen the parking lot from view.
 - e. Travel Corridors. Development shall provide pedestrian walkways between buildings, communal open areas, parking areas, and roadways. Travel corridors shall be wheelchair accessible.
 - f. Building Linkages. Buildings shall be linked with covered, paved walkways.
 - g. Street Access. Buildings shall be linked to public streets and other neighboring areas with landscaped walkways.
- j. Assembly Conditional Use
- i. Intent. The Assembly Conditional Use encompasses a range of public, quasi-public and private uses where people come together for some common purpose. Assemblies include but are not limited to churches, synagogues, temples and other places of religious exercise, as well as meeting halls, clubs, and membership organizations. Commercial theatres and entertainment establishments are not included. This conditional use is intended to ensure that an assembly's traffic, parking, noise, and space requirements are appropriately conditioned to ensure the health, safety, and welfare of the surrounding neighborhood.
 - ii. Development Requirements. In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
 - 1) Operation. The regularly scheduled hours of operation and volume of users shall be established to ensure compatibility with neighboring property use.
 - 2) Parking. Off-street parking shall be governed by MCZR Section 3.02. Where possible, parking lots shall be located behind buildings to minimize visual impact.
 - 3) Landscaping and Buffering. The assembly shall install and maintain landscaping and buffering around all buildings to ensure compatibility with neighboring property use. Buildings shall be linked to public streets and other neighboring areas with landscaped walkways.
 - 4) Building Placement. Buildings shall be oriented to minimize impact to the viewshed.
 - 5) Signage. Signs must comply with the requirements of MCZR Section 3.04.C.

