

9. Landscaping and buffering are not required of any seasonal commercial use.

B. Design Standards

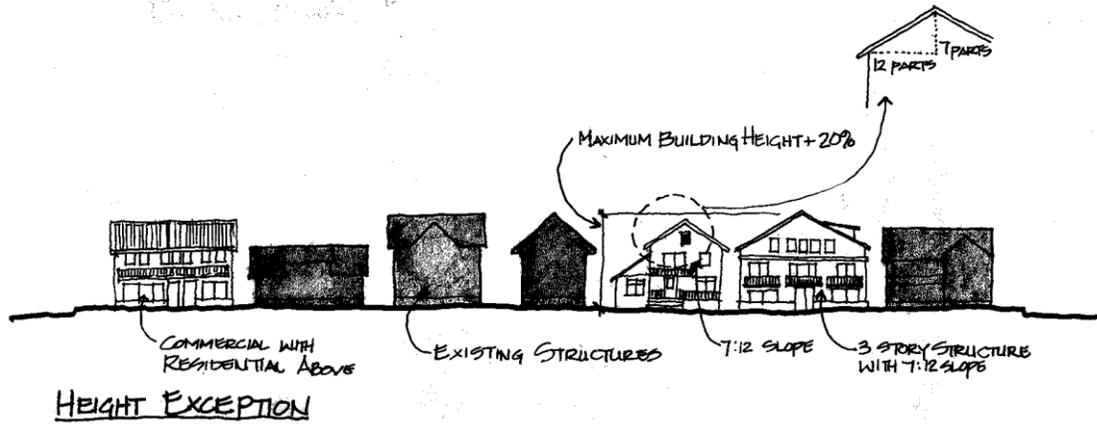
1. "Landscaping," as used in these regulations, means natural vegetation or any combination of natural and man-made materials.
2. Visual buffers or screens shall not be less than five (5) feet in height except when the Zoning Officer authorizes a reduction to improve sight distance along streets or highways.
3. Fences
 - a. Fences in the front twenty-five (25) feet of any primary or secondary front yard of a residential use or zoning district, including along side property lines in this portion of the front yard, shall not exceed four (4) feet in height. This height restriction does not apply to fences required by these regulations as visual buffers or screens. All other fences erected on a residential lot or in a residential zoning district shall not exceed six (6) feet.
 - b. Exception: Wildlife fences designed to exclude deer or elk from residential gardens, up to eight (8) feet in height, may be constructed to enclose the minimum area necessary to protect planted areas if there are no gaps more than eighteen (18) inches between horizontal fence components, no barbed wire or other components or attachments injurious to wildlife, and the top rail is highly visible (flags may be used).
4. For purposes of this subsection, visual buffers may consist of plantings, walls, fences, or combinations thereof, and shall provide at least seventy-five percent (75%) opacity. The use of natural vegetation in conjunction with natural materials such as wood and stone is encouraged.

SECTION 3.06 GENERAL REGULATIONS

A. Height Regulations

1. These regulations shall not limit or restrict the height of belfries, steeples, chimneys, clock towers, cooling towers, elevators, bulkheads, grain elevators, stacks, water towers, ornamental towers or similar elements that do not add habitable floor area to a building, wireless towers for amateur radios, skylights, flag poles, mechanical equipment such as ventilation equipment required to ventilate the building, stairs, open guard rails, roof-mounted solar panels, air pollution abatement equipment, or any similar appurtenances to buildings, but these structures shall be subject to such restrictions and regulations as may be imposed by the provisions of this code and other resolutions and regulations of the County.
2. Rooftop mechanical equipment shall be screened from public view by an enclosure such as a wall, fence or plantings, assuming a viewing point at the center line of the adjacent street which is five (5) feet higher than the building floor grade.
3. Height shall be reduced in any zone within the Airport Influence Area if it conflicts with height allowances in Federal Air Regulations, Part 77.
4. Churches, public or semipublic buildings, hospitals, and schools may exceed the height restrictions of the district in which they are constructed if the depth of the side yards on both sides exceeds the required side yard setback by one (1) foot in width for each additional five (5) feet of height over the height restrictions of the district.
5. The maximum building height of primary structures may be increased in all zoning districts, excluding hillside lands, by twenty percent (20%) as follows:

- a. When the majority of the roof pitch is seven twelve (7/12) or steeper; or
- b. For a three (3) story structure when the majority of the roof pitch is seven twelve (7/12) or steeper; or
- c. For construction of dwelling units above commercial uses.



- 6. Exceptions to setbacks shall not be used in conjunction with height exceptions.
- 7. When an existing primary dwelling unit exceeds the height limit of its zoning district, additions to that structure may also extend beyond the height limit, to the height of the pre-existing structure.
- 8. Exposed foundation walls may not exceed eight (8) feet in height and shall be measured as the vertical distance between the lowest point where the building line meets existing or finished grade, whichever is lower, and the lowest floor line of habitable space. See *Figure A*.

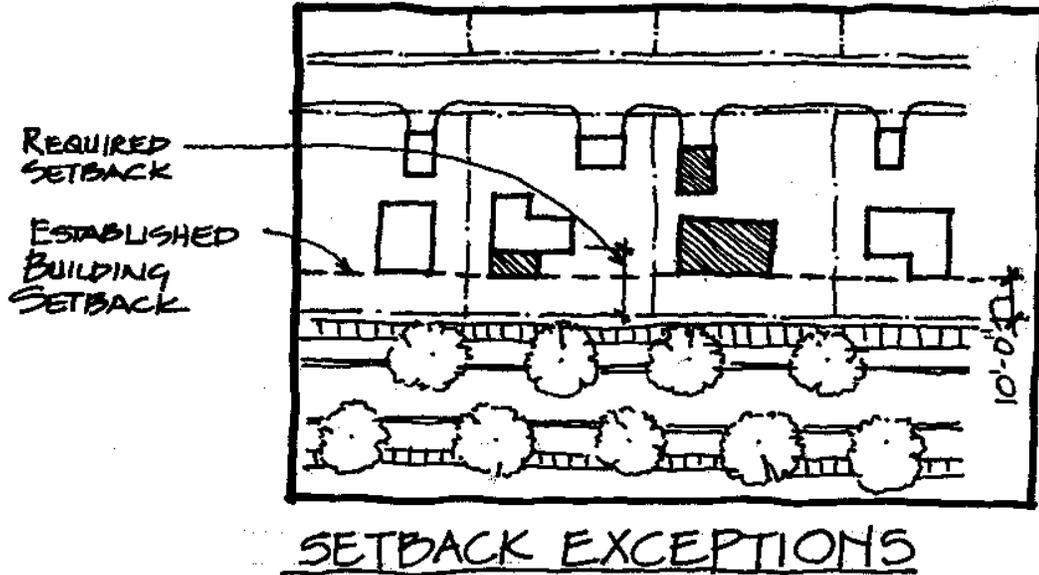


- 9. Visible Deck Supports
No portion of the walking surface of a deck or porch with visible columns, posts, or piers may exceed a height of twelve (12) feet above finished grade measured from the furthest projecting point of the deck or porch. See *Figure B on previous page*.

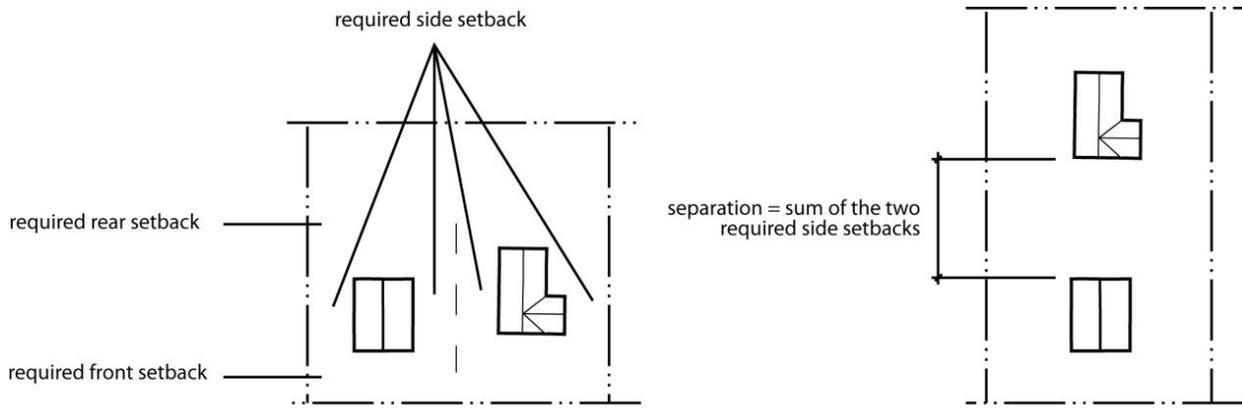
B. Setback Regulations

- 1. These regulations shall not limit the setbacks for the following:
 - a. Structures less than thirty (30) inches in height, such as decks, patios, and appurtenances such as railings, and steps.
 - b. Eaves or gutters projecting 48" or less into the setback provided they are setback at least three (3) feet from the property line.
 - c. Wheelchair lifts and ramps that meet federal, state, and local accessibility standards.

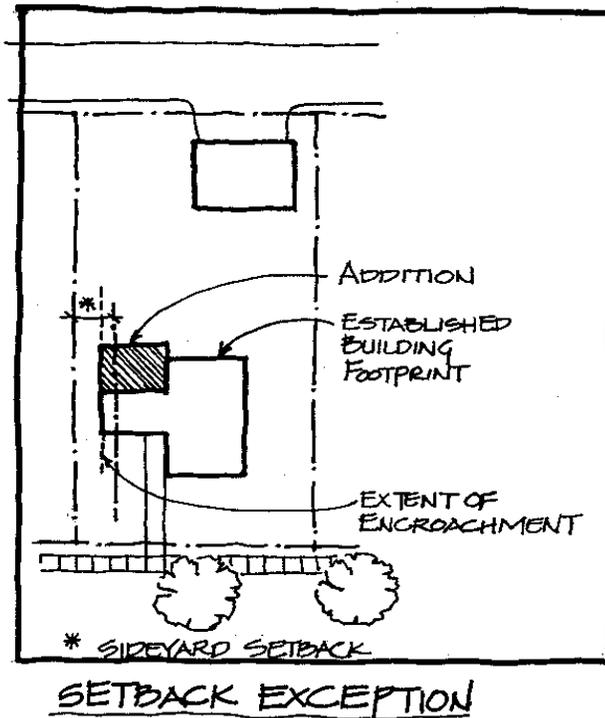
- When existing primary dwelling units on a block-fact between two side streets encroach into the front yard setback, additions to that dwelling unit may encroach the same amount of the established building line. Construction of a new primary dwelling unit on the same side of the street may also encroach into what is established as the building line. Either exception shall maintain a minimum ten (10) foot front yard setback.



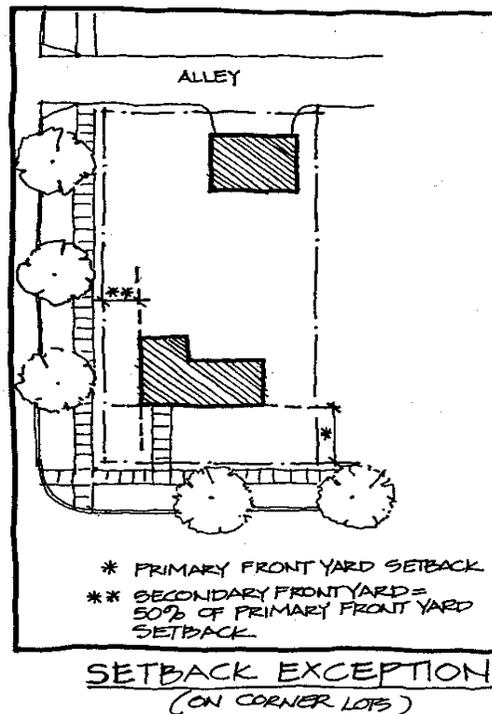
- In all cases where setback exceptions apply, garages which have access from the street, shall have a minimum front yard setback of twenty (20) feet and must be either on an even plane with the primary dwelling units or have a greater front yard setback than the primary dwelling units.
- If two or more principal residential buildings are located on the same parcel, setbacks must be provided as if the principal buildings were located on separate parcels, except that if a principal residential building is constructed behind or in front of another principal residential building, the minimum separation distance required between the two principal buildings must be at least equal to the sum of the two required side setbacks of the subject zoning district.



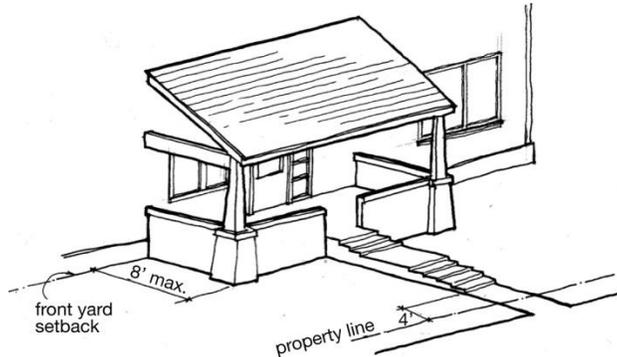
- When an existing primary dwelling unit encroaches into the side or rear yard setback, additions to that unit may also encroach, but no further than does the existing structure.



- On corner lots, the secondary front yard setback may be reduced by fifty percent (50%) of the primary front yard setback requirement for the primary dwelling units, to a minimum of ten (10) feet.



7. Open porches or deck, excluding steps, may project into a primary front yard setback up to a maximum of eight (8) feet, but shall be setback a minimum of four (4) feet from the property line.



8. When a contiguous set of lots is served by a back alley and has no building line already established by existing structures, the primary front yard setback of those lots may be reduced by fifty percent (50%) or to ten (10) feet, whichever provides the greater setback.
9. When a contiguous set of lots is served by a boulevard sidewalk and has no building line already established by existing structures, the primary front yard setback of those lots may be reduced by fifty percent (50%) or to ten (10) feet, whichever provides the greater setback.

C. Accessory Structures

1. Accessory structures must be located on the same parcel as the principal use to which they are accessory.
2. Accessory structures must comply with other requirements, such as plat restrictions, floodplain, shoreline, sanitation, sight visibility, drainage, and easement requirements.
3. No accessory structure shall be erected in any required primary or secondary front yard setback.
4. No accessory structure shall be erected within 3' of any perimeter lot line.
5. Any accessory building used for raising and housing livestock shall meet the following setbacks:
 - a. Fifty (50) feet
 - b. One hundred (100) feet to any place of human habitation under separate ownership or on a separate lot.
 - c. One hundred (100) feet from any watercourse.
6. Accessory structures must be constructed in conjunction with or after the principal structure. They may not be built before the principal building.
7. Agricultural and Residential Zones
 - a. Accessory structures in agricultural and residential zones that do not exceed 200 square feet in area and not requiring a building permit do not require a Zoning Compliance Permit, but are subject to the requirements of these regulations.
 - b. Accessory structures in A, -RR, -R, and other applicable agricultural and residential zoning districts not requiring a Zoning Compliance Permit and not exceeding 8'6" in height are exempt from side setbacks.

- c. Accessory structures in A, -RR, -R, and other applicable agricultural and residential zoning districts not requiring a Zoning Compliance Permit and not exceeding 12' in height are exempt from rear setbacks.
 - d. Accessory structures must comply with the height restrictions in the applicable zoning district and are not eligible to any height exceptions; however, accessory structures not requiring a Zoning Compliance Permit may not exceed 12' in height.
 - e. The cumulative building coverage of accessory structures on a lot in an agricultural or residential zone shall not be more than 30% of the gross lot area, excluding accessory structures used for agriculture.
8. Non-Residential Zones
- a. Accessory structures in commercial and public zones must be set back 5' from any adjacent residential zone.
 - b. Accessory structures in industrial zones must be set back 100' from any adjacent public, agricultural, or residential zone.
 - c. Accessory structures may not exceed the height of the principal building on the same parcel in commercial and industrial zoning districts.
 - d. Accessory structures in public zones shall comply with the height restriction of that zone.
- D. Temporary buildings for and during construction of any allowed use shall be permitted, provided that such temporary buildings shall be removed within thirty (30) days of end of construction or end of the Building Permit period.
- E. For legal nonconforming lots of record which are smaller than the minimum size required of the district in which they are located, the Zoning Officer may apply setbacks, lot area and frontage standards from a district where the minimum lot size most nearly equals that of the nonconforming lot.
- F. For lots with severe floodplain or topographic limitations, the Zoning Officer may reduce required setbacks by one-half (½).
- G. For corner lots used for multiple-family and non-residential purposes, lot lines adjacent to streets shall be front yard lot lines and the remaining lot lines shall be side yard lot lines.
- H. For corner lots used for one or two-family dwellings, the Zoning Officer may, in the interest of safe driving visibility, determine the front yard or require two (2) front yards with the remaining yards as side yards.
- I. Density Bonuses
- 1. Process Requirement
 Maximum density may be increased by up to fifty percent (50%) by achieving bonus standards for property which meets the following criteria:
 - a. if the property is located within the area described as the Urban Service Area, as shown in Missoula County Subdivision Regulations *Appendix A, Urban Area Boundaries*,
 - b. if current zoning allows eight (8) dwelling units per acre or less; and,
 - c. if the development will be connected to a waste water collection and treatment facility, not to include individual or community drainfields.
 - 2. Neighborhood Notice Requirements
 Before the density bonus application is submitted, and after the pre-application meeting, the developer shall meet with the neighborhood, homeowner or landowner associations, community council, or other neighborhood organization identified by the Planning Office,

and any individuals who respond to the posted meeting notices. The developer may choose to meet with all groups at the same meeting at a location within the neighborhood or the closest meeting place available. The meeting does not have to occur at a regularly scheduled meeting of the association or community council and need not be rescheduled if no one attends. The development application shall include copies of any written response from neighborhood organizations and individuals and minutes from the neighborhood meeting detailing comments and suggestions, and the applicant's response to each comment and suggestion. The developer shall provide notice as follows:

- a. Posted meeting notices within thirty (30) feet of the property where the proposed project is to be located, in three (3) locations, in public rights-of-way or other locations clearly visible to the greatest numbers of public; and
 - b. Mailed meeting notices, at least fifteen (15) working days in advance, to residents within three hundred (300) feet of the project, neighborhood, homeowner, or landowner associations, community councils, or other neighborhood organization identified by the Planning Office.
3. Bonus Items - The following rules of interpretation shall apply:
- a. Each bonus item provides a density increase of a specified percentage over the base zoning density up to the maximum allowance.
 - b. Base density is computed based on gross acreage. The computed base density is decreased to the nearest whole number.
 - c. Bonus density is rounded to the nearest whole number, with any unit five tenths (0.5) or greater rounding up and may be awarded up to the maximum of fifty percent (50%) of base density.
 - d. Discretion in granting a density bonus may be based on factors including, but not limited to, neighborhood character, natural resource constraints, provision of services, or public health and safety.
4. The following items may be used to achieve density bonuses:
- a. Seventy-five percent (75%) of the residential dwelling units are on lands which have separate legal descriptions. The computed number of units required to qualify for this bonus item is increased to the nearest whole number. (20% Bonus)
 - b. Fifty percent (50%) are detached single-family dwelling units, where the building footprint does not exceed nine hundred (900) square feet of ground floor living area. The computed number of units required to qualify for this bonus item is increased to the nearest whole number. (20% Bonus)
 - c. Housing meets the needs of low and moderate income households for a minimum of fifteen (15) years, e.g. low income tax credits. (20% Bonus)
 - d. Approved cluster/open space development. (20% Bonus)
 - e. Adaptive re-use of historical buildings and structures approved by the Missoula Historic Preservation or Zoning Officer or rehabilitation of an existing structure that results in the repair, reconstruction, or improvement of an existing structure to provide decent, safe, and sanitary housing or to conform housing with state or local health, building, fire prevention, and safety codes. (20% Bonus)
 - f. Approved neighborhood commercial use within the development. (20% Bonus)
 - g. Connection to waste water treatment and collection facility, not to include individual or community drainfields. (20% Bonus)

J. Hillside Design Standards

1. Purpose

Hillside areas of the County of Missoula are characterized by slope, vegetation, drainage, rock outcroppings, geologic hazards, and other physical factors which, if disturbed for the purposes of development, can cause physical damage to public and private property. Therefore, the development of such areas and adjacent land requires special care.

These standards, guidelines, and criteria apply to developments located on slopes over ten percent (10%) and are intended to supplement other standards within the Missoula County Zoning regulations, in order to substantially accomplish the following objectives:

- a. The protection of hillside land and resources within the legitimate expectations of property owners and the County’s overall goals;
- b. The protection of the public from natural hazards due to seismic activity, soil characteristics which are limiting, landslides, slope instability, sedimentation, stormwater runoff, sheet flooding on frozen surfaces, soil erosion, and groundwater;
- c. The preservation of natural features, wildlife habitat, and open space;
- d. The retention of natural topographic features, such as drainage channels, streams, ridge-lines, rock outcroppings, vistas, trees and native vegetation;
- e. Promote design sensitive to existing vistas;
- f. The preservation and enhancement of visual and environmental quality by use of natural vegetation and minimal excavation and terracing;
- g. The assurance of an adequate transportation system, including non-motorized transportation, for the total hillside area that considers densities and topography with minimal cuts, fills, and other visible scars;
- h. The establishment of on-site and off-site transportation systems that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at all times;
- i. The encouragement of innovative planning, design, and construction techniques for development in environmentally sensitive areas; and,
- j. The mitigation of adverse environmental impacts, including, but not limited to, erosion and the degradation of air and water quality.

2. Lot Slope and Density within the Urban Service Area

- a. For properties located within the Urban Service Area, as defined and mapped in the Missoula County Growth Policy, permitted density is adjusted down for land within slope categories greater than ten percent (10%). The density may be used within that slope category or may be used in a lesser slope category.
- b. Density is adjusted using the table below.

Adjusted Density Calculations

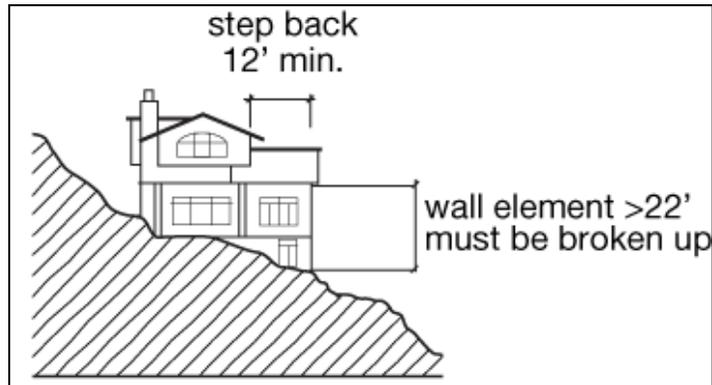
Slope Category	Permitted Density
0 – 10%	Number of units permitted by zoning. No adjustment to zoning density.
10.01 – 20%	Number of units permitted by zoning x .70
20.01 and greater	Number of units permitted by zoning x .50

- c. According to the goals and objectives within this section density recuperation up to the maximum allowance of fifty percent (50%) of the adjusted density may be applied to the adjusted density. Density for the hillside land in each slope category shall not exceed maximum density allowed by the underlying zone for the area of land within that slope category. Units permitted in each slope category through density recuperation shall be physically placed in that or a lesser slope category.
 - i.) Density recuperation may be applied if the property meets the Process Requirements and Neighborhood Notice Requirements of the Density Bonus section.
- d. **Density Recuperation Items**
 Density recuperation is based on gross acreage and is always rounded to the nearest whole number. Density recuperation may be awarded, subject to Zoning Officer approval, as follows:
 - i.) Fifty percent (50%) detached single-family dwelling units, where the building foot print does not exceed nine hundred (900) square feet of ground floor living area. Units required are always rounded up to the next whole unit. (20% Bonus)
 - ii.) Providing a cluster/open space development. (20% Bonus)
 - iii.) Connection to a waste water collection and treatment facility, not to include individual or community drainfield. (20% Bonus)
- 3. All structures shall be constructed on a minimum buildable area of two thousand (2,000) contiguous square feet of land with a slope of less than twenty-five percent (25%). Building construction on slopes greater than 25% is prohibited. Lots created prior to the adoption of Resolution #2001-011, on January 30, 2001, are exempt from this requirement.
- 4. **Driveways**
 Driveways shall be designed to minimize cut and fill and site disturbance, provide year-round access, and accommodate emergency response equipment. The driveway shall substantially follow the natural contour and not exceed the maximum grade of the regulations. Driveway plans shall be approved by the appropriate fire jurisdiction prior to issuance of a Zoning Compliance Permit.
- 5. **Design Standards**
 - a. When structures are located on hillside land, they shall be designed to fit into the hillside, rather than altering the hillside to fit the structure. The design may require the use of one or more methods to fit into the hillside.
 Methods for incorporating structures into hillsides are:
 - i.) Reduced footprint design, where the building footprint does not exceed nine hundred (900) square feet of ground floor living area.
 - ii.) Multiple "step up" or "step down" structures which follow the natural hillside slope on any buildable portion of the site.
 - iii.) Orient buildings to slopes so that the greatest horizontal dimension is parallel with, not perpendicular to, the natural contour of the land.
 - iv.) Use of landscape screening, if the underside of the building is exposed.
 - v.) Building pads which are graded with a minimum of fill slope on downslope side.
 - vi.) Other hillside design methods that meet the intent of this section and meet the goals of the adopted growth policies.

b. Building Wall Elements

- i. Wall elements adjacent to grade shall be measured from the lowest existing grade to the underside of the eave or top of coping of a flat roof.
- ii. Wall elements not adjacent to grade shall be measured from the lowest point at which the wall element intersects any part of the adjacent building element to the underside of the eave or top of coping of a flat roof.
- iii. A gable end above the eave shall be excluded as part of the wall element measurement.
- iv. Building wall elements may not exceed twenty-two (22) feet in height (vertically).

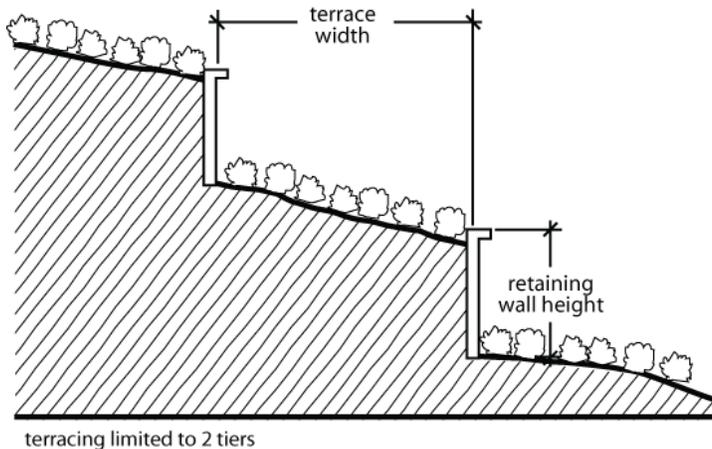
Individual wall elements may be stacked vertically if the total cumulative vertical dimensions of all stacked wall elements does not exceed twenty-two (22) feet in height or if the wall elements are offset by at least twelve (12) feet in horizontal distance. Wall elements will be considered offset for the purpose of these hillside regulations only if (1) they are separated by at least twelve (12) feet in horizontal distance, and (2) the offset occurs by stepping the building back towards the slope (uphill).



c. Retaining Walls

- i. Where retaining walls are used, the walls should step down from the building structure following the natural hillside contours. Maximum permitted height of a retaining wall is six feet zero inches (6'- 0") measured from finished grade.

- ii. Terracing of retaining walls is limited to two tiers. The width of the terrace between 4-foot or shorter vertical retaining walls must be at least three (3) feet. Retaining walls with a height of more than four (4) feet must be separated from any other retaining wall by a minimum horizontal distance of five (5) feet. Terraces created between retaining walls must be permanently landscaped or revegetated.



- d. The highest part of any structure shall be a minimum of eighty (80) vertical feet below the closest point on the nearest prominent hilltop or ridgeline. The ridgeline's natural contour and native vegetation must remain intact. A map locating prominent hilltops and ridgelines is available at the Planning Office. In addition, the choice of buildable area shall weigh the need to protect conservation resources, such as natural slope, areas of

riparian resource and habitat for species of special concern against the need to protect the view from the valley floor. If an alternative design is proposed, the applicant shall provide a written statement stating how the design meets the intent of this section. On approving alternative designs, the Zoning Officer may require more restrictive hillside design standards.

6. Submittal Requirements

- a. Drawings showing that no part of the building or structure pierces the building envelope plane;
- b. A topographic map which shall identify the site boundaries, natural drainage courses, rock outcroppings, known landslides and other geologic hazards. The topographic map shall be prepared by a professional engineer, licensed land surveyor or other qualified licensed professional, and shall have a scale of not less than one (1) inch to fifty (50) feet and a contour interval of not more than two (2) feet unless otherwise approved by the Planning Office.
- c. When requested by the Planning Office, a site plan of the entire development showing areas of slope category between: 0 - 10%, 10.01 - 20%, 20.01 - 25%, and over 25%.

K. Cluster Development Standards

1. Purpose

Cluster development standards are established to provide an administrative method to permit modifications of lot size and width, setbacks and parks, open space and common area requirements without the review of multiple boards and requiring multiple variances, in order to permit the grouping of structures pursuant to a preconceived development plan, which meets one or more of the following objectives:

- a. Provide efficient use of the land while substantially preserving wildlife habitat, viable agricultural land, historical features, open space, scenic views, natural drainage systems or other desirable features of the natural environment, which enhances our quality of life;
- b. Provide for a diversity of lot sizes, of housing units sizes and types, of housing choices or building densities in order to accommodate a variety of age and income groups;
- c. Allow housing to be concentrated on sites that are outside of sensitive land areas;
- d. Create or enhance neighborhoods with distinct identities, a sense of community, and access to open space and other neighborhoods;
- e. Encourage innovation and promote flexibility, economy, and creativity in development;
- f. Provide open space areas for conservation or agricultural purposes, or passive or active recreational areas for use by residents of the development and, where specified, the larger community;
- g. Protect existing historic buildings or incorporate them into the development through adaptive reuse;
- h. Arrange structures to avoid adverse effects of shadows, noise, and traffic on the residents of the site;
- i. Reduce infrastructure and service costs; and
- j. Preserve aesthetics of the neighborhood by providing variation of continuous development pattern.

2. Definitions

- a. Rural Cluster Open Space Development

A development of two (2) or more structures, where the density of the development is two (2) dwelling units per acre or less, and where at least one hundred percent (100%) of the net lotted area is either dedicated or set aside as open space lands. The land area shall be either dedicated or set aside as open space lands for parks, open space lands as defined in these regulations, conservation easements, or common area held by the property owner where lots or dwelling units are leased or rented, a property owners association, a land conservation entity or governing body. Open space lands set aside as common area rather than dedicated to public use may not experience a change of use without the approval of the governing body and the property owner where lots or dwelling units are leased or rented, or entity in whose name the title to the property is held.

b. Urban Cluster Open Space Development

A development of two (2) or more structures, where the density of the development is greater than two (2) or more dwelling units per acre, and where at least sixty percent (60%) of the net lotted area is either dedicated or set aside as open space lands. The land area shall be either dedicated or set aside as open space lands for parks, open space lands as defined in these regulations, conservation easements, or common area held by the property owner where lots or dwelling units are leased or rented, a property owners association, a land conservation entity or governing body. Open space lands set aside as common area rather than dedicated to public use may not experience a change of use without the approval of the governing body and the property owner where lots or dwelling units are leased or rented, or entity in whose name the title to the property is held.

c. Small Scale Cluster Open Space Development

A development of two (2) or more structures where the gross area of the development is five (5) acres or less and where at least eleven percent (11%) of the net lotted area is increased by the same percentage proportion of density bonus received under the General Standards and is either dedicated or set aside as open space lands. The land area shall be either dedicated or set aside as open space lands for parks, open space lands as defined in these regulations, conservation easements, or common area held by the property owner where lots or dwelling units are leased or rented, a property owners association, a land conservation entity or governing body. Open space lands set aside as common area rather than dedicated to public use may not experience a change of use without the approval of the governing body and the property owner where lots or dwelling units are leased or rented, or entity in whose name the title to the property is held.

d. Planned Neighborhood Cluster

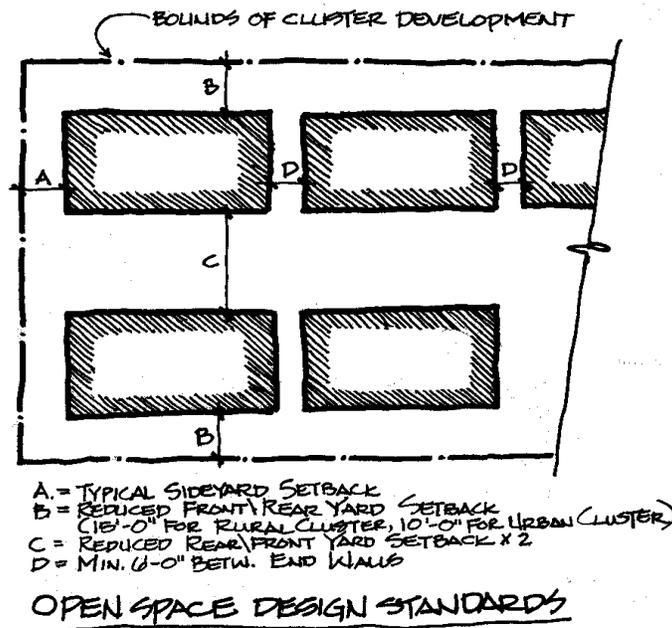
A development of two (2) or more structures which incorporates elements of urban design that improve spatial arrangement and neighborhood function, encourage social integration and complement the setting beyond what would be permitted within the strict performance standards of the zoning district in which it is located. Cluster density bonuses are not available and no enhanced open space requirement applies in this type of development.

3. Submittal Requirements

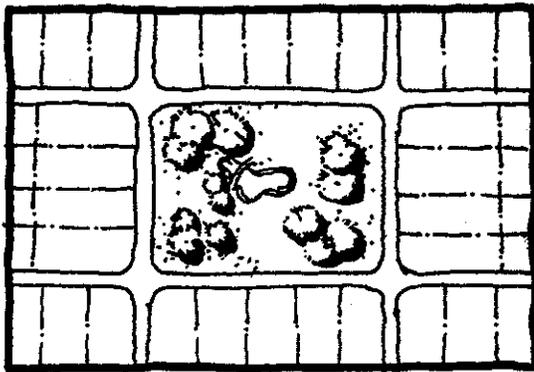
The submittal requirements for cluster developments shall include the following items:

- a. A "Potential Yield Sketch Plan" to demonstrate the development potential using conventional zoning. This plan shall show, in a general fashion, the density calculated using conventional lot size, width, and residential density allowed by the applicable zone.

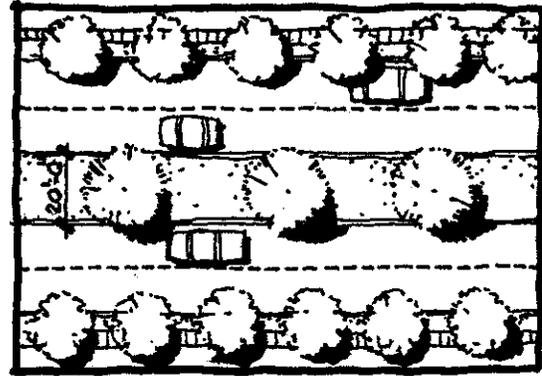
- b. A "Proposed Cluster Development Plan" in addition to other submittal requirements, showing the proposed cluster development, including:
 - i.) The number and types of housing units proposed.
 - ii.) If a mixed use development is proposed, non-residential uses shall be shown on the plan.
 - iii.) Location of proposed open space.
 - iv.) Location and dimensions of streets, roads, sidewalks, walkways and trails.
 - c. For a "Proposed Planned Neighborhood Cluster," in addition to other submittal requirements, a plan showing the proposed cluster development, including:
 - i.) The size, arrangement and location of lots.
 - ii.) The type, size and location of structures, proposed building groups, and parking facilities.
 - iii.) Architectural drawings or sketches illustrating typical design and character of proposed structures.
 - iv.) General landscape treatment for common areas and boulevards and typical treatment of lots or buildings.
 - v.) General outline of intended organizational structure related to property owner's association, deed restrictions and provision of services.
 - vi.) Description of compliance with design criteria.
4. General Design Standards for all Cluster Developments
- a. Dimensional Standards: Modifications of lot size, lot width, and setbacks are permitted. The side yard setback reduction does not apply to the side building setback adjacent to lots that are not part of the cluster development.



- i.) No minimum lot size is specified.
 - ii.) Front and rear yard setbacks may be reduced to a minimum of ten (10) feet. The distance between structures shall be doubled from the above requirements when lot lines are not created. All garages which have access from the street, shall have a minimum setback of twenty (20) feet from the property line and must be either on an even plane with the primary dwelling units or have a greater front yard setback than the primary dwelling units.
 - iii.) Minimum separation between endwalls of structures: six (6) feet.
 - iv.) Outside of the Urban Service Area minimum distance of any residence from any agricultural use outside the development: fifty (50) feet.
5. Additional Design Criteria for Planned Neighborhood Cluster
- a. A Planned Neighborhood Cluster shall incorporate materials and configurations for walls, roofs, openings and other elements that result in the following:
 - i.) Architectural compatibility among structures within the neighborhood;
 - ii.) Human scale design;
 - iii.) Pedestrian use of the neighborhood;
 - iv.) Cohesive development patterns.
 - b. A Planned Neighborhood Cluster must meet two (2) of the following:
 - i.) Enhance the existing neighborhoods in ways identified through the review process.
 - ii.) Incorporate architectural and site plan designs beyond what is otherwise required to increase social contact in the neighborhood including one or more of the following:
 - 1) Reduced front yard setbacks
 - 2) Common drives
 - 3) Front and side porches
 - 4) Central square
 - 5) Cluster mail boxes or bus stops which include a kiosk
 - 6) Low or transparent fences
 - iii.) Provide alleys, side facing garages, or front loading rear set garages.
 - iv.) Include outdoor areas, (e.g. yards, patios decks, courtyards) which provide personal privacy.
6. Parks, Open Space, and Common Area Criteria
- Land area shall be either dedicated or set aside as open space lands for parks, open space lands as defined in these regulations, conservation easements, or common area held by the property owner where lots or dwelling units are leased or rented, a property owners association, a land conservation entity or governing body. Open space lands set aside as common area rather than dedicated to public use may not experience a change of use without the approval of the governing body and the property owner where lots or dwelling units are leased or rented, or entities in whose name the title to the property is held. Open space land dedication or set aside shall meet at least one of the following criteria:
- a. A central green or square, which is bordered by streets or paths on at least three (3) sides.
 - b. A landscaped central boulevard or "parkway" at least twenty (20) feet wide (up to fifty percent (50%) of the required dedication).

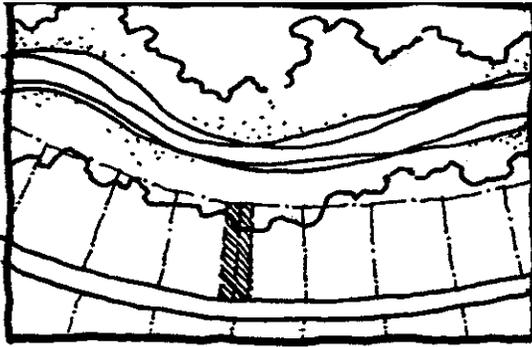


A.

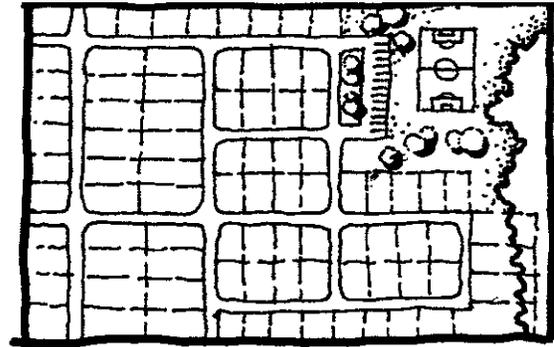


B.

- c. The preservation of physical amenity such as a meadow, a stand of trees, a wildlife corridor, a stream or other water body, an area of riparian resource, or some other natural feature.
- d. A site for active recreation on land with slopes that average three percent (3%) or less. Grade standards will vary depending on the use proposed.



C.



D.

OPEN SPACE CRITERIA

- e. Pedestrian/bicycle greenway corridors if such corridor is determined by the County Park Board to have a primarily recreational function (up to fifty percent (50%) of the required dedication).
- f. Preservation of hillside lands within hillside development (up to fifty percent (50%) of the required dedication). If none of the park criteria can be accomplished, then a percentage greater than fifty percent (50%) of park land may be for the preservation of hillsides, in combination with meeting the criterion of (h) below.
- g. Courtyard, provided the courtyard shall be part of a common area dedicated to a private homeowners association.
- h. Other parks, open space, and common area designs which meet the intent of this section and meet the goals of adopted neighborhood parks and open space, and area plans.

L. Grading, Drainage, and Erosion Control

1. Purpose

The purpose of this section is to ensure that site grading and the control of storm water runoff, both quantity and quality, comply with Missoula County Standards. The standards herein are

intended to protect public health and safety, preserve natural drainage systems, and mitigate the effects on property from erosion, sedimentation, flooding, and site grading.

2. General Standards

- a. Grading, drainage, and erosion control shall be reviewed by County Public Works to ensure compliance with the County Public Works Manual, as amended, which is adopted and incorporated herein by reference.
- b. In residential developments with lot sizes one (1) acre or smaller in size, if the total percentage of the impervious surface exceeds thirty-five (35%) of the lot size, additional drainage and erosion control considerations may be required. Cluster open space developments are exempt from this standard.

M. Mining, Sand and Gravel Extraction

- 1. Mining, sand, and gravel extraction, including any accessory buildings and uses, shall not be permitted in any of the following residential/agricultural zoning districts: C-A2, C-A3, C-RR1, C-RR2, C-RR3, C-R1, C-R2, and C-R3.
- 2. When the proposal is to rezone a geographic area from C-A2, C-A3, C-RR1, C-RR2, C-RR3, C-R1, C-R2, and C-R3 to any other county zone not previously listed, the applicant must address the issue of sand and gravel mining as outlined in Section 8.20. B. 6. of these regulations.

N. Seasonal Commercial and Temporary Uses

1. Intent

The seasonal commercial and temporary use regulations of this section are intended to permit such occasional, seasonal, and temporary uses and activities when consistent with the overall purposes of these zoning regulations and when the operation of the use will not be detrimental to the public health, safety or general welfare.

2. Definitions

a. Temporary Use

The temporary use of property conducted from an area or structure (*e.g.* parking lots, lawns, trucks, tents, or other temporary structures) that does not require a building permit and that may or may not comply with the use or space and bulk requirements of the zoning district in which the temporary use is located.

b. Seasonal Commercial Use

A seasonal commercial use of property is authorized in any zone which allows the same activity as a permanent use, operates no more than thirty (30) consecutive days and no more than ninety (90) days in one (1) year, complies with the requirements of the zoning district in which the seasonal commercial use is located, and may or may not require a building permit.

3. Authority to Approve

- a. Except for the uses listed in Section 3.06 N. 4. Exceptions, seasonal commercial and temporary uses are subject to the requirements of Section 8.22 A. Zoning Compliance Permits and, where specified, conditional use or special exception review requirements of these regulations.
- b. The Zoning Officer and/or County Board of Adjustment is authorized to approve seasonal commercial and temporary uses that comply with the provisions of this section and to impose conditions on the operation of seasonal commercial and temporary uses

that will help to ensure that they do not create unreasonable adverse impacts on surrounding uses. Section 4.06 outlines conditions that may be imposed on the operation of such uses to ensure that they operate safely and consistent with the general purposes of these regulations.

4. Exceptions

- a. The following uses are permitted without complying with the zoning compliance permit or special exception review requirements of these regulations:
 - i. Garage sales conducted in agricultural (A) or residential (RR or R) districts or on parcels occupied by residential dwelling units for no more than twelve (12) days total in any calendar year;
 - ii. Garden produce stands as an accessory use to agriculture, subject to the same time limitation as a seasonal commercial use listed in 3.06 N. 6.
 - iii. Temporary uses of no more than three days duration conducted on county parkland or public property, provided such uses have been approved by the Board of County Commissioners or other duly authorized County official.

5. Authorized Uses

a. Temporary Uses

The following may be approved as a temporary use when the operation of such use will be generally compatible with surrounding uses and will not be detrimental to public safety:

- i. outdoor carnivals; concerts, festivals and similar events;
- ii. temporary sales offices;
- iii. auctions; and,
- iv. similar uses and activities.

b. Seasonal Commercial Use

The following may be approved as a seasonal use in any zone which allows the same activity as a permanent classification of use when the operation of such use will be generally compatible with surrounding uses and will not be detrimental to public safety:

- i. firework stands;
- ii. organized markets;
- iii. Christmas tree and similar holiday sales lots; and,
- iv. similar uses and activities.

6. Time Limit

a. Temporary Use

- i. In agricultural (A) and residential (RR and R) zoning districts, temporary uses may be permitted up to four times per calendar year per parcel for a maximum of ten days per occurrence. Upon expiration of a zoning compliance permit for a temporary use, another seasonal commercial or temporary use permit for the same premises may not be obtained for at least 30 days.
- ii. In nonresidential zoning districts temporary uses may be permitted for up to 90 days per calendar year per parcel. There is no limit on the number of occurrences or events as long as the 90-day cumulative limit is not exceeded.
- iii. The applicant must submit a written explanation of the length of time needed for a proposed temporary use.

- b. Seasonal Commercial Use
 - i. A seasonal commercial use may be permitted for no more than thirty (30) consecutive days and no more than ninety (90) days in one (1) year. If any site is used or licensed for seasonal commercial use for more than ninety (90) days in any twelve (12) month period such site shall meet the same standards as required of any permanent use.

O. Condominium and Townhome Exemption Development (C-TED)

1. Intent

Condominium and Townhome Exemption Development is intended to encourage affordable fee simple single unit, two-unit, and multi-unit residential, commercial, or industrial development without subdivision review in accordance with to MCA, §76-3-203 and Missoula County Zoning Regulations.

2. Condominium Conversion to Townhomes

Conversion of condominium projects constructed prior to April 11, 2017, are not subject to the provisions of C-TED regulations unless dwelling units are added.

3. General Standards

- a. C-TEDs must be constructed on land previously subdivided in compliance with the Montana Subdivision and Platting Act, Title 76, Chapter 3, Parts 5 & 6, MCA.
- b. C-TEDs are subject to the space and bulk requirement of the zoning district in which they are located.
- c. C-TED developments must be constructed to County road standards,
- d. The maximum number of dwelling units allowed within a C-TED is computed by dividing the net area of the site by the subject zoning district’s minimum lot area. Net site area is calculated by subtracting all of the following from the site’s gross land area:
 - i. Special flood hazard areas;
 - ii. Jurisdictional (Army Corps of Engineers) wetlands and waterways;
 - iii. Riparian resource areas;
 - iv. Land with slope greater than 25%. (Note that Section 3.06 J. 2. may also adjust density on hillside land, if applicable.)
- e. Residential C-TED
 - i. Minimum setbacks for residential Condominium and Townhome Exemption Development (C-TED) dwellings are measured to the nearest property line or public circulation system such as a street, roadway, sidewalk, or trail in the case of primary front or secondary front yard setbacks, whichever is closer.
 - ii. Rear and side setbacks are measured to the nearest dwelling or parcel line, whichever is closer.
 - iii. When measuring the separation between adjacent dwelling units within the same development, multiply the minimum setback number by two.

4. Submittal Requirements

When applying for a Condominium and Townhome Exemption Developments (C-TEDs), pursuant to MCA, §70-23-301, Contents of Declaration, the application shall include the following:

- a. a description of the land, whether leased or in fee simple, on which the building is located or is to be located;
 - b. the name by which the property will be known and a general description of the building, including the number of stories and basements, the number of units, and the principal materials of which it is constructed;
 - c. the unit designation, location, approximate area of each unit, and any other data necessary for proper identification;
 - d. a map showing the areas of special flood hazard areas, jurisdictional (Army Corps of Engineers) wetlands and waterway, riparian areas, and slopes over 25% to calculate net density allowance;
 - e. a description of the general common elements and the percentage of the interest of each unit owner in the common elements;
 - f. a description of the limited common elements, if any, stating to which units their use is reserved and in what percentage;
 - g. a statement of the use for which the building and each of the units is intended;
 - h. an application for Special Exception, when applicable
5. Permitted Use
- a. A development of five or fewer dwelling units in districts that only allow detached single-family or two-family dwellings
 - b. A development of nine or fewer dwelling units in districts that allow multiple-family dwellings
 - c. A development of commercial, industrial, or public/quasi-public buildings or units
6. Special Exception
- a. A development of six or more dwelling units in districts that only allow detached single-family or two-family dwellings
 - b. A development of ten or more dwelling units in districts that allow multiple-family dwellings

P. Tax Increment Financing (TIF) District Standards

1. Purpose and Intent

The purpose and intent of this section is to ensure that infrastructure-deficient areas, which are statutorily intended for the attraction, retention, growth, and development of value-adding industries, continue to be available to meet that intent for the life of the TIF provision and/or district.

These standards, guidelines, and criteria apply to developments located within Missoula County TIF districts and are intended to supplement other standards within the Missoula County Zoning regulations in order to substantially accomplish the following objectives:

- a. protect public health and safety;
- b. accommodate trade and basic manufacturing;
- c. accommodate secondary value-adding industry;
- d. accommodate manufacturing, processing, fabrication, and assembly of parts and materials;
- e. accommodate technology-based businesses;
- f. accommodate manufacturing and technology service providers; and,
- g. protect TIF districts from being dominated by non-industrial uses.

2. Definitions

a. Secondary value-adding industry

A business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Missoula County that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.

b. Secondary value-added products or commodities

Products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.

c. Subordinate

A use of less importance than the associated permitted use it is dependent upon, as determined by at least two the following: revenue generation, size and extent, and operation.

d. Tax-increment financing

A state-authorized, locally-driven funding mechanism that allows counties to direct property tax dollars that result from new development, within a specifically designated district, to community and economic development activities within that district. The use of TIF is authorized in §7-15-4201 and 4301, *et seq.* of the Montana Code Annotated (MCA), the State’s Urban Renewal Law. Districts within which TIF can be used are characterized by infrastructure deficiencies that have limited or prohibited new investment.

e. Tax-Increment Finance (TIF) District

A legally described area established by Missoula County, in accordance with state law, where it has been determined there is a lack of public infrastructure to support and retain value-adding economic development, and that it is in the best interest of citizens of Missoula County to invest TIF funds in support of value-adding economic development. In 2013, Targeted Economic Development Districts (TEDDs) replaced the two types of TIF districts previously established in Missoula County - Tax Increment Financing Industrial Districts (TIFIDs) and Technology Districts.

- f. Tax-Increment Finance Industrial District (TIFID)
A TIF District, established prior to 2013 and zoned industrial, intended for businesses or organizations engaged in secondary value-adding industry.
 - g. Tax-Increment Finance Targeted Economic Development District (TEDD)
A TIF District, established since 2013, intended for businesses or organizations engaged in secondary value-adding industry.
3. Applicability
The provisions of this section (3.06 P) shall only apply to TIF districts zoned C-11 and C-12.
 4. Space and Bulk Requirements
The space and bulk requirements of the underlying zoning district shall be met.
 5. General Standards
See Supplementary Regulations - Chapter 3
 6. C-11 (TIF) – Modified List of Uses
 - A. Permitted Uses
 1. Industrial uses which do not require an industrial air quality permit from the Missoula City-County Health Department and which do not require a Montana Air Quality Permit as described in the Administrative Rules of Montana, Title 17, Chapter 8
 2. Veterinary services, animal hospitals, and kennels
 3. Commercial and industrial mini-warehouse
 4. Wholesale trade
 5. Printing and publishing establishment
 6. Research laboratories
 7. Technology-based operation
 8. Professional, business, and governmental office
 9. Public utility
 10. One single-dwelling for exclusive use by owners, caretakers, or other managerial personnel and their immediate families, as an accessory use
 11. Agriculture, including any and all structures or buildings needed to pursue such activities
 12. Open space land
 13. Accessory buildings and uses
 - B. Conditional Uses
 1. Industrial use which conforms to all of the Light Industrial Standards of Section 4.05 C., excluding use whose principal activity is the processing, refining, transfer, distribution, or bulk storage of flammable liquids, solids, or gas
 2. Automotive, marine, trailer, mobile home, recreational vehicle, and accessories sale, rental, and service
 3. Building material, hardware, and farm equipment sale, storage, and service
 4. Distribution and transportation facility, excluding railroad facility
 5. Seasonal commercial and temporary uses

6. All other uses listed in C-11, Section 2.18 D. Permitted Uses, and 2.18 E. Conditional Uses, subordinate to a primary use
- C. Special Exceptions
 1. Industrial uses which conform to all the Heavy Industrial Standards of Section 4.05, D., except for the exclusions listed under Conditional Uses above
7. C-12 (TIF) – Modified List of Uses
 - A. Permitted Uses
 1. Industrial uses which do not require an industrial air quality permit from the Missoula City-County Health Department, and which do not require a Montana Air Quality Permit as described in the Administrative Rules of Montana, Title 17, Chapter 10, and which do not require a Montana Air Quality Permit as described in the Administrative Rules of Montana, Title 17, Chapter 12
 2. Veterinary services, animal hospitals, and kennels
 3. Commercial and industrial mini-warehouse
 4. Wholesale trade
 5. Printing and publishing establishment
 6. Research laboratories
 7. Technology-based operation
 8. Professional, business, and governmental office
 9. Public utility
 10. One single-dwelling for exclusive use by owners, caretakers, or other managerial personnel and their immediate families, as an accessory use
 11. Agriculture, including any and all structures or buildings needed to pursue such activities
 12. Open space land
 13. Accessory buildings and uses
 - B. Conditional Uses
 1. Industrial uses which conform to all of the Heavy Industrial Standards of Section 4.05 D.
 2. Uses whose principal activity is the processing, refining, transfer, distribution, or bulk storage of flammable liquids, solids, or gas
 3. Railroad freight terminal and switch yard
 4. Automotive, marine, trailer, mobile home, recreational vehicle, and accessories sale, rental, and service
 5. Building material, hardware, and farm equipment sale, storage, and service
 6. Distribution and transportation facility
 7. Seasonal commercial and temporary uses
 8. All other uses listed in C-12, Section 2.19 D. Permitted Uses, and 2.19 E. Conditional Uses, subordinate to a primary use