

# CHAPTER

# 9



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## 9.1 PURPOSE

The purpose of this chapter is to establish development options and incentives that:

1. Support sustainable and well-planned growth in Missoula County while rewarding the purposeful conservation of resources and conscientious use of land
2. Maximize public and private investment
3. Expand housing options
4. Incentivize quality development where infrastructure exists.

## 9.2 APPLICABILITY

The development types established in this chapter provide standards for where and how development should occur, in addition to the other applicable requirements of these regulations and the standards of the zoning districts in which a development type may be considered. Development types may allow for the underlying district standards to be altered or adjusted in exchange for the protection of a resource, improved design quality, or directing growth toward areas where infrastructure is best suited to handle it. Most of the development types in this chapter work hand-in-hand with the development incentives described in Section 9.11, when a development is able to meet the base criteria by which added density may be considered. Some development types allow for additional density as a condition of meeting the development-specific criteria, on top of a potential bonus when the provisions of Section 9.11 are applied.

## 9.3 CONSERVATION DESIGN DEVELOPMENT

**A) Intent.** Typical rural development patterns often have little, if any, usable open space that isn't privately held in individually owned lots. They often do not result in open space that conserves or protects natural resources, contributes to wildlife and plant habitat, or protects other unique or important features of Missoula County. Conservation design developments are designed to achieve one or more of these objectives while protecting landowners' rights to develop and make reasonable use of their property. This section is intended to incentivize clustering by awarding additional density in areas of the County in exchange for the permanent preservation of land and resources above and beyond what is ordinarily required.

**B) Applicability.** The conservation design development option applies to development that can demonstrate compliance with the criteria of this section through clustering development and permanently conserving and protecting land, resources and/or other public priorities.

### 1. Size and location.

- a. A conservation design development may be proposed in any Open Land and Agricultural Resource or Residential zoning district.
- b. To qualify for a conservation design development, the lot or parcel to be divided must be at least twice the minimum lot size required in the underlying district, except in AGR and AGW zones where the lot or parcel to be divided must meet

the minimum lot size required of the district.

- c. The minimum land area required for a conservation design development will be decided upon on a case-by-case basis by the Zoning Officer based upon the lot or project site to be divided and the resources to be protected.
- d. Conservation development is required in AGW, AGRR-10, and AGRR-5 districts when 5 acres or more of important agricultural soils are present (see Section 9.3.E.3.). A minimum of 50% of the important agricultural soils on the lot or project area shall be included in the conservation land area set aside.

### C) Resource Protection.

- 1. Conservation design developments must demonstrate in its application that the protection and/or enhancement of one or more of the following priorities can be achieved and provide a public benefit through the size, location, configuration, and proposed management of the conservation land area set aside. Protection and/or enhancement of one resource shall not result in degradation of another resource.
  - a. Preservation of important agricultural soils.
  - b. Protection of water bodies or riparian resources.
  - c. Protection or enhancement of wildlife habitat and corridors, including nongame wildlife habitat.

- d. Preservation of important public viewsheds and protection/enhancement of rural character.
- e. Connection of public accesses non-motorized facilities to public parks, trails, open space lands, and water bodies where applicable.
- f. Conservation of historic sites and archeological resources.

**D) Design Standards.** Conservation developments have areas dedicated to development and areas dedicated to resource protection. The design of these areas shall not result in conflicting land uses.

#### 1. General.

- a. All elements of a conservation design developments are subject to the standards within this section as described and all other requirements of these regulations.
- b. Conservation design developments shall be designed to fit the site's topography, physical features, and soil conditions. Regardless of the resource(s) identified for protection, site design that respects natural drainage patterns, the use and preservation of native vegetation, and the stabilization of soils during construction shall be required.



## 2. **Conservation land area set aside.**

- a. A conservation land area set aside will be contiguous to preserve the effectiveness of the resource and to simplify long-term land management. In limited circumstances, a conservation land area set aside may deviate from this default standard as determined on a case-by-case basis by the Zoning Officer based on the location, type of resource to be conserved, and management and/or enforcement impacts. For instance, a conservation land area set asides intended to preserve agricultural soils for future use should be contiguous to preserve the effectiveness of the resource, whereas the preservation of archeological sites may require multiple conservation land area set asides throughout a development.
- b. Land disturbance associated with street and utility construction shall be minimized and may occur within the land area set aside, but disturbed areas shall not count towards the conservation land area set aside.
- c. Clearing, grading, filling, and construction within the conservation land area set aside is not permitted unless the activity is to provide passive recreation, restoration of resources, or agricultural activity as described in the Stewardship Plan and consistent with the resource protection values.

- d. Only native plant materials shall be used for site restoration, soil stabilization, and landscaping within the conservation land area set aside.
- e. The Zoning Officer may approve one home site to support the agricultural use within the conservation land area set aside when that conservation land area set aside was created to protect important agricultural soils or other agricultural activity such as an operating ranch. The home site, including all associated structures necessary to support the agricultural use, shall occupy the minimum footprint necessary to support the use.
- f. Conservation land area set asides may include areas with greater than 25% slopes, in the regulatory floodplain, and in Riparian Resource Protection Areas or Riparian Buffer.

## 3. **Areas dedicated to development.**

- a. Lots within a conservation design development are not subject to their districts' minimum lot sizes or building placement requirements. Setbacks for principal structures can be reduced by up to 50%.
- b. Development shall be sited to protect the most important resources and development shall be sited to minimize negative impacts on the site's natural, visual, cultural resources, and between incompatible uses, activities, and adjacent properties.

- c. Lots and buildings must be clustered, and land disturbance associated with street and utility construction must be minimized.
- d. Low-Impact Stormwater Development (LID) for stormwater management shall be incorporated into the conservation design development plan. Conservation land area set asides cannot be used for stormwater management necessary for the developed areas.
- e. No portion of a lot in the developed portion of the development can include areas with greater than 25% slopes, in the regulatory floodplain, or in Riparian Resource Protection Areas or Riparian Buffer.

#### 4. **Mobility.**

- a. Pedestrian and bicycle facilities proposed as amenities within a conservation development must be designed to reduce impervious surfaces and connect to the wider County transportation system as appropriate.
- b. Pedestrian and bicycle facilities and infrastructure within a conservation land area set aside shall be constructed using natural materials that do not increase runoff due to impervious surfaces.
- c. The internal street network shall be the minimum needed to serve the development while making all feasible motorized and nonmotorized connections.

- E) Conservation Land Area Set Asides and Density Bonuses.** A conservation development that sets aside a conservation land area set aside in order to protect a resource(s) listed in Section 9.3.C.1., may be eligible for a density bonus based on the amount of acreage placed in the conservation land area set aside and the overall public benefit.

#### 1. **General.**

- a. Conservation land area set asides and bonuses are calculated using the acreage and maximum homes per acre potential of the parent lot or project area to be developed.
- b. The maximum homes per acre of a parent lot or project area to be developed is based on the maximum homes per acre of the zoning district.

#### 2. **Bonuses.**

- a. Table 1 below outlines the density bonus amount based on the acreage placed in a conservation land set aside for all the resources listed in Section 9.3.C.1. except for important agricultural soils which is described in Section 9.3.E.3.
- b. Any conservation design development eligible for bonus under Table 1 must have a minimum of 30% of the lot or project area included in the conservation land area set aside.



**Table 1 Conservation Area Requirements**

Amount of Conservation Land Area as a Percentage of the Total Project Site	Potential Increase in Density from Base District
30 – 40 %	140%
40.1 – 50 %	150%
50.1 - 60 %	160%
60.1 - 70 %	170%
70.1+ %	180%
80.1 - 90%	190%
90.1 + %	200%

### 3. Enhanced bonuses for protection of important agricultural soils.

- a. Conservation development meeting the requirements in this section may be eligible for a density bonus per Table 2.
- b. In the AGR district, conservation development is required. A minimum of 70% of the lot or project area must be included in the conservation land area set aside.
- c. Conservation development is required in AGW, AGRR-10 and AGRR-5 districts when 5 acres or more of important agricultural soils are present. A minimum of 50% of the important agricultural soils on the lot or project area shall be included in the conservation land area set aside.
- d. All other conservation developments preserving important agricultural soils are eligible for density bonuses per Table 2 when meeting the

following criteria:

- i. The lot or project area has five acres or more of soils classified as important agricultural soils; and
- ii. At least 50% of the important agricultural soils are preserved.
- iii. Conservation developments preserving important agricultural soils that do not meet these criteria or not required in 9.3.E.3.b. and 9.3.E.3.c., are still eligible for a density bonus per Table 1.

**Table 2 Agricultural Soil Requirements**

Percentage of land area set aside consisting of important ag soils	Potential Increase in Density from Base District
50.1 – 60 %	200%
60.1 - 70 %	250%
70.1 - 80 %	300%
80.1 - 90%	350%
90.1 + %	400%

### F) Process and Procedures.

1. **General requirements.** In addition to all other application materials required by these regulations, the following information must accompany all conservation design development applications.
  - a. An intent statement clearly outlining the purpose of the proposed conservation design development as it relates to the intent statement in Section 9.3.A.
  - b. A summary of the resource

- protection(s) accomplished and public benefits provided as described in Section 9.3.C., including a detailed explanation of how these resources will be preserved or enhanced in conformance with or beyond the minimums established by these regulations.
- c. A list of proposed activities and uses for the conservation land area set aside and a description of how those uses are compatible with the resources and the public benefits in Section 9.3.C.
  - d. Evidence demonstrating that the proposed development meets the standards in Section 9.3.D.
  - e. Except for conservation design development required per Section 9.3.E.3. to protect important agricultural soils, a detailed description and documentation, as applicable, comparing development of the site under traditional site development standards permitted in the base district to the proposed development under the conservation design development standards, including at minimum the parcel sizes, dimensions, and densities.
  - f. The name and contact information for the proposed owner(s) of the conservation land area set as well as the type of legal entity if applicable, and the name and contact information of the person responsible for establishing the legal entity.
  - g. The name, contact information, and legal entity of the parties listed on the legal instrument demonstrating permanent protection that will be filed with the County Clerk and Recorder per Section 9.3.F.4.
2. **Stewardship Plan required.**  
The application shall include a Stewardship Plan that describes how the conservation land area set aside will be managed to ensure the resources and public benefits described in 9.3.C. will be ensured over time.
- a. The Stewardship Plan shall include the following elements:
    - i. The name, contact information, and legal entity of the owner of the conservation land area set aside.
    - ii. When applicable, the name, contact information, and legal entity of the parties listed on the legal instrument demonstrating permanent protection per Section 9.3.F.4.
    - iii. A complete list of proposed activities and uses for the conservation land area set aside including a map of the conservation land area set aside and the location of the proposed activities and uses.
    - iv. A detailed description of the management and maintenance of the conservation land area set aside so that it will continue to fulfill the public priority for which it is proposed.





- v. A schedule of regular and periodic maintenance, operation, and management responsibilities.
  - vi. An estimate of staffing needs, insurance, and other associated costs.
  - vii. Performance standards to ensure that the overall intent of the conservation land area set aside is achieved and maintained. The performance standards shall identify specific monitoring, maintenance, and improvement activities to be undertaken to ensure the conservation land area set aside fulfills its stated purpose.
  - viii. When applicable, any additional information required per the legal instrument, the terms of the legal instrument, or the parties to the legal instrument required per Section 9.3.F.4.
  - ix. A statement that the approved Stewardship Plan shall serve as an informational resource for future residents and property owners.
- b. Stewardship Plan administration.**
- i. The owner of the conservation land area set aside is charged per these regulations with executing the management and maintenance of the Stewardship Plan.
  - ii. The Stewardship Plan is considered an element of the zoning approval of a conservation design development, and any violation may be enforced by Missoula County per Chapter 12.
  - iii. The Stewardship Plan shall not be changed without the approval of the County following the procedures per Section 9.3.F.5.
  - iv. Conservation design development required to protect important agricultural soils per Section 9.3.E.2 are exempt from submitting a Stewardship Plan when the conservation land area set aside will be owned by a private individual per Section 9.3.F.3.d., and
    - a) The conservation land areas set aside is created through a subdivision plat and conditions of approval limiting the use of the land area set aside to agricultural activity; or,
    - b) The conservation land areas set aside is created through an agricultural exemption; or,
    - c) A deed restriction, in which Missoula County is a party to, prohibits future development of the conservation land area set aside and limits the use of the property to agricultural activities.

### 3. **Ownership of the conservation land area set aside required.**

The application must describe the ownership arrangement for the Conservation Land Area Set Aside. Ownership may be in one of the following entities.

- a. A governmental entity such as Missoula County or the State of Montana. Such entity may at their discretion accept dedication in the form of fee simple ownership of the conservation land area set aside. Where Missoula County is the proposed owner, the application must include a statement of acceptance from the County documenting the proposed dedication is consistent with the goals and objectives of Missoula County's currently adopted parks, recreation, open space and/or trails plans
- b. A legally constituted property owners' association. Membership in such an association shall be mandatory for the owners and purchasers of all lots in the development.
- c. A not-for-profit entity whose primary purpose includes the preservation and maintenance of conservation areas and natural resources. If approved by the County, such entity may at their discretion, accept dedication in the form of fee simple ownership of the conservation land area set aside.
- d. A conservation land area set aside with the purpose to protect important agricultural

soils or an operating agricultural activity may be held by a private party whose intent is to operate or lease the property for active agricultural use.

4. **Mechanisms for permanent protection required.** Unless otherwise permitted by the County, conservation land area set asides approved as part of a conservation design development shall be protected permanently through a subdivision plat and conditions of approval, agricultural exemption, deed restriction, restrictive covenants, conservation servitude, or a binding conservation easement. The selection of the legal instrument, the terms of the legal instrument, and the parties to the legal instrument are subject of the review and approval of the County per Section 9.3.F.5.
  - a. The instrument ensuring the permanent protection of the conservation land area set aside must be recorded with the Missoula County Clerk and Recorder.
  - b. A subdivision plat must identify the conservation land area set aside on the plat and specify the use of the conservation land area set aside either on the plat or as condition of approval.
  - c. An agricultural exemption may only be used when protecting important agricultural soils, created per Section 76-3-207(1)(c), MCA, and reviewed per Chapter 8 of the Missoula County Subdivision Regulations.



- d. Conservation easements shall be held by a public bodies or qualified private organizations that meets the requirements of Section 76-6-104(5), MCA. A public body or qualified private organization qualified to hold conservation easements must agree in writing to accept the conservation easement and affirm in writing that it has the commitment, organizational structures, and resources to enforce the conservation easement's terms and purposes.

## 5. Procedures.

- a. Upon receipt of a completed application, the Zoning Officer shall review the proposal to ensure compliance with all the provisions in Section 9.3., and compliance with all other requirements of these regulations.
- b. In order to award a density bonus described in Section 9.3.E., the Zoning Officer shall determine that resources to be conserved is of value and that there is an overall public benefit accomplished. When evaluating the value of the resources conserved and the overall public benefit accomplished, the Zoning Office may consider the following:
  - i. Providing public access.
  - ii. Historic or culturally important landscapes or events.
  - iii. Protecting views for the public from adjacent public

lands, public rights-of-way, rivers or streams accessible to the public, or within the view of populated areas.

- iv. The potential to contribute to local food supply and/or agricultural economy.
- v. Protection of wildlife habitat.
- vi. Protecting water bodies.
- vii. Studies, plans, or policies identifying important resources values to Missoula County.
- viii. Other information available to the Zoning Officer or provided by the applicant.
- c. In order to award a density bonus described in Section 9.3.E., the Zoning Officer shall determine that the Stewardship Plan will adequately protect and maintain the resources to be conserved and the overall public benefit over time.
- d. In order to award a density bonus described in Section 9.3.E., the Zoning Officer shall determine that the mechanism for permanent protection in Section 9.3.F.4. will adequately protect the resources to be conserved and the overall public benefit over time.
- e. An award of a density bonus described in Section 9.3.E. shall be an administrative action by the Zoning Officer, as described in Chapter 11.
- f. A determination by the Zoning Officer that a density bonus described in Section 9.3.E. is

not warranted does prevent the applicant from pursuing other approvals provided in these regulations.

- g. Any request for County ownership of a dedicated conservation land area through easements or fee simple title must be reviewed and approved by the Missoula County Board of County Commissioners. Public notice and hearing requirements in the same manner as those required for zoning amendments must be met, as detailed in Chapter 11.
- h. A request to lift the required mechanism for permanent land area set aside protection in a Conservation Design Development, except for conservation easement protections which may not be lifted, must follow all procedures in Section 11.5, in addition to any procedures required per the specific mechanism of protection prescribed in state law. Missoula County may lift the required mechanism for permanent land area set aside protection only if all parties involved, including those associated with the management of the stewardship plan described in Section 9.3.F.2., those associated with the ownership of the conservation land area set-aside per Section 9.3.F.3., and those associated with the legal instrument establishing the mechanism for permanent protection listed in Section 9.3.F.4., affirm their request by

providing a signed application.

## 6. Enforcement.

- a. All materials and standards required for an approval of a conservation design development are considered an element of the zoning approval, and any violation of this approval may be enforced by Missoula County per Chapter 12.
- b. In the event the party responsible for maintenance of the conservation land area set aside fails to maintain all or any portion of it in a manner suitable to its purpose, the County may assume responsibility for its maintenance and collect all related costs for such maintenance, including administrative fees from the responsible party in any way permitted by state law.

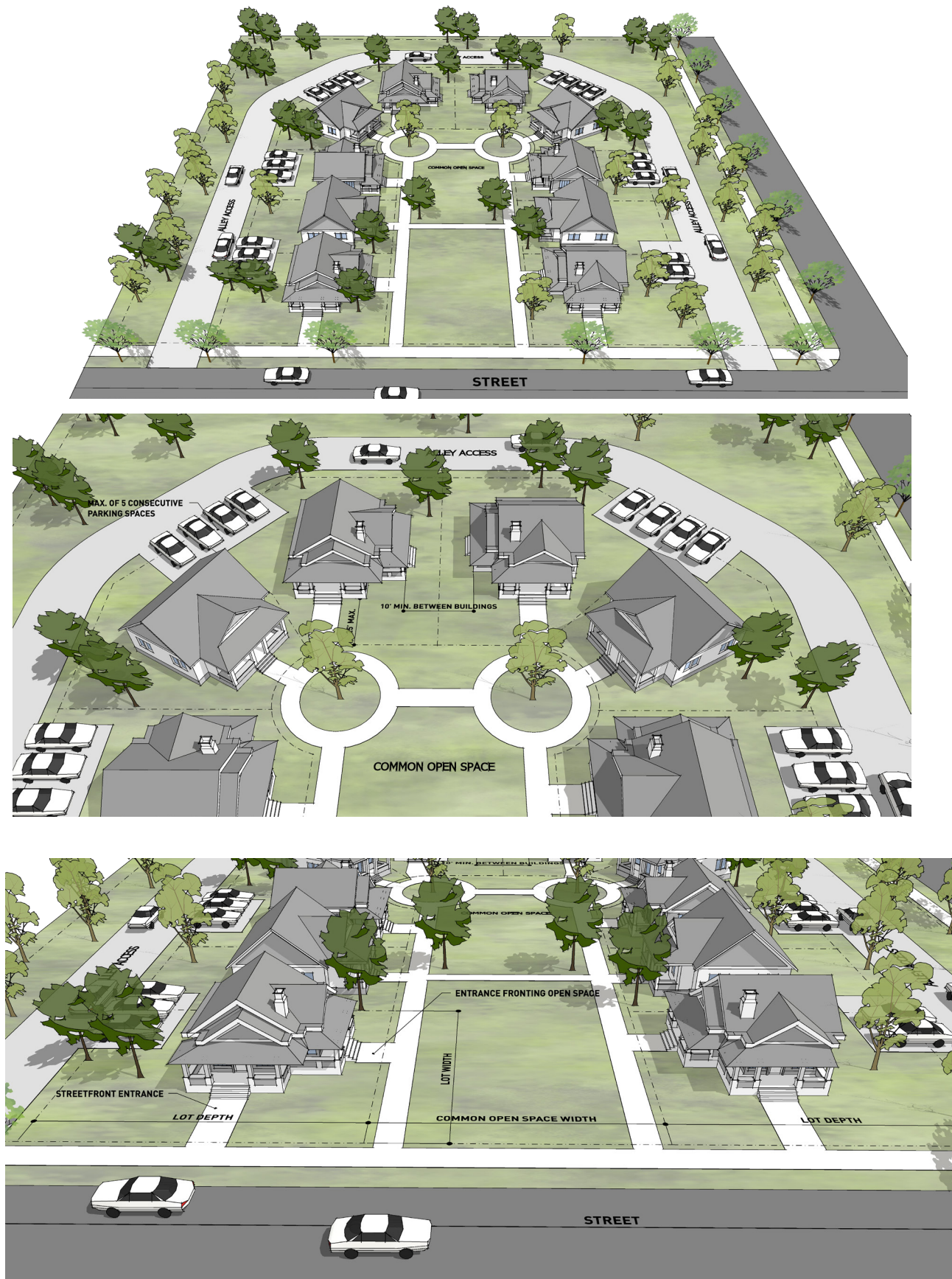
## 9.4 COTTAGE COURT DEVELOPMENT (CCD)

- A) **Intent.** This development type is intended to encourage efficient land use, improve affordability and energy conservation, and provide for appropriately-scaled residential development throughout the County. Cottage Court Development allows for increased densities, ownership options, and siting alternatives at a scale appropriately integrated within the context of existing neighborhoods.
- B) **Applicability.** Cottage Court Developments (CCDs) may be developed in any Residential district, or in the Neighborhood Center (NC) or the Commercial Center (CC) or Mixed-Use districts.





FIG. 1 Example of Cottage Court Site Layout



**C) Standards and Criteria.** CCDs may be built in conformance with the uses and building types permitted by the zoning district and all other requirements of these regulations, subject to the following additional standards.

**1. Density**

- a. Cottage Court Developments may be constructed at 130 percent of the zoning district maximum homes per acre density.
- b. When at least 30 percent of the gross floor area in the CCD is devoted to multi-household dwellings, the CCD may be developed at 140 percent of the zoning district maximum homes per acre density.
- c. Cottage Court Developments are eligible for a density bonus authorized in Section 9.11. In no case shall density exceed 160 percent of the maximum homes per acre density allowed in the zoning district.

**2. Clustering.** A minimum of four homes per housing cluster is required, with a maximum of 12 homes per housing cluster for single-household detached dwellings and 16 homes per housing cluster for multi-household attached dwellings.

**3. Common open space.**

- a. Each housing cluster shall provide common open space to serve the units equal to a minimum of 400 square feet per home per cluster.
- b. Each area of common open space serving a housing cluster shall be contiguous.

- c. The total minimum common open space for CCD is 20% of the total project site.
- d. Homes shall be no more than 25 feet from a common area open space, as measured from the primary entrance point to the nearest boundary of the open space.
- e. At least two sides of the common open space shall have cottages along its perimeter and be oriented as described in Section 9.4.C.4.
- f. Parking areas, private yards, required setbacks, roads, and driveways do not qualify as common area open space.

**4. Orientation.**

- a. Each principal building shall have a primary entry facing onto a common area open space.
- b. Principal buildings abutting a public or private street, not including an alley, shall also have a secondary entrance oriented toward that street.

**5. Dwelling size.**

- a. Cottage court developments may utilize any residential building type as permitted by the district except for multi-plex, large, and apartment.
- b. Each dwelling's gross floor area shall not exceed 1,000 square feet for a detached home and 700 square feet per home for an attached dwelling.



- c. Portions of dwellings that do not count toward the gross floor area footprint calculations are:
    - i. Interior spaces with a ceiling height of six feet or less;
    - ii. Basements;
    - iii. Architectural projections such as bay windows, and fireplaces;
    - iv. Utility closets that are less than 12 square feet;
    - v. Balconies and porches; and,
    - vi. Garages or carports.
  - d. CCDs are exempt from the maximum lot coverage allowance specified in Chapter 2.
6. **Setbacks.** The minimum setbacks for all structures in a CCD are:
- a. Six feet from any property line or edge of right-of-way, whichever results in greater setback; and,
  - b. Ten feet from any other building or structure.
7. **Parking and circulation.**
- a. All streets providing onsite circulation to cottage court development housing clusters shall be designed and constructed to meet the standards found in Section 3.4.7. "Road Design Standards," of the *Missoula County Subdivision Regulations*, unless the County determines that due to low levels of expected use a lesser standard will provide equivalent or better safety and durability in accordance with the Missoula County Public Works Manual.
- b. Off-street parking is not required to be located on the lot served but may be located within 300 linear feet of a dwelling's primary entrance. Parking areas are limited to no more than five contiguous spaces and shall be accessed only by a private driveway or a public alley.
  - c. The design of detached garages or carports, including rooflines, shall be similar to and compatible with the design character of the cottage court development as a whole.
8. **Walkways.** A system of interior walkways meeting the design requirements for sidewalks set forth in Section 6.2.A. "Pedestrian Access" shall connect each cottage to one another and to the parking areas serving the homes and any sidewalk bordering the CCD. Interior walkways and sidewalks must be designed to meet ADA requirements.
9. **Ownership.** Community buildings, parking areas, and common open space shall be owned and maintained in common through a condominium association, a property owners' association, or a similar mechanism.

## 9.5 MOBILE HOME PARK DEVELOPMENT

- A) **Intent.** Mobile home parks are important development types to encourage a mix of affordable and flexible housing options for Missoula County. This section sets



forth development design standards specific to mobile home parks to ensure these development types are safe, functional, compatible with neighboring properties, and designed with appropriate site circulation and amenities to serve their residents.

**B) Applicability.** In addition to the design and improvement standards required of mobile home parks found in Section 4.4 of the *Missoula County Subdivision Regulations*, the following requirements shall be met.

1. The development shall comply with all applicable standards required of the Montana Department of Public Health and Human Services (DPHHS) pertaining to layout, water systems, sewage systems, and solid waste disposal.
2. No development shall commence until the Montana DPHHS and the Montana Department of Environmental Quality have granted approvals.

**C) Standards and Criteria.**

**1. Size and location.**

- a. No mobile home park shall exceed five acres in size.
- b. Designated spaces for mobile homes shall be arranged to permit their safe and practical placement and removal.

**2. Density.** The maximum homes per acre allowed in a mobile home park development, including any applied density bonus, shall be a maximum of fifteen mobile homes per acre.

**3. Site design.**

- a. An individual mobile home

pad measuring at least 14 feet wide, and 70 feet long shall be provided for each single-wide mobile home; pad for double-wide mobile homes shall be a minimum of 28 feet wide.

- b. All mobile home pads shall be constructed with a minimum of six inches of crushed gravel over a stabilized sub-base of pit run gravel.
- c. The landscape buffer requirements of Section 6.4.F.3.c. "Landscape Buffer Standards" apply to any mobile home park perimeter boundary where it abuts a Residential district or use or a road easement or right-of-way.

**4. Parking and access.**

- a. A mobile home space shall be large enough to accommodate at least one paved off-street parking space for the occupants, located at least five feet from the mobile home pad.
- b. One paved guest parking space shall be provided for every ten mobile home spaces. Required guest parking may be consolidated in one location within the park.
- c. Designated mobile home spaces must be accessed from internal streets that comply with the transportation standards of the County Public Works Department Manual and Section 3.4.7., "Road Design Standards," in the *Missoula County Subdivision Regulations*.





### 5. **Setbacks and separation.**

- a. A mobile home shall be placed no closer than 15 feet to another mobile home, subject to required fire code separation.
- b. Mobile homes shall be set back a minimum of 20 feet from the perimeter property boundary of the mobile home park.
- c. Mobile homes shall be set back a minimum of 20 feet from an internal road, as measured from the edge of a road easement or right-of-way. Where no easement exists for an internal park road, the setback shall be measured from the edge of the pavement or road surface.
- d. Accessory structures shall be set back from any mobile home a minimum of five feet, unless fire code requires larger separations.

### 6. **Open space.**

- a. A minimum of 11 percent of the site shall be designated and improved as common area recreation space to serve the residents and guests of the development.
- b. Common areas may include community recreation buildings and facilities.

design of tiny home developments and ensure they are designed with appropriate amenities to serve their residents.

**B) Applicability.** Tiny home developments, consisting of 2 or more tiny homes on permanent foundations may be developed in any Residential district, or in the Neighborhood Center (NC) or the Commercial Center (CC) Mixed-Use districts.

### C) **Standards and Criteria.**

#### 1. **Size and location.**

- a. No tiny home development shall exceed five acres in size.
- b. Each tiny home shall have a minimum yard or lot area equal to one and one-half times the home's gross floor area or 1,000 square feet, whichever is larger. This area shall accommodate the primary structure and any accessory structure.

#### 2. **Installation.**

- a. All tiny homes shall be installed on a permanent foundation.
- b. All tiny homes shall be connected to public water and sewer.

3. **Density.** The maximum residential homes per acre density allowed in a tiny home development, including any applied density bonus, shall be twenty tiny homes per acre.

#### 4. **Site design.**

- a. Tiny homes shall meet the setback and height requirements for accessory structures according to the district in which the

## 9.6 **TINY HOME DEVELOPMENT**

**A) Intent.** Tiny home developments are important development types to encourage a mix of affordable and flexible housing options for Missoula County. This section is intended to provide guidance on the scale and

development occurs.

- b. A landscaped buffer is required along the side and rear property boundaries of the project site, in accordance with Section 6.4.F.3.c. "Landscape Buffer Standards."
- c. Each tiny home is permitted one accessory structure less than 300 square feet in gross floor area. Where a tiny home's floor area is 300 square feet or less, the accessory structure must be smaller than the tiny home and comply with Section 5.3. "Accessory Structures and Uses."
- d. Outdoor storage associated with any tiny home shall be screened from view from any abutting right-of-way except alleys in compliance with Section 6.4.F.3. "Screening and Buffering."
- e. Required parking for each home may be consolidated and shall be located within 150 linear feet of a home's primary entrance.
- f. All onsite roads providing access to tiny home developments shall be designed and constructed in accordance with the standards specific to small lot subdivisions found in the County Public Works Department Manual and Section 3.4.7., "Road Design Standards," in the *Missoula County Subdivision Regulations*, unless the County Engineer determines that due to low levels of expected use a lesser standard will provide equivalent or better

functionality, safety and durability.

#### D) Process and Procedures.

1. Tiny home developments that incorporate common elements shall establish a homeowner's association to maintain all internal streets, utilities, open space, and infrastructure that is not otherwise dedicated to and accepted by the County.

### 9.7 ENTERPRISE COMMERCIAL DEVELOPMENT

**A) Intent.** The purpose of this section is to provide clear design standards by which large commercial development can occur on a parcel or project site to: (1) ensure a quality design aesthetic is met, (2) consolidate vehicular access and circulation, (3) promote a mix of uses, and (4) reinforce pedestrian safety onsite.

**B) Applicability.** The following standards and criteria apply when a new enterprise commercial use is established, or an existing enterprise commercial use is expanded.

#### C) Standards and Criteria.

1. **Location.** All business, servicing, manufacturing, or processing of materials, goods, or products must be conducted within completely enclosed buildings, except for permitted outdoor sales, display, storage and temporary uses in compliance with these regulations.
2. **Site design.**
  - a. **Parking.** At least two of the following alternatives must be incorporated into the site to mitigate the impacts of parking areas:



- i. The development must locate at least 50 percent of the parking to the side or rear of the building in an area that is not adjacent to a public right-of-way;
  - ii. The development must provide a minimum three-foot tall berm around the parking lot perimeter in compliance with the requirements of Section 6.4.F.2.c. "Surface Parking Lot Perimeter Landscaping." The berms may contribute to a maximum of 50 percent of required on-site landscaping;
  - iii. The parking lot shall be constructed at least two and a half feet lower in elevation than the adjacent right-of-way, with the embankment landscaped with vegetative groundcover, low shrubs, and shade or ornamental trees meeting the requirements of Section 6.4.E. "Landscaping Materials"; or,
  - iv. The development must provide a centrally located, useable outdoor space that is hard-surfaced (concrete or pavers, not asphalt) and incorporates landscaping. The area of such outdoor space must be equal to at least five percent of the enterprise commercial development's combined gross floor area and shall include seating and visual points of interest, such as public art, fountains, landscaped plazas, public gathering space, etc. Outdoor plazas may be counted toward the on-site landscaping requirement in Section 6.4.F. "Landscaping Standards."
- 3. Access and circulation.**
- a. Enterprise commercial uses must abut an arterial street unless the applicant provides a traffic impact analysis that verifies the street from which the primary access will occur meets the demand of the proposed site development, including warrants for traffic signals as approved by the County Public Works Department and Montana Department of Transportation (as applicable).
  - b. An internal pedestrian circulation plan shall be provided that demonstrates an interconnected pedestrian network comprised of walkways connecting all buildings within the development and buildings to perimeter sidewalks.
  - c. Sidewalks a minimum of eight feet in width must be provided along the full length of any building façade featuring customer entrances and along any façade abutting customer parking stalls. In all other locations, buildings must be separated from drives and parking areas by a sidewalk a minimum of six feet in width, except where buildings are adjacent to service drives that do not access any customer parking.
  - d. All crosswalks within an

enterprise commercial development site must be striped or colored and include partial or full texturing, and they must be continued across any intersection with roads, driving corridors, parking areas, loading areas, and driveways.

- e. Where applicable, the developer must petition the property into the Missoula Urban Transportation District and ensure the construction of a bus turnout area, bus shelter, and bus stop signs as required on or adjacent to the site.
4. **Building design.** Building elements must be incorporated into the building, regardless of building type, to reduce its apparent bulk and visual impact. This requirement applies to all new construction or when the gross floor area of an existing building is altered, reconstructed, or expanded by 50 percent or more.

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

- a. A minimum of four blank wall articulation methods outlined in Section 3.4.J.2. shall be incorporated into a minimum of 75% of the ground floor building facades containing public entrances; all other building facades must utilize a minimum of three blank wall articulation methods outlined in Section 3.4.J.2.
- b. The dominant exterior building material may not include

smooth-faced concrete blocks, tilt-up concrete panels, or prefabricated steel panels.

## 9.8 ADAPTIVE REUSE

**A) Intent.** The purpose of this section is to:

1. Protect and preserve the historic character and cultural resources of Missoula County;
2. Provide a means by which eligible buildings, sites, and elements may be retained as economically viable while preserving the history and heritage of Missoula County embodied therein;
3. Provide alternative development standards for the conversion of eligible buildings, sites, and elements in areas designated for historic preservation and adaptive reuse; and,
4. Ensure that alternative development standards achieve safe and productive redevelopment in adaptive reuse developments where original design or intent is obsolete.

**B) Applicability.** The incentives and standards contained in this section allowing for the change of use or modification of an existing, economically obsolete building, sites, and elements apply when the building or project site meets the definition of an eligible building or site by demonstrating through the use of historical photographs, documents, citations, or other official material that the building or project site is either:

1. Listed on the National Register of Historic Places;





2. Eligible for listing on the National Register of Historic Places; or,
3. Otherwise embodies through function, character, or association with historically important events to Missoula County.

**C) Application Requirements.** In addition to Zoning Compliance Permit application materials, an applicant seeking to do an Adaptive Reuse development shall:

1. Provide evidence of conformance to the Secretary of the Interior's Standards for the Treatment of Historic Properties, as applicable.
2. Illustrate the proposed design of the adaptive reuse project through an Adaptive Reuse Master Plan, which shall include, at a minimum:
  - a. A description of proposed uses, including densities and intensities and their proposed location within the adaptive reuse project site;
  - b. A site plan showing the boundaries of the lot or project site proposed, including separate, distinct exhibits of existing conditions and proposed conditions;
  - c. Proposed development and design standards applicable to redevelopment within the lot or project site and meeting the requirements of this section; and,
  - d. A summary of how the proposed and amended development and design standards qualify for adaptive reuse designation and meet Sections 9.8.A. and 9.8.B.

**D) Adaptive Reuse Project Incentives.**

Adaptive Reuse projects may apply one or more of the following incentives.

1. **Additional use opportunities.** In addition to uses permitted by right or Special Exception in the various zoning districts listed in Chapter 2 of these standards, adaptive reuse proposals may be entitled to additional use opportunities, outside of what is allowed in the base district. The Zoning Officer shall approve or refuse the proposed use based on the following criteria:
  - a. The proposed use meets applicable use standards provided in Chapter 5.
  - b. Unless permitted by right or Special Exception in these regulations, some general and intensive uses may not be permitted.
  - c. The proposed use shall not have a destructive impact on the integrity of the historic resource in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - d. Use standards in Chapter 5 and landscaping standards in Section 6.4 "Landscaping and Screening" shall be met, unless the standards compromise the integrity of the historic resource. In this scenario, the Zoning Officer may allow reasonable reductions to the size or location of landscaped area (to accommodate historic features), using a minor waiver request.

2. Additional density may be permitted for adaptive reuse projects, beyond what is allowed in the zoning district. Density shall be approved or denied at the discretion of the Zoning Officer based on the following criteria:
  - a. Additional maximum homes per acre density allowances shall only be granted toward the reuse of a historic building and shall not be extended beyond the footprint of the historic building. Additional density shall not be allowed in the form of new construction on a lot or project site with historic resources.
  - b. Additional density shall not adversely impact the historic resource, in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. Historic building setbacks shall be considered legal nonconforming and may be applied to proposed development when defined in the Adaptive Reuse Master Plan.
4. Historic building height shall be considered legal nonconforming and may be applied to proposed development when defined in the Adaptive Reuse Master Plan. Unless expressly permitted according to Section 4.6.C. "Height Exceptions", any additional rooftop construction shall be required to meet the underlying district height restrictions.
5. Where applicable, minimum parking requirements for any converted use may be reduced by half the spaces required according

to Section 6.3.C.2. "Parking Required."

#### **E) Processes and Procedures.**

1. Where alternate material, design, or construction method is proposed as part of an Adaptive Reuse project site, an applicant shall identify these within the application materials submitted to the County. Upon receipt of such an application, the Zoning Officer shall notify the Building Official or their designated representative and include them in the proposal review. The Building Official shall have the authority to review and grant approval of the material, design, or method of construction proposed when it is satisfactory and complies with current building codes in effect.
2. The Building Official or their designated representative may require additional engineering evaluations, life safety evaluations, or other studies and analysis in determining the acceptability of proposed alternative construction.
3. The Adaptive Reuse proposal shall comply with all other state and local regulations and nothing in this section shall be construed to allow the reduction of fire and life safety elements of an eligible building where such elements provide a greater level of protection than any proposed alternative.



## 9.9 CLUSTERED SUBDIVISION

- A) Intent.** This development type is intended to encourage creative subdivision design by allowing for flexible minimum lot size requirements when the application can demonstrate a public benefit of resource protection or provides additional housing opportunities that otherwise would not be possible in a traditional subdivision design, while not adversely affecting the character of the district.
- B) Applicability.** The Clustered Subdivision development option is available to new subdivisions that can demonstrate compliance with the criteria of this section. This development option does not create conservation land area set asides, rather it allows the flexibility of minimum lot sizes through clustering of lots without density bonuses. This development option is available in any district that requires a minimum lot size.
- C) Public Benefit Required.** In exchange for the flexibility of minimum lot sizes, the proposed Clustered Subdivision application must demonstrate a public benefit either through housing diversification or a conservation outcome that mitigates impacts, conserves or protect sensitive lands, or conserves or protects natural resources.
1. A Clustered Subdivision development option providing a public benefit by diversifying housing opportunities must demonstrate in its application that lot layout is designed to provide housing types or housing options that would not typically be possible if the minimum lot size requirement was strictly adhered to.

2. A Clustered Subdivision development option providing a public benefit by a conservation outcome must demonstrate in its application that the lot layout is designed to mitigate impacts to the natural environment, conserve or protect sensitive lands, or conserves or protects one of the following natural resources.
  - a. Important agricultural soils.
  - b. Operating agricultural uses (not including high-intensity agricultural uses, as defined in these regulations).
  - c. Water bodies or riparian resources.
  - d. Wildlife habitat and corridors, including nongame wildlife habitat.
  - e. Shallow groundwater less than 8 feet from the surface.
  - f. Areas prone to stormwater runoff or seasonal flooding.
  - g. Steep slopes over 10%.

### D) Design Standards.

1. A Clustered Subdivision development does not allow a development to increase density. The maximum homes per acre requirements of the zoning district still apply.
2. A Clustered Subdivision must meet the minimum homes per acre calculations of a district, when applicable.
3. Except for the minimum lot area, all bulk and dimensional requirements of the zoning district still apply.

4. When providing a conservation outcome as a public benefit, the subdivision must be designed so lots less than the districts' minimum lot sizes are sited to reduce the impact on the resources the Clustered Subdivision is designed to protect, and larger lots are located where the resource is present.
5. A Clustered Subdivision does not waive or replace parkland requirements.
6. A Clustered Subdivision does not typically create lots held in common or create protected areas outside of individual ownership but can when required as a condition of subdivision approval of the Board of County Commissioners when necessary to mitigate impacts identified in that process. When approved by the Board of County Commissioners, the lots held in common or protected areas outside of individual ownership must be held by a Homeowners Association or similar entity who is responsible for the taxes and maintenance of that lot.
7. Portions of a property in the regulatory floodway are considered unbuildable and do not count toward the overall density of the parcel to be subdivided.
8. A Clustered Subdivision can not be used in place of a Conservation Design Development when a Conservation Design Development is required.
9. All other requirements in these regulations still apply.

**E) Process and Procedures.** The intent to create a Clustered Subdivision

development option must be included in an application for a minor or major subdivision. All materials necessary to support the resource protection, or diversification of housing justifying the deviation from the minimum lot size must be included in the subdivision application. The review of the Clustered Subdivision will be considered a component of Zoning Compliance during the preliminary plat approval process. If the Zoning Officer determines the proposal does not meet the requirements of this section, the lots will be required to meet the minimum lot size requirements of these regulations.

## 9.10 TOWNHOME EXEMPT DEVELOPMENT

**A) Intent.** The purpose of this section is to encourage a range of home ownership options, increased economic opportunities, and reduced development costs through simple divisions of property in areas of the county that facilitate compact development patterns, with few development constraints, while using the infrastructure that is in place. It is not the intent of this section to accommodate complicated development proposals, those should be pursued through subdivision.





**B) Applicability.** Townhome exempt development may create individual parcels of land in any Residential, Mixed-Use, or Industrial district if it meets the requirements of this section and of these regulations. A townhome exempt development must be located on a parcel created through Part 4 and 5 of Chapter 3 of Title 76 of the Montana Code Annotated. Condominium or Townhome exempt development that converts spaces in buildings from rental to owner-occupancy that do not include the division of land, and divisions involving townhouses and twin homes as defined in these regulations, do not need to conform to this section.

**C) Standards and Criteria.**

**1. General**

- a. Townhome exempt development may be used in conjunction with other development options and incentives within this chapter.
- b. Townhome exempt development must be in conformance with all requirements of these regulations.
- c. A townhome exempt development in any Residential or Mixed-Use district must connect to public water and public sewer.

**2. Hazards**

- a. Townhome exempt developments of areas in the regulatory floodplain are expressly prohibited.
- b. Townhome exempt developments of areas on slopes greater than 10% are

expressly prohibited.

- c. Townhome exempt developments of areas in Riparian Resource Protection Areas or Riparian Buffers are expressly prohibited.

**3. Grading and drainage**

- a. A grading and drainage plan shall be submitted demonstrating compliance with the standards for stormwater management, grading and erosion control of these regulations, and Section 9, Storm Drainage, of the Missoula Public Works Manual, as amended. The plan must be reviewed for compliance with this section and the Public Works Manual and approved, approved with conditions, or denied by the Public Works Director.

**4. Legal and physical access**

- a. Each lot created through a Townhome Exempt Development shall have legal and physical access. Any access to more than two lots will be considered public streets and will require a public access easement.

**5. Internal street and road standards**

- a. All internal streets considered public in Residential or Mixed-use districts must include sidewalks and boulevards on both sides of the street.
- b. All internal streets, curb, gutter and sidewalk required for the development within a public access easement

or providing access to more than two parcels must be built according to Missoula Public Works Manual, as amended. The plan must be reviewed for compliance with this section and the Public Works Manual and approved, approved with conditions, or denied by the Public Works Director.

- c. Any townhome exempt development parcels abutting existing county streets or roads may be required to construct sidewalks if those facilities do not exist on the proposed parcels.
- d. New roads and streets providing legal and physical access to lots shall be paved.

#### 6. Internal block structure

- a. Blocks and streets shall be designed to create a block grid pattern to the extent possible given terrain and parent tract configuration, with a perimeter no greater than 2,400 feet.
- b. Blocks and streets shall be designed to maximize connectivity to adjoining developed lands or connectivity potential to adjoining undeveloped lands.
- c. Block length cannot exceed 600 feet.
- d. The Zoning Officer may require roads and streets connect to adjacent properties when an existing road network or rights-of-way are present, when a future road is identified in plans that have been approved by the governing body, or the

adjacent property(s) have the potential to be developed or redeveloped.

#### 7. Utilities

- a. Utility easements shall be located along roads or alleys to the maximum extent practical, and when necessary, may be centered on common boundaries of adjoining lots.
- b. All public and private utilities shall be placed underground when technically and economically feasible, and stubbed to each proposed lots, at the expense of the utility and/or divider.

#### 8. Maintenance of facilities held in common

- a. Any roads, streets, sidewalks, stormwater facilities, landscaping, open space, or other facilities held in common per these regulations or as a condition of approval must be held by an entity capable of managing the facility, and a legal agreement such as a Road Users Agreement, Covenants, or similar instrument must be filed with the Declaration of Unit Ownership that demonstrates how the organization will manage and finance the maintenance of the facilities held in common.



## 9. Emergency services

- a. Review and approval by the fire district having jurisdiction or the designated county agent is required for the fire suppression water source, access to the water source and accesses to the individual lots.

### D) Process and Procedures.

1. **Application requirements.** In addition to all other application materials required by these regulations, the application must include information that clearly identifies how the development meets the requirements of these regulations. A complete application is required in order for the Zoning Officer to review the materials before a decision on a Zoning Compliance Permit can be issued.
2. **Review and approval.** Townhome Exempt Developments shall be reviewed administratively following the Zoning Compliance Permitting process outlined in Section 11.4. "Administrative Decisions."
  - a. The Zoning Officer will review the application for all materials required by these regulations within 10 working days of the submittal of an application, notifying the applicant in writing or by email of any deficiencies, or if the application is ready for review.
  - b. The Zoning Officer will review the complete application for compliance with these regulations and may place conditions on the application in order to mitigate impacts or ensure compliance with zoning standards. A decision for approval, approval with conditions, or denial of the application must be made within 30 working days of the application becoming complete. The applicant must be notified of the decision in writing or by email.
  - c. An approved Zoning Compliance Permit for Townhome Exempt Developments may be valid for up to three years from the date of issuance. The applicant can request a single one-year extension.
  - d. The Final Certificate of Zoning Compliance cannot be issued until the applicant has demonstrated all conditions of approval have been met and the development is in compliance with all aspects of these zoning regulations.
  - e. All public improvements are required to be installed prior to issuance of the Final Certificate of Zoning Compliance.
  - f. The Final Certificate of Zoning Compliance must be issued for the entire development proposal approved in the initial Zoning Compliance Permit. Phasing is expressly prohibited.
  - g. The Declaration of Unit Ownership cannot be filed with the Clerk and Recorder's Office until the Final Certificate of Zoning Compliance has been issued.
  - h. The Issuance of a Final Certificate of Zoning Compliance is for the Declaration of Unit Ownership

to create lots, not for the construction of any building or use on any of the lots.

### 3. **Changes to a Certificate of Zoning Compliance.**

- a. Following the issuance of a Zoning Compliance Permit and prior to the issuance of a Final Certificate of Zoning Compliance, an applicant can request changes to the Zoning Compliance Permit if the changes are in conformance with these zoning regulations, and the changes do not increase the number of proposed lots.
- b. The Zoning Officer can request additional information necessary to demonstrate compliance with these regulations. The Zoning Officer will review the new information and how it may affect the existing approval per Section 11.4 "Administrative Decisions" and may require new conditions.
- c. The Zoning Officer, at their discretion, may issue a new timeline that shall not exceed three years, with the opportunity for one one-year extension.

meeting development incentive criteria; the more points awarded, the greater the development is allowed to exceed zoning allowances. These incentives and bonuses are intended to direct growth toward areas best suited for development by rewarding development which satisfies incentives meeting identified public benefits, goals, and values.

**B) Applicability.** Incentives and bonuses in this section apply to all uses and building types in all zoning districts with the exception of density bonuses which can only be used in residential districts.

### **C) Development Incentives.**

Development incentives describe voluntary elements of a development providing a public benefit that are not otherwise required in these regulations. In exchange for including elements that provide a public benefit, the development is awarded development incentive points. A development is eligible to be awarded development incentive points for each development incentive listed within this section as applicable. A development is eligible to be awarded points for multiple public benefits.

#### 1. **Multi-modal connectivity incentive.**

##### a. **Standards and criteria.**

To facilitate multimodal transportation options, this incentive requires inclusion of multi-modal transportation infrastructure such as shared-use paths, sidewalks, separated bike lanes, or other multi-modal infrastructure improvements beyond what is required by these and other applicable regulations.

## 9.11 **DEVELOPMENT INCENTIVES AND BONUSES**

**A) Intent.** Development incentives and bonuses allow developments to exceed specific zoning requirements in the base zoning district in exchange for providing a public benefit as described in this section. Development incentive points are awarded based on the degree of



- b. **Development incentive points.** One (1) point awarded per infrastructure element.
- 2. **Alternative transportation options incentive.**
  - a. **Standards and criteria.** To increase access to alternative transportation networks, this incentive requires the inclusion of alternative transportation options, including such examples as park and ride lots, bus transit pull-outs and/or shelters within 300' of the parcel or project site boundary, or bicycle infrastructure beyond what is required by these and other applicable regulations.
  - b. **Development incentive points.** Two (2) points awarded per infrastructure element.
- 3. **Traffic mitigation incentive.**
  - a. **Standards and criteria.** To reduce the impacts of traffic, traffic-impact mitigation measures approved by the County Public Works Department and/or Montana Department of Transportation, where appropriate, must be incorporated into the design of public or private roads serving the development, beyond what is required by these and other applicable regulations. Examples include minimum road widths, grid-pattern street network to replace cul-de-sacs, and traffic-calming devices.
  - b. **Development incentive points.** One (1) point awarded per mitigation element.
- 4. **Energy efficiency incentive.**
  - a. **Standards and criteria.** To reduce energy consumption in buildings, new and renovated buildings may receive incentive points by achieving a specified reduction in energy use intensity (EUI), relative to a baseline defined for a typical building of the same type normalized by climate zone.
  - b. Building-specific EUI targets for new construction/major renovation projects shall be determined using the Zero Tool ([www.zerotool.org](http://www.zerotool.org)) or an equivalent methodology, based on the appropriate EUI reduction from baseline listed in Table 3 or 4. A baseline EUI is calculated by the Zero Tool based on median nationwide energy consumption data from the 2003 Commercial Building Energy Consumption Survey conducted by the U.S. Energy Information Administration, normalized by climate, weather, building type, size, and occupancy. On-site renewable energy generation may be used to help achieve the EUI reduction from baseline unless renewable energy installation incentives are claimed per Section 9.11.C.6.
  - c. An application claiming the energy efficiency incentive must include the results of an energy model of the building showing projected EUI, as well as a narrative describing the building elements that will be included to reduce the EUI from the identified baseline.



- d. **Development incentive points.** New buildings must reduce the EUI from the baseline by 60%, and renovations must reduce the EUI from the baseline by 25% to be eligible for development incentive points. Points awarded for new construction and major renovations vary per Table 3 and Table 4.

**Table 3 Energy Efficiency Incentive for New Construction**

EUI REDUCTION FROM BASELINE	POINTS
60-69.99%	10
70-79.99%	20
80-89.99%	30
90-100%	40

**Table 4 Energy Efficiency Incentive for Major Renovation**

EUI REDUCTION FROM BASELINE	POINTS
25-29.99%	20
30-39.99%	25
40-49.99%	35
50%+	40

**5. Electrification incentive.**

- a. **Standards and criteria.** To reduce the use of fossil fuels in buildings, this incentive requires new and to renovated buildings to use all electricity rather than fossil fuel combustion. To be eligible for this incentive, development plans must demonstrate that the building will include no fossil fuel combustion and that electric heat pumps, rather than electric resistance heating,

will be the primary heat source for the building.

- b. **Development incentive points.** Points shall be awarded based on the gross floor area of a structure, per Table 5.

**Table 5 Electrification Incentive Based on Gross Floor Area**

STRUCTURE GROSS FLOOR AREA (SQUARE FEET)	POINTS
< 10,000 sq. ft.	10
10,000 - 24,999 sq. ft.	20
25,000 - 49,999 sq. ft.	30
>= 50,000 sq. ft.	40

**6. Renewable energy incentive.**

- a. **Standards and criteria.** To increase the use of renewable energy, this incentive requires the use of on-site renewable energy systems for residential and non-residential buildings.
- b. An application claiming the renewable energy incentive must include the projected on-site renewable energy production, the modeled energy consumption of the building, the percentage of the building's energy consumption to be provided by on-site renewable energy, and a narrative description of the renewable energy project.
- c. This incentive may not be used when renewable energy is used to meet the EUI baseline reduction, in accordance with Section 9.11.C.4.



- d. **Development incentive points.** Projects are eligible for five (5) points for each 20% of the project's energy consumption provided by on-site renewable energy.
7. **Solar ready incentive.**
- a. **Standards and criteria.** To increase the use of solar energy, this incentive requires the incorporation of solar-ready design into new and existing buildings unless otherwise required by code or regulation. Developments are required to meet all solar-ready provisions described in Appendix RA (residential) or Appendix CA (commercial) of the 2018 International Energy Conservation Code, or equivalent appendix of the most recently adopted version of the International Energy Conservation Code.
  - b. **Development incentive points.** Five (5) points per project.
8. **Electric vehicle charging station incentive.**
- a. **Standards and criteria.** To support the use of electric vehicles, this incentive requires the installation of Level 2 charging stations for electric vehicles.
  - b. Any building type in any district is eligible for this incentive when Level 2 charging stations for electric vehicles are installed.
  - c. **Development incentive points.** Two (2) points per charging station per parcel or project area.
9. **Green roof incentive.**
- a. **Standards and criteria.** To reduce stormwater runoff and heat island effect and encourage vegetated areas and related amenities such as vegetation providing potential wildlife habitat, this incentive requires installation and maintenance of a green roof designed and engineered to comply with all state and county building code requirements.
  - b. To qualify for this development incentive, a green roof must cover a minimum of 25% of the total roof area.
  - c. The total area of a green roof shall be excluded from the building coverage calculation and allowances.
  - d. Green roofs shall be recognized as an acceptable best management practice when calculating stormwater management requirements and credited appropriately.
  - e. Approved green roofs shall be maintained in accordance with Section 6.4. "Landscaping and Screening" and any other best practice methods.
  - f. **Development incentive points.** Two (2) points awarded for each building or structure.
10. **Affordable housing incentive.**
- a. **Standards and criteria.** To encourage the inclusion of affordable housing options,

this incentive requires the construction of homes for homebuyers below 120% of the Area Median Income (AMI) and renter households below 80% AMI.

- b. Homes constructed in accordance with this section shall be restricted and maintained as affordable in perpetuity using deed restrictions enforced by Missoula County or a non-profit housing organization if approved by the Zoning Officer.
- c. Each affordable home shall, at a minimum:
  - i. Be fully integrated into the development's overall design and incorporate similar architectural features and amenities characteristic of free-market dwelling units in the same development, including but not limited to decks, patios, parking, fencing, and landscaping.
  - ii. Comply with all applicable requirements of these regulations.
  - iii. Comply with all applicable county building code requirements.
  - iv. Be ready for occupancy no later than the date of the initial occupancy of the residential development's free-market portion.
- d. An Affordable Housing Plan shall be submitted to the Zoning Officer concurrent with

the application requirements of these regulations and shall include:

- i. A development site plan and building floor plan illustrating the number of proposed affordable dwelling units and their location in relation to the other development on the parcel or project site;
- ii. A written summary of the number of affordable homes, the size of each home, the proposed sale/rental mix, and the proposed sales price or rent for each affordable dwelling unit;
- iii. The proposed deed restrictions to be placed on the affordable dwelling units to ensure they will be maintained as affordable, including a description of the number of homes developed, the level(s) of affordability provided by each home, and, a notarized affidavit that the applicant agrees to implement the Affordable Housing Plan, as approved by the County.
- iv. The affordable housing plan and agreement may be amended or modified only in accordance with the procedures and standards established for its original approval.
- e. **Development incentive points.** Two (2) points per affordable housing unit.



### 11. Enhanced landscaping incentive.

- a. **Standards and criteria.** To reduce water consumption dedicated to landscaping, this incentive requires that a development install and maintain more than the required amount area in xeriscaping and/or native plants required in Section 6.4.C.2. "Native Landscaping and Xeriscape Required."
- b. The percentages of xeriscaping and/or native plants for this incentive are determined by the total number of square feet of landscaping required on a lot or project area per Section 6.4.
- c. **Development incentive points.** One (1) point for every 5 (five) percent of additional xeriscaping and/or native plantings beyond what is required by these regulations in Section 6.4.C.2.

**Table 6 Development Incentives**

CRITERIA	REFERENCE	POINTS AWARDED
Multi-modal connectivity	9.11.C.1.	One point awarded per infrastructure element
Alternative transportation	9.11.C.2.	Two points awarded per element
Traffic mitigation	9.11.C.3.	One point awarded per mitigation measure
Energy efficiency	9.11.C.4.	Varies
Electrification	9.11.C.5.	Ten points awarded per building
Renewable energy	9.11.C.6.	Five points awarded for each 20% of the project's energy consumption provided by on-site renewable energy.
Solar ready	9.11.C.7.	Five points awarded per building or structure
Electric vehicle charging	9.11.C.8.	Two points awarded per station
Green roof design	9.11.C.9.	Two points awarded per building or structure
Affordable housing	9.11.C.10.	Two points awarded per affordable housing unit
Enhanced landscaping	9.11.C.11.	One point awarded for every five percent of additional xeriscape/native landscaping

**D) Bonus Types.** When a development is awarded development incentive points for providing a public benefit per Section 9.11.C., those points can then be allocated towards a bonus type. There are six bonus types available. Each bonus type contains an explanation of how a development can exceed a specific zoning requirement and thus secure awarded bonus points. Development incentive points can be allocated to different bonus types, but the total number of points allocated cannot exceed the total number of points awarded. Applying one bonus to a zoning standard does not change other requirements of zoning.

#### 1. Density bonus.

##### a. Applicability.

- i. A density bonus allows a development to exceed the maximum homes per acre of a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may

be applied to a density bonus.

iii. A density bonus may only be applied in Residential districts.

**b. Standards.**

- i. The starting number in determining a density bonus is the base number of homes on a lot or project area that are allowed per the maximum homes per acre of the district.
- ii. The base number of homes allowed per lot or project area is determined by multiplying the maximum homes per acre of the zoning district by the gross acreage of a lot or project area.
- iii. The number of homes allowed per a density bonus is determined by multiplying the base number of homes per acre of a lot or project area by the bonus percentages in Table 4 in Section 9.11.D.1.c.
- iv. The final number in this calculation is rounded to the nearest whole number.
- v. When a development is using a development option provided in this chapter, such as cottage court or conservation design, the base homes per acre shall be calculated with the additional densities allowed per that development option type before applying the bonus percentages allowed by this section.

**c. Point allocation.**

- i. A maximum of 50 development incentive points can be allocated toward a density bonus.
- ii. Each development incentive point awarded to a density bonus converts to a two percent bonus per Table 4. For example, if a development allocates 13 points, the maximum deviation from the zoning standard would be 126 percent.

**Table 7 Density Bonus**

POINTS	DENSITY BONUS
1-5 points	Up to 110% of base density allowed by district
6-10 points	Up to 120% of base density allowed by district
11-15 points	Up to 130% of base density allowed by district
16-20 points	Up to 140% of base density allowed by district
21-25 points	Up to 150% of base density allowed by district
26-30 points	Up to 160% of base density allowed by district
31-35 points	Up to 170% of base density allowed by district
36-40 points	Up to 180% of base density allowed by district
41-45 points	Up to 190% of base density allowed by district
46-50 points	Up to 200% of base density allowed by district





## 2. **Setback bonus.**

### a. **Applicability.**

- i. A setback bonus allows a development to reduce the setbacks for principal structures within a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a setback bonus.
- iii. A setback bonus may be applied in any district.

### b. **Standards.**

- i. Setbacks in Mixed-use and Industrial districts adjacent to a Residential or Open Land and Agricultural districts can be reduced up to 50%.
- ii. Setbacks in Residential districts can be reduced up to 75%.
- iii. Setbacks required to meet the landscaping and screening standards in Section 6.4 cannot be reduced.

### c. **Point allocation.**

- i. One (1) point per one (1) foot setback reduction per building.

## 3. **Height bonus.**

### a. **Applicability**

- i. A height bonus allows a development to increase the maximum building height and maximum stories

within a zoning district.

- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a height bonus.
- iii. A height bonus may be applied in any district.

### b. **Standards.**

- i. The height of principal structures may be increased by up to 10 feet and no more than one story.
- ii. The height of accessory structures may be increased by an additional six feet.
- iii. In no case may the height of an accessory structure exceed the height of a principal structure when a bonus is used.

### c. **Point allocation.**

- i. One (1) point per one (1) foot in height per building.

## 4. **Maximum footprint bonus.**

### a. **Applicability.**

- i. A maximum footprint bonus allows buildings to exceed the maximum building footprint of a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a maximum footprint bonus.
- iii. The maximum footprint bonus may be applied in any district.
- iv. The maximum footprint

bonus cannot be used in conjunction with Tiny Home Development or Cottage Court Development options.

- v. The maximum footprint bonus cannot be applied to Accessory Dwelling Units.

**b. Standards.**

- i. Use of the maximum footprint bonus does not reduce minimum lot coverages or setbacks or permit changes to required build-to zones.

**c. Point allocation.**

- i. Each development incentive point awarded converts to a three percent footprint bonus per building. For example, if a development applies 16 points towards this bonus, the maximum footprint increase allowed for that building would be 148% ( $3 \times 16 = 48$ ) of the maximum building footprint allowed in the zoning district.
- ii. No more than 20 development incentive points can be allocated per building.

**Table 8 Maximum footprint bonus**

POINTS	MAXIMUM FOOTPRINT BONUS
1-5 points	Up to 115%
6-10 points	Up to 130%
11-15 points	Up to 145%
16-20 points	Up to 160%

**5. Parking requirement reduction bonus.**

**a. Applicability.**

- i. A parking requirement reduction bonus allows a residential development to reduce the minimum parking requirements in Section 6.3. "Parking and Loading."
- ii. Development incentive points awarded from Sections 9.11.C.1. Multi-modal connectivity, 9.11.C.2. Alternative transportation, 9.11.C.3. Traffic mitigation, 9.11.C.4. Energy efficiency, and 9.11.C.8. Electrical vehicle charging may be applied to the parking requirement reduction bonus.
- iii. A parking requirement reduction bonus may be applied in any district.

**b. Standards.**

- i. When a development is using additional development incentives listed in this chapter such as cottage court, or with a density bonus per this section, the base parking requirement shall be calculated with the additional densities allowed per that development type and/or density bonus.



- ii. Any design actions per Section 6.3 of these regulations that reduce the amount of required parking can be applied to the base parking requirement prior to the bonus being calculated, but those actions cannot also be eligible for acquiring development incentive points per this section.
- iii. The parking reduction bonus does not eliminate or reduce the number of ADA required parking spaces.

**c. Point allocation.**

- i. Each development incentive point awarded converts to a three percent reduction in parking required in Section 6.3. For example, if ten parking spaces are required by Section 6.3, and 8 points are being allocated to this bonus, the resulting reduction is ten multiplied by 24% ( $10 \times 0.24$ ) resulting in 2.4. The result is rounded to the nearest whole number, therefore the required parking in this example can be reduced by two spaces.
- ii. No more than 20 development incentive points can be allocated to a parking reduction bonus.

**Table 9 Parking reduction bonus**

POINTS	PARKING REDUCTION BONUS
1-5 points	Up to 15%
6-10 points	Up to 30%
11-15 points	Up to 45%
16-20 points	Up to 60%

**6. Maximum lot coverage bonus.**

**a. Applicability.**

- i. A maximum lot coverage bonus allows a development to exceed the maximum lot coverage on a lot or project area for structures within a zoning district.
- ii. Development incentive points awarded from any criteria in Section 9.11.C. may be applied to a maximum lot coverage bonus.
- iii. The maximum lot coverage bonus may be applied in any district.

**b. Standards.**

- i. Use of the maximum lot coverage bonus cannot be used to reduce landscaping and screening standards required in Section 6.4. "Landscaping and Screening."

**c. Point allocation.**

- i. One (1) point per one (1) percent reduction in lot coverage.

## E) Procedures.

1. **Application requirements.** In addition to all other application materials required by these regulations, the following information must accompany all development applications when a bonus is requested.
  - a. A statement of intent demonstrating how the development with bonuses meets the requirements of Section 9.11.
  - b. A summary of how the development qualifies for development incentive points and provides public benefits.
  - c. A list of the applicable development criteria in Section 9.11.C. claimed and the number of points the development qualifies for, including how points will be allocated to various bonuses when more than one applies.
    - i. For each bonus requested, information must include the allowance of the base zoning district and calculations that determine the bonus amount.
  - d. A site plan and/or building plans and a written description demonstrating where and how public benefit criteria and design elements listed in Section 9.11.C. have been integrated into the development (e.g., a transit stop, green roof design, affordable housing, etc.).
2. **Review and approval.**
  - a. The Zoning Officer shall verify the bonus points accrued up to the maximum established, in accordance with the standards and criteria for awarding incentive points in Section 9.11.C. and bonuses in Section 9.11.D.
  - b. The process of applying for a bonus per Section 9.11.D. shall be reviewed administratively following the Zoning Compliance Permit process outlined in Chapter 11.
  - c. Development incentive points are not transferrable to any other development.
  - d. In no case shall a development incentive be used to garner points more than once using the same incentive. For example, if a development is granted a density bonus through the installation of an approved shared-use path, that shared use path cannot be used subsequently to garner bonus points toward any other bonus. However, installation of a separate and distinct approved shared use path may qualify for bonus points.

