

ORDINANCE NUMBER 3514

An ordinance to rezone property legally described in Exhibit No. A, attached.

Sub-District A:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 9 OF SUNNYSIDE ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE S 03°30'03" W ALONG THE EASTERLY LINE OF SAID BLOCK 9, 124.45 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE BITTERROOT BRANCH OF MONTANA RAIL LINK RAILROAD; THENCE S 26°47'28" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 168.25 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 9; THENCE N 86°31'37" W ALONG SAID SOUTHERLY LINE AND ITS WESTERLY PROLONGATION, LAST SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF WYOMING STREET, 268.59 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE N 03°10'33" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 1.00 FEET; THENCE N 86°44'29" W, 18.53 FEET; THENCE N 03°15'31" E, 277.96 FEET; THENCE S 86°44'29" E, 18.13 FEET TO A POINT ON LAST SAID WESTERLY RIGHT-OF-WAY LINE, LAST SAID POINT BEING THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE AND THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID BLOCK 9, LAST SAID LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF MONTANA AVENUE; THENCE S 86°31'37" E ALONG LAST SAID LINE AND ITS WESTERLY PROLONGATION, 336.69 FEET TO THE POINT OF BEGINNING; CONTAINING 39,659 SQUARE FEET, MORE OR LESS.

Sub-District B/C:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF WYOMING STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF WALNUT STREET PER SUNNYSIDE ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE N 03°10'33" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 35.00 FEET; THENCE N 86°44'29" W, 110.60 FEET TO THE POINT OF BEGINNING; THENCE N 86°44'29" W, 313.93 FEET; THENCE S 03°15'31" W, 148.98 FEET; THENCE N 86°44'29" W, 169.85 FEET; THENCE N 03°15'31" E, 173.46 FEET; THENCE N 86°44'29" W, 130.00 FEET; THENCE N 03°15'31" E, 89.24 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 27°06'19", AN ARC LENGTH OF 141.92 FEET; THENCE N 30°21'50" E, 356.67 FEET; THENCE S 59°38'10" E, 109.96 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 188.50 FEET; THENCE S 30°21'50" W, 54.15 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 15°07'42", AN ARC LENGTH OF 52.81 FEET; THENCE S 86°44'29" E, 110.56 FEET; THENCE S 59°38'10" E, 223.58 FEET; THENCE S 03°15'31" W, 132.13 FEET TO THE POINT OF BEGINNING; CONTAINING 224,244 SQUARE FEET, MORE OR LESS.

Sub-District D:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WYOMING STREET AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE BITTERROOT BRANCH OF MONTANA RAIL LINK RAILROAD PER SUNNYSIDE ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE S 26°47'28" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 47.99 FEET TO THE POINT OF BEGINNING; THENCE S 26°47'28" W CONTINUING ALONG LAST SAID LINE, 342.90 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK 18 OF SAID SUNNYSIDE ADDITION; THENCE N 86°31'37" W ALONG SAID SOUTHERLY LINE, 112.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WALNUT STREET PER SAID SUNNYSIDE ADDITION; THENCE N 03°10'33" E ALONG SAID WESTERLY LINE, 28.73 FEET TO THE NORTHEASTERLY MOST CORNER OF PARCEL 1 OF CERTIFICATE OF SURVEY NO. 5696; THENCE S 86°58'17" W ALONG THE NORTHERLY LINE OF SAID PARCEL 1, 653.84 FEET TO A POINT ON THE NORTHERLY LINE OF THE OLD C. M. ST. PAUL & PACIFIC RAILROAD RIGHT-OF-WAY PER CERTIFICATE OF SURVEY NO. 4737, LAST SAID POINT ALSO BEING THE WESTERLY MOST CORNER OF SAID PARCEL 1; THENCE N 86°26'14" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 73.89 FEET;

THENCE N 03°15'31" E, 356.44 FEET; THENCE S 86°44'29" E, 130.00 FEET; THENCE S 03°15'31" W, 173.46 FEET; THENCE S 86°44'29" E, 169.85 FEET; THENCE N 03°15'31" E, 148.98 FEET; THENCE S 86°44'29" E, 673.89 FEET TO THE POINT OF BEGINNING; CONTAINING 262,418 SQUARE FEET, MORE OR LESS.

Sub-District E/F:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF BLOCK 16 OF EDDY ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE S 86°30'56" E ALONG THE NORTHERLY LINE OF SAID BLOCK 16, 169.66 FEET TO A POINT ON THE EASTERLY LINE OF SAID EDDY ADDITION; THENCE N 03°49'08" E ALONG SAID EASTERLY LINE, 219.93 FEET TO THE CENTERLINE OF THE VACATED ALLEY OF BLOCK 9 OF SAID EDDY ADDITION; THENCE N 86°30'08" W ALONG SAID CENTERLINE, 170.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CALIFORNIA STREET; THENCE N 03°29'34" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 139.92 FEET TO THE NORTHWESTERLY CORNER OF SAID BLOCK 9; THENCE S 86°30'48" E ALONG THE NORTHERLY LINE OF SAID BLOCK 9, 171.71 FEET TO A POINT ON SAID EASTERLY LINE OF EDDY ADDITION; THENCE N 03°49'08" E ALONG SAID EASTERLY LINE, 399.93 FEET TO A POINT ON THE CENTERLINE OF IDAHO STREET; THENCE S 86°30'48" E ALONG LAST SAID CENTERLINE, 7.19 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 40°00'34", AN ARC LENGTH OF 139.66 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 90°09'07", AN ARC LENGTH OF 472.03 FEET; THENCE S 36°22'15" E, 107.80 FEET TO A POINT ON A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 11°21'35", AN ARC LENGTH OF 59.48 FEET; THENCE S 30°21'50" W, 404.79 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 327.00 FEET; THENCE SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 27°06'19", AN ARC LENGTH OF 154.70 FEET; THENCE S 03°15'31" W, 453.44 FEET TO A POINT ON THE NORTHERLY LINE OF THE OLD C. M. ST. PAUL & PACIFIC RAILROAD RIGHT-OF-WAY PER CERTIFICATE OF SURVEY NO. 4737, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA; THENCE N 86°26'14" W ALONG LAST SAID NORTHERLY LINE, 460.15 FEET TO A POINT ON SAID EASTERLY LINE OF EDDY ADDITION; THENCE N 03°49'08" E ALONG LAST SAID EASTERLY LINE, 38.31 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 16; THENCE N 86°29'41" W ALONG LAST SAID SOUTHERLY LINE, 167.99 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE N 03°28'43" E ALONG LAST SAID EASTERLY LINE, 279.92 FEET TO THE POINT OF BEGINNING; CONTAINING 668,451 SQUARE FEET, MORE OR LESS.

Sub-District G:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 9 OF SUNNYSIDE ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE N 86°31'37" W ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID BLOCK 9, 36.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE N 03°10'33" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 418.23 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 75.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS S 28°46'08" W, LAST SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 128°48'50", AN ARC LENGTH OF 168.62 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE; THENCE S 03°10'33" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 135.28 FEET TO THE POINT OF BEGINNING; CONTAINING 4,132 SQUARE FEET, MORE OR LESS.

Sub-District H/H2:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF IDAHO STREET AND THE EASTERLY LINE OF EDDY ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE N 03°49'08" E ALONG SAID EASTERLY LINE, 146.87 FEET TO THE NORTHEAST CORNER OF BLOCK 1 OF SAID EDDY ADDITION; THENCE N 86°31'31" W ALONG THE NORTHERLY LINE OF SAID BLOCK 1, 16.09 FEET TO THE SOUTHEAST CORNER OF LOT 20 OF COBBAN & DINSMORE'S ORCHARD HOMES ADDITION NO. 2, A

RECORDED SUBDIVISION OF MISSOULA COUNTY; THENCE N 03°07'14" E ALONG THE EASTERLY LINE OF SAID LOT 20, 273.48 FEET TO A POINT ON THE SOUTHERLY LOW WATERLINE OF THE CLARK FORK RIVER; THENCE ALONG SAID LOW WATERLINE APPROXIMATED BY THE FOLLOWING TEN (10) COURSES: 1) S 63°48'52" E, 143.16 FEET; 2) S 78°08'59" E, 73.69 FEET; 3) S 67°49'28" E, 41.42 FEET; 4) N 89°40'28" E, 87.33 FEET; 5) N 78°31'53" E, 68.47 FEET; 6) N 87°52'50" E, 67.94 FEET; 7) S 81°19'45" E, 288.60 FEET; 8) S 89°15'26" E, 110.49 FEET; 9) S 80°52'53" E, 154.58 FEET; 10) S 82°30'22" E, 144.29 FEET; THENCE S 03°10'33" W, 641.66 FEET; THENCE S 86°49'27" E, 49.94 FEET; THENCE S 03°15'31" W, 244.46 FEET; THENCE N 59°38'10" W, 223.58 FEET; THENCE N 86°44'29" W, 110.56 FEET; TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 200.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS N 74°45'52" W; THENCE NORTHEASTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 15°07'42", AN ARC LENGTH OF 52.81 FEET; THENCE N 30°21'50" E, 54.15 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 120.00 FEET; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 188.50 FEET; THENCE N 59°38'10" W, 109.96 FEET; THENCE S 30°21'50" W, 356.67 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 27°06'19", AN ARC LENGTH OF 141.92 FEET; THENCE S 03°15'31" W, 445.68 FEET TO A POINT ON THE NORTHERLY LINE OF THE OLD C. M. ST. PAUL & PACIFIC RAILROAD RIGHT-OF-WAY PER CERTIFICATE OF SURVEY NO. 4737, ON FILE IN MISSOULA COUNTY, MONTANA; THENCE N 86°26'14" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 135.00 FEET; THENCE N 03°15'31" E, 453.44 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 327.00 FEET; THENCE NORTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 27°06'19", AN ARC LENGTH OF 154.70 FEET; THENCE N 30°21'50" E, 404.79 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 300.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS S 42°16'11" W; THENCE NORTHWESTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 11°21'35", AN ARC LENGTH OF 59.48 FEET; THENCE N 36°22'15" W, 107.80 FEET TO A POINT ON A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHWESTERLY, WESTERLY, AND SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 90°09'07", AN ARC LENGTH OF 472.03 FEET TO A POINT ON A REVERSE CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 200.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS S 36°31'22" E; THENCE SOUTHWESTERLY, WESTERLY, AND NORTHWESTERLY ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 40°00'34", AN ARC LENGTH OF 139.66 FEET; THENCE N 86°30'48" W, 7.19 FEET TO THE POINT OF BEGINNING; CONTAINING 656,781 SQUARE FEET, MORE OR LESS.

Sub-District H-1:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 18 OF SUNNYSIDE ADDITION, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE N 03°27'12" E, 35.13 FEET; THENCE N 86°44'29" W, 34.44 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE WESTERLY LINE OF SAID SUNNYSIDE ADDITION; THENCE N 86°44'29" W, 110.60 FEET; THENCE N 03°15'31" E, 376.59 FEET; THENCE N 86°49'27" W, 49.94 FEET; THENCE N 03°10'33" E, 641.66 FEET TO A POINT ON THE SOUTHERLY LOW WATERLINE OF THE CLARK FORK RIVER; THENCE ALONG SAID LOW WATERLINE APPROXIMATED BY THE FOLLOWING TWO (2) COURSES: 1) S 82°30'22" E, 134.62 FEET; 2) N 87°43'30" E, 25.88 FEET TO A POINT ON THE WESTERLY LINE OF SAID SUNNYSIDE ADDITION; THENCE S 03°10'33" W ALONG SAID WESTERLY LINE, 133.26 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 75.00 FEET, A RADIAL LINE TO LAST SAID POINT BEARS N 22°25'02" W; THENCE SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 128°48'50", AN ARC LENGTH OF 168.62 FEET TO A POINT ON SAID WESTERLY LINE; THENCE S 03°10'33" W ALONG SAID WESTERLY LINE, 742.19 FEET TO THE POINT OF BEGINNING; CONTAINING 139,182 SQUARE FEET, MORE OR LESS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOULA:

THAT THE STANDARDS OF THE MILL SITE SPECIAL ZONING DISTRICT BE AMENDED AS DESCRIBED BELOW:

MILL SITE SPECIAL ZONING DISTRICT

- I. **Intent:** The purpose of the provisions in this district is to facilitate an urban setting that offers convenient access, reduced traffic congestion, a combination of on-street parking and off-street parking, and reduced visual clutter along major streets. The site is located in close proximity to the downtown core, with commuter and recreational trails located on the north and south borders of the site, where a focus on multi-modal transportation options, especially public transit, bicycle and pedestrian, are essential to a pedestrian-oriented design.

It is the intent of this special zoning district to emulate and build on the Southside Riverfront Area Comprehensive Plan Update by providing a mixture of land uses including civic, general commercial, office, retail, service, and residential, in a pedestrian-friendly design. As such, buildings must be located and designed to create a street-level environment that supports and encourages pedestrian activity. This district is designed with the consideration of the redevelopment of a former industrial site and to promote and enhance the special characteristics of the surrounding neighborhoods.

This district promotes the goals and objectives established through a community planning process for the Mill Site along with the neighborhood and community goals and policies established through adopted policies and plans. The applicable adopted plans for the area are the *1998 Missoula Urban Comprehensive Plan Update*, *The Southside Riverfront Area Comprehensive Plan Update*, the *Urban Renewal District II Plan (County Lands)*, the *Missoula Downtown Riverfront Plan*, the *Missoula Urban Area Open Space Plan*, the *Master Parks and Recreation Plan*, the *Greater Missoula Downtown Master Plan*, the *Long Range Transportation Plan*, and the *Active Transportation Plan*.

- II. **General Standards:** The standards of the Title 20, Missoula City Zoning Ordinance apply unless the standard is specifically addressed in this ordinance. In order to provide the design flexibility required for an urban pattern of development, this zoning district incorporates many elements of New Urbanism. As such, the following Chapters and Sections of the Title 20, Missoula City Zoning Ordinance do not apply:

Use and Specific Building Standards: All of Chapter 20.40 Use and Specific Building Standards except for Section 20.40.130 Temporary Uses and Section 20.40.160 Wireless Communication Facilities.

Landscaping: Section 20.65.010 General, Section 20.65.020 General Site Landscaping, Section 20.65.030 Street Frontage Landscaping, Section 20.65.050 Perimeter Parking Lot Landscaping and Section 20.65.060 Buffers;

Measurements and Exceptions: All of Chapter 20.110 Measurements and Exceptions except for Section 20.110.050E Table for Obstructions/Projections Into Required Setback (unless specifically addressed in this ordinance);

Parking: Section 20.60.010B1-3 and C Applicability, Section 20.60.130 Off-street Loading, Section 20.60.040 Location of Off-street Parking except for Section 20.60.040C2 regarding measurement of off-site parking; and

Accessory Uses and Structures: All of Chapter 20.45 Accessory Uses and Structures except for Section 20.45.050 Home Occupations, Section 20.45.070 Satellite Dish Antennas and Section 20.45.080 Wind Energy Conversion Systems.

- III. **Permit Submittal Requirements:** Applications for a Building Permit/Zoning Compliance Permit for the Mill Site Special Zoning District shall be initiated by the property owner or designated representative. A request for a permit shall include the following:

1. A Building Permit/Zoning Compliance Permit application.
2. A site plan drawn to scale showing all of the following information:
 - a. North point.
 - b. Boundaries, easements, and ownerships as set forth in the legal description.
 - c. Topography at appropriate contour intervals.
 - d. Existing structures and improvements.

- e. Location of existing vegetation including trees over ten (10) inches in diameter, that might be impacted by the proposal, watercourses, other natural features, and areas of slope greater than twenty-five (25) percent.
 - f. Proposed improvements.
 - g. Utilities infrastructure, including existing and proposed service connections.
 - h. All adjacent streets, public service corridors, public access easements, and rights-of-way.
 - i. Off-street parking and loading plans showing the following:
 - i.) Location of parking and loading areas.
 - ii.) The number and location of parking spaces required on-site.
 - iii.) Location of landscaping, screening, street walls and ADA parking as applicable.
 - j. On-site lighting plan.
 - k. Finish grade elevations and information relating finish grade on-site to base flood elevations.
3. Elevation drawings and/or photographs of all existing and proposed buildings including data specifying the percentage of window and door openings.
 4. A narrative addressing all information necessary to evaluate the application and the criteria established in this Mill Site Special Zoning District.
 5. Permit fees as required.
 6. Other information deemed necessary to evaluate the application.
 7. Boulevard landscaping plan as applicable.

IV. Definitions:

1. **Accessory Buildings:** An accessory building is a detached building located on the same lot or parcel as an existing principal building, the use of which is incidental or secondary to that of the principal building, such as a private garage or implement shed.
2. **Accessory Uses:** An accessory use is a use clearly incidental, customarily found with and subordinate to the main use of the premises.
3. **Build-To Line:** The line at which construction of a building façade is to occur along the street. The purpose of the line is to create a consistent building edge along the street.
4. **Cabaret License:** A license issued by the State Department of Revenue pursuant to certain guidelines established in Montana State Law which allows restaurants, cafés, or eating establishments to serve beer and wine to patrons who purchase food. Gaming and gambling is prohibited.
5. **Casino:** An accessory use to a drinking establishment where gaming and gambling occurs.
6. **Civic Use:** Intended for large-scale civic uses such as a conference/meeting center or a performing arts facility, outdoor markets, stadium, outdoor or indoor sports facility or parking for a civic use.
7. **Common Area:** Areas owned in common and maintained by property owners in the District. There are two types of common area referred to in the Mill Site District: Common Area Hardscape and Common Area Greenscape. Common Area Hardscape will be hardscape surfaces for parking areas or accessory uses for areas fronting commercial uses. Common Area Greenscape will be predominantly greenscape with living landscape material and may also contain park-like improvements such as outdoor seating, public art, picnic shelters, public plaza, sidewalks and trails which support public access use and enjoyment and are accessory to the greenscape. Both types of common area can provide connecting pathways to rights-of-way.
8. **Frontage:** The portion of a lot that abuts a street.
9. **Glazing:** That portion of a façade that is comprised of glass, including windows, glass block walls and windows in doors. When measuring the glazing area of windows and doors include the sash and frames. When measuring the glazing percentage of a façade divide the total glazed area of a façade with the total wall area of a façade. For facades where a higher percentage of glazing is required at street level, the

glazing percentage for the balance of the façade excludes the wall area included in the street level glazing calculation. When measuring the glazing percentage of a portion of a façade at street level with frontage on a street, trail or Common Area Greenscape, divide the total glazed area at street level by the wall area between the street level finish floor and twelve (12) feet above the finish floor. Glass that is darkly tinted, mirrored or highly reflective and doors with less than fifty percent (50%) glass do not count toward the minimum glazing percentage for the portion of a facade at street level with street frontage.

10. **Hotel/Motel Use:** An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels and motels.
11. **Medical Laboratory, Out-Patient Surgical Center, and Research Uses:** Medical laboratory space, instructional space, medical out-patient surgical center, physical rehabilitation center, and research laboratory uses as long as they are adequately insulated from creating distractions to nearby uses from excessive noise or smells. A research laboratory is defined as an establishment where facilities are located for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
12. **Modulation:** The stepping back or extending forward of a portion of the façade.
13. **Office Uses:** Professional, business, educational, financial institutions, and governmental office uses are included in this category. Medical offices that do not include surgical or research laboratory uses are considered professional offices.
14. **On-Premise Liquor, Wine and Beer Sales.** The Montana Department of Revenue controls the licensing of all on-premise alcoholic consumption. Licenses are issued based on public need and convenience attributable to population; and several of the licenses are restricted relative to time of operation, food sales, size, gaming and associated uses.
15. **Open Space/Public Space:** Any space that is used in part or in whole by the general public that may contain outdoor seating, public art, picnic shelters, and other structures which support public access, use and enjoyment, and are accessory to the public space or open space. Improvements within Silver Park and the public trails are further defined in the Master Park Plan for Neighborhood Parks, Community Parks and Trails. Also see the Reservation of Servitude on Silver Park for uses and improvements. Examples within the Mill Site Special Zoning District include parks, common areas not used for parking; sidewalks and other pedestrian rights-of-way; trails, passages and pedestrian accesses to public amenities; areas adjacent to the riverfront except paved parking areas; and public plazas.
16. **Outdoor Display:** The display for sale of goods, materials, or merchandise outside a fully enclosed building or structure.
17. **Parking Lots:** Parking lots are parking areas at street level not within a building or structure.
18. **Parking Structures:** Parking structures are parking areas that are part of a multi-story building or are the principal use of the structure.
19. **Principal Use:** Principal use means a use that is a primary function of a lot or structure.
20. **Public Service Corridors:** Within this special district public service corridors are public access easements that afford a means of access to adjacent properties secondary in nature to public rights-of-way.
21. **Residential Use:** Uses provided as permanent living quarters in detached houses, two-unit houses or multi-dwelling buildings. Residential uses such as assisted-living, senior housing, skilled nursing residential facilities, and residential hospice are included in this definition.
22. **Restaurant/Café:** A use where the establishment is primarily engaged in serving prepared food and/or beverages to the public and which sales of such prepared foods, meals and non-alcoholic beverages constitutes at least 65% of the establishment's gross income. As an accessory use, take-out service of prepared food and/or beverages for off-premise consumption may be provided.
23. **Retail Trade:** Uses where purchase, sale, or other transaction of goods, wares, merchandise, substances, or other articles is made directly with the public.
24. **Service Business:** Businesses that provide a personal service. Examples of service businesses include tailors, instructional businesses, health enhancement businesses, an establishment that provides forms of personal grooming including hair salons, barber shops, beauty shops, and nail salons.
25. **Sidewalks:** Refers to sidewalks within public rights-of-way only.

26. **Sidewalk Café:** A café that has outdoor dining and seating areas accessory to the main restaurant establishment.
27. **Step back:** A required step back of a building's exterior wall above a specified building height or story level to assure a comfortable pedestrian scaled street environment, and provide light and air at the street level.
28. **Street:** As used in this ordinance, "street" refers to a street within a public right-of-way.
29. **Street Level with Frontage:** Buildings that have direct physical access to the adjacent street.
30. **Street Wall:** An opaque, freestanding wall built along the frontage line, often for the purpose of masking a parking lot or loading/unloading area from the street. Street walls may also consist of a fence and landscape area a minimum of five (5) feet in depth and minimum seventy-five percent (75%) opaque. Chain link fences may not be used for a street wall. Street walls screening parking lots may have openings no larger than necessary to allow automobile and pedestrian access and shall not exceed 3'-6" in height. Street walls screening loading/unloading areas shall not exceed five (5) feet in height.
31. **Tavern or Nightclub:** An establishment that is primarily engaged in serving alcoholic liquor for consumption on the premises and in which the serving of prepared food, meals and non-alcoholic beverages constitutes less than 65% of the establishment's gross income. Taverns and nightclubs may offer live entertainment and dancing.
32. **Trail:** An off-road facility with a permanent alignment that is open to the general public and that is designed, constructed and maintained as part of a park system used for a variety of non-motorized forms of travel including walking, hiking, and biking.

V. Prohibited Uses in the Mill Site Special Zoning District:

1. Adult bookstores, adult theaters, and other retail and entertainment outlets primarily purveying adult material.
2. Automotive repair, auto body or paint shop, or auto sales, lease, rent or re-sales.
3. Welding or metalworking shops.
4. Any business or trade that is noxious or offensive by reason of emission of odor, dust, smoke, gas, vibration, noise, or which imposes any extraordinary hazard to life or property.
5. Casinos are prohibited as a principal use. Casinos are only permitted as an accessory use to a principal use for which the State Department of Revenue pursuant to Montana Law has granted an on-premise beer and wine sales license that includes gaming and gambling or an on-premise liquor, beer and wine sales license. See General Development Standards for on-premise liquor, wine and beer sales.
6. See Title 20, Section 20.105.010D for the method for classification of new uses.

VI. General Development Standards: The General Development standards do not apply to detached house and two-unit house residential uses. The General Development Standards apply to all other uses in all sub-districts with specific provisions provided in each sub-district.

1. **Setback**
(See Sub-districts D and E/F for setbacks for detached house and two-unit house building types. For multi-dwelling and non-residential uses, see sections on Build-To Line, Modulation, and Landscape/Hardscape for related standards.)
 - a. Accessory structures are not permitted in the front yard and shall be setback a minimum of three (3) feet from property lines and other structures.
 - b. Buildings must be set back six (6) feet from Public Service Corridor easements.
2. **Build-To Line**
 - a. In Sub-districts A, B/C, D and E/F for multi-dwelling and non-residential uses the build-to line is the property line except as follows:
 - i. At street level, multi-dwelling residential uses shall have a landscaped/hardscaped area a minimum of three (3) feet in depth up to a maximum of ten (10) feet in depth measured from the property line adjacent to the street. See Section 10 of the General Development Standards for Landscaping/Hardscaping standards.

- ii. At street level, non-residential uses shall have a flexible build-to line of between zero (0) feet in depth and eight (8) feet in depth measured from the property line adjacent to the street except for the first ten (10) feet from a side interior property boundary the build-to line is the property line adjacent to the street. See Section 10 of the General Development Standards for Landscaping/Hardscaping standards.

3. Architecture

- a. All principal uses including parking structures that front on a street, trail or Common Area Greenscape shall have a clearly defined and visible pedestrian entrance, fronting on the street, trail and Common Area Greenscape.
- b. Modulation: the stepping back or extending forward of a portion of the facade, which measures a minimum of two (2) feet in depth and ten (10) feet in length, and shall be provided such that no uninterrupted length of facade that fronts a street, trail or Common Area Greenscape shall exceed eighty (80) horizontal feet.
- c. Articulation: two or more of the following methods along the public streets and rights-of-way shall be used to create visual variety, reduce the apparent bulk of buildings, and establish complementary patterns or rhythms along public facades.
 - i. Include the use of building elements such as pilasters, colonnades, canopies, covered and uncovered pedestrian entrances, patios, and decks.
 - ii. Vary materials with the change in building planes or facade modulation.
 - iii. Vary rooflines.
 - iv. Provide landscaping such as trellises, shrubs, and planters.
- d. Glazing requirements for multi-dwelling residential uses:
 - i. Building facades that do not face a public service corridor or side interior property line shall contain a minimum of twelve percent (12%) glazing and shall have repetitive door and window openings.
 - ii. Building facades facing a public service corridor or side interior property line shall contain a minimum of eight percent (8%) glazing.
 - iii. Blank walls are permitted only when the structure has zero (0) setback to an interior side property line.
- e. Glazing requirements for non-residential uses exclusive of parking structures:
 - i. Street level façades that front on a street, trail or Common Area Greenscape shall contain a minimum of forty-five percent (45%) glazing and shall have repetitive door and window openings.
 - ii. The minimum amount of glazed area may be reduced to twelve percent (12%) for the portion of a façade above street level and for building facades that do not face a public service corridor or side interior property line.
 - iii. Building facades facing a public service corridor or side interior property line shall contain a minimum of eight percent (8%) glazing.
 - iv. Blank walls are permitted only when the structure has zero (0) setback to an interior side property line.
- f. Above grade parking structures shall contain openings equal to 12% of the wall area on all facades and shall have repetitive openings. The openings need not contain glass or glazing.

4. Building Height

- a. Building height is measured from the average elevation of the finished grade adjacent to the building, to the highest point of the roof of said building. See sub-districts for maximum height limit requirements.
- b. Pitched Roofs: The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the maximum height limit. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit.

- c. Solar collectors, except solar greenhouses, attached to principal use structures may exceed the height limit by four (4) feet or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine (9) feet above the height limit established in the sub-district.
- d. Height Limit Exemptions:
 - i. Open rails, planters, skylights, and clerestories may extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys may extend four (4) feet above the ridge of a pitched roof or above a flat roof.
 - ii. For principal structures, stair, elevator and mechanical equipment roof enclosures may extend up to ten (10) feet above the maximum height limit, as long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

5. Lighting Standards

- a. Outdoor lighting shall conform to Missoula Municipal Code (MMC) 8.64 Missoula Outdoor Lighting Ordinance.

6. Loading and Unloading

- a. Loading and unloading areas are required to be accessed from a public service corridor easement. For lots without access to public service corridor easements, loading and unloading areas shall be on-site set back from any street frontage property line by twenty (20) feet, and screened by a street wall. Alternatively, loading and unloading can occur from the street if approved by the City Engineer at the time of Building Permit. Where the property is surrounded on all sides by public rights-of-way, loading and unloading areas shall be within the property.

7. Parking

Parking - General

(See Sub-district D and E/F for detached house and two-unit house parking standards).

Parking - Design and Location

- a. Parking is permitted to the side or rear of the buildings only, but shall also be permitted in a courtyard area created by the articulation of the building (or buildings) around the lot, except in Sub-districts A and H-1.
- b. No parking space shall be closer to the street than the front of the building except for parking lots in Sub-districts A and H-1.
- c. Off-street parking areas that abut Common Area Greenscape, public parks, or streets must provide a street wall for screening except in Sub-district H-1. In Sub-district A, street walls are only required where parking lots abut Wyoming Street. Parking areas that require screening shall be screened by a street wall in accordance with the definition described in this Special District.
- d. Except for Sub-Districts A and H-1, in any three hundred (300) feet of street frontage no more than sixty-four (64) feet of the frontage shall be used for off-street parking.
- e. In Sub-districts A, B/C and G, unless for the purpose of accessing Silver Park, or Ogren Park at Allegiance Field, only one driveway access or Public Service Corridor access for each three hundred (300) feet of street frontage is permitted.
- f. Except for Sub-district A, no off street parking areas shall abut the following streets at street level: Wyoming Street; Moose Creek Trail between Silver Parkway and Wyoming Street; and Silver Parkway between Welcome Creek Court and Wyoming Street.
- g. Interior landscape islands are required in all parking lots and shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred thirty-five (135) feet. Any parking aisle that ends adjacent to a paved driving surface, regardless of the aisles length, shall have a landscaped island at that end. Landscape islands shall be nine (9) feet wide and the length of the parking space, planted with ground cover and one (1) deciduous tree and protected by curbs.
- h. Garages are prohibited from facing streets in Sub-district B/C, except for Big Timber Lane and Silver Parkway between Big Timber Lane and Wyoming Street.
- i. In Sub-districts A, B/C and G:
 - i. Parking spaces for multi-dwelling residential uses shall be provided on-site or off-street within five hundred (500) feet of the building or use they are required to serve.

- ii. Parking spaces for non-residential uses may be provided off-site and shall be located within Sub-districts A, B/C, G or H-1 of the Mill Site Special Zoning District. On-street parking spaces along the street frontage of a building or use may count toward the required off-street parking spaces for non-residential uses. See the "Shared Parking Rights Agreement" for the use of the parking lot in Sub-district H-1 for shared parking for non-residential uses located in Sub-districts A, B/C and G.
- j. In Sub-districts D and E/F:
 - i. Parking for non-residential and multi-dwelling residential uses in Sub-district D and E/F shall be provided on-site or off-site within five hundred (500) feet of the building or use they are required to serve.
 - ii. On-street parking spaces along the street frontage of a building or use may count toward the required off-street parking spaces for non-residential uses.

Parking - Shared Parking Standards

- k. Parking lots and parking structures within the Mill Site Special Zoning District shall only serve uses within the District, except two hundred fifty (250) parking spaces shall be provided for or shared with Ogren Park at Allegiance Field. The parking lot in Sub-district H-1 also provides parking for Silver Park, the boat ramp and public access to the Trails. See the "Shared Parking Rights Agreement" regarding use of the parking lot in Sub-district H-1.
- l. Parking as permitted in Sub-District H-1 may not be shared with residential uses.
- m. Parking areas or structures containing spaces allotted to specific buildings or uses are not required to be owned by users or building owners.
- n. In Sub-Districts A, B/C, and G:
 - i. Residential and Non-residential uses may share parking pursuant to the Shared Parking standards in Section 20.60.030 of the Title 20, Missoula City Zoning Ordinance.
 - ii. Required parking shall be provided on-site or off-site in facilities that exist prior to certificate of occupancy approval for the proposed use.
- o. In Sub-districts D and E/F:
 - i. Multi-dwelling residential and Non-residential uses in Sub-district D may share parking pursuant to the Shared Parking standards in Section 20.60.030 of the Title 20, Missoula City Zoning Ordinance.
 - ii. Required parking spaces in Sub-district E/F shall not be included in a shared parking agreement.
 - iii. Required parking for Multi-dwelling uses and Non-residential uses in Sub-districts D and E/F shall be provided on-site or off-site in facilities that exist prior to certificate of occupancy approval for the proposed use.

Parking - Amounts of Required Parking

- p. In Sub-Districts A, B/C, and G:
 - i. The minimum number of off-street parking spaces required for uses permitted in Sub-Districts A, B/C, and G shall be in conformance with Section 20.60.020C Off-street Parking Schedule of the Title 20 Missoula City Zoning Ordinance, except as follows:
 - 1) A minimum of one (1) off-street parking space is required for each Multi-dwelling residential unit, unless fewer spaces are required under Section 20.60.020C.
 - 2) A minimum of one (1) parking space per five hundred (500) square feet of gross leasable floor area for office uses as defined in this ordinance.
 - 3) A minimum of one (1) parking space per four hundred (400) square feet of gross leasable floor area for retail trade, restaurant/café, restaurant with cabaret license, and tavern/nightclub uses as defined in this ordinance.
 - 4) On-street parking spaces along the street frontage of a building or use may count toward the required off-street parking spaces for non-residential uses.
- q. In Sub-Districts D and E/F:
 - i. The minimum number of off-street parking spaces required for uses permitted in Sub-Districts D and E/F shall be in conformance with Section 20.60.020C Off-street Parking Schedule of the Title 20 Missoula City Zoning Ordinance except as follows:
 - 1) In Sub-district D: a minimum of one and a half (1.5) off-street parking spaces are required for each Multi-dwelling residential unit, unless fewer spaces are required under Section

20.60.020C of the Title 20 Missoula City Zoning Ordinance.

- 2) In Sub-district D: A minimum of one (1) parking space per five hundred (500) square feet of gross leasable floor area for office uses as defined in this ordinance.
- 3) In Sub-district D: A minimum of one (1) parking space per four hundred (400) square feet of gross leasable floor area for retail trade, restaurant/café, and restaurant with cabaret license uses as defined in this ordinance.
- 4) In Sub-district D: On-street parking spaces along the street frontage of a building or use may count toward the required off-street parking spaces for non-residential uses.
- 5) In the portion of Sub-district E/F south of Welcome Creek Court and east of Old Mill Road: a minimum of one and a half (1.5) off-street parking spaces are required for each multi-dwelling residential unit, unless fewer spaces are required under Section 20.60.020C of the Title 20 Missoula City Zoning Ordinance.

Parking – Bicycle Parking

- r. Bicycle Parking shall be provided for multi-dwelling residential uses and non-residential uses per Section 20.60.090 Title 20 Missoula City Zoning Ordinance except as follows:
 - i. Non-residential uses: Short term bicycle parking shall be provided at the rate of one (1) bicycle parking space per five (5) motor vehicle spaces; two (2) spaces minimum.
 - ii. Multi-dwelling residential uses: Short term bicycle parking shall be provided at the rate of one (1) bicycle parking space per each multi-dwelling unit; two (2) spaces minimum.

Parking – Parking Structures

- s. Parking Structures
 - i. In Sub-districts A and G, parking structures are permitted as a principal use.
 - ii. In Sub-districts B/C and D, parking facilities within a structure may front streets, public parks or Common Area Greenscapes at the second story and above.
 - iii. In Sub-districts E/F, parking structures are permitted as an accessory use only. Parking structures are not permitted above street level in areas with frontage on streets, public parks or Common Area Greenscapes.
 - iv. Section 20.60.020B of the Title 20 Missoula City Zoning Ordinance addressing maximum number of parking spaces does not apply to parking structures.

8. Sidewalk Café Standards

Should the City of Missoula adopt Sidewalk Café regulations in the Missoula Municipal Code it will supersede the Mill Site Special Zoning District Sidewalk Café Standards. Cafes located on public sidewalks ("Sidewalk Café") are subject to the following standards:

- a. The sidewalk café may not extend beyond the area adjacent to the main restaurant frontage.
- b. To prevent additional encroachment onto public space and to contain the sale of alcohol within the café area, the sidewalk café must be separated from the pedestrian walkway with a non-movable system of enclosure, such as decorative fencing with removable bollards.
- c. A seven (7) foot wide unobstructed pedestrian walkway must be provided at all times along the public sidewalk.
- d. No portion of a sidewalk café may be used for any purpose other than dining or accessory uses that add to the ambience of the dining experience.
- e. Associated amenities for the outdoor dining and seating area, such as landscape planters, shall not encroach into the pedestrian walkway.
- f. No tables or seating shall be placed within the area of any handicap ramps, driveways, or doorways.
- g. The canopies of umbrellas associated with outdoor tables must provide a minimum vertical clearance of seven (7) feet, unless the umbrella does not extend beyond the outside edge of the table. Umbrella canopies may not extend beyond the sidewalk café area.
- h. An encroachment permit for the sidewalk café must be obtained.

9. Common Area Standards

- a. Common Area Greenscape will be planted with street trees and irrigated lawn or an approved alternative subject to review and approval by the City Urban Forester.
- b. Common Area Hardscape must meet industry standards for drainage, surfacing, accessibility and function.

10. Landscaping/Hardscaping Standards

- a. Where multi-dwelling uses are at street level with street frontage there shall be a landscaped/hardscaped area, containing a minimum of twenty percent (20%) living material by area. The landscaped/hardscaped area shall be a minimum of three (3) feet and a maximum of ten (10) feet in depth in the front yard. The landscaped area with living material may be in a raised planter or on grade. When the front façade is not parallel to the property line some portions of the landscaped/hardscaped area may exceed ten (10) feet in depth as long as the average depth of the landscaped/hardscaped area does not exceed ten (10) feet.
- b. Where non-residential uses are at street level with public street frontage, there may be a landscaped/hardscaped area up to eight (8) feet deep on the street level frontage. The landscaped/hardscaped area may contain living material landscaping, hardscape, sidewalk café seating, building modulation, building entry articulation and raised planters. Where the lot frontage is adjacent to another lot, the paved or landscaped area is not permitted for the first ten (10) feet from the property line separating the two lots.
- c. Boulevards landscaped with living material per Chapter 12.48 of the Missoula Municipal Code are required along all street frontages where residential uses are permitted at street level except on Wyoming Street between Moose Creek Trail and Clearwater Lane.
- d. Trash containers, ground mounted mechanical equipment and outdoor storage shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping or combination thereof.

11. On-Premises Liquor, Wine or Beer Sales

- a. Principal uses, such as restaurant/café, restaurant with cabaret license, or tavern/nightclub, for which the State Department of Revenue pursuant to Montana Law has granted an on-premise beer and wine sales license or an on-premise liquor, beer and wine sales license, and casinos accessory to principal uses, are subject to the following standards:
 - i. Hours of operation are restricted to the hours of 8:00 am and 2:00 am.
 - ii. Public entrances, except emergency entrances, shall be from the street. Entrances from public service corridors are prohibited. Entrances shall be allowed onto parking areas in Sub-districts A and G if the primary access to the business is from the parking area. If the entrance is onto the parking area in Sub-district H-1, a Use Agreement or Permit approved by the City of Missoula and City Parks and Recreation is required in order to limit impacts to trail corridors and park functions.
 - iii. No more than three (3) gaming machines shall be located in an area of a structure dedicated to the principal use.
 - iv. Establishments utilizing more than three gaming machines shall provide an area devoted to gaming physically separated by a wall with a door or doors from the area dedicated to the principal use. The floor area dedicated to gaming may not be larger than twenty percent (20%) of the floor area devoted to the principal use.

Sub-District Plan

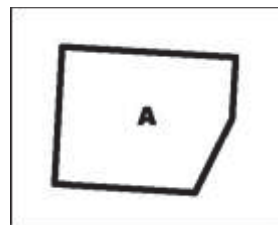


Specific Sub-District Standards and Permitted Uses:

VII. Sub-District A:

1. Purpose

Sub-District A is intended for outdoor display, a large scale civic use, hotel, a series of mixed uses such as retail trade, professional offices, and multi-dwelling residential. Large surface parking lots and/or parking structures are anticipated for this site. The General Development Standards in Section VI apply to all uses in this sub-district.



SUB-DISTRICT A

2. Permitted Uses

Art galleries and museums

Civic Uses

Day care homes and centers

Food products and preparation

Hotel, motel

Medical Laboratory, Out-Patient Surgical Center, Research Uses

Micro-brewery

Micro-distillery

Office Uses

Outdoor Display

Open/Public Space

Parking lots and structures

Public Utilities

Radio and television studios

Recreation

Residential Uses (*2nd story and above*)

Restaurant/Café

Restaurant with Cabaret License

Retail Trade

Service Businesses

Sidewalk Café

Schools public and private

Tavern/Nightclub

Theaters and other places of public and private assembly and recreation

Transportation terminals

Winery, small scale

Accessory buildings and uses

3. Prohibited Uses

Detached house and two unit house residential uses.

4. Setbacks and Build-To Lines

There are no setback requirements, except those listed under the General Development Standards.

Build-to line requirements only apply to street frontage along Wyoming Street. The Build-to line is the property line adjacent to the street. Refer to the following sections in the General Development Standards related to Build-To Line and Setbacks:

See Section 1 of General Development Standards for additional Setbacks.

See Section 2 of General Development Standards for Build-To Line.

See Section 3b of General Development Standards for Modulation.

See Section 10 of General Development Standards for Landscape/Hardscape.

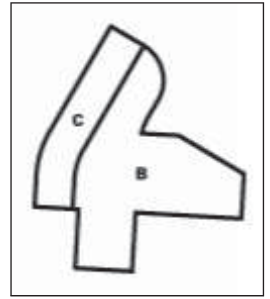
5. Building Height and Step Backs

Maximum height of buildings constructed in this sub-district is one-hundred (100) feet.

Building walls that face Wyoming street must step back each story a minimum of five (5) feet from the floor below starting at the fifth story.

Step backs are not required on towers, bays or other similar architectural elements. Exempted towers, bays and other architectural elements may not exceed twenty percent (20%) of the total length of the building façade with street frontage.

VIII. Sub-District B/C:



SUB-DISTRICT B/C

1. **Purpose**

Sub-Districts B/C permits a mixture of uses, hotel, retail, service businesses and commercial office uses along with multi-dwelling residential uses. . The General Development Standards in Section VI apply to all uses in this sub-district.

2. **Permitted Uses**

Art galleries and museums

Civic Uses

Day care homes and centers

Food products and preparation

Hotel, motel

Medical Laboratory, Out-Patient Surgical Center,
Research Uses

Micro-brewery

Micro-distillery

Office Uses

Outdoor Display

Open/Public Space

Parking lots
(as an Accessory Use only)

Parking Structures

Public utilities

Radio and television studios

Recreation

Residential Uses (*2nd story and above*)

Restaurant/Café

Restaurant with Cabaret License

Retail Trade

Schools public and private

Service Businesses

Sidewalk Café

Tavern/Nightclub

Theaters and other places of public and
private assembly and recreation

Transportation terminals

Winery, small scale

Accessory buildings and uses

3. **Restricted Use Area**

Only the following uses are permitted at
street level along Moose Creek Trail
between Wyoming and Silver Parkway and
on Silver Parkway between Moose Creek Trail and Big Timber Lane:

- a. Restaurant/Café, Restaurant with Cabaret License, Tavern/Nightclub, Retail Trade, and Sidewalk Café.

4. **Prohibited Uses**

Detached house and two-unit house residential uses.

5. **Setbacks and Build-To Lines**

There are no setback requirements, except those listed under the General Development Standards. The build-to line is the property line adjacent to the street. Refer to the following sections in the General Development Standards for standards related to Build-To Line and Setbacks.

See Section 1 of General Development Standards for additional Setbacks.

See Section 2 of General Development Standards for Build-To Line.

See Section 3b of General Development Standards for Modulation.

See Section 10 of General Development Standards for Landscape/Hardscape.

6. **Building Height and Step Backs**

Maximum height of buildings constructed in this sub-district is seventy-eight (78) feet.

Building walls that face the street must step back each story a minimum of five (5) feet from the floor below starting at the fourth story when the building exceeds fifty-four (54) feet in height.

Step backs are not required on towers, bays or other similar architectural elements. Exempted towers, bays and other architectural elements may not exceed twenty percent (20%) of the total length of the

building façade with street frontage.

IX. Sub-District D:

1. **Purpose**

Sub-District D is intended for residential uses. The General Development Standards in Section VI apply to all uses except detached house and two-unit house building types in this sub-district.

2. **Permitted Uses**

Day care homes and centers

Public Utilities

Open/Public Space

Residential Uses

Parking lots

Accessory buildings

and uses

(as an Accessory Use only)

Parking structures

Within one hundred (100) feet of Wyoming Street, the following are permitted uses on the street level:

Office Uses

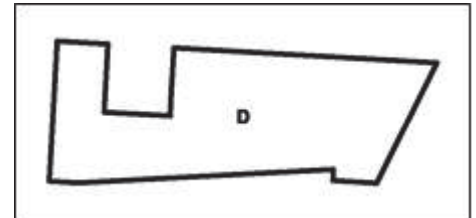
Restaurant/Café

Restaurant with Cabaret License

Retail Trade

Service Businesses

Sidewalk Café



SUB-DISTRICT D

3. **Setbacks and Build-To Lines**

- a. Multi-dwelling and Non-residential uses: There are no setback requirements, except those listed under the General Development Standards. The Build-to line is the property line adjacent to the street. Refer to the following sections of the General Development Standards for standards related to Build-To Lines and Setbacks:

See Section 1 of General Development Standards for Setbacks.

See Section 2 of General Development Standards for Build-To Line.

See Section 3b of General Development Standards for Modulation.

See Section 10 of General Development Standards for Landscape/Hardscape.

- b. Detached House and Two-unit House: The build-to line standard is the same as the front yard setback noted below.
- Front yard setback shall be five (5) feet. Front yards shall be landscaped, containing a minimum of sixty percent (60%) living material by area.
 - Porches may extend two (2) feet into the front yard setback.
 - Accessory structures are not permitted in the front yard and shall be setback a minimum of three (3) feet from property lines and other structures.
 - Buildings must be set back six (6) feet from Public Service Corridor easements.

4. **Building Height and Step Backs**

Maximum height of buildings constructed in this sub-district is seventy-eight (78) feet.

Building walls that face the street must be stepped back a minimum of five (5) feet from the floor below starting at the fourth story when the building exceeds fifty-four (54) feet in height.

Step backs are not required on towers, bays or other similar architectural elements. Exempted towers, bays and other architectural elements may not exceed twenty percent (20%) of the total length of the building façade with street frontage.

5. **Parking**

- a. For multi-dwelling and non-residential uses parking standards see Section 7 of the General Development Standards.
- b. For detached house the minimum number of parking spaces required shall be in conformance with Section 20.60.020C Off-street Parking Schedule of Title 20 Missoula City Zoning Ordinance.
- c. For two-unit house building types the parking standards are as follows:
 - i. A minimum of one and a half (1.5) off-street parking spaces are required for each residential unit, unless fewer spaces are required under Section 20.60.020C of the Title 20 Missoula City Zoning Ordinance.
- d. Required parking shall be provided on-site with the building permit approval.
- e. Required parking spaces shall not be included in a shared parking agreement.
- f. Garages are prohibited from facing the street.

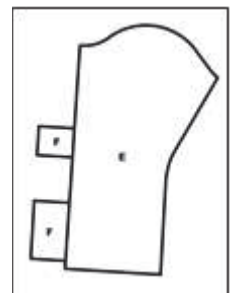
X. Sub-District E/F:

1. **Purpose**

Sub-Districts E/F are intended for residential uses. The General Development Standards in Section VI apply to all uses except detached house and two-unit house building types in this sub-district.

2. **Permitted Uses**

| | |
|---|------------------------------|
| Day Care Homes | Public Utilities |
| Open/Public Space | Residential Uses |
| Parking lots and structures (as an Accessory Use only) | Accessory buildings and uses |



SUB-DISTRICT E/F

3. **Setbacks and Build-To Lines**

- a. Multi-dwelling uses: There are no setback requirements, except those listed under the General Development Standards. The Build-to line is the property line adjacent to the street. Refer to the following sections of the General Development Standards for standards related to Build-To Lines and Setbacks:
 - See Section 1 of General Development Standards for Setbacks.
 - See Section 2 of General Development Standards for Build-To Line.
 - See Section 3b of General Development Standards for Modulation.
 - See Section 10 of General Development Standards for Landscape/Hardscape.
- b. Detached House and Two-unit House: The build-to line standard is the same as the front yard setback noted below.
 - i. Front yard setback shall be five (5) feet. Front yards shall be landscaped, containing a minimum of sixty percent (60%) living material by area.
 - ii. Porches may extend two (2) feet into the front yard setback.
 - iii. Rear yard setbacks shall be three (3) feet.
 - iv. Side yard setbacks shall be five (5) feet for a detached house and five (5) feet for the exterior side yards of a two-unit house. Interior side yard setback for a two-unit house shall be zero (0) feet.
 - v. A minimum of ten (10) feet shall be provided between all principal use residential structures.
 - vi. Accessory structures are not permitted in the front yard and shall be setback a minimum of three

(3) feet from property lines and from other structures.

vii. Buildings must be set back six (6) feet from Public Service Corridor easements.

4. **Minimum Lot Width**

Single dwelling detached residential uses must have a minimum parcel width of thirty-two (32) feet.

5. **Building Height and Step Backs**

Maximum height of buildings constructed in this sub-district is fifty-four (54) feet.

Building walls that face the street must step back each story a minimum of five (5) feet from the story below starting at the third story and above.

6. **Parking**

a. For multi-dwelling residential uses see Section 7 of the General Development Standards.

b. For detached house the minimum number of parking spaces required shall be in conformance with Section 20.60.020C Off-street Parking Schedule of Title 20 Missoula City Zoning Ordinance.

c. For two-unit house building types the parking standards are as follows:

i. The minimum number of off-street parking spaces required shall be in conformance with Section 20.60.020C Off-street Parking Schedule of Title 20 Missoula City Zoning Ordinance except as follows:

1). In the portion of Sub-district E/F south of Welcome Creek Court and east of Old Mill Road: a minimum of one and a half (1.5) off-street parking spaces are required for each residential unit, unless fewer spaces are required under Section 20.60.020C of the Title 20 Missoula City Zoning Ordinance.

d. Required parking shall be required with the building permit and shall be provided on-site.

e. Required parking spaces shall not be included in a shared parking agreement.

f. Garages are prohibited from facing streets.

XI. Sub-District G:

1. **Purpose**

Sub-District G (located in the northeastern portion adjacent to Ogren Park at Allegiance Field) is intended for restaurant and office space, complementary to Ogren Park at Allegiance Field.



SUB-DISTRICT G

2. Permitted Uses

Micro-brewery

Micro-distillery

Office Uses

Open/Public Space

Parking lots and structures

Recreation

Restaurant/Café

Restaurant with Cabaret License

Retail Trade

Service Businesses

Tavern/Nightclub

Accessory buildings and uses

3. Setbacks and Build-To Line

There are no setback or build-to line requirements.

4. Building Height

Maximum height of buildings constructed in this sub-district is forty-two (42) feet.

XII. Sub-Districts H and H-1 and H-2:

1. Purpose

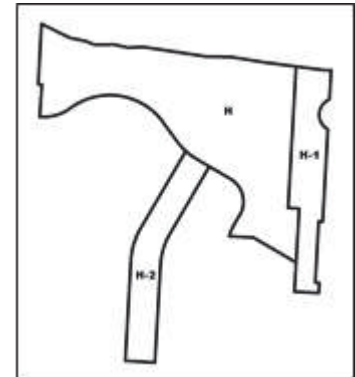
To provide a public park, a link in the trail system between the Bitterroot Branch Trail adjacent to the south of the district and the River Front Trail along the Clark Fork River, parking and outdoor display.

Sub-District H comprises Silver Park, a public Community Park that also fulfills the Neighborhood Park needs and level of service for the residents of the district. It is maintained by the City Parks and Recreation Department per the goals and standards of the Department.

SUB-DISTRICT H / H-1 / H-2

Sub-Districts H and H-1 integrate functionally with Ogren Park at Allegiance Field.

Sub-District H-2 is a publicly accessible, privately maintained Common Area Greenscape.



2. Permitted Uses

Sub-district H:

Park and accessory uses (See Master Parks Plan for definitions of Community Park, Neighborhood Park, and the Reservation of Servitude on Silver Park for uses and management goals.)

Sub-district H-2:

Park and accessory uses

Common area (overlain with public access easement)

Public plaza area including open/public space in accordance with the definition herein including, but not limited to: public gathering areas, park uses, public recreation, open space, outdoor entertainment venues, bridges, pedestrian trails, and public art.

Sub-district H-1:

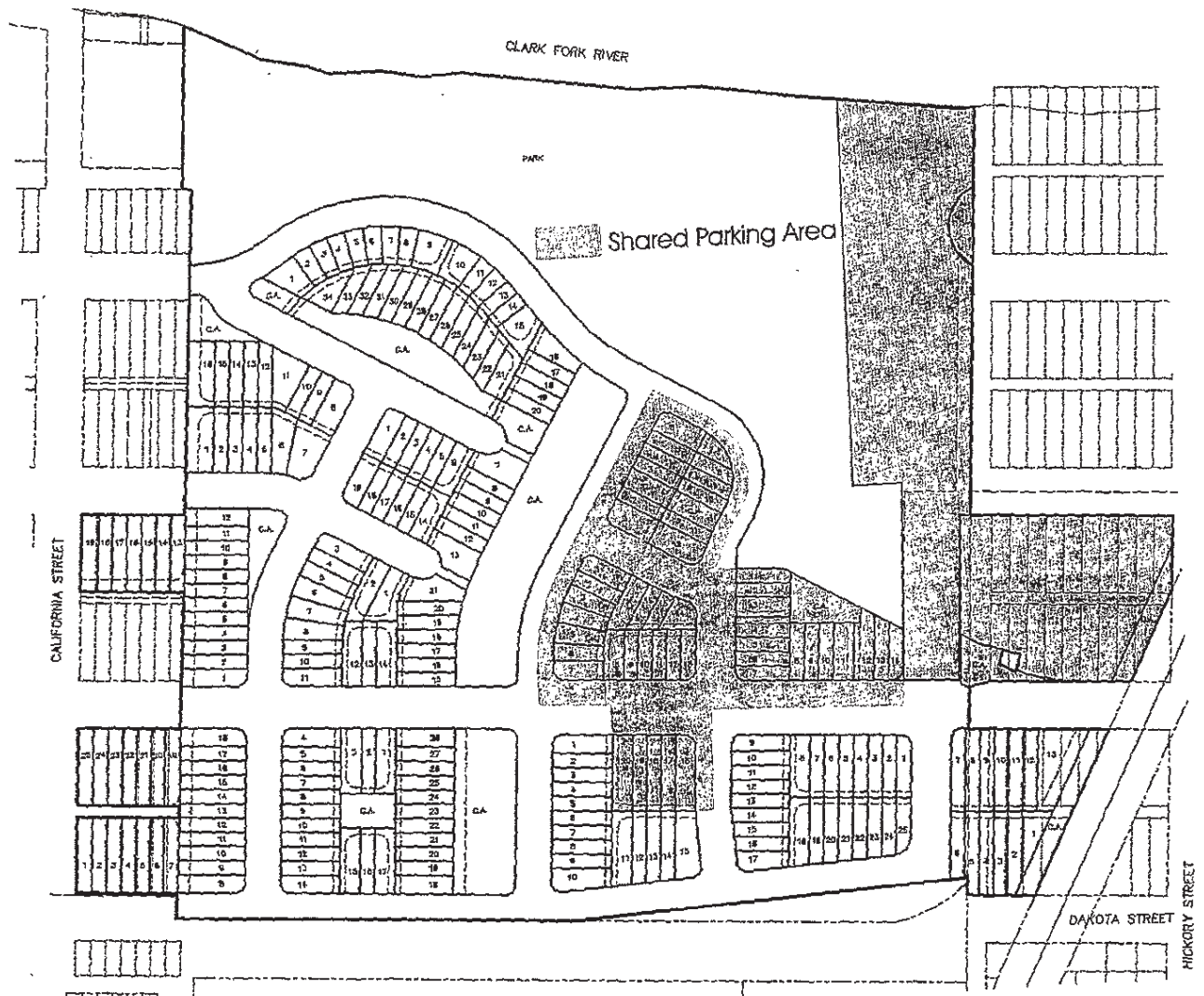
All of the uses permitted in Sub-districts H and H-2, except for Common Area

Boat ramp and accessory parking

Parking area and outdoor display for commercial uses in Sub-Districts A, B/C, G, H and the Ogren Park at Allegiance Field. See the "Shared Parking Rights Agreement" for the use of the parking lot in Sub-district H-1.

XIII. Shared Parking Area

Shared parking is permitted in Sub-districts A, B/C, G and H-1. See Section 7 Parking in the General Development Standards of this Special District. See the "Shared Parking Rights Agreement" for the use of the parking lot in Sub-district H-1 for shared parking for non-residential uses located in Sub-districts A, B/C and G.



- XIV. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall remain in full force and effect.

PASSED by a 9 ayes, 0 nays, 0 abstain and 3 absent vote and

APPROVED by the Mayor this 25th of November, 2013.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
Martha L. Rehbein, CMC
City Clerk

/s/ John Engen
John Engen
Mayor

(SEAL)