

**From:** [Mike Nugent](#)  
**To:** [Jen Gress](#); [Cassie Tripard](#); [Madson Matthias](#); [Laval Means \(she/her\)](#); [Mary McCrea](#); [Eran Pehan](#)  
**Subject:** Fwd: Two minor changes to the "Complying with 2023 State Legislation" zoning update  
**Date:** Monday, October 2, 2023 11:41:57 AM

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Second FYI.

Mike Nugent  
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**From:** Mike Nugent <mikenugentmsla@gmail.com>  
**Sent:** Sunday, October 1, 2023 7:41:37 PM  
**To:** Mike Nugent <NugentM@ci.missoula.mt.us>  
**Subject:** Fwd: Two minor changes to the 'Complying with 2023 State Legislation' zoning update

----- Forwarded message -----

**From:** **Danny Tenenbaum** <[drtenenbaum@gmail.com](mailto:drtenenbaum@gmail.com)>  
**Date:** Sun, Oct 1, 2023, 7:39 PM  
**Subject:** Two minor changes to the 'Complying with 2023 State Legislation' zoning update  
**To:** Mike Nugent <[mikenugentmsla@gmail.com](mailto:mikenugentmsla@gmail.com)>

Hey Mike!

Hope you're doing well.

The zoning update looks great overall. There are two additional subsections, however, that are the type of aesthetic design rule that the legislature intended to end with SB 407:

1. 20.65.060 - Buffers.

This design rule requires multifamily development to shield itself with a wall or berm from any bordering single family zones. The rule's stated purpose is "to mitigate the possible adverse effects that can occur" in this scenario. Is this "necessary to protect public health or safety," as SB 407 requires? I don't think so. I would be shocked if someone on Council or staff put up a fight here-- this ordinance gives off mad snobby vibes. For what it's worth, I tweeted about this last year and it got liked by Amy Cilimburg, Ellie, Kendall Cotton, Travis Hall with the Gov's office, among others: <https://twitter.com/DannyTenenbaum/status/1547986850232422401>

2. 20.25.080 7.a.- Design Excellence Overlay - Mass Variation

Per the code, the intent of this design rule is to "provide visual interest and a human-scale to otherwise large and monotonous building facades through the use of design features that break a large building mass into different, clearly identifiable elements." That's about as aesthetic as you can get-- and it's not even a good aesthetic (in my opinion). Missoula's most iconic buildings like the Wilma and the Florence building violate this standard. Not only does it have nothing to do with public health or safety-- it also makes construction much more expensive and it increases a building's surface area making it less energy efficient! Council should nix 7.a. to comply with SB 407.

There are other parts of Title 20 might be suspect under SB 407-- I do wonder how a city could say height limits on buildings are "necessary to protect public health and safety" when the limits are more restrictive than what the fire chief recommends, but these are the two lowest hanging fruit and I don't think staff should have to do more than they've already done with this great update. I will be at the Oct 16 discussion of this ordinance. Hope this helps-- and thanks for all your work!

Danny Tenenbaum  
406-285-1460