

Our Missoula: Summary of Adoption Draft Updates

Contents

- Our Missoula: Summary of Adoption Draft Updates 1
- Unified Development Code, generally:**2
 - Purpose of this Document2
 - General Corrections:2
- Chapter 1: Introduction**2
 - Unified Development Code Name2
 - Transitional Provisions.....3
- Chapter 2: Administration and Procedures**5
 - Noticing Clarification5
- Chapter 4: Zoning**.....5
 - Dwelling Units per Building5
 - Buildings in the R-R1 Rural Residential District8
 - Floor Area Ratio and Density 10
 - Lot Standards 15
 - Maximum Height..... 17
 - Maximum Building Width 18
 - Building Placement 20
 - Transparency 25
 - Other Building Form and Components in Mixed-Use Districts..... 27
 - Rename Industrial Mixed-Use to Transitional Mixed-Use 29
 - Airport Hazard Overlay 32
 - Sacajawea House Historic Resource Overlay 34
 - Article 4.7 Building Standards 36
 - Article 4.8 Uses (and Parking Requirements) 40
 - Article 4.9 Site Development Standards 41

Chapter 5: Subdivision	43
Maximum Block Perimeter	43
Exemptions to Parkland Dedication	44
Chapter 8: Definitions	44
Building Width	44

Unified Development Code, generally:

Purpose of this Document

The public review draft of the Unified Development Code (UDC) was released on October 29th. An adoption draft of the UDC was released on November 14th in preparation for the public hearing process. The adoption draft contains edited standards and language in response to public feedback and identification of errors. The edits and explanations between the public review draft and adoption draft are described and shown in this document. Excerpts show updates in strike-through/underline.

General Corrections:

- 1) Typos such as missing commas, miss-spelled words, missing dashes, and incorrect capitalization were corrected throughout the UDC.
- 2) Formatting errors were corrected. A missing article title was added to Article 4.11. The title page spacing error was corrected in Article 4.1. As a result of the changes described in this document, minor edits to the spacing and layout were made throughout the UDC to make space for new language.
- 3) Some outdated references to “this zoning ordinance” existed throughout the public review draft. While the UDC does contain zoning, the proper reference is “this UDC”. The full document has been reviewed for consistency and edited to reference the official name of the new UDC.

Chapter 1: Introduction

Unified Development Code Name

- 1) Cover Page and Section 1.1.01-A Office Name (Title)

Description: The official name of the code is amended to “City of Missoula Unified Development Code” instead of “Unified Development Code of the City of Missoula, Montana”. The cover page was amended for consistency.

Explanation: The minor reordering of the UDC name was made per legal guidance from the City Attorney’s Office. This change better aligns with the Manual title and uses active voice instead of passive voice.

Excerpts:



Division 1.1.01 General

Section 1.1.01-A. Official Name (Title)

The official name of this title (Title 22) is the "City of Missoula Unified Development Code ~~of the City of Missoula, Montana.~~" For convenience, it is referred to throughout this title as the "UDC."

Transitional Provisions

1) Section 1.1.04-C Site-Specific Development Plans Approved Before the Effective Date

Description: This section of code describes how previous zoning approvals for projects still process at the time of adoption will be honored. The draft was updated to differentiate transitional provisions for subdivision versus other approvals such as zoning compliance permits and variances. The two-year deadline to submit building permit for approved site-specific development has been extended to three years.

Explanation: Subdivisions have deadlines for filing final plats that are approved by City Council. The regulations are amended to specify that subdivisions follow the deadlines that have already been approved, and that subdivisions shall be filed

according to the original approval and do not need to be updated to comply with the new UDC. The amendment to extend the deadline for submitting building permits for non-subdivision site-specific development plans (zoning compliance permits, variances, design excellence approvals, etc.) was extended in response to concerns that two years may not be enough time for a developer/property owner if there are unforeseen delays in a project. Three years is the standard expiration date for approved permits listed in the zoning article of the UDC, so the amendment brings the transitional provisions into alignment with other UDC provisions.

Excerpt:

Section 1.1.04-C. Site-Specific Development Plans Approved Before [Effective Date of UDC]

1. ~~Building permits and zoning compliance P~~ermits may be issued for previously approved, unexpired site-specific development plans in accordance with the approved plan. Site-specific development plans under Section 1.1.04-C.1 are plans submitted by a landowner or a landowner's authorized representative describing with reasonable certainty the type and intensity of development to be carried out on a specific parcel, and that have been approved by all applicable City departments or by the governing body. Such site-specific development plans may be in the form of a design excellence approval, variance, conditional use approval, or a historic preservation permit approved before [effective date], and will remain valid until [effective date of this ordinance + threetwo years] unless a ~~phasing plan or~~ different lapse of approval date has been previously approved.
 - (a) Zoning Compliance Permit (ZCP) with Phased Construction Plan: Building permits for the first phase must be submitted within 3 years of ZCP approval, and permits for each subsequent phase must be submitted within two years after the previous phase.
 - (b) Zoning Variance, Design Excellence Approval, Historic Preservation Permit, or Conditional Use: Building permit or ZCP must be submitted within 3 years of variance approval.
- ~~1.2.~~ The Planning Administrator is authorized to grant a maximum one-year extension to deadlines contained in previously approved site-specific development plans of Section 1.1.04-C.1 if the Planning Administrator determines that the extension is necessary to address delays beyond the reasonable control of the applicant. The request for extension must be submitted to the City in writing prior to expiration of the permit. After the lapse of approval date, no permits, extensions, or other approvals may be issued except in accordance with the standards and procedures of this UDC.
- ~~2.3.~~ Subdivision For purposes of this section, "site-specific development plans" include preliminary plat approvals, final plat approvals, phased development review approval, Master Site Plans approved under Title 21 Zoning Code, and subdivision exemption approvals that have been approved by all applicable City departments or by the governing body. Subdivision site-specific development plans approved before [effective date] will remain valid per effective dates approvals outlined in Division 5.3.03. Subdivision exemption approvals will remain valid until [effective date + two years]. are plans or plats submitted by a landowner or a landowner's authorized representative describing with reasonable certainty the type and intensity of development to be carried out on a specific parcel, and that have been approved by all applicable City departments or by the governing body. Such plans may be in the form of a zoning compliance permit, building permit, Design Excellence approval, conditional use approval, variance, historic preservation permit, subdivision preliminary plat approval, subdivision phased development review approval, subdivision final plat approval, Master Site Plan approved under Title 21 Zoning Code, or other similar development plan as determined by the Planning Administrator. This section is not intended to interfere with any established development agreement between property owners and the City.
- ~~3.4.~~ Subdivision Ffinal plats and subdivision exemption amended plats or amended certificates of survey filed from site-specific development plans approved before [effective date] will not be evaluated for compliance with minimum lot width or lot area standards in Chapter 4. Development on the lots shall comply with all other zoning standards in Chapter 4 at the time of building permit or zoning compliance permit. containing legal non-conforming lots may be filed with the lot sizes approved at the time of preliminary plat approval. Non-conforming lots are subject to the provisions of Article 4.13 and may be used and development for any purpose allowed by this UDC.

Chapter 2: Administration and Procedures

Noticing Clarification

1) Table 2.3.01-1: Notification Requirements for Privately Initiated Requests

Description: This table lists which types of noticing must be completed for different application types. The amendment clarified this line of the table applies to “Targeted Land Use Plan Amendments” which are typically initiated by property owners and apply to a small area, such as one parcel.

Explanation: City initiated land use plan amendments are required to comply with the adopted public participation plan for noticing and engagement. This requirement is detailed in Section 2.3.01-B.1 and the table only specifies noticing requirements for privately initiated requests. The amendment was necessary to provide clarity around what type of land use plan amendment must comply with the noticing requirements in Table 2.3.01-1.

Excerpt:

Process Name	Notification
Land Use Plan Processes	
Targeted Land Use Plan Amendment	Electronic; Mailed; Posted; Newspaper

Chapter 4: Zoning

Dwelling Units per Building

1) Sections 4.2.03-C, 4.3.03-C, and 4.4.03-C Number of Dwelling Units per Building

Description: Updated ‘Units per Building’ standards to specify the regulations are specific to residential dwelling units. The change was made in Article 4.2 Residential Districts, Article 4.3 Mixed-Use Districts, and Article 4.4 Special Use Districts.

Explanation: This update provides greater clarity on the intent of this standard, especially related to confusion about how the standard applies to accessory

structures and commercial units. The standard is meant to apply only to buildings used for residential purposes.

Excerpts:

Section 4.2.03-C. Number of Dwelling Units per Building

1. Purpose

The purpose of prescribing a maximum number of dwelling units per building type is meant to support the Land Use Plan's goals of providing compatible development, housing diversity, and missing middle housing. Specifically:

- (a) To add buildings to existing neighborhoods that fit within the established context in terms of building size, shape, and location;
- (b) To promote a range of housing types that meet various, diverse needs; and
- (c) To support a range of multi-unit or clustered housing types compatible in scale with single-unit homes, that help meet the growing demand for walkable urban living, respond to shifting household demographics, and meet the need for more housing choices at different price points.

2. Applicability

The standards for number of dwelling units per building provided below apply to all residential and nonresidential development allowed in residential zoning districts. For more information, see Article 4.7 Building Standards.

Table 4.2.03-2 Number of Dwelling Units per Building

Maximum Number of <u>Dwelling</u> Units Per Building	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Residential							

Section 4.3.03-C. Number of Dwelling Units per Building

1. Purpose

The purpose of prescribing a maximum number of dwelling units per building type is meant to support the Land Use Plan’s goals of providing compatible development, housing diversity, and missing middle housing. Specifically:

- (a) To add buildings to existing neighborhoods that fit within the established context in terms of building size, shape, and location;
- (b) To promote a range of housing types that meet various, diverse needs; and
- (c) To support range of multi-unit or clustered housing types compatible in scale with single-family homes, that help meet the growing demand for walkable urban living, respond to shifting household demographics, and meet the need for more housing choices at different price points.

2. Applicability

The standards for number of dwelling units per building provided below apply to all residential and nonresidential development in mixed-use zoning districts. For more information, see Article 4.7 Building Standards.

Maximum dwelling unit caps are per building, not per parcel, and should not be seen as a cap on overall permitted density. Mixed-use zoning districts do not have specific density limits that are regulated through zoning.

Table 4.3.03-2 Number of Dwelling Units per Building

Maximum Number of Dwelling Units Per Building	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LU-MU

Section 4.4.03-C. Number of Dwelling Units per Building

1. Purpose

The purpose of prescribing a maximum number of dwelling units per building type is meant to support the Land Use Plan’s goals of providing compatible development, housing diversity, and missing middle housing. Specifically:

- (a) To add buildings to existing neighborhoods that fit within the established context in terms of building size, shape, and location;
- (b) To promote a range of housing types that meet various, diverse needs; and
- (c) To support range of multi-unit or clustered housing types compatible in scale with single-family homes, that help meet the growing demand for walkable urban living, respond to shifting household demographics, and meet the need for more housing choices at different price points.

2. Applicability

The standards for number of dwelling units per building provided below apply to all residential and nonresidential development in [~~Residential/ Urban Mixed Use/ Limited Urban Context/ Special uUse~~] zoning districts. For more information, see Article 4.7 Building Standards.

Table 4.4.03-2 Number of Dwelling Units per Building

Maximum Number of Dwelling Units Per Building	TRANSITIONAL	INDUSTRIAL		OPEN SPACE		CIVIC		
	I-MU	I-1	I-2	OP-1	OP-2	CD-1	CD-2	A

2) Table 4.3.03-2 Number of Dwelling Units per Building (Mixed-Use Districts)

Description: The limit on number of dwelling units in a rowhouse building in Mixed-Use districts was removed.

Explanation: Public comment requested the allowances for rowhouses align with the allowances for apartment buildings. This change was made, and maximum building width standards are the controlling scale limitation.

Excerpt:

Table 4.3.03-2 Number of Dwelling Units per Building

Maximum Number of Dwelling Units Per Building	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LU-MU
Residential							
One-unit House	1	1	1	1	1	1	1
Duplex	2	2	2	2	2	2	2
Cottage Court	8	8	8	8	8	8	8
Rowhouse	No limit ⁸	No limit ⁸	No limit ⁸	No limit ⁸	No limit ⁸	No limit ⁸	No limit ⁸
Apartment Building	No limit	No limit	No limit	No limit	No limit	No limit	No limit
Other							
Accessory Structure	-	-	-	-	-	-	-
Mixed-use Building	No limit	No limit	No limit	No limit	No limit	No limit	No limit
General Building	-	-	-	-	-	-	-
Civic Building	-	-	-	-	-	-	-

Buildings in the R-R1 Rural Residential District

- 1) Table 4.2.03-1 Allowed Building Types: Allow General Building Type in R-R1

Description: Add General Building as an allowed building type in R-R1.

Explanation: The change was made in response to public comment detailing the need to allow the general building type to support uses typically found in conjunction with agricultural and winery uses.

- 2) Tables 4.2.03-1 and 4.2.03-2: Correct Building Type Error

Description: Rowhouse was removed as a permitted building type in R-R1 and the associated number of units per building maximum was removed.

Explanation: The public review draft stated rowhouses are permitted in R-R1 but only allowed a maximum of two dwelling units in the building. A rowhouse is defined as containing three or more dwelling units so it is not possible to have a rowhouse with only two units. A two dwelling unit building is defined as a duplex. The change was made to correct an error.

- 3) Table 4.2.03-2: Dwelling Units in Neighborhood Commercial Buildings

Description: The code was updated to allow a maximum of two dwelling units in a neighborhood commercial building in R-R1.

Explanation: Neighborhood commercial buildings allow dwelling units in all residential zoning districts except for R-R1 Rural. The code was updated for the adoption draft to align allowances in the R-R1 district with other residential districts, supporting live-work development.

Excerpts:

Table 4.2.03-1 Allowed Building Types

Allowed Building Types	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Residential							
One-unit House	■	■	■	■	■	■	■
Duplex	■	■	■	■	■	■	■
Cottage Court	□	■	■	■	■	■	■
Rowhouse	□	■	■	■	■	■	■
Apartment Building	□	■	■	■	■	■	■
Other							
Accessory Structure	■	■	■	■	■	■	■
Neighborhood Commercial	■	■	■	■	■	■	■
General Building	■	□	□	□	□	□	□
Civic Building	■	■	■	■	■	■	■

■ Allowed □ Not Allowed

Table 4.2.03-2 Number of Dwelling Units per Building

Maximum Number of Dwelling Units Per Building	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Residential							
One-unit House	1	1	1	1	1	1	1
Duplex	2	2	2	2	2	2	2
Cottage Court	-	4	4	4	6	8	8
Rowhouse	-2	3	4	4	6	8	8
Apartment Building	-	3	4	4	6	12	No Max
Other							
Accessory Structure	-	-	-	-	-	-	-
Neighborhood Commercial	-2	3	4	4	6	8	No Max
General Building	-	-	-	-	-	-	-
Civic Building	-	-	-	-	-	-	-

↖ Indicates Dwelling Unit Not Permitted

Floor Area Ratio and Density

1) Section 4.2.03-D.2 Applicability of Floor Area Ratio (FAR): Exception for Small Lots

Description: The draft was amendment to create an exception to floor area ratio for one-unit houses and duplexes on small lots.

Explanation: Progressive floor area ratio is intended to encourage the development of more housing and development of smaller, more affordable units. Public comment was received expressing concerns that the floor area ratio would be too restrictive for homes placed on small lots, and would limit the size of units more than is necessary to meet the goals of FAR. The UDC allows for creation of small lots, which naturally constrains unit size without the implementation of a FAR requirement.

Excerpt:

2. Applicability

The floor area ratio and density standards provided below apply to all development in residential zoning districts as indicated in Table 4.2.03-3.

- (a) Exception: One-unit house and duplex building types are exempt from FAR requirements on lots with an area of 3,000 square feet or less.

2) Section 4.2.03-D.3 Method: Updates to Floor Area Ratio Explanation

Description: The explanation for floor area ratio was revised to include an explanation of how the allowable gross floor area for a project is calculated. The gross floor area definition is located in Chapter 8 Definitions but now duplicated in this section to make the code more user friendly. An example calculation for determining allowable gross floor area based on floor area ratio was included as a commentary.

Explanation: The residential districts regulate building size and density using a floor area ratio. The public review draft focused on explaining the floor area ratio standard itself rather than explaining how the standard is used to calculate maximum allowable gross floor area. Based on public feedback that the standard was confusing, the new improved description shows how a property owner or developer would actually utilize floor area ratio to plan their project.

Excerpt:

3. **Method**

(a) **Floor Area Ratio**

Floor Area Ratio is calculated by dividing the total gross floor area of all buildings on a parcel by the total area of that parcel. The ~~maximum FAR allowed on a parcel standard~~ is ~~based dependent~~ on ~~the number of how many~~ dwelling units ~~will be~~ included in development of the parcel, as indicated in Table 4.2.03-3.

Gross Floor Area is defined as the gross horizontal area of the subject space, measured from the interior faces of any exterior walls. The maximum gross floor area allowed on a parcel can be calculated by multiplying the FAR in Table 4.2.03-3 by the area of the parcel. The resulting gross floor area is the maximum buildable area permitted on a parcel, inclusive of all structures included in development, and allowing for exceptions as detailed in 4.2.03-D.4.

Commentary: Example Calculation

A property owner intends to construct six dwelling units on a 6,000 square foot parcel in the U-R2 zoning district. Per Table 4.2.03-3, the maximum FAR for 6 dwelling units in U-R2 is 0.9. To find the allowable gross floor area, the maximum FAR is multiplied by the parcel area:

0.9 FAR x 6,000 square feet of parcel area = 5,400 square feet of gross floor area.

The property owner can distribute the maximum gross floor area of 5,400 square feet between the six dwelling units at their discretion. If all units were planned to be the same size, each of the six dwelling units would be 900 square feet: 5,400 square feet divided by 6 dwelling units = 900 square feet.

(b) **Maximum Density**

Maximum density is calculated as minimum required parcel area per dwelling unit.

3) Section 4.2.03-D.4 Exceptions to FAR

Description: The exceptions to floor area ratio were amended for the adoption draft. Two changes are substantive (c and g) and three changes improve clarity (b, d, and e). Specifying “principal structures” for the basement exception was unnecessary and was removed. Elevators and other forms of vertical circulation were included in

the exception for stairwells. The exception for garages and parking structures was amended to use plain language. A reference to Article 4.9 was added to exception e. Last, an exception for non-residential floor area in neighborhood commercial buildings was created.

Explanation:

(b) The language “in principal buildings” for the basement exception was confusing considering accessory structures are wholly exempt from FAR under exception a. The amendment is intended to reduce confusions and simplify code.

(c) Public comment requested elevator shafts and other types of vertical circulation be added as an exception in order to align with the exception for stairwells. This amendment ensures accessible forms of vertical circulation are treated equally by the code.

(d) The language in exception d, regarding parking areas, was not user friendly. The amendment utilizes plain language.

(e) For new code users, the word “activity area” is unclear unless they visit Article 4.9. The amendment identifies where a code user would look for additional information on what spaces are considered activity area.

(g) Non-residential space in a neighborhood commercial building must be exempt from FAR in order to promote the development of live-work units and small mixed-use buildings in residential districts. Otherwise, FAR would unnecessarily restrict commercial space which is already restricted in size by provisions in Article 4.7 (see neighborhood commercial building type).

Excerpt:

4. Exceptions to FAR

The following are exempt from maximum allowed gross floor area when calculating Floor Area Ratio:

- (a) Accessory structures;
- (b) Basements ~~in principal buildings;~~
- (c) Vertical circulation including stairwells and elevators;
- (d) Parking-Garages and parking structures and vehicular-circulation-areas within principal buildings;
- (e) Indoor activity area within principal buildings (See Article 4.9); and

MISSOULA UNIFIED DEVELOPMENT CODE

Page 8 of 12

TITLE 4.2 – RESIDENTIAL DISTRICTS

- (f) Storage units intended to serve individual dwelling units. In order to be exempt from Floor Area Ratio, the storage unit cannot be accessed from within the dwelling unit.
- (g) Floor area containing non-residential use(s) in a Neighborhood Commercial building.

4) Tables 4.2.03-3 and 4.4.03-3: Permit 2 Dwelling Units by Right

Description: The language used in the public review draft unintentionally read as a density minimum. The language was updated to clarify that at least two units are allowed by right on all parcels, but this is an allowance not a minimum requirement.

Explanation: State law, [MCA 76-25-301](#), requires the city to select at least five housing strategies. The first housing strategy in the list is to allow a duplex anywhere a single unit dwelling is permitted. The state defines a duplex as two units on a parcel, regardless of building type (e.g. two detached one-unit houses or two attached units in a duplex). The public draft intended to meet this housing strategy, but clearer language was necessary.

Excerpts:

Table 4.2.03-3 in Residential Districts:

Density							
Maximum Density (Min. 2 units per parcel Any parcel is permitted two dwelling units by right, regardless of parcel area)	1 du / 15,000 sf	1 du / 3,500 sf	1 du / 2,600 sf	-	-	-	-

Table 4.4.03-3 in Special Use Districts

Minimum parcel area per unit (When residential use is permitted, any parcel is permitted two units by right, regardless of parcel area)	1,000 sf per unit	-	-	-	40 acres per unit	-	1,000 sf per unit	-
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5) Table 4.2.03-3 FAR and Density: Relax FAR for One Unit in Limited Urban Residential

Description: The maximum FAR for one dwelling unit was increased from 0.4 to 0.5 in Limited-Urban Residential 1 and Limited-Urban Residential 2 zoning districts.

Explanation: Public comment was received expressing concerns the FAR would not allow for enough large homes. The FAR was modified slightly in two districts to create more areas of town that allow for large homes.

Excerpt:

Table 4.2.03-3 FAR and Density

FAR & Density	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Maximum FAR	Number of <u>Dwelling</u> Units						
.4	-	1	1	-	-	-	-
.5	-	1-2	1-2	1	1	1	1
.6	-	3+	3	2	2	2	2
.8	-	-	4+	3	3-5	3	3
.9	-	-	-	4+	6+	4-6	-
1.0	-	-	-	-	-	7+	4-6
2.0	-	-	-	-	-	-	7+

Lot Standards

- 1) Section 4.2.03-E Lot Standards: Measurement Clarification and Exception for Duplex/Rowhouse Development

Description: A clarifying statement that lot width is measured along the street frontage was added. The code now contains an exception to the minimum lot width for duplex and rowhouse development based on the minimum feasible width of dwelling units, accounting for setbacks.

Explanation: Public comment stated it is common to build rowhouses that are 18 feet wide. The 30/40-foot-wide minimum lot width would not have allowed for this type of development when each unit is intended to sit on a separate lot. The suggestion from public comment was incorporated into the adoption draft.

Excerpt:

2. **Applicability**

The minimum lot width standards provided in Table 4.2.03-4 apply to all new or amended lots in residential zoning districts created through subdivision or subdivision exemption. Minimum lot widths are not applicable to TED Ownership Units (TOU) or condominium ownership units. These standards are illustrated in Figures 4.2.03-1 and 2. Lot width is measured along the street frontage. The minimum lot width requirement is not applicable to lots that do not have frontage on a street.

3. **Exception for Lots Intended for Duplex/Rowhouse Development**

Duplexes and rowhouses may be sited with all dwelling units under common ownership or sited with each dwelling unit on a separate lot. When lots are created with the intent of constructing a duplex or rowhouse with each dwelling unit on a separate lot, the following exceptions to minimum lot width apply:

(a) Duplex;

1. Lots must be platted as a series of two abutting lots.
2. Lots are permitted a minimum lot width of 23 feet.

(b) Rowhouse;

1. Lots must be platted as a series of three or more abutting lots.
2. Lots intended to contain rowhouse dwelling units attached to other units on both sides are permitted a minimum lot width of 18 feet.
3. Lots intended to contain rowhouse dwelling units at the ends of the building (i.e. attached to another unit on one side) are permitted a minimum lot width of 23 feet.

2) Table 4.4.03-3 Parcel Standards: Remove Minimum Lot Area in T-MU

Description: The minimum lot area in the T-MU Transitional Mixed-Use district was removed.

Explanation: Other mixed-use districts have no minimum lot area. Previously, the draft stated there was a 5,000 square foot minimum lot area in T-MU, like the industrial districts. T-MU is intended to transition areas to mixed-use and should have lot sizes similar to other mixed-use areas.

Excerpt:

Section 4.4.03-D. Parcel Standards

1. **Applicability**

The parcel standards provided below apply to all development in special use zoning districts.

Table 4.4.03-3 Parcel Standards

Parcel Standards	TRANSITIONAL	INDUSTRIAL		OPEN SPACE		CIVIC		
	I -MU	I-1	I-2	OP-1	OP-2	CD-1	CD-2	A
Minimum Lot Area (Square Feet)	NA	5,000 sf		NA				

3) Section 4.12.05-C.3.c: Minimum Lease Space Width in Manufactured Housing Parks

Description: The minimum width of a lease space for single-wide manufactured homes in manufactured housing parks was decreased to 25 feet.

Explanation: Comment was received in a meeting with Pro-Housing advocates that the standard width of a manufactured home is 14-feet and that units can be feasibly placed on spaces less than 30 feet in width. The updated 25-foot minimum width allows for placement of a standard single-wide manufactured home and minimum fire separations between units, while reducing barriers to this housing type.

Excerpt:

(c) Manufactured home lease spaces intended for single-wide manufactured homes must have a minimum width of ~~25~~30 feet;

Maximum Height

1) Table 2.03-7 Building Form and Components: Residential Height Maximum

Description: The maximum height in the Urban Residential 3 and 4 districts was reduced by 5 feet.

Explanation: The change was made in response to public comments voicing two concerns. Overall, some residents in these districts expressed concern the maximum heights would be too tall in UR-3 and UR-4. Public comment also suggested that gable roofs on apartment buildings better reflect the context of some residential neighborhoods.

The Land Use Plan calls for up to four stories in Urban Residential High districts. The previous 50-foot maximum height in UR-4 would have allowed for four stories with a gable roof, or potentially five stories with a flat roof. Reducing the maximum height to 45 feet ensure the district aligns with the Land Use Plan, and ensures the code allows for either roof type but does not incentivize flat roofs. Similarly, the change to the height in UR-3 is intended to allow for either roof type without incentivizing flat roofs.

Excerpt:

Table 4.2.03-7 Building Form and Components

Building Form & Components	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Building Massing							
Maximum Height	A	35 ft	35 ft	40 ft	35 ft	35 ft	40-35 ft 50-45 ft

Maximum Building Width

- 1) Tables 4.2.03-7 and 4.3.03-4: Remove Maximum Width for Rowhouse Dwelling Unit

Description: The maximum building width restriction on individual dwelling units in a rowhouse was removed.

Explanation: This standard was unnecessary considering there is a maximum building width for the full rowhouse structure and building scale is also controlled by Floor Area Ratio. Other tools are in place to control scale in compliance with the Land Use Plan, allowing the standard to be eliminated. This applies to residential and mixed-use districts.

- 2) Table 4.3.03-4 in Mixed-Use Districts: Increase Maximum Building Widths

Description: Maximum building widths were generally increased for all building types across districts. See excerpt.

Explanation: Public comment suggested the maximum widths are too restrictive. The maximum widths were increased while still complying with the Land Use Plan “Building Scale” characteristic of the Place Types. Previous Design Excellence standards were reviewed for guidance when realigning the maximum widths.

Excerpts:

Residential Districts:

Section 4.2.03-G. Building Form and Components

1. Applicability

The standards for building form and components provided below apply to all development in residential zoning districts. For more information, see Article 4.7 Building Standards.

Commentary: Measurement rules for height are located in Article 4.10. Additionally, see "Building Width" in Chapter 8 Definitions.

Table 4.2.03-7 Building Form and Components

Building Form & Components	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Building Massing							
Maximum Height	A	35 ft	35 ft	40 ft	35 ft	35 ft	40-35 ft 50-45 ft
Maximum Width							
Rowhouse Building B (total of all attached units)	-	80 ft	80 ft	80 ft	160 ft	160 200 ft	160-200 ft
Rowhouse Unit C	-	40 ft	40 ft	30 ft	30 ft	30 ft	30 ft
Apartment Building	-	50 ft	50 ft	50 ft	80 ft	120 ft	200 ft
Building Components							
Allowed Encroachments into Setbacks				Refer to Article 4.10 Measurements and Exceptions			

Mixed-Use Districts:

Table 4.3.03-4 Building Form

Building Form	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LU-MU
Building Height							
Building Height (max)	A 50 ft	75 ft	85 ft	100 ft	125 ft	125 ft	60 ft
Upper Story Setback							
Street Wall Height (max)	B n/a	50 <u>55</u> ft	50 <u>55</u> ft	85 <u>ft</u>	85 ft	85 ft	n/a
Upper Story Setback Depth Distance from Property Line (min)	n/a	10 ft				n/a	
Upper Story Setback Exception Maximum Width (%)	C n/a	25%				n/a	
Building Width (Maximum) D							
Mixed-use Building	175 <u>200</u> ft	175 <u>200</u> ft	300 ft	300 ft	275 <u>300</u> ft	325 ft	600 ft
General	175 <u>200</u> ft	175 <u>200</u> ft	300 ft	300 ft	275 <u>300</u> ft	325 ft	600 ft
Rowhouse Building Width	160 <u>200</u> ft	160 <u>200</u> ft	160 <u>200</u> ft	160 <u>200</u> ft	160 <u>200</u> ft	160 <u>200</u> ft	160 <u>200</u> ft
Rowhouse Width (Each Unit)	30 <u>ft</u>	30 <u>ft</u>	30 <u>ft</u>	30 <u>ft</u>	30 <u>ft</u>	30 <u>ft</u>	30 <u>ft</u>
Apartment Building	175 <u>200</u> ft	175 <u>200</u> ft	300 ft	300 ft	275 <u>300</u> ft	325 ft	600 ft

Building Placement

1) Table 4.3.03-3 Build-to-Zones and Build-to-Widths in Mixed-Use Districts

Description: The build-to-zone maximums were updated to 15 feet in U-MU2, U-MU3, U-MU4, and D-T zoning districts. The build-to-zone maximum in the D-C district was updated to 10 feet. The required build-to-width was decreased in several districts.

Explanation: Public comment raised concerns over a lack of flexibility in the building placement standards. Feedback indicated buildings could be set further back while still meeting the intent of the placement standards. The additional flexibility in building siting allows for creative use of space between the building and street, such as patios, gardens, and plazas. Public comment also raised concerns that the build-to-widths could frequently require larger building than is practical for many uses. As a result, the required build-to-width percentage was reduced to allow more flexibility in building size and placement.

Excerpt:

Table 4.3.03-3 Building Placement

Building Placement	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LU-MU
Build-to							
Build-to zone (min/max)	A 5 / 15 ft	5 / 15 0 ft	0 / 15 0 ft	0 / 10-15 ft	0 / 15 0 ft	0 / 10 5 ft	-
Build-to width: Front (min)	B 50%	50%	75 55%	55 75%	75 65%	80%	-
Build-to width: Side Street (min)	C 25 45%	30 45%	55 25%	35 55%	55 50%	60%	-

2) Section 4.3.03-D.2(b) Building Placement in Mixed-Use Districts: Exempt One-Unit House and Duplex

Description: A provision was added to exempt one-unit house and duplex building types from the build-to-zone and build-to-width requirements. Note some language was also edited to generally improve clarity.

Explanation: The building placement requirements in mixed-use districts are primarily calibrated with commercial and larger residential development in mind. One-unit houses and duplexes are permitted in mixed-use districts, but the placement of these buildings is not essential to meeting the intent of the placement standards for creating a consistent street wall. These building types are also smaller than other structure types and require different placement allowances.

Excerpt:

Section 4.3.03-D. Building Placement

1. Applicability

The building placement standards provided in this section apply to all development in mixed-use zoning districts, except as otherwise stated.

2. Build-to Zone and Build-to Width

(a) Purpose

This purpose of these standards is to regulate the placement of buildings along a street such that:

1. The public right-of-way is framed by a legible and consistent street wall;
2. There is a strong visual and physical connection between the private and public realm;
3. There is adequate space between ground floor uses and high-speed roadways; and
4. Buildings create visual interest along a sidewalk. Buildings enhance pedestrian comfort.

(b) ~~Applicability~~Related Standards

1. All new buildings must be placed in the build-to zone and must meet the build-to-width requirements in Table 4.3.03-3, except as allowed by Section 4.3.03-D.2(d).
2. The build-to-zone and build-to-width requirements do not apply to one-unit house and duplex building types.
- 1-3. Once the minimum build-to-width requirement has been met, portions of the building, or additional buildings on the site, may be placed outside the build-to zone. No new building shall be placed between the build-to-zone minimum and the street.
- 2-4. For parcels with a single street frontage, the build-to zone and width apply to that frontage.
- 3-5. On corner lots, the building must be sited so that the build-to zone and width requirements for both the front and side street property lines are met.
- 4-6. On through lots, the build-to-zone and width requirements apply to the property line adjacent to the facade containing the primary entrance.
7. On parcels with three or more street frontages, (such as a "half-block" or "full-block" parcel), the build-to-zone and width requirements are only applied to two frontages that create a corner.

3) Section 4.3.03-D.2(c) Building Placement in Mixed-Use Districts: Additions

Description: The update allows additions to the front of buildings that are non-conforming to the build-to-zone, without restrictions. The 20% floor area limitation on side additions was carried over to also apply to rear additions.

Explanation: Adding an addition to the front of a non-conforming building brings the structure closer to the street which reduces the degree of non-conformity. In order to allow for improvements to existing buildings that meet the intent of the code, the requirement that front building addition reach all the way to the build-to-zone is removed. Conversely, rear additions do not work towards the goals of the placement standards and need limitations in order to promote additions that move development closer to the street frontage and create a consistent street wall.

Excerpt:

(c) **Additions to Non-Conforming Buildings Setback Further than the Build-to-Zone Maximum**

1. ~~Front additions are allowed outside of the build-to-zone. Any addition to the front of an existing building must be placed in the build-to-zone. The addition does not have to meet the required build-to-width percentage for the entire parcel.~~
2. Side additions no greater than 20% cumulatively of the existing building footprint are allowed outside of the build-to-zone. Once the required build-to-width percentage for the parcel has been met, side additions of any size are allowed.
3. ~~Rear additions no greater than 20% cumulatively of the existing building footprint are allowed outside of the build-to zone. Once the required build-to-width percentage for the parcel has been met, rear additions of any size are allowed., except rear additions on corner lots where the street side does not meet the build-to requirement must meet the side street build-to zone.~~

4) Section 4.3.03-D.2(d) Building Placement in Mixed-Use Districts: Exception for Small Structures

Description: An exception to build-to-width was created for structures that are too small to feasibly meet the standard. The exception requires the creation of a “reserve area”.

Explanation: Some uses only require small structures, but those uses may be placed on large parcels. Build-to-width is measured as a percentage of a parcel’s street frontage. In these scenarios, the requirement can incidentally require more floor area than is necessary to meet the needs of the use. To fix this issue, the code allows structures an exception to build-to-width when a reserve area is provided. The reserve area ensures there is unencumbered space on the parcel that allows build-to-width to be met with future development. In the future, the build-to-width can be met with building additions or the construction of new buildings.

Excerpt:

(e)(d) **Exceptions**

1. When a build to zone is fully occupied by an easement, the building shall be placed as close to the build to zone as feasible.
2. New buildings that are too small to feasibly meet build-to-width are not required to meet the required build-to-width percentage in Table 4.3.03-3 when the following requirements are met:
 - a. The depth of the building shall not be greater than the width of the building;
 - b. The applicant must designate a reserve area along the street frontage that would allow the development to comply with the build-to-width in the future.
 - c. The reserve area must have a depth of at least 30 feet.
 - d. Parking, stormwater detention/retention facilities, and utilities are not allowed within the reserve area.
 - a.e. The reserve area must be landscaped in compliance with Article 4.9.

5) Table 4.4.03-4 Building Placement Standards in Special-Use Districts: T-MU and Industrial Setbacks

Description: The side interior setbacks for T-MU Transitional Mixed-Use, I-1 Limited Industrial, and I-2 Heavy Industrial zoning districts was increased for parcels abutting residential districts.

Explanation: Public comment raised concerns about the proximity of structures in these districts to neighboring parcels in residential districts. After reviewing the zoning map, these districts abut residential districts in very few instances (a few parcels). Considering potential impacts from the unique permitted uses in these three districts, and the small impact in terms of number of affected parcels, the code was updated to address concerns.

Excerpt:

Section 4.4.03-E. Building Placement

1. Applicability

The building placement standards provided below apply to all development in special use zoning districts.

Table 4.4.03-4 Building Placement Standards

Building Placement Standards	TRANSITIONAL	INDUSTRIAL		OPEN SPACE		CIVIC		
	I-MU	I-1	I-2	OP-1	OP-2	CD-1	CD-2	A
Minimum Setback								
Front (ft)	-	-	-	20 ft	20 ft	30 ft	30 ft	-
Side Street (ft)	-	-	-	10 ft	10 ft	15 ft	15 ft	-
Side Interior (ft)	-	-	-	40 ft	40 ft	10 ft	10 f	-
Rear (ft)	-	-	-	40 ft	40 ft	20 ft	20 ft	
Minimum Setback (when parcel is abutting a residential zoning district)								
Front (ft)	15 ft	15 ft	15 ft	-	-	-	-	-
Side Street (ft)	10 ft	10 ft	10 ft	-	-	-	-	-
Side Interior (ft)	5-10 ft	105 ft	105 ft	-	-	-	-	-
Rear (ft)	20 ft	20 ft	20 ft	-	-	-	-	-

Transparency

1) Table 4.3.03-5 Building Components: Eliminate Apartment Requirement

Description: The draft was amended to remove the transparency requirement applicable to apartment buildings in mixed-use districts. Note, apartment buildings will still need to comply with the transparency requirement tied to the building type in Article 4.7.

Explanation: Public comment expressed concerns that the transparency requirement for apartments in mixed-use districts is too high and would compromise privacy for dwelling units on the ground floor. The 12%/8% full facade transparency standard for apartments in Article 4.7 prevents blank walls and promotes adequate access to light. As a result, staff eliminated the transparency requirement in Table 4.3.03-5.

2) Table 4.3.03-5 Building Components: Reduce Transparency Requirement

Description: The ground floor transparency requirement in mixed-use districts was revised to eliminate the transparency requirement on non-street adjacent facades. Required transparency percentages were reduced across all districts. Transparency requirements were eliminated in the LU-MU district.

Explanation: The ground floor transparency requirement in mixed-use districts is intended to provide “eyes on the street” for safety and walkability. As a result, the non-street adjacent transparency requirement was eliminated to better align with the intent. Public comment stated transparency requirements were too high and would create feasibility issues for certain uses. Public comment also included concerns over energy efficiency. As a result, transparency requirements were reduced across all districts. The LU-MU district is more auto-centric and contains uses such as “big-box stores” which contain few windows. The standard was removed to better align with the uses and form permitted in the district.

Excerpt:

Building Components	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LU-MU
Transparency							
Required Ground Floor Transparency: <u>Front Street Adjacent</u>/<u>Side Street Adjacent</u>/<u>Non-street adjacent</u> (min %)							
Apartment Building (4+ units)	20% / 20%				30% / 30%		20%
Mixed-Use Building	4525% / 3015%	5025% / 3515%	4525% / 3015%	5030% / 3520%	6040% / 4025%	6050% / 5030%	35% / 25% n/a
General Building							
Civic Building							

3) Section 4.10.03-A Measurement: Ground Floor Transparency

Description: The rule of measurement for ground floor transparency has been updated to apply to the area between 2 feet and 10 feet above finished grade, rather than the full ground floor facade. The graphic is updated in Division 4.10.03 as well as Division 4.3.03.

Explanation: Design Excellence utilized the 2-to-10-foot measurement rule for ground floor transparency. This method for measuring ground floor transparency focuses on the portion of the facade that is most important for meeting the intent of the standard.

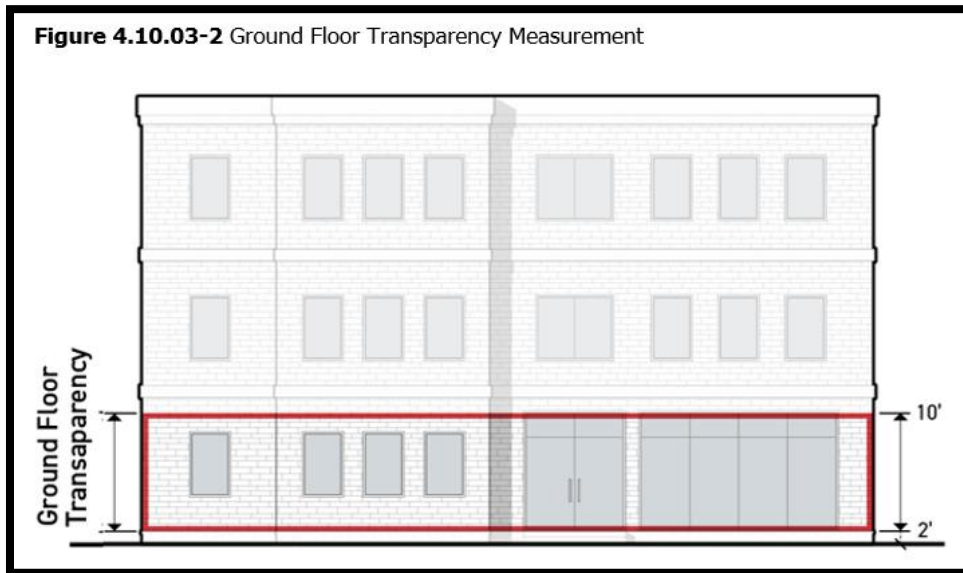
Excerpts:

Division 4.10.03 Transparency

Section 4.10.03-A. Measurement

1. The transparency of a facade is measured as the total area of all glass within a given facade (that meets light transmittance and reflectance standards), divided by the total area of the facade.
2. A facade is measured all exterior planes which internally face habitable space (i.e. from finished floor to finished ceiling), measured parallel to the applicable front or street side property line.
3. When ground floor transparency is required, it is measured as the total area of all glass between two feet and 10 feet above finished grade divided by the total facade area between two feet and ten feet above finished grade.

Figure 4.10.03-2 Ground Floor Transparency Measurement



Other Building Form and Components in Mixed-Use Districts

4) Section 4.3.03-E Building Form and Components: Exception

Description: The update creates an exception to building form and component standards for one-unit house and duplex building types.

Explanation: Historically, the City has not applied strict zoning standards to one-unit house and duplex development, unlike multi-unit and commercial development which has a greater impact on the public realm. The update carries forward relaxed standards for houses and duplexes located in mixed-use districts.

Excerpt:

Section 4.3.03-E. Building Form and Components

1. **Applicability**

The standards for building form and components provided below apply to all development in mixed-use zoning districts, except for one-unit house and duplex building types. For more information, see Article 4.7 Building Standards.

5) Table 4.3.03-4 Building Form: Street-Wall Height

Description: The maximum street wall height, which is the height where the upper story step back is required, was increased by five feet in U-MU2 and U-MU3.

Explanation: Public comment stated amending the street wall height maximum to 55 feet would better align with stories of a building.

Excerpt:

Table 4.3.03-4 Building Form

Building Form	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LU-MU
Building Height							
Building Height (max)	A 50 ft	75 ft	85 ft	100 ft	125 ft	125 ft	60 ft
Upper Story Setback							
Street Wall Height (max)	B n/a	50 55 ft	50 55 ft	85 ft	85 ft	85 ft	n/a
Upper Story Setback Depth Distance from Property Line (min)	n/a	10 ft					n/a
Upper Story Setback Exception Maximum Width (%)	C n/a	25%					n/a

6) Table 4.3.03-5 Building Components: Entrances

Description: The street facing entrance standards in Mixed-Use districts were clarified to only require a minimum of one entrance. Language was corrected to better explain which types of entrances qualify. Last, an exception to entrance requirements was created for civic buildings.

Explanation: The code was unclear as to how many entrances were required. This was corrected. Entrances meeting this standard are intended to be a “primary entrance” to the building, whether that be a door to a dwelling unit, apartment building shared corridor, or into a business. An entrance to a storage room, mechanical room, or other spaces with little foot traffic do not meet the intent of

creating a relationship between the building and street. Language was changed to better reflect the intent. Additionally, public comment expressed concerns over the word “operable at all times”, since this isn’t realistic for businesses. Civic buildings sometimes contain uses that are not compatible with street adjacent entrances, such as detention facilities.

Excerpt:

Street Adjacent Entrance		
Zoning District	Required in all Urban and Downtown Mixed-Use Districts	n/a
Standards	<p>Entrances <u>At least one entrance</u> qualifying as a street-facing entrance must meet the following standards: Provide both ingress and egress access to the first floor of a building (not the basement). Must be operable-intended to <u>allow access for</u> residents or tenants-at-all times-customers. Must be facing the public sidewalk. May not be used to provide access to parking, utility areas, or fire stairs. Must connect to the public sidewalk with a direct pedestrian connection that is physically separated from vehicular use areas at least five feet wide.</p>	
<u>Civic Building</u>	n/a	n/a

Rename Industrial Mixed-Use to Transitional Mixed-Use

1) Article 4.4 Special Use Districts, and throughout UDC

Description: The I-MU Industrial Mixed-Use zoning districts was renamed to T-MU Transitional Mixed-Use. A new context section was created to describe the unique intent of this zoning district. As a result, the district was removed from the section describing the industrial context. The full UDC was reviewed and edited to account for the new district name.

Explanation: Public comment expressed concerns over their neighborhoods being zoned “industrial”. Staff realized the public review draft had failed to describe the purpose of the district. The T-MU district allows for very similar permitted uses to the mixed-use districts and is applied to places with an Urban Mixed-Use High Place Type. Read the excerpts below for an explanation of the district purpose. Despite the industrial block pattern, the district is intended to transition to a mixed-use context over time. The district should not have been lumped into the industrial context but is still a “special use district”. The code was amended as a result of public comment.

Excerpts:

Division 4.4.01 General

Section 4.4.01-A. Purpose

1. **Purpose**

The purpose of the Special Use districts is to accommodate specific land uses that serve vital functions within the City, including industrial production, employment, open space, public services, and aviation operations. These districts implement key elements of the Land Use Plan by promoting a strong economy, protecting natural, historic, and cultural resources, and supporting essential infrastructure and institutions.

2. **Description**

The Special Use zoning districts are organized into ~~four~~three groups. Section 4.4.02 Context provides general guidance and intent for the Special Use district groups and includes pictures for illustrative purposes only.

- (a) The **Transitional district** provides flexibility in permitted uses and building form standards to encourage residential, commercial, and low-intensity industrial development in unique areas that are transitioning to a mixed-use context despite typically having industrial lot and block patterns.
- (b) The **Industrial districts** provide locations for manufacturing, warehousing, distribution, and supporting employment uses, with standards that manage impacts and ensure compatibility with adjacent neighborhoods.
- (c) The **Open Space districts** preserve natural resources, protect environmentally sensitive areas, and accommodate public and institutional uses that serve the community.
- (d) The **Civic districts** are tailored to support public serving uses, airport-related activities, significant historic resources and landmarks, exhibit spaces, museums, and compatible commercial, industrial, and transportation uses.

Section 4.4.01-B. Districts Established

The City's Special Use zoning districts are listed below. Higher numeric indicators indicate a wider range of development intensity.

Table 4.4.01-1 Special Use Zoning Districts

Map Symbol	District Name
II -MU	Industrial-Transitional Mixed-Use

Division 4.4.02 Contexts

Section 4.4.02-A. Transitional

Transitional Districts

- **T-MU Transitional Mixed-Use**

1. **Purpose**

The Transitional Mixed-Use district is intended to accommodate an extensive mix of uses including residential, commercial, and low-intensity industrial. This district is generally applied where the existing block pattern, including large lots and a disconnected street grid, are not easily converted to an urban development pattern that would be supportive of applying an urban mixed-use zoning district, but there is the potential to evolve toward an urban mixed-use context in the future.

2. **Description**

This district accommodates a broad spectrum of economic activity and a mix of uses and is located in areas that typically have fewer connected street grids.

3. **Standards Overview**

The Transitional Mixed-Use district allows for building types comparable to other mixed-use districts. Due to the lack of a well-connected street grid, a density maximum applies to the district. Unlike mixed-use districts in Article 4.3, the T-MU district has fewer building placement, building form, and building component requirements. Irregular lot shapes, lack of street connectivity, and the presence of existing industrial style buildings requires increased design flexibility to support development.

Figure 4.4.02-1 Transitional Context Pictures



~~Section 4.4.02-A~~ **Section 4.4.02-B. Industrial**

Industrial Districts

~~• I-MU Industrial Mixed Use~~

- I-1 Limited Industrial
- I-2 Heavy Industrial

1. **Purpose**

The Industrial districts are generally intended to support a wide range of employment-generating uses and regional economic vitality, including manufacturing, warehousing, distribution, logistics, and vehicle-related commercial activities. These districts foster economic diversity and regional job growth. This is supported by the city’s long-term vision for balanced growth that is responsive and adaptive to an evolving economy. These areas accommodate a range of large-scale industrial operations, ~~limited residential uses, and~~ smaller, flexible spaces for small businesses, local businesses and startups, and office and administrative functions integrated with the uses. They are further described in the specific purpose statements for each district:

~~(a) — **TI-MU Industrial Transitional Mixed Use** is intended to accommodate an extensive mix of uses to serve less-intense industrial as well as commercial and limited residential. This district is generally applied where the existing block pattern, including large lots and/or disconnected street grid, are not easily converted to an urban development pattern that would be supportive of applying an urban mixed-use zoning district, but there is the potential to evolve toward that in the future.~~

~~(b)(a)~~ **I-1 Limited Industrial** is intended to support a diverse range of economic activity focused on light industrial uses and commercial activity while discouraging residential use.

~~(c)(b)~~ **I-2 Heavy Industrial** supports employment-generating uses such as processing, manufacturing and remanufacturing, and associated support services.

2. **Description**

These districts accommodate a broad spectrum of economic activity and a mix of uses. They are further described below:

~~(a) — **TI-MU Industrial Transitional Mixed Use** is located in areas that typically have fewer connected street grids.~~

~~(b)(a)~~ **I-1 Limited Industrial** should not require special permitting by State and Federal agencies to operate. The district accommodates a mixture of office spaces, industrial and manufacturing facilities, research, distribution, and logistics facilities, and support services. It is concentrated along rail and interstate transportation routes.

~~(c)(b)~~ **I-2 Heavy Industrial** use may require special permitting by State and Federal agencies to mitigate contaminants caused by heavy industrial activities, necessitating large parcels, setbacks, and buffers.

Airport Hazard Overlay

1) Division 4.5.02 Airport Hazard Overlay

Description: The public review draft included a placeholder for the Airport Hazard Overlay, but the language had not yet been drafted. The overlay has been added for the adoption draft, including a map and restrictions that apply to the area.

Explanation: See purpose statement in excerpt below.

Excerpt:

Division 4.5.02 Airport Hazard Overlay

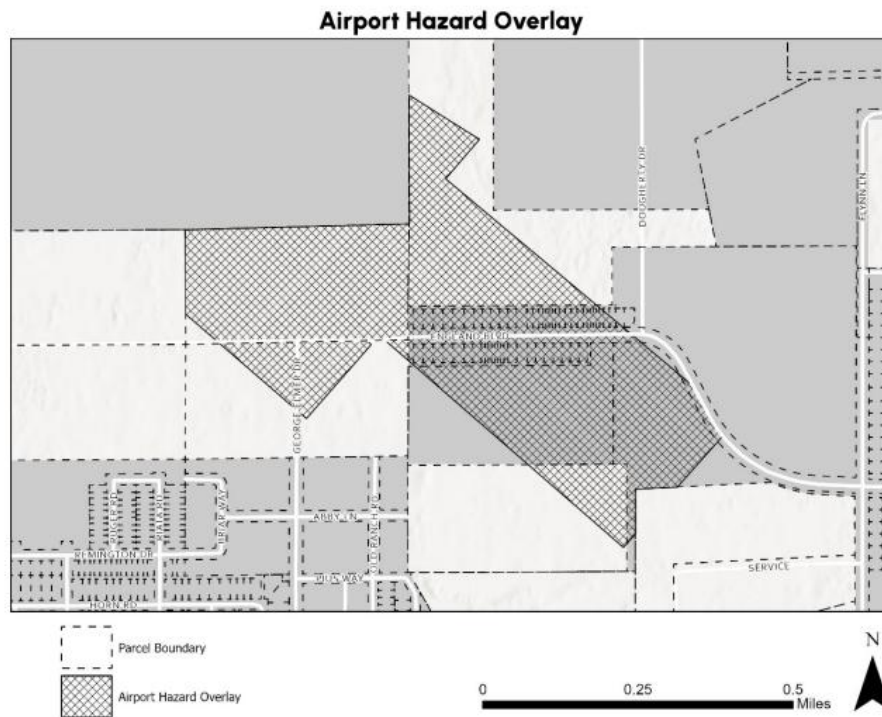
1. Purpose

The Airport Hazard Overlay is intended to mitigate risks associated with developing near the airport runway and to mitigate the negative impact of noise from low flying aircraft on quality of life by restricting residential density and prohibiting uses that attract large groups of people.

2. Location

A map of the Airport Hazard Overlay follows:

Figure 4.5.02-1 Airport Hazard Overlay



3. Applicability

All development within Airport Hazard Overlay shown in Figure 4.6.08-1 must comply with the requirements of this division. The Airport Hazard Overlay is not subject to the split-zoning provisions of 4.1.

4. Density Restriction

The maximum permitted residential density is four dwelling units per acre.

5. Prohibited Uses

- (a) Schools;
- (b) College/University;
- (c) Hospitals;
- (d) Health Care Facility;
- (e) Day Care Center;
- (f) Pre-School Center;
- (g) Religious Assembly;
- (h) Shelters;
- (i) Entertainment and Spectator Sports; and
- (j) Other uses that attract large groups of people as determined by the Planning Administrator.

Sacajawea House Historic Resource Overlay

1) Section 4.6.08-K HRO-SA Sacajawea House Historic Resource Overlay

Description: One additional historic resource overlay was added to the code with the adoption draft. This historic resource overlay is currently a PUD zoning district and contains a structure listed on the National Register of Historic Places.

Explanation: The previous PUD meets the criteria for a historic resource overlay in the UDC. See purpose statement in excerpt below for more explanation. The overlay language provides clarity on permitting requirements for a structure that is on the national register.

Excerpts:

Section 4.6.08-G. Overlays Established

The City’s Historic Resource Overlays are listed below:

Table 4.6.08-1: Historic Resource Overlays

Map Symbol	District Name	Regulations
/HRO-FM	Fort Missoula Historic Resource Overlay	Section 4.6.08-H
/HRO-RB	Roosevelt Block Historic Resource Overlay	Section 4.6.08-I
/HRO-MH	Marshall House Historic Resource Overlay	Section 4.6.08-J
<u>/HRO-SA</u>	<u>Sacajawea House Historic Resource Overlay</u>	<u>Section 4.6.08-K</u>

Section 4.6.08-K. HRO-SA Sacajawea House Historic Resource Overlay

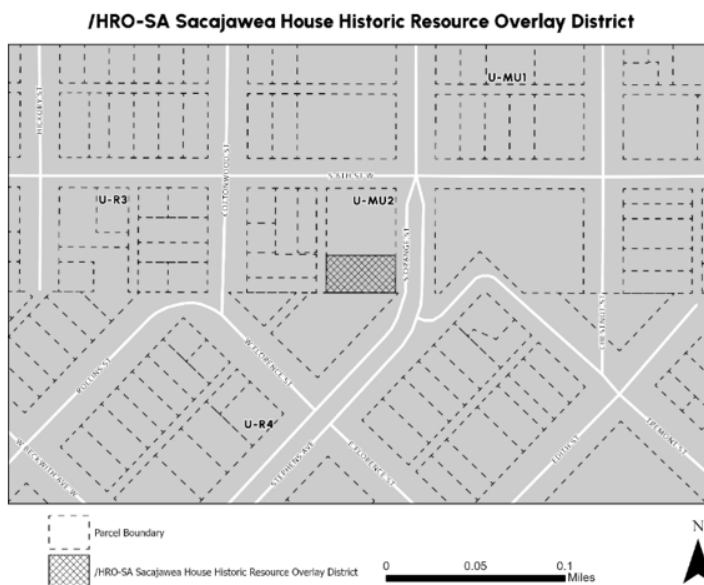
1. Purpose

This overlay provides for the conservation, enhancement, and use of the historic home located at 821 S. Orange Street, as a structure that is listed on the National Register of Historic Places. The historic residence has retained its original design and materials, which contributes to the historic elements of the neighborhood. Any new construction or exterior alterations within this overlay should reflect and be compatible with the aesthetic and historic elements of 821 S. Orange Street and the McCormick Historic District.

2. Location

This overlay applies to Knowles #2-S1/2 of Lot 5, all of 6 & 7 Block 80.

Figure 4.6.08-4: /HRO-SA



3. Applicability

Any new construction, demolition, or alterations which affect exterior appearances within this district, shall require an Historic Preservation Permit. A complete building permit submittal for construction within this district shall include an approved Historic Preservation Permit. The garage is an exemption and may be demolished without an Historic Preservation Permit.

4. Historic Preservation Permits

Any new construction, demolition, or alterations which affect exterior appearances within this district, shall require an Historic Preservation Permit.

- (a) An Historic Preservation Permit is required for any activity that requires a building permit or zoning compliance permit. Historic Preservation Permit submittal requirements are described in Division 4.6.03 and Division 4.6.04.
- (b) In addition to the review criteria that apply for all historic resources (Division 4.06.03 and Division 4.06.04), any application for a permit for construction of a new building or structure within this district, or alteration or demolition of the existing structure at 821 S. Orange Street, shall be subject to the criteria contained in Section 4.6.08-K.5 and shall be reviewed by the Historic Preservation Officer.
- (c) Appeals of decisions of the Historic Preservation Officer may be made to the Planning Commission as provided in Article 2.4 of this UDC.

5. Review Criteria

- (a) The Historic Preservation Officer shall review each application for a permit using the following applicable provisions:
1. The historical and architectural characteristics of 821 S. Orange Street which make it unique shall be preserved and any changes shall be compatible with the character of the structures located within this district.
 2. No specific architectural style shall be required for the design of a new building or other structures within the /HRO; however, such buildings and structures shall be compatible with the character of the neighborhood.
- (b) The following elements shall be considered by the Historic Preservation Officer when reviewing a permit application:
1. Height: The relationship between the proposed height of alterations or new construction to the height of the existing structure at 821 S. Orange Street. New construction or alterations may exceed the height standards of the underlying zoning district if the proposed design is compatible with structures located within this district and approved by the Historic Preservation Officer.
 2. Setbacks: The relationship between the setbacks proposed for alterations or new construction to the prevailing setbacks existing within this district. New construction or alterations may encroach into the setback areas designated by this district if the proposed design is compatible with the development pattern of this district.
 3. Proportion: The relationship between the height and width of the front elevation of the building on the street or publicly visible frontages;
 4. Recurrent patterns of openings on the front façade;
 5. Roof types;
 6. Surface textures and material of buildings;
 7. Projects and recessions: The presence or absence of porches, steps, awnings, overhangs, etc.;
 8. Architectural details: Cornices, lintels, arches, grill work, shutters, etc.;
 9. Parking lot and parking structure design: The existing structure at 821 S. Orange Street shall not be demolished to produce a surface parking lot.

6. Maintenance Requirement

Nothing in this overlay district shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this ordinance that does not involve a change in design, material, or external appearance, nor do these standards prevent the construction, reconstruction, alteration, restoration, demolition or removal of any feature when a City of Missoula Building Inspector certifies that such action is required for the public safety due to unsafe or dangerous conditions.

Article 4.7 Building Standards

1) Sections 4.7.02-E Rowhouse and 4.7.02-F Apartments: Transparency

Description: A clarification was added to the transparency requirement clarifying that facades built on the property line are not factored into the calculation.

Explanation: Building code prohibits windows on zero-lot line facades. Public comment stated if zero-lot line facades are factored into the 8% cumulative

calculation for transparency, then it will be difficult to meet the requirement on the available facades. The code was amended to align with building code restrictions.

Excerpts:

Rowhouse

Total Transparency of all Facades: Street Facing/Non-street facing (min %)	12% / 8% (Applies to 4+ units)	The required transparency for non-street facing facades is measured cumulatively, not singularly to each individual façade. <u>Zero lot line facades are exempt from the calculation.</u>
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Apartment

Total Transparency of all Facades: Street Adjacent/Non-street Adjacent (min %)	12% / 8% (Applies to 4+ units)	The required transparency for non-street facing facades is measured cumulatively, not singularly to each individual façade. <u>Zero lot line facades are exempt from the calculation.</u>
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2) Sections 4.7.02-E Rowhouse and 4.7.02-F Apartments: Exception to Street Adjacent Entrance Requirement

Description: The street adjacent entry requirement applies to rowhouse and apartment building types. An exception to this requirement was added for parcels that have no street frontage, or that only have a narrow street frontage.

Explanation: Alley lots and “flag lots” are common in Missoula. For these lot configurations, there will typically be a structure between this lot and the nearest street. Requiring a street adjacent entrance for these types of lots is unnecessary because the structure is unlikely to be visible from the street.

Excerpts:

Rowhouse

Entrances	Each unit must have a separate ground-floor entrance that is on the facade adjacent to the street or right-of-way (other than an alley). <u>Parcels with less than 10 feet of frontage on a street are exempt from the entrance requirement.</u>
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Apartment

Entrances	At least one shared building entrance must be provided on the facade adjacent to the street or right-of-way (other than an alley). The entrance must be covered and at least six (6) feet deep. <u>Parcels with less than 10 feet of frontage on a street are exempt from the entrance requirement below.</u>
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3) Section 4.7.02-H Accessory Structures: Reduce Setbacks

Description: Interior side and rear setbacks were reduced for accessory structures.

Explanation: The current Title 20 zoning code allows for 3-foot rear and side setbacks in some zoning districts. Comment from Planning Board recommended carrying this allowance forward in the code, and to exempt accessory structures from setbacks when adjacent to an alley considering there is not an abutting property.

Excerpt:

Building Placement	
Setbacks	See Zoning District <u>for front and side street setbacks.</u> <u>Interior Side: 3 ft.</u> <u>Rear: 3 ft. no alley / 0' abutting an alley.</u>

4) Section 4.7.02-H Accessory Structures: Exceptions

Description: The code was updated to exempt accessory structures on through lots and greenhouses from the accessory structure location and building standards. These include the prohibition of accessory structures in front and side street yards and a building coverage maximum in rear yards. Additionally, a statement exempting accessory structures from building form and component standards was added.

Explanation: Through lots have two parallel streets on opposite sides and do not have a rear yard. It is not possible for accessory structures to be placed outside of the front or side street yards on a through lot. Similarly, there is no rear yard for the building coverage standard to apply to. Greenhouses must be placed according to sun access and need additional flexibility. Last, accessory structures are not designed to meet standards like transparency and a street facing entrance. An exception to the building form and component standards was added.

Excerpt:

<u>Exceptions</u>	<u>Through lots are exempt from the Location standard above.</u> <u>Greenhouses are exempt from the Location and Building Coverage standards above.</u>
Building Form and Components	<u>Accessory structures are exempt from building form and component standards. See Zoning District</u>
Height (Max)	25 ft

5) General Corrections and Overall Reorganization to Remove Redundant, Superfluous, and Inconsistent Information

Descriptions and Explanations:

- All Building Types:
 - Removed parcel requirements table that just referenced back to the zoning districts for all building types. Tables rarely provided substantive information. When there was substantive information in the table, the information was retained but moved. In many cases, the information in the table was redundant and inconsistent as described below.
 - Landscaping applicability is covered in Article 4.9 Site Development Standards and is based on number of units on a parcel, not building type. Corrected error by removing landscaping information from this Article.
- Apartment, Neighborhood Commercial, Mixed-Use, General, and Civic Building Types:
 - Removed information about typical placement of parking lots by building type. Parking placement is regulated by Article 4.9 Site Development Standards. Parking placement allowances vary broadly across zoning districts, making the descriptions in the building types confusing. Inconsistency corrected by removing from this Article.
- Section 4.7.02-B One-Unit House
 - Group Living uses (including single room occupancy development) applies the largest FAR allowed in the district, per the use description and standards in Article 4.8 Uses. Corrected error by removing from the One-Unit House building type section.
- Section 4.7.02-E Rowhouse
 - Revised description to say rowhouses contain 3+ units instead of 3-8 dwelling units. This is in response to removing the maximum units per building requirement for rowhouses in several zoning districts.
- Section 4.7.02- Neighborhood Commercial Building
 - Removed statement about non-residential uses being counted towards maximum floor area ratio. Per earlier in this document, non-residential areas will not count towards FAR in neighborhood commercial buildings.

The exception is covered in Section 4.2.03-D.4 Exceptions to FAR and does not need to be duplicated in Article 4.7.

Article 4.8 Uses (and Parking Requirements)

1) Table 4.8.02-1 Use Table: Updates to Allowed Uses

Description and Explanation: The following changes were made to the allowance of uses in specific districts:

- In the Residential Use Group:
 - Residential Day Care was removed as a permitted use in CD-1 Civic 1 because residential uses are not permitted in this district. Updated for consistency.
- In the Public and Civic Use Group:
 - Health Care Facility was added as a permitted use in the LU-MU Limited Urban Mixed-Use zoning district in alignment with all other mixed-use districts.
- In the Commercial Use Group,
 - Office was added as a permitted use in the I-1 Limited Industrial zoning district to support other permitted uses in the district.
 - Tourist home was added as a permitted use in the OP2 Open and Resources Land zoning district in alignment with other districts that allow residential dwelling units.
- In the Industrial Use Group,
 - Winery was added as a permitted use in the R-R1 Rural Residential zoning district in response to public comment. Wineries include an agricultural component which is appropriate in the rural context.
 - Warehousing, Wholesaling, and Freight Movement was added as a permitted use in the LU-MU Limited Urban Mixed-Use zoning districts. Limited warehousing is permitted in all other mixed-use districts, and LU-MU is more auto-centric than these districts. General warehousing is permitted in T-MU, which currently has a similar block pattern and context to LU-MU.

2) Table 4.8.02-1 Use Table: Updates to Parking Requirements

Description: The motor vehicle parking requirements were eliminated from two uses: Preschool (1-12) and Religious Assembly. ***Note, there was an oversight in the adoption draft edits. Staff intended to remove parking requirements from Preschool Center (13+) but failed to do so in error. Staff recommend Planning Board make an amendment.**

Explanation: State Law prohibits zoning parking minimums for day cares. Planning Commission stated preschools are functionally daycares. Public comment and Planning Commission comment recommended exempting religious assemblies from parking requirements.

3) Section 4.8.05-G Eating and Drinking Establishments

Description: The use classification definition for tavern was updated to clarify that uses where sale of alcoholic beverages is accessory to another primary use are not considered taverns.

Explanation: The definitions in the public draft were carried over from Title 20. These definitions have caused confusion in the past regarding uses that sell alcoholic beverages but are not a bar (e.g. theaters and sports arenas). Additionally, the previous definition regarding percentage of sales was not possible for staff to truly verify. As a result, the definitions have been simplified and clarified.

Excerpt:

Section 4.8.05-G. Eating and Drinking Establishments

Facilities providing prepared food and/or beverages for on- or off-premises consumption. Typical uses include:

1. **Restaurant**

Establishments ~~whose primary focus is the sale of prepared foods for on-premise or take-away consumption, where prepared foods sales constitute at least 65% of the establishment's gross income.~~

2. **Tavern or Nightclub**

Establishments ~~whose primary focus is the serving and sale of that is primarily serving~~ alcoholic beverages for on-site consumption, ~~where prepared food sales are less than 65% of the establishment's gross income.~~ These uses may offer live entertainment and dancing. The incidental sales of alcoholic beverages in conjunction with certain primary uses (e.g. restaurant, entertainment and spectator sports) is considered an accessory use, and does not constitute a tavern use.

Commentary: Microbreweries and Wineries are classified as industrial uses.

Article 4.9 Site Development Standards

1) Section 4.9.02-D. Activity Area: Update Applicability

Description: The applicability of activity area was updated to apply to development with seven or more dwelling units.

Explanation: Public comment stated requiring activity areas for development in the three to six dwelling unit range would present a barrier to gentle infill. The applicability was updated to align with the applicability of general site landscaping.

Excerpt:

2. Applicability

- (a) Activity area is required for the following:
 - 1. New residential and mixed-use developments of ~~seventhree~~ or more dwelling units;
 - 2. Townhome Exemption Developments of ~~seventhree~~ or more dwelling units;
 - 3. Existing residential development that is expanded to ~~seventhree~~ or more dwelling units on a parcel.
- (b) The activity area requirements of this section do not apply to the following:
 - 1. Development on parcels in subdivisions approved subject to the parkland dedication requirements in effect on or after the effective date of this UDC (Article 1.1).
 - 2. Development on parcels in the D-C Downtown Core district.

2) Section 4.9.03-B.4 Driveways

Description: The title for regulations applicable to driveway placement was updated to specify which types of development it applies to.

Explanation: Staff caught a misalignment between the definition of driveway in Chapter 8 and the intent of this code section. Public Works & Mobility uses the term driveway to apply to parking areas as described in 4.9, as well as drive accesses for parking lots and larger developments. The code was corrected to address the misalignment, by providing clarity that these requirements are intended to apply to parking areas associated with certain building types.

Excerpt:

4. Driveways ~~Providing Parking for One-Unit House, Duplex, and Rowhouse Building Types~~

- (a) All garage doors and carport entrances must be set back a minimum of 20 feet from the abutting sidewalk. When no sidewalk exists, the setback is measured from back of curb or edge of asphalt. This requirement does not apply to parking structures.
- ~~(b)~~ Driveways shall have a maximum width of 25 feet.
- ~~(b)(c)~~ The width of ~~driveway~~ approaches is regulated by Chapter 6 and the Manual.
- ~~(e)(d)~~ Driveways must not occupy more than 40% of the front yard area.
- ~~(d)(e)~~ Driveways must not occupy more than 25% of the side street yard area.

3) Table 4.9.03-2 Parking Lot Placement in Mixed-Use Districts

Description: The maximum parking lot width along street frontages was increased in U-MU3, U-MU4, and D-T zoning districts.

Explanation: The build-to-width requirements were reduced in the mixed-use districts, leaving open additional space beside buildings. The maximum parking lot width was increased in alignment with the build-to-width change.

Excerpt:

Table 4.9.03-2: Parking Lot Placement in Mixed-Use Districts

Surface Parking Lot Placement	URBAN				DOWNTOWN		LIMITED URBAN
	U-MU1	U-MU2	U-MU3	U-MU4	D-T	D-C	LUMU
Parking Between Building and Street	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percentage of Street Frontage (Max)							
Front	45%	45%	24 0%	24 0%	23 0%	15%	No Max
Side Street	50%	50%	45 0%	45 0%	40%	30%	No Max

Allowed Not Allowed

Chapter 5: Subdivision

Maximum Block Perimeter

- 1) Section 5.2.03-B Blocks. Addition of Transitional Mixed-Use district.

Description: A maximum block perimeter requirement was added to the -MU Transitional Mixed-Use zoning district.

Explanation: Subdivision is one of the few legal tools available to create streets and transportation connectivity. The intent of the T-MU district is to transition centrally located areas in Missoula that have an industrial history and block pattern to mixed-use areas. These areas have an Urban Mixed-Use Place Type, despite having poor road connectivity. Applying a maximum block perimeter is critical for creating the street connectivity necessary to support mixed-use, high-density development and ensure successful transition of the area.

Excerpt:

Section 5.2.03-B. Blocks

1. Blocks must be designed to assure traffic safety, ease of circulation, connectivity within and between subdivisions, and to provide pedestrian, vehicular and fire access.
2. Blocks must meet the following maximum block perimeters and maximum block length standards:
 - (a) In Urban Residential, Urban Mixed Use, and Downtown zoning districts: 1,500 lineal feet maximum block perimeter and 600 lineal feet maximum block length.
 - (b) In Transitional Mixed-Use, Limited Urban Residential and Limited Urban Mixed Use zoning districts: 2,400 lineal feet maximum block perimeter and 800 lineal feet maximum block length.
 - (c) In remaining zoning districts: no maximum block perimeter or maximum block length standards are required.
 - (d) Blocks that are partially in more than one zoning district shall meet the larger of block length perimeter for the zoning districts.

Exemptions to Parkland Dedication

1) Section 5.2.08-B Exemptions

Description: The exemption to parkland dedication for subdivisions in which all lots can only contain one dwelling unit based on zoning has been removed.

Explanation: All zoning districts that allow for residential development allow for at least two units per parcel, regardless of parcel size. There will not be a subdivision that creates lots only allowing for one dwelling unit, per the zoning. Removing the exemption corrects an error, per Planning Board discussion on November 12th, 2025.

Excerpt:

Section 5.2.08-B. Exemptions

Parkland dedication is not required for the following subdivisions:

1. Land proposed for subdivision into lots or tracts larger than five acres;
2. Subdivision into lots where the zoning does not permit residential uses;
3. A subdivision in which only one additional lot is created;
- ~~4. A subdivision in which all lots created may be occupied by only one dwelling unit based on the zoning; or~~
- ~~5.4.~~ A development in which lots are not created, except when that development provides permanent multiple spaces for recreational camping vehicles.

Chapter 8: Definitions

Building Width

1) Definition of Building Width

Description: A definition for building width containing measurement rules is included in the adoption draft.

Explanation: The zoning districts regulate building width, but no definition for how the UDC interprets building width was included in the public review draft. A definition for how building width is used in the UDC was necessary for consistency in code application.

Excerpt:

Building Width

The width of a building measured parallel to the street from exterior wall to exterior wall.