

Staff Recommended Amendments

December 1, 2025

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Overview/Summary:

This document contains staff recommended amendments to the Unified Development Code for review and consideration by the Planning Commission and City Council. Recommended amendments are numbered, allowing Planning Commission and City Council to vote on items as either separately, in groups, or as a package. Some amendments are in response to identified errors or necessary clarifications. Other recommended amendments are in response to public comment and feedback received by Planning Commission.

Staff Recommended Code Amendments

1. Small Lot Exception to Floor Area Ratio – Increase Qualifying Lot Area

Code Section: Section 4.2.03-D.2.a

Revised Code:

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~~3,250 square feet or less.

Explanation: The original 3,000 square foot proposals accounted for lots created under Title 20, which often required a 3,000 square foot minimum lot area. However, this number did not account for historic lots in Missoula that are typically 3,250 square feet. These narrow historic lots are very common across different neighborhoods. The amendment to the applicability of the exception accounts for the reality of small lots in Missoula.

2. Remove and Reduce Minimum Lot Width

Code Sections: Section 4.2.03-E Lot Standards; specifically amending 4.2.03-E.1 Purpose and Table 4.2.03-4, and creating 4.2.03-E.3 Driveway Access Restriction on Narrow Lots.

Revised Code:

Section 4.2.03-E. Lot Standards

1. **Purpose**

The purpose of prescribing minimum lot width standards is to support the Land Use Plan's goals of providing compatible development by adding buildings to existing neighborhoods that fit within the established context in terms of lot and block structure. ~~Minimum widths also ensure lots are platted to accommodate the densities and building types permitted in each district.~~

3. **Driveway Access Restriction on Narrow Lots**

- (a) Driveways accessed from the street are not permitted on lots with a street frontages less than 40 feet in width.

Table 4.2.03-4 Lot Standards

Lot Standards	RURAL	LIMITED URBAN		URBAN			
	R-R1	LU-R1	LU-R2	U-R1	U-R2	U-R3	U-R4
Minimum Lot Width A	80 ft	65 0 ft	54 0 ft	40-ft <u>No Minimum</u>			
When lot is adjacent to an alley	80-ft	60-ft	50-ft	30-ft			

Explanation: Staff recommend an amendment to remove the minimum lot width for Urban Residential zoning districts and to reduce the minimum lot width in limited urban districts. Per numerous public comments, removing the minimum lot width in urban residential districts and reducing minimum lot width in limited urban residential districts allows for more flexibility in constructing small dwelling units and increases home ownership opportunities.

Staff recommend retaining a reduced minimum lot width in limited urban residential districts because these areas rarely have alley access, historically have larger lots, and are mapped to areas with environmental constraints.

Staff recommend including a provision prohibiting driveway access from the street on narrow lots as part of the lot width amendment. When narrow lots have driveways accessed from the street, installation of street trees becomes infeasible. Additionally, when multiple narrow lots on a block have driveway access from the street there are frequent curb cuts which negatively impacts walkability and accessibility along a block. In these cases, parking can be accessed from an alley. Residential uses do not require parking. The neighborhood commercial building type is exempt from parking requirements in urban residential zoning districts. Creating walkable neighborhoods aligns with the Land Use Plan policy objectives.

The purpose statement is amended for consistency. Without minimum lot width requirements in urban residential districts, it is inaccurate to say that the code ensures lots are platted to accommodate the densities and uses in allowed in the districts.

3. Exception to Minimum Lot Width for Cottage Courts

Code Section: Section 4.2.03-E.3 (becomes 4.2.03-E.4 if recommended amendment #2 is implemented)

Revised Code:

3.4. Exception for Lots Intended for Duplex, Rowhouse, and Cottage Court Development

Duplexes, ~~and~~ rowhouses, ~~and~~ cottage courts 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, ~~or~~ cottage court 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.

(c) Cottage Court;

1. Minimum lot width does not apply to lots intended for cottage court development.
2. Cottage court lots must be platted as a series of three or more lots.
3. All lots must abut or contain the easement intended to contain the shared walkway (court).

Explanation: Cottage court developments function similarly to duplexes and rowhouses, except that dwelling units are not attached. Dwelling unit sizes are typically small and lots within the development are oriented with a relationship to each other and the shared court area. Similar to duplex and rowhouse building types, the cottage court development type is common in Townhome Exemption Developments (TEDs), which do not require minimum TED Ownership Unit (TOU) sizes. This amendment better accommodates this specific small unit development type while increasing opportunities for home ownership.

4. Clarify Side Setbacks for Attached Dwelling Units

Code Section: Section 4.2.03-F.1 Building Placement Applicability

Revised Code:

<p>Section 4.2.03-F. Building Placement</p> <p>1. Applicability</p> <p>The building placement standards provided below apply to all development in residential zoning districts. See Article 4.10 for setback measurement rules and <u>additional</u> exceptions.</p> <p>(a) <u>The side interior setback is not applicable to parcel lines coinciding with a shared wall between dwelling units in rowhouse and duplex building types. In other words, side interior setbacks only apply to the exterior walls of the full rowhouse or duplex structure.</u></p>

Explanation: Rowhouses and duplexes may be sited so that all dwelling units are located on one lot, or with each dwelling unit on a separate lot. Note a “parcel” may contain multiple underlying lots.

For rowhouse and duplex building types with each dwelling unit is on a separate lot, the standards in the UDC are applied to the full “parcel” containing the entire building. This means that side interior setbacks do not apply to lot lines where the shared wall between dwelling units is located. This was not made clear in the UDC and required a complicated understanding of “lot” versus “parcel”. Staff recommend an amendment to make the applicability of side setbacks clear for these building types.

5. Reduce Setback for Cottage Courts

Code Section: Table 4.7.02-3 Cottage Court Building Standards

Revised Code:

Building Standards	
Number of Units per Building	3 min / 8 max See Zoning District
Building Placement	See Zoning District <u>A 2.5 ft side interior setback is permitted from lot lines located between cottage court dwelling units. The side interior setback of the zoning district only applies to lot lines at the boundary of the cottage court development.</u>

Explanation: Cottage courts may be sited so that all dwelling units are located on one lot,

or with each dwelling unit on a separate lot. Note a “parcel” may contain multiple underlying lots.

Staff recommend reducing interior side setbacks to 2.5 feet between cottage court dwelling units to promote ownership opportunities by increasing flexibility. The building type in Article 4.7 only requires a 5-foot separation between structures. For cottage court developments with each dwelling unit on a lot, staff recommend this amendment to setbacks in order to create alignment with cottage courts that have all units located on one parcel.

6. Exempt Single Purpose Residential Development from Build-to-Zone and Build-to-Width in Urban Mixed-Use Districts

Code Section: Section 4.3.03-D.2.b

Revised Code:

(b) **Applicability**

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.

2-3. In urban mixed-use zoning districts, the build-to-zone maximum and build-to-width requirements are only applicable to mixed-use, general, and civic building types. Residential building types must still comply with the build-to-zone minimum distance from the front property line.

Explanation: The recommended amendment supports housing in urban mixed-use zones without requiring single-purpose residential structures to follow a commercial corridor form. Parking is already prohibited between the building and the street in these districts to promote walkability. The amendment allows purely residential development to be set back further from the street which can provide more privacy for ground floor units. The option to create additional space between the residential building and street would also allow for front yards or plaza spaces. In keeping with this intent, single-purpose residential buildings still must comply with the minimum build-to-zone, which acts as a small setback to ensure residential buildings are not closer to the street than commercial buildings.

7. Remove Build-to-Zone and Width Restrictions for Non-Conforming Buildings

Code Section: Section 4.3.03-D.2.c

Revised Code:

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

1. ~~Front~~ Additions are allowed outside of the build-to-zone when the addition is to a legal existing building that does not comply with the build-to-zone and width requirements of this section.
- 1.2. ~~This exception does not apply to legal existing structures approved after the effective date of this UDC that utilized the small building exception in Section 4.3.03-D.2.d.2 below.~~

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4.3 – MIXED-USE DISTRICTS

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.~~

Explanation: One of the guiding principles of code reform is to promote reuse of existing buildings. Staff recommend an amendment that would exempt additions from built-to-zone and width requirements on legal existing buildings (non-conforming). The adoption draft contained restrictions intended to move existing development towards walkability goals, however these limitations are at odds with City goals that promote climate sustainability by supporting the continued use of existing building stock.

8. Eliminate Side Street Build-to-Width Requirement

Code Sections: Section 4.3.03-D.2.b Applicability and Table 4.3.03-3

Revised Code:

- 4. ~~The build-to-zone and build-to-width requirements apply to the front property line. See Division 4.10.01 Setbacks to determine the front property line.~~
- 3.5. 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.
- 4. ~~For parcels with a single street frontage, the build-to-zone and width apply to that frontage.~~
- 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.~~
- 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.~~

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 ft	0 / 15 ft	0 / 15 ft	0 / 15 ft	0 / 10 ft	n/a
Build-to width: Front (min)	B 50%	50%	55%	55%	65%	80%	n/a
Build-to width: Side Street (min)	C 25%	30%	25%	35%	50%	60%	n/a

Explanation: Staff recommend removing the build-to-width requirements for the side street property line in response to public comment requesting more flexibility. We have heard that the side build-to-width can create a barrier to making real projects work on the ground—especially on small, irregular, or shallow lots. By focusing our build-to expectations on the street front instead, we can still prioritize an active, pedestrian-oriented public realm while giving projects more flexibility while solving site specific challenges.

9. Increase Maximum Build-to-Zone to 20 feet in Urban Mixed-Use Districts

Code Section: Table 4.3.03-3 Building Placement

Revised Code:

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 20 ft	5 / 15 20 ft	0 / 15 20 ft	0 / 15 20 ft	0 / 15 ft	0 / 10 ft	n/a

Explanation: Staff recommend increasing the maximum build-to-zone to up to 20 feet in the Urban Mixed-Use zones to keep buildings oriented to the street while giving projects enough room to work on real-world sites. Stakeholders told us that a very tight build-to line can be hard to meet on constrained corridors and irregular lots and can limit space for wider sidewalks, trees, outdoor seating, stoops or courtyards that make mixed use development feel welcoming. Allowing buildings anywhere within a 0/5 ft to 20 ft zone still keeps them engaged with the sidewalk but provides flexibility.

10. Revise Definition of Historic Resource

Code Section: Division 4.6.02 Definitions – 28. Historic Resource

Revised Code:

28. **Historic Resource** means any prehistoric or historic building, structure, object, or site (1) individually listed in the National Register of Historic Places, (2) listed in the Missoula Inventory of Historic Resources or (3) included in a Historic Resource Overlay under Division 4.6.08.

Explanation: The historic resource definition was not intended to expand the applicability of Article 4.6 to all contributing and non-contributing resources within all of Missoula's historic districts. The clarification that historic resources are those that are individually listed on the national register or local inventory was inadvertently excluded. Public comment identified this issue and staff recommend an amendment to correct and clarify the definition of historic resource so that the regulations apply as intended.

11. Remove Requirement to Demolish Accessory Structures at Subdivision and Subdivision Exemption

Code Section: Section 4.7.02-H Accessory Structure

Revised Code:

Section 4.7.02-H. Accessory Structure

1. Applicability:

The building standards provided in the table below apply to development of accessory structures. All new development must comply with these standards.

2. Description

An Accessory Structure is subordinate to the principal building on a parcel and serves the occupants of the principal building. Examples include detached garages, sheds and other, standalone buildings on a parcel that do not contain a dwelling unit.

3. Interpretation of "Subordinate"

(a) New accessory structures must be built after or in conjunction with a principal building or use.

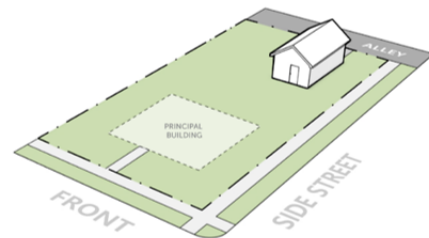
(b) There is no requirement to demolish or remove existing accessory structures when the following occurs:

1. The principal structure is demolished;

2. The principal use is abandoned;

1.3. The accessory structure is located on a different parcel than the principal structure or use following approval of a subdivision or subdivision exemption. In order to remain, the accessory structure must meet setback requirements from all new parcel boundaries created with the subdivision or subdivision exemption.

Figure 4.7.02-7 Accessory Structure



Explanation: Based on the definition of accessory structure in the current Title 20 zoning code and the adoption draft of the UDC, there is a requirement that accessory structures be demolished as a result of certain development actions. This requirement unnecessarily demolishes structures that are still in good condition and creates unnecessary construction waste. Additionally, the requirement slows down approval of subdivision exemption applications. Staff recommend including the revised language above to clarify that “subordinate” is not interpreted to require removal of accessory structures as a result of other development actions.

12. Remove Maximum Building Coverage for Accessory Structures

Code Section: Table 4.7.02-8 Accessory Structure Building Standards

Revised Code:

Building Standards	
Number of Units per Building	None
Building Placement	
Setbacks	See Zoning District for front and side street setbacks. Interior Side: 3 ft. Rear: 3 ft. no alley / 0 ft. abutting an alley.
Location	Accessory structures are prohibited in front and side street yards, and they may not be closer to the street than the principal building.
Building Coverage (Max)	50% of rear yard for all combined detached accessory structures
Standards for accessory structures for livestock or fowl	Must be located: 100 feet from any dwelling unit under separate ownership from the accessory structure; 100 feet from any waterway; 50 feet from all property lines (This provision does not apply to accessory structures for the keeping of up to six chickens, in accordance with Title 6 of Missoula Municipal Code.)
Exceptions	Through lots are exempt from the Location standard above. Greenhouses are exempt from the Location and Building Coverage standards above.

Explanation: The unified development code promotes compact development and allows for the creation of small lots. The maximum building coverage was brought over from Title 20 zoning code but can be difficult to meet under the new Unified Development Code zoning framework. Staff recommend removing the maximum building requirement for accessory structures in order to accommodate detached garages that are accessed from the alley on small lots.

13. Allow Wineries as a Permitted Use in OP2 and Remove from OP1

Code Section: Table 4.8.02-1 Allowed Uses

Explanation: Wineries include vineyards which are an agricultural use. For the adoption draft, wineries were added as a permitted use in the R-R1 Rural zoning district due to their agricultural nature. The OP2 Open and Resource zoning district is mapped to the Open and Resource Place Type. Per the Land Use Plan, the Open and Resource Place Type lists agriculture as a primary use. Staff recommend an amendment to change wineries from a prohibited use to a permitted use in the OP2 zoning district due to the agricultural nature of the use.

The OP1 zoning district is mapped to the Parks and Conservations Land Place Type. This Place Type does not describe agricultural uses and is focused on preserving natural resources and public parks. The Place Type is also mapped to environmentally constrained areas. Staff recommend removing wineries as a permitted use in OP1 to better align with the Land Use Plan.

14. Eliminate parking requirement for Preschool Center (13+)

Code Section: Table 4.8.02-1 Allowed Uses - Motor Vehicle Parking Column

Revised Code: ~~1 space per 1,000 SF~~ none

Explanation: House Bill 492 was passed by the Montana State Legislature. This bill restricts the City's ability to regulate parking through zoning. The bill states that "zoning regulations may not include provisions that require: ...(b) any minimum parking requirement for: ... (ii) child-care facilities licensed or registered by the department of public health and human services".

Staff interpret preschools as a form of childcare facility and recommend an amendment to remove the parking requirement from the Preschool Center (13+) use. Note "13+" indicates the number of children at the facility. There is already no parking requirement in the Unified Development Code for Preschool (1-12), Day Care: Residential Day Care, and Day Care: Day Care Center.

15. Exempt Subdivisions Approved in Last 20 Years from Activity Area

Code Section: Section 4.9.02-D Activity Area Applicability

Revised Code:

- (b) The activity area requirements of this section do not apply to the following:
1. Development on parcels in subdivisions approved after January 1st, 2005 that were 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.

Explanation: Staff recommend an amendment exempting development located in subdivisions that provided parkland dedication within the last twenty years from compliance with activity area standards. This exception honors the fact that recent development has provided sufficient parkland per modern regulations.

16. Reduce Activity Area Requirement to 100 SF per Dwelling Unit

Code Section: Section 4.9.02-D 3. General Standards

Revised Code:

3. **General Standards**
- (a) Activity area must be provided at a rate of ~~150~~100 square feet per dwelling unit, up to a maximum square footage equal to 20% of the parcel area.
 - (b) All activity areas must have a minimum dimension of ~~100~~ feet unless otherwise stated.
 - (c) Activity areas may be dispersed across multiple locations but shall be located as to be accessible and convenient to the residential units the activity area serves.
 - (d) Outdoor activity areas must be separated from ~~buildings, vehicular use areas, and rights-of-way~~ using one of the following options:
 1. A minimum ~~35~~-foot-wide landscaped buffer ~~containing at least one tree for every 30 linear feet of buffer length. Shrub beds or other planting systems may be used but are not required;~~
 2. ~~On-site~~ Sidewalks ~~(on-site or within the right-of-way);~~
 3. Fencing complying with the requirements of Article 6.4 Fences.

Explanation: In response to public comment, staff recommend reducing the activity area requirement from 150 square feet per dwelling unit to 100 square feet per dwelling unit. The 100 square foot per dwelling unit activity area is large enough to meet the intent of the requirement, which is to provide close to home spaces for outdoor recreation, relaxation,

and community gathering. The reduction reduces barriers and cost to housing development.

17. Remove Minimum Activity Area Playground Size

Code Section: Section 4.9.02-D.4.b Playground

Revised Code:

- (b) **Playground.** Playgrounds installed to meet the requirements of this section shall:
- ~~1. Be a minimum area of 550 square feet. On-site sidewalks are not counted towards the minimum area;~~
 - 2.1. Contain elements to support active play for children ages two to twelve such as slides, balance features, swings, and climbing features. Natural elements such as logs and boulders meet this requirement if arranged in such a manner as to create a play space for enjoyment by children. Equipment shall meet Consumer Product Safety Commission (CPSC) Public Playground and ASTM standards for playground safety.

Explanation: Staff recommend removing the minimum area for playground activity areas. The size of playgrounds is protected by the standard requiring play equipment. The space naturally must be large enough to accommodate the selected equipment. A minimum area requirement in square feet is overly prescriptive.

18. Reduce Parking Lot Landscape Island Requirement (15 spaces)

Code Sections: Section 4.9.02-E.3.b.1 and Figure 4.9.02-2

Revised Code (graphic update for figure not shown):

- (b) **Location and Design**
1. Parking lot landscaped islands are required. No linear grouping of parking spaces shall exceed 15 spaces in a row without a landscaped island.

Explanation: Staff recommend reducing the parking lot landscaping requirement to align with the current Title 20 requirement in response to comment.

19. Perimeter Parking Lot Landscaping – Clarify Building Can Screen Parking from Street

Code Section: Section 4.9.02-F Perimeter Parking Lot Landscaping Applicability

Revised Code:

Section 4.9.02-F. Perimeter Parking Lot Landscaping

1. **Purpose**

The purpose of perimeter parking lot landscaping is to minimize the impact of automobile-dominated areas on the public right-of-way and to promote a comfortable, safe, engaging, and attractive streetscape.

2. **Applicability**

The perimeter parking lot landscaping requirements apply to the following:

- (a) Installation or expansion of surface parking lots, drive-throughs, or vehicular use areas within 30 feet of a street or trail. The perimeter parking lot landscaping requirements do not apply to vehicular use areas behind a building that are not visible from the street.

Explanation: The purpose of perimeter parking lot landscaping is to screen parking lots from the public street. The current draft doesn't clearly exempt parking lots that are behind buildings which are screened from the street by the building. Staff recommend an amendment to clarify that perimeter parking lot landscaping does not apply to parking lots behind buildings.

20. Align Zoning Landscaping Standards with Definition of Driveway

Code Sections: Sections 4.9.02-F.2.c Perimeter Parking Lot Landscaping and Section 4.9.02-G.2.a.2 Buffers

Revised Code:

- (c) The requirements of this section do not apply to driveways servicing one-unit house, duplex, and rowhouse building types.

2. The buffer requirement does not apply to driveways servicing one-unit house, duplex, and rowhouse building types.

Explanation: The driveway definition in Chapter 8 includes driveways that serve houses, rowhouses, and duplexes, as well as accesses to surface parking lots for larger development types. This definition as written is necessary to the functionality of regulations in Chapter 6 Infrastructure Improvements. The exceptions to landscaping requirements were intended to apply to driveways serving certain building types. They were not intended to exempt

surface parking lots. For example, the buffer requirements are intended to screen adjacent development from parking lot headlights. Staff recommend an amendment to align the intent of the landscaping exceptions with the definition of driveway. The amendment will reduce confusion over how the regulations are applied.

21. Correct “Weekday” Error in Transit-Served Location Parking Incentive

Code Section: Section 4.9.03-A.5.b.1

Revised Code:

(b) Transit-Served Location

1. The transit-served location parking reduction applies to parcels within 500 feet of a transit stop served at intervals of 30 minutes or less between 7:00 a.m. and 6:00 p.m. on weekdays.
2. The maximum parking reduction is 25%.

Explanation: The transit served location parking reduction is intended to apply to sites that have reliable bus access. The service intervals listed in the incentive are only typically available on weekdays. The word “weekdays” was inadvertently excluded from the incentive. The amendment corrects an error, making the incentive feasible.

22. Clarify Drive-Through Setback Measurement

Code Section: Section 4.9.03-B.7.d

Revised Code:

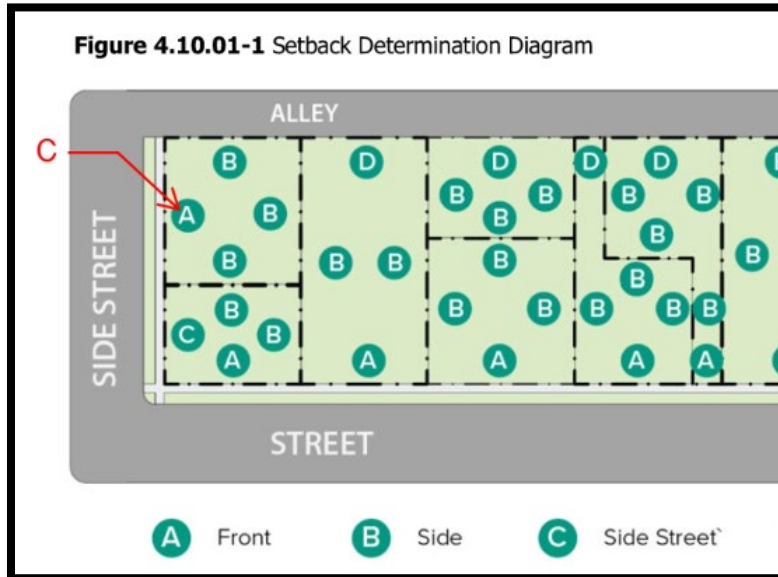
- (d) Service areas and stacking lanes must be set back at least 20 feet from all streets, measured from the back of the sidewalk or from the edge of pavement when no sidewalk exists).

Explanation: Staff recommend an amendment clarifying where the drive-through setback from streets is measured. The current language in the adoption draft is vague. In order to meet the intent of the requirement the drive through needs to be setback from the street facilities. This measurement is more flexible than the current Title 20 requirement to set the drive through back 20 feet from the right-of-way. Some rights-of-way have more width than is necessary to contain all street facilities, which results in a larger than necessary setback area. The amendment clarifies the setback is measured from the edge of street facilities, as opposed to the right-of-way line (i.e. property line).

23. Fix Side Street Error on Setback Diagram

Code Section: Figure 4.10.01-1 Setback Determination Diagram

Revised Code - Swap "A" for "C" where shown:



Explanation: The intent of the diagram is to create a consistent setback along the block face, and to provide clarity on which setback applies to each property line on different lot configurations. The recommended amendment corrects an error in the diagram. The relatable diagram in Title 20 has been successful in providing clarity to staff and applicants across various common lot configurations. The UDC diagram is intended to copy the Title 20 diagram. The “split-corner lot” should have a side street setback rather than a front setback. In the Title 20 diagram, the setback for this lot was labeled as a “half front”. In Title 20, half of a front setback is equal to side street setback.

24. Change the term “Nonconforming” to “Legal Existing”

Code Sections:

- Chapter 1 and Chapter 4 Table of Contents – rename Article 4.13
- Section 4.3.03-D Building Placement
- Section 4.3.03-E. Building Form and Components
- Section 4.8.05-0.5 Short Term Rentals
- Section 4.8.09-E. Wireless Communication Facility
- Section 4.9.03-B. Parking and Drive-Through Location
- Section 4.12.04-C General Standards (for TEDs)

- Article 4.13 Nonconformities
- Article 4.14 Signs
- Section 6.2.05-E.3.b Approaches
- Chapter 8 Definitions Amend:
 - Nonconforming Parcel
 - Nonconforming Structure
 - Nonconforming Use
 - Sign, Heritage
 - Signs, Nonconforming
- Chapter 8 Definitions: Create definition for Legal Existing

Explanation: Staff recommend changing the term “legal non-conforming” to “legal existing” throughout the Unified Development Code. This is in response to public comment that lenders show concern when the term “non-conforming” appears in zoning verification letters. In reality, non-conformities are provided a lot of flexibility throughout the UDC and have a lot of development potential. The terminology change is intended to reflect the new approach to development that no longer meets the requirements of current regulations.

25. Improve TED Efficiency – Allow C of O Prior to Declaration Filing

Code Section: Section 4.12.04-E.2.d Procedures (for Townhome Exemption Developments)

Revised Code:

2. Review and Decision by Planning Administrator

- (a) The Planning Administrator shall approve or deny a zoning compliance permit for a TED within 20 working days of receipt of a complete application. Approval or denial shall be based on compliance with all applicable regulations.
- (b) Approval of a zoning compliance permit for a TED shall not be conditioned.
- (c) A subsequent building permit is required for each structure.
- (d) Final zoning compliance approval, as described in Division 4.15.02, is required for all structures in TEDs. ~~Final zoning compliance approval shall not be issued for any structure in the TED until the declaration is filed with the County Clerk and Recorder.~~

Explanation: Under current Title 20 zoning code, the applicable requirements for a development are different depending on whether the TED declaration is filed or not. For this reason, the TED declaration must be filed with the County Clerk and Recorder prior to granting of final zoning compliance approval or certificates of occupancy, or a temporary use restriction agreement must be obtained. The current process adds time, process, and confusion to development review.

Staff reviewed the applicability of standards across the code and recommend an amendment to remove this requirement. The Unified Development Code requirements, specifically 4.7 Building Standards and 4.9 Site Development Standards, are drafted so that zoning code standards do not change between TED and non-TED developments. The only exception to this is Section 4.12.04-E.2 which is required for preliminary zoning compliance permit approval of a TED and filing of the TED declaration. However, if the TED declaration is never filed by the developer the project will not be out of compliance with applicable UDC standards. In summary, the City does not need to withhold occupancy of structures until the declaration is filed.

Specifically, the changes between Title 20 and the new UDC that allow this change include:

- The definitions of rowhouse (townhouse) and duplex have been decoupled from ownership which means building types and related standards do not change based on the presence of a filed TED declaration.
- The standards in 4.9 Development Standards remain consistent between TED and non-TED projects.
- Building separations and setbacks do not vary between TED and non-TED projects. These standards are dictated by building type and zoning district.

If Planning Commission or City Council propose amendments that are contrary to the bullet points above, then staff withdraw recommendation of this amendment. In those cases, removal of this requirement can lead to compliance issues because regulations are incorrectly applied to developments that do not file the TED declaration.

26. Improve Language for FAR and Density on TEDs

Code Section: 4.12.04-C.1 General Standards (Townhome Exemption Developments)

Revised Code:

Section 4.12.04-C. General Standards

1. The ~~number of dwelling units permitted~~ maximum density and/or floor area ratio (FAR) in a TED is determined based on the area of the original/parent parcel and must comply with the ~~density maximum and/or floor area ratio requirements~~ of the zoning district.

Explanation: Staff recommend an amendment to streamline and clarify the description of density and FAR application on TED projects. The amendment improves legibility.

27. Clarification to Building Width Definition

Code Section: Chapter 8 Definitions – Building Width

Revised Code:

Building Width

The width of a building measured ~~parallel to the street~~ from exterior wall to exterior wall along the street facing facade.

Explanation: Buildings are not always sited exactly parallel to the street. The definition is too rigid to provide clarity on measurement of building width for varying building footprints. See definition of facade.

28. Allow Trails to Overlap with Easements

Code Section: Section 5.2.02-E.2.b Standards (for Trails in Subdivisions)

Revised Code:

2. Standards

- (a) Trails must be constructed concurrently with other required transportation infrastructure in accordance with the standards of Chapter 6 Infrastructure Improvements and the Manual and the design must be approved by Parks and Recreation.
- (b) Trails must be located within a public pedestrian access easement. Trail easements may be combined with municipal utility easements (sewer, water, and/or drainage) but ~~and~~ shall not be combined or overlaid with a utility easement, unless allowed by a design deviation in the Manual. Trails adjacent to streets shall be within a street right-of-way parcel, a street right-of-way easement, or a public pedestrian access easement.

Explanation: If properly designed so that facilities for trails can be provided without causing negative impacts to the trail or utilities in an easement, trail easements could be combined with utility easements. Staff recommend an amendment that allows easements to be overlaid when a deviation per the Manual is granted. This process allows assessment of impacts related to overlaying the easements.

29. Exception to Parkland Dedication to Reduce Tracking Needs

Code Section: Section 5.2.08-C.4 Requirements for Parkland Dedication (Subdivision)

Revised Code:

4. At the time of building permit, cash-in-lieu is required for any additional dwelling units on a lot in excess of what was delineated in the application packet at preliminary plat approval. This requirement applies to the first building permit or zoning compliance permit on a lot. The requirement also applies to subsequent building permits that add additional dwelling units to a lot within ten years of the date the final plat was filed. After 10 years from the date the plat was filed, cash in-lieu is not required for subsequent building permits adding dwelling units are not required to pay cash-in-lieu.

Explanation: Tracking and finding data for the number of units constructed on a lot and the amount of cash-in-lieu provided can become onerous and difficult for staff after a significant amount of time has passed. This slows down permitting time for applicants. Staff recommend an amendment that places a time limit on the requirement to dedicate parkland in subdivisions when more units are constructed than were estimated at the time of preliminary plat approval through subsequent building permits.

30. Remove DEQ Approval Requirement from Subdivision Preliminary Plat Approval

Code Section: Section 5.3.01-C.4

Revised Code:

Section 5.3.01-C. Subdivision Application and Preliminary Plat Submittal

One paper copy and a digital copy of the following information and documents, and the appropriate subdivision review fee, must be supplied by the subdivider to CPDI, Development Services:

1. The completed subdivision application.
2. The preliminary plat of the proposed subdivision that contains the information and supplements required by Article 5.4 and that conforms to the design and improvement standards established in Article 5.2, including compliance with Chapter 6 Infrastructure Improvements and the Manual.
3. A phasing plan if the subdivision is proposed for phased final plat submittals, meeting Section 5.3.03.B. The phasing plan must include the preliminary plat as a phasing plan map that demonstrates what lots will be included with each phase, what public improvements will be completed with each phase, and the final plat submittal deadlines for each phase.
- ~~4.—For a proposed subdivision that will create one or more parcels containing fewer than 20 acres, the subdivider must provide evidence of approval from the Department of Environmental Quality (DEQ) / Missoula City County Public Health Department (MCCPH) prior to the Planning Administrator determining the application is complete.~~
- ~~5.4.~~ For a proposed subdivision that will create one or more parcels containing 20 acres or more, the subdivider must certify on the application whether the regulations associated with MCA 76-4-101, et seq. apply. If so the subdivider must comply with 5.3.01-C.4.

Explanation: Approval from other agencies typically do not grant approval for a

subdivision prior to preliminary plat approval from the City. Staff recommend removing the requirement to provide evidence of approval from DEQ and MCCPH prior to preliminary plat approval. These agencies are contacted during sufficiency review for preliminary plat approval and must approve prior to filing of final plat.

31. Clarify Purpose of Infrastructure to be Proportionate to Development

Code Section: Section 6.1.01-A.2 Purpose

Revised Code:

Division 6.1.01 General

Section 6.1.01-A. Purpose

1. The Infrastructure Improvements Chapter establishes the design, construction, and permitting requirements for infrastructure improvements required during development. Infrastructure improvements are necessary to promote public safety, create facilities and systems for private and public use, allow efficient and effective movement of people and goods, and to improve quality of life, mobility and access.
- 1-2. The intent of this chapter is to require infrastructure improvements proportionate to the scale of the development impacts, while balancing affordability and community needs in support of applicable goals and policies of the Land Use Plan, facility plans, and community planning documents. Infrastructure improvement requirements may be waived for small infill projects when doing so will not substantially increase the overall impact of the development. Additional flexibility is provided through the design exception process, as outlined below and in the City of Missoula Standards and Specifications Manual (the "Manual").

Explanation: Staff recommend an amendment clarifying the purpose of Chapter 6 Infrastructure Improvements. The recommended language clarifies that requirements for infrastructure improvements are intended to be proportionate to the scale of development. Purpose language that was included in Section 6.2.01-B Connectivity were moved up to the overall purpose language proposed in the amendment.

32. Eliminate Requirement for Infrastructure Improvements for Five or More Parking Spaces

Code Section: Section 6.2.01.A.2.b

Revised Code:

2. Right-of-way infrastructure shall be installed directly adjacent to new development in accordance with the Manual where existing infrastructure is incomplete, missing, or otherwise inadequate to mitigate the impacts of the development for the following conditions:
 - (a) New construction that results in a total of seven or more combined new or existing dwelling units, including mixed-use construction;
 - (b) ~~New construction that results in a total of five or more new on-site parking spaces;~~
 - (c) New construction of a driveway approach onto a public or private street;
 - (d) Non-residential construction which requires additional new on-site parking;

Explanation: Based on input received at the Frequent Code User and Missoula Organization of Realtors engagement events, staff recommend eliminating the requirement to install right-of-way infrastructure when five or more parking spaces are installed. Improvements will still be required for construction of 7 or more dwelling units, when driveways/approaches are installed onto street, and when installation of parking lots serving non-residential uses occurs. The requirement proposed to be eliminated is not necessary given the combination of other requirements in code. The recommended amendment simplifies this code section.

33. Include Clear Requirement to Provide Engineering Reports

Code Section: Section 6.2.01-A.9

Revised Code:

~~8-9. The City Engineer may require development to submit engineering reports and studies, such as Traffic Impact Studies, Water Design Reports, Sewer Design Reports, or Stormwater Design Reports, or Geotechnical Studies, to evaluate the proposed development's impact on existing public transportation and utility infrastructure, in accordance with the Manual. Based on the results of these studies, the City Engineer may require the developer to fund and/or install improvements that mitigate the impacts of the development,~~

Explanation: Staff recommend an amendment to Chapter 6 Infrastructure Improvements that requires development to submit engineering reports and studies, such as Traffic Impact Studies, and Sewer Design Reports. Details for report requirements are in the Manual but having this language in code, and the ability to require expensive improvements based on the impact demonstrated in these reports, could very well be important when negotiating future mitigation measures.

34. Correct Minor Numbering Error in Chapter 6

Code Section: Section 6.2.01-A.2.e

Revised Code:

(e) Exception for street trees:

~~a.1.~~ Street trees shall be installed in accordance with the Manual where none currently exist for the following:

~~i.a.~~ Residential projects that create 1 or more new dwelling units with a maximum of 1 tree required per dwelling unit;

~~ii.b.~~ All new non-residential projects.

Explanation: Staff recommend correcting a numbering error in the draft for consistency with the document template. A subsection was incidentally tabbed too far.

35. Clarify Connectivity Requirements in Chapter 6 Infrastructure Improvements

Code Section: Section 6.2.01-B Connectivity

Revised Code:

Section 6.2.01-B. Connectivity

1. Developments shall be reviewed to ensure appropriate infrastructure connectivity with off-site infrastructure in proximity to the development.
2. Reviews shall consider the safety and well-being of the public, access to reliable infrastructure, and opportunities for future development to connect to and benefit from existing infrastructure.
- ~~3.—Infrastructure connectivity shall be consistent with applicable goals and policies of the Land Use Plan, facility plans, and community planning documents.~~
- ~~4.—Connectivity and required infrastructure improvements shall consider proportionate measures to mitigate the impacts of the development.~~
- ~~5.3.~~ The City Engineer may require:
 - (a) Utility connections and corresponding easements that extend existing or planned utility networks or that are necessary for proper utility system operation.
 - (b) Transportation connections and corresponding easements that extend existing or planned multimodal transportation circulation networks in proximity adjacent to the development, adjacent land uses, nearby destinations such as schools, parks, transit stops, trails, employment centers, and commercial areas as well as community and regional transportation corridors, non-motorized transportation corridors, and future phases of development, or to connect internal streets and parking areas to adjacent external streets and parking areas.

Explanation: Staff recommend an amendment clarifying that the connectivity requirements are for off-site infrastructure in proximity to the development. Two

statements in this section describe purpose. Staff recommend moving these statements up to the section describing the purpose of Chapter 6.

36. Move Chapter 6 Driveway Requirements to the Manual and Eliminate Conflict with Health Department Rules

Code Section: Section 6.3.02-A General (Driveways)

Revised Code:

Division 6.3.02 Driveways

Section 6.3.02-A. General

1. Right-of-way infrastructure improvements, including but not limited to curb and gutter, curb cuts, approaches, driveways, sidewalk, etc., shall be installed and maintained in accordance with the Manual.
- ~~2.—~~ Driveway ~~paving-surfacing~~ requirements shall ~~be-permeet the requirements of the~~ Missoula City-County Air Pollution Control Program (Rule 8.204) and ~~the adopted~~ Fire Code ~~for all driveways~~. ~~The use of self-draining solid surface materials, such as interlocking block pavers, may be allowed by the City Engineer.~~
- ~~2. —~~
- ~~3.—~~ Driveways shall be paved a minimum distance of 20 feet directly behind the ~~abutting sidewalk, or back of curb/edge of asphalt or curb if a sidewalk is not present, when intersecting a paved street or alley.~~
- ~~4.3.~~ Driveways shall be removed and landscaped if the existing adjacent parking space(s) are removed
- ~~4.~~ Driveways providing fire apparatus access to the property shall meet the design and construction requirements of ~~the adopted Fire Code and~~ Appendix D, International Fire Code (IFC).
5. All driveway width, grade, and turnaround requirements shall be in accordance with the Manual.
- ~~6.—~~ Driveway minimum width shall be:
 - ~~(a)—~~ 8.5 feet if the driveway is less than or equal to 150 feet in length; or
 - ~~(b)—~~ 12 feet if the driveway exceeds 150 feet in length.

- ~~7.—~~ Where any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road, driveways used as emergency access shall provide:
 - ~~(a)—~~ A minimum unobstructed width of 12 feet and a minimum vertical clearance of 13 feet 6 inches.
 - ~~(b)—~~ An approved all-weather driving surface capable of supporting the imposed loads of fire apparatus.
 - ~~(c)—~~ An approved turnaround when the driveway exceeds 150 feet in length.
 - ~~(d)—~~ A gradient not to exceed 10 percent unless approved by the fire code official.
- ~~8.—~~ If not a fire apparatus access road, driveways shall have a maximum grade of 15% within 15 feet of a sidewalk or property line, if sidewalk is not present, and a maximum grade of 20% elsewhere.

Explanation: Based on public comments, staff recommend an amendment to move technical requirements for driveway width from Chapter 6 of the UDC to the Manual. These requirements describe dimensional information, which is “how” driveways are built. Moving these requirements to the manual is consistent with the organization of other

requirements. Staff also recommend eliminating language related to driveway paving (#3) because it is more restrictive than the Missoula City-County Air Quality Program requirements and will provide more options for surface material types in the future.