



Title 20 Annual Update

Land Use and Planning

Jen Gress
Development Services
August 26, 2020



Overview

W

- Background
- Key topics
- Review of amendments
- Motion

Background

- Maintain and update the Ordinance on a regular basis
- Keep current with City guiding policy and best practices
- Support the City's strategic framework
- This year 41 amendments proposed

Background

Action	Date
Summary List Presented to LUP	June 10
Began comment period	June 16
Planning Board Public Hearing	August 11
Riverfront Leadership Team	August 17
LUP to approve setting a Public Hearing	August 26
City Council Public hearing	October 5

➤ Outreach:

Background

➤ Agency and Public comment

➤ City Website:

➤ Engage Missoula

➤ Development Services current projects

➤ News Flash

➤ Civic Send

➤ Neighborhood list serve (electronic notice)

➤ Missoulain legal ads

➤ Monthly Development Community meeting

➤ Amendments meet Section 20.85.040G

Zoning Amendments, Review Criteria

Amendments are intended to:

Key

Topics

- Implement recommendations from the Housing Policy
- Create consistency with Engineering terms & align with potential amendments in Engineering and Building rules
- Focus review of a conditional use request on the use being proposed
- Consolidate and refine the notification process
- Address regulations that are out of date, inefficient, ineffective, or in error

Housing Policy

- Removing barriers to creating accessory dwelling units which include:
 - removing the requirement for owner occupancy
 - removing required parking
 - allowing existing accessory structures to expand along existing building lines, and
 - raising the maximum height of an ADU to 25'
- Defining Affordable Housing for its limited use in parking and Planned Unit Development standards, using terms from the Housing policy

Housing Policy

20.45.060 – Accessory Dwelling Units

B. Regulations for all Accessory Dwelling Units

#2 ~~3. Permit Requirement~~

#3 ~~4. Owner Occupancy~~

#4 10. Parking

~~At least one paved off-street parking space must be provided for an accessory dwelling unit, in addition to the required off-street parking for the principal dwelling unit. If the parcel abuts an alley, access to the new parking must come from the alley. No additional parking space is required for an accessory dwelling unit.~~

Housing Policy

20.45.060 - Accessory Dwelling Units

#5 B. Regulations for all Accessory Dwelling Units

~~118.~~ Size

a. Detached ADU

- (1) The floor area of a new detached accessory dwelling unit may not exceed the maximum of 600 square feet ~~or be less than 350 square feet.~~

b. Internal ADU

The floor area of an internal accessory dwelling unit that does not increase the floor area or footprint of the primary dwelling unit may not exceed 40% of the gross floor area, excluding an attached garage, of the primary dwelling unit and may not be more than 600 square feet, ~~or be less than 350 square feet.~~

#6 C. Special Regulations for Detached Accessory Dwelling Units

3. Height

The maximum height allowed for a detached accessory dwelling unit is ~~22~~ 25 feet ~~or the height of the primary (detached house) building, whichever is less.~~

Housing Policy

#7 20.45.060 - Accessory Dwelling Units

C. **Special Regulations for Detached Accessory Dwelling Units**

5. **Conversion of Existing Detached Accessory Structures**

b. **Existing Detached Accessory Dwelling Unit Structures**

~~Permitted By Right~~

If the accessory dwelling unit is ~~permitted by right and~~
proposed to be located

#8 20.45.060 – Accessory Dwelling Units

~~D. Existing Illegal Accessory Dwelling Units~~

Title 20 Update



#9 20.60.020 - Required Motor Vehicle Parking

C. Off-Street Parking Schedule

Table 20.60-1 Off-Street Parking Schedule

Housing Policy

Use Category ↳ specific use type	Minimum Motor Vehicle Off-Street Parking Ratio
RESIDENTIAL	
Table Continues	
↳ Detached House , Townhouse (subsidized-affordable housing + 1,250 sq. ft. or more)	2 spaces per dwelling unit
↳ Detached House, Townhouse (subsidized-affordable housing + under 1,250 sq. ft.)	1 space per dwelling unit
Table Continues	
↳ Multi- dwelling unit (55 years of age + subsidized-affordable housing)	0.5 spaces per dwelling unit
↳ Multi- dwelling unit (subsidized-affordable housing + 2,000 sq. ft. or more)	1.5 spaces per dwelling unit
↳ Multi- dwelling unit (subsidized-affordable housing + 850 sq. ft.—1,999 sq. ft.)	1.0 spaces per dwelling unit
↳ Multi- dwelling unit (subsidized-affordable housing + under 850 sq. ft.)	0.75 spaces per dwelling unit
Table Continues	
↳ Accessory Dwelling Unit	1 space accessory dwelling unit + 2 spaces primary dwelling unit (lawfully established primary dwelling units in single dwelling zoning districts that lack 2 spaces must add off-street parking to a total of 3 spaces)
Table Continues	

Housing Policy

#10 Chapter 20.80 - Nonconformities

20.80.030 - Nonconforming Structures

F.

Conversion or replacement of an Accessory Structure to an Accessory Dwelling Unit

Legally established existing accessory structures may be converted, replaced, or expanded to accommodate an accessory dwelling unit.

1. An accessory structure that is nonconforming because it encroaches into, side or rear setbacks may be expanded vertically to a maximum of 25', and horizontally for up to 16 feet along the existing nonconforming building line.

Housing Policy

11# ~~Subsidized~~

~~Financing provided by the US Department of Housing and Urban Development (HUD) or the Montana Board of Housing (MBOH) expressly for the purpose of providing housing to low- to moderate-income households.~~

Affordable Housing

For the purposes of Title 20, affordable housing means a development that has been approved by the Office of Housing and Community Development, as a Tier 1 or Tier 2 project within the affordable housing incentive program established by the Office of Housing and Community Development.

Housing Policy

Single Dwelling Unit Development Incentive Tiers

For Sale

Tier 1 – For sale housing below 80% AMI*, rental housing below 60% AMI

Tier 2 – For sale housing below 120% AMI, rental housing below 80% AMI or
Voucher preference unit

Multiple Dwelling Unit Development Incentive Tiers

Rental

Tier 1 – 75% of units below 60% AMI or qualifying LIHTC projects

Tier 2 – 25% of units below 80% AMI

Ownership

Tier 1 – 10% of units below 80% AMI, 25% at 120% AMI in projects <10 units

Tier 2 – 25% of units below 120% AMI

*AMI - Area Median Income for the Missoula area as defined by the U.S. Department of Housing and Urban Development and administered by Missoula Housing and Community Development.

Housing Policy

#1 20.25.030 - /PUD, Planned Unit Development Overlay

A. Purpose

1. General

d. Affordable Housing

~~Developments in which at least 20% of the total number of dwelling units are affordable to households earning 80% or less of the Missoula County median income, as determined by the U.S. Department of Housing and Urban Development (HUD).~~

Development that meets the definition of Affordable Housing found in Chapter 20.100.

Title 20 Update



Comments against proposed ADU amendments:

- Removal of parking, owner occupancy, and annual permit program
- Concern ADUs may be used as Tourist Homes
- Concern ADUs will change the character of a neighborhood
- General disagreement with every ADU amendment

Housing Policy

Comments in support of ADU amendments:

- Specific support for simplifying and increasing the maximum height, removing the minimum square foot requirement, and removing the parking requirement
- General support for all proposed amendments

Additional comments:

- Will these amendments help with affordability concerns
- Include a definition of AMI
- Appreciation was expressed that the amendments applied to all neighborhoods equally.
- Agreement with aligning the zoning code with the Housing

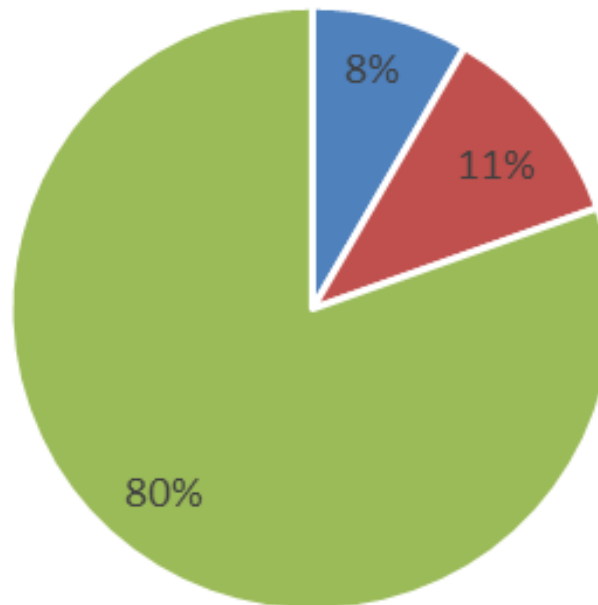
Housing Policy

A Place to Call Home: Meeting Missoula's Housing Needs

- 28-member Steering Committee
- 7 Technical Work Groups
- Housing Expert consultant support
- 30 specific recommendations to improve housing affordability for Missoulians

Housing Policy

Missoula Registered Tourist Homes by Type



■ ADU ■ Duplex ■ Single Family Residence

Coordination

- Coordinate interagency regulations, Engineering and Building
- Change terminology from “driveway to “driveway approach”
 - Amendment #12 section 20.25.075 Overlay Districts
 - Amendment #13 section 20.40.050 Use- & Building Standards
 - Amendment #15 section 20.60.060 Parking
- Remove references to Engineering for accessibility review and replace with Building Division
 - Amendment #14 section 20.60.010 Parking
 - Amendment #17 section 20.60.060 Parking
 - Amendment #18 section 20.60.070 Parking

Coordination

- Coordinate interagency regulations, Engineering and Building
 - Section 20.60.060 (Parking)
 - Clarify a proposed driveway must be approved by Engineering prior to receiving a building or zoning compliance permit; and,
 - Remove language addressing maximum grade of a driveway, #16

Coordination

Comments received:

- Retain language discussing the maximum grade and distance for driveways.
- Retain ADA references

Conditional Use

#19 20.85.070 Conditional Uses

D. Application Filing

Complete applications for conditional use approval must be filed with appropriate personnel in Development Services and include the following information:

1. Legal description of the subject property;
2. Ownership and mailing address of all owners of the subject property; and
3. All submittal materials required by the zoning officer for the conditional use review, which may include elevation drawings or photographs of existing and proposed buildings, site plans including general site layout, building footprints and landscape areas landscaping, and other materials that will help the City Council conduct a competent review and support their decision and required findings of fact.

Conditional Use

- Section 20.85.070 (Review and Approval)
 - Clarify conditional use projects will continue to be subject to all of Title 20 and other approved conditions, #21

Conditional Use

- Update the conditional use process to focus more specifically on the proposed use
 - Section 20.85.070 (Review and Approval)
 - Clarify the review process
 - Include a reference to “Factors to be Considered, #20
 - Move Factors to be Considered information to Review Criteria, #23
 - Amend the language to support a more general approach to review, and forward plans and policies adopted by Missoula, #22

Conditional Use

Comments Received:

- Generalizing the submittal information may affect other city processes
- Amendments to the conditional use section will not promote additional or affordable housing.

Sign S

- Clarify the Sign Chapter
 - Section 20.75.070 (Signs)
 - Incorporate ZOO #20-01, #24
 - Remove “prohibited locations” section since we also have a “where allowed” section, #24
 - Section 20.75.100 (Signs)
 - Clarify building graphics only need to be reviewed by one entity, #25
 - Section 20.75.110 (Signs)
 - Remove the necessity of tags on approved signs, #26

Notice

- Update notification procedures
 - Consolidate all notice requirements into one location
 - Chapter 20.85, amendments #30 - #32
 - Combine all Title 20 notice procedures
 - New reference table
 - New intent statement
 - Notify owners within 150' consistently
 - Notice in the newspaper will be made consistent
 - Remove certified mail notice, continue first class
 - Applicant maintain required on-site public notice of project

Notice

3. Notice Requirements for Specific Application Types

Table 20.85-2

Noticing Requirements for Specific Application Types

<u>Application</u>	<u>Posted Notice</u>	<u>Mail Notice</u>	<u>Notification Distance</u> ¹	<u>Newspaper Notice</u>	<u>Title 20 Section</u>
<u>Administrative Adjustment</u> ³	<u>X</u>	<u>X</u>	<u>150'</u>	<u>None</u>	<u>20.85.110</u>
<u>Annexation</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>Post on-site</u>
<u>Appeals of Administrative Decisions</u> ³	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>20.85.100</u>
<u>Board of Adjustment</u> <u>(Variances and Public Forums)</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>-</u> <u>X</u>	<u>20.85.090</u> <u>20.85.095</u>
<u>Conditional Use</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>20.85.070</u>
<u>Design Review Board</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>20.85.080</u>
<u>Historic Preservation Permit</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>20.85.085</u>
<u>Planned Unit Development</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>20.85.060</u>
<u>Rezoning</u>	<u>X</u>	<u>X</u>	<u>150'</u>	<u>X</u>	<u>20.85.040</u>
<u>Townhome Exemption Development (5 or more units)</u>	<u>None</u>	<u>X</u>	<u>150'</u>	<u>None</u>	<u>20.40.180</u>
<u>Zoning Text Amendment</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>X</u>	<u>20.85.040</u>

Notice

- Update notification procedures
 - Section 20.05.040 Townhome Exemption Development, #27
 - Move notice to new section
 - Section 20.85.110 (Review & Approval), #33
 - Amend Administrative Adjustment time line to be consistent with all other timelines,
 - Section 20.40.135 (Tourist Homes), #28
 - Notice of approved tourist home only
 - Section 20.45.060 (ADU), #29
 - Notice of approved ADU only

Notice

Comments received:

- Maintain the required applicant notice for a Tourist home.
- Increase the minimum notice for all city projects to 30 days.
- All changes to a neighborhood should be noticed by newspaper, posting and mail to residents within 150' of the proposal.

Miscellaneous

➤ Miscellaneous

- Section 20.25.075 (Overlay Districts)
 - Include “light equipment sales/rentals use into /NC-MDP, #34
 - clarify the material coverage measurement section for Design Excellence, #35
- Section 20.40.050 (Use- & Building standards)
 - Clarify EC Overlay District, #36

Miscellaneous US

#37 20.50 - Natural Resource Protection 20.50.010 - Hillside Protection

B. **Applicability**

The hillside protection standards of this section apply to any parcel building and disturbance area with a natural, existing or finished average slopes of 15% or greater, except for the following development options:-

1. Development proposing a single unit on an R zoned parcel shall determine applicability based on building and disturbance area and will be subject to sections 20.50.010E-L and review shall be limited to the building and disturbance area.
2. Development proposed on parcels created prior to March 22, 1999 (adoption of Hillside Design Standards) shall be subject to sections 20.50.010G-L and review shall be limited to the building and disturbance area.

Commentary: Providing information depicting the average slope of a parcel is not required unless the planning office has a question regarding the applicability of Section 20.50.010, Hillside Protection.

Miscellaneous US

#38 20.65.020 - General Site Landscaping

C. Activity Area Requirements for Multi-dwelling Houses and Multi-dwelling Buildings

In addition to the general site landscaping requirements of 20.65.020, the following provisions apply to multi-dwelling houses and multi-dwelling building developments that include ten or more dwelling units:

1. Provide at least 20% of the parcel as activity area. This activity area requirement may be satisfied by the following:
 - d. Garden areas may be counted toward satisfying the activity area requirements of this section if:
 - (1) Tool storage areas are provided for common use by residents;
 - (2) Appropriate fencing is provided to exclude deer and pets;
 - (3) Access to water (hose bib) is centrally located to all garden beds;
and
 - (~~3~~4) Topsoil of adequate quality and depth is provided (contact Missoula Parks and Recreation Department); and
 - (5) The garden area is located in an area to receive adequate sunlight throughout the growing season (contact Missoula Parks and Recreation Department).

Miscellaneous

US

➤ Miscellaneous

- Require an explanation of how a proposed landscaping plan meet the intend of the landscaping chapter, #39
- Section 20.90.020 (Administration)
 - Allow DRB member to reside in either the city or county, #40
- Section 20.105.030 (Use Classifications)
 - Allow utility services to place any equipment on site necessary for the facility to function, #41

Miscellaneous

S

Comments received:

- In support of, and against proposed changes to the garden section
- In support of and against, proposed changes requiring an explanation of how an alternative landscape plan meets the intent of the chapter
- DRB membership should remain as only city residents

Motion #1:

Planning

Retain the requirement that applicants notify **Board** surrounding parcels of their intent to apply for a tourist home.

20.40.135 - Tourist Homes

C. **Registration Requirement**

Prior to approval of the tourist home registration, the applicant must:

b. Notify all property owner(s) and resident(s) one parcel

deep surrounding the subject property, excluding R-O-W, prior to filing the application for tourist homes located in an R district. See figure 20.40-5 for example notification areas. The applicant must provide a written statement to Development services regarding the manner in which notification occurred and when

Motion #2:

Planning Board

Related to amendment #22 subsection H.2.g, ~~Board~~
the existing language in proposed sub-paragraph g,
with the exception of the word “color”.

20.85.070 Conditional Uses

H. Review Criteria

2. Uses that require conditional use approval may be approved by the City Council when they determine that the proposed use:

~~3g.~~ That buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, ~~color~~, open space design, screening, any applicable use-specific standards and any other design elements considered important by the City Council;

and

Staff alternative

Reasons for staff recommended changes to conditional use:

- Separate design review from conditional use approval
 - Design review exists already within the zoning and other city regulations
 - General zoning standards
 - Setbacks, height limits, landscaping, etc
 - Design Excellence Overlay (20.25.080)
 - Use and Building Specific Standards (20.40)
 - Enterprise commercial, Commercial under 30,000 sq ft, multi-dwelling buildg, etc
 - Requiring complete design ahead of CUP approval is onerous
- Chance to refocus on impacts of use specific to a site
 - Conditions that may affect design will be known ahead of project design phase

Staff alternative

Potential Responses to Planning Board recommendation:

Conditional Use:

1. Accept Planning Board Recommendation
2. Reject Planning Board Recommendation
3. Reject Planning Board Recommendation and adopt new staff alternative changes since Planning Board meeting
4. Withdraw staff recommended changes for conditional use until future round of zoning amendments
 - Wait until there is greater comfort/support for re-ordering Design Excellence review to occur after conditional use approval instead of beforehand

Staff alternative

20.85.070 Conditional Uses

D. Application Filing

Complete applications for conditional use approval must be filed with appropriate personnel in Development Services and include the following information:

1. Legal description of the subject property;
2. Ownership and mailing address of all owners of the subject property; and
3. All submittal materials required by the zoning officer for the conditional use review, which may include ~~elevation drawings or~~ ~~photographs of existing and proposed buildings, site plans including general site layout, building footprints and landscape areas landscaping~~ , and ~~other~~ any materials that will help the City Council conduct a competent review and support their decision and required findings of fact including a project narrative that gives a general description of what the proposed use will entail, and specific responses on how it will impact each of the individual review criteria in section H (20.85.070.H – Review Criteria) as they apply to the project site.

Staff alternative

No change

#20 20.85.070 Conditional Uses

G. Hearing and Final Action—City Council

1. The City Council must hold at least one public hearing on a proposed conditional use.
2. Following the close of the hearing, at the same or subsequent meeting, the City Council must take action to approve, approve with modifications or conditions or deny the conditional use based on the review criteria of 20.85.070.H and with regard to public and agency comment (Factors to be Considered 20.85.070.I). The City Council's decision must be supported by written findings of fact.
3. The City Council may act by a simple majority vote of those City Council members present and voting.

Staff alternative

20.85.070 Conditional Uses

H. Review Criteria

1. Conditional use applications may be approved by the City Council only when they determine that the review criteria listed below, as applicable, have been satisfied. All of the applicable review criteria must be addressed in the City Council's findings of fact in support of their decision. ~~Compliance with any conditions associated with an approval, along with all applicable regulations, will be ensured through the building permit review process for that project.~~

Commentary: Not all review criteria will apply in every case. Only the applicable review criteria need to be met.

2. Uses that require conditional use approval may be approved by the City Council when they determine that the proposed use:
 - a. ~~Complies with all applicable standards of this zoning ordinance;~~
 - ba. Is in the interest of the public convenience and will not have a significant adverse impact on ~~the general welfare of~~ the neighborhood or community;
 - eb. ~~Is compatible with the character of the surrounding area in terms of site planning, building scale and project design~~ Will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district;
 - dc. Has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation;

Staff alternative

20.85.070 Conditional Uses

H. Review Criteria

- ed. Will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized), ~~and will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing.~~
- e. ~~Is in accordance with the Growth Policy and other relevant adopted plans.~~
- f. That the site properly ~~properly~~ addresses ~~general building orientation~~, open space, light, and protection of natural features;
- g. That ~~proposed buildings structures, and~~ uses are compatible with adjacent properties and uses in terms of physical ~~design~~ elements such as ~~volume and mass management, building materials, color,~~ open space design, screening ~~and buffering,~~ any applicable use-specific standard~~s~~ and any other ~~design~~ elements considered important by the City Council~~; and~~

Staff alternative No Change

20.85.070 Conditional Uses

I. Factors to be Considered

In determining whether all applicable review criteria have been satisfied, the City Council may specifically consider ~~the following factors:~~

- ~~1. That new buildings and structures are located to create a positive relationship with their environment, both urban and natural;~~
- ~~2. That the site design properly addresses building orientation, open space, light, sun exposure, views and protection of natural features;~~
- ~~3. That buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, color, open space design, screening, any applicable use specific standards and any other design elements considered important by the City Council;~~
- ~~4. That the overall project will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing; and~~
5. Agency and public testimony.

Staff alternative

20.85.070 Conditional Uses

M. Compliance with Conditions

At the time of building permit review, projects that receive conditional use approval must:

1. Demonstrate how they will substantially comply with all conditions of approval
 - a. If an applicant disagrees with staff's determination of what is substantial compliance, they may apply for an amendment as described in 20.85.070.L.
2. Comply with all applicable city regulations

Staff alternative

Potential Responses to Planning Board recommendation:

Conditional Use:

1. Accept Planning Board Recommendation
2. Reject Planning Board Recommendation
3. Reject Planning Board Recommendation and adopt new staff alternative changes since Planning Board meeting
4. Withdraw staff recommended changes for conditional use until future round of zoning amendments
 - Wait until there is greater comfort/support for re-ordering Design Excellence review to occur after conditional use approval instead of beforehand

Motion

Set a public hearing on October 5, 2020 on an ordinance to amend Title 20 Update Amendments, 2020.



Proposed Amendments

#1 20.25.030 - /PUD, Planned Unit Development Overlay

A. Purpose

1. General

d. Affordable Housing

~~Developments in which at least 20% of the total number of dwelling units are affordable to households earning 80% or less of the Missoula County median income, as determined by the U.S. Department of Housing and Urban Development (HUD).~~

Development that meets the definition of Affordable Housing found in Chapter 20.100.

#2 20.45.060 – Accessory Dwelling Units

Proposed

B. Regulations for all Accessory Dwelling Units

Amendments

~~3. Permit Requirement~~

~~An Accessory Dwelling Unit Permit is required for all ADUs. The Accessory Dwelling Unit Permit expires December 31st of each year and can be renewed by completing the renewal form prescribed by the Zoning Officer. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:~~

- ~~a. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by the Development Services Director; or~~
- ~~b. The subject lot ceases to maintain the required off-street parking spaces; or~~
- ~~c. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.~~

#3 20.45.060 - Accessory Dwelling Units

Proposed

B. Regulations for all Accessory Dwelling Units **Amendments**

~~4. Owner Occupancy~~

~~The principal or accessory dwelling unit must be occupied by the owner of the subject parcel. Before final occupancy of the accessory dwelling unit, the property owner must record an affidavit and deed restriction, in a form approved by the city attorney, stating that the property owner will reside on the property, in either the principal or accessory dwelling unit. Once recorded, the deed restriction (requiring owner occupancy) may not be removed or modified without City Council approval.~~

- ~~a. The principal or accessory dwelling unit must be occupied by the owner of the subject parcel. Before building permit approval of the accessory dwelling unit, the property owner must record an affidavit and deed restriction, in a form approved by the city attorney, stating that the property owner will reside on the property, in either the principal or accessory dwelling unit. The deed restriction shall be binding upon any successor in ownership of the property. Once recorded, the deed restriction (requiring owner occupancy) may not be removed or modified without City Council approval.~~

Proposed Amendments

- ~~b. With respect to accessory dwelling units, "owner occupancy" means a property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration or similar means and actually resides at the site more than six months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust. The Development Services Director may waive this requirement for temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences. Temporary leave waivers for other reasons must be reviewed and approved by the City Council.~~
- ~~c. Owner occupancy does not extend to corporate trusts.~~

Proposed Amendments

#4 20.45.060 - Accessory Dwelling Units

B. Regulations for all Accessory Dwelling Units

10. Parking

~~At least one paved off-street parking space must be provided for an accessory dwelling unit, in addition to the required off-street parking for the principal dwelling unit. If the parcel abuts an alley, access to the new parking must come from the alley. No additional parking space is required for an accessory dwelling unit.~~

Proposed Amendments

#5 20.45.060 - Accessory Dwelling Units

B. Regulations for all Accessory Dwelling Units

418. Size

a. Detached ADU

- (1) The floor area of a new detached accessory dwelling unit may not exceed the maximum of 600 square feet ~~or be less than 350 square feet.~~
- (2) When a new detached accessory dwelling unit is created within an existing detached accessory structure that was built after June 5, 2013, the maximum size of the accessory dwelling unit may not exceed the square footage stated in Section 20.45.060.B.418.a(1).
- (3) When a new detached accessory dwelling unit is created within an existing detached accessory structure that was built prior to June 5, 2013, there is no limit to the floor area unless the conversion adds to the floor area of the existing detached accessory structure in which case the maximum size cannot exceed the square footage stated in Section 20.45.060.B.418.a(1).

Proposed Amendments

b. **Internal ADU**

The floor area of an internal accessory dwelling unit that does not increase the floor area or footprint of the primary dwelling unit may not exceed 40% of the gross floor area, excluding an attached garage, of the primary dwelling unit and may not be more than 600 square feet, ~~or be less than 350 square feet.~~

c. **Internal addition ADU**

The floor area of an internal addition accessory dwelling unit shall not increase the footprint or floor area of the existing primary dwelling unit by more than 600 square feet or exceed 40% of the gross floor area, excluding an attached garage, of the primary dwelling unit including the addition.

Proposed Amendments

#6 20.45.060 - Accessory Dwelling Units

C. Special Regulations for Detached Accessory Dwelling Units

3. Height

The maximum height allowed for a detached accessory dwelling unit is 22 25 feet ~~or the height of the primary (detached house) building, whichever is less.~~

Proposed Amendments

#7 20.45.060 - Accessory Dwelling Units

C. **Special Regulations for Detached Accessory Dwelling Units**

5. **Conversion of Existing Detached Accessory Structures**

b. **Existing Detached Accessory Dwelling Unit Structures** **~~Permitted By Right~~**

If the accessory dwelling unit is ~~permitted by right and~~ proposed to be located within an existing detached accessory structure that does not meet one or more of the standards of 20.45.060.B.~~12~~ 9 through 20.45.060.B.~~14~~11, the structure is exempt from the standard it does not meet. If any floor area is added to the detached accessory structure, the entire structure must meet the standards of 20.45.060.B.~~12~~ 9 through 20.45.060.B.~~14~~11.

#8 20.45.060 - Accessory Dwelling Units

Proposed Amendments

~~D. Existing Illegal Accessory Dwelling Units~~

- ~~1. It is recognized that although unlawfully occupied, currently utilized accessory dwelling units are filling a market demand for housing. A grace period is established to promote conversion of illegal units to lawful ADUs, for the purpose of protecting and promoting the public health, safety and general welfare of the community.~~
- ~~2. An accessory dwelling unit created prior to June 5, 2013 may be recognized as lawful upon review and approval of a zoning compliance application and issuance of a zoning and building permit.~~
- ~~3. Criteria for accessory dwelling units being considered as potentially eligible for a grace period:~~
 - ~~a. A parcel of land containing a dwelling unit for which there does not exist a validly issued variance, conditional use approval or zoning compliance permit and that was in existence on a parcel of record as of June 5, 2013.~~
 - ~~b. A parcel of land containing a dwelling unit that does not qualify as a nonconforming use or structure and that was in existence on a parcel of record as of June 5, 2013; or~~

Proposed Amendments

~~c. A parcel of land containing a dwelling unit which was in existence as of June 5, 2013, and which has been cited by Development Services as being in violation of the Zoning Ordinance.~~

~~4. Beginning on the effective date of this ordinance, a grace period of 12 months is established for the submission of applications for existing illegal accessory dwelling units. Property owners who submit an application for consideration during this 12-month grace period shall not be subject to any applicable fines or enforcement action, after which time the City of Missoula will pursue action on confirmed illegal accessory dwelling units.~~
~~;sz=8;Codifier's note: The ordinance referred to in this paragraph went into effect on June 5, 2013.~~

~~5. Existing illegal accessory dwelling units, which do not apply for and/or do not receive zoning compliance permit approval for an ADU use, are subject to all applicable fines and/or enforcement actions as outlined in Chapter 20.95 Violations, Penalties and Enforcement.~~

Proposed Amendments

2. In new construction, when building height or length is increased within a side setback, doors and windows on the wall facing the subject side setback are prohibited closer than ten feet from the adjacent building or required setback for the adjacent building, whichever is closer.
3. All other development standards of. 20.45.060 shall apply.

Proposed Amendments

#12 20.25.075 - /NC-MDP, Missoula Development Park Overlay

I. **Boulevard Landscaping Standards**

2. Boulevard landscaping may also consist of shrubs, flowers, or other ornamental plants. Except for sidewalks, walkways, benches, bus stops, kiosks, driveway [approaches](#) and signs, boulevard landscaping shall not include non-living materials.

Proposed Amendments

#13 20.40.050 - Enterprise Commercial Uses

- H. All crosswalks must be striped or colored and include partial or full texturing to provide a clear visual differentiation between pedestrian walkways and vehicle driving surfaces. The cross color, grade and surface must be continued across any intersection with roads, driving corridors, parking areas, loading areas and driveway [approaches](#).

#14 Chapter 20.60 – Parking and Access

Proposed Amendments

20.60.010 - General

B. **Applicability**

3. **Enlargements and Expansions**

Commentary: An enlargement or expansion may trigger the need to provide or increase accessible ~~(ADA-compliant)~~ parking, as determined by the ~~city-engineer~~ City Building Division.

4. **Change of Use**

Commentary: A change of use may trigger the need to provide or increase accessible ~~(ADA-compliant)~~ parking, as determined by the ~~city-engineer~~ City Building Division.

#15 & #16 20.60 – Parking and Access 20.60.060 - Parking Area Design

Proposed Amendments

B. Driveway and Driveway Approaches

1. Driveways must be reviewed and approved by the City Engineering Division before issuance of a zoning compliance permit or building permit. Driveways exceeding 150 feet in length require an additional approval from the Fire Department.
2. Driveways approaches from streets may not be created in residential zoning districts for parcels with access to an alley except those approved by the City Engineer due to topographic, physical or easement constraints.
3. Driveways may not exceed a grade of eight percent, provided that a maximum grade of up to ten percent may be allowed for short distances, not exceeding 50 feet, if approved by the Fire Department and City Engineering Division.

#17 20.60 – Parking and Access

Proposed Amendments

20.60.060 - Parking Area Design

C. **Pedestrian Walkways**

Multi-dwelling residential, commercial, industrial and mixed use development shall provide pedestrian walkways. A system of pedestrian walkways is required to connect each primary use structure on a site to the following: adjacent public sidewalks, on-site parking lots or parking structures, other on-site primary use structures, bicycle storage areas, and common outdoor use areas. The pedestrian walkway system must comply with Municipal Code requirements ~~and City Engineering Division standards and specifications.~~

Proposed Amendments

#18 20.60 – Parking and Access

20.60.070 - Accessible Parking (for People with Disabilities)

Accessible parking facilities must be provided in accordance with Municipal Accessibility Code requirements and City Engineering Division standards and specifications through the City Building Division.

#20 20.85.070 Conditional Uses

Proposed Amendments

G. Hearing and Final Action—City Council

1. The City Council must hold at least one public hearing on a proposed conditional use.
2. Following the close of the hearing, at the same or subsequent meeting, the City Council must take action to approve, approve with modifications or conditions or deny the conditional use based on the review criteria of 20.85.070.H and with regard to public and agency comment (Factors to be Considered 20.85.070.I). The City Council's decision must be supported by written findings of fact.
3. The City Council may act by a simple majority vote of those City Council members present and voting.

Proposed Amendments

20.85.070 Conditional Uses

#21 H. Review Criteria

1. Conditional use applications may be approved by the City Council only when they determine that the review criteria listed below, as applicable, have been satisfied. All of the applicable review criteria must be addressed in the City Council's findings of fact in support of their decision. Compliance with any conditions associated with an approval, along with all applicable regulations, will be ensured through the building permit review process for that project.

Commentary: Not all review criteria will apply in every case. Only the applicable review criteria need to be met.

Title 20 Update



#22 2. Uses that require conditional use approval may be approved

by the City Council when they determine that the proposed use:

**Proposed
Amendments**

~~a. Complies with all applicable standards of this zoning ordinance;~~

~~ba.~~ Is in the interest of the public convenience and will not have a significant adverse impact on ~~the general welfare of~~ the neighborhood or community;

~~cb.~~ ~~Is compatible with the character of the surrounding area in terms of site planning, building scale and project design;~~

Will
of
the surrounding properties for uses permitted in the

district;

~~dc.~~ Has operating characteristics that are compatible with 69

Proposed Amendments

- ed. Will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized).; and
- fe. Is in accordance with the Growth Policy and other relevant adopted plans.
1. That new buildings and structures are located to create a positive relationship with their environment, both urban and natural;
- 2f. That the site design properly addresses general building orientation, open space, light, sun exposure, views and protection of natural features;
- 3g. That buildings , structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, color, open space design, screening, any applicable use-specific standards, and any other design elements considered important by the City Council; and
- 4h. That the overall project will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing.; and

Proposed Amendments

#23 20.85.070 Conditional Uses

I. Factors to be Considered

In determining whether all applicable review criteria have been satisfied, the City Council may specifically consider ~~the following factors:~~

- ~~1. That new buildings and structures are located to create a positive relationship with their environment, both urban and natural;~~
- ~~2. That the site design properly addresses building orientation, open space, light, sun exposure, views and protection of natural features;~~
- ~~3. That buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building materials, color, open space design, screening, any applicable use specific standards and any other design elements considered important by the City Council;~~
- ~~4. That the overall project will be functional, attractive and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing; and~~
- ~~5. Agency and public testimony.~~

Proposed Amendments

#24 20.75.070 - Regulations of Specific Types of Signs

F. **Dynamic Displays**

Dynamic displays on signs are allowed subject to the following regulations:

1. **Where Allowed**

~~a. **Prohibited Locations**~~

~~Dynamic displays are prohibited in Residential (R), Open Space (OP), Central Business District (CBD), and historic districts.~~

~~b. **Allowed Locations**~~

Dynamic displays are permitted for all allowed uses in B1, B2, B3, C1, C2, M1 and M2 zoning districts. Signs must be located on parcels with frontage on principal arterials not in an historic district, and are subject to the dynamic display regulations of this subsection.

Proposed

Amendments

#25 20.75.100 - Special Signs; Review by the Design Review Board

B. **Special Sign Classes**

5. **Building Graphics**

Building Graphics may only be approved when the Design Review Board determines that the building graphic will make a positive contribution to the building and surrounding area's appearance and will otherwise be in keeping with the intent of this zoning ordinance.

a. Building Graphics are exempt from the requirement for DRB approval for the following reasons:

1. The Building Graphic is already approved by the Public Art Committee.
2. The Building Graphic is included with a project within the Design Excellence Overlay, and is being reviewed as part of a Design Excellence Review as described in 20.25.080.B.4.

Proposed Amendments

#26 20.75.110 - Maintenance and Removal

A. ~~Identification Tag~~

~~Any wall or ground sign for which a permit is required by this chapter must have permanently affixed to it a permit identification tag. This tag must consist of such material that the tag itself and the identifying copy on it must remain permanent and legible. The tag must be of such size and affixed in such a location on the sign so as to allow inspection of the tag from the ground by the zoning officer. The owner of the sign is responsible for acquiring the ID tag and attaching it to the sign. The owner is likewise responsible for maintenance of the ID tag as stated in 20.75.110.B of this section.~~

Proposed Amendments

#27 Chapter 20.05 - Residential Districts

20.05.040 - Development Options

D. **Townhome Exemption Development (TED)**

4. **Notice to Neighboring Property Owners and
Request for Agency Comment**

The following is required for TED projects of more than 5 dwelling units:

- a. Public noticing standards found in Chapter 20.85 – Review and Approval Procedures.

~~Notice of the application for a zoning compliance permit for Townhome Exemption Developments must be mailed to all owners of property within 150 feet of the subject parcel at least 15 days before a permit is issued.~~ (moved to 20.85.020D.2.b.1.)

Proposed Amendments

#28 20.40.135 - Tourist Homes

C. **Registration Requirement**

Prior to approval of the tourist home registration, the applicant must:

- a. Provide the name, telephone number, address, and email address of the owner and of a person or business ("responsible party") that is responsible for addressing all maintenance and safety concerns. If the applicant is a business, the name(s) and contact information of all business owners must be provided.
- ~~b. Notify all property owner(s) and resident(s) one parcel deep surrounding the subject property, excluding R-O-W, prior to filing the application for tourist homes located in an R district. See figure 20.40-5 for example notification areas. The applicant must provide a written statement to Development services regarding the manner in which notification occurred and when.~~

Proposed Amendments

EB. After the Tourist Home registration has been approved by the City, a follow up letter shall be sent by the City to the adjacent parcels, residents and owners, confirming that a tourist home has been permitted. The letter shall contain contact information for the Tourist Home applicant



#29 20.45.060 - Accessory Dwelling Units

Proposed

B. Regulations for all Accessory Dwelling **Amendments**

2. Where Allowed

~~b. For detached and Internal Addition ADU projects in R215, R80, R40, R20, RT10, R8, R5.4 and R3 districts the applicant must notify all property owners and resident(s) one parcel deep surrounding the subject parcel, excluding adjacent R-O-W, prior to submitting the application. See figure 20.45-1 for example notification areas. The applicant must provide a written statement to Development Services regarding the manner in which the notification occurred and when.~~

eb. After an ADU permit has been issued by the City, a follow up letter shall be sent by the City to the adjacent parcels, residents and owners, confirming that the ADU has been permitted.

Proposed Amendments

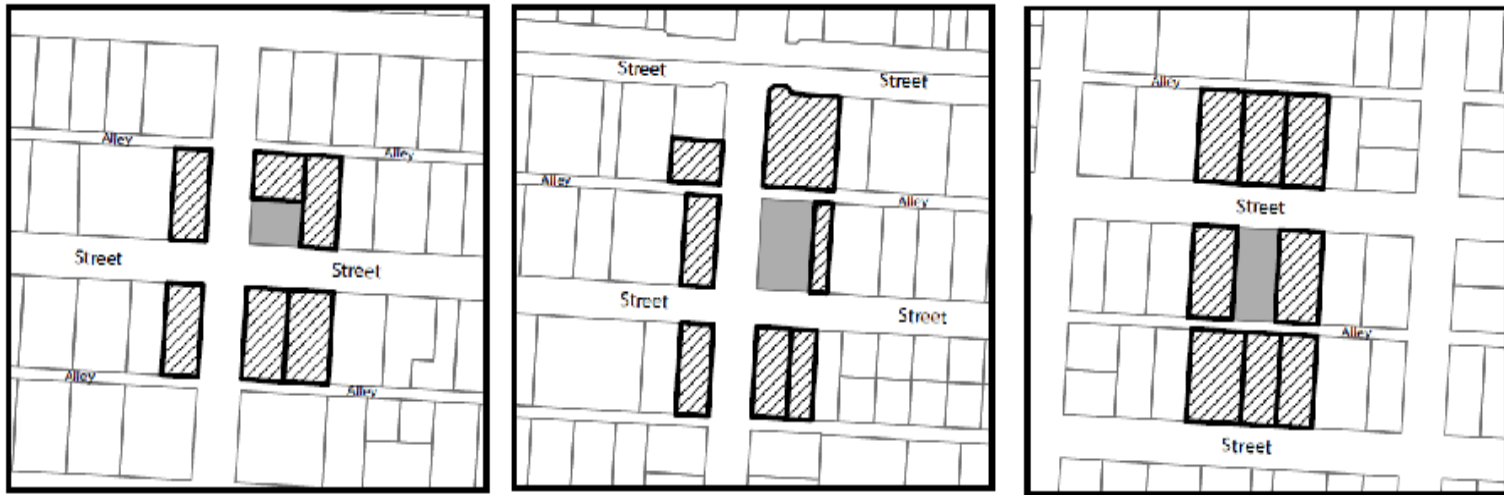




Figure 20.45-1 Example Notification Areas

-  Subject property
-  Property to be notified

Proposed Amendments

#30 Chapter 20.85 - Review and Approval Procedures

20.85.020 – Common Provisions

D. Notice

The purpose of this section is twofold; one, to satisfy legal requirements by providing adequate notice of governmental actions to those affected by such actions; and two, to engage the public by making them aware of proposed changes that may affect them. Notice is provided to encourage citizens to participate in decision making which affects their interests, and provides opportunity for governing agencies to receive information pertinent to an application that would not otherwise be available. Each project will be evaluated to determine the best means of outreach to the public. The City of Missoula believes that making information public and readily accessible is fundamental to demonstrating value and promoting transparency. All noticing must be initiated fifteen (15) days prior to action being taken by a governmental agency or staff (e.g. administrative adjustment), unless otherwise expressly stated. The provisions listed below are considered minimum requirements.

Proposed Amendments

1. Content of Notice

All required notices must:

- a. Include the name of the project;
- b. Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- c. Describe any property involved in the application by street address or by general description;
- d. Describe the general nature, scope and purpose of the application or proposal;
- e. Name of decision making body; and
- f. Indicate where additional information on the matter can be obtained.

Proposed Amendments

2. Types of Notice

a. Newspaper Notice

Whenever the provisions of this zoning ordinance require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within Missoula. Two (2) legal ads shall be submitted. One (1) of the required publication dates must fall within the minimum days required.

b. Mailed Notice

- (1) Whenever the provisions of this zoning ordinance require that notices be mailed, the notices must be sent by United States Postal Service first class mail, and must include mail to the subject property owner(s) and property owners within 150' unless otherwise noted in Table 20.85-2.
- (2) Addresses must be based on the latest property ownership information available from the Montana Department of Revenue. When required notices have been properly addressed and deposited in the U.S. mail, failure of a party to receive such notice will not be grounds to invalidate any action taken. In addition to adjacent property owners, notice shall be sent to the appropriate Neighborhood Council.

Proposed Amendments

c. Posted Notice

When the provisions of this zoning ordinance require that posted notice be provided, at least one notice sign must be posted on each public street frontage abutting the subject property in a location plainly visible to passers-by. All on-site notices must be located on the subject property outside the right-of-way and visibility triangle. It shall be the responsibility of the property owner and/or applicant to maintain the on-site notice and visibility to the public.

Proposed Amendments

Notes:

1. The distance measured from the exterior property boundary of the subject site to all or part of another parcel of land whose owners must be notified of a governmental action. This distance includes the width of a right-of-way or other public ownership.
2. For Detached and Internal Addition ADU projects in R215, R80, R40, R20, RT10, R8, R5.4 and R3 districts the applicant must notify all property owners and resident(s) one parcel deep surrounding the subject parcel, excluding adjacent R-O-W, prior to submitting the application. See figure 20.85-1 for example notification areas. The applicant must provide a written statement to Development Services regarding the manner in which the notification occurred and when.
3. The process does not include a public hearing.

Proposed Amendments

#31 DE. Public Hearing Process

3. Public Hearing Notices

a. ~~Newspaper Notice~~ (moved to 20.85.020D.2.)

~~Whenever the provisions of this zoning ordinance require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within Missoula.~~

b. ~~Mailed Notice~~ (moved to 20.85.020D.2. and removed the requirement of certified mail)

~~(1) Whenever the provisions of this zoning ordinance require that notices be mailed, the notices must be sent by United States Postal Service certified first class mail.~~

~~(2) Addresses must be based on the latest property ownership information available from the Montana Department of Revenue. When required notices have been properly addressed and deposited in the U.S. mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.~~

Proposed Amendments

~~c. **Posted Notice**~~ (moved to 20.85.020D.2.)

~~When the provisions of this zoning ordinance require that posted notice be provided, at least one notice sign must be posted on each public street frontage abutting the subject property in a location plainly visible to passers-by.~~

~~d. **Content of Notice**~~ (moved to 20.85.020D.1.)

~~All required public hearing notices must:~~

- ~~(1) Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;~~
- ~~(2) Describe any property involved in the application by street address or by general description;~~
- ~~(3) Describe the general nature, scope and purpose of the application or proposal; and~~
- ~~(4) Indicate where additional information on the matter can be obtained.~~

Proposed Amendments

In addition to the noticing requirements of Section 20.85.020D, the following standards apply to projects subject to a public hearing:

a. Additional Notice

City Council or staff shall have the ability to include additional notification of area residents in the event they feel it is necessary. Notification can include public meetings, e-mail, resident mailing, additional postings, voluntary property management distribution of notice, notice on bulletin boards, on-line engagement platforms, neighborhood council meetings, and any other process deemed appropriate.

b. Combined Notice

Public notification for city zoning may be combined with notice of annexation.

c. Notice of city approval

In order to inform adjacent property owners' and residents that an application has been approved by the city, any site approved for construction or alteration must maintain on-site notice supplied by Development Services. The notice must be posted in a conspicuous place on site before any construction begins and may be removed after construction begins. The notice must specify the name of the project, the address of the property, a description of the scope of work approved and the date of approval.

Proposed Amendments

#32 Chapter 20.85 - Review and Approval Procedures
20.85.040 - Zoning Amendments

C. **Public Hearing Notice**

[Public noticing standards can be found in Section 20.85.020 – Notice.](#)

~~1. Zoning amendments initiated in accordance with Section 20.85.040.A.1 are subject to the following:~~

~~a. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings on zoning amendments must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3.a for additional information on published public hearing notices.)~~

~~b. **Additional Notification** (moved to 20.85.020E.3.)~~

~~The City Council shall employ additional notification processes for any zoning amendment it initiates, including neighborhood council contact, public meeting, e-mail, and posting information on the City web site. Additional notification processes may also include, but are not limited to, mailing and posting of parcel (s).~~

Proposed Amendments

2. Zoning amendments initiated in accordance with section 20.85.040.A.2 are subject to the following:

a. ~~News~~**paper Notice** (moved to 20.85.020D.2.)

~~At least two separate notices of required public hearings on zoning amendments must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3.a for additional information on published public hearing notices.)~~

b. ~~Mail~~ **Notice** (moved to 20.85.020D.2.)

~~Mail notice of public hearings on zoning amendments must be mailed first class to the subject property owner and physical address as well as owners and physical addresses of property within 150 feet of the subject parcels at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3.b(2) for additional information on mailed public hearing notices, other alternative sources may be necessary to obtain physical addresses.)~~

c. ~~Posted~~ **Notice** (moved to 20.85. 020D.2.)

~~Notice of public hearings on zoning amendments must be posted at least 15 days before the public hearing. (See 20.85.020.D.3.c for additional information on posted public hearing notices.)~~

Chapter 20.85 - Review and Approval Procedures

20.85.040 - Zoning Amendments

I. **Zoning Upon Annexation**

4. **Public Hearing Notice**

Proposed Amendments

Public noticing standards can be found in Section 20.85.020 - Notice.

~~a. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings on proposed city zoning must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~b. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on proposed city zoning must be mailed to the subject property owners at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~c. **Combined Notice** (moved to 20.85.020E.3.)~~

~~Public notification for city zoning may be combined with notice of annexation.~~

Proposed Amendments

Chapter 20.85 - Review and Approval Procedures

20.85.070 - Conditional Uses

E. **Notice of Hearing**

Public noticing standards can be found in Section 20.85.020 – Notice.

~~1. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings on conditional uses must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~2. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on conditional uses must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~3. **Posted Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on conditional uses must be posted at least 15 days before the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

Chapter 20.85 - Review and Approval Procedures

20.85.080 - Design Review

E. **Notice of Hearing**

Proposed Amendments

Public noticing standards can be found in Section 20.85.020 – Notice.

~~1. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings must be published in the newspaper. The first notice must be published at least 15 day before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~2. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~3. **Posted Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings must be posted at least 15 days before the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

Proposed Amendments

Chapter 20.85 - Review and Approval Procedures
20.85.085 - Historic Preservation Permit (HPP)

E. **Notice of Hearing**

[Public noticing standards can be found in Section 20.85.020 – Notice.](#)

~~1. **Newspaper Notice** (moved to 20.85.020.D.2)~~

~~If a public hearing is required, at least 2 separate notices of the public hearing must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~2. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on the HPP must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~3. **Posted Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on the HPP must be posted on site at least 15 days before the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

Chapter 20.85 - Review and Approval Procedures 20.85.090 - Variances

Proposed Amendments

E. Notice of Hearing

Public noticing standards can be found in Section 20.85.020 – Notice.

~~1. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings on zoning variance requests must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~2. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on zoning variance requests must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~3. **Posted Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on zoning variance requests must be posted at least 15 days before the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

Chapter 20.85 - Review and Approval Procedures 20.85.095 - Public Forum

Proposed Amendments

D. **Notice of Hearing**

[Public noticing standards can be found in Section 20.85.020 – Notice.](#)

~~1. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings on public forum requests must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~2. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on public forum requests must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~3. **Posted Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on public forum requests must be posted at least 15 days before the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

Chapter 20.85 - Review and Approval Procedures 20.85.100 - Appeals of Administrative Decisions

Proposed Amendments

F. **Notice of Hearing**

Public noticing standards can be found in Section 20.85.020 – Notice.

~~1. **Newspaper Notice** (moved to 20.85.020D.2.)~~

~~At least two separate notices of required public hearings on appeals of administrative decisions must be published in the newspaper. The first notice must be published at least 15 days before the date of the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~2. **Mailed Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on appeals of administrative decisions must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 15 days before the scheduled hearing. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 15 days before the scheduled hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

~~3. **Posted Notice** (moved to 20.85.020D.2.)~~

~~Notice of required public hearings on appeals of administrative decisions must be posted at least 15 days before the public hearing. (See 20.85.020.D.3 for additional information on public hearing notices.)~~

Proposed Amendments

Chapter 20.85 - Review and Approval Procedures
20.85.110 - Administrative Adjustments

D. Notice

[Public noticing standards can be found in Section 20.85.020 – Notice.](#)

1. ~~**Required Mailed Notice**~~ (moved to 20.85.020D.2., and amended to 15 days' notice instead of 20 days)
~~Notice of the filing of an administrative adjustment application must be mailed to the subject property owner and all owners of property within 150 feet of the subject parcel at least 20 days before a final decision or action on the administrative adjustment. Notification must also be mailed to the neighborhood council representative for the subject neighborhood at least 20 days before taking action on the matter. (See 20.85.020.D.3 for additional information on mailed notices.)~~
2. ~~**Posted Notice**~~ (moved to 20.85.020D.2., and amended to 15 days' notice instead of 20 days)
~~Notice of the filing of an administrative adjustment application must be posted at least 20 days before a final decision or action on the administrative adjustment. (See 20.85.020.D.3 for additional information on posted notices.)~~

Proposed Amendments

#33 Chapter 20.85 - Review and Approval Procedures

20.85.110 - Administrative Adjustments

E. **Review and Decision—Zoning Officer**

2. The zoning officer may not take final action to approve or deny an administrative adjustment application until at least ~~20~~ 15 days after the date that required notices were mailed.

Proposed Amendments

#34 20.25.075 - /NC-MDP, Missoula Development Park Overlay

F. Uses

1. **M1-2 Limited Industrial District.** The following uses in Title 20, Table 20.15-1 are allowed, subject to the Title 20 approval procedure for permitted and conditional uses:
 - a. All M1 uses in the groups Public/Civic, Industrial, and Other;
 - b. Only the following uses in the Commercial Group: Business Support Service, Office, Research Service, Retail Sales; ~~and~~
 - c. Caretaker apartment as defined above; ~~and,~~
 - d. Light Equipment Sales/Rentals on parcels within the Airway Boulevard Corridor sub-district.

Proposed Amendments

#35 20.25.080 - /DE, Design Excellence Overlay - Generally

C. Standards, Interpretation

6. Material Coverage

a. General

(1) Intent

To ensure that a building's facade design reflects Missoula's location and character by incorporating traditional and locally significant materials.

(2) Applicability

All building facades must comply with material coverage standards.

(3) Measurement

Material coverage is calculated as the ~~total~~ net facade area clad in the regulated material, divided by the total facade area, excluding glazing.

(4) Standards

All building facades must meet the minimum and maximum material coverage requirements listed for the applicable subdistrict.

Proposed Amendments

#36 20.40.050 - Enterprise Commercial Uses

~~Commentary: While existing EC overlay zoning districts (approved prior to November 4, 2009) may be shown on zoning maps, no new EC overlay districts or expansions of existing EC overlay districts may be approved after November 4, 2009.~~

- A. The standards of this section apply in C1, C2, M1R, and M1, zoning districts when a new enterprise commercial use is established or an existing enterprise commercial use is expanded by more than 20% of its existing gross floor area ~~over the gross floor area that existed on November 4, 2009~~. Enterprise commercial uses standards do not apply to vertical mixed-use buildings or to residential buildings.

Proposed Amendments

#39 20.65.100 - Alternative Compliance

An applicant proposing to deviate from strict compliance with the landscaping requirements of this chapter may do one of the following:

- B. Submit a landscape plan, covering the limits of the project, prepared and stamped by a landscape architect licensed in the State of Montana.
 - 1. This exemption does not apply to section 20.65.070 screening or section 20.65.020.C, activity areas for multi-dwelling developments.
 - 2. When a landscape architect is used to deviate from the landscaping chapter a list detailing the sections being deviated from, [and an explanation of how the proposed deviation meets the intent of this chapter](#), must be provided to Development Services at the time of permit application.

Proposed Amendments

#40 20.90.020 - Design Review Board

C. Membership

1. The Design Review Board must consist of seven regular members and one alternate member, all of whom reside in the city or the unincorporated county. When deciding on a member, the City Council may prioritize a city resident. ~~who~~ Membership shall represent the following four categories:
 - a. At least two members shall be from these design and planning professions:
 - (1) Licensed architect;
 - (2) Licensed landscape architect;
 - (3) Urban planner;
 - (4) Urban designer.
 - b. At least one member shall be from these construction and building fields:
 - (1) Licensed civil engineer;
 - (2) Licensed contractor;
 - (3) Builder/Developer.
 - c. At least one member shall represent the profession of graphic design, signage or wayfinding.
 - d. No more than one member shall represent the community at large and not be from the above listed professions.

Proposed Amendments

#41 20.105.030 - Public and Civic Use Group

M. **Utilities and Services**

1. **Minor**

Infrastructure services that need to be located in the area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; minor water towers and reservoirs; minor electrical substations, including small scale solar energy conversion systems; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities; and includes the equipment necessary to allow the facility to function, like communication towers and associated equipment. Bus and rail passenger facilities for local or subregional service, such as Mountain Line stops and transfer centers, are classified as "minor utilities and services."

Proposed Amendments