

Project Lead: Emy Scherrer, Historic Preservation Officer (HPO), Development Services, City of Missoula

Public Hearing: MC Planning Board, July 2, 2019
City Council, to be determined

Reviewed/Approved: Laval Means, Planning Division Mgr., Development Services, City of Missoula

Agenda Item: An ordinance to amend Missoula City Zoning Title 20 to include the /AR Adaptive Reuse Overlay (new subsection 20.25.035)

Applicant: Planning Services initiated request

Public Hearing Legal Ad: Published in the Missoulian on June 9th and 16th, 2019

Notification:

- o Historic Preservation Commission (HPC) review
- o Agency, intra-agency and interested party memo (attached) via email
- o City web site
- o Two legal ads in the Missoulian

Proposal:

To adopt an Adaptive Reuse Overlay supporting the reuse of Historically Significant Buildings.

See Attachment A.

Recommendation:

That the Missoula City Council approve an ordinance to amend Title 20 City Zoning, to include a new subsection 20.25.035: /AR, Adaptive Reuse Overlay.

See Attachment A.

MISSOULA CONSOLIDATED PLANNING BOARD

I. PROPOSAL

Development Services is proposing the adoption of an adaptive reuse overlay (/AR, Adaptive Reuse Overlay District), to promote the adaptive reuse of existing buildings as part of Missoula's broader goals in supporting historic preservation, environmental sustainability, focusing inward, affordable housing, and economic and community development. The /AR Overlay is intended to facilitate historic preservation through encouraging the adaptation and continued use of Historically Significant Buildings in the community. Under the guidance of these regulations and historic preservation review, an /AR Overlay District would permit new uses for a purpose other than which the property was originally built, designed, currently used for, or for the general benefit of a substantial rehabilitation, when historic buildings are located on parcels that would not ordinarily allow such uses.

II. RECOMMENDED MOTION

That the Missoula City Council approve an ordinance to amend Title 20 City Zoning, to include a new subsection 20.25.035: /AR Adaptive Reuse Overlay.

III. BACKGROUND

With the recent growth, change and development taking place in Missoula, it has become clear that incentivizing historic preservation and building reuse in Title 20 is necessary and would benefit from the establishment of a new zoning tool in support of adaptive reuse. Missoula has several properties qualifying as Historically Significant Buildings that contribute to Missoula's unique character and sense of place. Some of these buildings are unable to be used for a purpose other than which they are currently used for, as the designated land-use and zoning district can make it difficult to adaptively reuse. In an effort to maintain these significant buildings and keep them in use, as well as respond to a growing demand to focus inward, staff is proposing the /AR, Adaptive Reuse Overlay.

Current Regulation and Updates

The proposed /AR Overlay would be a rezoning option in [Title 20 – Zoning, Chapter 20.25 – Overlay Districts - /AR, Adaptive Reuse Overlay](#), and will work in accordance with [20.85.040 – Zoning Amendments](#). No adaptive reuse overlay currently exists.

Existing historic preservation permit review information will not be changed, and can be found in Title 20 – Zoning, Chapter 20.85 – Review and Approval Procedures, [20.85.085 – Historic Preservation Permit \(HPP\)](#).

Inspired by the successful adaptive reuse policies in Los Angeles, CA, Phoenix, AR, Borough of Royersford, PA and others, and utilizing the National Trust for Historic Preservation's Model Adaptive Reuse Ordinance, the proposed /AR Overlay permits specific modifications to the following standards:

- **Use:** Regardless of the underlying zoning, the City Council may approve a mix of use types within an /AR District as a means of accommodating the reuse of any qualified building.
- **Density:** The /AR District can exceed the maximum density established by the underlying zoning district for the site, so long as the added density is allowable by building code.
- **Building Code:** Adaptive reuse projects may qualify for alternative building code compliance subject to Section 3409 of the International Building Code.
(Building code can be used outside the overlay, this is not a modification specific to the overlay, but is a commentary)
- **Fire Code:** Projects within an /AR District shall comply with provisions in accordance with NFPA 914, Code for Fire Protection of Historic Structures, and shall not be subject to the International Fire Code if the building does not constitute a distinct hazard to life or property, per section 102.6 IFC.
- **Expedited Review:** Projects within an /AR District shall receive expedited review throughout the City’s plan review process.
- **Monetary Fees:** Administrative fees associated with adoption of an /AR District will be reduced by half.

For full draft language, see Attachment A.

IV. AGENCY AND PUBLIC COMMENT

On April 4th, 2019, the HPO presented the concept of the /AR Overlay to the HPC, and on June 6th, 2019, the HPO presented the draft language to the HPC and the HPC supported bringing it forward for consideration. On May 10, 2019, Development Services requested agency and interested party review and comment on the proposed amendments, see Attachment B. Three public comments was received as of May 21, 2019, see Attachment C, and no agency comments were submitted. All three comments were in support of the ordinance. The current draft has implemented minor suggestions related to submitted comments. Updates include broadening the definition of adaptive reuse to also include, “or if no change of use is occurring, for the benefit from substantial rehabilitation,” removing the clause that no new floor area may be added, and allowing initiation of the project to happen within three years from approval, rather than two, as well as clarifying edits.

Parking exceptions for “Landmarks and Historic Districts” already exists in [20.60.010.C.4, Parking and Access – General](#). Furthermore, Development Services is planning on updating the parking chapter once there is a more comprehensive understanding of parking needs. In an effort to not repeat code in multiple places, and with respect to planned updates, parking is not included in the /AR Overlay.

On May 20, 2019, intra-agency comments were requested and as of May 28, 2019, no comments were submitted. The draft language was reviewed by City Attorney, Jim Nugent, and minor updates were implemented based on his feedback. The proposed fire and building regulations have been reviewed by both departments to their satisfaction.

V. REVIEW CRITERIA

Title 20, Section 20.85.040 (G) states “In reviewing and making decisions on zoning amendments, the Zoning Officer, Planning Board, and City Council must consider” a set of criteria. The following is a review of the proposed regulations relative to the criteria listed in Section 20.85.040 (G).

1. Whether the proposed zoning ordinance text amendment is consistent with §76-2-304(2) MCA

MCA 76-2-304(2) requires that governing bodies, in adopting zoning regulations, must be made in accordance with a growth policy and be designed to secure safety from fire and other danger, promote public health, public safety, and general welfare and facilitate the adequate provision of transportation, water, sewerage, and schools, parks and other public requirements. Also, the governing body shall consider the reasonable provision of adequate light and air; the effect on motorized and non-motorized transportation systems; the promotion of compatible urban growth, the character of the district and its peculiar suitability for particular uses, and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed ordinance is in accordance with the 2015 Our Missoula Growth Policy (Growth Policy). The Growth Policy recognizes the need to protect and respect our historic resources and historic preservation is a key aspect of Chapter 3, Livability, with Goal L1 stating, “Missoula values its cultural heritage through historic preservation.” Objectives state to, “facilitate historic preservation, cultural programs and heritage preservation... support sustainable development practices through historic preservation planning... encourage redevelopment of older, under-utilized, commercial areas... ensure adequate resources to support and celebrate sense-of-place and unique community character,” and to “encourage development that preserves community character and the character of neighborhoods.” Additionally, Chapter 7, Community Design, promotes sustainability through, “re-use of existing buildings,” with objectives that state to, “align policies and develop strategies to encourage repurposing commercial or industrial buildings and land,” and that “repurposed existing structures should accommodate a mix of uses including housing, neighborhood centers, civic spaces, reclaimed landscaping, and commercial opportunities.” The proposed ordinance provides regulations which specifically address utilizing adaptive reuse for the purpose of historic preservation and sustainable community growth.

Furthermore, the 1990 Historic Preservation Comprehensive Plan calls to “encourage integration of preservation in policy making, continue efforts in ordinance development, and monitor historic preservation’s role in land use programs.”

Once the /AR Overlay tool is made available as a development option, applications to rezone to the overlay will be subject to the 20.85.040.G Review Criteria for site specific consideration. Applications will be reviewed administratively and by the City Council on a case-by-case basis for their compliance with zoning. The overlay will preserve the provision of adequate light and air and will be reviewed regarding negative effect on motorized and non-motorized transportation and as it relates to public health, safety and the

general welfare of Missoula. Additionally, the proposed regulations specifically address safety from fire and other danger.

The proposed ordinance encourages the synergy of compatible urban growth, sustainable redevelopment, maintaining community character, and conserving the value of the existing built environment by supporting new and beneficial uses of historic buildings, while respecting the unique character defining traits of the site and suitability for particular uses.

2. Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition.

The /AR Adaptive Reuse Overlay is developed as an entirely new subsection based on comparative research, and public and agency comment. Missoula has several buildings qualifying as historically significant. Some of these buildings are unable to be adapted for a different use due to various reasons, and are currently in zoning districts that make it difficult to utilize the existing building for a new or different use. In an effort to maintain and utilize these buildings in response to growing development demands and focusing inward, staff is proposing the /AR, Adaptive Reuse Overlay.

3. Whether the proposed zoning ordinance amendments are in the best interests of the city as a whole.

The proposed amendments address core values of the Missoula community, historic preservation and the protection and consideration of community resources, character and sense of place as stated in the 2015 Growth Policy. The proposed zoning ordinance is responsive to certain trends and changing conditions and will aid in supporting environmental sustainability, affordable housing, focusing inward and the preservation and reuse of existing resources.

VI. Attachments

- A. Proposed draft amendments to Title 20.25.035 /AR Adaptive Reuse Overlay, dated June 24th, 2019
- B. Agency and Public Comment Memo, dated May 10th, 2019
- C. Public Comment Compiled, dated May 20th, 2019
- D. Sire history can be accessed here:

<http://missoula.siretechnologies.com/SIREPub/mtgviewer.aspx?meetid=3063&doctype=MINUTES>

Note: Add the following new subsection to Chapter 20.25 Overlays, Title 20 City Zoning Ordinance

20.25.035 /AR, Adaptive Reuse Overlay

A. Purpose

1. General

- a. This section establishes the general authority and procedures for establishing the /AR Adaptive Reuse Overlay District regulation, herein referred to as /AR District.
- b. The /AR District is intended to facilitate the adaptation and continuing use of Historically Significant Buildings in the community. Under the guidance of these regulations and historic preservation review, additional building and land uses may be allowed on properties that would not ordinarily permit them.

2. Objectives

- a. Promote adaptive reuse of historic buildings as part of Missoula’s broader goals in supporting historic preservation, environmental sustainability, and economic and community development.
- b. Recognize the social, economic, and environmental value of Historically Significant Buildings.
- c. Encourage historic preservation beyond established historic districts.
- d. Allow the conversion of existing building uses into new building uses that maintain or enhance the character of the community and further extend the life of a building or space.
- e. Reduce the environmental hazards and costs associated with new construction.
- f. Enhance economic growth.

B. Definitions

Adaptive Reuse – The process of reusing an existing building, or portion of a building, for a purpose other than which it was originally built or designed for, currently used for, or if no change of use is occurring, for the benefit of a substantial rehabilitation.

Historically Significant Building - Any building eligible for inclusion on the National Register of Historic Places as defined in [36 CFR 60.4](#), any building that is included in Missoula’s Inventory of Historic Resources (“Local Inventory” 20.30.030), or any contributing building in a National Register Historic District (20.30.030).

C. Selection Criteria

1. The /AR District may only be applied to a parcel that contains an existing building which meets the definition of Historically Significant Building, and must be for an adaptive reuse purpose (Section 20.25.035.B).

2. The Historic Preservation Commission and the historic preservation officer will determine whether a project qualifies for the /AR District. Determination of eligibility for the /AR District shall be made using Section 20.30.040 (Designation Criteria for an Historic Resource).
3. The associated project must be in conformance with 20.25.035.A.2.

D. Establishment of District

1. /AR Districts are established in accordance with the zoning amendment procedures of 20.85.040, in addition to Review Criteria found in this section.
2. An application to establish an /AR District may be initiated only by the property owner or the property owner's designee.

E. Review Criteria

1. Requirements will vary from one context to another and will be assessed on a district-by-district basis. Each /AR District is unique and shall be reviewed as it relates to public health, safety and general welfare as well as its contribution to the preservation of historic buildings.
2. Impacts to the surrounding area will be evaluated and shall include, but not be limited to, light, traffic, parking, landscape and buffering, operating hours, neighborhood character and generally as to whether the proposed overlay district is contextually appropriate.
3. Applicants must demonstrate a commitment to the preservation, maintenance and general welfare of the historic building.

F. Review Authority and Procedure

1. In establishing an /AR District, the City Council is authorized to adopt district-specific development and design standards to guide redevelopment within the subject /AR District.
2. When redevelopment standards have been approved, each application for additional modification or alteration of an existing building within the designated /AR District must comply with those standards.
 - a. If a proposed modification is beyond the parameters of the approved redevelopment standards, the applicant must get further approval from the City Council.
3. The recommendation to establish an /AR District must be accompanied by a report containing at a minimum, the following information:
 - a. A description of proposed use;
 - b. A site plan showing the recommended boundaries of the /AR District, to include exhibits of existing conditions and proposed conditions;
 - c. An explanation of how the area meets the selection criteria of 20.25.035.C;

- d. Any recommended district-specific development and design standards applicable to redevelopment within the district;
- e. An explanation of the planning and zoning implications related to the /AR designation of the proposed parcel and application of the district-specific development and design standards; and
- f. Documentation that the HPC and/or HPO have deemed the property a Historically Significant Building qualifying for an /AR District.

G. Applicability

The standards of this section applies to all /AR Districts.

- 1. Proposed /AR Districts:
 - a. Will not be required to amend the existing underlying land use designation or existing base zoning district.
 - b. Shall be contingent upon the designation of the building as being Historically Significant.
- 2. Once an /AR District is created:
 - a. Buildings within an /AR District shall be subject to the Historic Preservation Permit process outlined in Section 20.85.085, and will be added to Missoula’s Inventory of Historic Resources (“Local Inventory”).
 - b. Once an /AR District is approved, the associated adaptive reuse project must be initiated within three years of approval.
 - c. If after approval, future proposals involve removal of or significant alteration to the historic resource, or the property loses its status as a Historically Significant Building, all provisions of approval are void, and regulations applicable to the property revert to those governing the underlying zoning district.
 - d. Any alteration or expansion to a project within an /AR District shall be subject to Section 20.85.085.
- 3. All or any portion of a Historically Significant Building may be converted for the purpose of the /AR District.

H. Standards

Projects in an /AR District are subject to all applicable standards of this zoning ordinance, unless otherwise stated.

- 1. The City Council may grant, modify or deny some or all of the standards set forth below as part of the /AR District:
 - a. Uses

A list of uses to be allowed in a /AR District must be approved as part of the /AR District approval process. Regardless of the underlying zoning, the City Council may approve a mix of use types within an /AR District as a means of accommodating the reuse of any qualified building. However, new uses that emit noxious odors or excessive noise shall not be permitted, unless the applicant demonstrates the use will not negatively affect nearby residences.

b. Density

The /AR District may exceed the maximum density established by the underlying zoning district for the parcel, so long as the added density is allowable by building code.

c. Expedited Review

Projects within an /AR District shall receive expedited review throughout the City's plan review process.

d. Monetary Fees

Administrative fees associated with the adoption of an /AR District will be reduced by half.

e. Fire Code

Projects within an /AR District shall comply with the provisions set forth under Historic Buildings in the adopted Fire Code and those provisions of NFPA 914, Code for Fire Protection of Historic Structures.

- (1) Whenever there are practical difficulties involved in carrying out the provisions of the adopted Fire Code, the fire code official shall have the authority to grant modifications for individual cases. The fire code official shall find that individual circumstances exist that make following the strict letter of the Fire Code impractical, the proposed modification complies with the intent and purpose of the Fire Code, and that such modification does not lessen health, life and fire safety requirements.

2. Additional standards

a. Building Code

Projects within an /AR District may qualify for alternative building code compliance subject to Section 3409 of the International Building Code. Proposed projects must be able to demonstrate an alternative means or method of protecting public health, safety, and welfare.

I. Zoning Map

Approved /AR Districts must be identified on the zoning map by appending the map symbol "/AR-X" as a suffix to the base zoning district classification, and will be listed on the following table.

6/24/19

Editor's Note: The zoning district listed below is an example for discussion purposes only and will be removed prior to codification

Districts Established

Map Symbol	District Name	Regulations
/AR-X	Adaptive Reuse Project Name	20.25.03X



MISSOULA

DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

MEMORANDUM

TO: Jim Nugent, City Attorney
Marty Rehbein, City Clerk
Jeff Brandt and Gordy Hughes, City Fire Department
Shannon Therriault, Health Department
Donna Gaukler and Elizabeth Erickson, City Parks Department
Mike Brady, City Police Department
Ellen Buchanan, MRA
Eran Pehan, Housing and Community Development

CC: John Engen, Mayor
City Council Members
Dale Bickell, City CAO
John Newman, Chair, Planning Board
Matt Loomis, Chair, Design Review Board
Missoula Organization of Realtors
Missoula Chamber of Commerce
Missoula Building Industry Association
Missoula Office of Neighborhoods
Missoula Economic Partnership
Chase Jones,
CAPS
Jolene Brink, Chair, Historic Preservation Commission
Missoula Downtown Association

FROM: Emy Scherrer, Historic Preservation Officer, Development Services

DATE: May 10, 2019

RE: Adaptive Reuse Overlay (/AR) – Amendment to Missoula City Zoning Ordinance Title 20

Development Services is currently developing a new Zoning District Overlay for the purpose of aiding in the adaptive reuse of Historically Significant Buildings. Adaptive reuse is defined as the process of reusing an existing building, or portion of a building, for a purpose other than which it was originally built or designed for, or currently used. With the recent growth, change and development taking place in Missoula, it has become clear that incentivizing historic preservation and building reuse in Title 20 is necessary and could benefit from the establishment of an /AR Overlay.

Inspired by the successful adaptive reuse policies in Los Angeles, CA, Phoenix, AR, Borough of Royersford, PA and others, this ordinance works to incentivize the preservation of Historically Significant Buildings in Missoula. On April 4th, 2019, the HPO presented the concept of the /AR Overlay to the HPC and the HPC supported bringing the draft language forward for consideration.

Why Consider Making Updates?

- We have a variety of under-utilized or vacant buildings within the City
- Current regulations make a change of use difficult, if not impossible, in order to reuse these buildings
- The ordinance will support the City's plans and policies related to historic preservation, housing, inward growth, sustainability and economic development

What is the City Trying to Accomplish Through this Effort?

- Identify and define the criteria for an existing building to be eligible for the /AR Overlay
- Identify a process for reviewing adaptive reuse projects
- Identify possible incentives for adaptive reuse

What is the Purpose of the Ordinance?

- Allow the reuse of buildings while also maintaining and protecting a neighborhood's unique historic built form and character
- Support and implement existing City plans & policies
- Create an informed and structured process for reusing existing buildings

- Create incentives for the reuse of existing buildings
- Promote historic preservation through adaptive reuse projects

The Proposed /AR Ordinance Permits Specific Modifications to the Following Standards:

- **Use:** Regardless of the underlying zoning, the City Council may approve a mix of use types within an /AR District as a means of accommodating the reuse of any qualified building.
- **Density:** The /AR District can exceed the maximum density established by the underlying zoning district for the site, so long as no new floor area is added, and the added density is allowable by building code.
- **Building Code:** Adaptive reuse projects may qualify for alternative building code compliance subject to Section 3409 of the International Building Code.
(Building code can be used outside the overlay, this is not a modification specific to the overlay, but is a commentary)
- **Fire Code:** Projects within an /AR District shall comply with provisions in accordance with NFPA 914, Code for Fire Protection of Historic Structures, and shall not be subject to the International Fire Code if the building does not constitute a distinct hazard to life or property, per section 102.6 IFC.
- **Expedited Review:** Projects within an /AR District shall receive expedited review throughout the City’s plan review process.
- **Fees:** Administrative fees associated with adoption of an /AR District will be reduced by half.

The attached document provides the proposed language. For additional reference, the current Historic Preservation Permit (HPP) process 20.85.085, can be viewed at:

https://library.municode.com/mt/missoula/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.85REAPP_R_20.85.085HIPRPEHP

Agency and interested citizen comments are requested. Comments received by Monday, May 20, 2019 will be included in an informational packet to the Planning Board prior to their public hearing. Comments will continue to be taken by Planning Board after this time until the public hearing is closed. Written comments received by noon on Friday, June 14, 2019 will be forwarded under separate cover to Planning Board prior to their meeting.

After agency input, the Planning Board will review and provide recommendations to the City Council for their final review, recommendation, and decision. Should you wish to attend, the Planning Board will hold a public hearing on Tuesday, July 2, 2019 beginning at 7:00 p.m., in the Missoula City Council Chambers, 140 W. Pine Street, Missoula, MT. Printed material is available for inspection at Development Services, 435 West Ryman Street, Missoula, MT 59802.

Please forward your comments to Emy Scherrer, escherrer@ci.missoula.mt.us. Send a notice of *no comment* if you have none so the Planning Board and City Council are aware of your participation. If you have problems viewing the document or have questions, please contact Emy Scherrer via email or telephone at 552-6638.

Attachments

May 10 Draft, 20.25.035 /AR, Adaptive Reuse Overlay District

Missoula Development Services

Emy Scherrer

435 Ryman, Missoula, MT 59802

Re: proposed adaptive reuse overlay

Hello,

I'm writing today to give my comments and opinions on the proposed adaptive reuse overlay that the city of Missoula is considering. I am a historic preservationist and developer of historic properties based in Missoula. Most recently, I redeveloped the historic Lincoln School in the Rattlesnake, a project that was as rewarding as it was challenging.

There are a number of buildings and properties in Missoula, like Lincoln School was, that are in dire need of rehabilitation and are at great risk of being lost. When a community loses historic buildings, a connection to the past is lost forever and changes the character of a community. When I first came to Montana, I was struck by the beauty and elegance of buildings in Missoula. I have lived in Missoula for nearly 25 years and have seen the community grow and change tremendously, which, for me, drives home the need to preserve the historical buildings that we have left.

From a developer's perspective, the construction market will gravitate toward projects that will have the greatest monetary return with the least amount of risk and effort and can be completed in the shortest time, which is why the vast majority of developers have no interest in tackling historic buildings. So often, zoning restrictions severely limit what can be done with historic properties, which make them less appealing to preserve because of the amount of effort required to have changes approved. And, as buildings sit unused, they become less and less likely to be repurposed with each passing year. Over time, as buildings deteriorate, the cost of renovation increases making them less likely to be renovated. Additionally, as holding costs increase on historic properties, the need to transfer at a higher price increases. The best example of this was the Missoula Mercantile building. As that building sat vacant year after year, the holding costs for the owner increased, thereby making the land value far exceed the value of the building; and we all know how that situation ends.

By easing some restrictions, The adaptive reuse overlay, that is being proposed, would have the effect of lowering developer's risk, effort, and cost to historic buildings, thereby making them more appealing for renovation and repurposing. I have put my heart and soul into the historic buildings that I've renovated in the community, but, I can assure you that this is the exception to the rule. I ask that you support the proposed adaptive reuse overlay to help assist those who care deeply about historic buildings in our community save them. Thank you for your consideration in this matter.

Sincerely,

Jim Pelger

Emy,

I am glad Missoula is looking at doing something to address productive preservation of Missoula's history. Allowing additional uses other than what the property was down zoned to is a good tool. I would not lower any requirements for Fire or Building codes as these are for Life Safety and already contain tools to address Historic structures. Unless the city has not adopted the alternate code compliance section 3409 I am not sure this ordinance should pick sections of the code to comply with.

Parking really needs to be included as an allowed deviation for the existing building(s.) Many of the older buildings had little to no parking and as of a few years ago maintained no parking requirements for the existing area of the building. The city changed that rule and now most historic buildings loose parking capacity with every tenant change. (That is also a loss of use including historical uses of the property because they can no longer be parked as a new building.) I think an allowance of the greatest historic parking demand should be allowed to be increased by 25% before the Landscaping and Buffering or parking Chapters comes into effect. Additionally when Landscaping and Buffering is triggered, landscaping should only be required to the greatest extent that is reasonable and not into full conformance of Title 20. The Zoning officer would simple work with the design professional to try to meet the intent of Landscaping and Buffering chapter but in a manner that is compatible with the Historic development of the site and surrounding area. On street parking should also be allowed to be counted towards meeting any required parking for the redevelopment at 1:1 ratio. Angled and perpendicular parking in the Boulevard should be allowed on all non-arterial streets for these overlays.

New floor area and development should be allowed under the guidance of the Historic Preservation officer in these zones, so the project can be viable. How much is up to debate (I suggest up to 60% of the footprint of the Historic building and not taller than the original building,) but it should be allowed with the same exceptions to parking. The Architecture of the new floor area, additions or free standing buildings should be historically sensitive to the Building it is Accessory to. I think the Historic Preservation Officer and/or the Historic Preservation Commission would be the review body for the new construction. Setbacks and Height would not exceed existing conditions. Setbacks on shared (neighbor) property lines could not be reduced more than 1/2, front and rear could be reduced waived.

This ordinance needs teeth to make sure the Historic Preservation Commission is the highest body in which the design can be approved through, Not City Council or the Design Review Board. This is for Historic properties and buildings and the Historic Officer and Commission is the more able body to negotiate an appropriate design.

David V. Gray LEED Green Associate
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Emy-

Thank you for giving me the opportunity to comment on the AR Overlay District ordinance. I very much appreciate all the exciting things you are doing for Missoula. I am in full support of the ordinance. Through the reasonable zoning benefits that the ordinance offers, I view it as another positive step that the City is taking in the right direction, both for historic preservation and affordable housing.

I do have one thought to offer you on the draft ordinance. I am wondering whether "adaptive reuse" – which involves a change in use of the building – is a broad enough test for whether a historic building should qualify for the overlay district. In other words, should a change of use be necessary to make the building worthy of the overlay district and its attendant zoning benefits?

If the goal is to encourage historic preservation, I would suggest that the test for whether a building qualifies for the overlay district might not be whether the use of the building has ever changed, but instead whether inclusion of the building in the overlay district will enable the building to undergo a "Substantial Rehabilitation," which might be defined as "substantial rehabilitation in accordance with the Secretary of the Interior's standards for rehabilitation of historic structures, as determined by the HPO." Such a test would cover not only adaptively reused buildings, but also other historic buildings which have not undergone a change of use but are still worthy of preservation and rehabilitation (and inclusion within the overlay).

Thank you for taking the time to read this. This is not a criticism of the ordinance but instead just a suggestion for your consideration, and I am in support of the ordinance regardless of whether this change is implemented.

Best Regards,

Jesse Dodson