



## DEVELOPMENT SERVICES

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### MEMORANDUM

TO: Planning Board

FROM: Ben Brewer, Planner III  
Development Services, Planning Division

DATE: August 12, 2019

SUBJECT: Recommended staff changes to Ordinance to Amend Title 20 Townhome Exemption Development proposed at the Planning Board Public Hearing on August 6, 2019

Dear Planning Board Member

At the August 6<sup>th</sup> Planning Board hearing, staff included two changes to what was proposed in the ordinance language included in the Planning Board packets. Staff has provided that language here for your review in advance of the continued hearing on August 20<sup>th</sup>. The included language is meant to supplement the ordinance amendments you have already received in the August 6 packets.

NOTE: The additional staff recommendations are shown in blue.

#### 1. 20.40.180.A.6

### **20.40.180: Townhome Exemption Development (TED) Standards**

Commentary: Townhome vs. Townhouse - Townhouse refers to a building type that is two or more units which have common walls along shared property lines as described in 20.05.030.B.3, and is required to meet standards detailed in 20.40.140. Townhome refers to a development type consisting of residential dwellings that may be single unit or townhouse and owned in fee simple on TED Ownership Units (TOUs) and located on a TED Parcel as two-unit or, multi-unit and described in above (20.05.040.D). ~~A townhouse can also be attached or be located on its own parcel (20.100.010).~~

#### A. Applicability

1. The following standards apply to Townhome Exemption Developments of more than five ten or fewer dwelling units in ~~R and RT~~ RT5.4, RT10, and all R districts (except R3), or more than nine 20 or fewer dwelling units in RT2.7, R3, and all RM, B, C, and M1R districts. Developments that exceed these numbers are not permitted through the TED process.

2. The only permitted ~~residential~~ building types that may be included in a TED project are detached houses, two-unit townhouses, and 3+-unit townhouses as described in Section 20.05.030 and as allowed in the applicable zoning district.
3. Two unit townhouse and 3+-unit townhouse building types as part of TED projects must also comply with Section 20.40.140, Townhouse Standards.
4. ~~TED shall not be used for nonresidential developments.~~
45. Townhome Exemption Developments must meet all applicable City zoning municipal regulations, including Title 12 and Title 20. ~~(see Figure 20.05-7).~~
6. Townhome Exemption Developments are only permitted on parcels in zoning districts described in Title 20.

## 2. 20.40.180.B.1

### B. Conditions not suitable for TED Maximum Density

~~The maximum number of dwelling units allowed within a Townhome Exemption Development is computed by dividing the net area of the site by the subject zoning district's minimum parcel area per unit standard. Net site area is calculated by subtracting all of the following from the site's gross land area:~~

~~If the subject property contains any of the following conditions, it is not suitable for development through the TED process and is not permitted for TED.~~

1. ~~Any portion of the subject property that contains land with areas designated by FEMA as Floodways and Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% Annual Chance of Flood, or designated Zone X behind levee or that would require a permit from one of the agencies listed on the "Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplain and Other Water Bodies".~~
  - a. In situations where the proposed TED project does not include any disturbance of the area defined in 20.40.180.B.1, and the SFHA is not an Approximate A, the Zoning Officer is authorized to waive 20.40.180.B.1, subject to the following:
    - i. For all development on the TED Parcel, the lowest floor and mechanical shall be 2 feet above BFE and pre and post-elevation certificates are required for primary structures (including attached garages); and
    - ii. Lands described within the SFHA shall be surveyed and designated as Common Area/No Build in the project application and in the survey accompanying the final TED Declaration.
  - b. For sites that are designated Zone X behind levee, for all primary structures (including attached garages), the lowest floor and mechanical shall be 2 feet above BFE and pre and post-elevation certificates are required.