



Townhome Exemption Development (TED) Ordinance Amendments

**Land Use and Planning
Committee**

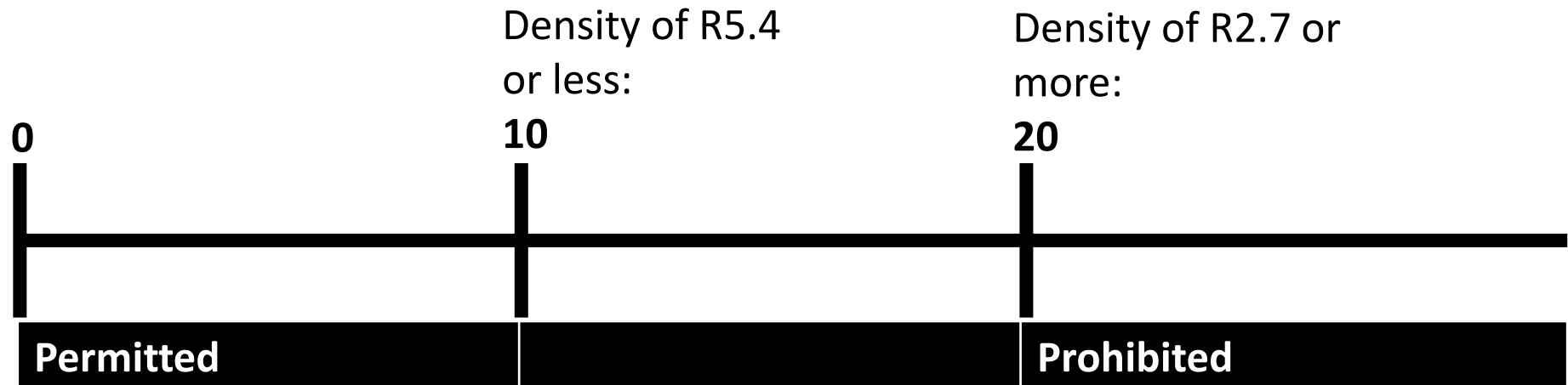
Development Services
August 21, 2019



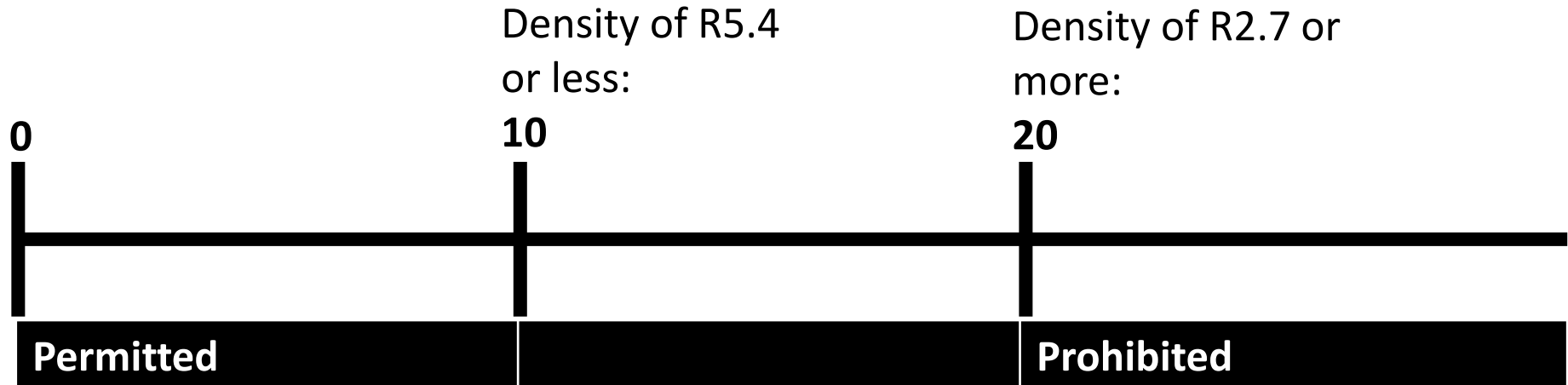
TED General Ordinance Timeline



| | May | June | July | August | September | October | November |
|---|-----|------|------|--------|-----------|------------------|----------|
| Interim Ordinance | | | | | | | Nov 5th |
| 30 day period after general ordinance is approved | | | | | | Oct 7th-Nov. 6th | |
| Final Hearing (CC) | | | | | Oct.. 7th | | |
| Public Hearings (LUP & PB) | | | | | | | |
| Public Comment Period | | | | | | | |
| Technical Group | | | | | | | |
| Leadership Group | | | | | | | |



- TEDs are defined as SFR or Townhouse residential building type only
- TEDs are only permitted in T20 zoning districts
- Unconstrained TEDs are permitted up to new cap (10/20)
- TEDs over 10/20 cap are prohibited
- Constrained TEDs are prohibited (constraints/hazards)
- TEDs jeopardizing connectivity are prohibited (collectors and above)
- Maintain distinction between lower density single family districts and higher density and multi-family zoning districts
- Align TED standards throughout Title 20 to accommodate the strategy
- Remove minimum parcel size for new subdivisions



-TEDs are defined as Detached Home or Townhouse residential building type only

Explanation:

- *Currently how the regulations are applied; maintain with new strategy*
- *Development for residential units remains the City's primary focus for TED development in order to respond to the current housing affordability issue.*
- *Other ownership options already exist*

CODE AFFECTED:

20.05.040.D

20.40.180

20.100.A

Existing Language

20.100.A: Terminology

Townhome Exemption Development (TED)

A residential development containing one or more dwelling units that are owned subject to an arrangement under which persons own their own dwelling units and hold separate title to the land beneath their dwelling units but under which they may jointly own the common area and facilities in accordance with MCA §§ 70-23-102 and 76-3-203.

20.40.180.A.2: Use and Building Specific Standards

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.

Proposed Language

20.05.040.D: Residential Development Options (TED)

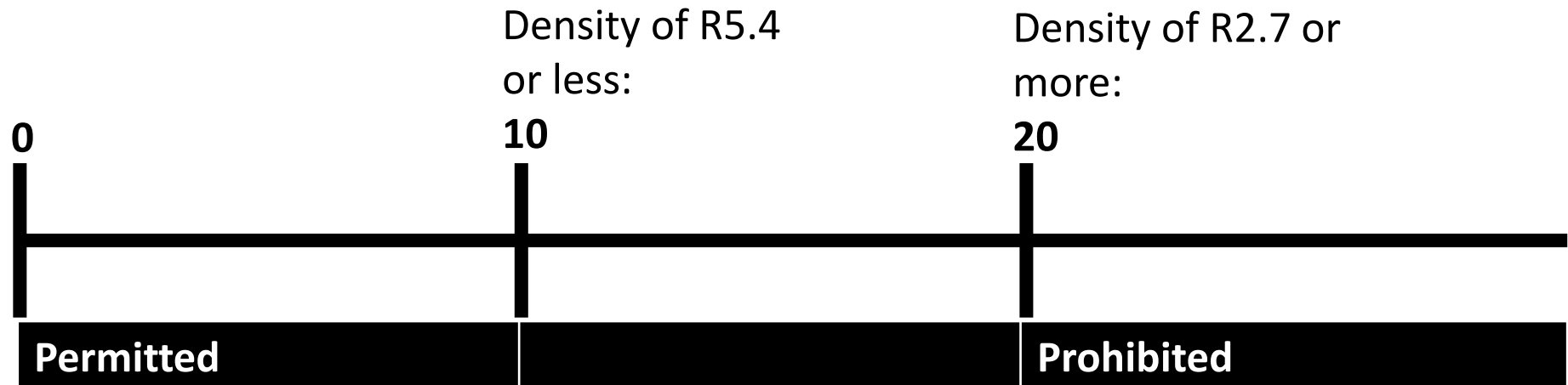
040.D.2.a: General Description

- a. 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 within the applicable zoning district. TED is not permitted for development that includes nonresidential uses.

Proposed Language

20.40.180.A: Use and Building Specific Standards

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.



-TEDs are only permitted in T20 zoning districts

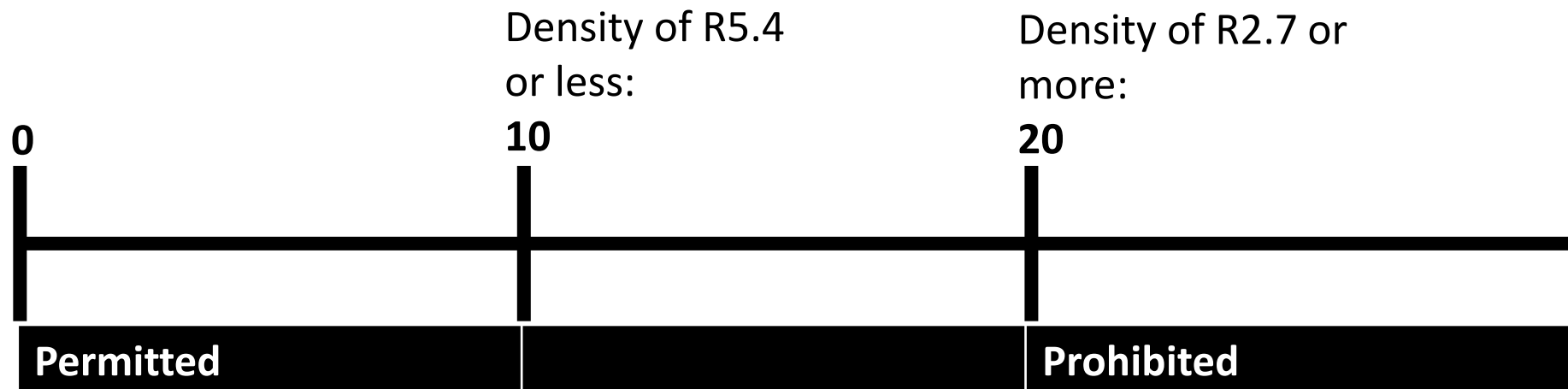
Explanation:

- *TEDs and the TED process are defined and contained within Title 20*
- *Title 19 Special Districts and PUDs are ill-equipped to adequately process TED projects*
- *Many Special District and PUDs have already been subdivided*

20.40.180: Use and Building Specific Standards

A. Applicability

6. Townhome Exemption Developments are only permitted on parcels in zoning districts described in Title 20.

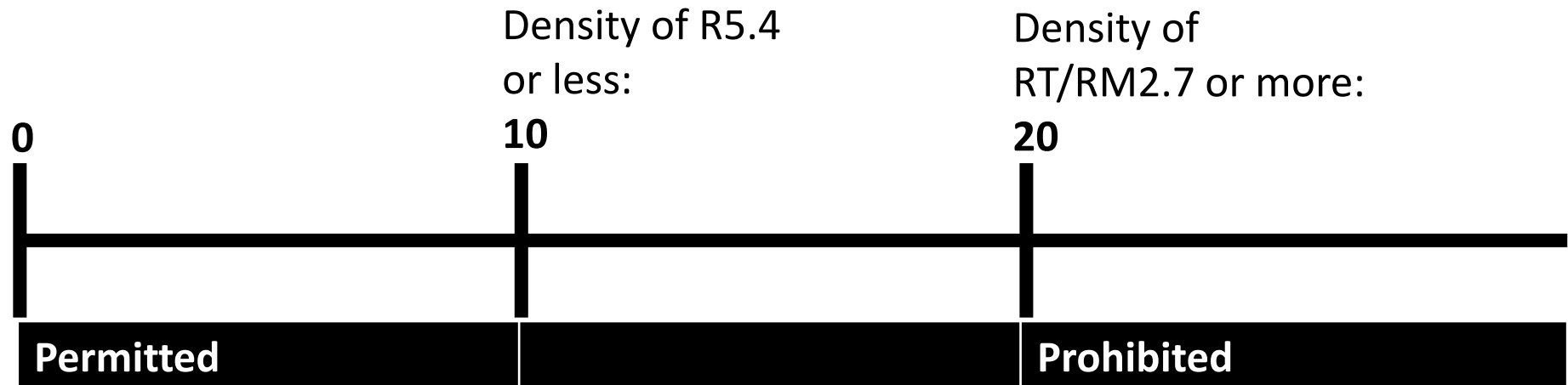


-Unconstrained TEDs are permitted up to new cap (10/20)

Explanation:

- Limit TED development to a size that they are not too complex and that are brought on line in a timely manner
- Maintain the TED option as a streamlined review for use in specific circumstances
- The proposed cap numbers are based on:
 - Analysis of existing TEDs
 - Traffic Study: 200 daily trips (ITE)
 - Size/area (half a city block)
 - Minor to Major subdivision (5 units)

CODE AFFECTED:
20.05.040.D
20.40.180



-Maintain distinction between lower density single family districts and higher density and multi-family zoning districts

Explanation:

- *Implications of area of development based on zoning density limits*

| Zoning District | Units/Acre | Area_6 | Area_10 | Area_20 | Acres | Lots/Blocks |
|-----------------|------------|--------|---------|---------|-----------|----------------------|
| R20 | 2 | 2.8 | 4.6 | 9.2 | 5 acres | 2 blocks |
| RT10 | 4 | 1.4 | 2.3 | 4.6 | 2.5 acres | 1 block |
| R8 | 5 | 1.1 | 1.8 | 3.7 | 1 acres | half a block |
| R5.4 | 8 | 0.7 | 1.2 | 2.5 | .5 acre | approx 5 city lots |
| RT5.4 | 8 | 0.7 | 1.2 | 2.5 | .25 acre | approx 3 city lots |
| R3 | 14 | 0.4 | 0.7 | 1.4 | .1 acre | approx 1.5 city lots |
| RT2.7 | 16 | 0.4 | 0.6 | 1.2 | | |
| RM2.7 | 16 | 0.4 | 0.6 | 1.2 | | |
| RM2 | 22 | 0.3 | 0.5 | 0.9 | | |
| RM1 | 43 | 0.1 | 0.2 | 0.5 | | |

CODE AFFECTED:
20.05.040.D

20.05.040.D: Residential Development Options (TED)

Figure 20.05-7

| | <u>R Districts (except R3), and RT5.4 and RT10 Districts</u> | <u>RT2.7 and R3 Districts</u> <u>All RM Districts</u> <u>All B, C, Districts and M1R</u> |
|---|--|--|
| <u>One (1) to ten (10) total dwelling units</u> | <u>Administrative Approval, Comply with Zoning</u> | <u>Administrative Approval, Comply with Zoning</u> |
| <u>Eleven (11) to Twenty (20) total dwelling Units</u> | <u>Prohibited as TED</u> | <u>Administrative Approval, Comply with Zoning</u> |
| <u>More Than Twenty (20) total dwelling Units</u> | <u>Prohibited as TED</u> | |
| <u>Property is not suitable for TED</u> <u>20.40.180.B</u> | <u>Prohibited as TED</u> | |

20.40.180.D: Use and Building Specific Standards(TED)

080.A.1: Applicability

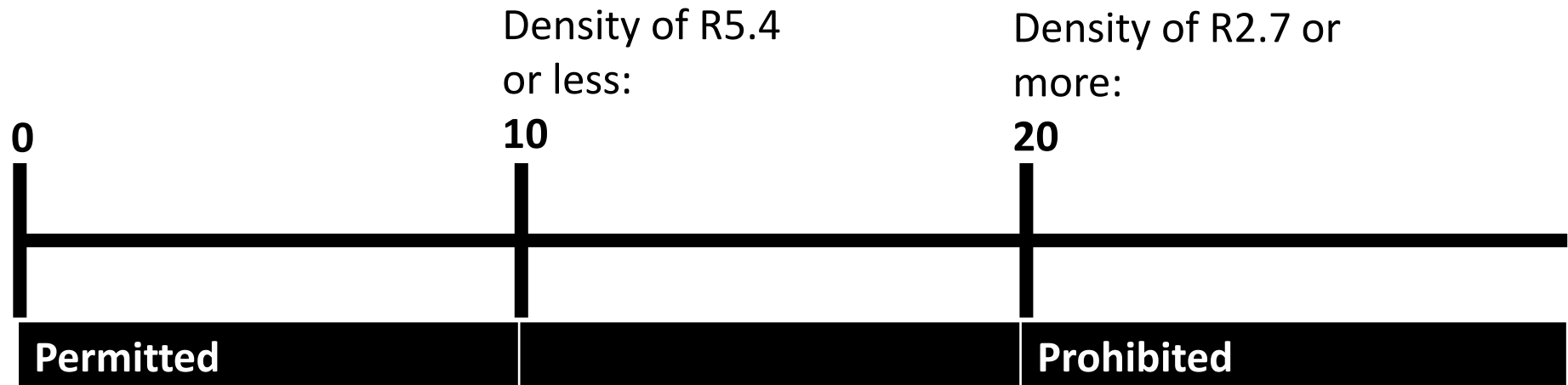
A. Applicability

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.

20.05.040.D: Residential Development Options

040.D.4: Notice to Neighboring Property Owners

Notice of the application for a zoning compliance permit for Townhome Exemption Developments ~~of one to more than~~ five dwelling units ~~in the R and RT zoning districts~~ must be mailed to all owners of property within 150 feet of the subject parcel at least 15 days before a permit is issued. ~~(Mailed notice for projects of six or more dwelling units in those districts and ten or more dwelling units in RM, M1R, B, and C districts is required within the Conditional Use process.)~~



-TEDs over 10/20 cap are prohibited (remove conditional use approval option)

Explanation:

- *Removing conditional use approval provides predictability and certainty*
- *Provides ability to maintain TED as a streamlined process*

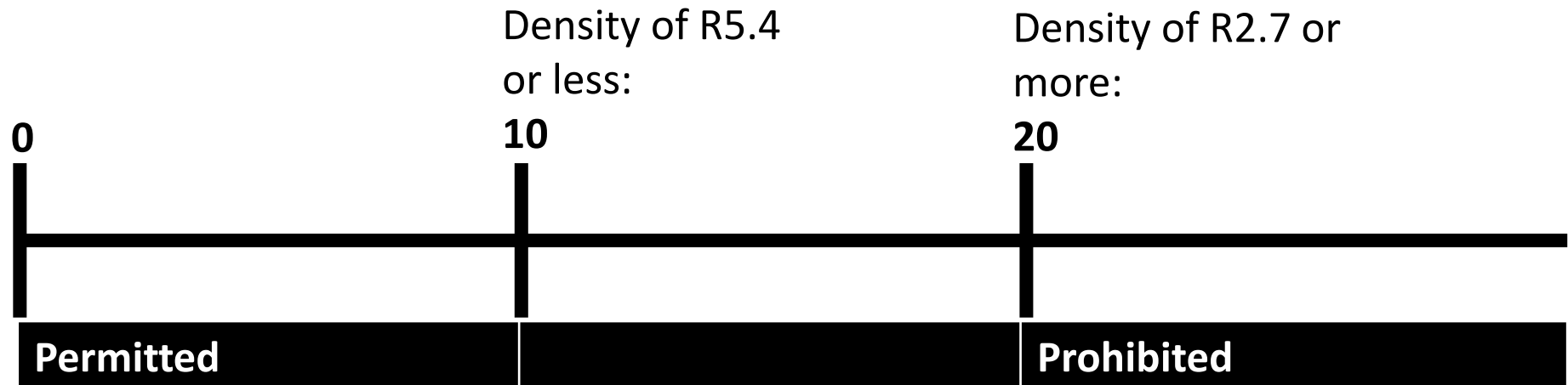
CODE AFFECTED:
20.05.040.D
20.40.180

20.05.040.D: Residential Development Options (TED)

Figure 20.05-7

| | R-Districts | RT-Districts | RM-Districts | All B, C-Districts M1R |
|---|--|-------------------------|---|-----------------------------------|
| One (1) to five (5) total dwelling units | Administrative Approval Comply with Zoning 15-day neighborhood notice (20.05.040 D 4) | | Administrative Approval Comply with Zoning | |
| Six (6) to Nine (9) Total dwelling Units | Conditional Use Approval (20.85.070) + Building Specific Standards (20.40.180) | | Administrative Approval Comply with Zoning | |
| Ten (10) or More Total dwelling Units | Conditional Use Approval (20.85.070) + Building Specific Standards (20.40.180) | | | |

| | <u>R Districts (except R3), and RT5.4 and RT10 Districts</u> | <u>RT2.7 and R3 Districts All RM Districts All B, C, Districts and M1R</u> |
|--|--|--|
| <u>One (1) to ten (10) total dwelling units</u> | <u>Administrative Approval, Comply with Zoning</u> | <u>Administrative Approval, Comply with Zoning</u> |
| <u>Eleven (11) to Twenty (20) total dwelling Units</u> | <u>Prohibited as TED</u> | <u>Administrative Approval, Comply with Zoning</u> |
| <u>More Than Twenty (20) total dwelling Units</u> | <u>Prohibited as TED</u> | |
| <u>Property is not suitable for TED</u> | <u>Prohibited as TED</u> | |



- Substantially Constrained TEDs are prohibited (constraints/hazards)
- TEDs jeopardizing connectivity are prohibited (if determined by Director/City Engineer)

Explanation:

- *In some situations TED is not adequate to provide for orderly development and protect for health safety and welfare:*
 - *Substantial constraints or hazards exist that are best managed through creation of lots*
 - NOTE: Two tiers to constraints: in some cases, may be able to accommodate through TED even when constraints are present
 - *In some situations, development should include the creation of new public right-of-way*

20.40.180.B: Use and Building Specific Standards

180.B: Conditions Not Suitable for TED

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.

20.40.180.B: Use and Building Specific Standards

180.B: Conditions Not Suitable for TED

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:

2. Any portion of the subject property includes land with a slope of greater than 25%.
 - a. In situations where the proposed TED project does not include any disturbance of the area with slopes over 25%, and those areas with slope over 25% are surveyed and designated No Build/No Improvement zones in the project application and in the survey accompanying the final TED declaration, the Zoning Officer is authorized to waive 20.40.180.B.2

20.40.180.B: Use and Building Specific Standards

180.B: Conditions Not Suitable for TED

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:

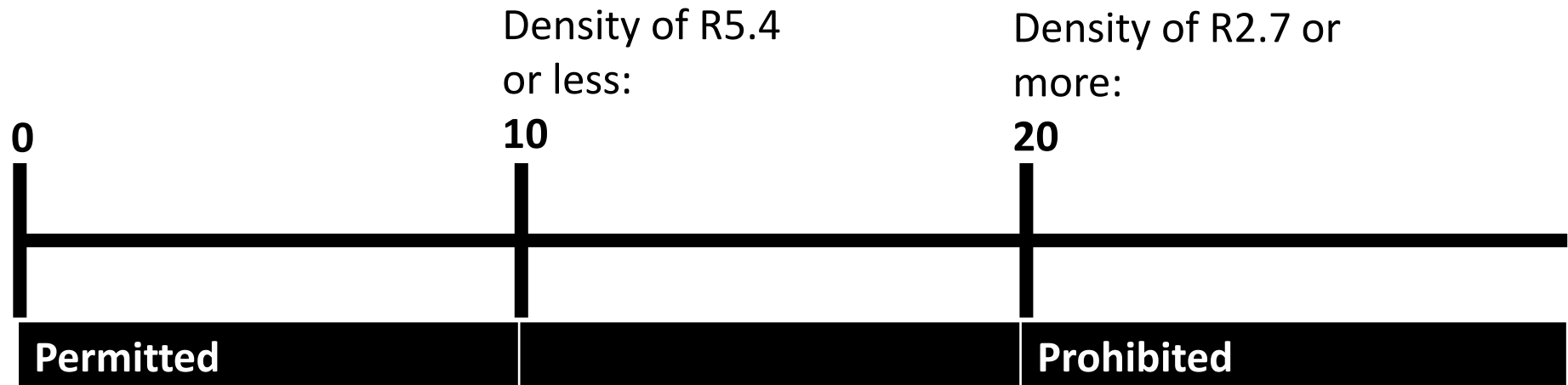
3. Any land that is already included in a filed TED Declaration.

20.40.180.B: Use and Building Specific Standards

180.B: Conditions Not Suitable for TED

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:

4. Any property requiring dedicated Public Right-of-Way as determined by the Development Services Director in consultation with the City Engineer. Reasons for requiring dedicated Public Right of Way include, but are not limited to:
 - a. Allowing for public motorized and non-motorized connections;
 - b. Allowing for provision of emergency services; or
 - c. Completing road sections called for in applicable adopted City Plans or Resolutions



- Substantially Constrained TEDs are prohibited (constraints/hazards)
- TEDs jeopardizing connectivity are prohibited (if determined by Director/City Engineer)

Explanation:

- *In some situations TED is not adequate to provide for orderly development and protect for health safety and welfare:*
 - *Substantial constraints or hazards exist that are best managed through creation of lots*
 - *NOTE: Two tiers to constraints: in some cases, may be able to accommodate through TED even when constraints are present*
 - *In some situations, development should include the creation of new public right-of-way*

20.40.180: Use and Building Specific Standards

180.D: On-site Constraints

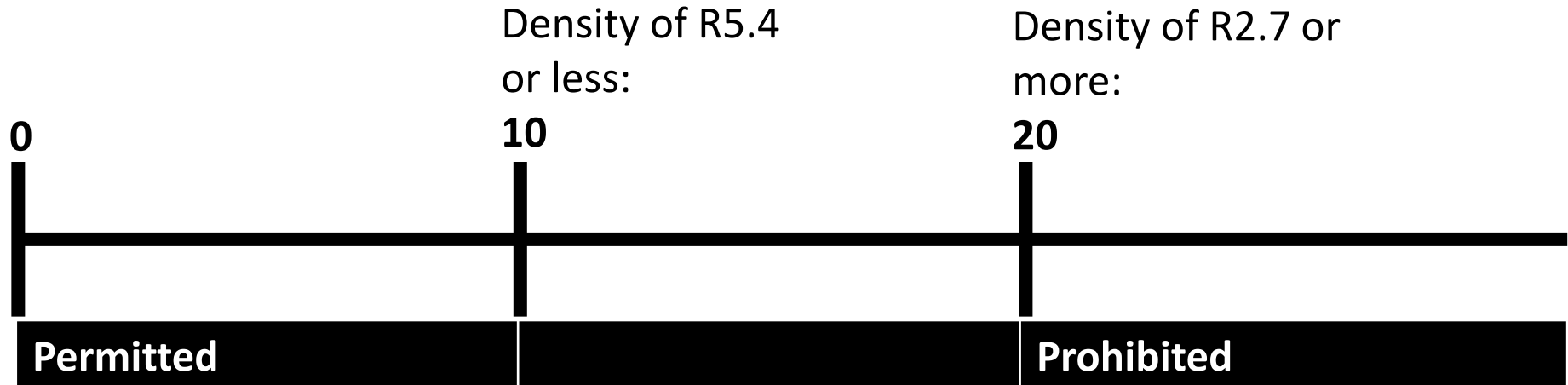
Land that is subject to hazards such as swelling soils, subsidence, landslides, drainage issues or concerns, high ground water, and steep slopes, shall not cause any unmitigated adverse impacts on adjacent or nearby lands. Land with these hazards shall not receive zoning compliance approval until an engineering design sufficient to alleviate the foregoing hazard has been submitted by the applicant as follows:

1. Land with slopes averaging 15% or more: Provide a slope category map (20.50.010.C.1.a). Provide a complete geotechnical report by a soils engineer with a grading and drainage plan and storm water plan that evaluates the safety of construction on the subject property.
 - a. Each TED ownership unit (TOU) building envelope must have an average slope of no more than 25% and at least a 2,000 square foot contiguous building and disturbance area on parcels that are subject to hillside standards. See 20.50.010.B.1 for average slope determination.

20.40.180: Use and Building Specific Standards

180.D: On-site Constraints

2. Land with the potential for expansive soils, landslides, slope instability, and high ground water: Provide a complete geotechnical report prepared by a soils engineer with a grading and drainage plan and storm water plan that evaluates the safety of construction on the subject property and includes an evaluation of groundwater depth relative to basement construction.
3. A complete grading and drainage plan and storm water plan is required including storm drainage calculations for a 100-year frequency 24-hour storm to show that storm water shall be detained on site at pre-development levels, subject to review and approval by the City Engineer.



-Remove minimum parcel size for new subdivisions

Explanation:

- *Create parity between subdivision and TED*

CODE AFFECTED:
20.05.050
20.40.180
20.80.020.B

20.05.050.B: Residential Parcel and Building Standards

| Standards | R215 | R80 | R40 | R20 | RT10 | R8 | R5.4 | RT5.4 | R3 | RT2.7 | RM2.7 | RM2 | RM1.5 | RM1-35 | RM1-45 RMH [1] | RM0.5 |
|--|---------|--------|--------|--------|--------|-------|-------|-------|--------|-------|-------|-------|-------|--------|-------------------|-------|
| CONVENTIONAL DEV'T | | | | | | | | | | | | | | | | |
| Min. District Area (sq. ft.) | None | None | None | None | None | None | None | None | 30,000 | None | None | None | None | None | None | None |
| Minimum Parcel Size [8] | | | | | | | | | | | | | | | | |
| ^L Area (square feet) | 215,000 | 80,000 | 40,000 | 20,000 | 10,000 | 8,000 | 5,400 | 5,400 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 |
| ^L Area per unit (sq. ft.) | 215,000 | 80,000 | 40,000 | 20,000 | 10,000 | 8,000 | 5,400 | 5,400 | 3,000 | 2,700 | 2,700 | 2,000 | 1,500 | 1,000 | 1,000 | 500 |

20.05.050.B: Parcel and Building Standards

[8] The minimum parcel area requirement does not apply to lots created through subdivisions approved under MCA 76-3, parts 5 and 6 after May 6, 2019.

20.80.120: Nonconforming Lots

120.A.3 & 120.B.3.b:

Lots created through subdivisions approved under MCA 76-3, parts 5 and 6 after May 6, 2019 are not subject to 20.80.020.B.3.

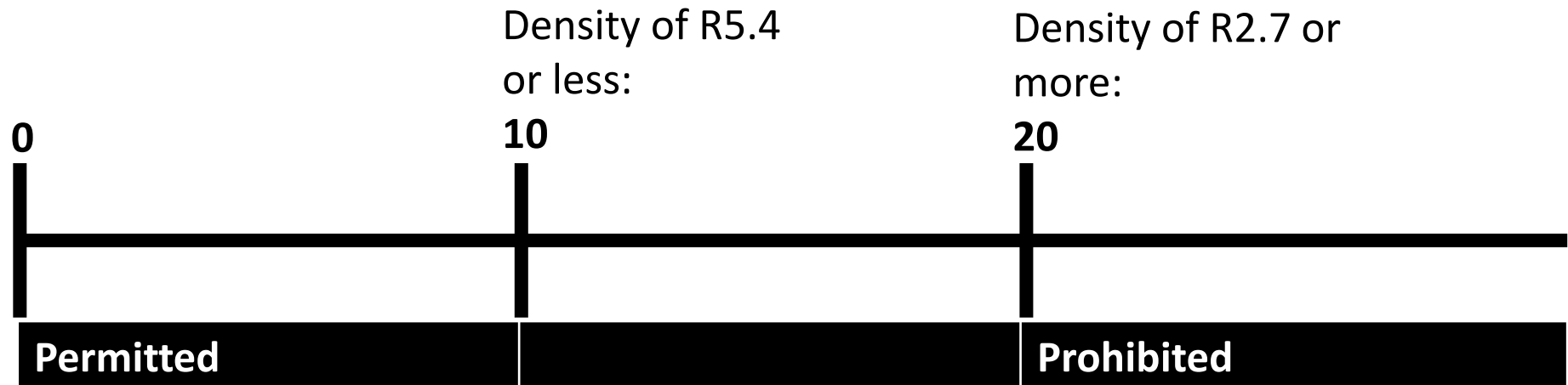
Page 14

20.110.010: Measurements, Parcel Area

20.110.010 - Parcel Area

- A. Parcel area includes the total land area contained within the property lines of a parcel. The zoning officer is authorized to approve an administrative adjustment to permit the construction of a detached house on a parcel that would otherwise be prohibited solely because the parcel does not comply with the minimum parcel area standards of the subject zoning district. Such administrative adjustments are subject to the procedures and criteria of 20.85.110.
- B. The minimum parcel area requirement does not apply to lots created in subdivisions, approved under MCA 76-3, chapters 5 and 6, after May 6, 2019.
- C. The minimum parcel area requirement does not apply to TED Ownership Units

Page 17



-TED Strategy Supporting Amendments:

- Residential/Commercial/Industrial 'Other Uses' 20.05/20.10/20.15
- No ADU's on TED ownership units 20.45.060
- TED Ownership Units (TOU's) are not lots 20.100
- TED infrastructure built within 2 years of ZCP 20.40.180
- TED orientation, setbacks and building separation 20.05.050; 20.40.180; 20.110.050.F (New Section)
- Submittal Requirements 20.40.180

20.05.060; 20.10.050; 20.15.060: Other Uses *Residential, Business/Commercial, Industrial Districts*

20.05.060: Residential Districts, Other Regulations

A. Overlay Districts

See Chapter 20.25.

B. Use and Building Specific Standards

See Chapter 20.40.140 for Townhouse Development Standards

See Chapter 20.40.180 for Townhome Exemption Development (TED) Standards

AC. Accessory Uses and Structures

(e.g., home occupations, detached garages, gazebos, and sheds)

See Chapter 20.45.

BD. Natural Resource Protection

See Chapter 20.50.

CE. Parking and Access

See Chapter 20.60.

DF. Landscaping

See Chapter 20.65.

E. ~~Overlay Districts~~

~~See Chapter 20.25.~~

FG. Signs

See Chapter 20.75.

GH. Nonconformities

See Chapter 20.80.

20.45.060: Accessory Dwelling Units (ADUs)

060.B.1: Regulations for All Accessory Dwelling Units

General Standards

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, except as otherwise expressly stated in this section. Lots that are nonconforming as to minimum parcel area are not eligible. Accessory dwelling units are not permitted on TED Ownership Units (TOUs).

20.100: Terminology

Lot:

A contiguous area of land with defined boundaries under common ownership created by subdivision, subdivision exemption or their legal equivalent. TED Ownership Units (TOUs) are not lots.

TED Ownership Unit (TOU)

A parcel created through Townhome Exemption (MCA 76-3-203) that includes the land beneath each dwelling unit and can include land adjacent to each dwelling unit as shown in the approved Townhome Declaration Site Plan. Only one dwelling unit is associated with each TED ownership unit. TED Ownership Units (TOUs) are not lots.

Table 20.05-3: Residential Parcel and Building

| | |
|--------------------------------|---|
| Townhome Exemption Development | <p>Minimum parcel area, minimum area per unit, and building height will be based on the zoning designation of the overall TED parcel found under Conventional Development in Table 20.05-3 above. Building setback and separation standards are as follows: Front or street side setbacks for Townhome Exemption Development dwellings are measured to the nearest parcel line or public circulation system such as a street, roadway, sidewalk, or trail, whichever is closer.</p> <p>Rear setbacks are measured to the parcel line.</p> <p>Side setbacks are measured to the parcel line. Minimum distance between buildings is the equivalent of two side setbacks. A minimum 6' interior side separation between buildings is allowed for zoning districts which require a minimum side yard setback distance of 7.5' or less.</p> <p>For B, C, and M1R districts refer to standards in Chapters 20.10.030 and 20.15.040.</p> |
|--------------------------------|---|

20.110.050: Measurements

050.F: Setbacks and Separation of Residential Buildings on TED Parcels

The following applies to buildings on TED Ownership Units (TOUs) created through the Townhome Exemption Development (TED) process after November 5, 2019.

1. TED projects (20.40.180) are required to meet setback standards for the underlying zoning district as described in Table 20.05-3, unless otherwise noted below.
 - a. Setbacks apply to the entire TED parcel used for a TED project as described in 20.110.050.
 - b. Setbacks for buildings within a TED parcel are measured to the nearest adjacent property line. A TOU separation line is not considered an adjacent property line. Depending on the design of the TED project, not every setback will apply to every TOU. (See 20.110.050.F.2 for information on TED building separation requirements).
 - c. TED projects of more than 5 dwelling units shall provide a side setback of no less than 7.5 feet.
2. Building separation
 - a. Building separation requirements apply on TED projects for structures on TOUs as described in 20.110.050.E. Minimum distance between buildings is the equivalent of two side setbacks.
 - b. A minimum building separation of 6' is allowed for zoning districts which require a side yard setback distance of 7.5' or less.

20.40.180: Use and Building Specific Standards (TED)

180.C. **Setbacks and Separations**

Minimum Setbacks that apply to TED Parcels for dwellings in Townhome Exemption Developments are found in Table 20.05-3, unless otherwise noted. Building separation requirements apply for structures within a TED Parcel as well. Refer to 20.110.050.F for specific information on how setbacks and building separation requirements apply to TED projects.

Page 9

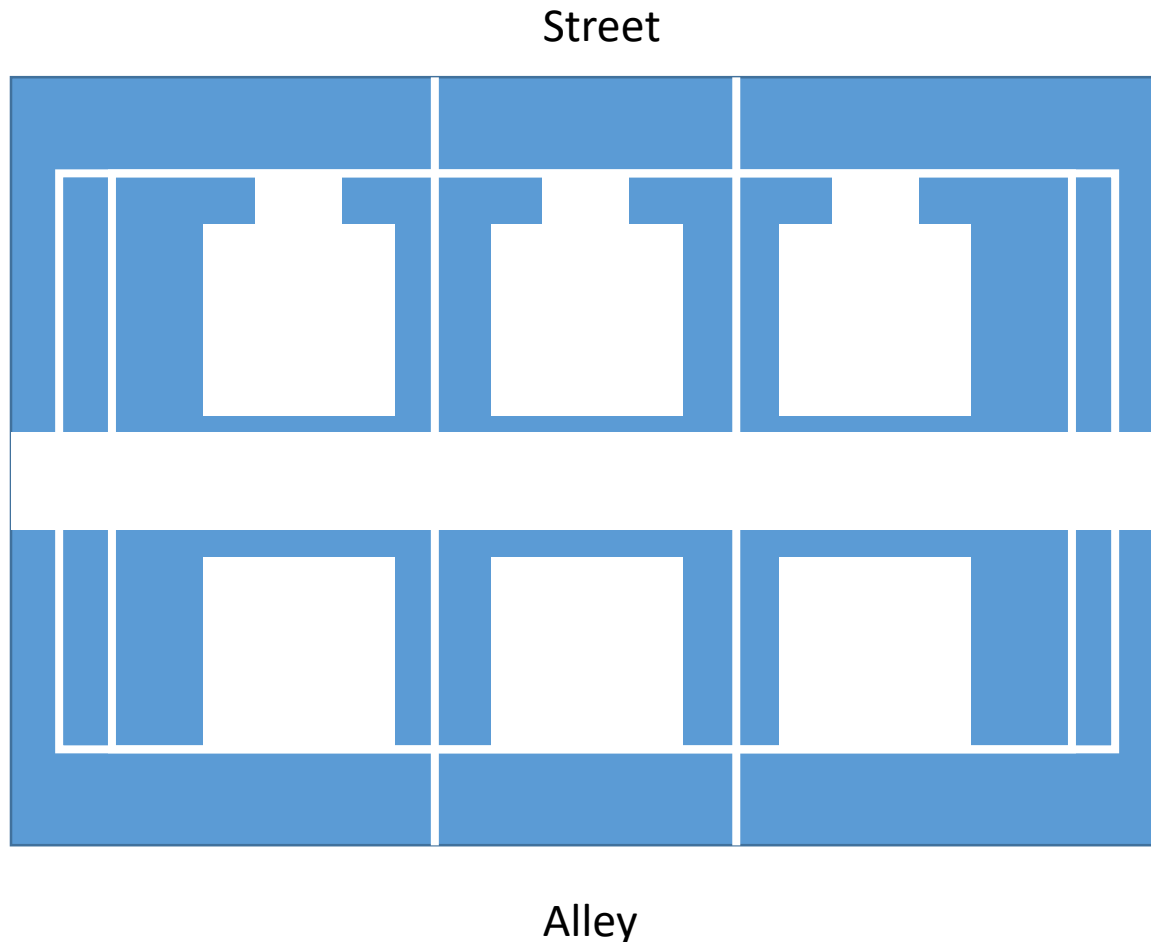
180.K. Design Standards for TED Projects with Detached Homes on Public Roads

For detached homes on TED Ownership Units (TOUs) adjacent to a public road, the primary entrance must face the public road. In cases where a TOU is adjacent to more than one public road, the entrance must face at least one public road.

Page 13

20.110.050: Measurements

050.*F*: Setbacks and Separation of Residential Buildings on TED Parcels



20.40.180: Use and Building Specific Standards (TED)

E. **Surface Infrastructure and Fire Safety**

All **surface** infrastructure shall meet the standards in Title 12 and be approved by Development Services Engineering Division Department and meet the requirements of the City of Missoula Standards and Specifications Manual. TED projects are subject to compliance with the adopted Fire Code.

1. Garage access off of a public or private road must be a minimum of 20 feet from back of curb or edge of sidewalk, whichever is closer.
2. Garage or surface parking access off of a public or private alley must meet engineering requirements.
3. All public and/or private streets, roads, alleys, and/or driveways must meet engineering and fire code requirements.
4. Proposed internal motorized and non-motorized access routes will be evaluated by the Development Services Director and City Engineer for connectivity in order to address public health and safety and meet the applicable goals and policies of any relevant and adopted community plans.

20.40.180: Use and Building Specific Standards (TED)

F. Blocks

Blocks shall be designed to assure traffic safety and ease of ~~pedestrian~~ non-motorized and motorized automobile circulation. Blocks ~~lengths~~ shall not exceed 480 feet in length ~~and be wide enough to allow two tiers of dwelling units in a Townhome Exemption Development~~ unless topographic constraints ~~y or other constraining circumstances~~ are present as confirmed by the Zoning Officer. TOUs shall not be designed as through parcels. ~~Pedestrian Non-motorized~~ access easements and installation of pedestrian facilities that create a break within a block may be required where there is a need for ~~pedestrian~~ non-motorized connectivity.

20.40.180: Use and Building Specific Standards (TED)

G. Parks and Trails

TED projects of more than 10 (ten) dwelling units must:...

...

180.G.3.e: May be exempted from the requirement to provide land
(20.40.180.G.3) for the following reasons:..

2. Development is on parcels in subdivisions that were approved subject to the parkland dedication requirements in effect after December 31, 2009.

20.40.180: Use and Building Specific Standards (TED)

H. Transit

If the Townhome Exemption Development is more **than ten dwelling units** **and** within one-fourth mile of an established public transit or school bus route, bus stop facilities may be required by the **Zoning Officer City Engineer**. If the Townhome Exemption Development parcel is not in the Missoula Urban Transportation District, a petition to annex into the District shall be provided prior to receiving zoning compliance approval.

20.40.180: Use and Building Specific Standards (TED)

I. Review Process and Submittal Requirements

1. TED projects shall be submitted in their entirety in one townhome exemption application and reviewed in one zoning compliance permit (ZCP) application in compliance with section 20.85.120. Phasing is not permitted for TED projects.
2. The zoning compliance permit will lapse and have no further effect two years after it is issued by the Zoning Officer and the townhome exemption approval is rendered invalid unless:
 - a. A building permit has been issued; and
 - b. All infrastructure improvements, including but not limited to roads, curbs, gutters, utilities, sidewalks, boulevard improvements, storm water facilities, and drainage are installed and approved by the City Engineer or an estimate of probable cost is provided and an improvements agreement guaranteed by a security for the remaining infrastructure is approved by the City Engineer.
 - c. The Zoning Officer has extended the ZCP expiration period for no more than one year after determining that there are circumstances warranting the extension. Requests for extensions must be submitted to the Zoning Officer before the ZCP expires. An extension granted for the ZCP shall be subject to the applicable zoning regulations in place at the time the Zoning Officer grants the time extension.

20.40.180: Use and Building Specific Standards (TED)

I. Review Process and Submittal Requirements (cont'd)

3. The Zoning Officer is authorized to require additional materials for review beyond what is required through 20.85.120.
4. If a public access easement is required for a TED project, it must be filed prior to ZCP approval.
5. TED Projects of more than 5 dwelling units require the review and approval of the Fire Chief or his designee.
6. Information submitted at the time of a subdivision review approved under MCA 76-3, parts 5 and 6 may need to be resubmitted and updated if the subdivision submittal packet did not expressly contemplate the proposed TED project.

Commentary: In situations where a development is large enough that it must first go through subdivision before filing declarations for TED Parcels on the new lots, the fastest and most comprehensive way for the project to be reviewed and processed is all together during subdivision review. Expressly contemplated means that a site plan indicating access and number, size and location of TED Ownership Units was reviewed as part of the subdivision review

20.40.180: Use and Building Specific Standards (TED)

J. TED Declarations

1. TED projects shall be filed as one townhome exemption declaration per TED parcel.
2. The final TED declaration must be reviewed by the Zoning Officer prior to when the declaration is filed by the Clerk and Recorder.
3. Amendments to Filed Declarations shall be reviewed for zoning compliance except for:
 - a. Incidental changes or modifications to building design; or
 - b. Changes that do not affect site plan layout, easements, infrastructure improvements, or other Municipal code requirements.

20.05.040.D: Residential Development Options (TED)

D. Townhome Exemption Development (TED)

1. Intent

- a. The Townhome Exemption Development Option (TED) is intended to encourage affordable fee simple detached house , two-unit townhouse , and 3+-unit townhouse development without subdivision review in accordance with City zoning regulations.
- b. ~~Public notice and City Council approval of a conditional use is required if the development contains more than five dwelling units in R and RT districts, or more than nine dwelling units in RM, B, C, and M1R districts. The Townhome Exemption Development tool is intended to encourage residential development in the city's core in concert with the city of Missoula's stated policy goals, including the development of compact and walkable neighborhoods; the effective use of existing infrastructure, and the building of new, affordable housing in a timely manner.~~
- c. The TED tool is not intended for new greenfield development if it is in an area that is lacking in existing infrastructure; or for sites that would jeopardize the City's ability to manage development in an orderly manner or protect and promote the general health, safety and welfare of the community.

The Townhome Exemption Development tool is intended to encourage residential development in the city's core in concert with the city of Missoula's stated policy goals, including the development of compact and walkable neighborhoods; the effective use of existing infrastructure, and the building of new, affordable housing in a timely manner.

The TED tool is not intended for greenfield development where public infrastructure is missing and where there are significant impediments to the community's ability to guide development in an orderly manner or to protect and promote the general health, safety and welfare of the community.