

**Zoning Policy Changes in the Consolidated Public Review Draft
General Update on Planning Board Review**

Note: This document was provided to Planning Board as part of the Staff Report for the Public Hearing on March 3, 2009. Update information is shown in *italics*.

The revision of the zoning code presents an opportunity for the community to examine state-of-the-art practices in use in other towns across the country. However, the City administration, OPG and Duncan Associates have been committed to minimizing the number of changes to the zoning that is currently in effect for Missoula's neighborhoods. Some changes to existing zoning will be necessary in making Missoula's ordinance more current. What follows is a list of the major changes identified by the Mayor's Advisory Group and OPG staff.

General Information about Planning Board's review of each item is described below each item (with italic text and highlighted within a box). More detailed description of planning board motions can be found in the "Summary of Motions for each meeting" and specifically by reviewing Planning Board minutes. The "Summary of Motions" and a link to Planning Board minutes can be found on the website at www.zoningmissoula.com as they become available.

A. Lot size and density:

Minimum lot-size requirements for structures are changed in two-dwelling and multi-dwelling districts (existing zone districts R-II, R-XII, Mixed Use, R-III, R-IV, B, R-VI, and RH). In most districts this is a rounding down from 3500 or 3600 sq ft to 3000 sq ft. In the current R-II and R-XII Zones, the change would allow two single-family structures where one duplex is allowed now. (See 20.05.050.B and Table 20.05-3 in the draft.)

Reviewed by Planning Board on April 15, 2009. Resulted in no change to the draft document.

Density calculations would be based only on lot-size (as opposed to the current ordinance which is based on numbers of bedrooms in some districts or on number of dwellings per acre in others). The proposed ordinance results in "rounding" differences in districts like the current RLD-4 where four units are allowed per acre. The revised ordinance would replace this with a 10,000 sq ft lot-size requirement (allowing one dwelling unit per 10,000 sq ft.). (See 20.05.050.B and Table 20.05-3 in the draft.)

Reviewed by Planning Board on April 21, 2009. Planning Board recommended no change to the draft document for Residential District density calculation (referred to as parcel area per unit). Planning Board added a new Residential district referred to as RM1.5 with a density calculation of 1500 square feet per unit and a minimum parcel size of 3,000 square feet, having similar characteristics as the RM1-45. On May 19, Planning Board modified the density calculation for the existing B, R-III, R-IV, and R-VI(MH) from 1,000 square feet per unit to 1,500 square feet per unit. This resulted in changing the proposed name for those districts as follows: existing B zoning districts will be named RM1.5-45; existing R-III and R-IV zoning districts will be named RM1.5-35; and existing R-VI(MH) zoning district is unchanged as proposed RMH.

B. Building Height:

Building Height Allowance would be clarified and limited to 35 ft in existing residential zone districts SRR, LSR, RLD-1, RLD-2, RLD-4, RR-1, R-1, R-II, R-III, R-IV, R-VI, R-VIII, R-XII, and Mixed Use.

Currently, 30 ft is the maximum height allowed in most single and two-dwelling residential districts, although it is possible to achieve heights over 35 ft using various measurement methods. To simplify the ordinance, the proposal is to make 35 ft the maximum height, and eliminate existing exceptions to height measurement. There should be no effect on zones that currently have a 30 ft limit while zones with a 40 ft limit will see a lowered allowed height. (See 20.05.050 and Table 20.05-3 in the draft.)

Reviewed by Planning Board on April 15, 2009. Planning Board recommended changes to maximum building height: zones where the draft proposed 35', will be changed to 30' for structures with primary roofs with slopes less than 8 in 12 pitch and 35' for slopes greater than or equal to 8 in 12 pitch. The board also reinstated the side setback requirement of "1/3rd height of building, whichever is greater" in proposed RT10, R8, R5.4, and RT5.4.

C. Cluster and Conservation Development Option:

Conservation Development Option is proposed for larger lot residential zoning districts (existing zone districts RLD2, RLD1, LSR, SRR). The option creates an incentive to conserve open space by allowing a 20% increase in density while requiring a commitment of 60% of the developed area to open space. (See 20.05.040.B.4 and Table 20.05-3 in the draft.)

Reviewed by Planning Board on April 21 and April 22, 2009. Planning Board recommended minor changes to Chapter 20.55 that will eventually be incorporated into the Subdivision Regulations.

D. New Housing Options and Building Types:

Lot Line Residential Building Type is proposed to allow more efficient use of limited side yard space in small lot projects. This would allow a builder, if building 3 detached houses on 3 contiguous lots, to have reduced internal side yard set backs. External side yard set backs would still apply, that is, new houses would have to meet existing set back requirements to existing homes, and existing set back requirements to streets, sidewalks and other existing rights of way. (See 20.40.080 and 20.05.030 in the draft.)

Reviewed by Planning Board on April 21, 2009. Planning Board eliminated this as a building type.

Accessory Dwelling Units (small separate dwelling units or interior apartments) are proposed as an overlay zone. An overlay provides additional uses or restrictions in an existing district. It is a re-zoning that requires property-owner notification, right to protest and City Council approval. (See 20.25.100 in the draft.)

Reviewed by Planning Board on March 25, 2009. Resulted in minor changes to the development standards for ADUs. The Board retained the approach as written for ADUs as an overlay, which requires rezoning to be applied.

E. Specific Uses:

The current **Commercial Liquor and Beer Overlays** would be eliminated and replaced by use-specific standards including separation from residential zoning districts and day care, school, religious assembly, or park/recreation uses. These standards would be applied to the use of a site, as opposed to the site itself. (See 20.40.040 in the draft.)

Reviewed by Planning Board on April 7 (for elimination of the existing Overlays) and April 14 (for review of use-specific standards). On April 7th the Board approved eliminating the existing procedure requiring commercial liquor and beer overlays. This results in no change to the draft document. On April 14th, the Board recommended minor changes to the use-specific standards. They also recognized the existing CLB, CLB-1, and CG overlays that are approved would remain. On May 6, the Board recommended all Nightclubs, Taverns and Casinos be treated as Conditional Use adding an additional layer of review and approval.

Bed and Breakfast enterprises are currently permitted by Zoning Officer opinion in the existing BC, C-1, C, and C-II zones subject to multi-dwelling residential site plan requirements. The proposal is for the use to be conditional in residential districts and permitted in business and commercial districts. The conditional use process includes a public hearing. (See 20.40.030 in the draft)

Reviewed by Planning Board on April 14, 2009. Planning Board recommended revisions to the standards.

F. Procedures:

Administrative Adjustments is a new section that provides a streamlined approval procedure for minor modifications to selected zoning ordinance standards and minimum lot area requirements. The process provides flexibility to address unusual development conditions. The proposal requires mailed and posted notice of an adjustment application and a waiting period before the zoning officer takes final action. (See 20.85.110 in the draft.)

Reviewed by Planning Board on March 24, 2009. Planning Board recommended adding sub-sections for addressing "transferability" and "amendments." The waiting period was increased to 20 days. They also asked for clarification regarding whether the standards applicable for potential adjustment should be stated in their relevant chapters or listed in the section found in Chapter 20.85.

G. Accessory Uses:

Wind Energy Conversion Systems will be addressed by the new ordinance. One system will be allowed as an as-of-right accessory use per parcel in all zoning districts. Maximum height may exceed the subject zoning district height maximum depending on setback. Specific-use standards are also included. (See 20.45.070 in the draft.)

Reviewed by Planning Board on April 22, 2009. Planning Board recommended prohibiting the use within the City limits.

H. Signs:

The **Sign** Chapter is reorganized to fit with the changes in district references. New standards and definitions are included to address new sign technology. The proposed regulations would regulate brightness, transitions, duration of message, and hours of operation for electronic message centers (dynamic display). (See Chapter 20.75 in the draft)

Reviewed by Planning Board on April 28 and 29. Planning Board recommended limiting dynamic display signs to principal arterials within C1, C2, M1, and M2 districts only. The dynamic display signs may have no hold time and message duration of no more than 8 seconds. They may not be illuminated one hour after the business closing to one hour before the business opens.

Note: Other revisions were also recommended by Planning Board. A Public Review Draft, dated 5-15-09, incorporating Planning Board revisions to that date is available on the website www.zoningmissoula.com. Planning Board completed their review of the project on May 19, 2009. A City Council draft identifying additional Planning Board revisions is forthcoming.