



**MEMORANDUM**

**To: Advisory Group Members**      **CC: John Engen, Mayor**  
**Missoula City Council Members**  
**Roger Millar, Director OPG**  
**Mike Barton, Senior Planner OPG**

**From: Laval Means**

**Date: November 17, 2008**

**Re: Missoula City Zoning and Subdivision Regulations Update, Module Three**

**Summary of Substantive Changes**

The new format of the proposed zoning ordinance is obviously quite different from the current format. That, combined with the sheer amount of language to review, sometimes makes detecting the differences or changes a little time consuming. So, with that in mind, we put together an informal assemblage of the significant or substantive changes we have found in the proposed module, chapter by chapter. The list is meant to help identify significant standards or other important language that are new or changed during the consolidation and clarification of the first drafting of module three. This list is intended to supplement review of the document. The highlighted "Editors' Notes" found throughout the document also help to identify changes. Those highlighted Editors' Notes may or may not be included in this list.

**Chapter 20.40 Use – and Building – Specific Standards:**

Throughout this chapter, please refer to the Use Tables in the District Chapters 19.05, 19.10, 19.15, and 19.20 to track where the uses would apply and whether they would be permitted or conditional. This chapter consolidates existing use-specific standards and introduces standards for other uses or buildings.

**20.40.030 Bed and Breakfast (new but had some previous guidance)**

This use was permitted by zoning officer opinion in BC, C-I, C, and C-II zones, subject to multi-family residential site plan requirements. The proposed standards are new and more appropriate to the use than the multi-family site design standards. The use is subject to the standards of this section when proposed in residential districts and the B1 district.

**20.40.040 Casinos, Taverns and Nightclubs (new but previously an Overlay)**

Currently permitted in BN, C-1, C, C-II, CBD, D, I-I, and I-II zones, subject to rezoning to add the CLB or CLB-1 overlay to the base zone on the parcel. This proposal is to establish specific development standards instead of the Overlay approach.

**20.40.050 EC (new but previously an Overlay)**

The current EC Overlay standards are proposed to be removed. The standards proposed in 20.40.050 have been adapted from the current regulations, maintaining the requirement of a 30,000 square foot minimum footprint, with other standards being moved from EC to other sections of the proposed update.

20.40.060 Gasoline and Fuel Sales (new but previously an Overlay)

Currently this use is permitted in BC, all C districts, and all industrial districts, subject to rezoning to add the CG Commercial Gasoline Station District overlay to the base zone on the parcel. This proposal is to establish specific development standards instead of the Overlay approach.

20.40.070 Group Living

The definition and permission of Group Living is clarified to be consistent with State Law and addressed in Module One. The development standards are new and include a proposal for density limits.

Personal Care facilities and Community residential facilities with 8 or fewer residents are not subject to this section. They continue to be treated as single family uses by State Law.

20.40.90 Multi-Dwelling Building is equivalent to the current Chapter 19.74 Multi-dwelling Residential Site Plan Standards. Many requirements of the existing regulations have been moved to new locations in the current proposed ordinance. Some have been removed and others turned into incentives. New height step back standards have been proposed in 20.40.090.

These proposed sections are entirely new to our code:

- 20.40.080 Lot line house
- 20.40.100 Multi-dwelling house
- 20.40.110 Temporary Uses
- 20.40.130 Residential Storage Warehouse
- 20.40.140 Residential Support Services

**20.45 Accessory Uses and Structures**

The goal with this chapter is to distinguish accessory uses from primary uses that are covered in the District chapters (Chapters 19.05, 19.10, 19.15, and 19.20 of Module One).

20.45.010 General Regulations is new and clarifies the meaning of accessory uses.

20.45.020 and .030 Lot and Building Standards are extracted from the existing standards in the current Ordinance. In some cases additional standards are proposed in order to create consistency where it was lacking in the past.

20.45.040 Home Occupation is equivalent to the current Chapter 19.61 Residential Accessory Use with some additional clarification.

20.45.050 Satellite Dish Antennas is a new accessory use.

20.45.060 Accessory Dwelling Units is also a new accessory use.

**20.70 Miscellaneous Regulations**

This chapter consolidates some of the code “odds and ends.”

20.70.010 Grading, Drainage and Erosion Control is equivalent to the current Chapter 19.71 of the same name. No content changes are proposed, but a few questions are asked within the document for further consideration.

20.70.020 Unzoned Areas is equivalent to the current Chapter 19.70.010 D through H. Very little refinement is proposed.

**20.75 Signs**

This chapter is equivalent to current Chapter 19.60 Signs and 19.76 Off-Premise Signs and has been reordered and revised to make the existing regulations more specific and defined. The draft also

brings the ordinance up to date with new regulations and definitions for new sign technology (20.75.080 e). Although the sign chapter is reordered and revised to provide clarity, the regulations remain essentially the same.

**20.80 Nonconformities** is equivalent to current Chapter 19.62 with significant reorganization but much of the content unchanged.

20.80.010. A. and B. The addition of a General Scope and Intent provides rationale for the chapter.

20.80.030 F.2 Accidental Damage or Destruction – no longer based on extent of damage, time limit extended from 6 to 12 months.

20.80.040 Nonconforming Uses:

- 20.80.040 A 1 removed reference to January 1, 1950.
- 20.80.040 B 2 - More detailed list of 'factors that may cause adverse impacts.'
- 20.80.040 B 3 – New
- 20.80.040 C – Mostly new
- 20.80.040 E 1 c – This section through E 1 e are mostly new
- 20.80.040 E 4 – No longer based on extent of damage, time limit extended from 6 to 12 months.

### **20.85 Review and Approval Procedures**

This chapter consolidates many existing chapters and parts of chapters from the current Ordinance. It emphasizes the procedures for moving a particular project through the system, whether it is a proposal for a broader map amendment or a more specific variance. It also addresses the procedures for Zoning Compliance Permits and Zoning Compliance Review. Sub-sections under this chapter are organized for consistency.

20.85.010 and 020 are summary sub-sections intended to provide **general direction** in a consolidated place about procedures for particular projects.

20.85.040 and 050 Text Amendments and Map Amendments are equivalent to Chapter 19.72 Amendments. They are reorganized with processes clarified. Additional review criteria are introduced.

20.85.060 Planned Unit Development is mostly a new sub-section. The current regulations have an existing chapter for PUDs (Chapter 19.50) that this new sub-section is based on.

20.85.070 Conditional Use builds from the current Chapter 19.63 of the same name. Parts of this section have been revised. Some new criteria have been introduced and some existing criteria have been re-established as “factors to be considered.”

20.85.080 Variances addresses a portion of the current Chapter 19.84 Board of Adjustments. Aside from some reorganization these items are new or changed:

- 20.85.080 B – New Applicability section
- 20.85.080 G 2 – This “minimum zoning variance necessary” is new as written criteria but has always been considered.

- 20.85.080 H – Lapse of Approval - Changed from one year to two. Originally intended to mean the approved variance would lapse in one year if the building permit process was not initiated, an apparent error in the original writing made the completion of the project necessary within one year - which is not practical.
- 20.85.080 I – Rehearing. New

20.85.100 Administrative Adjustments - This sub-section is entirely new. It is intended to provide a streamlined approval procedure for minor (*de minimus*) variances to selected zoning ordinance standards and minimum lot area requirements.

20.85.110 Zoning Compliance Permits is equivalent to a portion of the current Chapter 19.70 and does not propose substantive changes. This chapter does more clearly explain Applicability and Procedures.

20.85.120 Zoning Compliance Review is new. It lays out requirements for building permit applications and business license applications for zoning compliance review.

20.85.130 Final Zoning Compliance Inspection Certificate is equivalent to the portion of the current Chapter 19.70 referring to “Certificate of Occupancy.” No substantive changes are proposed but applicability and process is clarified.

### **Chapter 20.90 Administration**

This chapter brings together many separate chapters of the current regulations under one heading. It consolidates the **descriptions** of those Boards, Commissions, and Zoning Officer, where previously some of the descriptions were hard to find and located within chapters for other purposes. Information in the current regulations that pertain to a specific procedure such as Variances is moved to Chapter 20.85. Each section also includes a sub-section for “voting.”

This chapter also takes the approach of providing consistent information about each board or commission

20.90.010 Board of Adjustment addresses a portion of the current Chapter 19.84 of the same name. Another portion of the current Chapter 19.84 is addressed in the new Chapter 20.85.

20.90.020 Design Review Board is equivalent to current Chapter 19.84 of the same name.

20.90.030 Historic Preservation Advisory Commission is extracted from the current Chapter 19.60 Historic Districts, sub-section .060 and .090.

20.90.040 Planning Board is equivalent to current Chapter 19.82 City Zoning Commission/Missoula Consolidated Planning Board.

20.90.050 Zoning Officer is equivalent to current Chapter 19.80 City Zoning Officer with a few clarifying duties added.

### **Chapter 20.95 Violation, Penalties and Enforcement**

Except for sub-sections 20.95.020 Responsibility for Enforcement and 20.95.060 Penalties, all the provisions in this chapter are new.

### **Chapter 20.100 Terminology**

This chapter is equivalent to a portion of the current Chapter 19.04 Definitions. It is expanded from the current set of definitions and will continue to grow as work on the Zoning Ordinance continues.