

SUMMARY OF PLANNING BOARD MOTIONS FROM MARCH 10 AND 11, 2009 PUBLIC HEARINGS

These first two meetings are part of a series of Planning Board meetings anticipated to consider the review and recommendations of the Consolidated Public Review Draft (dated 2/3/09) along with Addendum A (dated 3/2/09).

Planning Board recommended revisions will be incorporated into a revised draft of the proposed City Zoning Ordinance – Title 20 and will be available for City Council consideration at a later date.

For a full description of the Planning Board hearing please go to the OPG website at: <ftp://www.co.missoula.mt.us/opgftp/Minutes/MCPB/2009/> and click on the specific date, or go to www.zoningmissoula.com.

Note: The amendments made by Planning Board are shown with a yellow (or grey) highlight and are based on staff notes from the meeting. Motions made for concepts (without specific language suggested) are also described. Additional direction or clarifications requested by the Board (without a motion) are shown in *italics*. Review of minutes from the meetings may yield additional clarifications and corrections. Planning Board reserves the right to revisit previously reviewed chapters to make additional revisions as needed and as additional review of the document occurs.

CHAPTER 20.110 MEASUREMENTS AND EXCEPTIONS

1. Planning Board recommended approval (with motions covering the specific Chapter) as proposed in the Consolidated Public Review Draft and Addendum A, with the following revisions:
2. **20.110.040 Building Coverage**
 - Revise as follows:

“Building coverage is the area of a lot covered by principal and accessory buildings, as measured along the exterior building wall at ground level, including all building projections other than those expressly allowed to encroach into required setbacks.”

Clarify how porches would relate to this measurement description.
3. **20.110.050Setbacks, A.1:Front Setbacks Measurements**
 - Revise the third sentence, replacing the word “abuts” with “faces. The revision reads as follows:

“For purpose of this provision, the front property line is the property line that **abuts faces** the street.”
4. **20.110.050Setbacks, A.2.a:Front Setbacks Exceptions:**
 - Accept the editorial note: moving subsection 2.a to lot and building standards table for the Residential Districts (Chapter 20.05), thereby renumbering the remaining portion of this section. Provide follow-up on where the exception language was moved to.
5. **20.110.050Setbacks, A.3:Front Setback – Garage Setback:**
 - *Clarify that the measurement applies to “residential” garages and provide terminology for a garage and parking structure.*

6. 20.110.050 Setbacks:

- *Explore whether exceptions to setback should be handled as “administrative adjustment.” This depends on review of the Administrative Adjustment section in Chapter 20.85.*
- *Provide additional illustrations to show the various measurement conditions for setbacks.*

7. 20.110.050 Setbacks D. Features allowed to Encroach in Required Setbacks:

- Make the following changes:
- Balconies that project no more than **5 8** feet into the setback.
- Bay windows that project no more than **48 32** inches into the setback and are no more than 15 feet in length.
- Chimneys and flues that project no more than **48 24** inches into the setback
- Change measurements from metrics to imperial when referring to satellite dish antennas.
- Eaves and gutters projecting **30-48** inches or less into setback, **but no less than 3 feet from the property.**
- Steps and stairs (primary access) projecting no more than 5 feet into the setback **and not more than 30” above grade.** *Needs additional clarification.*
- Window wells that are not part of the foundation wall and not more than 30 inches in height **above grade.**
- Add: **Decks and other features less than 30 inches in height.** *Clarify whether intent was to allow in all setbacks or rear and front setbacks.*
- Clarify the definition of “bay window” when in the Terminology Chapter (20.100).
- Verify changes with the consultant.

8. 20.110.050 Setbacks D. Features allowed to Encroach in Required Setbacks: 1:

- Coordinate the diagram of an open porch or deck with the other allowable exceptions such as steps and stairs.

9. 20.110.050 Setbacks E. Separation of Residential Buildings on same lot:

- Make the following changes to the second sentence and revise the diagram accordingly:
"If a residential building is constructed behind or in front of an another residential building, the minimum separation distance required between the 2 buildings must be the sum of **the two** required **rear side setbacks** **and the required front setback** of the subject zoning district **or 20 feet, whichever is greater.**

10. 20.110.060 Building Height A. Measurement:

- Accept the proposed revision from Addendum A with the following revisions proposed by Planning Board:
Building height is measured as the vertical distance from the lowest point where the **foundation building line** meets natural or finished grade (whichever is lower) to the highest point of the subject building. The highest point of the building is the coping of a flat roof, **deck line the top** of a mansard roof, **the top of a shed roof**, or peak of the highest gable **of a pitch, gambrel,** or hip roof. (Note: make the building height definition in the hillside development chapter consistent with this one)
- *Direction and further consideration:*

- Clarify the term “building line” to indicate the vertical projection (or plumb line) of exterior building wall with enclosing interior space.
- Revise the associated illustration to match the measurement description.
- Consider different heights for different roof slopes when reviewing the Residential District chapters (20.05). Depending on the approach used in the Residential district chapter, further revision to the height measurement may be needed.

11. 20.110.060 Building Height B. Exceptions:

- Make the following changes:
- The following features ~~may exceed maximum~~ **are not considered in the measurement of maximum** building height limits:
- h. solar panels ~~that do not exceed maximum building height limits by more than 2 feet;~~
- m. Open guard rails and mechanical equipment ~~and (including any required screening), provided such equipment does not cover more than 25% of the roof area; and~~
- n. similar structural elements that do not add habitable floor area to a building.
- **o. stair and elevator penthouse;**
- **p. egress window wells; and**
- **q. basement stair wells.** Clarify allowable size of stair well floor.

12. 20.110.060 Building Height B. Exceptions 3. Building Additions:

- Make the following change:
“When **an lawfully established** existing residential building exceeds the height limit of the subject zoning district, additions to that building may also extend beyond the height limit, but no further than the existing building.”
- Define “lawfully established” in terminology.

CHAPTER 105: USE CLASSIFICATIONS

13. Planning Board recommended approval (with motions covering the specific Chapter) as proposed in the Consolidated Public Review Draft and Addendum A, with the following revisions:

14. 20.105:020.B.4: Residential Use Group – Group Living – Assisted Living Facility

- Accept Addendum A revision for naming: “Assisted Living Facility” should be changed to **“Health Care Facility.”**

15. 20.105:060.A: Other Use Group – Agriculture, Crop:

- Revise the third sentence as follows:
“Crop agriculture ~~does not may~~ include community gardens, **but does not include** personal (household) gardens, or landscaping for aesthetic purposes. Agricultural land includes land used for agriculture or having a soil type defined by the Natural Resources Conservation Service as having agricultural importance, including prime farmland, farmland of statewide importance, and farmland of local importance.

CHAPTER 100: TERMINOLOGY

16. Planning Board recommended approval (with motions covering items listed from “A” to “M” of General Terms) as proposed in the Consolidated Public Review Draft and Addendum A, with the following revisions:

20.100.010: General Terms:

Make the following revision:

ACCESSORY BUILDING

A building that is subordinate ~~in area, extent and purpose~~ to the principal use and building on the lot and that is customarily used in conjunction with a permitted accessory use. (See also the accessory use/structure regulations of Chapter 20.45)

ACCESSORY DWELLING UNIT

Clarify that Accessory Dwelling Unit is accessory to the primary residences. The current definition is: A separate dwelling unit within a detached house or a separate dwelling unit that occupies an accessory building that shares a lot with a detached house. (See also the /ADU Overlay district regulations of 20.25.100)

Make the following revision:

ACCESSORY STRUCTURE

A structure that is subordinate ~~in area, extent and purpose~~ to the principal use and building on the zoning lot and that is customarily used in conjunction with a permitted accessory use. (See also the accessory use/structure regulations of Chapter 20.45)

Add Agricultural Land

Use the last sentence in the description of Agriculture, Crop (Chapter 20.050.060.A) to define Agricultural Land. The definition reads as follows:

Agricultural land includes land used for agriculture or having a soil type defined by the Natural Resources Conservation Service as having agricultural importance, including prime farmland, farmland of statewide importance, and farmland of local importance.

Make the following revisions:

ALLEY

A public right-of-way that affords a ~~secondary~~ means of access to abutting property, generally secondary in nature.

ARTIST LIVE/WORK SPACE

A dwelling unit in which up to 50% of the floor area is used for the production, showing, ~~and~~ or sale of art.

AWNING

A roof-like structure of fabric or similar non-rigid material, or rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.

BAY WINDOW

Revise the term to clarify how much is window and that it has no foundation. The current definition is as follows: "A large window or series of windows projecting from the outer wall of a building."

Add Block. Definition pending

Remove Block Face

Add **Breezeway**

Check on Planning Board specific language.

BUILDING LINE

Revise the term to include the concept of extending a plumb line or vertical projection from the exterior point of enclosed livable space. The current definition is as follows: “An imaginary line representing the actual location of an exterior building wall.”

Add **Conditional Use**. Definition pending

Make the following revisions:

CANOPY

A permanent roof-like shelter ~~extending from part or all of a building face and~~ constructed of some durable material such as metal, glass, or plastic or weather-resistant fabric.

SIGN. COMPREHENSIVE DESIGN PLAN

Building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements. **(Refer to Chapter 20.75)**

Group all sign related definitions under a category of “sign.” Revisit “sign” related definitions with the review of the Sign Chapter (Chapter 20. 75)

Consider adding Density. Check on where density is referenced and clarify whether definition is needed.

DETACHED HOUSE

Re-do the following term to clarify that this is not referring to accessory dwelling units of multi-dwelling units. Also clarify the reference to “single lot.” Clarify that private yards would not be able to happen “on all sides” in a lot line development (that specific change is shown as strike-through). The current definition is as follows: A principal building containing one dwelling unit located on a single lot with private yards ~~on all sides~~. See 20.05.030.”

Make the following revision:

DWELLING UNIT

Any building or portion of a building providing **a complete kitchen and bathroom**, independent, and permanent living or housekeeping facilities for a single household.

Add **Floor Area**. Definition pending

FLOOR AREA, GROSS

Re-do the following term to clarify that it pertains to gross floor area for each unit (in the case of residential). The current definition is as follows: The gross horizontal area of all floors in a building, measured from the exterior faces of any exterior walls or from the center line of joint partitions.

Make the following revisions:

FRONT PROPERTY LINE

The property line that **abuts generally faces** the street. On corner lots, **the front property line is** the property line is the property line that is parallel to the alley that serves the lot. When no alley exists, the zoning officer is authorized to establish the front property line and the street side property line. See 20.110.050A.

FRONT SETBACK and FRONT YARD

Clarify the distinction between Front Setback and Front Yard. Re-do diagrams describing front setback and front yard. Move diagrams to measurements section???

Add Garage [suggestion from 3/10/09 meeting] Definition Pending

Make the following revision:

GLAZED AREA

That portion of a façade that **contains is comprised of glass**, including windows, glass block walls and windows in doors.

GRADE, EXISTING AND GRADE, NATURAL

Clarify the distinction between Grade, Existing and Grade, Natural. Settle on using either existing or natural. Address what is meant by “human alteration.” Consider the concern over documenting natural grade.

Make the following revision:

GROUND COVER

Low-growing plants, deciduous or evergreen species that cover the ground, used instead of turf. Plants that generally do not exceed 18 inches in height are classified as groundcover. **When referencing the coverage of ground cover, the size of the ground cover plants refers to the spread of the plant rather than its height.**

Add **Hardship** Definition pending

Make the following revisions:

HILLSIDE LAND

~~A slope with a grade over 15%.~~ **Land with a slope as defined in the Hillside Chapter** (before grading or land disturbance). **(Refer to Chapter 20.50)**

LANDSCAPE PLAN

~~A legible drawing of sufficient scale to clearly depict the actual dimensions of the parcel and its features including but not limited to: property lines, all structures, parking areas, drives and access roadways, sidewalks, etc., existing trees of 6" DBH and larger, existing vegetation with notations of what will be retained and any topographic variations that either affect or will be affected by the landscaping. Scale must be determined at the time of staff review. (Depending on the size of the project, the plan can range anywhere from 1" = 10' to 1" = 20'.)~~

Required for the purposes of landscape review as found in Chapter 20. 65 Landscaping.

Add Lawfully Established [suggestion from 3/10/09 meeting] Definition pending

Make the following revisions:

LOT

A contiguous area of land with defined boundaries under common ownership created by subdivision, subdivision exemption or their legal equivalent. ~~When one or more adjoining lots are held in common ownership they will be treated as a single lot when evaluating compliance with the standards of this ordinance.~~ See also "Parcel."

Continue to coordinate this term with Parcel, may consider using "parcel" throughout, instead of using the term "lot."

MULTI-DWELLING HOUSE

~~A residential building containing 3 to 6 dwelling units located on a single lot.~~ Multi-dwelling houses appear as large detached houses and have only one entrance visible from the street See 20.05.030.

MULTI-DWELLING BUILDING

~~A residential building containing 3 or more dwelling units (other than a multi-dwelling house) that share common walls and/or common floors/ceilings.~~ Multi-dwelling buildings are typically served by one or more common building entrances. See 20.05.030.

Add Through Lot [suggestion from 3/10/09 meeting] Definition pending

Add Parking Structure [suggestion from 3/10/09 meeting] Definition pending