

## RESOLUTION NO. 2000-011

A RESOLUTION TO ZONE UNZONED PROPERTY AND REZONE PROPERTY FROM "C-RR1 RESIDENTIAL", "C-RR2 RESIDENTIAL", AND "C-A3 RESIDENTIAL" TO "MILLER CREEK VIEW ADDITION PLANNED UNIT DEVELOPMENT". THE PROPERTY IS DESCRIBED AS PORTIONS OF SECTIONS 12 AND 13, T.12N., R.20W. P.M.M.

WHEREAS, the Board of Missoula County Commissioners adopted Resolution No. 99-097 on December 14, 1999, stating their intention to zone and rezone the property described above from unzoned and "C-RR1" (Residential), "C-RR2" (Residential), and "C-A3" (Residential) to the Miller Creek View Addition Planned Unit Development, subject to conditions.

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on December 19, 1999; and,

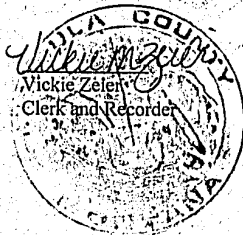
WHEREAS, no protest petitions were filed by district freeholders;


NOW, THEREFORE, BE IT RESOLVED, that the property described above is hereby rezoned from unzoned and "C-RR1" (Residential), "C-RR2" (Residential), and "C-A3" (Residential) to the Miller Creek View Addition Planned Unit Development subject to the conditions of approval listed in Attachment A attached, and illustrated by the zoning district standards and map exhibit contained in Attachment B attached.

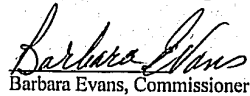
PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF JANUARY, 2000.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
Missoula County, Montana

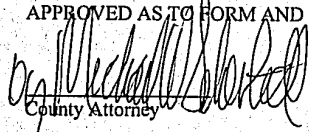


  
Bill Carey, Chairman

  
Barbara Evans, Commissioner

Michael Kennedy, Commissioner

APPROVED AS TO FORM AND CONTENT:

  
County Attorney

## ATTACHMENT A

BOOK 607 PAGE 0476

### MILLER CREEK VIEW ADDITION PLANNED UNIT DEVELOPMENT REZONING CONDITIONS OF APPROVAL

1. The applicant shall amend the Miller Creek View Addition PUD to provide for the following zones, permitted uses and standards within the development:

- The applicant shall designate the School Site as a Neighborhood/Community Facility Zone.

#### Permitted Uses

Assembly Hall, Auditorium, Cemetery, Church, Civic Center, Park/Playground, Community Garden, Library, School, Public Building, Recreation Establishment or Accessory Building and Uses

- The applicant shall designate the area in Phase II, Lots 74-86 and Phase III, Lots 9-12 and 57-65 as a Mixed Use Zone.

#### Permitted Uses:

Single-Family, Duplex, Triplex, Fourplex, Neighborhood Commercial uses including, retail, personal service, professional and business office, general merchandising, eating establishment (no drive-through), repair service (other than automotive), accessory building and uses, home occupation

#### Maximum Residential Gross Density:

8 dwelling units per acre

#### Setbacks:

Front: 10 feet  
Rear: 10 feet  
Side: 5 feet

- The applicant shall designate Phase I, Phase II, lots 1-44, 62-73 and 87-92, and Phase IV as a Residential Single Family Zone.

#### Permitted Uses:

- a. Single-family Residential
- b. Attached single family
- c. Accessory building and uses
- f. Home Occupation
- h. Day-care

#### Maximum Residential Gross Density:

4 dwelling units per acre

#### Setbacks:

Front: 20 feet  
Front (Corner Lot): 20 feet - one, 10 feet - other (no garage/driveway)  
Rear: 20 feet  
Side: 0 feet (for attached), 7 1/2 feet (detached)

- The applicant shall designate the areas shown as multi-family units in Phase III as Multi-Family.

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Permitted Uses:

Single-Family to twelve-plex

Setbacks

Front: 30 feet from parking lot curb line to livable space  
Side: 15 feet between buildings

- The applicant shall designate Phase III, Lots 13-56 and Phase V as a Mixed Use Residential Zone.

Permitted Uses:

Single-Family, Duplex, Triplex, Fourplex

Maximum Residential Gross Density:

6 dwelling units per acre

Setbacks

Front: 20 feet  
Front: (Corner Lot): 20 feet - one, 10 feet - other (no garage/driveway)  
Rear: 20 feet  
Side: 0 feet (for attached), 7 1/2 feet (detached)

2. The applicant shall amend the Miller Creek View Addition PUD to state that development of the site shall be consistent with the site plan approved by the governing body.
3. Bicycle parking facilities shall be required as follows:
  - a. Each rental unit shall have Class II facilities to accommodate residents and guests at a ratio of 1 space per dwelling unit. (Class II bicycle parking facilities are defined as stationary racks to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock).
  - b. Bicycle Parking Facilities shall be provided for all neighborhood commercial use establishments, mixed use establishments, and neighborhood community facility establishments according to the following:
    - (1) The individual owners shall provide and install and maintain Class II facilities to customers at a ratio of 20% of the spaces required for off street parking with a minimum of two bicycle spaces per business. (Class II bicycle parking facilities are defined as stationary racks to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock).
    - (2) The individual lot owners shall provide and install and maintain Class I facilities to accommodate the employees of the business establishments at a ratio of 20% of the employees of the business establishment, with a minimum of one Class I space per business establishment. (Class I facilities are high security and are intended for long-term use. They fully protect the entire bicycle and its components and accessories from theft and weather. Examples are bicycle lockers, in-building parking, check-in systems, fenced-in areas and attended, covered parking.)
  - c. Bicycle parking facilities shall be in clearly designated, safe, and convenient locations and shall not impede pedestrian access. The bicycle parking facilities shall be no more than twenty (20') from an entrance to the building for which the bicycle parking spaces are intended.
4. The applicant shall amend the Miller Creek View Addition PUD to state, "The following lighting standards shall apply to each business establishment and multi-family building (triplex and greater) within the Miller Creek View Addition PUD:

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- a. Exterior lighting shall be limited to external lighting of signs and safety and security lighting only. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the property.
  - b. Lighting fixtures shall be reduced in height to accomplish the specific objective and shall be directed downward and away from adjoining properties and public rights-of-way.
  - c. No lighting shall blink, flash, or be of unusually high intensity in order to avoid excessive lighting.
  - d. The owner shall provide a lighting plan that reduces the overall intensity of light and efficiently directs and focuses the light on the intended element(s), reducing the spread of light throughout the area and on adjacent properties.
5. The applicant shall amend the Miller Creek View Addition PUD for off-street parking:
- a. All residential uses, at the level of triplex and greater, shall provide off-street parking at a ratio in accord with the Missoula County Zoning Resolution.
  - b. All neighborhood commercial uses shall provide off-street parking at a ratio in accord with the Missoula County Zoning Resolution, and shall be physically located at the rear or sides of the building, away from the front of the building and away from the public or private road.
  - c. All open automobile parking areas in neighborhood commercial developments, containing 6 or more spaces in or abutting a residential area shall be effectively screened to a height of not less than 5 feet, except for sides of parking areas which adjoin other off-street parking areas. Such screening shall consist of plantings, walls or fences or combinations thereof, and shall provide at least 75% opacity at the time of planting.
  - d. A landscaped island consisting of grass, shrub and 2" deciduous tree be placed for every 10 continuous off-street parking spaces.
6. The applicant shall amend the Miller Creek View Addition PUD to provide for the following boulevard landscaping standard for all zones:
- a. The boulevard(s), less the pedestrian walkway(s) shall be landscaped with 100% living material, consisting of grass and 2" caliper (at time of planting) boulevard deciduous street trees, placed every 30 feet.
  - b. All vegetation shall be kept alive and maintained. If the vegetation dies, it shall be replaced within 1 year.
7. The applicant shall amend the Miller Creek View Addition PUD to provide for the following architectural building design standards for the zones:
- "Mixed Use Zone", "Neighborhood Community Facility Zone", and "Neighborhood Commercial"
- a. Provide a repeating window pattern
  - b. Provide windows on all sides of the building
  - c. Provide a step back or extend forward the front wall
  - d. Provide a balcony or bay window
  - e. Provide a patio, porch, deck, or covered entry
  - f. Provide changing rooflines (Roof slope to be a minimum of 4" vertical to 12" horizontal)
  - g. Provide changing materials in the building plane
  - h. Provide street furniture
8. The list of allowed uses in D(4)(1) in the Applicants submittal shall delete Commercial Mini-storage and add Gasoline Sales.

**MILLER CREEK VIEW ADDITION  
PLANNED UNIT DEVELOPMENT****A. INTENT**

The Miller Creek View Addition Planned Unit Development recognizes the mixed uses to be allowed in Miller Creek View Addition. The Planned Unit Development encourages uses that will preserve a balance and a transition between open spaces, neighborhood commercial uses and varied residential uses. The Planned Unit Development enhances the goals outlined in the 1997 Miller Creek Area Comprehensive Plan Amendment. The development of the site shall be consistent with the site plan approved by the governing body.

**B. GENERAL STANDARDS**

1. Bicycle parking facilities shall be required as follows:
  - a. Each rental unit shall have Class II facilities to accommodate residents and guests at a ratio of 1 space per dwelling unit. (Class II bicycle parking facilities are defined as stationary racks to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock).
  - b. Bicycle Parking Facilities shall be provided for all neighborhood commercial use establishments, mixed use establishments, and neighborhood community facilities establishments according to the following:
    - (1) The individual owner shall provide and install and maintain Class II facilities to customers at a ratio of 20% of the spaces required for off street parking with a minimum of two bicycle spaces per business (see definition of Class II facilities above).
    - (2) The individual lot owners shall provide and install and maintain Class I facilities to accommodate the employees of the business establishments at a ratio of 20% of the employees of the business establishment, with a minimum of one Class I space per business establishment. (Class I facilities are high security and are intended for long-term use. They fully protect the entire bicycle and its components and accessories from theft and weather. Examples are bicycle lockers, in-building parking, check-in systems, fenced-in areas and attended, covered parking.)
  - c. Bicycle parking facilities shall be clearly designated, safe, and convenient locations and shall not impede pedestrian access. The bicycle parking facilities shall be no more than twenty (20') from an entrance to the building for which the bicycle parking spaces are intended.

**ATTACHMENT B**

2. The following lighting standards shall apply to each business establishment and multi-family building (triplex and greater) within the Miller Creek View Addition PUD:
  - a. Exterior lighting shall be limited to external lighting of signs and safety and security lighting only. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the property.
  - b. Lighting fixtures shall be reduced in height to accomplish the specific objective and shall be directed downward and away from adjoining properties and public rights-of-way.
  - c. No lighting shall blink, flash, or be of unusually high intensity in order to avoid excessive lighting.
  - d. The owner shall provide a lighting plan that reduces the overall intensity of light and efficiently directs and focuses the light on the intended element(s), reducing the spread of light throughout the area and on adjacent properties.
3. Off-street parking:
  - a. All residential uses, at the level of triplex and greater, shall provide off-street parking at a ratio in accord with the Missoula County Zoning Resolution except as noted in the Multi-Family Zone.
  - b. All neighborhood commercial uses shall provide off-street parking at a ratio in accord with the Missoula County Zoning Resolution, and shall be physically located at the rear or sides of the building, away from the front of the building and away from the public or private road.
  - c. All open automobile parking areas in neighborhood commercial developments, containing 6 or more spaces in or abutting a residential area shall be effectively screened to a height of not less than 5 feet, except for sides of parking areas which adjoin other off-street parking areas. Such screening shall consist of plantings, walls or fences or combinations thereof, and shall provide at least 75% opacity at the time of planting.
  - d. A landscaped island consisting of grass, shrub and 2" deciduous tree be placed for every 10 continuous off-street parking spaces.
4. Boulevard landscaping standards for all zones:
  - a. The boulevard(s), less the pedestrian walkway(s) shall be landscaped with 100% living material, consisting of grass and 2" caliper (at time



of planting) boulevard deciduous street trees, placed every 30 feet.

- b. All vegetation shall be kept alive and maintained. If the vegetation dies, it shall be replaced within 1 year.

**C. OPEN SPACE AND PARKS**

1. Eighty percent (80%) of the combined area of the lots shall be dedicated as park or open space.
2. Structures shall be limited to accessory buildings for the parks and open spaces.
3. Public and private utilities shall be permitted.

**D. NEIGHBORHOOD/COMMUNITY FACILITY ZONE**

The planned unit development for Miller Creek View Addition includes a site that allows for construction of community facilities as described under "permitted uses" below. The location of this zone is designated Area D on Exhibit 1.

1. Space and Bulk Requirements:
 

|                              |                                 |
|------------------------------|---------------------------------|
| Minimum lot area.....        | None                            |
| Minimum lot width .....      | None                            |
| Minimum required yard .....  | Twenty-five (25) feet           |
| .....front                   | Ten (10) feet or not less than  |
| .....side                    | one third (1/3) of the building |
| .....rear                    | height, whichever is greater.   |
|                              | Ten (10) feet or not less than  |
|                              | one third (1/3) of the building |
|                              | height, whichever is greater.   |
| Maximum building height..... | Fifty (50) feet.                |

2. Permitted Uses.
  - a. Assembly hall
  - b. Auditorium
  - c. Cemetery
  - d. Church
  - e. Civic Center
  - f. Park/Playground
  - g. Community Garden
  - h. Library
  - i. School
  - j. Public Building
  - k. Recreation Establishment or Accessory Building and uses

## 3. Architectural Building Design Standards

- a. Provide a repeating window pattern.
- b. Provide windows on all sides of the building.
- c. Provide a step back or extend forward the front wall.
- d. Provide a balcony or bay window.
- e. Provide a patio, porch, deck, or covered entry.
- f. Provide changing rooflines (roof slope to be a minimum of 4" vertical to 12" horizontal).
- g. Provide changing materials in the building plane.
- h. Provide street furniture.

## E. NEIGHBORHOOD COMMERCIAL ZONE

A neighborhood commercial zone is designated on the plan near the intersection of Miller Creek Road and Linda Vista Boulevard designated as Area E on Exhibit 1. The neighborhood commercial zone encourages uses that provide convenient services to the area.

## 1. Space and Bulk Requirements:

|                                   |   |
|-----------------------------------|---|
| Landscaping Requirement.....      | 15% of gross site area  |
| Minimum lot area.....             | None  |
| Minimum lot width.....            | None  |
| Minimum required yard.....        | front: Twenty-five (25) feet  |
| .....side:                        | Ten (10) feet   |
| .....rear:                        | Twenty-five (25) feet   |
| Maximum building height.....      | Thirty (30) feet  |
| Maximum floor area standards..... | Two thousand five hundred (2,500) square feet per establishment, except as indicated below. |

## 2. Permitted Uses

- a. Day care center
- b. Retail food store, with a maximum floor area of three thousand five hundred (3,500) square feet
- c. Personal service
- d. General merchandising
- e. Hardware store
- f. Clothing shop and tailoring service
- g. Accessory buildings and uses
- h. One-family dwelling in same building as other allowed uses
- i. Professional, business, and governmental offices
- j. Repair services, except automotive repair



- k. Eating establishments, except drive-in establishments
- l. Gasoline sales
- m. Public utility installation

3. General Standards

- a. Off-street Parking and Driveway Approaches. The regulations, as described in the Missoula County Zoning Regulation, Chapter III, Section 3.02, shall apply to the neighborhood commercial.
- b. Off-street Loading. The regulations, as described in the Missoula County Zoning Regulation, Chapter III, Section 3.03, shall apply to the neighborhood commercial.
- c. Signs. The regulations, as described in the Missoula County Zoning Regulation, Chapter III, Section 3.04, shall apply to the neighborhood commercial.
- d. Landscaping and Buffering. The regulations, as described in the Missoula County Zoning Regulation, Chapter III, Section 3.05, shall apply to the neighborhood commercial.
- e. Standards for Child Day Care Homes and Centers. The regulations, as described in the Missoula County Zoning Regulation, Chapter IV, Section 4.02 Part C, shall apply to the neighborhood commercial.

4. Architectural Building Design Standards

- a. Provide a repeating window pattern.
- b. Provide windows on all sides of the building.
- c. Provide a step back or extend forward the front wall.
- d. Provide a balcony or bay window.
- e. Provide a patio, porch, deck, or covered entry.
- f. Provide changing rooflines (roof slope to be a minimum of 4" vertical to 12" horizontal).
- g. Provide changing materials in the building plane.
- h. Provide street furniture.

F. RESIDENTIAL - SINGLE FAMILY ZONE

The intent of the residential single-family zone is to provide housing with flexibility for homeowners to build energy efficient homes and to conserve open space. This zone is designated as Area F on Exhibit 1.

1. Space and Bulk Requirements:

Maximum Gross Residential Density....Four (4) dwelling units per acre  
 Minimum Lot Width.....Fifty (50) feet  
 Minimum Required Yards  
     Front.....Twenty (20) feet  
     Front (corner lot-primary).....Twenty (20) feet  
     ..... (secondary)Ten (10) feet (no garage/driveway)  
     Side.....Zero (0) feet (for attached)  
     Side.....Seven and one-half (7 ½) feet (detached)  
     Rear.....Twenty (20) feet  
 Maximum Building Height.....Thirty (30) feet

2. Permitted Uses:

- a. Single family dwelling
- b. Attached single-family
- c. Accessory building and uses
- d. Home occupation
- e. Day care

G. MULTI-FAMILY ZONE

The intent of the multi-family zone is to allow for attached housing on those sites shown as multi-family units in Area G on Exhibit 1. Each identified site shall allow up to twelve (12) residential dwellings.

1. Space and Bulk Requirements:

Lot Area.....None  
 Building Size.....Maximum twelve (12) dwellings per building  
 Maximum Building Height..Forty (40) feet  
 Setbacks:  
     Front:.....30 feet from parking lot curb line to liveable space  
     Side:.....15 feet between buildings

2. Permitted Uses:

- a. Single-family to twelve-plex

3. General Standards:

- a. All walkways shall be a minimum of five (5) feet wide and shall be concrete.
- b. The minimum landscaping requirements for each site shall include:

1. Ten trees (at least three varieties)
2. Eight shrubs
3. All area on the site to be landscaped by the building owners. All area between buildings shall be landscaped. The landscaping style shall be at the owner's discretion.
- c. Two parking spaces per unit shall be required within 150 feet from the building (covered or uncovered).
4. Building characteristic standards:
  - a. Brick or stone facia to a minimum height of three (3) feet on all exterior walls.
  - b. Roof slope to be a minimum of 4" vertical to 12" horizontal.
  - c. Each dwelling unit to be a minimum of 800 square feet of living space.
  - d. Each building shall include a minimum of four (4) gables.
  - e. Each dwelling shall include a storage area with a minimum size of twenty-five (25) square feet.
  - f. Provide a repeating window pattern.
  - g. Provide windows on all sides of the building.
  - h. Provide a step back or extend forward the front wall.
  - i. Provide a balcony or bay window.
  - j. Provide a patio, porch, deck or covered entry.
  - k. Provide changing materials in the building plan.
  - l. Provide street furniture.

#### H. MIXED USE ZONE

The intent of the mixed-use zone is to encourage a mixture of housing types and limited neighborhood commercial uses. This zone is designated as Area H on Exhibit 1.

1. Space and Bulk Requirements:
 

|                                  |   |
|----------------------------------|---|
| Maximum Residential Density..... | Eight (8) dwelling units per acre       |
| Minimum Required Yards           |   |
| Front.....                       | Ten (10) feet                           |
| Rear.....                        | Ten (10) feet                           |
| Side.....                        | Five (5) feet                           |
| Maximum Building Height.....     | Single-family, Duplex: Thirty (30) feet |
|                                  | .....Multi-family: Forty (40) feet      |
|                                  | .....Commercial: Forty (40) feet        |

2. Permitted Uses.

Single-family, Duplex, Triplex, Fourplex, Neighborhood Commercial uses including retail, personal service, professional and business office, general merchandising, eating establishment (no drive-through), repair service (other than automotive), accessory building and uses, home occupation.

3. Architectural Building Design Standards.

- a. Provide a repeating window pattern.
- b. Provide windows on all sides of the building.
- c. Provide a step back or extend forward the front wall.
- d. Provide a balcony or bay window.
- e. Provide a patio, porch, deck, or covered entry.
- f. Provide changing rooflines (roof slope to be a minimum of 4" vertical to 12" horizontal).
- g. Provide changing materials in the building plane.
- h. Provide street furniture.

I. **MIXED USE RESIDENTIAL ZONE**

The intent of the mixed-use residential zone is to encourage a mixture of housing types and is designated as Area I on Exhibit 1.

1. Space and Bulk Requirements:

Maximum Residential Density.....Six (6) dwelling units per acre

Minimum Required Yards

Front.....Twenty (20) feet  
 Front (corner lot-primary).....Twenty (20) feet  
 ..... (secondary) Ten (10) feet (no garage/driveway)  
 Rear.....Twenty (20) feet  
 Side.....Zero (0) feet (for attached)  
 Side.....Seven and one-half (7½) feet (detached)  
 Maximum Building Height.....Single-family, Duplex: Thirty (30) feet  
 .....Multi-family: Forty (40) feet

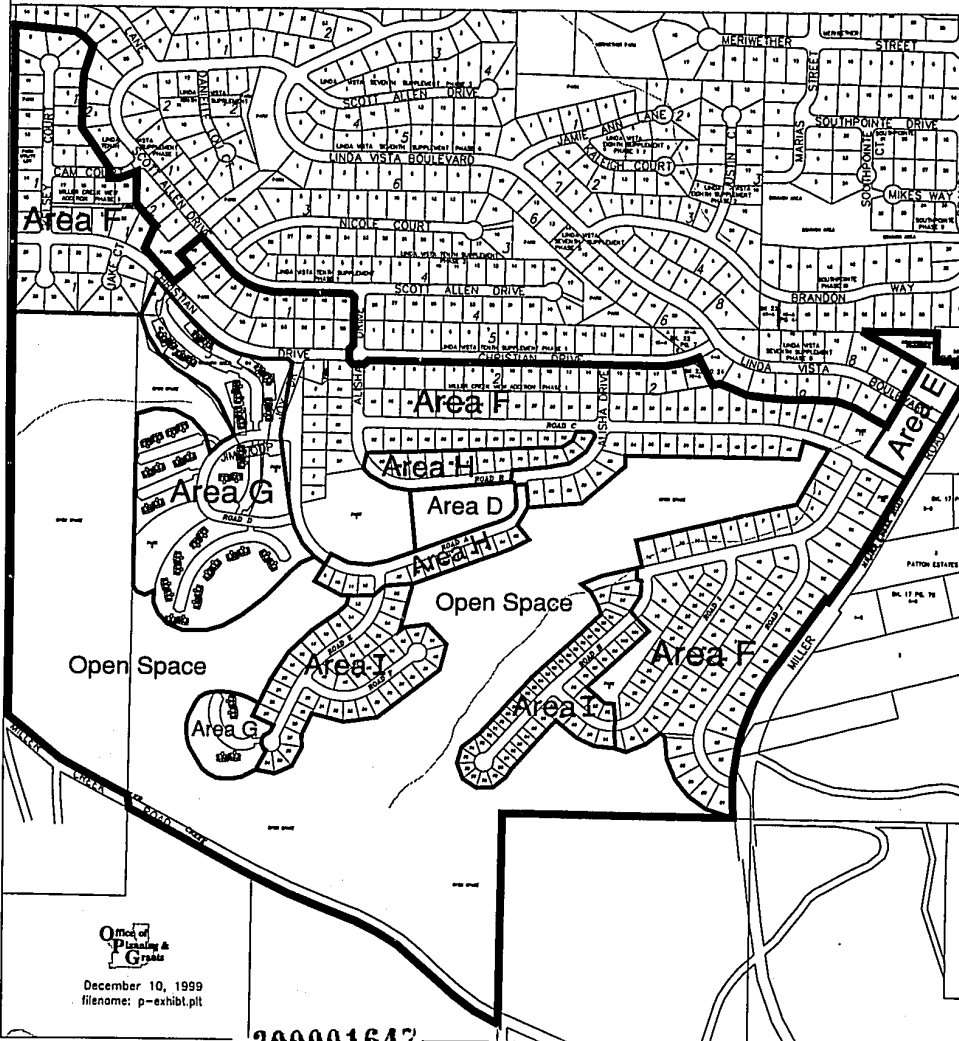
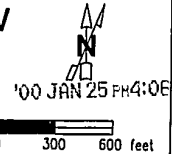
2. Permitted Uses.

- a. Single-family, Duplex, Triplex, Fourplex

## EXHIBIT 1

## PUD - MILLER CREEK VIEW

- PUD Boundary  
 Area D - Neighborhood/Community Facility  
 Area E - Neighborhood Commercial  
 Area F - Single Family Residential  
 Area G - Multifamily Residential  
 Area H - Mixed Use  
 Area I - Mixed Use Residential



December 10, 1999  
filename: p-exhibit.plt

I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 25 DAY OF Jan 2000 AT 4:06 O'CLOCK P M. AND IT IS RECORDED IN VOL 607 OF MICRO RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 475 FEE PAID RETURN TO Resolution File ADDRESS BY Stacy Orcker WITNESS MY HAND, VICKIE M. ZEIER, COUNTY RECORDER DEPUTY DOC RES

SUB-STANDARD QUALITY WHEN FILMED