

12

RESOLUTION NUMBER 2002- 111

**A RESOLUTION TO AMEND SECTION 6.07, THE MISSOULA DEVELOPMENT
PARK SPECIAL ZONING DISTRICT REGULATIONS**

WHEREAS, 76-2-201 M.C.A. authorizes the Board of County Commissioners to adopt zoning regulations; and,

WHEREAS, the Board of County Commissioners did adopt zoning regulations for Missoula County through the passage of County Resolution 76-113, as amended; and,

WHEREAS, 76-2-202 M.C.A. provides for the establishment and revision of zoning districts and regulations; and,

WHEREAS, a public hearing was held on October 2, 2002 and the Board of County Commissioners adopted the Resolution of Intent to amend the zoning; and,

WHEREAS, the Resolution of Intent was published in the Missoulian on October 13, 2002 and October 20, 2002; and,

WHEREAS, thirty (30) days have passed since the first publication of the Resolution of Intent on October 13, 2002 and that no protest petitions have been filed by persons who own real property within the area proposed for zoning regulation amendment (district freeholders).

NOW, THEREFORE, BE IT RESOLVED that the Missoula Development Park Zoning District Regulations, Section 6.07 of the Missoula County Zoning Resolution, originally adopted by the County Commissioners on September 25, 1996, and amended August 1999, is further amended as shown on the attached Exhibit A.


Copies of the regulations for the Missoula Development Park Special Zoning District are available for inspection at the Office of Planning and Grants, 523-4657.

PASSED AND ADOPTED THIS 15th DAY OF NOVEMBER, 2002.

ATTEST:


Vickie Zeier, Clerk and Recorder/Treasurer

APPROVED AS TO FORM AND CONTENT:


Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana


Jean Curtiss, Chairman


Barbara Evans, Commissioner


Bill Carey, Commissioner



200234195
Page: 1 of 12
11/20/2002 09:57A
BK-693 Pg-306

EXHIBIT A

Section 6.07 - Missoula Development Park Special Zoning District
Originally adopted by County Commissioners on September 25, 1996
Amended August 1999
Amended November 2002

A. Intent

The intent of this district is to accommodate a mix of industry-related land uses and community service and support activities. These standards are meant to promote a neighborhood of integrated uses and enhanced image.

B. General Provisions

1. Where provisions of this section conflict with other parts of the Resolution 76-113, the provisions of this section shall apply.

2. This section is subject to the following parts of County Zoning Resolution 76-113:

a. Chapters I, IV, and VII;

b. Sections 2.03, 2.04, 8.01 through 8.08, 8.11, 8.12, 8.14, 8.15, 8.17, and other sub-sections as specified herein.

3. Definitions

Accessory Apartments. One or more dwelling units within a business building or, four or more dwelling units in a detached building co-located with a business on the same property which provides complete, independent and permanent living facilities for each household.

Airway Boulevard Corridor. Airway Boulevard Corridor is generally described as two lots, either side of Airway Boulevard, shall specifically mean and refer to the following described lots as shown on the approved preliminary plat of the Missoula Development Park:

Block 9	Lots 3, 4, 5, 6, 7A, 7B, 8 and 9;
Block 10	Lots 1 and 2;
Block 11	Lots 1 through 4;
Block 13	Lots 1, 2, 3, 4, 9 and 10

Bicycle Parking, Class I Facility. A high security facility to fully protect the entire bicycle and its components and accessories from theft and weather. These facilities are intended for long-term use. Examples are bicycle lockers, in-building parking, check-in systems, fenced areas and covered parking structures which are attended.

Bicycle Parking, Class II Facility. A stationary rack to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock.

Boulevard. An area of public right-of-way (ROW) between the edge of a public street, whether curbed or not, and the private property line.

Caretaker Apartment. One and only one dwelling unit within a business building which provides complete, independent and permanent living facilities for one household. Occupancy of a caretaker apartment is restricted to the household of an owner or employee of the business in which it is located.

EXHIBIT A

Civic Center. A building or complex of buildings that house government offices and services and which may include cultural, recreational, athletic, convention and entertainment facilities owned, leased or operated by a government agency.

Conference Center. A building or rooms used for conventions, seminars, workshops or similar activities and which may include dining, lodging and other compatible accessory facilities for participant use.

Cultural Center. A building or rooms wherein primary use is public presentation of live theater, dance, concerts, lectures, exhibits of various art forms, and exhibits or presentations of cultural, academic or political material.

Existing Grade. The grade of a site prior to building construction and after road and utility construction.

Finished Grade. The grade of a site after construction inclusive of retaining walls.

Front Building Façade. The front building façade is any portion of the building façade facing a public right-of-way.

Industrial Mini-Warehouse. A building with divisions separately rented or leased for the purpose of storing retail, wholesale or industrial materials or merchandise.

Sign, Back Lit. A sign with letters raised beyond the sign's background and the covered lighting source, which illuminates the background.

Sign, Externally Lit. A sign illuminated by external lights, spot or otherwise.

Sign, Internally Lit. A sign made of translucent material with internal lights.

C. Permitted and Conditional Uses

It is not the intent of this district to permit any use which generates dust, fumes, smoke, vapors, odors, or noise; or, uses which degrade air or water quality, or pose a threat to the health and safety of the community. No building or lot shall be used, maintained, erected, altered, replaced or occupied except for one or more of the following uses:

1. LIGHT INDUSTRIAL

a. Permitted Uses

- Light manufacturing, processing, fabrication, and assembly of products or materials.
- Warehousing and related distribution.
- Industrial mini-warehouse.
- Incidental retail, repair or service of products manufactured or warehoused on site.
- Research and development offices and laboratories.
- Private or public vocational training facilities.
- University Business and Technology Business Park.
- Educational and institutional offices and displays.
- Caretaker apartment.
- Correctional institutions and facilities.
- Fire stations and law enforcement patrol offices.
- Accessory buildings and uses.
- Business, professional and government offices.



EXHIBIT A

b. Conditional Uses

(1.) Within the Airway Boulevard Corridor, the following shall be conditional uses and shall meet the site development standards of Sections D. and E.:

- Sale and service of automobiles, light trucks, marine and recreational vehicles.
- Retail or wholesale of hardware, home building supply, automotive supply, electrical, plumbing, machine parts, tools and the like.

(2.) As a conditional use, outside storage may be permitted as accessory to an on-site use on all lots, except those adjacent to Interstate 90, specifically Lot 1, Block 2; Lots 2, 4, 5, 6 and 7, Block 3; Lots 1 and 6, Block 5; and Lots 3 and 4, Block 7. If these lots are combined with other lots or reconfigured, the restriction for outside storage shall apply to the area of their original configuration. Conditional uses for outside storage shall meet the standards of Sections D. and E.

2. COMMUNITY COMMERCIAL

a. Permitted Uses

- Full-service destination and transient lodging.
- Bars, off-sale liquor stores and on-premise consumption of alcohol.
- Civic, conference and cultural centers.
- Private or public vocational training facilities.
- University Business and Technology Business Park.
- Educational and institutional offices and displays.
- Indoor recreational and amusement facilities incidental to a permitted use
- Accessory apartments. The total floor area of all accessory apartments shall not exceed the total floor area of other uses located on the property. Such apartments shall be accessory to another permitted use but shall not be co-located on the same property with manufacturing, warehousing or R&D
- Fire stations and law enforcement patrol offices.
- Business, professional and government offices.
- Radio or television offices and studios.
- Financial institution and drive-through.
- Automotive service station.
- Convenience and specialty store (foods, ice cream, coffee, bakery, etc.).
- Restaurant, cafe and other food services.
- Personal services.
- Day care facility accessory to another permitted use.
- Retail food store not to exceed 3,500 square feet.
- Retail sale of goods incidental to a permitted use.
- Accessory buildings and uses.

b. Conditional Uses

(1.) Within the Airway Boulevard Corridor, the following shall be conditional uses and shall meet the site development standards of Sections D. and E.:

- Sale and service of automobiles, light trucks, marine and recreational vehicles.
- Retail or wholesale of hardware, home building supply, automotive supply, electrical, plumbing, machine parts, tools and the like.

EXHIBIT A

3. NEIGHBORHOOD COMMERCIAL.

a. Permitted Uses

- Automotive service station.
- Convenience and specialty store (foods, ice cream, coffee, bakery, etc.).
- Restaurant, cafe and other food services.
- Personal services.
- Day care facility accessory to another permitted use.
- Retail food store not to exceed 3,500 square feet.
- Retail sale of goods incidental to a permitted use.
- Accessory apartments. The total floor area of all accessory apartments shall not exceed the total floor area of other uses located on the property. Such apartments shall be accessory to another permitted use but shall not be co-located on the same property with manufacturing, warehousing or R&D.
- Accessory buildings and uses.

D. Site Development Standards

1. Space and Bulk Requirements

a. Maximum Lot Building Coverage (as determined from the primary use):

- (1) 60% for Warehousing and Industrial Mini-Warehouse.
- (2) 40% for Light Manufacturing and R&D.
- (3) 25% for all other uses. 50% if located with accessory apartments.

b. Minimum Setbacks

	Front Yard Airway Blvd.	Front Yard Expressway	Front Yard Other Street	Side/Rear Yards	Building Separation
(1) Lots fronting on: <u>Sub-District:</u>					
Light Industrial	60'	50'	40'	20'	20'
Community Com.	60'	50'	40'	40'	40'
Neighborhood Com.	60'	50'	40'	30'	30'
(2) Parking/Driveways	20'	20'	15'	15'	15'

(3) Driveways or parking areas shared by adjacent owners have no setbacks from the shared lot line.

c. Maximum Height

No building shall exceed a height equal to the shortest distance between the building and the closest lot line, to a maximum of fifty (50) feet. Height shall be measured from finished grade to the highest point of the building. Subject to approval by the Missoula County Airport Authority, structures shall comply with Part 77 of Federal Aviation Regulations (FAR).

EXHIBIT A

d. Traffic Safety Visibility

Traffic safety requires sight distances be maintained on lot corners formed by intersecting public streets or a public street and access driveway. Control areas are defined and restricted as follows:

(1) Visibility Obstruction Triangle.

On intersecting public streets with no stop control, the triangle is defined by the rights-of-way intersect point and points on the rights-of-way which are fifty (50) feet back from the intersect point.

On intersecting public streets with one stop control, the triangle is defined by the rights-of-way intersect point, a point on the uncontrolled right-of-way which is seventy-five (75) feet back from the intersect point and a point on the control right-of-way which is fifteen (15) feet back from the intersect point. The standard shall also apply to driveways, which access public streets, with points being placed on the right-of-way and driveway edges.

(2) Clear Zone of Visibility.

As measured from the center of the public street or driveway, a space within a Visibility Obstruction Triangle which extends vertically from two and one-half feet to eight feet.

(3) No building, off-street parking area or off-street loading area shall be located in a Visibility Obstruction Triangle.

(4) No finished grade, fence, sign, landscaping berm, shrubbery or tree foliage shall extend into the Clear Zone of Visibility.

2. Off-street Parking, Off-street Loading, Driveways and Access

a. Sections 3.02 and 3.03 of Resolution 76-113 shall apply, unless otherwise stated.

(1.) For industrial zoned lots, there shall be a minimum of one parking space per two employees at peak shift. The maximum number of parking spaces must allow a minimum of twenty percent (20%) of the lot area in landscaping, excluding approved landscape division areas. Any parking plans must have Missoula Development Authority approval prior to issuance of a zoning compliance permit for the main use.

(2.) For commercial zoned lots, the number of off-street parking spaces constructed shall not exceed the minimum number of spaces required in Section 3.02 by more than ten percent (10%).

b. Access (approach) points to public streets must be approved by the County Surveyor's Office before a building permit is issued.

c. All off-street parking and off-street loading areas shall be connected to a public street by a paved driveway(s). Off-street loading/unloading docks and doors shall be located on the side or rear façade of the building. All loading/unloading shall take place on-site.

EXHIBIT A

If a lot has more than one front yard, the Design Review Committee of the Missoula Development Authority may approve loading/unloading docks and doors on the front façade facing the secondary street. When loading/unloading docks and doors are proposed on a front façade facing the secondary street, additional landscaping is required to lessen the impact of the loading/unloading docks or doors. Additional landscaping may include, but is not limited to berms, additional vegetation, or other measures deemed appropriate by the Design Review Committee.

Loading/unloading docks or doors located on the side façade of the building shall be placed a minimum of twenty feet (20') back from the front façade of the building facing a public right-of-way. Loading/unloading docks or doors located on a front façade of the building facing the secondary street shall be placed a minimum of twenty feet (20') back from the front façade of the building facing the primary street. Loading/unloading docks and doors shall not be placed on any building's front façade facing Expressway and Airway Boulevard.

d. All off-street parking areas, off-street loading areas and driveways shall be paved. Parking areas shall be striped and defined by poured curb and gutter to prevent vehicles from encroaching onto adjacent landscaping and pedestrian paths. Plans must be approved by the County Surveyor's Office.

3. Signs

- a. Sections 3.04A. through 3.04L. of Resolution 76-113 shall apply.
- b. As measured in background profile, the maximum signing allowance for each lot is one hundred (100) square feet, or one (1) square foot of signing per one hundred (100) square feet of business floor area to a maximum of two hundred (200) square feet. Directional and required signs shall not be assessed against this signing allowance.
- c. All signs shall have a minimum setback from all property lines of ten (10) feet. No pole sign shall overhang a sidewalk, pedestrian path, traffic lane or parking area.
- d. The following types of signs are prohibited; billboards, off-premise, projecting, roof, portable, trailer mounted, moving, flashing, blinking, or signs which use intermittent light sequence or glitter material.
- e. Internally lit signs are restricted to commercial retail and service uses which are open for business at night and shall be turned off when the business is closed.
- f. Externally lit or back lit signs are permitted. The source of illumination shall not be directly exposed to view and reflected light shall not exceed one (1) foot-candle.
- g. Signing allowances may be applied with the following types of signs in the maximum number, height and size indicated:

Type	Number	Height	Size
Pole (night business*)	One	24' above the road**	48 s.f.
Pole (day business)	One	16' above the road**	32 s.f.



200234195
Page: 7 of 12
11/20/2002 09:57A
Bk-893 Pg-306

EXHIBIT A

Wall (surface)	Two	2' below roof lines***	10% of the wall
Directional	As needed	10' above finished grade	12 s.f.

* Open for business at night.

** As measured at the center line of the closest adjacent street. (I-90 not included)

*** As defined by a parapet or eaves and no more than 24' above finished grade.

h. The total signing allowance for directional signs is fifty (50) square feet. One directional sign may be located at each access point.

4. Exterior Lighting (This standard does not apply to ballpark field lights)

- Exterior lights, pole or wall-mounted, shall not exceed a height of forty (40) feet.
- Exterior lights shall have reflectors, shields or refractor panels which provide a total cut off of light rays at an angle* of less than ninety (90) degrees.
- Exterior lights shall emit maximum candlepower at an angle* no greater than seventy-five (75) degrees.

* As measured from a vertical line from the light source to the ground.

5. Landscaping

- Areas to be landscaped shall be planted in living ground cover with a mix of lawns, flower beds, evergreens, shrubs, deciduous trees and natural grasses. Use of stone and bark shall be incidental. Landscaping may incorporate the use of structural features, including but not limited to, walls, fences, benches, kiosks, fountains, pools and outdoor art work. Landscape features shall accomplish the following objectives:
 - Emphasize parking areas and entrances to the property and buildings;
 - Screen trash receptacles, out-buildings, mechanical equipment, utility features and designated outside storage and loading areas;
 - Blend with, and gradually transition into, adjacent open space, boulevards, parks and landscaping on adjacent properties; and,
 - Buffer impacts between different adjacent land uses on the same or adjacent lot.
- For purposes of this sub-section, the owner may create "landscape division lines" to define lot portions for future expansion or subdivision. Such "landscape division lines" shall fully encompass all improvements, setbacks and areas for required landscaping. Except for required front yards on Airway Boulevard and Expressway, which shall be landscaped, the lot area outside division lines shall not be subject to the landscaping requirements of this section, but shall be kept free of trash, have noxious weeds controlled, shall not be used for parking, storage or fill material, and shall be kept mowed to a maximum height of six (6) inches.
- All landscaped areas shall be maintained and irrigated by an automatic underground sprinkler system with backflow prevention.



EXHIBIT A

- d. Natural grasses shall not be applied in front yards. The area covered by natural grasses shall not exceed one-third the landscaping required in side and rear yards, shall be used in conjunction with trees and other landscape features, and shall be kept planted, maintained and free of noxious weeds.
- e. Exclusive of boulevard trees as required by Section D.5.g.(1), there shall be a minimum of one tree planted for each two thousand (2,000) square feet of on-site landscaped area. Minimum tree size at planting shall be two inch (2") caliper (American Nursery Standard) and eight feet (8') tall. Minimum size for a shrub at planting is five (5) gallons.
- f. For each ten (10) contiguous parking spaces there shall be a landscape island. Landscape islands shall be a minimum of one hundred-fifty (150) square feet and shall contain no fewer than one (1) tree or three (3) shrubs such that no parking space shall be more than fifty (50) feet from a tree or shrub trunk.
- g. Boulevard Landscaping Standards
 - (1) Boulevard landscaping shall contain grass and one (1) tree planted on the lot line along every forty feet (40') of street frontage. Minimum size at planting shall be two inch (2") caliper (American Nursery Standard) and eight feet (8') tall. Boulevard trees shall be (a) Green Patmore Ash, or (b) Burr Oak, or (c) Greenspire Little Leaf Linden, or a substitute approved prior to issuance of a zoning compliance permit.
 - (2) Boulevard landscaping may also consist of shrubs, flowers, or other ornamental plants. Except for sidewalks, walkways, benches, bus stops, kiosks, driveways and signs, boulevard landscaping shall not include non-living materials.
- h. Except for excluded areas (see b. above), all lot areas shall be landscaped. The total area paved on any lot shall not exceed the minimum required by this section and standards of the County Surveyor's Office and Missoula Health Department. Lots within the Light Industrial subdistrict shall have a minimum of twenty percent (20%) of the lot in landscaping, excluding approved landscape division areas.

6. Grading and Drainage

- a. Plans must be approved by the County Public Work's Department.

7. Fences

- a. Except for screening required herein, fences are not permitted in front yards. Except for security or screening use, fences shall not exceed a height of five (5) feet.
- b. Security fences shall not extend beyond a building façade facing a public right-of-way. Use of security fences is restricted to securing company vehicles, outside storage units, equipment specified in sub-section 10.e. and along public park boundaries adjacent to railroad right-of-way.
- c. Fences shall be kept in good repair and free of trash and weeds. Use of barbed wire, other than in security fences, and use of razor wire or electric fence is prohibited.



Missoula County Vickie M Zeier RES

200234195

Page: 9 of 12

11/20/2002 09:57A

Bk-693 Pg-306

EXHIBIT A

8. Pedestrian Movement, Sidewalks and Safety

a. Movement. At a minimum and on the same property, pedestrians shall be able to walk on paved surfaces, sidewalks, or combinations thereof, between the following:

- (1) Entrances to the same or separate buildings;
- (2) Building entrances and parking lots; and,
- (3) Building entrances and a public street or sidewalk.

b. Sidewalks. A cement sidewalk which meets ADA standards shall lead from each building entrance to the closest point on an adjacent driveway or parking area.

c. Safety. Land uses frequented by the public, including apartments, shall separate pedestrian and vehicle traffic by means of cement sidewalks constructed to lead from public entrances to adjacent public streets, public sidewalks and parking lots.

9. Bicycle Parking.

Bicycle parking facilities shall be in clearly designated, safe and convenient locations and shall not impede pedestrian access or movement. Facilities shall be placed no more than fifty (50) feet from the intended building entrance.

a. Non-residential Use. Class II facilities shall be provided to accommodate bicycle parking at a ratio of (1) bicycle for every four (4) automobile parking spaces. At a minimum, there shall be a facility for one (1) bicycle.

b. Residential Use. Bicycle parking facilities shall be provided for each structure used in whole or in part as a multi-family dwelling. Such structures shall have Class I facilities to accommodate one (1) bicycle for each dwelling unit and Class II facilities to accommodate one (1) bicycle for every five (5) dwelling units.

10. General Site Standards.

a. Utility lines shall be buried.

b. Outside Storage.

(1.) Areas for approved outside storage shall be designated on the site plan. Outside storage areas shall be paved, landscaped in accordance with this section, and located behind the rear of the building, or in the case of corner lots, located in the rear one-half of side yards. Truck trailers and vans are not permitted for use as outdoor storage.

(2.) Where outside storage is authorized as a conditional use, the standards of Section E. must be met.

c. Manufacturing, assembly, servicing, or processing of materials, goods or products shall be conducted within enclosed buildings.

d. Accessory buildings or storage units shall be placed a minimum of twenty (20') back from the front façade of the primary structure facing a public right-of-way. Truck trailers and vans are not permitted for use as accessory buildings or storage units.



200234195
Page: 10 of 12
11/20/2002 09:57A
Bk-693 Pg-306

Missoula County Vickie M Zeier RES

EXHIBIT A

e. Mechanical equipment mounted on a roof, stand or ground; lift and pumping stations for water and sewage; bins, storage tanks, accessory buildings and trash receptacles; and, pad mounted utility equipment and utility buildings are subject to the following:

(1) Unless otherwise required by function, such devices and uses shall be located on the side or rear façade of the building, and such devices on the side façade of the building shall be placed a minimum of twenty (20') back from the front façade facing a public right-of-way.

(2) Assuming a pedestrian's view along applicable lot line(s), or portions thereof, such devices and uses shall be screened by shrubs, decorative fences, facades, walls, or any combination thereof, as follows:

- (a) 75% opacity as viewed from the front yard;
- (b) 50% opacity as viewed from the side yard; and,
- (c) 25% opacity as viewed from the rear yard.

f. Inordinate use of colors, symbols, designs, structures or any aspect of development which is unsightly or wholly inconsistent with adjacent development and the theme of the Development Park is prohibited.

g. With the exception of one-day promotions for on-site businesses or non-profit fund raising, roadside vending, stands, or the "For Sale" display of goods or services on a private frontage are prohibited. All such activities are prohibited on public right-of-way.

E. Conditional Uses

1. The purpose of this section is to provide additional design standards for conditional uses within the Airway Boulevard Corridor allowed in Sections 6.07.C.1.b.(1) and 6.07.C.2.b.(1) of this district.

a. Perimeter Buffer Landscaping. When a lot is located adjacent to a public right-of-way, a minimum of twenty (20) foot perimeter landscaped buffer shall be planted with shade, canopy or ornamental trees and shrubs, and sod, excluding that area required for sidewalks. The twenty (20) foot width may, at the discretion of the Zoning Officer, include landscaping in the boulevard.

b. No free-standing light fixture shall exceed thirty feet (30') in height.

c. For outdoor display and parking areas, landscaping in the amount of ten percent (10%) of the paved area shall be placed within the paved area. The landscaping in the outdoor display and parking areas contributes to the total twenty percent (20%) on-site landscaping required in this section.

d. Except as integral to permitted signs, the use of neon or directly exposed lighting tubes external to the building is prohibited.

2. The purpose of this section is to provide standards for conditional uses for outside storage allowed in Section 6.07.C.1.b.(2).

EXHIBIT A

a. Outside storage shall be located behind the rear of the building or in the case of a corner lot, in the rear one-half of side yards. Outside storage shall be screened to a minimum of seventy-five percent (75%) year-round opacity (within three (3) years in the case of vegetative screening), as viewed from the public right-of-way, or from the lot line of common boundaries of adjacent lots or parks. The height of storage shall not exceed the height of screening.

b. Screening may consist of landscaped berms, decorative fences, walls, facades, coniferous shrubs and trees, the sides of buildings, or any combination thereof. Berms shall not exceed a fifty percent (50%) slope and shall have a crown of at least two feet (2') in width. Design of the screening must be approved by the Missoula Development Authority, prior to zoning compliance approval for the main use.

c. Proposed outside storage areas shall not exceed twenty-five percent (25%) of the lot area, excluding areas outside the landscape division line, and shall be shown on the site plan. The development application shall also include an elevation drawing of the screen design and a brief narrative describing the stored items.

d. The Zoning Officer has some discretion in the strict applications of these standards based on topography, existing adjacent screening, and zoning or use of adjacent lots.

F. Plans

Before zoning compliance is granted, a narrative and scaled graphics shall be provided by the developer to demonstrate compliance with this section. A Plans Checklist may be obtained at the Office of Planning and Grants.

