

10-31-96

BOOK 489 PAGE 1167

8d11 1996

RESOLUTION NO. 96-086

A RESOLUTION TO CREATE SECTION 6.07 (THE MISSOULA DEVELOPMENT PARK SPECIAL ZONING DISTRICT) AND INCORPORATE THE DISTRICT INTO THE COUNTY ZONING RESOLUTION #76-113 (AS SHOWN IN ATTACHMENT B); AND TO REZONE PROPERTY LOCATED IN SECTION 1, T13N, R20W, AND SECTIONS 35 AND 36, T14N, R20W, P.M.M., MISSOULA COUNTY, MONTANA, FURTHER DESCRIBED BELOW, FROM "C-11" (LIGHT INDUSTRIAL DISTRICT) AND "C-A3" (RESIDENTIAL) TO MISSOULA DEVELOPMENT PARK SPECIAL ZONING DISTRICT, WITH CONDITIONS AS SHOWN IN ATTACHMENT C.

LEGAL DESCRIPTION OF THE SPECIAL ZONING DISTRICT

TRACT 1, TRACT 2 AND TRACT 3 OF CERTIFICATE OF SURVEY #3858; LOT 2 OF MOMONT INDUSTRIAL PARK, PHASE 2; TRACT B-2 OF CERTIFICATE OF SURVEY #3687; AND, PORTION C OF CERTIFICATE OF SURVEY #4585; AND EXCEPTING THEREFROM LOT 4, BLOCK 8 OF THE MISSOULA DEVELOPMENT PARK; PORTIONS A AND B OF CERTIFICATE OF SURVEY #4585; AND, PORTION B OF CERTIFICATE OF SURVEY #4587. SEE ATTACHMENT A FOR BOUNDARIES OF THE SPECIAL DISTRICT.

LEGAL DESCRIPTION OF THE COMMUNITY COMMERCIAL SUB-DISTRICT
THAT PORTION OF THE MISSOULA DEVELOPMENT PARK DESCRIBED AS BLOCKS 9, 10, 11 AND 12; RESERVE AREA B; AND, A TRACT OF LAND GENERALLY SHOWN ON THE PLAT AS FOUR LOTS MAKING UP THE PROPOSED 7.7-ACRE LALONDE RANCH HISTORICAL PARK, AND NOT INCLUDING THAT PORTION OF THE LALONDE RANCH HISTORICAL PARK ON LOTS 4, 6 AND 7, BLOCK 7.

LEGAL DESCRIPTION OF THE NEIGHBORHOOD COMMERCIAL SUB-DISTRICT
THAT PORTION OF THE MISSOULA DEVELOPMENT PARK DESCRIBED AS LOT 1, BLOCK 4.

WHEREAS, the Missoula Board of County Commissioners adopted Resolution No. 96-077 on September 26, 1996, stating their intention to create the Missoula Development Park Special Zoning District and incorporate the zone as Section 6.07 into the County Zoning Resolution (76-113).

WHEREAS, the Missoula Board of County Commissioners adopted Resolution No. 96-077 on September 26, 1996, stating their intention to rezone the property described above from "C-11" (Light Industrial) and "C-A3" (Residential) to the Missoula Development Park Special Zoning District with conditions.

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on September 29, 1996; and,

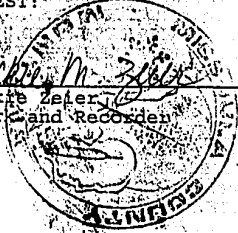
WHEREAS, no protest petitions were filed by district freeholders;

NOW, THEREFORE, BE IT RESOLVED, that the property described above is hereby rezoned from "C-11" and "C-A3" to the Missoula Development Park Special Zoning District, with conditions shown in Attachment C.

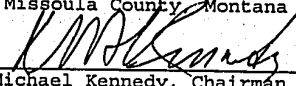
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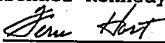
PASSED AND ADOPTED THIS 31st DAY OF OCTOBER, 1996. BOOK 489 PAGE 1168


ATTEST:


Vickie Zepher
Clerk and Recorder

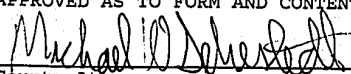
BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana


Michael Kennedy, Chairman

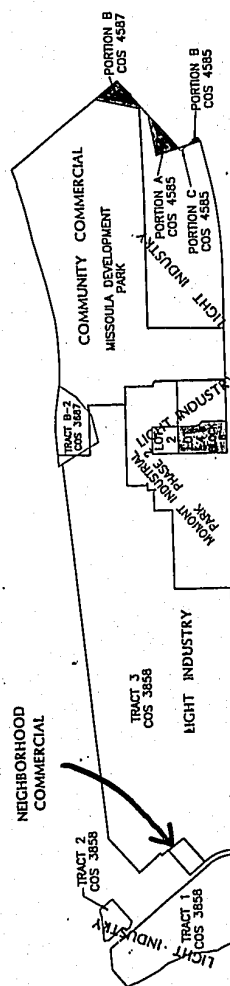

Fern Hart, Commissioner


Barbara Evans, Commissioner

APPROVED AS TO FORM AND CONTENT:


County Attorney

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LANDS EXCLUDED FROM THE MISSOULA DEVELOPMENT PARK SPECIAL ZONING DISTRICT

ATTACHMENT B

Section 6.07 - Missoula Development Park District

As adopted by Commissioners on September 25, 1996

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 and 8.17; and, other sub-sections as specified herein.

3. Definitions.

a. **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.

b. **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.

c. **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.

d. **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.

e. **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.

f. **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.

g. **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.

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

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

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

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

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

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

C. Permitted 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.

- 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.

2. Community Commercial.

- 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.

(Community Commercial Uses Continued)

- 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.

3. Neighborhood Commercial.

- 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:

- (1) Lots fronting on: Boulevard Expressway Front Yard Side/Rear Building
Other Street Yards Separation

In this Sub-District:

Light Industry	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).

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. The number of off-street parking spaces constructed shall not exceed the minimum number of spaces required by Section 3.02 by more than two percent (2%).

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 in front yards is prohibited.

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:

<u>Type</u>	<u>Number</u>	<u>Height</u>	<u>Size</u>
Pole (night business*)	One	24' above the road**	48sf
Pole (day business)	One	16' above the road**	32sf
Wall (surface)	Two	2' below roof lines***	10% of the wall
Directional	As needed	10' above finished grade	12sf

* 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)

- a. Exterior lights, pole or wall mounted, shall not exceed a height of forty (40) feet.
- b. 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.
- c. 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.

a. 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:

- (1) Emphasize parking areas and entrances to the property and buildings;
- (2) Screen trash receptacles, out-buildings, mechanical equipment, utility features and designated outside storage and loading areas;
- (3) Blend with, and gradually transition into, adjacent open space, boulevards, parks and landscaping on adjacent properties; and,
- (4) Buffer impacts between different adjacent land uses on the same or adjacent lot.

b. 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 ___ Boulevard and ___ Parkway 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.

c. All landscaped areas shall be maintained and irrigated by an automatic underground sprinkler system with backflow prevention.

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. There shall be a minimum of one tree planted for each one thousand (1,000) square feet of on-site landscaped area. The minimum height for a tree at planting is eight (8) feet. 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 Standards.

(1) Boulevard landscaping shall contain grass and a minimum of three (3) large canopy deciduous trees along every one hundred feet of street frontage. Minimum tree size at planting shall be two and one-half (2.5") caliper and twelve (12) feet tall.

(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.
- 6. Grading and Drainage. Plans must be approved by the County Surveyor's Office.
- 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 are restricted to rear yards and the rear one-half of side yards, and shall not encompass areas beyond a functional minimum. 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.
- 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, here 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. Outside storage is restricted to materials within truck trailers, vans and other types of enclosed mobile storage units accessory to an on-site use. Areas for approved outside storage units shall be designated, paved, landscaped and located in a rear yard, or in the case of corner lots, located in the rear one-half of side yards.

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

d. Accessory buildings are not permitted within a front yard.

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 in rear yards or the rear one-half of side yards; and,

(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. Plans

Before building permits are approved, 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 Zoning Office.

ATTACHMENT C

**MISSOULA DEVELOPMENT PARK
CONDITIONS OF REZONING**

1. The number of off-street parking spaces provided for accessory residential and non-residential uses shall not exceed the minimum number of spaces required by Section 3.02 of the Missoula County Zoning Resolution by more than two percent (2%).
2. Bicycle parking facilities shall be provided as follows:
 - a. For non-residential uses: Provide and install Class II facilities to accommodate employees and patrons at a ratio of 25% of the maximum permitted car parking spaces for the intended use, with a minimum requirement to provide parking for at least one bicycle.

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 fifty feet (50') from an entrance to the building for which the bicycle parking spaces are intended.
 - b. For accessory residential uses: Provide and install Class I facilities to accommodate one bicycle for every dwelling unit within multi-family residential structures and Class II parking to accommodate one bicycle for every five dwelling units for visitors.
 - c. Definitions

Class I Facilities are defined as high security and fully protect the entire bicycle and its components and accessories from theft and the weather. These facilities are intended for long term use. Examples are bicycle lockers, in-building parking, check-in systems, fenced-in areas and attended, covered parking.

Class II 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.
3. The following landscaping design standards shall apply to this development in addition to the Special Zoning District Landscaping design standards in the proposed Section 6.07:
 - a. There shall be a minimum of one tree planted for each one thousand (1,000) square feet of on-site landscaped area. The minimum height for a tree at planting in the required on-site landscaped area is eight (8) feet. Minimum shrub size in the required on-site landscaped area is five (5) gallons.

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Resolution # 96-086

- b. There shall be no more than ten (10) contiguous parking spaces without placement of a landscaped island. Landscaped 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 any further than fifty (50) feet from the trunk of a tree.
- c. Boulevard landscaping shall contain grass and a minimum of three large canopy deciduous tree per every one hundred (100) feet of street frontage along rights-of-way. Boulevard landscaping may also consist of shrubs, flowers, or other ornamental plants. In no case shall the boulevard area include non-living material, except for sidewalks and other pedestrian walkways, benches, bus stops, kiosks and transecting driveways. The minimum street tree size at planting shall be two and one-half inch (2½") caliper and twelve (12) feet tall.
4. The property owners shall grant an avigation easement to the Missoula County Airport Authority, if required, subject to the approval of the Missoula County Airport Authority, to be entered into the covenants.
5. Permission of the governing body is required before the covenants, including the Development Guidelines administered by the Design Review Committee, may be dissolved or modified, to be entered into the covenants.
6. Lots 1 and 2, Block 9, of the Missoula Development Park, shall be included in the Community Commercial sub-district.

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I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 31 DAY OF OCT 1996 AT 4:23 O'CLOCK P M AND IT IS RECORDED
IN VOL 489 OF MICRO RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, TO BE FILED
RETURN TO ADDRESS Resolution file BY Camille S. Duff DEPUTY REC
WITNESS MY HAND AND SEAL OF OFFICE THIS 31 DAY OF OCTOBER 1996