CHAPTER 5



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5.1 Purpose

The purpose of this chapter is to provide additional design and performance standards applicable to specific uses and activities in accordance with these regulations. Unless otherwise specified, the uses in this chapter are subject to all other provisions of these regulations. These standards are established to increase compatibility with nearby permitted uses and promote public health, safety, and welfare by minimizing or eliminating conflicts and adverse impacts on the community.

5.2 Accessory dwelling units (ADU)

A) **Applicability.** All accessory dwelling units must comply with the regulations of this section and any applicable requirements for accessory structures outlined in Section 5.3. "Accessory Uses and Structures."

1. An accessory dwelling unit is permitted on any lot occupied by a single or two household dwelling. Only one ADU is allowed per lot, whether attached or detached.
2. The floor area of an accessory dwelling unit may not exceed 980 square feet nor exceed the gross floor area of the principal structure.
3. Accessory dwelling units are not included in density calculations, meaning no additional land area is required for the accessory dwelling unit.
4. Accessory dwelling units are allowed only if the principal structure and accessory dwelling unit are connected to public sewer or have sanitation approval that allows for the accessory dwelling unit.
5. Off-street parking is not required for accessory dwelling units.
6. The Zoning Officer may determine a dwelling unit larger than 980 sq. ft. that was legally existing prior to the effective date of these regulations to be an ADU when the structure clearly meets the definition of Accessory Dwelling Unit and meets all other requirements of this section.
7. An ADU shall meet primary structure setbacks when the ADU is a mobile home.

COMMENT: Check with the Missoula City-County Health Department to ensure ADUs comply with all health code standards.

B) **Design Standards.**

1. **Attached accessory dwelling units.**
   a. Attached accessory dwelling units shall use the same building entrance as the principal dwelling when entered from a primary street frontage or may have a separate entrance when accessed from the side or rear of a principal dwelling.
2. **Detached accessory dwelling units.**
   a. Building entrances to detached accessory dwelling units may not face the nearest side property line, nor may they face the rear property line unless there is an alley abutting that rear property line.
   b. A detached accessory dwelling unit must be physically

separated from the principal structure in conformance with applicable building and fire codes.

c. Accessory dwelling units shall meet accessory structure setbacks of the district; however, in no case shall accessory dwelling units setbacks be less than 5' unless an ADU is established within or constructed above an existing accessory structure which complies with accessory structure setbacks of the district.

d. Detached accessory dwelling units are exempt from section 2.a if the structure meets all primary structure setbacks.

5.3 Accessory uses and structures

A) Applicability. The requirements of this section shall apply to all accessory uses, buildings, and structures, as applicable, including but not limited to accessory dwelling units and agricultural-related businesses.

B) Performance Standards.

1. Accessory uses, buildings, and structures must be located on the same parcel as the principal use or structure to which they are accessory.

2. Accessory buildings and structures shall generally be constructed in conjunction with or after the principal structure. Garages and accessory dwelling units are exempt from this provision and may be constructed prior to a principal building or structure with the issuance of a Zoning Compliance Permit. Where an accessory building or structure is allowed to precede construction of a principal building or structure, it shall be required to meet the setback requirements for a principal structure.

3. When a commercial use is proposed as an accessory use to an industrial use within a TIF Special District, the Zoning Officer, shall determine if the proposed commercial use qualifies as an accessory use before any permit may be issued.

C) Design Standards.

1. Accessory buildings or structures used for raising or housing livestock excluding accessory buildings and pens used for the keeping of six or fewer female chickens, shall meet the following setback requirements.

   a. A minimum of 100 feet from any residential dwelling under separate ownership or located on a separate parcel.

   b. A minimum of 100 feet from any watercourse, or in conformance with the buffer and protection provisions established in Section 7.4. "Riparian Resource Protection," whichever is greater.

   c. A minimum of 50 feet from any property line from any Residential, Mixed-use, or Industrial district.

2. Accessory structures in Open Land and Agricultural and Residential districts that do not exceed 200 square feet in area and not requiring a building permit do not require a Zoning Compliance Permit but are subject to the requirements of these regulations.

3. Accessory structures in Open Land and Agricultural and Residential districts not requiring a Zoning Compliance Permit and not exceeding 8'6" in height are exempt from side setbacks.

4. Accessory structures in Open Land and Agricultural and Residential districts not requiring a Zoning Compliance Permit and not exceeding 12' in height are exempt from rear setbacks.

5. Accessory structures not requiring a Zoning Compliance Permit may not exceed 12' in height.

6. Accessory structures used for covering or protecting vehicles (*e.g.*, carports), not including an enclosed garage, are exempt from the maximum building footprint for accessory structures required in Chapter 2.

7. The maximum number of parking spaces allowed in a single garage or carport structure is ten; garages or carports for more than ten parking spaces must be broken up into separate structures of no more than ten spaces.

8. The maximum allowable cumulative coverage of accessory structures in Residential districts shall be not more than two times the area of the building footprint of the largest principal structure on the parcel.

5.4 Agricultural-related business

A) Applicability.

1. In order to supplement and diversify income streams of agricultural operations, agricultural uses are allowed agricultural-related businesses according to this section. Agricultural-related business activities shall be directly related to, supported by, and accessory to an operating agricultural use on the subject property.

2. One principle agricultural-related business is allowed per subject property as a permitted accessory use to a principal agricultural use. Additional accessory agricultural-related businesses can be added as a Special Exception. Agricultural-related businesses may not be approved for high-intensity agricultural uses.

3. Because agriculture can exist at many scales, in many settings, and may be accompanied by many different uses, the Zoning Officer may consider the following factors when determining whether an operating agricultural use is a principal use of a property, in order to qualify operating an accessory agricultural-related business on that property.

   a. The property is located in an Open Land and Agricultural zoning district;

   b. The property is classified and taxed as agricultural;

   c. The agricultural use meets definitions of agricultural activity or commercial production of farm products in MCA §76-2-902;

   d. The scale and intensity of the agricultural activity nearly equals or exceeds any other principal uses on the property;

   e. Any other factor that can aid

in establishing the agricultural use is a principal activity on the property.

4. In the event that a principal agricultural operation ceases, so shall all accessory agricultural-related businesses associated with the principal agricultural operation.

B) Performance Standards. The following uses are considered an agricultural-related business and must conform to any requirements listed below in addition to all other applicable requirements of these regulations.

1. Food and beverage establishments limited to 2,500 square feet of floor area.
2. Mobile food courts meeting the requirements in Section 5.21.
3. Campgrounds providing no more than 3 spaces for tents or RVs.
4. Research, cooperative learning and training facilities limited to 2,500 square feet of floor area.
5. Galleries and Exhibition Space limited to 2,500 square feet of floor area.
6. Lodging, Bed and Breakfast.
7. Manufacturing and production, agricultural, limited to 2,500 square feet of floor area.
8. Manufacturing and production, artisan, limited to 2,500 square feet of floor area.
9. Animal services, small, limited to 2,500 square feet of floor area.
10. Farmstands and Farmers Markets
    a. One farmstand is allowed per parcel.
    b. The maximum size of a farmstand cannot exceed 2,500 square feet of enclosed or covered activity area.
11. Outdoor special events
    a. Only one outdoor special event is permitted at one time.
    b. Up to six outdoor special events are permitted per year.
    c. The duration of an outdoor special event shall not exceed one business day or one weekend (Saturday and Sunday).
    d. Outdoor special events accommodating less than 300 people at any one time do not require a Zoning Compliance Permit and do not require a Special Exception when other Agricultural-related businesses are already permitted.
    e. Outdoor special events accommodating over 300 people shall be reviewed as a Special Exception.

C) Design Standards. Any building, structure, required parking, or storage area associated with an agricultural-related business activity must meet the setback requirements for a principal use or structure when adjoining any parcel with an existing residential use or adjacent to any Open Land and Agricultural or Residential district boundary.

5.5 Animal shelter or boarding kennel

A) Design Standards.

1. A minimum lot size of two acres is required for an animal shelter or kennel that includes outdoor kennels or runs.
2. Where outdoor runs are present, these must be screened from any adjacent property boundary in accordance with the screening standards in Section 6.4.F.3. "Screening and Buffering."
3. Use of outdoor space, including outdoor kennels or runs, shall be restricted between 10 p.m. and 7 a.m.

5.6 Bed and breakfast

A) Performance Standards.

1. A bed and breakfast must be operated by the owner of the home who lives on the property.
2. Food service may be provided for resident guests only.
3. Bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or other similar event space unless it can be demonstrated that all required parking can be accommodated temporarily onsite in accordance with Section 6.3.B.3.
4. A maximum of one non-illuminated freestanding post, monument, or wall sign, not exceeding six square feet in area, may be displayed on the building's first or second story.

5.7 Campgrounds

A) Applicability.

1. Campgrounds are allowed in districts as specified in Table 5 in Section 2.4.G. "Table of Uses" and must comply with these standards.
2. Campgrounds catering to both tents and recreational vehicles are considered RV parks and must comply with Section 5.26.

B) Performance Standards.

1. Campgrounds shall comply with all applicable standards and requirements of the Montana Department of Public Health and Human Services (DPHHS).
2. Bathroom facilities, solid waste disposal, and running water may be provided.

C) Design Standards.

1. All campsites and drive lanes shall be located a minimum of 20 feet from all property lines or right-of-way, whichever is closer.
2. A minimum 10-foot-wide landscaped buffer meeting the requirements of Section 6.4.F.3.c. "Landscape Buffer Standards" shall be preserved (where existing) or installed along the campground street frontage and along any property lines that abut an adjacent Residential district or use.
3. Security lighting meeting the requirements set forth in Section 6.5.F. "General Standards" is permitted in a campground to permit safe passage to and from permitted facilities such as restrooms and showers.

5.8 Cannabis-Related Uses

A) Applicability. These regulations apply to any cannabis use (medical or recreational), new or existing, unless specifically exempted.

B) Dispensary.

1. **Location.** Cannabis dispensaries shall be located a minimum distance of 500 feet from other cannabis dispensaries. Distances shall be measured from door to door and apply to ground floor dispensary businesses only.

2. **Glazing.** The following standards shall apply when transparency is required by the zoning district, as provided in Chapter 2 and subject to the requirements in Section 3.4.I. "Transparency."

   a. Display windows that do not provide views into the interior of the building may be counted toward satisfying up to 50% of the required transparency area provided they are internally illuminated and at least two feet deep.

   b. Security walls or gates may obstruct a maximum of 25% of any individual window counting toward the required transparency area.

   c. Interior walls and other interior visual obstructions are prohibited within six feet of any transparency counting toward the required glazed area, as measured perpendicularly from the exterior face of the glazed area.

C) Cultivation.

1. Micro-tier cannabis cultivation is classified as an artisan manufacturing use as defined in MCA 16-12-223. All other tiers of cannabis cultivation are classified as a high-intensity agriculture activity.

D) Cannabis Manufacturing.

1. Cannabis manufacturing is classified as an agricultural manufacturing and production use.

5.9 Cemeteries

A) Applicability.

1. No burial plot shall be located within 100 feet of any well, body of water, or agricultural land, nor shall any burial plot be located within a designated floodplain.

2. No burial plot, mausoleum, vault, crypt, or columbarium shall be located within 40 feet of any right-of-way. This requirement is not applicable in county-owned rights-of-way if the Public Works Director certifies that the full 40-foot setback will not be required for the construction of future county right-of-way improvements.

5.10 Cryptocurrency mining

A) Applicability. Cryptocurrency mining operations shall be permitted in accordance with Section 2.4 "Permited Use by District" with the following exception:

1. When a parcel is adjacent to a Residential district, excluding roads and other rights-of-way, or within

500 feet of a residential property boundary, the use shall be reviewed as a Special Exception in accordance with these regulations.

B) Performance Standards.

1. Cryptocurrency mining operations shall be required to develop or purchase sufficient new renewable energy to offset 100 percent of the electricity consumed by the operation. To meet this condition, the operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.

2. Verification must be provided that all electronic waste generated by the operation will be handled by a DEQ-licensed electronic waste recycling firm.

5.11 Daycare, preschool, and school (K-12) facilities

A) Design Standards.

1. Drop-off and pick-up areas must be designated on a site plan submitted with the Zoning Compliance Permit at a ratio of one area per 150 students.

2. All outdoor play and recreation areas shall be located in the side or rear yard only and behind the front primary building facade line.

5.12 Developed Outdoor Recreation

A) Applicability. The requirements of this section shall apply to all principal and accessory uses, buildings, and structures associated with a developed outdoor recreation use. Developed outdoor recreation uses may include accessory uses not otherwise allowed in the zoning district when those uses are typical of the principal use, are owned and managed by the entity that owns and operates the principal use and meets all other requirements of these regulations.

B) Performance Standards.

1. Before the issuance of a Zoning Compliance Permit, the operator of a proposed developed outdoor recreation facility shall provide a site plan that addresses the following:

   a. The location and extent of the proposed outdoor primary recreational activity which is planned as the principal use of the property;

   b. The location and extent of operational buildings, utilities, or other facilities necessary to facilitate the recreational activity; and,

   c. The location, extent, and intent of all other buildings and uses that will be accessory to the principal use of the property including but not limited to, sales offices, equipment rentals, or food and beverage establishments.

C) Design Standards

1. All buildings and structures must meet the Principal Building setbacks of the district as established in Chapter 2.

2. Height restrictions and hillside development standards do not apply to equipment or structures necessary to ensure the safety of the guests and employees, or necessary to operate the

recreational activity. These facilities include but are not limited to communications equipment, first aid stations, and ski lift or zip line towers.

5.13 Eating and drinking establishments

A) Applicability. The following standards apply specifically to drive-through eating and drinking establishments.

B) Design Standards.

1. Attached drive-throughs are only permitted in zoning districts where a drive-through building type is allowed.
2. In an NC district, only walk-up service windows are permitted, and may occur in any building type allowed in that district.
3. Drive-through windows and associated lanes must be placed to the side or rear of the building.
4. Drive-through windows, signage, and ordering apparatus shall not be placed between a primary street right-of-way and the building.
5. No drive-through window is permitted on the side of a building facing any Residential zoning district or existing residential use unless it is a walk-up window permitted in an NC district.
6. Screening shall be required as set forth in Section 6.4.F.3. "Screening and Buffering."

5.14 Enterprise Commercial Development

A) Intent. The purpose of this section is to provide clear design standards by which large commercial development can occur on a parcel or project site to: (1) ensure a quality design aesthetic is met, (2) consolidate vehicular access and circulation, (3) promote a mix of uses, and (4) reinforce pedestrian safety onsite.

B) Applicability. The following standards and criteria apply when a new enterprise commercial use is established, or an existing enterprise commercial use is expanded.

C) Standards and Criteria.

1. **Location.** All business, servicing, manufacturing, or processing of materials, goods, or products must be conducted within completely enclosed buildings, except for permitted outdoor sales, display, storage and temporary uses in compliance with these regulations.
2. **Site design.**
   a. **Parking.** At least two of the following alternatives must be incorporated into the site to mitigate the impacts of parking areas:
      i. The development must locate at least 50 percent of the parking to the side or rear of the building in an area that is not adjacent to a public right-of-way;
      ii. The development must provide a minimum three-

foot tall berm around the parking lot perimeter in compliance with the requirements of Section 6.4.F.2.c. "Surface Parking Lot Perimiter Landscaping." The berms may contribute to a maximum of 50 percent of required on-site landscaping;

iii. The parking lot shall be constructed at least two and a half feet lower in elevation than the adjacent right-of-way, with the embankment landscaped with vegetative groundcover, low shrubs, and shade or ornamental trees meeting the requirements of Section 6.4.E. "Landscaping Materials"; or,

iv. The development must provide a centrally located, useable outdoor space that is hard-surfaced (concrete or pavers, not asphalt) and incorporates landscaping. The area of such outdoor space must be equal to at least five percent of the enterprise commercial development's combined gross floor area and shall include seating and visual points of interest, such as public art, fountains, landscaped plazas, public gathering space, etc. Outdoor plazas may be counted toward the on-site landscaping requirement in Section 6.4.F. "Landscpaing Standards."

3. **Access and circulation.**

a. Enterprise commercial uses must abut an arterial street unless the applicant provides a traffic impact analysis that verifies the street from which the primary access will occur meets the demand of the proposed site development, including warrants for traffic signals as approved by the County Public Works Department and Montana Department of Transportation (as applicable).

b. An internal pedestrian circulation plan shall be provided that demonstrates an interconnected pedestrian network comprised of walkways connecting all buildings within the development and buildings to perimeter sidewalks.

c. Sidewalks a minimum of eight feet in width must be provided along the full length of any building façade featuring customer entrances and along any façade abutting customer parking stalls. In all other locations, buildings must be separated from drives and parking areas by a sidewalk a minimum of six feet in width, except where buildings are adjacent to service drives that do not access any customer parking.

d. All crosswalks within an enterprise commercial development site must be striped or colored and include partial or full texturing, and they must be continued across any intersection with roads,

driving corridors, parking areas, loading areas, and driveways.

e. Where applicable, the developer must petition the property into the Missoula Urban Transportation District and ensure the construction of a bus turnout area, bus shelter, and bus stop signs as required on or adjacent to the site.

4. **Building design.** Building elements must be incorporated into the building, regardless of building type, to reduce its apparent bulk and visual impact. This requirement applies to all new construction or when the gross floor area of an existing building is altered, reconstructed, or expanded by 50 percent or more.

   In addition to the building element requirements in Section 3.4 "Building Elements", the following additional requirements apply to building facades of all building types:

   a. A minimum of four blank wall articulation methods outlined in Section 3.4.J.2. shall be incorporated into a minimum of 75% of the ground floor building facades containing public entrances; all other building facades must utilize a minimum of three blank wall articulation methods outlined in Section 3.4.J.2.

   b. The dominant exterior building material may not include smooth-faced concrete blocks, tilt-up concrete panels, or prefabricated steel panels.

5.15 Gasoline and fuel sales

A) Design Standards.

1. Gasoline and fuel sales must be located on parcels with frontage on a collector or arterial street.

2. Where gasoline and fuel sales uses are located on a corner parcel, service buildings shall be placed closer to the intersection of the two street frontages, with pump islands and on-site circulation located further from the street intersection, behind the service building.

3. Gas pumps and pump islands shall be located:

   a. Fifty feet from any property line abutting a Residential district or use; and,

   b. Thirty feet from all other property boundaries.

4. Pump island canopies may not exceed 22 feet in height.

5.16 Golf courses

A) Applicability.

1. Golf courses are considered active recreation for the purposes of these regulations and authorized only in those districts allowing for such uses.

2. A golf course shall not be used to meet the open space set aside for a conservation design development under the requirements of Section 9.3. "Conservation Design Development," or the parkland

dedication requirements for subdivision development, except that functional fish and wildlife habitat as determined by Planning, Development and Sustainability Department in consultation with Montana Fish, Wildlife and Parks, which is either natural or created and meets the requirements of these regulations may satisfy up to 50% of the required open space set aside for conservation design development or parkland dedication for subdivision development.

B) Uses. Golf courses may include the following activities:

1. Pitch-and-putt courses;
2. Driving ranges;
3. Nine and 18-hole golf courses;
4. "Par-three" courses; and,
5. Incidental golf course clubhouse facilities such as a pro shop, lounge, food service/bar, health and exercise rooms, and locker rooms.

C) Development Standards.

1. **Riparian resource protection.** Golf courses are subject to the requirements of Section 7.4. "Riparian Resource Protection," with the following exceptions.

   a. Elevated cart paths over riparian resources and non-elevated cart paths providing direct access to elevated paths may be allowed to encroach in the riparian resource buffer and protection areas, subject to 310/404 permit approval and conditions. Cart-path areas not required for direct watercourse crossings shall not be permitted within the riparian resource protection area.

2. **Building standards.**

   a. The clubhouse and any other golf-course-related building shall not exceed 30,000 square feet of gross floor area combined.

   b. When any building exceeds 5,000 square feet of gross floor area above grade, all elevations facing public or private rights-of-way or residential lots or zoning districts shall employ varied roof heights and lines and structural articulations to reduce the bulk and scale of the building visually.

   c. Maintenance and storage buildings must be screened from public view along public or private rights-of-way and adjoining residential parcels and zoning districts in accordance with the screening standards in Section 6.4.F.3. "Screeing and Buffering."

COMMENT: Site-specific factors such as sloping ground, porous soil texture, and high percolation rates may require putting greens and tee boxes be located further than the riparian resource buffer requires from streams and waterways to protect water quality.

5.17 Guest ranch, outfitting, or guide facility

A) Applicability. The following standards apply to all guest ranch, outfitting, and guide facilities and associated activities as defined by these regulations.

B) Performance Standards.

1. Outdoor recreation activities for guests, including but not limited to day and overnight horseback trips, guided hunting trips, fishing trips, rafting trips, cook-outs, hayrides, cross-country skiing, and snowmobiling shall be approved as part of the Zoning Compliance Permit and may be restricted both in location and the time of year during which they may be conducted in accordance with the wildlife protection guidelines provided by the Montana Department of Fish, Wildlife and Parks.

2. Lodging accommodations may be provided in any permanent building type or structure or combination of building types or structures as permitted by the underlying zoning district. Lodging in temporary structures such as tents or RVs is permitted as part of overnight recreational activities but shall not be the primary type of accommodation.

3. A dining facility capable of accommodating the maximum number of guests permitted at the ranch may be provided. If a common dining facility is not provided, cooking facilities shall be provided to guests as part of the lodging accommodations.

C) Design Standards.

1. The property on which a guest ranch, outfitting operation, or guide facility is located shall be a minimum of 40 acres. Lands restricted by a conservation easement or servitude may be counted as part of this site area requirement, provided the restricted land has not been counted as the required open space for another development.

2. When leased private land or land accessible via a permit issued by a government agency is required to comply with the minimum acreage required, the leased or permitted land shall be contiguous to or within one mile of the guest ranch that possesses the lease or permit.

3. If the leased land or permitted land is not contiguous, but within one mile of the dude/guest ranch, legal access shall permit guests of the ranch to access the leased land or permitted land via a route that is no longer than one mile in length.

COMMENT: The maximum occupancy allowed in lodging accommodations is set by the Building Official and must be posted.

5.18 Home occupation

A) Applicability. Home occupations are accessory and subordinate to a primary residential use on a property. They are permitted in any zoning district that allows residential uses so long as the prevailing character of the Residential district is unchanged by the home occupation established.

COMMENT: Consult the Missoula County Public Works Department Building Division to determine if a change of use permit is required for home occupation.

B) Performance Standards. A home or residential accessory building (such as a detached garage) may be used for a home occupation subject to compliance with the following minimum standards.

1. The owner or operator of the home occupation must reside on the property or in the dwelling in which the home occupation is located.

2. In addition to the resident business owner or operator, one employee or associate may be present on the property at any time.

3. A home occupation is permitted to serve up to three clients or customers at one time on the subject property.

4. The home occupation and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within an enclosed building, which is either the principal residential building or a permitted accessory building.

5. The home occupation shall not create, produce, or result in excessive light, noise, vibration, odor, parking demand, traffic, or other activity that negatively impacts or is inconsistent with the character of a residential area.

6. Home occupations conducted within a garage shall not take up space required to meet the minimum off-street parking requirements of Section 6.3. "Parking and Loading."

7. Deliveries or pick-ups of supplies or products associated with the home occupation are allowed between 8:00 a.m. and 7:00 p.m. Vehicles used for delivery and pick-up may not include semi-tractor trailers.

COMMENT: The Missoula County Public Works Building Division requires grading and drainage plans for review of mini-warehouses.

C) Design Standards.

1. There may be no external structural alterations to primary or accessory buildings or other construction to accommodate a home occupation that would change the residential character of the property upon which the home occupation is located. Examples of prohibited alterations include the construction of parking lots, paving of required setbacks, and the addition of commercial exterior lighting.

2. Separate entrances to accommodate the home occupation shall only be permitted on the side or rear of a primary residential building. There shall be no separate entrance permitted on the front of a primary residential building for the sole use of the home occupation.

3. Window displays and outdoor storage or display of material or merchandise is not permitted. The lawful parking or storage of vehicles is only permitted when screened in accordance with Section 6.4.F.3. "Screening and Buffering."

4. Signage for the home occupation shall be limited to one building-mounted sign not to exceed one square foot meeting all other standards outlined in Section 8.8. "Additional Requirements by Sign Type." Illumination of the sign is prohibited.

D) Prohibited Uses. The following uses are expressly prohibited as home occupations.

1. Vehicle and small engine maintenance and repair, including household or commercial appliances and any related to automobiles and their parts, except in Open Land and Agriculture Districts.
2. A business having more than three employees who congregate onsite daily and are dispatched to other locations.
3. Equipment rental businesses.
4. Tow truck services.
5. Material or equipment storage businesses.
6. Eating or drinking establishments.
7. Funeral and interment services.
8. Animal shelters and boarding kennels; animal training and grooming services that do not require overnight stays are permitted.
9. Commercial cannabis cultivation or manufacturing; Commercial cannabis dispensary.

5.19 Homeless shelters and meal centers, emergency and permanent

A) Performance Standards.

1. Before the issuance of a Zoning Compliance Permit, the operator of an emergency homeless shelter shall provide a written management plan that documents each of the following factors and how they will be addressed.
    a. Continuous on-site management by an employee or volunteer during all hours of operation.
    b. A description of the intake screening process for clients to ensure compatibility with services provided at the facility.
    c. A client code of conduct addressing alcohol/drug use, loitering, and trespassing.
    d. A neighborhood relations plan establishing a staff liaison to coordinate with county staff and officials, local businesses, neighborhood association or neighborhood council representatives, and residents on issues related to the facility's operation.

B) Design Standards.

1. Facilities shall be located a minimum distance of:
    a. One thousand feet from a daycare, preschool, or K-12 facility;
    b. Fifteen hundred feet from other permanent or emergency homeless shelters or meal centers;
    c. Three hundred feet from residential parcels and zoning districts; and,
    d. 1,500 feet of a public transit route, whenever possible.
2. A site plan shall be submitted with Zoning Compliance Permit application materials ensuring the following standards are met.

a. Permanent facility shall be designed or renovated to provide adequate waiting areas indoors to prevent queuing into or otherwise waiting outside the facility or in the public right-of-way.

b. When provided, outdoor space for clients shall be screened in accordance with the standards in Section 6.4.F.3., Table 10. "Screening Standards."

5.20 Junk and salvage yards

A) Design Standards.

1. In addition to the use, dimensional and other applicable standards required by these regulations, the materials collected and stored within a junk or salvage yard shall be at least 300 feet from a property line shared with an existing Residential district or use.

2. The perimeter of a junk or salvage yard shall be screened in compliance with Section 6.4.F.3. "Screeening and Buffering."

5.21 Mini-warehouse

A) Performance Standards.

1. Mini-warehouse spaces shall be used for storage of non-hazardous, non-flammable, non-toxic, non-radioactive, and non-explosive materials only.

B) Design Standards.

1. The total footprint of all buildings of a mini-warehouse development may not exceed 280,000 sq. feet per lot or project area.

2. Screening is required in accordance with Section 6.4.F.3."Screeening and Buffering" along the front property line, adjacent to streets, as well as any property line where the site abuts a Residential zoning district or use. This screening shall be in addition to all other applicable landscaping requirements in Section 6.4. "Landscaping and Screeing."

3. Access doors to storage units may not open directly onto a street, including an alley.

5.22 Mobile food courts

A) Applicability. The following standards shall apply to all mobile food courts permitted as a permanent or temporary use.

B) Performance Standards.

1. All mobile food courts must comply with the plan review and permit requirements of the Missoula City-County Health Department as a condition of Zoning Compliance Permit approval.

2. No amplified music or other loud sounds may be produced by or from any vehicle to attract customers, entertain, or for other purposes.

3. Hours of operation are be limited to:

   a. Between 6 a.m. and 3 a.m. where mobile food courts are located in a Mixed-use district; and,

   b. Between 7 a.m. and 10 p.m. where mobile food courts are located within 150 feet of a Residential district or use.

C) Design Standards.

1. All mobile food establishments within a mobile food court shall be set back a minimum of 20 feet from any property located within a Residential zoning district.
2. A minimum of ten feet of separation is required between each mobile food establishment within a court.
3. Signs advertising the mobile food court shall meet the requirements of the zoning district in which the court is located, as required by Chapter 8.
4. Mobile food courts may not be sited in a manner that reduces available parking spaces for established businesses, occupies required parking, including handicapped parking, or interferes with the flow of traffic in parking lots.
5. Mobile food courts shall not operate in loading zones, sidewalks, or alleys or obstruct or impede traffic flow or access to neighboring businesses or residences.

5.23 Multiple-household dwelling

A) Applicability. The following standards apply to all multiplex small, multiplex large and apartment building types.

B) Design Standards.

1. Multiple-household dwelling developments that include multiple buildings must provide a walkway system connecting each building to common areas, adjacent public sidewalks, onsite parking lots, or parking structures, other onsite multiple-dwelling buildings, garages, disposal and recycling containers, mailboxes, recreation areas, and bicycle storage areas.
2. Where detached garages are provided for multi-household dwellings, they shall be accessed internally using shared driveways and onsite circulation and oriented to face away from a street or right-of-way (excluding alleys).
3. Where parking spaces are covered by a carport or enclosed in a garage, such structures shall comply with Section 3.4.J. "Blankwall Articulation," 3.4.L. "Garage Requirements," and Section 5.3 "Accessory Uses and Stuctures."

5.24 Open air storage

A) Applicability. The following standards shall apply to open air storage as a primary use.

B) Design Standards

1. In addition to all other applicable standards, leasing or renting space for the open-air storage of vehicles or other items shall be located at least 100 feet from a property line shared with a Residential district or use.

   a. The perimeter of an open air storage yard shall be screened in compliance with Section 6.4.F.3. "Screening and Buffering."

5.25 Outdoor sales, display and storage

A) Applicability. This section applies to the sale, display, and storage of goods and merchandise as an accessory use in locations outside of an enclosed building. This section does not apply to farmers' markets or farmstands where permitted by the zoning district.

1. Outdoor sales, display, and storage activities are permitted as an accessory use in the following locations by district as shown in Table 1:

Table 1 Outdoor Sales, Display and Storage

DISTRICT	OUTDOOR SALES AND DISPLAY		OUTDOOR STORAGE
	ON A SIDEWALK, IN THE RIGHT-OF-WAY WITH APPROVED ENCROACHMENT PERMIT	IN THE REQUIRED SETBACK/BUILD-TO-ZONE	ON-SITE
Open Lands and Agricultural Districts	No	Yes	Yes
Residential Districts	No	No	No
Mixed-Use Districts	Yes	Yes	SE (By Special Exception)
Industry and Manufacturing Districts	No	Yes	Yes

B) Outdoor Sales and Display.

1. **Performance standards.**

   a. Outdoor sales and display must be customarily incidental to the principal use and shall comply with the standards in Section 5.3 "Accessory Uses and Structures", unless otherwise permitted by these regulations.

   b. Only the business entity or use(s) occupying the property shall sell or display merchandise in the outdoor display areas.

2. **Design standards.**

   a. Where outdoor sales and/or display is permitted on a sidewalk in the right-of-way with an approved encroachment permit from the appropriate agency these activities are subject to the following standards:

i. The goods shall be located entirely under an awning or canopy that complies with these regulations;

ii. If no awning or canopy is provided, the goods may be displayed in an area abutting and not more than three feet from a storefront;

iii. A minimum five-foot unobstructed sidewalk width must be maintained.

b. Where outdoor sales and/or display is permitted within a setback or build-to zone, the goods shall be located within five feet of the storefront or building façade.

c. Outdoor sales and display must be located a minimum of 20 feet from any property line of an adjoining parcel.

d. Outdoor sales and/or display of merchandise shall be screened from view from any property line abutting a Residential zoning district or residential use in accordance with the requirements of Section 6.4.F.3. "Screeing and Buffering."

e. The height of displayed merchandise shall not exceed the height of any fence or screening when adjacent to and visible from a Residential zoning district or use.

f. Outdoor sales and/or display of merchandise shall not be located where it will interfere with building access, ingress/egress, pedestrian traffic, vehicular and bike parking and handicapped parking, drive aisles, driveways, loading/unloading spaces, street furniture, signage, bus stops and shelters, utilities, drainage systems, fire lanes, alarms, hydrants, standpipes, or other fire protection equipment.

C) Outdoor Storage.

1. **Applicability.**

a. This section applies to outdoor storage of goods and merchandise exceeding one week, except for open air storage, junk and salvage yards, and waste and recycling collection facility storage areas, or storage of an emergency nature.

b. Storage incidental to temporary construction activities is permitted in all districts and is not subject to these requirements.

2. **Design standards.**

a. Outdoor storage shall be screened in accordance with the requirements of Section 6.4.F.3. "Screening and Buffering."

b. All outdoor storage of commercial vehicles and building materials shall be kept at least 100 linear feet from any adjacent Residential zoning district or use and shall only be located in the rear yard or interior side yard outside of the required front yard.

c. Outdoor storage of business and industrial equipment and materials may not cover more than 50 percent of the total rear and interior side yard area, outside of the required front yard.

d. Items in outdoor storage areas shall not be piled or stacked over ten feet in height above grade.

5.26 Parking structure

A) Design Standards.

1. The street-level frontage of a parking structure must be either occupied retail space or designed to encourage and complement pedestrian-scale interest and activity by screening the structure's parking areas in accordance with the blank wall standards in Section 3.4.J. "Blank Wall Articulation."

2. A minimum of 50 percent of any first-floor street-facing façade shall include transparency in accordance with the design standards in Section 3.4.I. "Transparency" where retail space is incorporated.

3. Openings for ventilation and emergency access must be designed so that cars parked inside are not visible from the street.

4. Vehicles on all levels of a parking structure must be screened from view from the street using decorative elements such as grille work or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

5.27 RV parks

A) Applicability.

1. In addition to the requirements found in the Missoula County Subdivision Regulations, recreational vehicle (RV) parks shall meet the requirements of this section.

2. RV parks, including those that also allow tent camping, are allowed in accordance with Section 2.4, Table 5 "Table of Uses."

B) Performance Standards

1. RV parks shall comply with all applicable standards and requirements of the Montana Department of Public Health and Human Services (DPHHS).

2. No development shall commence until the Montana DPHHS and the Montana Department of Environmental Quality have granted approvals.

3. Designated spaces for recreational vehicles shall be arranged to permit their safe and practical placement and removal.

4. Bathroom facilities, solid waste disposal, and running water may be provided.

C) Design Standards

1. All RV spaces and driveways shall be located no closer than 20 feet from all property lines and roads, as measured from the edge of road easement or right-of-way. Where no easement exists for internal roads, the setback shall be measured from the edge of the pavement or road surface.

2. Designated RV spaces must be accessed from internal streets that comply with the transportation standards of the County Public

Works Department and Section 3.4, Road Design Standards, in the Missoula County Subdivision Regulations.

3. RV spaces.

   a. Exposed ground surfaces in RV spaces shall be paved, covered with stone or other solid material, or protected with a vegetative growth capable of preventing soil erosion and reducing dust, as determined by Missoula County Public Works and the Air Pollution Control Program.

   b. Spaces may be double-frontage or pull-through.

4. Accessory structures shall be set back 10' from RV spaces.

5. A minimum 10-foot-wide landscaped buffer meeting the requirements of Section 6.4.F.3.c. "Landscape Buffer Standards" shall be preserved (where existing) or installed along the RV park street frontage and along any property lines that abut an adjacent Open Land and Agricultural, Residential, or Mixed-use district or existing residential use.

6. Security lighting meeting the requirements set forth in Section 6.5.F. "General Standards" is permitted in RV parks to permit safe passage to and from facilities such as restrooms and showers.

5.28 Temporary uses and structures

A) Applicability. A temporary use is permitted in any zone which allows the same activity or similar as a permanent classification of use, and when the operation of such temporary use will be generally compatible with the surrounding neighborhood and not detrimental to public health and safety. A Zoning Compliance Permit is required for all temporary uses and structures.

B) Performance Standards.

1. Table 2 sets forth the duration and permitting requirements for specific temporary uses.

2. Temporary uses and structures are not subject to the requirements of Chapter 6.

3. Temporary uses and structures shall be reviewed administratively in any district that allows the same or similar activity as a permanent use by the Zoning Officer, who must determine whether the proposed temporary use or structure will be generally compatible with the surrounding neighborhood and will not have adverse impacts on public health, safety and general welfare.

Table 2 Temporary Use Standards

ACTIVITY	MAX. DURATION (CONSECUTIVE DAYS)	EVENT OCCURRENCE (PER YEAR PER PARCEL)
Christmas tree sales	60 days	1
Construction office/sales	180 days	2
Fireworks stand (see also Resolution #92-037)	June 25-July 5 December 29-31	2
Outdoor retail sales	10 days	4
Farm stand or farmer's market*	7 days	N/A
Public assembly, including carnival, festival, show, exhibit, outdoor dance, auction, community fair, concert, or other similar enterprise or event	7 days	N/A

**Not associated with a principal agricultural use.*

4. **Construction offices and sales.** Temporary buildings used for and during the construction of any allowed use shall be removed within 30 days of end of construction or end of the building permit period.

5. **Public assembly.** Temporary uses may be conducted on county parkland or other public property, provided such uses have been approved by the Board of County Commissioners or another duly authorized county official.

   a. Temporary buildings, structures, or tents used for temporary public assembly events shall be removed within three days following the event's conclusion.

   b. Parking shall be accommodated onsite, or provisions shall be made for off-site parking and transportation to meet the needs and attendance of the event.

   c. Activities associated with an event shall occur between 8:00 a.m. and 10:00 p.m.

   d. No overnight camping is permitted as part of a temporary event unless acknowledged and approved as part of the Zoning Compliance Permit.

5.29 Tourist home

A) **Applicability.** Tourist homes are permitted within any lawfully established home in accordance with the following standards.

1. No more than one tourist home is permitted per parcel in an AGR, AGW, AGRR, RRS, R, or LM district.

2. No more than two tourist homes are permitted per parcel in an RM, NR, or NC district.

3. No person shall be permitted to operate more than two tourist homes in Open Land and Agricultural and Residential districts.

B) Performance Standards.

1. As part of the Zoning Compliance Permit process, the applicant shall provide proof of registering a Lodging Facility Sales and Use Tax account with the Montana Department of Revenue, and provide evidence of securing a Public Accommodations License from the Missoula City County Health Department.

2. An applicant for a tourist home must provide the name, telephone number, address, and email address of the owner and the responsible party tasked with addressing all maintenance and safety concerns on the property 24 hours a day, seven days a week. If the applicant or responsible party is a business, the name(s) and contact information of all business owners must be provided. This information shall be conspicuously posted in the tourist home.

3. The maximum number of tourist home guests shall not exceed one guest per 150 square feet of gross floor area.

C) Signage. A maximum of one non-illuminated wall sign not exceeding one square foot may be displayed on the home's first floor in any Agricultural and Residential district.

5.30 Travel plaza or truck stop

A) Applicability. The standards of this section apply to all truck stops and travel plazas.

B) Performance Standards.

1. Other uses or activities which are customarily accessory and clearly incidental and subordinate to the travel plaza or truck stop may include scales, truck wash, tire repair and sales, barbershop, restaurant, shower facility, convenience store, truckers' lounge (for services such as television/exercise/internet access, *etc.*), casinos, laundry, chain rental, gasoline and fuel sales, and propane dispensing.

C) Design Standards.

1. The minimum lot area for the establishment of a new truck stop or travel plaza is five acres.

2. Lots on which a travel plaza or truck stop is located must have primary frontage on an arterial street and be within 2,000 feet of the centerline of the nearest interstate highway exit or entry ramp.

3. Any use accessory to a travel plaza or truck stop, including gasoline and fuel sales, shall also meet the use-specific requirements for that use contained in this chapter.

4. All vehicle service and repair activities associated with the travel plaza or truck stop must be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires, or other materials must be screened from abutting streets and property in accordance with Section 6.4.F.3. "Screening and Buffering."

5.31 Utilities

A) Telecommunications Facilities and Structures.

1. **Applicability.** These standards apply to all telecommunications facilities, as defined by these regulations, with the following exceptions:

   a. Telecommunication facilities as stipulated in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), and meets the requirements of an eligible facilities exemption, as interpreted by the Federal Communications Commission's Acceleration of Broadband Deployment Report & Order, which requires the County to approve any request to modify an existing tower or base station that does not result in a substantial change to the physical dimensions of the tower or base station.

   b. Satellite earth station antennas preempted by Part 25 of Title 47 of the Code of Federal Regulations and any other telecommunication facility specifically and expressly exempt from local regulation pursuant to federal or state law.

   c. Wireless facilities used solely for public safety purposes, including transmitters, repeaters, and remote cameras, so long as the facilities are designed to match the supporting structure.

   d. Wireless facilities accessory to other publicly-owned or operated equipment used for data acquisition such as irrigation controls, monitoring, and traffic signal controls.

   e. Wireless facilities erected and operated for emergencies, as designated by a local or state official, so long as the facility is removed at the conclusion of the emergency.

   f. Multi-point distribution service antennas and other temporary mobile wireless services, including mobile wireless facilities and services providing public information coverage of news events (less than two-weeks duration).

   g. Personal wireless internet equipment, such as a wireless router, provided that the equipment is located entirely within a building or residence or screened from public view.

   h. Satellite earth station antenna in Mixed-use and Industrial districts provided they meet all the following requirements:

      i. The antennas do not exceed 6.5 feet in either diameter or diagonal measurement.

      ii. The antennas are located as far away as possible from the edges of rooftops or are otherwise screened pursuant to Section 6.4.F.3. "Screening and Buffering" to eliminate visibility from adjacent properties.

2. **Requirements for all facilities and structures.**

a. **Measurement.** The vertical height of a telecommunications facility shall be measured from the lowest point of the base of the support structure to the highest point of the tower, array, or structure as follows:

   i. For a ground-mounted facility, the height of the support structure shall be measured from the finished grade and shall include the antenna.

   ii. For a roof-mounted facility the height of the support structure shall not include the height of the building on which the support structure is mounted.

   iii. For all other structurally mounted facilities the height of the facility does not include that of the host structure on which the facility is mounted.

b. **Illumination limited.** Building-mounted facilities and support structures may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies. Lighting shall not exceed FCC-required minimum standards.

c. **Identification sign required.**

   i. Each tower, antenna, or accessory telecommunications facility shall have a posted sign or label identifying the responsible owner and containing current contact information.

   ii. Advertising and other promotional signs anywhere on the premises are prohibited.

COMMENT: Wireless towers over 6 feet as well as co-location of equipment on existing structures require a building permit.

d. **Radiofrequency emissions compliance.** Upon installation of a telecommunications facility, the applicant shall demonstrate that the project will not result in levels of radiofrequency emissions that exceed Federal Communications Commission standards, including FCC Office of Engineering Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended.

e. **Indemnification.** The holder of any permit issued under this title for tower or facility location on county property shall defend, indemnify, and hold harmless the County and its commissioners, officers, and employees to the maximum extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the permittee's facilities subject to this title.

f. **Inoperable or unused facilities.** If a telecommunication support structure, or an antenna array

affixed to a building or support structure, becomes inoperable or ceases to be used for a period of 180 consecutive days, the permittee shall give written notice of inoperability or non-use to the Zoning Officer, and the antenna array and, if applicable, the wireless support structure shall be removed within 90 days of such notice.

i. All leases for the location of commercial wireless facilities must stipulate that the provider shall have full access to the leasehold space for the purpose of removing the facility. Also, if the provider or landlord fails to remove the facility within the required time period, then the County shall have access to the leasehold space of the abandoned facility for the purpose of removal.

ii. If removal does not occur, the County may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure, then only the antenna array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it.

iii. All costs incurred by the County in connection with the removal of the facility shall be recoverable, at the option of the County, against the bond or other financial assurance posted by the owner or operator, or all costs incurred may be assessed as a lien against the property on which the facility is located. The County may record said lien, and the lien shall be enforceable and may be collected in the same manner as a tax lien by the County Treasurer, and any funds recovered thereby shall be remitted to the County.

iv. Before any action to remove a structure or facility, the Zoning Officer shall give notice to the provider and the owner or operator, by certified mail, of its intent to remove the facility. Such notice shall be given not less than 30 days before the County's removal.

g. **Screening required.** The telecommunication facility, tower, and support structures shall be screened in accordance with the requirements of Section 6.4. "Landscaping and Screening"

h. **Compatible design.** All telecommunication facilities, support structures, and accessory equipment shall be compatible in design, materials, and colors of buildings or structures on the same parcel (or within the right-

of-way, as applicable). When a facility is located on its own parcel, design, materials, and colors of buildings or structures on adjacent parcels shall be used for comparison.

i. **Accessory equipment.**

i. Telecommunication accessory equipment shall be grouped as closely together as technically feasible.

ii. The total footprint of all such equipment shall not exceed 400 square feet per provider and shall not reduce the site design requirements, including but not limited to parking and landscaping required for other principal uses on a parcel.

iii. No accessory equipment shall exceed 15 feet in height.

iv. Backup generators shall be located as far as possible from nearby residential uses.

3. **Requirements for new towers and support structures.**

a. **Proof of need and compatibility.** As part of the Zoning Compliance Permit application or Special Exception permit process, as applicable, the burden is on the applicant to prove all the following:

i. That the new tower or support structure will close a significant gap in service;

ii. That the new tower or support structure complies in all respects to FCC, state, and county regulations;

iii. That the need for the new tower or support structure cannot be met through collocation;

iv. That the location proposed for the new tower or support structure is the least intrusive site for the community;

v. That the design of the tower or support structure is compatible with the character of the area in which it is located, or that it minimizes incompatibilities, to the maximum extent technically feasible; and,

vi. That the new tower or support structure is the minimum necessary in terms of height and location to achieve service needs.

b. **Certification required.** At the time of applying for a permit to erect a wireless facility or structure, a qualified professional licensed to work in the State of Montana shall certify that the plans for construction and erection or installation of the facility or structure meet or exceeds current safety and design standards of all applicable federal, state, and county regulations as well as the burdens of proof listed in Section 5.30.A.3.a. "Proof of Need and Compatibility."

c. **Permitted use review.** If a

wireless facility or structure is a permitted use in the district in which it is proposed, and the Zoning Officer determines there is sufficient reason to question any of the material submitted as part of the application proving need and compatibility, the Zoning Officer may require this information be submitted to an independent expert for verification of the application materials. If that occurs, such independent expert shall present their findings in writing to the Zoning Officer and the applicant.

d. **F.A.A.** review required. Any wireless structure that exceeds two hundred feet in height or is located within the Airport Influence Area shall be reviewed by the FAA.

e. **Future collocation required.**

i. To the maximum extent technically feasible, each new telecommunication tower shall be designed to allow the collocation of facilities for more than one provider.

ii. Facility owners and operators shall not unfairly exclude a telecommunication competitor from using the same facility or location. If a telecommunications competitor attempts to collocate a facility on an existing or approved telecommunications facility or location, and the parties cannot reach an agreement, the County may require an independent study, at the expense of either or both parties, to determine the feasibility of collocation.

f. **Design standards.**

i. New towers shall be located either in the interior side or rear yard of a developed property.

ii. Monopoles shall meet the required principal structure setbacks of the underlying zone district. All other towers shall be located at minimum a distance from any property line equal to or exceeding the fall zone distance, as shown on the site plan.

iii. Wall-mounted telecommunication facilities shall be flush-mounted and shall match the building or structure they are attached to in design, color, and materials.

iv. No new support structure may project in a horizontal direction from the roof of a building.

g. **Height limitations.** New towers and support structures shall not exceed the height

Comment: The NEC regulates electrical connections and service extending from a meter. The NESC regulates electrical service from a source to a meter. Utilities are responsible for ensuring compliance with the NESC. Electrical permits must be secured from the Missoula County Public Works Department-Building Division.

limitations for a principal structure in accordance with the underlying zoning district unless a variance is approved by the Board of Adjustment.

h. **Removal.** Before erecting or installing any new tower, the owner or operator shall post with the County some form of financial assurance deemed suitable to the County to cover the cost of removal of the tower if abandoned or deemed abandoned, pursuant to the terms of these regulations.

4. **Requirements for amateur radio facilities.**

a. **Design standards.**

i. Roof-mounted facilities shall not increase the structure's height by more than 20 feet and must adhere to the height requirements of the underlying zoning district

ii. Antennas shall be setback at a ratio of 1:1 from all property lines or edge of right-of-way, whichever is closer.

iii. Neither guy wires nor their foundation shall be located within five feet of any property line or edge of right-of-way, whichever is closer.

iv. Only one facility shall be permitted on any parcel.

v. No antenna or support structure may be located so as to extend, move, or swing beyond the plane of the property boundary or edge of right-of-way at any time.

b. Crank–up antennas are encouraged to provide enhanced radio capability with minimized neighborhood impact. The crank-up tower shall be kept in its lowest extension whenever it is not being used.

c. No commercial uses shall be allowed to co-locate on any amateur radio facility or related facility. However, amateur radio facilities shall be allowed to co-locate on properly permitted commercial telecommunications facilities.

d. Facilities shall be located in the rear yard of the property or on the rear one-third of the principal structure.

e. Amateur radio facilities shall not be used for commercial purposes.

5. **Requirements for small wireless facilities.**

a. **Permitting exceptions.** All small wireless facilities shall be subject to the Zoning Compliance Permit or Special Exception permitting processes in Chapter 11 with the following exceptions:

i. Routine maintenance;

ii. Replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size and weight or smaller; or,

iii. Installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with the National Electrical Safety Code (NESC).

b. **Design standards.** If the facility is proposed in an area with an existing or adopted theme, streetscape design, or lighting plan, the small wireless facility shall adhere to the design theme for the area in which it is proposed to be placed.

c. **Height limitations.** Each modified or replaced utility pole installed in the right-of-way for the collocation of small wireless facilities shall not exceed 50 feet above finished grade or the maximum height limitation for a principal structure in the underlying zoning district, whichever is greater.

d. **Pole replacement.** A communications service provider may replace a decorative pole when necessary to collocate a small wireless facility if the replacement pole reasonably conforms to the design aesthetics of the decorative pole or poles being replaced.

B) Renewable Energy Installations.

1. **Wind energy systems.**

a. Applicability.

i. Small wind energy systems are allowed in all zoning districts that allow for minor utility services.

ii. One small wind energy system is allowed as an accessory use per parcel.

iii. Large wind energy systems are allowed in zoning districts that allow major utility services.

iv. No wind energy system shall be constructed, altered, or maintained that is determined to be a "Hazard to air navigation" as determined by the FAA or other federal agency.

b. **Performance standards.**

i. All systems must be equipped with manual and automatic (mechanical or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.

ii. No illumination of the turbine or tower shall be allowed unless required by the FAA.

c. **Design standards.**

i. The base of the tower shall be set back from all property lines, rights-of-way, and public utility easement a distance equal to the total extended height (*e.g.*,

if on a roof, roof height + tower height) plus five feet. A tower may be allowed closer to a property line than its total extended height plus five feet if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or rights-of-way. Guy wires and other support structures and devices shall be setback at least five feet from all property lines and rights-of-way.

ii. The maximum height of any small wind energy system shall be the maximum height allowed in the zoning district plus 20 feet. The maximum height of any large wind energy system shall be the maximum height allowed in the zoning district plus 50 feet.

iii. Wind energy systems may not be located within drainage, utility, or other established easements not associated with the system.

iv. Wind energy systems shall not be located in the front or street side yard between the principal structure and the right-of-way in R, RM, NR, or NC districts.

v. No portion of a system may extend on or over a property line or the edge of the right-of-way. Blades may not extend over driveways, parking areas, sidewalks, or trails.

vi. All power transmission and telemetry lines from the tower to any building or other structure must be placed underground.

vii. All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

2. **Solar energy systems.**

a. **Applicability.**

i. All roof-mounted solar energy systems and small-scale ground-mounted solar energy systems are permitted as accessory uses in all zoning districts.

ii. Owners of solar energy systems are encouraged but not required to obtain solar access easements from neighboring landowners to ensure solar access and to record such easements with the County Recorder.

b. **Exceptions.**

i. Building-integrated solar energy systems, as defined in Chapter 13, are not subject to the requirements of these regulations.

ii. Modifications to an existing accessory solar energy system that increases the solar energy system area by less than ten percent of the

original footprint shall not be subject to requirements of these regulations.

iii. Flush roof-mounted solar energy systems are exempt from the Zoning Compliance Permit requirements when it can be documented that a structural engineer has determined the roof can hold the additional load.

c. **Performance standards.**

i. Solar arrays shall comply with all applicable building and electrical codes.

ii. To determine compliance with the applicable zoning district's building coverage standards, the total horizontal projection area of ground-mounted solar energy systems shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar energy system.

iii. As part of the Zoning Compliance Permit application, large-scale solar energy systems shall provide proof of soil stabilization and a stormwater management plan showing existing and proposed grading and drainage, demonstrating no net increase in runoff.

d. **Design standards.**

i. A ground-mounted solar energy system shall not be located in the front or street side yard between the principal structure and the right-of-way in R, RM, NR, or NC districts.

ii. A ground-mounted solar energy system shall be located a minimum of two feet from interior side and rear property lines and rights-of-way.

iii. Ground-mounted solar energy systems may not extend into any required setback when oriented at minimum design tilt.

iv. There shall be no size limits on solar energy systems as a primary use on a site. However, the maximum lot coverage of any solar array shall not exceed eighty percent.

v. A ground-mounted solar energy system shall not exceed the height allowed in the zoning district by more than 10 feet.

vi. A roof-mounted solar energy system shall not extend more than 10 feet above the maximum height permitted in the zoning district in which it is located.

vii. A solar energy system may be located on an accessory structure.

viii. Solar energy systems may not be located within drainage, utility, or other established easements not associated with the system.

ix. Ground-mounted solar

energy systems must not impair sight distance for safe access to or from the property or other properties in the vicinity.

Comment: Solar and wind installations require building and electrical permits from the Missoula County Public Works Department-Building Division.

5.32 Waste and recycling facilities

A) Performance Standards.

1. Containers and dumpsters used to store refuse and recyclable items shall be certified bear-resistant containers or dumpsters.

B) Design Standards.

1. In addition to the use and dimensional standards required by these regulations, all refuse at a permitted waste facility collection or disposal site or a recycling facility shall be located at least 300 feet from a property line shared with an existing Residential district or use.

2. The perimeter of a waste or recycling facility site shall be screened in compliance with Section 6.4.F.3. "Screeing and Buffering."