

Date _____

Draft ORDINANCE NUMBER _____

PURSUANT TO MONTANA MUNICIPAL INTERIM ZONING STATUTE SECTION 76-2-306 MCA THE MISSOULA CITY COUNCIL HEREBY ADOPTS THIS SIX MONTH INTERIM URGENCY ZONING MEASURE REVISING THE MISSOULA CITY ZONING ORDINANCE, TITLE 20, CHAPTER 20.110 (MEASUREMENTS AND EXCEPTIONS), SECTION 20.110.050.A.3 TO PROVIDE FOR ADDITIONAL FLEXIBILITY IN APPLICATION OF THE SETBACK MEASUREMENT.

THE ADOPTION OF THIS INTERIM ZONING ORDINANCE SHALL HAVE AN IMMEDIATE EFFECTIVE DATE AND BE EFFECTIVE FOR SIX MONTHS FROM THE DATE OF ADOPTION, DURING WHICH TIME, THE CITY COUNCIL WILL CONTEMPLATE A PERMANENT ZONING ORDINANCE AMENDMENT TO CHAPTER 20.110.

BE IT ORDAINED that Title 20, Chapter 20.110 Missoula City Zoning Ordinance be amended and enacted to state as shown in Section 2.

SECTION 1. INTENT:

City of Missoula elected officials have recently received concerns pertaining to newly adopted zoning regulations requiring garages that are placed toward the front of a property to not be located closer to the street than the front façade of the residential building. The transition from requirements in Title 19 to this new regulation in Title 20 has raised questions regarding specific treatment of existing development, consideration of existing neighborhood development patterns, and allowances for unique lot configurations. These questions are best explored while allowing interim regulations to be in place to address immediate concerns. Thus, the city council determines that it best serves the public interest and best serves to protect the public safety, health and general welfare associated with planning and encouraging reasonable orderly development of the Missoula community to adopt an interim ordinance to more timely address these concerns.

SECTION 2. INTERIM REGULATIONS:

Title 20, Chapter 20.110 Measurements and Exceptions, .050 Setbacks, .A Front Setbacks:

3. Garage Setbacks

All residential garages that are accessed from the street must be set back at least 20 feet and may not be located closer to the street than the front façade of the residential building.

a. Exceptions to the placement of a residential garage closer to the street than the front façade of the residential building:

- (1) Garages on lots which slope up or down from the street with an average slope of fifteen (15) percent.
- (2) Garages on lots with areas equal to, or greater than, 10,000 square feet and with a street frontage of at least ninety (90) feet.
- (3) Garages on lots which secured a building permit prior to November 4, 2009.
- (4) A street-facing garage wall may be up to 6 feet in front of the longest street facing-wall of the dwelling unit, if:

- (i) The street-facing garage wall is 40 percent or less of the length of the overall building façade; and
- (ii) There is a porch on the front entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must meet the following:
 - i. The porch must be at least 48 square feet in area and have a minimum dimension of 6 feet in any direction.
 - ii. The porch must have a solid roof; and
 - iii. The roof may not be more than 12 feet above the floor of the porch.
- b. Rebuilding. A detached garage that is nonconforming due to its location in a setback may be rebuilt in the footprint of the existing foundation, if the garage was originally constructed legally. The garage walls may be up to 10 feet high, excluding the portion of the wall within a gable. The rebuilt garage is not required to comply with other standards of this chapter except for building height.

SECTION 3. IMMEDIATE EFFECTIVE DATE.

The effective date of this interim zoning ordinance shall be the date it is adopted by the Missoula City Council and this interim zoning ordinance shall be in effect for six (6) months, unless it is repealed or revised prior to the expiration of the six (6) months time period.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED BY a Ayes, Nays, Abstain, Absent, vote and

APPROVED by the Mayor this of , 2010

ATTEST:

APPROVED:

Martha L. Rehbein
City Clerk

John Engen
Mayor

(SEAL)