

AN ORDINANCE AMENDING THE "EC" (ENTERPRISE COMMERCIAL OVERLAY DISTRICT), CHAPTER 19.57 OF THE MISSOULA MUNICIPAL CODE.

CHAPTER 19.57

**EC ENTERPRISE COMMERCIAL OVERLAY DISTRICT**

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**19.57.010 Purpose.** The purpose of the Enterprise Commercial Overlay District is to accommodate one or more adjacent or adjoining commercial and/or office buildings with a total gross floor area of 30,000 square feet or greater, where the purpose is the buying and selling of commodities and/or supplying of services, and any parking appurtenant to the use. This overlay district is not applicable in the Central Business District, where the permitted uses are subject to the standards already contained in that chapter (Chapter 19.26). The "EC" district is intended to provide a location for commercial and/or office uses which serve a regional as well as local trade area; commercial and/or office uses which, because of their large size, require individual sites; smaller commercial and/or office developments which integrate with larger commercial and/or office buildings; and, commercial and/or office uses which are dependent on major highway access. Rezoning for enterprise commercial uses should assure that adequate capital facilities are available to the site and confirm the appropriateness of such a location for commercial or office establishments of this size and nature. Special performance standards and traffic impact mitigation measures are required in this overlay district.

**19.57.020 Enterprise Commercial Overlay District Defined.** For the purposes of this section, the "Enterprise Commercial" Overlay District, also known as the "EC" zoning district, is defined as an overlay zone which extends the permitted uses in the underlying zoning district to include adjacent or adjoining commercial and/or office establishments with a total gross floor area of 30,000 square feet or greater, where the purpose is the buying and selling of commodities and/or supplying of services, plus any parking appurtenant to the use.

**19.57.030 Generally.** The provisions of this chapter shall be applicable only in those areas which are zoned C, C-2, D, and I-1, and where the property is designated by the current comprehensive plan for moderate or heavy commercial or light industrial uses.

**19.57.040 Submittal Requirements for Rezoning.** A pre-application meeting ten (10) days prior to submittal of an "EC" rezoning request shall be required. A request for "EC" rezoning shall be accompanied by preliminary development data which shall include the following information:

1. Exact legal description.
2. Site map showing the boundary lines of the proposed Enterprise Commercial Overlay District, total acreage encompassed therein,

adjacent land uses within 500 feet surrounding the parcel, and a site plan or approved subdivision plat at an appropriate scale (minimum 1" to 100') showing the following:

A. Location, widths, and names of all existing or prior-platted streets, railroad and utility rights-of-way, parks and other public open spaces, existing building and structures, permanent easements and section and municipal boundary lines;

B. Existing and proposed contours at minimum five (5) foot intervals including any slopes, berms, banks, ditches, etc., and type of ground cover;

C. Location and dimensions of ingress and egress vehicular drives; and,

D. Location and dimensions of public pedestrian walkways.

3. Names and addresses of applicant(s); name and address of surveyor or architect who prepared the plans; and names, addresses and signatures of property owner(s).

4. Landscape and maintenance plan for boulevard development and common areas.

5. Traffic Analysis. Traffic plan providing the necessary information to allow the transportation planner and City Engineering Department to assess the impact of the proposed Enterprise Commercial Overlay District on existing public rights-of-way.

6. Any other information determined as necessary by the Zoning Officer for complete review.

**19.57.050 Permitted Uses.** No building, land, or structure shall be used and no building or structure shall be erected, structurally altered or maintained unless otherwise provided in this title except for one or more of the following uses:

1. Uses permitted in the underlying zoning for the property.
2. Commercial businesses or offices with a total gross floor area of 30,000 square feet or greater where the purpose is the buying and selling of commodities and/or supplying of services, plus any parking appurtenant to the use.

**19.57.060 Site Development Standards.** Development of individual sites within an "EC" Enterprise Commercial Overlay District shall meet the following standards prior to the issuance of a zoning compliance permit:

1. Space and Bulk Requirements.

A. Maximum Height. As established in the underlying zone.

B. Minimum Front, Side & Rear Yard Setbacks. Twenty-five (25) feet from the edge of any public right-of-way or from exterior boundaries of the enterprise commercial development. Internal setbacks within the same development need not comply with this section, except that internal setbacks shall comply with building setbacks established in the Uniform Building Code.

The required setback area may be used to provide required off-street parking, subject to landscaping requirements.

C. Minimum Lot Width. Not less than one-third (1/3) the

average lot depth.

2. Automobile and Bicycle Parking.

A. All uses constructed within this district shall meet the standards of the City Off-street Parking Ordinance, Chapter 19.78 Missoula Municipal Code, including loading and unloading, except that any commercial business and/or office building(s) exceeding a total gross floor area of thirty thousand (30,000) square feet shall provide parking at a maximum ratio of 4.3 parking spaces per one thousand square feet of gross leasable floor area.

Gross Leasable Floor Area is the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

B. Short term bike parking shall be provided on site for commercial and office uses at a minimum rate of 10% of the car parking spaces, plus long term bike parking at a minimum rate of 20% of employees at peak shift. Bicycle parking spaces shall be in clearly designated, highly-visible, safe, and convenient locations, and shall not impede pedestrian access. At least half of the customer bicycle parking shall be located with fifty (50) feet of a customer entrance, and the remainder shall be located within one hundred (100) feet of a customer entrance. Variations in the number of bike parking spaces for uses other than retail, and variations in bike parking location may be approved by the Zoning Officer in consultation with the Bicycle/Pedestrian Coordinator. Preferably, customer bicycle parking would be covered. The bike parking plan shall be subject to review and approval of the City Bicycle/Pedestrian Coordinator. These bike parking standards may be superseded by subsequent ordinance adoption regarding comprehensive city bike parking requirements.

Short Term 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.

Long Term 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.

3. Access onto arterials shall be minimized, and ingress and egress points to individual sites should be designed onto interior streets when the site abuts such a street.

4. Every site must be fully developed with building, parking, or landscaping. Areas reserved for future expansion must have the front yards facing developed streets landscaped in accordance with this chapter. Said landscaping shall be installed along improved streets and extended at the time unimproved streets are improved. The interior lots shall be kept in a mowed and weed-free condition.

5. Trash receptacles must be screened on all four sides from public view by an enclosure such as a wall, fence, or plantings which will effectively screen them from public view.

6. Roof-mounted mechanical equipment or antennas shall be screened from adjacent public streets. Assume a viewing point at the centerline of the street which is five feet (5') higher than the building floor grade.

7. All business, servicing, manufacturing or processing of materials, goods or products shall be conducted within completely enclosed buildings, except as provided in this section. Outdoor storage of materials is permitted only if effectively screened by a wall, fence, or plantings so that such materials are not visible from a public right-of-way or residential zone or use. Street vending is permitted on lots zoned "EC" pursuant to the City's Street Vendor's Ordinance No. 2813. Outdoor display and sales, as defined below, is permitted on lots zoned "EC":

Outdoor Display Area is a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished products sold by a retail business located on the same lot.

Outdoor Sales Area is an area set aside outside, used in conjunction with a business located within the building or structure on the same property, for the display or sales of seasonal products, new merchandise or the supply of services.

Any products sold, displayed or stored outside shall not impede bicycle or pedestrian access and the City Engineer shall verify that traffic circulation is not impaired.

#### 8. Building Design.

Alternatives shall be incorporated into the building to reduce the visual impact of the building. This requirement applies to new construction and/or expansion of an existing building by over fifty percent (50%). Building entry walls shall contain at least four (4) alternatives. Building walls that face public rights-of-way shall incorporate at least three (3) alternatives. The alternatives are:

A. Provide color variation in the building facade, including building trim and accent areas.

B. Provide building facade modulations, such as projections, recesses, off-set planes, overhangs, arcades, and/or clearly defined, highly visible pedestrian entrances encompassing at least 75% of the first story of the building facade. No uninterrupted length of the facade shall exceed 100 feet.

C. Incorporate landscaping, including trees, adjacent to the building along a minimum of seventy-five percent (75%) of the building length.

D. Vary exterior materials and provide textural diversity. Predominant exterior building materials should not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

E. Incorporate windows, doors and other transparencies to encompass at least twenty percent (20%) and no more than sixty percent (60%) of the first story of the building facade

F. Provide varied roof lines and multiple roof planes, with at least three or more roof slope planes.

#### 9. Parking Lot Design.

One of the following alternatives shall be incorporated into the site to reduce the visual impact of the parking lot.

A. Landscape Setbacks. When the parking area is located

between the building and a public right-of-way, provide a three foot (3') high hedge, decorative wall or fence, or a berm at least two and one half (2½) feet high and no taller than three (3) feet high, within the twenty (20) foot wide perimeter landscaped buffer between the parking lot and right-of-way. Berms taller than two and one half (2½) feet require greater area and therefore may encroach further into the site beyond the twenty (20) foot landscaped perimeter or into the landscaped boulevard area with approval from the City Engineer and the State Department of Transportation. Berm slopes should not to exceed twenty-five percent (25%) for lawn areas. Berms planted with vegetative ground cover and shrubs shall not exceed fifty (50) percent slope.

B. Grade Changes. Where the parking lot is at least two and one half (2½) feet lower in elevation than the surrounding or adjacent right-of-way, the embankment shall be planted with vegetative ground cover, low shrubs, and shade or ornamental trees.

C. Parking Placement. Locate at least fifty percent (50%) of the parking to the side or rear of the building.

D. Outdoor Plaza. Provide a centrally located, usable outdoor space that is hard-surfaced (concrete or unit pavers, not asphalt) and incorporates landscaping. The area of the outdoor plaza shall be at least five percent (5%) of the total gross floor area. Seating should be provided, and food vending is strongly recommended. This area should incorporate visual points of interest, such as public art, fountains, landscape plazas, public gathering space, etc. The outdoor plaza may contribute to the overall twenty percent on-site landscape area requirement.

#### 10. Pedestrian Facilities.

A. The internal pedestrian circulation plan shall include a clear separation of vehicular and pedestrian traffic that is safe and convenient and that fully interconnects pedestrian walkways within the site and to perimeter sidewalks. A minimum six (6) foot width shall be maintained free and clear of obstacles on all pedestrian walkways.

B. Buildings shall be separated from drives and parking areas by a minimum of six (6) feet, except where buildings are adjacent to service drives that do not access any public parking or use area. This six (6) foot setback area shall be maintained as a walkway and/or landscaping. However, sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking stalls.

C. All crosswalks shall be colored and shall include partial or full texturing to provide greater differentiation of the walkway from the driving surface. The sidewalk color, grade and surface shall be continued across any intersection with roads, driving corridors, parking areas, loading areas and driveways.

D. All pedestrian accommodations shall be built to ADA guidelines.

E. The developer shall petition the property into the Missoula Urban Transportation District, and a bus turnout

area, bus shelter, and bus stop signs may be required on or adjacent to the site.

#### 11. Lighting.

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrian, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances. All outdoor lighting shall meet the following standards:

A. All driving and parking area lighting and walkway lighting shall be shielded so that all light falls within the property boundary. Exterior sign and building lighting shall be designed with shielding so that all direct light falls either upon the surface of the structure to be illuminated and within the property boundary. No light fixture shall exceed thirty (30) feet in height.

B. Except for temporary holiday displays, blinking, flashing or lights of changing intensity are prohibited.

#### 12. Signs.

All uses constructed within this district shall meet the standards of the City Sign Ordinance, Chapter 19.90 Missoula Municipal Code.

**19.57.070 Landscaping.** Landscaping standards are designed to help protect the public health, safety, and welfare, by improving air quality of the community; moderating heat gain by asphalt; reducing the amount of reflected heat; reducing the visual impact of glare, headlights, and parking lights from the public right-of-way and from adjoining properties; improving the visual quality of parking lots; and enhancing pedestrian use areas.

1. For the purposes of this section, landscaping is defined as any living plant material of the following combination: vegetative ground cover or grass, flowers, ornamental plants, shrubs, vines, hedges and/or trees. Where appropriate, xeriscape may be used. Native or naturalized plants are encouraged.

2. The minimum height for a tree at planting in the required landscaped area is eight feet (8'). At planting, trees shall have a minimum caliper size of two inches (2") measured at four feet (4') above grade. The minimum size of shrub at planting is five-gallons.

3. All landscaping material shall be in place and healthy prior to issuance of an occupancy permit. If weather does not permit installation of landscaping prior to issuance of an occupancy permit, the property owner shall install all required landscaping in the next growing season following the issuance of an occupancy permit. A temporary permit may be issued prior to landscaping installation if an improvements guarantee is provided and that written assurance is given that the planting will occur in the next growing season. Within four (4) years of planting, plantings shall cover at least ninety percent (90%) of the required landscaped area.

4. It shall be the responsibility of the property-owner to maintain all landscaping, including that within the boulevard. In non-residential development and where appropriate, automatic irrigation systems, with back flow prevention, shall be provided to maintain healthy landscaping.

5. Development of individual sites shall meet the following landscaping standards:

**A. On-site Landscaping.** At least twenty percent (20%) of the total lot area to be developed shall be landscaped. There shall be no fewer than one (1) tree and five (5) shrubs planted per one thousand (1000) square feet of landscaped area, or fraction thereof. The trees required in the perimeter landscaping (in section b. below) and the parking lot interior landscape islands (in section C. below) contribute to the total number of required on-site trees.

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

Any use in the district which abuts a residential zone or use shall provide a twenty-five (25) foot wide landscaped buffer strip with a visual screen no less than five (5) feet in height provided at seventy-five percent (75%) year round opacity at time of planting along the entire lot line adjacent to the residential zone or use.

**C. Interior Parking Lot Landscaping.** Landscaping, in an amount equal to ten percent (10%) of the paved area, shall be placed within the paved area. Landscaping directly adjacent to the building and adjacent to paved parking areas, measuring ten feet (10') in depth from the edge of building or paving, may be counted toward the required ten percent (10%) interior parking lot landscaping. Interior parking lot landscaping contributes to the total 20% on-site landscaping required in this section.

The interior vehicular use area which is the area proposed for parking and paved display areas shall provide interior landscape islands. To be considered an interior landscaped island, at least two sides of the landscaped area must be bordered by a paved surface. Interior landscaped islands shall meet the following criteria and guidelines:

1. Interior landscaped islands shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred thirty five (135) feet. Any parking aisle that ends adjacent to a paved driving surface, regardless of the aisle's length, shall have a landscaped island at that end.

2. Landscape islands shall be planted with living vegetative ground cover. Canopy or shade trees shall be provided in interior landscape islands at a minimum rate of one (1) per one hundred fifty (150) square feet of required interior landscaped island area, with a minimum of one tree per landscaped island.

3. Landscape islands shall be a minimum of nine (9) feet wide.

4. Interior landscaped islands must be protected by curbs,

curb stoppers, fences, or raised planters.

**D. Boulevard Landscaping.** Boulevards must be developed in compliance with the City's Boulevard Regulations.

**19.57.090 Nonconforming Uses.** Within "EC" districts created by this chapter, or by the adoption of amendments subsequent to this Chapter, there may exist developments of land (including parking areas and landscaping) which were legal prior to the adoption or amendment of this Chapter, but which under the terms of this zone or its amendments, are now prohibited, restricted, or regulated. It is the intent of this Chapter to permit these nonconformities to continue until they are voluntarily removed or brought into compliance in conjunction with a proposed change in the development. It is intended that these nonconformities will not be enlarged, expanded, relocated, or increased, except as provided in this zone. It is recognized that conformance with landscaping requirements may have special problems related to the existing improvements and the scale of a proposed change to the project.

**19.57.100 Zoning Compliance Permits.** Application for Zoning Compliance Permits for individual sites must contain the following information:

1. Site Plan at an appropriate scale (minimum 1" to 100')
2. Landscaping plan with a legend and landscaping maintenance plan.
3. Square foot calculations for the following:
  - A. gross floor area;
  - B. gross leasable floor area;
  - C. vehicular use area (including parking, loading, and driveway area); and,
  - D. landscaped area separated into the following:
    1. required on-site landscaping; and,
    2. interior parking lot landscaping.
4. Any other information required by the Zoning Officer to determine compliance with the standards contained herein.
5. Trip generation data shall be provided for each proposed use using the Institute of Transportation Engineers Publication "Trip Generation." The City Engineer may require a traffic study to determine what, if any, traffic improvements will be required of the applicant. If, after the traffic study, the City Engineer recommends traffic control improvements, including off-site access and traffic control, the City Engineer may require the applicant to finance and construct those traffic improvements that are directly attributable to the development.

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 12 Ayes, 0 Nays, 0 Abstain, 0 Absent vote  
and



APPROVED by the Mayor this 14th of September, 1998.

ATTEST:

APPROVED:

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Martha L. Rehbein  
City Clerk

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Mike Kadas  
Mayor

(SEAL)