

ORDINANCE 3643

A City of Missoula initiated ordinance amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate section 20.25.035 /AR Adaptive Reuse Overlay

Be it ordained that Section 20.25.035 /AR Adaptive Reuse Overlay be established as follows.

20.25.35 /AR, Adaptive Reuse Overlay

A. Purpose

1. General

- a. This section establishes the general authority and procedures for establishing the /AR Adaptive Reuse Overlay District regulation, herein referred to as /AR District.
- b. The /AR District is intended to facilitate the adaptation and continuing use of Historically Significant Buildings in the community. Under the guidance of these regulations and historic preservation review, additional building and land uses may be allowed on properties that would not ordinarily permit them.

2. Objectives

- a. Promote adaptive reuse of historic buildings as part of Missoula's broader goals in supporting historic preservation, environmental sustainability, and economic and community development.
- b. Recognize the social, economic, and environmental value of Historically Significant Buildings.
- c. Encourage historic preservation beyond established historic districts.
- d. Allow the conversion of existing building uses into new building uses that maintain or enhance the character of the community and further extend the life of a building or space.
- e. Reduce the environmental hazards and costs associated with new construction.
- f. Enhance economic growth.

B. Definitions

Adaptive Reuse – The process of reusing an existing building, or portion of a building, for a purpose other than which it was originally built or designed for, currently used for, or if no change of use is occurring, for the benefit of a substantial rehabilitation.

Historically Significant Building - Any building eligible for inclusion on the National Register of Historic Places as defined in [36 CFR 60.4](#), any building that is included in Missoula's Inventory of Historic Resources ("Local Inventory" 20.30.030), or any contributing building in a National Register Historic District (20.30.030).

C. Selection Criteria

1. The /AR District may only be applied to a parcel that contains an existing building which meets the definition of Historically Significant Building, and must be for an adaptive reuse purpose (Section 20.25.035.B).
2. The Historic Preservation Commission and the historic preservation officer will determine whether a project qualifies for the /AR District. Determination of eligibility for the /AR District shall be made using Section 20.30.040 (Designation Criteria for an Historic Resource).
3. The associated project must be in conformance with 20.25.035.A.2.

D. Establishment of District

1. /AR Districts are established in accordance with the zoning amendment procedures of 20.85.040, in addition to Review Criteria found in this section.
2. An application to establish an /AR District may be initiated only by the property owner or the property owner's designee.

E. Review Criteria

1. Requirements will vary from one context to another and will be assessed on a district-by-district basis. Each /AR District is unique and shall be reviewed as it relates to public health, safety and general welfare as well as its contribution to the preservation of historic buildings.
2. Impacts to the surrounding area will be evaluated and shall include, but not be limited to, light, traffic, parking, landscape and buffering, operating hours, neighborhood character and generally as to whether the proposed overlay district is contextually appropriate.
3. Applicants must demonstrate a commitment to the preservation, maintenance and general welfare of the historic building.

F. Review Authority and Procedure

1. In establishing an /AR District, the City Council is authorized to adopt district-specific development and design standards to guide redevelopment within the subject /AR District.
2. When redevelopment standards have been approved, each application for additional modification or alteration of an existing [building](#) within the designated /AR District must comply with those standards.
 - a. If a proposed modification is beyond the parameters of the approved redevelopment standards, the applicant must get further approval from the City Council.
3. The recommendation to establish an /AR District must be accompanied by a report containing at a minimum, the following information:

- a. A description of proposed use;
- b. A site plan showing the recommended boundaries of the /AR District, to include exhibits of existing conditions and proposed conditions;
- c. An explanation of how the area meets the selection criteria of 20.25.035.C;
- d. Any recommended district-specific development and design standards applicable to redevelopment within the district;
- e. An explanation of the planning and zoning implications related to the /AR designation of the proposed parcel and application of the district-specific development and design standards; and
- f. Documentation that the HPC and/or HPO have deemed the property a Historically Significant Building qualifying for an /AR District.

G. Applicability

The standards of this section applies to all /AR Districts.

- 1. Proposed /AR Districts:
 - a. Will not be required to amend the existing underlying land use designation or existing base zoning district.
 - b. Shall be contingent upon the designation of the building as being Historically Significant.
- 2. Once an /AR District is created:
 - a. Buildings within an /AR District shall be subject to the Historic Preservation Permit process outlined in Section 20.85.085, and will be added to Missoula’s Inventory of Historic Resources (“Local Inventory”).
 - b. Once an /AR District is approved, the associated adaptive reuse project must be initiated within three years of approval.
 - c. If after approval, future proposals involve removal of or significant alteration to the historic resource, or the property loses its status as a Historically Significant Building, all provisions of approval are void, and regulations applicable to the property revert to those governing the underlying zoning district.
 - d. Any alteration or expansion to a project within an /AR District shall be subject to Section 20.85.085.
- 3. All or any portion of a Historically Significant Building may be converted for the purpose of the /AR District.

H. Standards

Projects in an /AR District are subject to all applicable standards of this zoning ordinance, unless otherwise stated.

1. The City Council may grant, modify or deny some or all of the standards set forth below as part of the /AR District:

a. Uses

A list of uses to be allowed in a /AR District must be approved as part of the /AR District approval process. Regardless of the underlying zoning, the City Council may approve a mix of use types within an /AR District as a means of accommodating the reuse of any qualified building. However, new uses that emit noxious odors or excessive noise shall not be permitted, unless the applicant demonstrates the use will not negatively affect nearby residences.

b. Density

The /AR District may exceed the maximum density established by the underlying zoning district for the parcel, so long as the added density is allowable by building code.

c. Expedited Review

Projects within an /AR District shall receive expedited review throughout the City's plan review process.

d. Monetary Fees

Administrative fees associated with the adoption of an /AR District will be reduced by half.

e. Fire Code

Projects within an /AR District shall comply with the provisions set forth under Historic Buildings in the adopted Fire Code and those provisions of NFPA 914, Code for Fire Protection of Historic Structures.

- (1) Whenever there are practical difficulties involved in carrying out the provisions of the adopted Fire Code, the fire code official shall have the authority to grant modifications for individual cases. The fire code official shall find that individual circumstances exist that make following the strict letter of the Fire Code impractical, the proposed modification complies with the intent and purpose of the Fire Code, and that such modification does not lessen health, life and fire safety requirements.

2. Additional standards

a. Building Code

Projects within an /AR District may qualify for alternative building code compliance subject to Section 3409 of the International Building Code. Proposed projects must be able to demonstrate an alternative means or method of protecting public health, safety, and welfare.

I. Zoning Map

Approved /AR Districts must be identified on the zoning map by appending the map symbol “/AR- X” as a suffix to the base zoning district classification, and will be listed on the following table.

Districts Established

Map Symbol	District Name	Regulations

Effective date. The provisions of this ordinance shall be effective in 30 days after adoption.

Severability. If any selection, 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, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the 15th day of July, 2019 by a vote of 12 ayes, Alderperson Anderson, Alderperson Armstrong, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Bryan von Lossberg, and Alderperson West; 0 nays; 0 abstentions; 0 absent.

Second and final reading and adoption on the 12th day of August, 2019 by a vote of 10 ayes, Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West; 0 nays; 0 abstentions; 2 absent, Alderperson Armstrong, and Alderperson Ramos

ATTEST:

/s/ Martha L. Rehbein
Martha L. Rehbein
City Clerk

APPROVED:

/s/ John Engen
John Engen
Mayor

(SEAL)