

(9/19/19) Ordinance # _____

An interim zoning ordinance amending Title 20, Missoula City Zoning Ordinance Chapter 20.40, creating a new section 20.40.055, and Chapter 20.105, and amending Section 20.105.030 establishing a new use entitled “Extreme Weather Shelter” and providing regulations governing the use.

Be it ordained that Title 20, Chapter 20.40, Section 20.40.055 is hereby established as follows and Chapter 20.105, Section 20.105.030 is amended as follows.

20.40.055 - Extreme Weather Shelter

An Extreme Weather Shelter is permitted in any zoning district subject to the criteria listed below:

- A. An extreme weather shelter is temporary, and subordinate, to the primary use. Shelter facilities are intended to provide refuge for individuals who are homeless or at risk during extreme weather events, and must comply with all applicable city codes, e.g. building and fire codes.
- B. Agencies providing shelter should contact the Housing and Community Development office to create a management plan that addresses the criteria listed in section 20.40.045B.
- C. Management plans should be reviewed annually with the assistance of the Housing and Community Development office.

20.105.030 - Public and Civic Use Group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

A. College/University

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

B. Day Care

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day-. There are two types of day care:

1. Residential Day Care

Day care provided within a residential unit for up to 12 children or adults, in addition to members of the day care provider's household .

2. Day Care Center

Day care for 13 or more children or adults.

C. Detention and Correctional Facilities

Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Examples include prisons, jails, probation centers and juvenile detention homes.

D. Extreme Weather Shelter

An intermittently operating shelter provided by Religious Assembly uses for the homeless and at risk populations during weather events where human life is at risk, and subject to Section 20.40.055.

D.E. Fraternal Organization

The use of a building or parcel by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests.

E.F. Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

F.G. Library/Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

G.H. Park/Recreation

Recreational, social, or multi-purpose uses associated with public parks, public open spaces, public community centers, public play fields, public or private golf courses, or other public recreation areas or buildings .

H.I. Preschool

Place or facility that provides educational instruction designed for children five years of age or younger, with limited hours of education per child:

1. Preschool (1—12)
Preschool education for up to 12 children.
2. Preschool Center (13+)
Preschool education for 13 or more children.

I.J. Religious Assembly

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques and churches. Religious Assembly includes a provision for extreme weather shelter use. Religious institutions providing extreme weather shelter must comply with Section 20.40.055, Extreme Weather Shelter.

J.K. Safety Services

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

K.L. School

Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

L.M. Utilities and Services

1. **Minor**
Infrastructure services that need to be located in the area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; minor water towers and reservoirs; minor electrical substations, including small scale solar energy conversion systems ; water conveyance systems;

stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities. Bus and rail passenger facilities for local or subregional service, such as Mountain Line stops and transfer centers, are classified as "minor utilities and services."

2. **Major**

Infrastructure services that typically have substantial land-use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities and electric generation plants, including medium and large scale solar energy conversion systems .

M.N. **Emergency Homeless Shelter**

Uses providing temporary shelter for homeless persons provided at no cost, the primary purpose of which is to provide shelter to individuals on a day-by-day basis. An emergency shelter shall be considered a different land use than Community Residential Facilities (20.105.020.B.1).

N.O. **Meal Center (Soup Kitchen)**

Primary uses providing food served on-site at little or no cost.

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, for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

EFFECTIVE DATE

This ordinance will be effective immediately.

First reading and preliminary adoption on the ____ day of _____, 2019, by a vote of ____ ayes ; ____ nays; ____ abstaining; and ____ absent.

Second and final reading and adoption on the ____ day of _____, 2019 by a vote of ____ ayes; ____ nays; ____ abstentions; and ____ absent.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor