

ORDINANCE NUMBER _____

PURSUANT TO MONTANA MUNICIPAL INTERIM ZONING STATUTE SECTION 76-2-306 MCA THE MISSOULA CITY COUNCIL HEREBY ADOPTS THIS INTERIM URGENCY ZONING MEASURE AMENDING TITLE 20, MISSOULA CITY ZONING ORDINANCE SECTION 20.05 RESIDENTIAL DISTRICTS, SECTION 20.10 BUSINESS AND COMMERCIAL DISTRICTS, SECTION 20.15 INDUSTRIAL AND MANUFACTURING DISTRICTS, AND SECTION 20.20 OPEN SPACE, PUBLIC, AND AVIATION DISTRICTS, PROHIBITING THE APPLICATION OF THE CONDITIONAL USE PROCESS TO CERTAIN USE CATEGORIES, AS THAT APPROACH MAY BE IN CONFLICT WITH A ZONING PROPOSAL THAT CITY COUNCIL IS CONTEMPLATING.

THIS INTERIM ZONING ORDINANCE SHALL BE EFFECTIVE FOR SIX MONTHS FROM THE DATE OF ADOPTION, DURING WHICH TIME THE CITY WILL CONTEMPLATE PERMANENT ZONING ORDINANCE AMENDMENTS.

SECTION 1. INTENT

Montana Code Annotated (MCA) 76-2-301 states that a municipality may regulate and restrict the use of land for trade, industry, residence, or other purposes for the purpose of promoting health, safety, morals, or the general welfare of the community.

The City of Missoula is facing historic levels of development review, causing backlogs and delays that are directly and indirectly impacting our ability to move key priorities like residential projects forward. A large cause of this backlog is due to the historic number of active subdivision applications, which have review and response times that are mandated by state law. In light of current demand, there is an urgent need to identify and simplify regulations and processes that have an immediate impact on our ability to operate and allows us to conduct business more efficiently. Since the conditional use process is not subject to state mandated timelines and are discretionary reviews, this interim ordinance is focusing on amendments to conditional uses.

This interim urgency ordinance (in accordance with MCA 76-2-306) shifts many existing conditional uses throughout the zoning districts to permitted based on analysis of specific considerations. This interim urgency ordinance will help to provide a more effective delivery of City services, consistent with the City's mission, and supports the overall public health, safety, and welfare of our growing community by allowing a more streamlined review of certain types of uses, thereby freeing up staff time to review and approve the housing and support services necessary to support a safe and healthy community.

MCA 76-2-306 authorizes the City Council to adopt interim zoning ordinances to be in effect for a maximum of six months from the date of adoption and provides for two one-year extensions subject to a super-majority (two-thirds) vote.

[illegible]

^L Roof-mounted and structure mounted support structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.160
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[1] Allowed (as conditional use) in RM1-35 district only.

[2] Permitted in RM1-35 district only.

Chapter 20.10 Business and Commercial Districts

20.10.020 Allowed Uses

A. Use Table

Uses are allowed in B and C zoning districts in accordance with Table 20.10-1, below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Chapter 20.105. Uses are identified in the first column of Table 20.10-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.10-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.10-1 may be allowed if reviewed and approved in accordance with the conditional use procedures of 20.85.070. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.10-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.10-1 Uses Allowed in Business and Commercial Districts

Use Category ↳ specific use type	B1	B2	B3	C1	C2	CBD	Standards
RESIDENTIAL							
Household Living							
↳ In Vertical Mixed-use Building	P	P	P	P	P	P	
↳ In Single-purpose Residential Building	P	P	P	P	P	P	
↳ In Mixed-use Building	P	P	P	P	P	P	
Group Living (except as noted below)	G-P	G-P	G-P	G-P	G-P	G-P	20.40.070
↳ Community Residential Facility (8 or fewer)	P	P	P	P	P	P	
↳ Community Residential Facility (9+)	P	P	P	P	P	P	20.40.070
↳ Health Care Facility	P	P	P	P	P	P	
PUBLIC/CIVIC							
Fraternal Organization	-	G-P	G-P	G-P	P	P	
College/University	P	P	P	P	P	P	
Day Care (except as noted below)	P	P	P	P	P	P	
↳ Day Care Center (13+)	G-P	P	P	P	P	P	
Emergency Homeless Shelter	C	C	C	G-P	G-P	C	20.40.045
Hospital	-	C	C	P	P	P	
Library/Cultural Exhibit	P	P	P	P	P	P	
Meal Center	C	C	C	G-P	G-P	C	20.40.085
Park/Recreation	P	P	P	P	P	P	
Preschool (except as noted below)	P	P	P	P	P	P	
↳ Preschool Center (13+)	G-P	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	P	
Safety Services	P	P	P	P	P	P	
School	P	P	P	P	P	P	
Utilities and Services							
↳ Minor	P	P	P	P	P	P	
↳ Major	C	C	C	C	C	C	
COMMERCIAL							
Animal Services							
↳ Sales and Grooming	G-P	G-P	P	P	P	G-P	20.40.020
↳ Shelter or Boarding Kennel	-	-	-	G-P	G-P	C	
↳ Veterinary	G-P	G-P	P	P	P	G-P	
Artist Work or Sales Space	P	P	P	P	P	P	20.40.170
Building Maintenance Service	-	C	C	P	P	C	
Business Equipment Sales and Service	P	P	P	P	P	P	20.40.170

Business Support Service	-	P	P	P	P	P	20.40.170
Communication Service Establishments	-	P	P	P	P	P	20.40.170
Construction Sales and Service	-	-	-	P	P	-	
Day Labor Employment Agency	-	-	-	G-P	G-P	G-P	20.40.170
Eating and Drinking Establishments							
^L Restaurant	P	P	P	P	P	P	20.40.170
^L Tavern or Nightclub	-	C	C	C	G-P	P	20.40.040 20.40.170
Enterprise Commercial Use	-	-	-	G-P	G-P	P	20.40.050
Entertainment and Spectator Sports							
^L Small Venue	-	P	P	P	P	P	
^L Medium Venue	-	-	-	P	P	P	
^L Large Venue	-	-	-	P	P	P	
Financial Services (except as noted below)	-	P	P	P	P	P	20.40.170
^L Check cashing/loan service	-	-	-	G-P	G-P	-	20.40.170
^L Pawn Shop	-	-	-	-	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	P	P	P	20.40.170
Funeral and Interment Services							
^L Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	
^L Cremating	-	-	-	-	-	-	
^L Undertaking	-	P	P	P	P	-	
Gasoline and Fuel Sales (except as noted below)	-	-	-	C	C	C	20.40.060
^L Truck Stop/Travel Plaza	-	-	-	C	C	-	20.40.150
Lodging							
^L Bed and Breakfast	P	P	P	P	P	P	20.40.030 20.40.170
^L Hostel	-	-	P	P	P	P	20.40.170
^L Hotel/Motel	-	-	-	P	P	P	20.40.170
^L Recreational Vehicle Park	-	-	-	-	-	-	
^L Tourist Homes	P	P	P	P	P	P	20.40.135
Office							
^L Administrative, Professional or General Office	P	P	P	P	P	P	20.40.170
^L Medical Office	P	P	P	P	P	P	20.40.170
Parking, Non-Accessory	-	C	C	P	P	P	
Personal Improvement Service	P	P	P	P	P	P	20.40.170
Repair or Laundry Service, Consumer	P	P	P	P	P	P	20.40.170
Research Service	-	P	P	P	P	P	20.40.170
Retail Sales	P	P	P	P	P	P	20.40.170

^L Cannabis Dispensary	P	P	P	P	P	P	20.40.083
Sports and Recreation, Participant (except as noted below)	-	-	-	P	P	P	
^L Casino	-	-	-	C	C	C	20.40.040 20.40.170
Vehicle Sales and Service							
^L Car Wash/Cleaning Service	-	-	-	C	P	-	
^L Heavy Equipment Sales/Rentals	-	-	-	C	G-P	-	
^L Light Equipment Sales/Rentals	-	-	-	P	P	P	
^L Motor Vehicle Repair, Limited	-	-	-	P	P	P	
^L Motor Vehicle Repair, General	-	-	-	-	P	-	
^L Vehicle Storage and Towing	-	-	-	-	G-P	-	
INDUSTRIAL							
Cidery	-	C	C	G-P	G-P	P	
Manufacturing, Production and Industrial Service							
^L Artisan	G-P	G-P	P	P	P	P	
^L Limited	-	-	G-P	P	P	P	
Microbrewery/Microdistillery	-	G-P	P	P	P	P	
Recycling Service							
^L Limited	-	-	-	-	P	-	
^L General	-	-	-	-	-	-	
Residential Storage Warehouse	-	-	C	C	C	-	20.40.110
Warehousing, Wholesaling and Freight Movement							
^L Limited	-	-	-	P	P	P	
^L General	-	-	-	P	P	-	
Winery	-	C	C	G-P	G-P	P	
OTHER							
Agriculture, Crop	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	
Transportation Terminals	-	-	-	-	-	P	
Wireless Communication Facility							
^L Ground mounted support structure	P	P	P	P	P	P	20.40.160
^L Roof-mounted and structure mounted support structures	P	P	P	P	P	P	20.40.160

Chapter 20.15 Industrial and Manufacturing Districts

20.15.020 Allowed Uses

A. Use Table

Uses are allowed in M zoning districts in accordance with Table 20.15-1 below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Chapter 20.105. Uses are identified in the first column of Table 20.15-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.15-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.15-1 may be allowed if reviewed and approved in accordance with the conditional use procedures of 20.85.070. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.15-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.15-1 Uses Allowed in Industrial Districts

Use Category ^L specific use type	M1R	M1	M2	Standards
RESIDENTIAL				
Household Living				
^L In Vertical Mixed-use Building	P	-	-	
^L In Single-purpose Residential Building	P	-	-	
^L In Mixed-use Building	P	-	-	
Group Living	P	-	-	20.40.070
PUBLIC/CIVIC				
Fraternal Organization	G-P	-	-	
College/University	P	-	-	
Day Care	P	-	-	
Detention and Correctional Facilities	-	C	C	
Emergency Homeless Shelter	C	G-P	-	20.40.045
Hospital	P	-	-	
Library/Cultural Exhibit	P	-	-	
Meal Center	C	G-P	-	20.40.085
Park/Recreation	P	-	-	

Preschool	P	-	-	
Religious Assembly	P	-	-	
Safety Services	P	P	P	
School	P	-	-	
Utilities and Services				
^L Minor	P	P	P	
^L Major	C	C	P	
COMMERCIAL				
Animal Services				
^L Sales and Grooming	P	P	P	
^L Shelter or Boarding Kennel	G-P	P	P	
^L Veterinary	P	P	P	
^L Stable	-	-	P	
Artist Work or Sales Space	P	P	P	20.40.170
Building Maintenance Service	P	P	P	
Business Equipment Sales and Service	P	P	P	20.40.170
Business Support Service	P	P	P	20.40.170
Communication Service Establishments	P	P	P	20.40.170
Construction Sales and Service	C	P	P	
Day Labor Employment Agency	P	P	P	20.40.170
Eating and Drinking Establishments				
^L Restaurant	P	P	P	20.40.170
^L Tavern or Nightclub	C	G-P	G-P	20.40.040 20.40.170
Enterprise Commercial Use	C	G-P	P	20.40.050
Entertainment and Spectator Sports	P	P	P	
Financial Services (except as noted below)	P	P	P	20.40.170
^L Check Cashing/Loan Service	C	G-P	G-P	20.40.170
^L Pawn Shop	P	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	20.40.170
Funeral and Interment Services				
^L Cemetery/Columbarium/Mausoleum	-	-	-	
^L Cremating	P	P	P	
^L Undertaking	P	P	P	
Gasoline and Fuel Sales (except as noted below)	P	P	P	20.40.060
^L Truck Stop/Travel Plaza	-	P	P	20.40.150
Lodging	P	P	P	
^L Bed and Breakfast	P	-	-	20.40.030 20.40.170
Office	P	P	P	20.40.170
Parking, Non-accessory	P	P	P	
Personal Improvement Service	P	P	P	20.40.170

Repair or Laundry Service, Consumer	P	P	P	20.40.170
Research Service	P	P	P	20.40.170
Retail Sales	P	P	P	20.40.170
^L Cannabis dispensary	P	P	P	20.40.083
Sports and Recreation, Participant (except as noted below)	P	P	P	
^L Casino	C	G-P	G-P	20.40.040 20.40.170
Vehicle Sales and Service				
^L Car Wash/Cleaning Service	C	P	P	
^L Heavy Equipment Sales/Rentals	C	P	P	
^L Light Equipment Sales/Rentals	P	P	P	
^L Motor Vehicle Repair, Limited	P	P	P	
^L Motor Vehicle Repair, General	P	P	P	
^L Vehicle Storage and Towing	C	P	P	
INDUSTRIAL				
Junk/Salvage Yard	-	G-P	P	
Auto Wrecking	-	G-P	P	
Cidery	P	P	P	
Manufacturing, Production and Industrial Service				
^L Artisan	P	P	P	
^L Limited	P	P	P	
^L General	-	P	P	
^L Intensive	-	-	P	
Microbrewery/Microdistillery	P	P	P	
Mining/Quarrying	-	-	P	
Recycling Service				
^L Limited	P	P	P	
^L General	-	G-P	P	
Residential Storage Warehouse	P	P	P	
Warehousing, Wholesaling and Freight Movement	P	P	P	
Waste-Related Use (except as noted below)	-	C	P	
^L Demolition Debris Landfill	-	P	P	
^L Sanitary Landfill	-	P	P	
^L Solid Waste Separation Facility	-	P	P	
^L Transfer Station	-	P	P	
Winery	P	P	P	
OTHER				
Agriculture, Crop	P	P	P	
Community Garden	P	P	P	
Wireless Communication Facility				

^L Ground-Mounted support structure	P	P	P	20.40.160
^L Roof-mounted and Structure-mounted support structures	P	P	P	20.40.160

Chapter 20.20 - Open Space, Public, and Aviation Districts

20.20.020 Allowed Uses

A. Use Table

Principal uses are allowed in "OP" or "A" zoning districts in accordance with Table 20.20-1, below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Chapter 20.105. Uses are identified in the first column of Table 20.20-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.20-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.20-1 may be allowed if reviewed and approved in accordance with the conditional use procedures of 20.85.070. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.20-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.20-1 Uses Allowed in Open Space, Public, and Aviation Districts

Use Category Specific Use Type	OP1	OP2	OP3	A	Standards
RESIDENTIAL					
Household Living	-		-	-	
^L Townhouses (in cluster developments)	-	P	-	-	20.40.140
^L Detached Houses	-	P	-	-	

Group Living (except as noted below)	-	C <u>P</u>		-	
↳ Community Residential Facility (8 or fewer)	-	P	-	-	
↳ Community Residential Facility (9+)	-	C <u>P</u>	-	-	20.40.070
↳ Health Care Facility	-	-	P	-	
PUBLIC/CIVIC					
College/University	-	-	P	-	
Day Care					
↳ Residential Day Care (1—12)	-	P	-	-	
↳ Day Care Center (13+)	-	C <u>P</u>	-	C	
Detention and Correctional Facilities	-	-	P	-	
Emergency Homeless Shelter	-	-	C	-	20.40.045
Hospital	-	-	P	-	
Library/Cultural Exhibit	-	-	P	P	
Meal Center	-	-	C <u>P</u>	-	20.40.085
Parks/Recreation	P	P	P	P	
School	-	-	P	-	
Safety Services	-	-	-	P	
Utilities and Services					
↳ Minor	P	P	P	P	
↳ Major	C	-	P	C	
COMMERCIAL					
Business Support Services	-	-	-	P	
Eating and Drinking Establishments					
↳ Restaurant	-	-	-	P	
↳ Tavern or Nightclub	-	-	-	C	
Entertainment and Spectator Sports	-	-	P	-	
Funeral and Interment Service	-	-	P	-	
Lodging					
↳ Hotel/Motel	-	-	-	P	
Office					
↳ Administrative, Professional or General Office	-	-	-	P	
↳ Medical or Government	-	-	P	P	
Parking, Non-accessory	-	-	-	P	
Retail Sales	-	-	-	C	
Vehicle Sales and Service					
↳ Light Equipment Sales/Rentals	-	-	-	P	
INDUSTRIAL					
Manufacturing, Production, and Industrial Services	-	-	-	P	
↳ Artisan	-	-	-	P	
↳ Limited	-	-	-	P	

^L General	-	-	-	P	
Warehousing, Wholesaling and Freight Movement	-	-	-	P	
AVIATION					
Air Medical Services	-	-	-	P	
Mail and Distribution	-	-	-	P	
Private and Public Airports	-	-	-	P	
Airport Facilities	-	-	-	P	
OTHER					
Agriculture, Animal	-	P	-	P	
Agriculture, Crop	P	P	P	P	
Community Garden	P	P	P	P	
Wireless Communication Facility					
^L Ground-mounted support structure	C	C	P	P	
^L Roof-mounted and Structure-mounted support structures	P	P	P	P	

SECTION 3. IMMEDIATE EFFECTIVE DATE

The effective date of this interim zoning ordinance shall be November 28, 2022. After it is adopted by the City Council, this interim zoning ordinance shall be in effect for six months, unless it is repealed or revised prior to the expiration date or unless an extension is approved subject to a super-majority (two-thirds) vote for passage.

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.

Codification Note: tracked changes clearly show the use types that are subject to the amendments with shifts from “C” conditional to “P” permitted. Track changes and cell shading should be removed upon codification.

PASSED by a _____ vote and

APPROVED by the Mayor this _____ of _____, 2022.

ATTEST:

APPROVED:

Martha Rehbein
City Clerk

(SEAL)

Jordan Hess
Mayor