



# Title 20 Conditional Use Interim Ordinance

Land Use and Planning  
Committee

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*November 16, 2022*



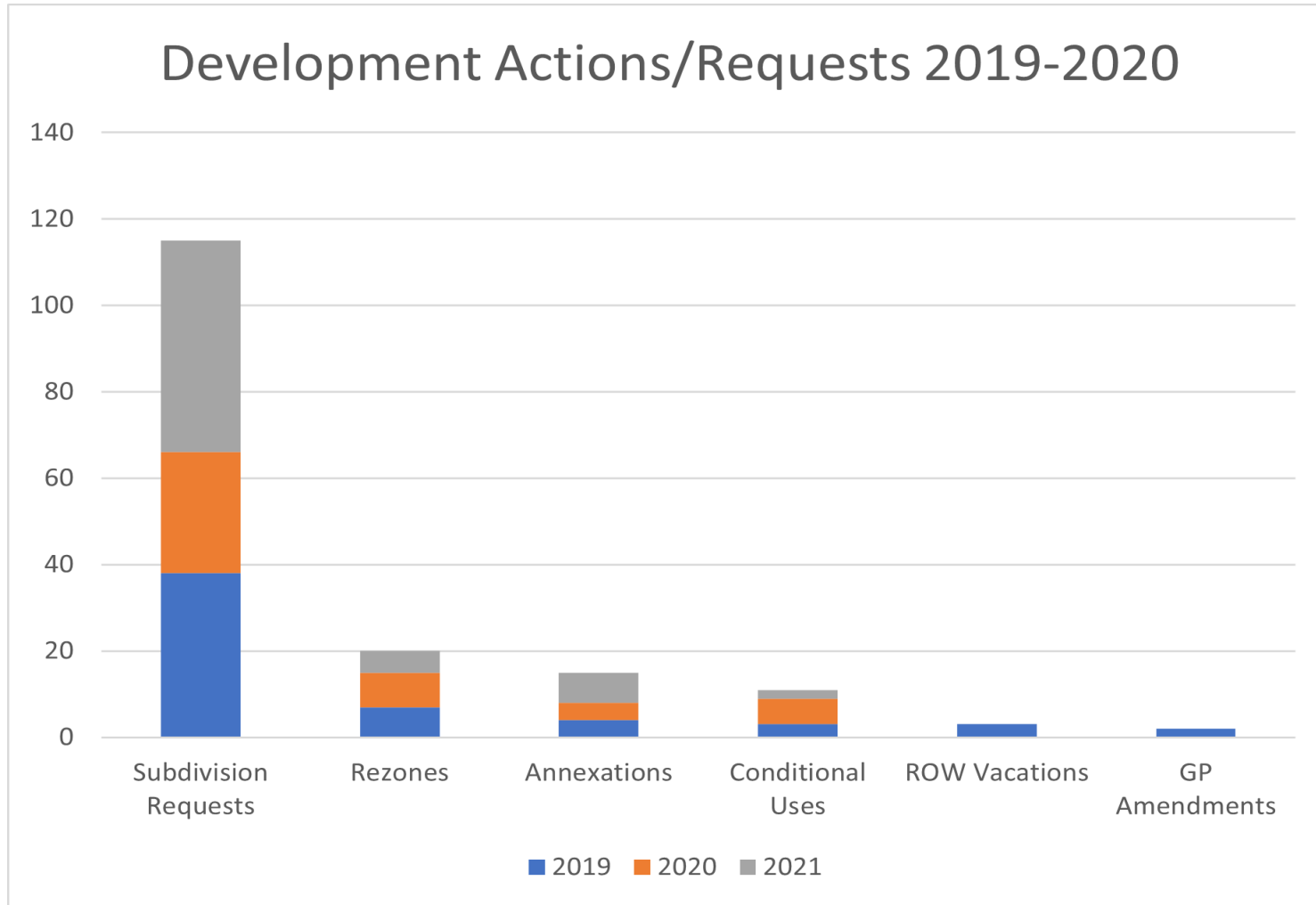
## Overview

- Proposal
- Background
- Considerations
- Review of amendments
- Comments received

## Proposal

- An interim urgency ordinance
- Shift many existing conditional uses to permitted
- Help provide more effective delivery of City services
- Provides an interim solution

## Background

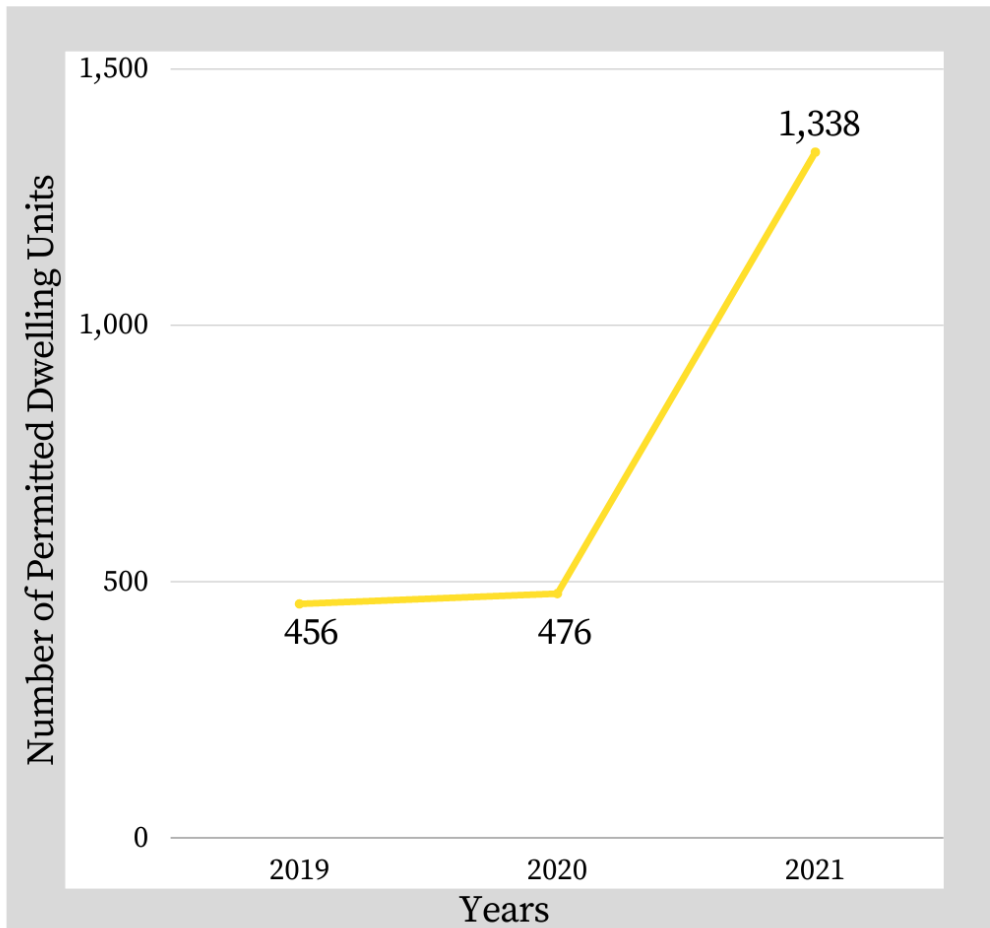


## Background

As of November 2022

- Subdivisions in process - 25
- Non subdivision related projects in process or waiting – 24
  - Annexations
  - Rezoning
  - Public Forums/Variance Requests
  - Subdivision Exemption Affidavit (SEA)
  - Conditional Uses

## Background



Between 2019 and 2021 the number of permitted dwelling units saw a

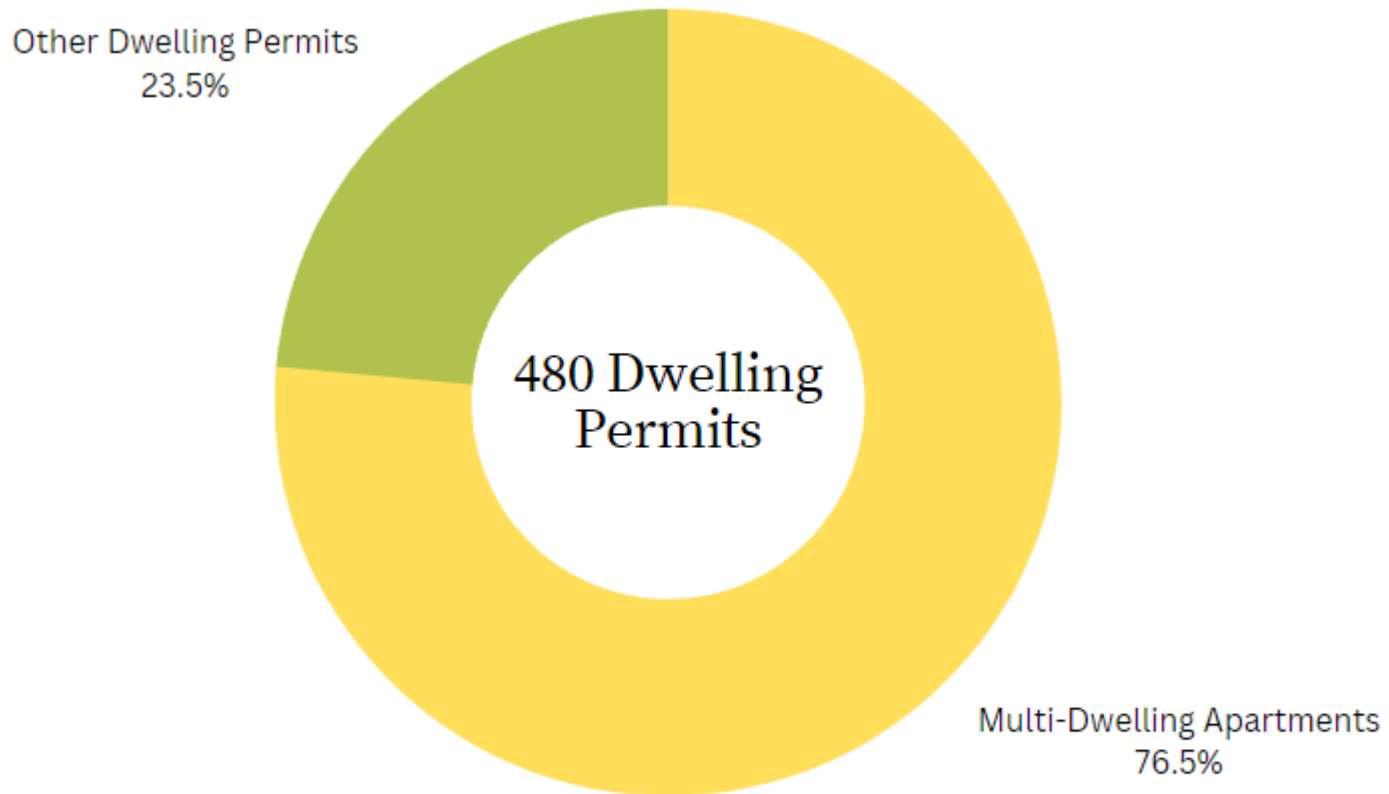
**193%**  
**INCREASE**

The largest number of these were for Multi-Dwelling Apartments, totalling 1,506 dwelling units or

**66%**

of dwelling permits issued over those three years.

## Background



2022 Quarters 3 and 4

## Background

### Conditional Use Review:

- Not subject to State mandated timelines
- Around 3 months of work reduced per conditional use request



## Background

City Zoning includes three use designations:

- Permitted by Right
- Prohibited
- Conditional

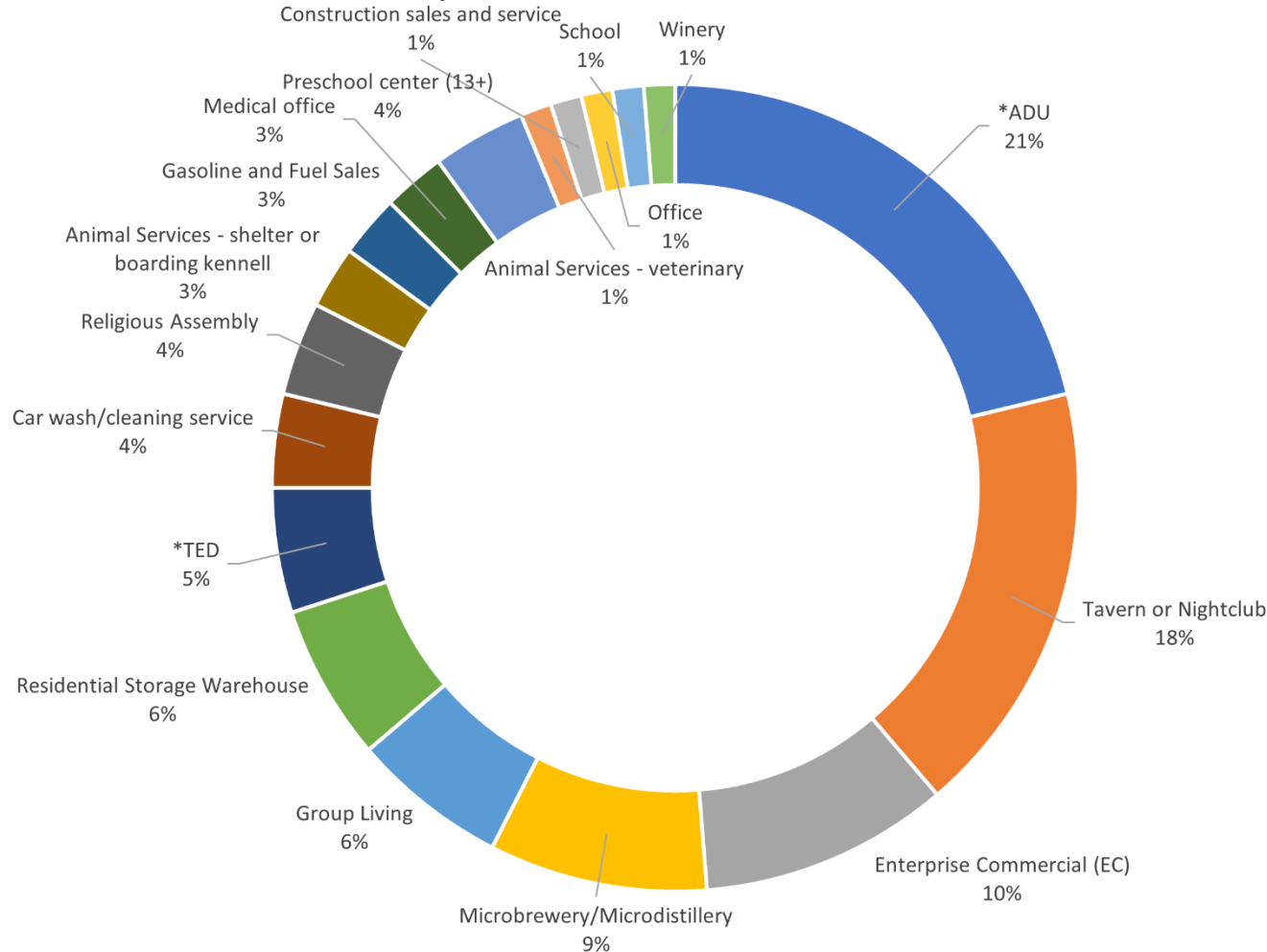
47 conditional use types exist across all districts

78 conditional uses processed since 2009

- One project denied
- 21 projects no longer require conditional use review

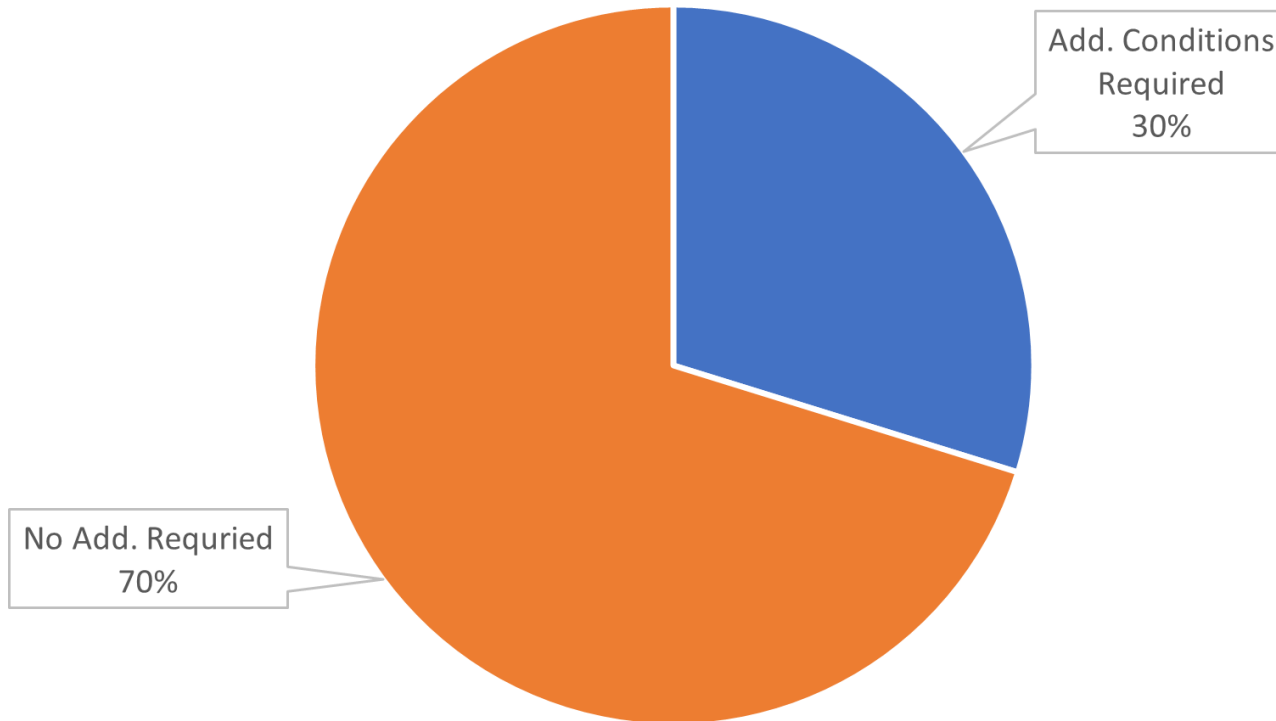
## Background

**Requested Conditional Uses 2011-2022**



## Background

Additional Conditions Required



## Considerations

### **Considerations to help determining which conditional use should shift to permitted:**

- Level of Frequency
- Degree of Controversy/Perceived Impact
- Policy Alignment
- Additional support by other standards/codes
- Equity
- Relationship to code reform
- Complexity
- Addresses transitional areas

## Considerations

### **Additional assumptions:**

- Only districts covered under Title 20 are being addressed
- Not expanding the range of where uses are designated already
- No use will be made more prohibitive
- The M1R district is considered more residential in nature than industrial
- The Central Business District (CBD) was considered more carefully than other districts
- All three Business (B) districts were looked at consistently
- Similar types of uses are addressed similarly

## Considerations

### Three categories used

- Change to permitted in all districts currently conditional
- Change to permitted in some districts currently conditional
- Remain conditional

## Considerations

### Process

- Interim Urgency Ordinance
- Authorized by State Law (MCA) 76-2-301

### Public engagement

- Internal agency review
- Engage Missoula
- Neighborhood contacts
- Legal ad

## Proposed Amendments

### **Change to Permitted in all districts currently conditional**

- Animal Services, Sales and Grooming
- Animal Services, Veterinary
- Auto Wrecking
- Bed and Breakfast
- College/University
- Community Residential Facility (9+)
- Day Labor Employment Agency
- Fraternal Organization
- Group Living
- Junk/Salvage
- Library/Cultural Exhibit



## Proposed Amendments

### **Change to Permitted in all districts currently conditional**

- Manufacturing, Production and Industrial Service, Artisan
- Manufacturing, Production and Industrial Service, Limited
- Microbrewery/Microdistillery
- Office
- Personal Improvement Service
- Preschool Center (13+)
- Recycling Service, General
- Religious Assembly School
- Residential Support Services
- School

## Proposed Amendments

### **Change to Permitted in some districts currently conditional**

- Animal Services, Shelter or Boarding
- Casino
- Check Cashing/loan service
- Cidery
- Daycare Center (13+)
- Emergency Homeless Shelter
- Enterprise Commercial Use (EC)

## Proposed Amendments

### **Change to Permitted in some districts currently conditional**

- Meal Center
- Tavern or Nightclub
- Vehicle sales and service, Heavy Equipment Sales/Rentals
- Vehicle sales and service, Vehicle Storage and Towing
- Winery
- Wireless Communication Facility/Ground Mounted Support

## Proposed Amendments

### **Remain conditional**

- Building Maintenance Service
- Construction Sales and service
- Detention and Correctional Facilities
- Fraternity/Sorority
- Gasoline and Fuel Sales
- Hospital
- Parking, Non-accessory

## Proposed Amendments

### Remain conditional

- Residential Storage Warehouse
- Truck Stop/Travel Plaza
- Utilities and Services/Major
- Vehicle sales and service, Car Wash/Cleaning Service
- Waste-Related Use
- Water Testing Laboratory

## Background

### 47 Conditional uses total:

- 21 uses changing to permitted in each district the use is currently conditional
- 13 uses with some districts remaining conditional and other districts changing to permitted
- 13 uses remaining conditional and unchanged

## Comments

- Permit Tavern/Nightclub in CI & MIR districts
- Question regarding public engagement
- Process seems easier for outsiders than locals
- Good reasons to maintain conditional uses

## Next steps

- Public hearing November 28
- Interim Ordinance – six months
- Engage Missoula will continue



