



# Title 20 Conditional Use Interim Ordinance

City Council



Jen Gress  
Community Planning, Development and  
Innovation  
Missoula, MT 59802



## Overview

W

- Proposal
- Background
- Considerations
- Review of amendments
- Comments received
- Motion to adopt

## Proposal

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

## Proposal

### – An interim urgency ordinance

- MCA 76-2-306 allows for consideration of urgency ordinances as the City deems essential.
- Urgency Ordinances must continue to protect the public safety, health & welfare of the community.
- It also allows the urgent ordinance to take effect immediately upon adoption.
- Provides an interim solution for 6 months

## Proposal

### Reasons for Urgency:

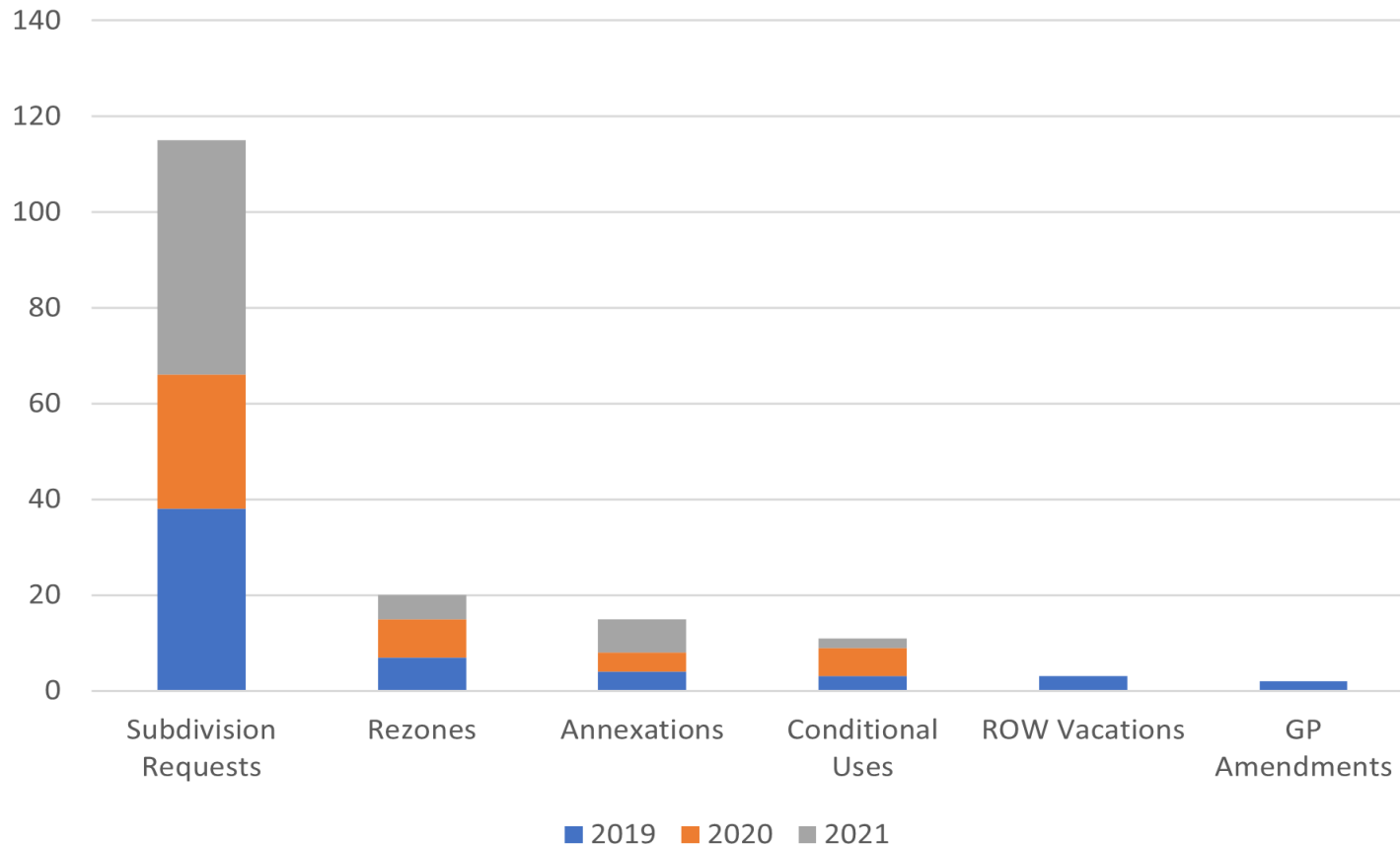
- The community is in a housing crisis
- The housing crisis presents a threat to the general health, safety and welfare of the community,

### Response to the Urgency:

- We need to free up staff time to review and approve housing and support services.
- Provide more effective delivery of City services

## Background

### Development Actions/Requests 2019-2020



## 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

d

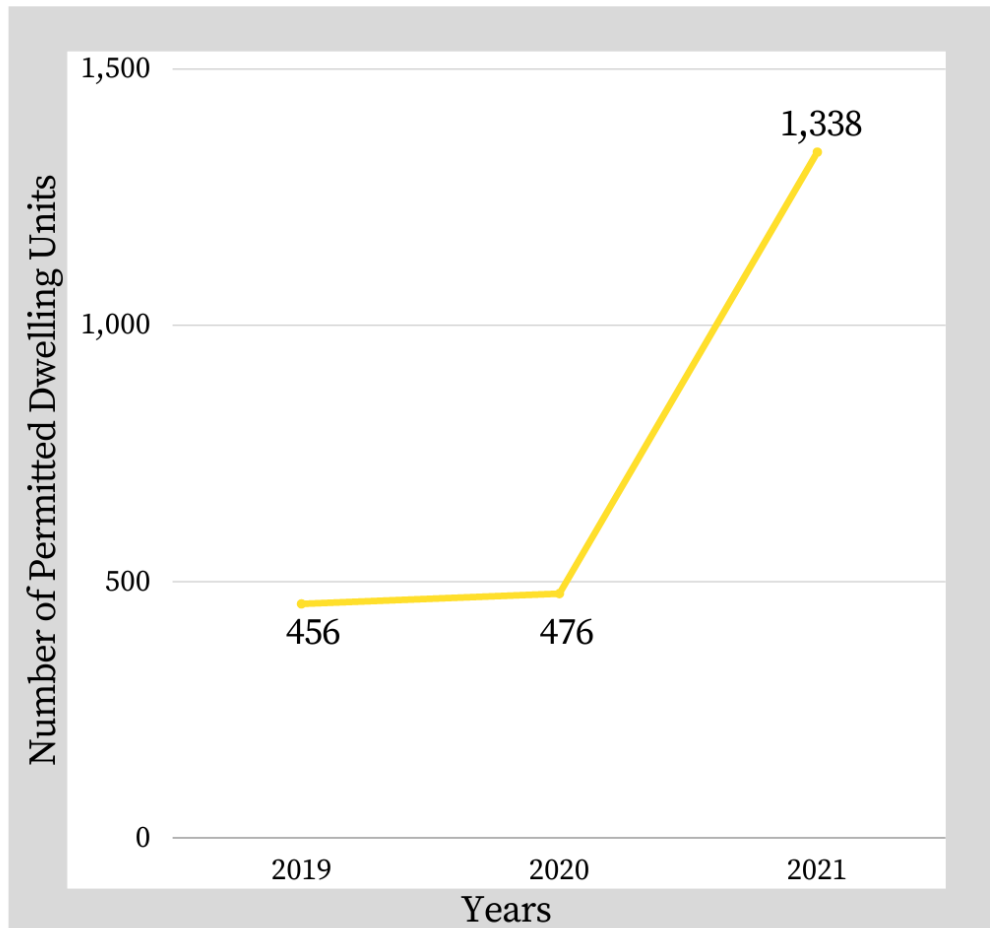
Between 2019 and 2021 the number of permitted dwelling units saw a

**193%**  
**INCREASE**

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

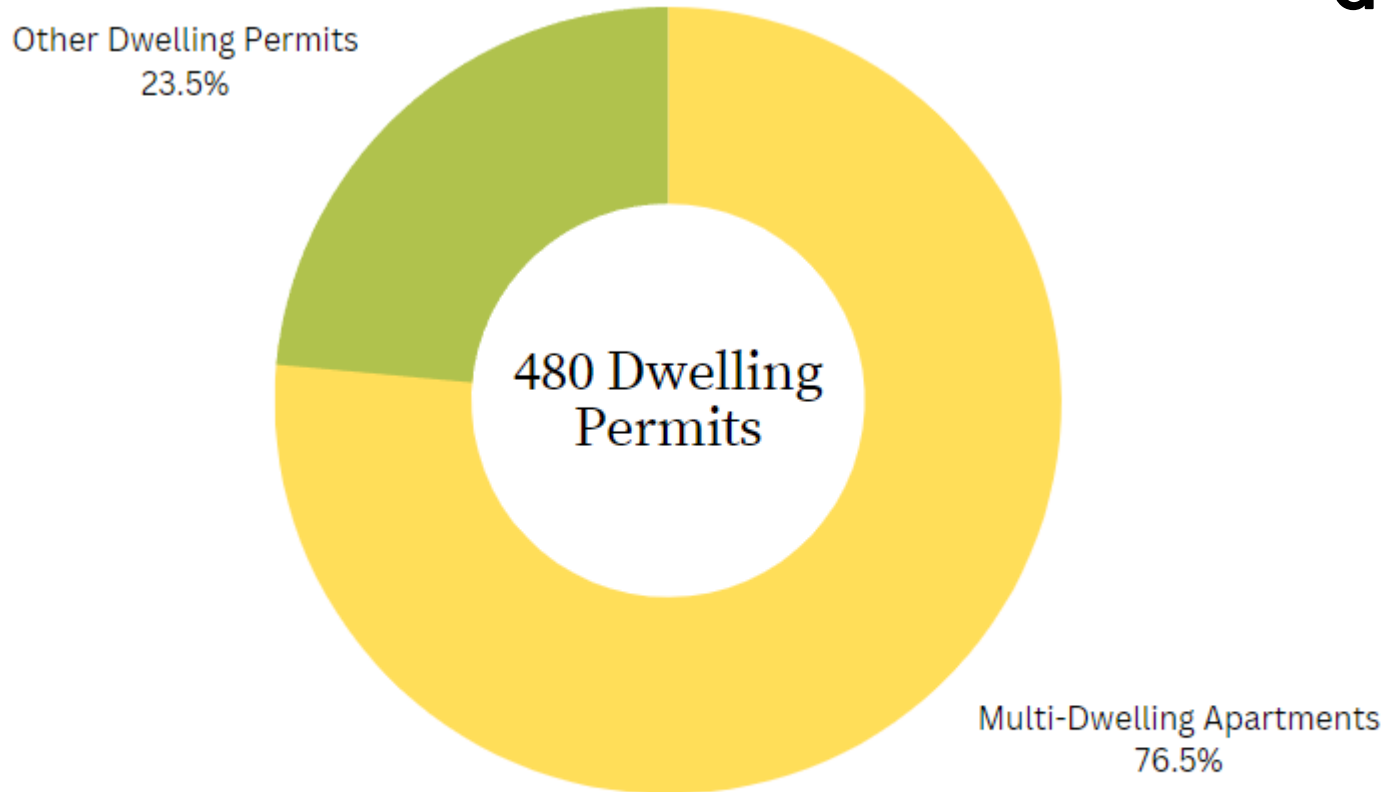
**66%**

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

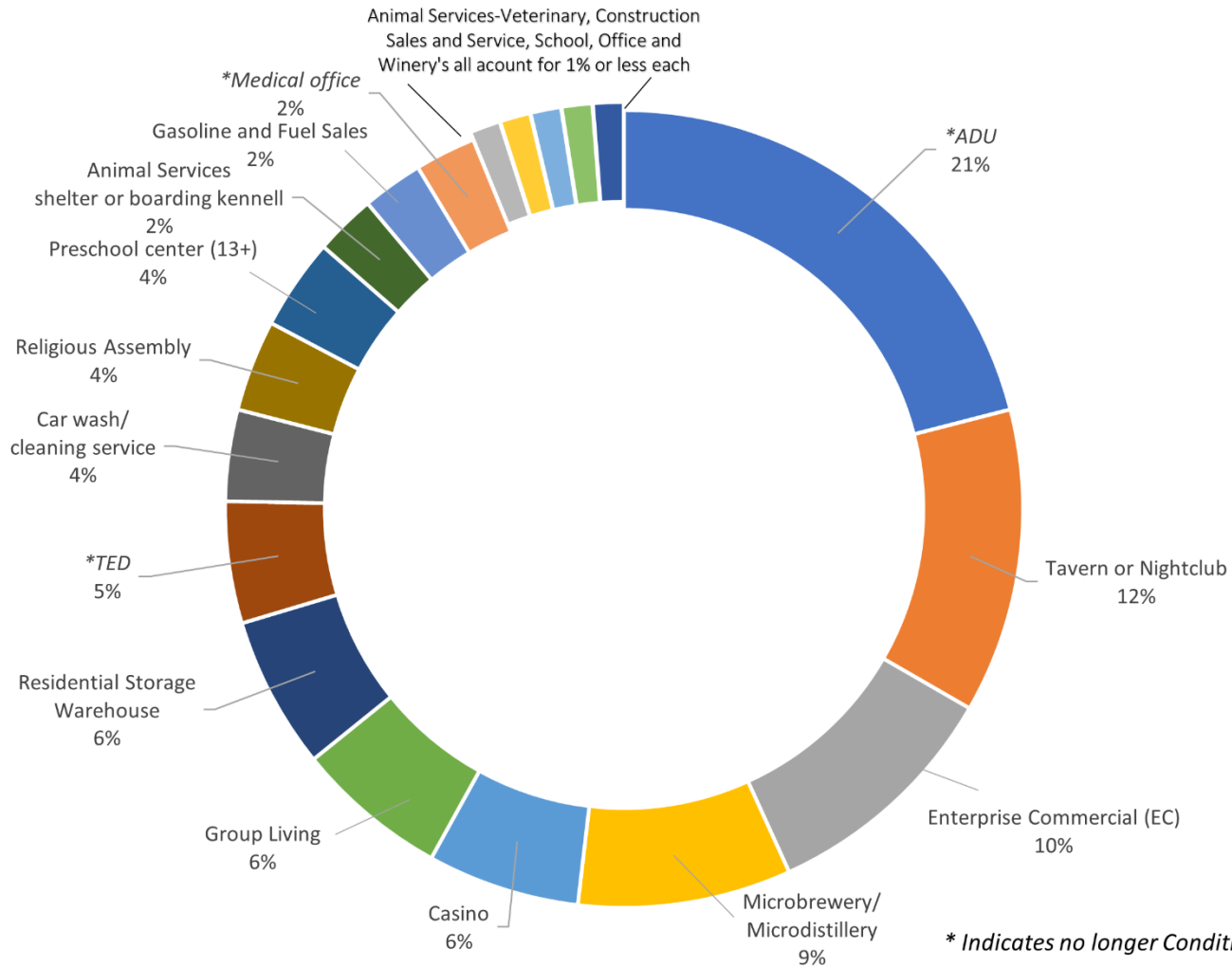
47 conditional use types exist across all districts

78 conditional uses processed since 2009

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

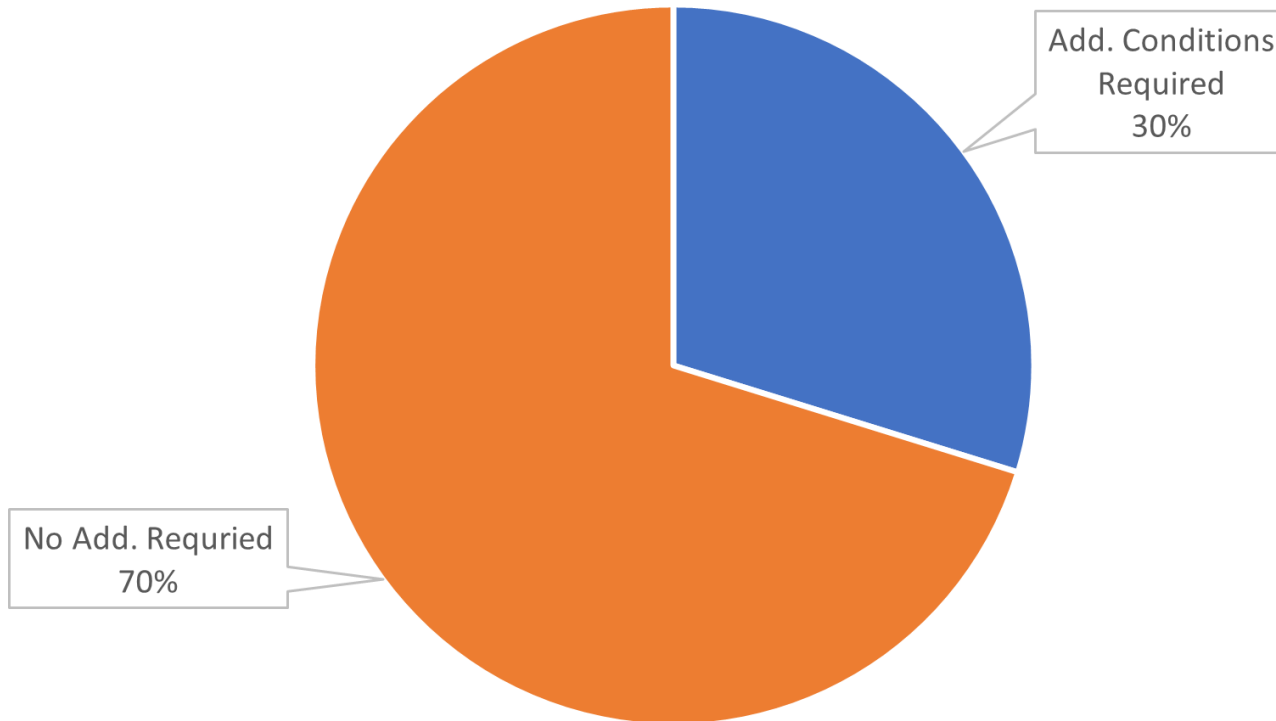
## Background

**Requested Conditional Uses 2011-2022**



## Background

Additional Conditions Required



## Consideration

S

### **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

## Consideration

### S

#### **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

## Consideration

S

### Three categories used

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



## Consideration

S

### Process

- Interim Urgency Ordinance
- Authorized by State Law (MCA) 76-2-306

### Public engagement

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

## 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

# Conditional Use



## Change to Permitted in all districts currently conditional

Bed and Breakfast – Permitted in all Residential, except RMH. Permitted in all B, & C districts, & M1R

Use Category L specific use type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM2	RM1.5	RM1	RM0.5	RMH	Standards
<b>COMMERCIAL</b>																	
Bed and Breakfast	C P	C P	C P	C P	C P	C P	C P	C P	C P	C P	C P	C P	C P	C P	C P	-	20.40.030

Use Category L specific use type	B1	B2	B3	C1	C2	CBD	Standards
<b>COMMERCIAL</b>							
Bed and Breakfast	P	P	P	P	P	P	20.40.030 20.40.170

Use Category L specific use type	M1R	M1	M2	Standards
<b>COMMERCIAL</b>				
Bed and Breakfast	P	-	-	20.40.030 20.40.170

## Proposed Amendments

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

Auto Wrecking - Permitted in M1 & M2 districts

Junk/Salvage Yard – Permitted in M1 & M2 districts

Use Category ↳ specific use type	M1R	M1	M2	Standards
<b>INDUSTRIAL</b>				
Junk/Salvage Yard	-	<del>C</del> P	P	
Auto Wrecking	-	<del>C</del> P	P	

## 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

# Conditional Use



## Proposed Amendments

**Change to permitted in some districts currently conditional**

Tavern or Nightclub – Change in C2 and M1 & M2 districts, remain conditional in B2, B3, C1, M1R, and A. (Currently permitted in CBD)

Use Category ↳ specific use type	B1	B2	B3	C1	C2	CBD	Standards
<b>COMMERCIAL</b>							
Eating and Drinking Establishments							
↳ Tavern or Nightclub	-	C	C	C	<del>C</del> P	P	20.40.040 20.40.170

Use Category ↳ specific use type	M1R	M1	M2	Standards
<b>COMMERCIAL</b>				
Eating and Drinking Establishments				
↳ Tavern or Nightclub	C	<del>C</del> P	<del>C</del> P	20.40.040 20.40.170

Use Category Specific Use Type	OP1	OP2	OP3	A	Standards
<b>COMMERCIAL</b>					
Eating and Drinking Establishments					
↳ Tavern or Nightclub	-	-	-	C	



# Conditional Use



## Change to permitted in some districts currently conditional

Cidery - Change in C1 & C2, remain conditional in B2 and B3 (Currently permitted in CBD and all M districts)

Winery - Change in C1 & C2, remain conditional in B2 and B3. (Currently permitted in CBD & all M districts)

Use Category ↳ specific use type	B1	B2	B3	C1	C2	CBD	Standards
<b>INDUSTRIAL</b>							
Cidery	-	C	C	<del>C</del> P	<del>C</del> P	P	
Winery	-	C	C	<del>C</del> P	<del>C</del> P	P	

Use Category ↳ specific use type	M1R	M1	M2	Standards
<b>INDUSTRIAL</b>				
Cidery	P	P	P	
Winery	P	P	P	
<b>OTHER</b>				

## 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

# Conditional Use



## Proposed Amendments

### Remain conditional

Residential Storage Warehouse – Conditional in B3, C1, C2, and R districts above/denser than R5.4. Permitted in all M districts

Use Category L specific use type	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM2	RM1.5	RM1	RM0.5	RMH	Standards
<b>INDUSTRIAL</b>																	
Residential Storage Warehouse	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	20.40.110

Use Category L specific use type	B1	B2	B3	C1	C2	CBD	Standards
<b>INDUSTRIAL</b>							
Residential Storage Warehouse	-	-	C	C	C	-	20.40.110

Use Category L specific use type	M1R	M1	M2	Standards
<b>INDUSTRIAL</b>				
Residential Storage Warehouse	P	P	P	

## Proposed Amendments

### Remain conditional

Fraternity/Sorority - Conditional in RM2.7 and RM2. Permitted in RM1.5, RM1 & RM0.5

Use Category L	R215	R80	R40	R20	RT10	R8	R5.4	RT5.4	R3	RT2.7	RM2.7	RM2	RM1.5	RM1	RM0.5	RMH	Standards
<b>RESIDENTIAL</b>																	
Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	20.40.070

## Proposed Amendments

### 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 C1 & M1R districts
- Question regarding public engagement
- Process seems easier for outsiders than locals
- Good reasons to maintain conditional uses
- Not in support of the ordinance
- In support of the ordinance

## Motion

[Second and final reading] Pursuant to State Law Section 76-2-306 Montana Code Annotated, the Missoula City Council hereby **(adopt/deny)** an 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.