

Cannabis Zoning Code Amendments

City Council

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Community Planning, Development and Innovation
November 15, 2021



- State legislators implemented ballot initiative legalizing adult use cannabis
- Citizens of Missoula County voted to approve I-190 (56.9% approval)
- MCA 16.13 Section 111 encourages local governments to begin the process to integrate all cannabis business categories into local regulations
- Staff examined current land use regulations in relation to both medical and adult use recreational cannabis uses
- Staff propose a range of zoning code amendments to address current and future impacts of cannabis uses
- Staff is in the process of preparing recommendations to address energy consumption and cannabis cultivation

Timeline of Adult Use



November 2020: Voters approved I-190



May 2021: State Legislators pass HB 701



October 1, 2021: DOR licensing rules



January 1, 2022:
existing medical businesses (pre-November 2020)
may apply for recreational business license



July 1, 2023:
Recreational business licenses available to general
population

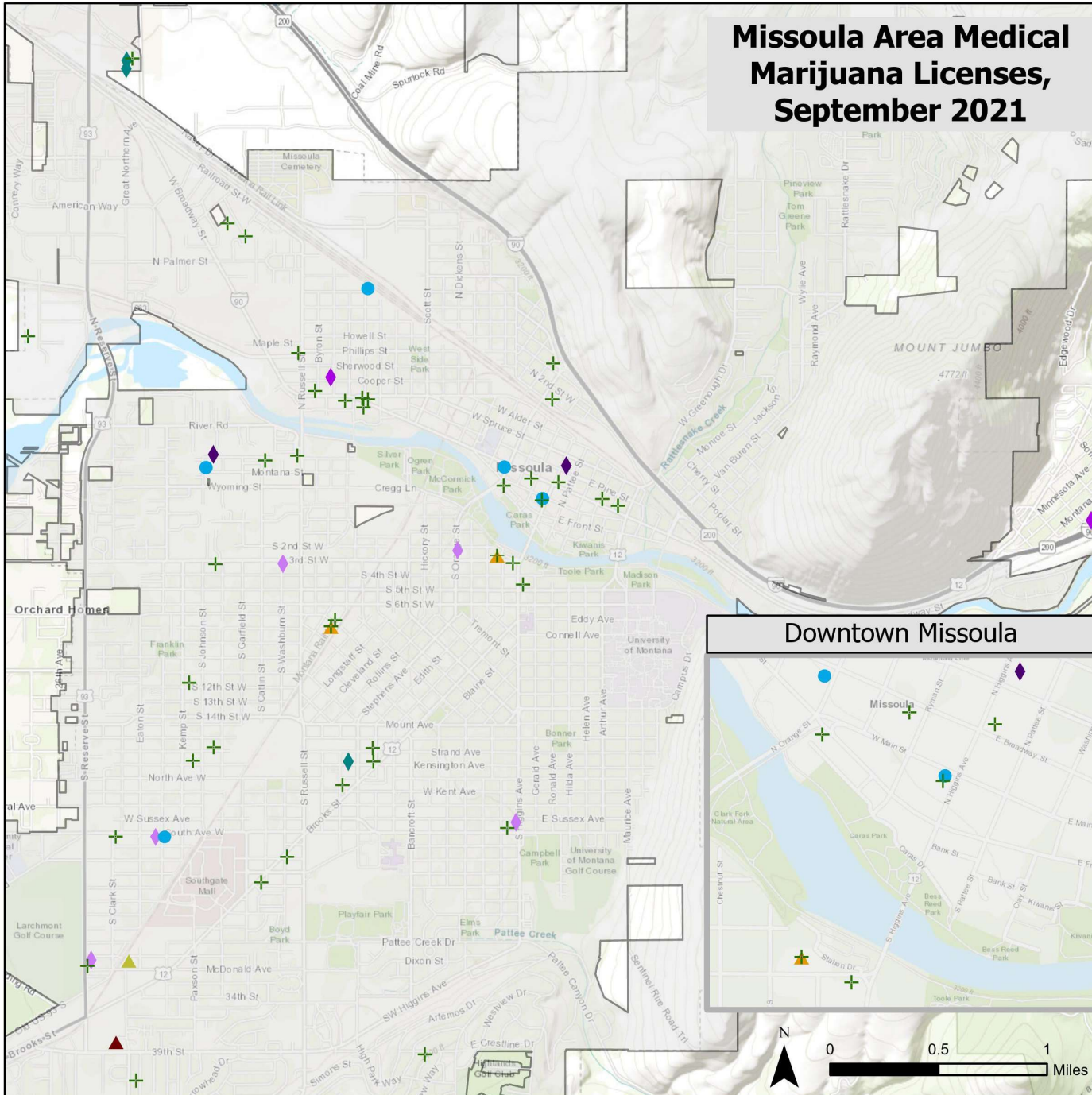
HB-701 Details



- No drive throughs allowed on any licensed property
- No advertising
- Alcohol, tobacco, and hemp may not be sold on the same premises as cannabis
- Cannot be open between 8 p.m. and 9 a.m. daily
- Cultivation and manufacturing cannot be visible from public areas without use of binoculars, aircraft, or optical aids
- Cannot be within 500ft of a school or place of worship

Medical Licenses	Accepted always	
Recreational Licenses, All	January 2022 — June 2023	July 2023, onwards
	MT Medical Licenses existing prior to Nov. 3, 2020 may apply <i>(site inspection & local government approval required before State licensing)</i>	Anyone may apply
Cultivation Licenses	Pre-Nov. 3, 2020 Outdoor Grow Permitted	January 2022 — June 2023
	Post-Nov. 3, 2020 Outdoor Grow Prohibited	Start with \leq Tier 2 (2,500 f^2) Expand to \leq Tier 5 (10,000 f^2)

Current Cannabis Businesses in Missoula



Marijuana License Type

- CULTIVATION
- + DISPENSARY
- ◆ MULTI-USE: CULTIVATION & DISPENSARY
- ◆ MULTI-USE: CULTIVATION & MANUFACTURING
- ◆ MULTI-USE: CULTIVATION, DISPENSARY & MANUFACTURING
- ◆ MULTI-USE: DISPENSARY & MANUFACTURING
- ▲ MEDICAL CANNABIS - DELIVERY ONLY
- ▲ HOME BASED DELIVERY SERVICE (MEDICAL MARIJUANA)
- ▲ TRANSPORTATION
- ▲ TESTING
- City Limits

Projected Coordinate System: NAD
 1983 StatePlane Montana FIPS
 2500 (US Feet) -114 meridian
 Project: Zoning and Land Use analysis
 Name: Recreational Cannabis Layout
 Cartographers: G. Wally, N. Pennanen
 Sources: City of Missoula, CPDI
 Service Layer Credits:
 Bureau of Land Management, Esri, HERE, Garmin,
 INCREMENT P, USGS, METI/NASA, EPA, USDA



Proposed Amendments



Four (4) preliminary impacts to mitigate via Title 20

1. Align with State Definitions
2. Prohibit Commercial Cultivation and Manufacturing as Home Occupations
3. Preserve a Diverse Mix of Uses
4. Limit Non-Transparent Glazing

A City of Missoula initiated ordinance generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.40 Use- and Building-Specific Standards, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications to incorporate regulations concerning legislative changes in the cannabis industry.

Be it ordained that Section 20.10.020 Table 20.10-1, Section 20.15.020 Table 20.15-1, Section 20.45.050E.11., Section 20.100.010, Section 20.105.040W, and Section 20.105.050D be amended as follows, and creation of Section 20.40.083.

20.105: Use Classifications

20.105.040: Commercial Use Group

W. Retail Sales

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, apparel stores, and cannabis dispensaries.

20.10.020: Business and Commercial Districts

Table 20.10-1 Allowed Uses

Use Category ^L specific use type	B1	B2	B3	C1	C2	CBD	Standards
COMMERCIAL							
....Table continues	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
<u>^LCannabis Dispensary</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>20.40.083</u>
Sports and Recreation, Participant (except as noted below)	-	-	-	P	P	P	
^L Casino	-	-	-	C	C	C	20.40.040 20.40.170
Table continues....							

20.15.020: Industrial and Manufacturing Districts

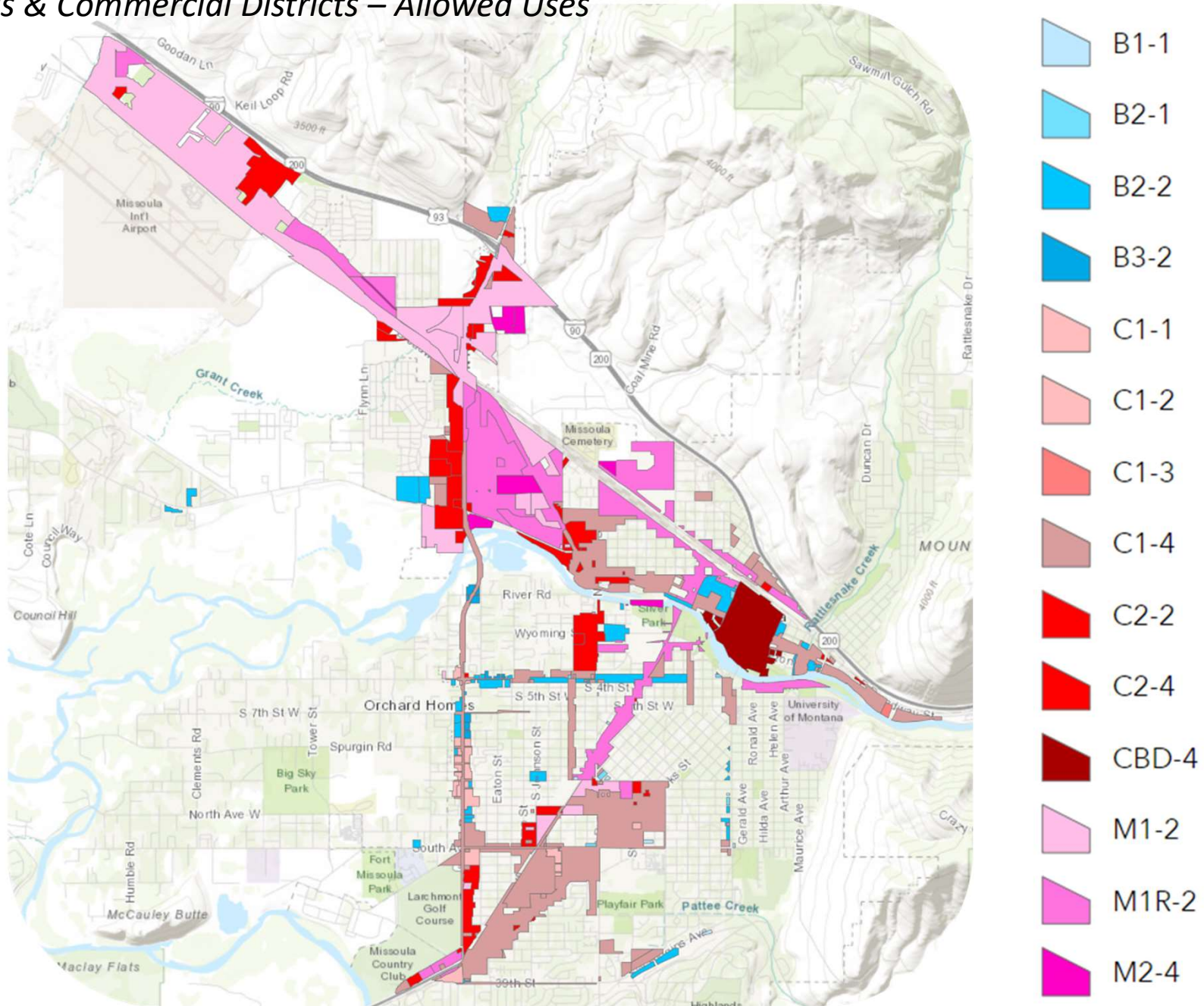
Table 20.15-1 Allowed Uses

Use Category ^L specific use type	M1R	M1	M2	Standards
COMMERCIAL				
...Table continues	P	P	P	20.40.170
Research Service	P	P	P	20.40.170
Retail Sales	P	P	P	20.40.170
<u>^LCannabis dispensary</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>20.40.083</u>
Sports and Recreation, Participant (except as noted below)	P	P	P	
^L Casino	C	C	C	20.40.040 20.40.170
Table continues....				

Dispensaries



Business & Commercial Districts – Allowed Uses



20.40: Use and Building Specific Standards

20.40.083: Cannabis

A. Applicability

These regulations apply to any cannabis use (medical or recreational), new or existing unless specifically exempted.

B. Dispensary

1. Location

Cannabis dispensaries shall be located a minimum distance of 500' from other cannabis dispensaries. Distances shall be measured from parcel line to parcel line and apply to ground floor dispensary businesses only.

2. Glazing

Glazed area requirements shall apply to that area of the ground floor building façade facing a public street, up to the finished ceiling height of the ground floor building façade. This section does not apply to parcels with a Design Excellence Overlay.

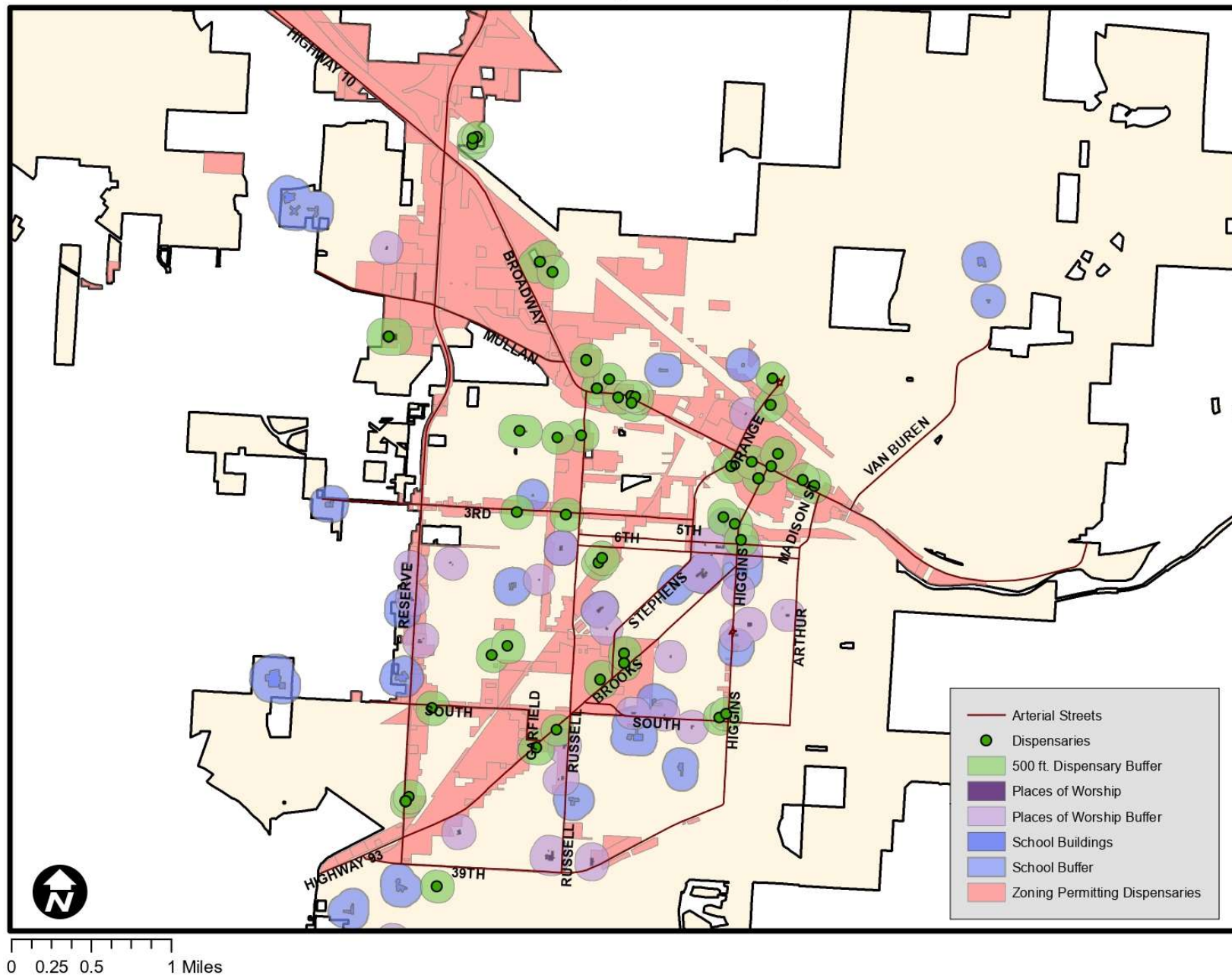
3. Exemption

Ordinary maintenance and repair of existing structures shall be exempt from the requirements of this section. Ordinary maintenance does not include the replacement, modification, or addition of glazing.

500' Buffer *(Preserve a Diverse Mix of Uses)*



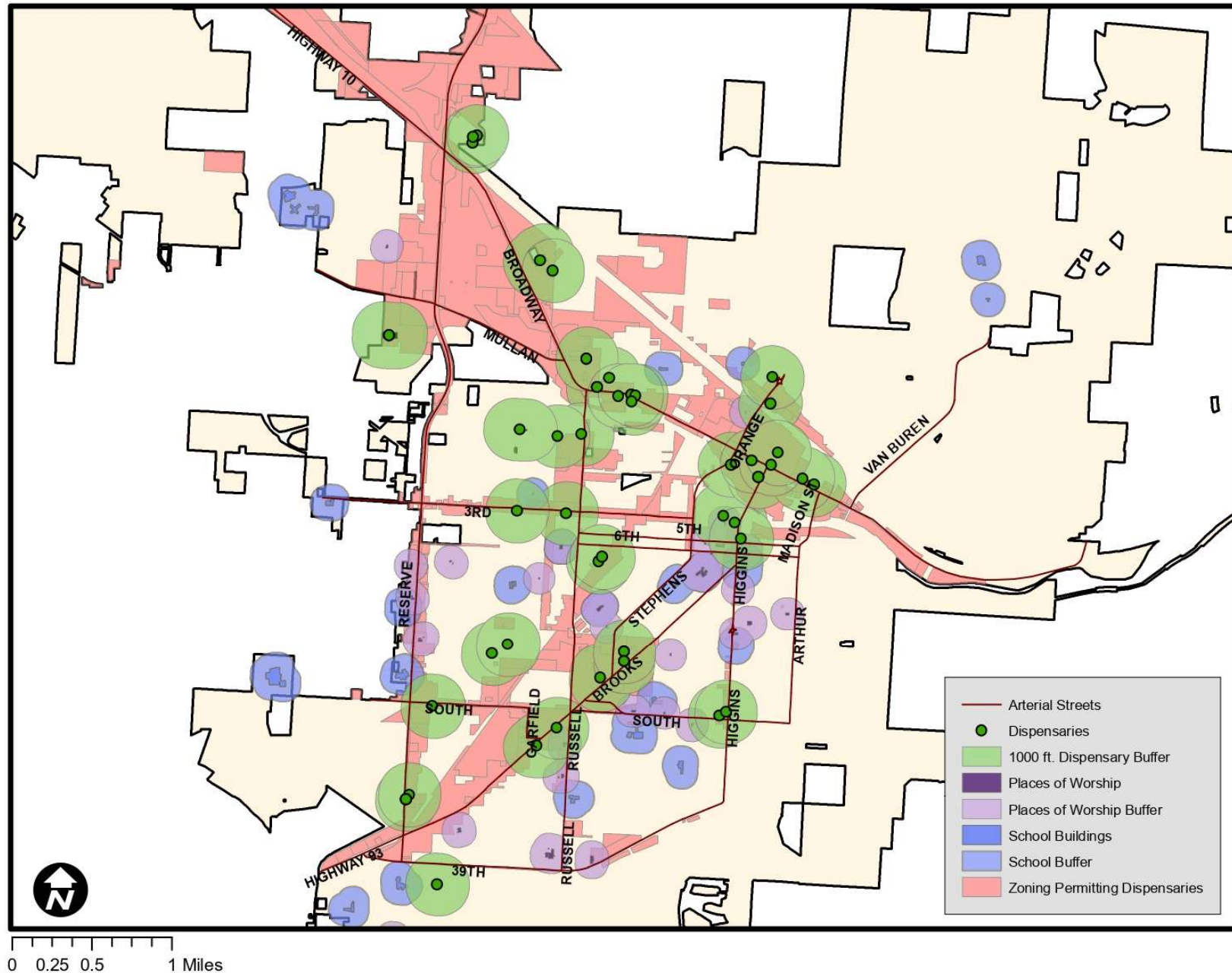
500 Foot Dispensary Buffer



1,000' Buffer *(Preserve a Diverse Mix of Uses)*



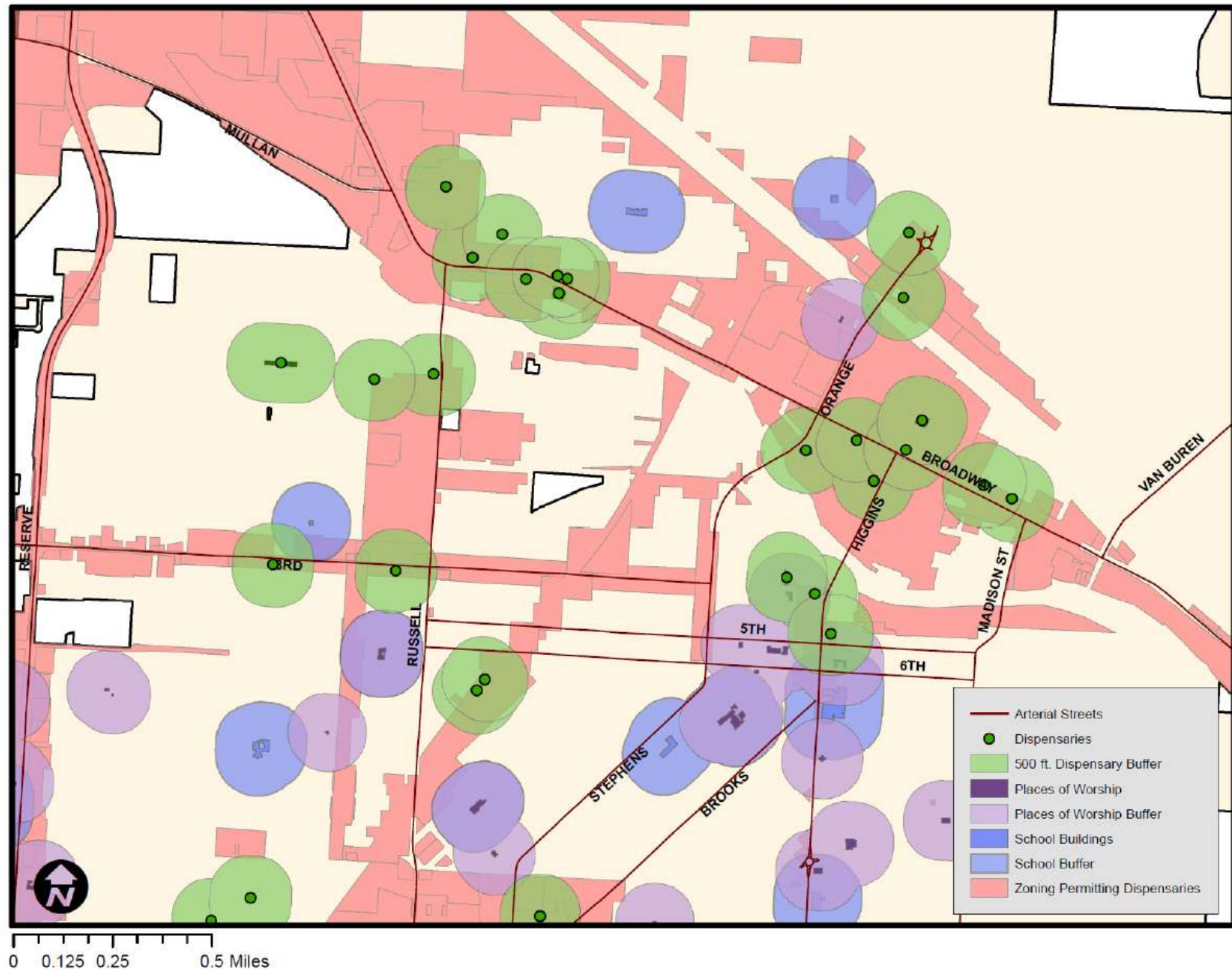
1,000 Foot Dispensary Buffer



500' Buffer *(Preserve a Diverse Mix of Uses)*



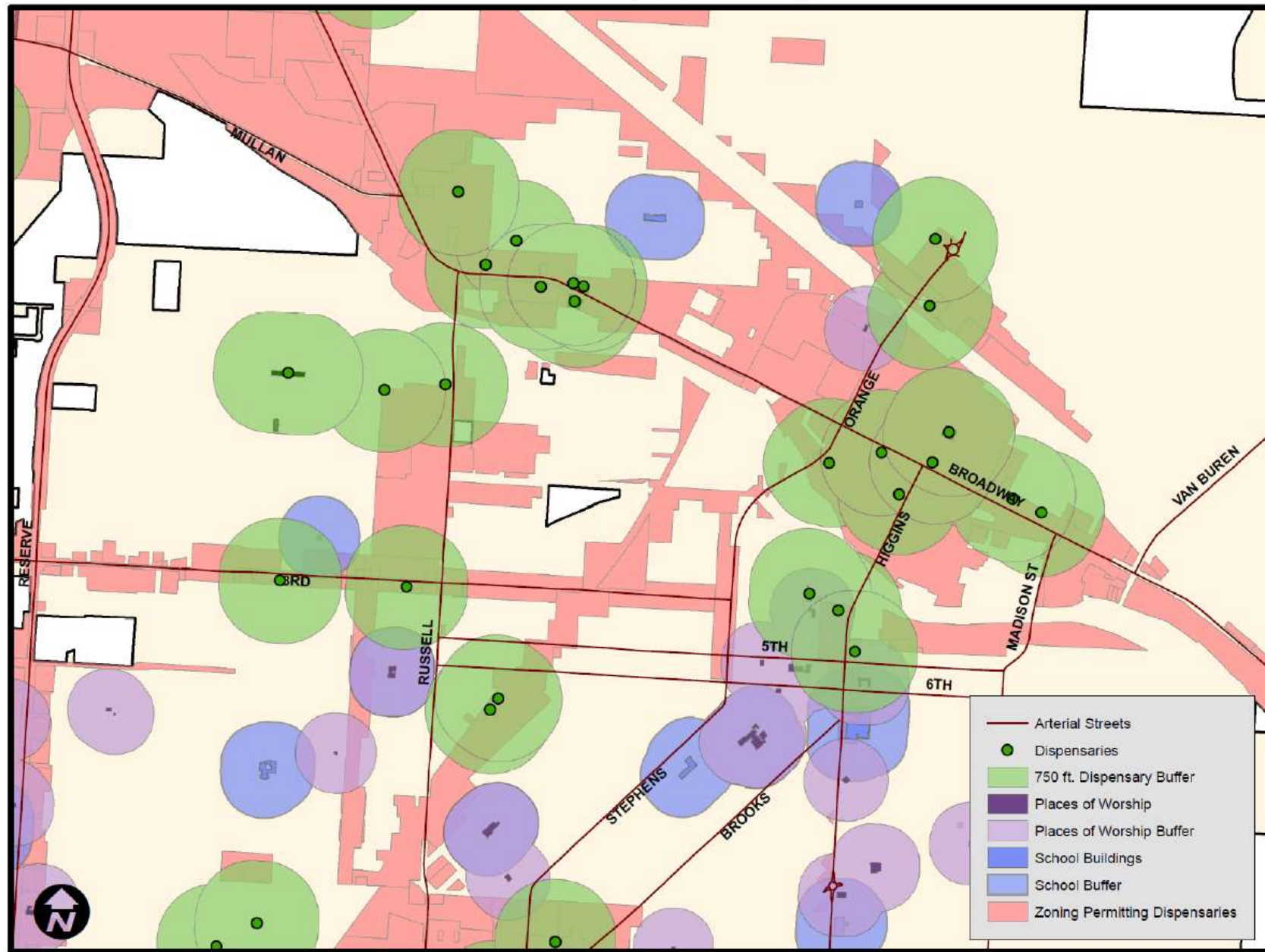
500 Foot Dispensary Buffer



750' Buffer *(Preserve a Diverse Mix of Uses)*



750 Foot Dispensary Buffer

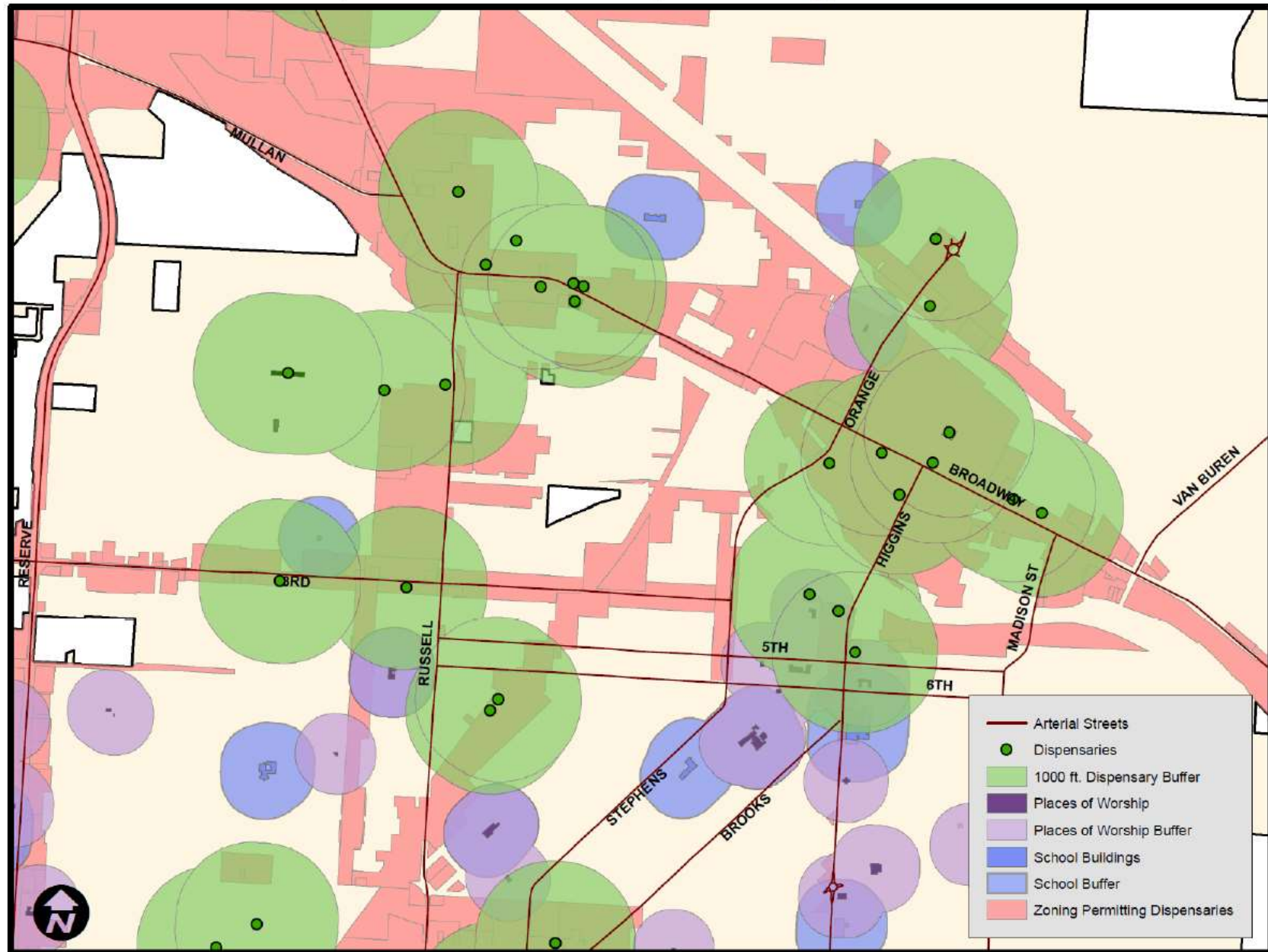


0 0.125 0.25 0.5 Miles

1,000' Buffer *(Preserve a Diverse Mix of Uses)*



1,000 Foot Dispensary Buffer



Buffers: Density in the CBD



Mapping of current medical cannabis dispensaries presented a pattern of clustering in specific areas. Over saturation of one use in an area reduces the amount of commercial space available for other services and amenities. Promoting a diverse mix of uses at the neighborhood level creates a more equitable city by increasing accessibility to economic opportunities and every day services within a short commute distance. Implementing a buffer distance between dispensaries ensures the current pattern of clustering does not continue, providing opportunity for other uses in all commercial districts.

General calculations

- 500 ft buffer ~7 dispensaries
- 750 ft buffer ~3 dispensaries
- 1000 ft buffer ~1 dispensary

20.40: Use and Building Specific Standards

20.40.083: Cannabis

B. Dispensary

2. Glazing

Glazed area requirements shall apply to that area of the ground floor building façade facing a public street, up to the finished ceiling height of the ground floor building façade. This section does not apply to parcels with a Design Excellence Overlay.

- a. Incorporate glazing including; windows, doors and other transparencies to encompass at least 30% of the ground floor building façade.
- b. Window and door glass meeting the following transparency standards counts as glazed area
 - i. Visible light transmittance of 60% or more.
 - ii. External reflectance of 20% or less.
- c. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50% of the minimum glazed area requirements, provided that they are internally illuminated and are at least two feet in depth.
- d. Security gates may obstruct a maximum of 25% of window area for any individual window counting toward glazed area.
- e. Darkly tinted, mirrored or highly reflective glazing or doors with less than 50% glass may not be counted toward minimum glazed area requirements.
- f. Interior walls and other interior visual obstructions are prohibited within six feet of any facade area counting toward glazed area. This distance is measured perpendicularly from the exterior face of the glazed area.
- g. In the event that an existing structure does not meet the 30% glazing requirements, any existing glazing must be maintained.
- h. In the event that these minimum glazed area requirements conflict with city building (energy) code requirements, the building (energy) code governs.

20.45: Accessory Uses and Structures

20.45.050: Home Occupations

E. Standards

11. The following uses are expressly prohibited as home occupations :
 - f. Restaurants;
 - g. Funeral or interment services; ~~and~~
 - h. Animal boarding businesses; and
 - i. Commercial cannabis cultivation or manufacturing.

20.105: Use Classifications

20.105.050: Industrial Use Group

D. Manufacturing, Production and Industrial Services

1. Artisan

....Typical uses include woodworking and cabinet shops, cannabis cultivation (With a canopy area up to Tier 1, MCA § 50-46-305), ceramic studios, jewelry manufacturing, food manufacturing, and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. Limited

....Also includes cannabis cultivation (With a canopy area up to Tier 2, MCA § 50-46-305) and "artisan manufacturing/production" type uses that do not comply with the enclosed building, floor area and/or outside operations/storage criteria that apply to artisan manufacturing/production uses.

Commentary:

Businesses with approved State Cannabis licenses will be allowed to split grow areas between multiple locations as long as the combined canopy area square footage of all locations does not exceed the maximum canopy area permitted in the applicable state licensing tier. Locally, the canopy square footage can be distributed on the ground to any number of parcels so long as the canopy area on a single parcel does not exceed the square footage maximum allowed by the zoning district, and does not exceed the State license requirements.

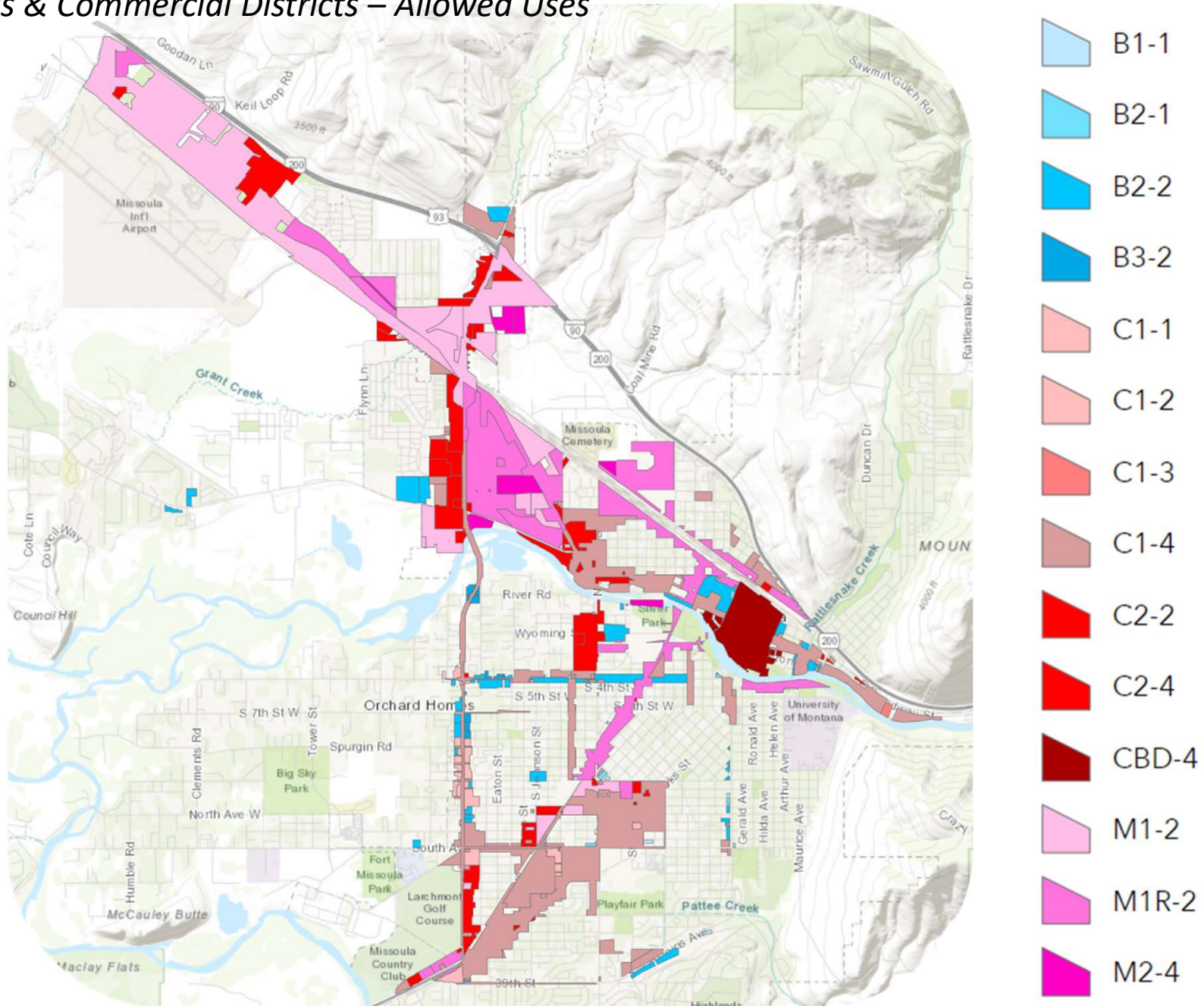
3. General

....Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing; and manufacturing of cannabis products. Also includes cannabis cultivation, medical, scientific or technology-related research establishments that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

Artisan Manufacturing



Business & Commercial Districts – Allowed Uses



This map illustrates the commercial districts and allowed uses in Missoula, Montana. The map is overlaid with various colored areas representing different commercial zones. Key features include:

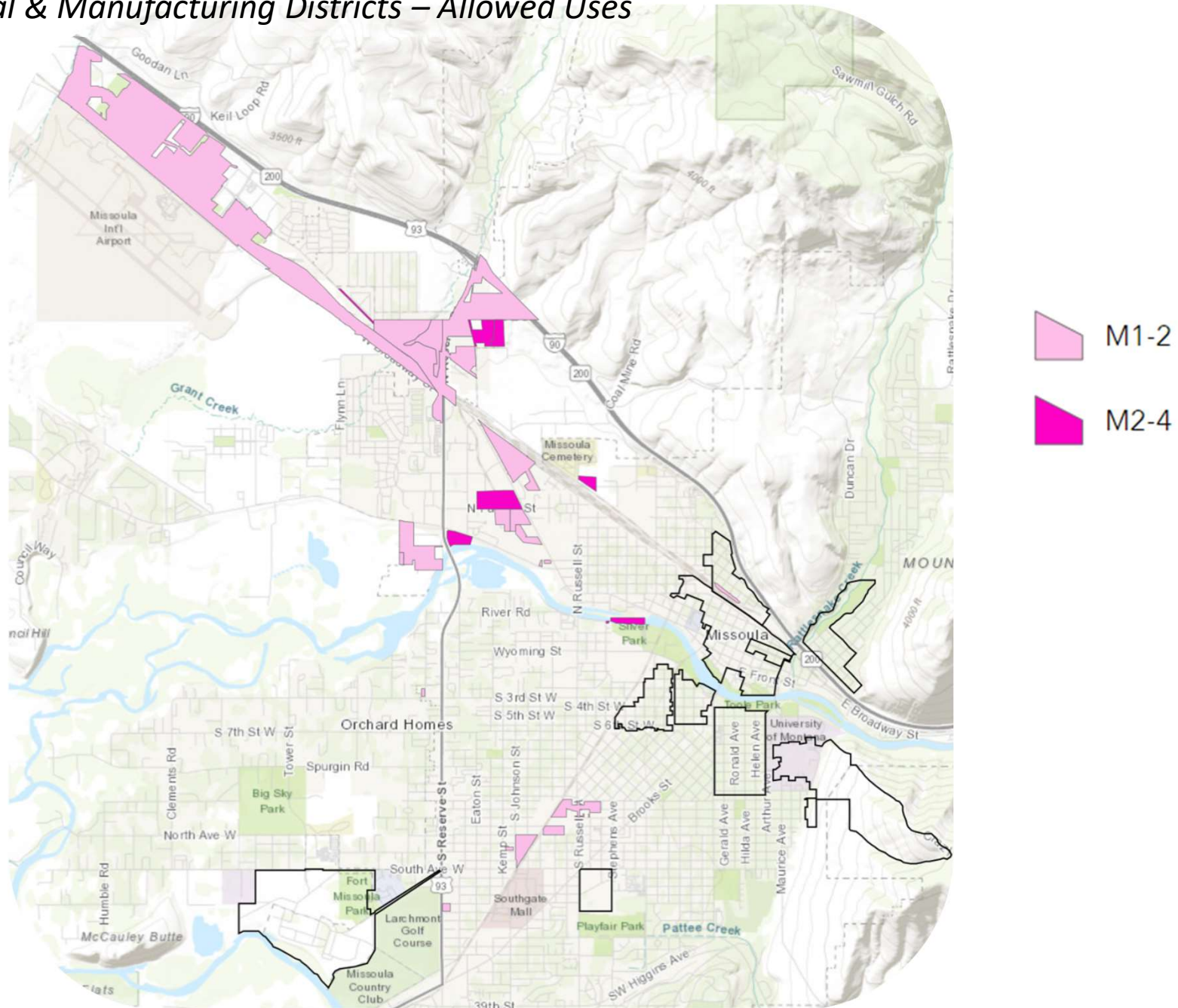
- High-Density Commercial (Red):** Located in the central urban core, including areas around the University of Montana and downtown streets.
- Medium-Density Commercial (Pink):** Extends along major corridors like Highway 93 and Highway 200, and into the northern part of the city.
- Low-Density Commercial (Light Green):** Found in more peripheral areas, often near parks or residential zones.
- Geographic Features:** Grant Creek, Pattee Creek, and the Missoula River are shown. Elevation contours indicate hilly terrain.
- Infrastructure:** Major roads (Highway 93, Highway 200, Goodwin Ln, Keil Loop Rd) and the Missoula International Airport are labeled.
- Landmarks:** Missoula Cemetery, University of Montana, and several parks (Big Sky Park, Silver Park, Playfair Park) are marked.

- 22/28

General Manufacturing



Industrial & Manufacturing Districts – Allowed Uses



Approve the recommendation that Missoula City Council adopt an ordinance generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry.

With the amendment that lighting power density for indoor cannabis cultivation facilities must not exceed 36 watts per square foot in the grow area.

Process To-Date



Aug. 19	Engage Missoula	Create Public-Facing Site.
Sept. 13	City Council	Agenda for White Paper.
Sept. 15	LUP	Start Public Process. Set Council hearing 11/15.
Sept. 24	Cannabis Industry & Missoula Business Stakeholders	Two (2) Public Engagement Meetings.
Oct. 5	MDA Board of Directors	Public Engagement Meeting.
Oct. 8	City Staff & Community Stakeholders	Agency Memo
Oct. 17	Missoulia	Legal Ad
Oct. 19	Planning Board	Special Presentation
Oct. 24	Missoulia	Legal Ad
Nov. 1	City Council	1 st reading of Ordinance (consent agenda)
Nov. 2	Planning Board	Public Hearing.
Nov. 10	LUP	Informational Item.
Nov. 15	City Council	Public Hearing.
Nov. 29	City Council	Final consideration.

**As of November 15th, 2021 the City of Missoula has received four (4) public comments and two (2) agency comments.*

1. Align with State Definitions

- a) Update land use classifications to include cannabis uses

2. Prohibit Commercial Cultivation and Manufacturing as Home Occupations

3. Preserve a Diverse Mix of Uses

- a) 500 ft. buffer between dispensaries

4. Limit Non-Transparent Glazing

STAFF RECOMMENDS THAT Missoula City Council adopt an ordinance generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry.

STAFF RECOMMENDS THAT Missoula City Council direct City Staff to proceed with amendments to Title 5, Missoula Municipal Code, the Business Licenses and Regulations Ordinance to incorporate revisions regarding energy consumption for cannabis businesses.