



# Cannabis Zoning Code Amendments

## Land Use & Planning Committee

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Community Planning, Development and Innovation  
*November 10, 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

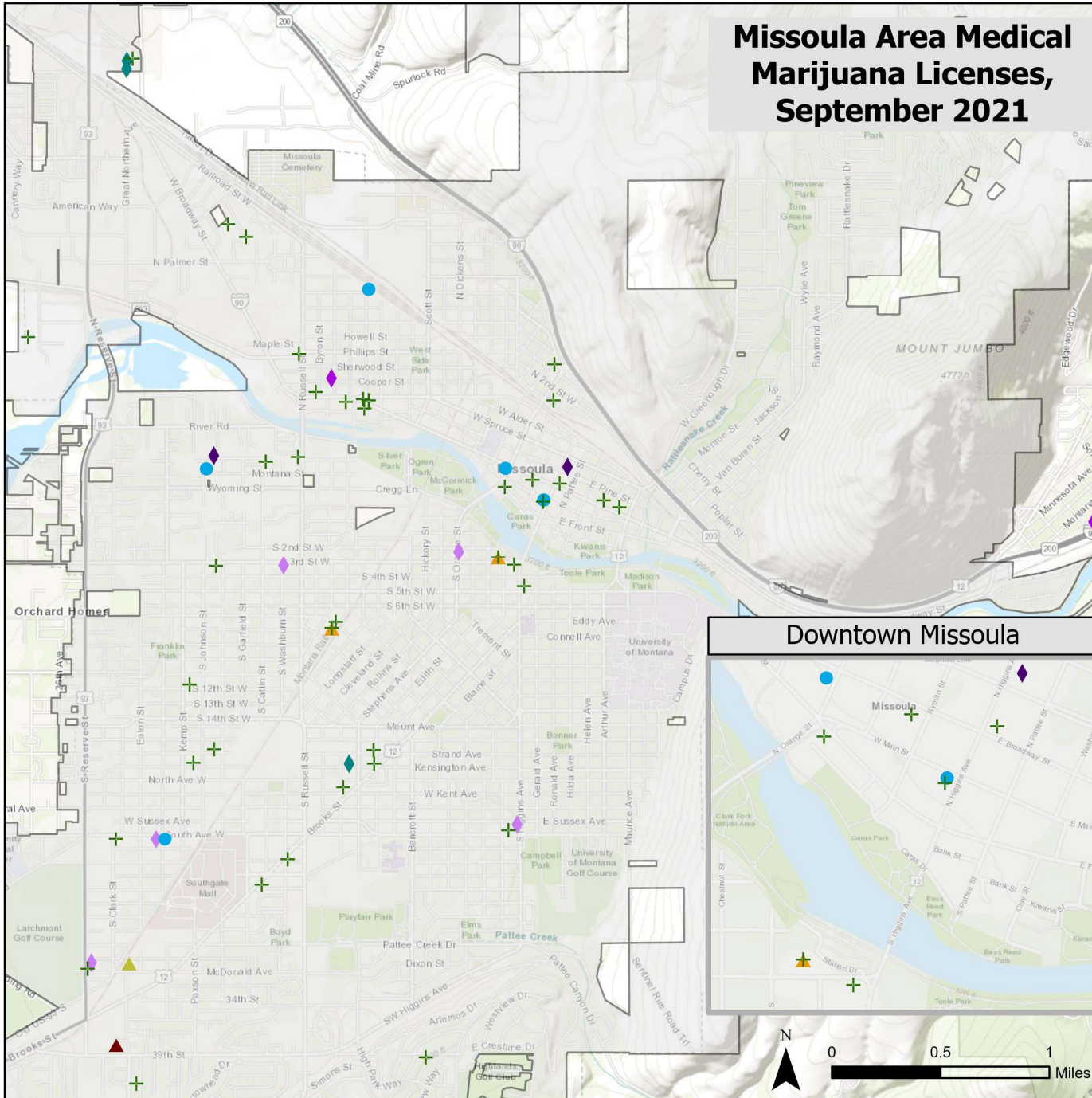


- No drive throughs allowed on any licensed property
- No advertising
- Alcohol, tobacco, and hemp may not be sold on the same premises as cannabis
- Cannot be open between 8 p.m. and 9 a.m. daily
- Cultivation and manufacturing cannot be visible from public areas without use of binoculars, aircraft, 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 &amp; 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 <sup>L</sup> specific use type	B1	B2	B3	C1	C2	CBD	Standards
<b>COMMERCIAL</b>							
....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><sup>L</sup>Cannabis 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	
<sup>L</sup> Casino	-	-	-	C	C	C	20.40.040 20.40.170
Table continues....							



## 20.15.020: Industrial and Manufacturing Districts

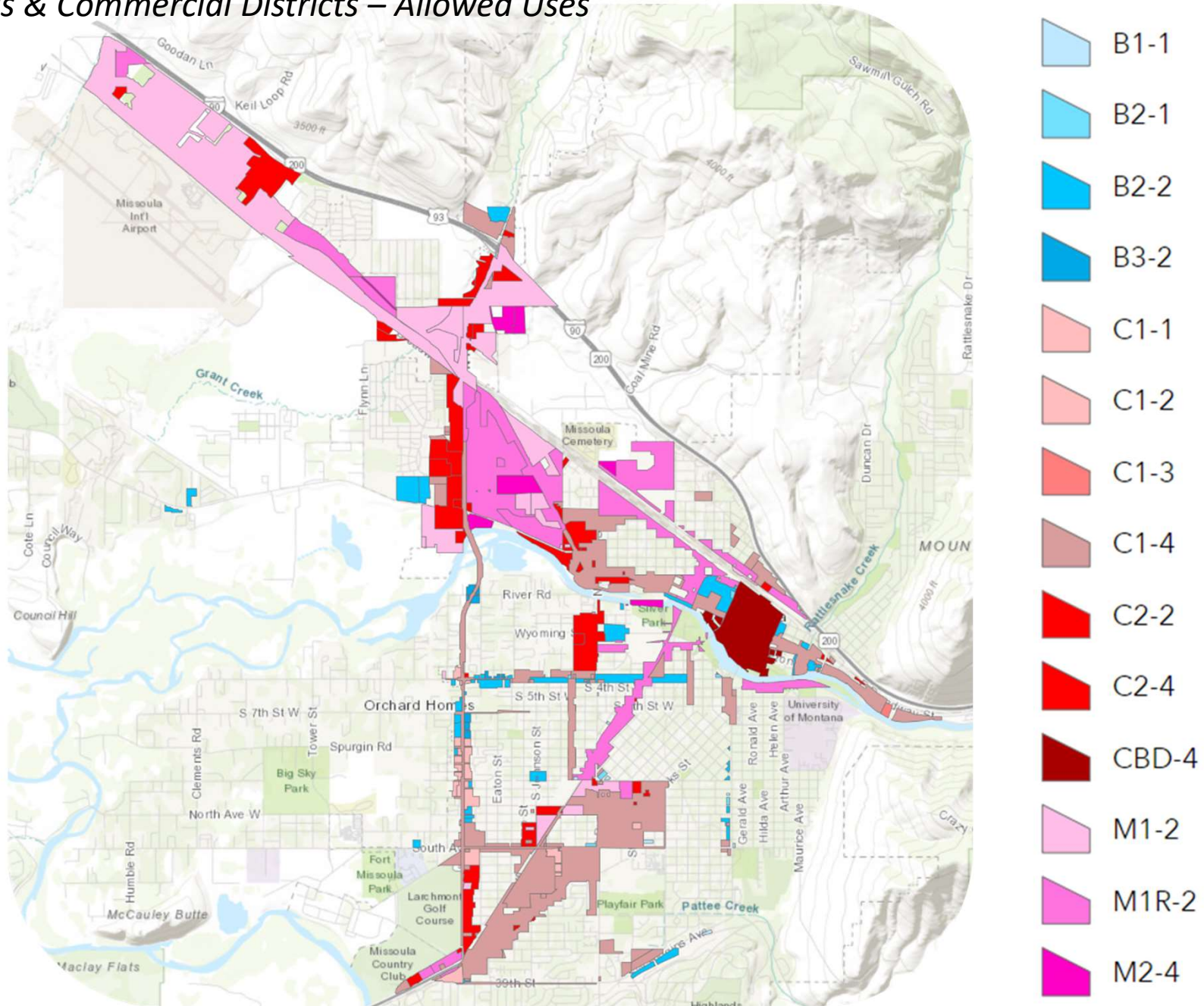
Table 20.15-1 Allowed Uses

Use Category <sup>L</sup> specific use type	M1R	M1	M2	Standards
<b>COMMERCIAL</b>				
...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><sup>L</sup>Cannabis 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	
<sup>L</sup> 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.

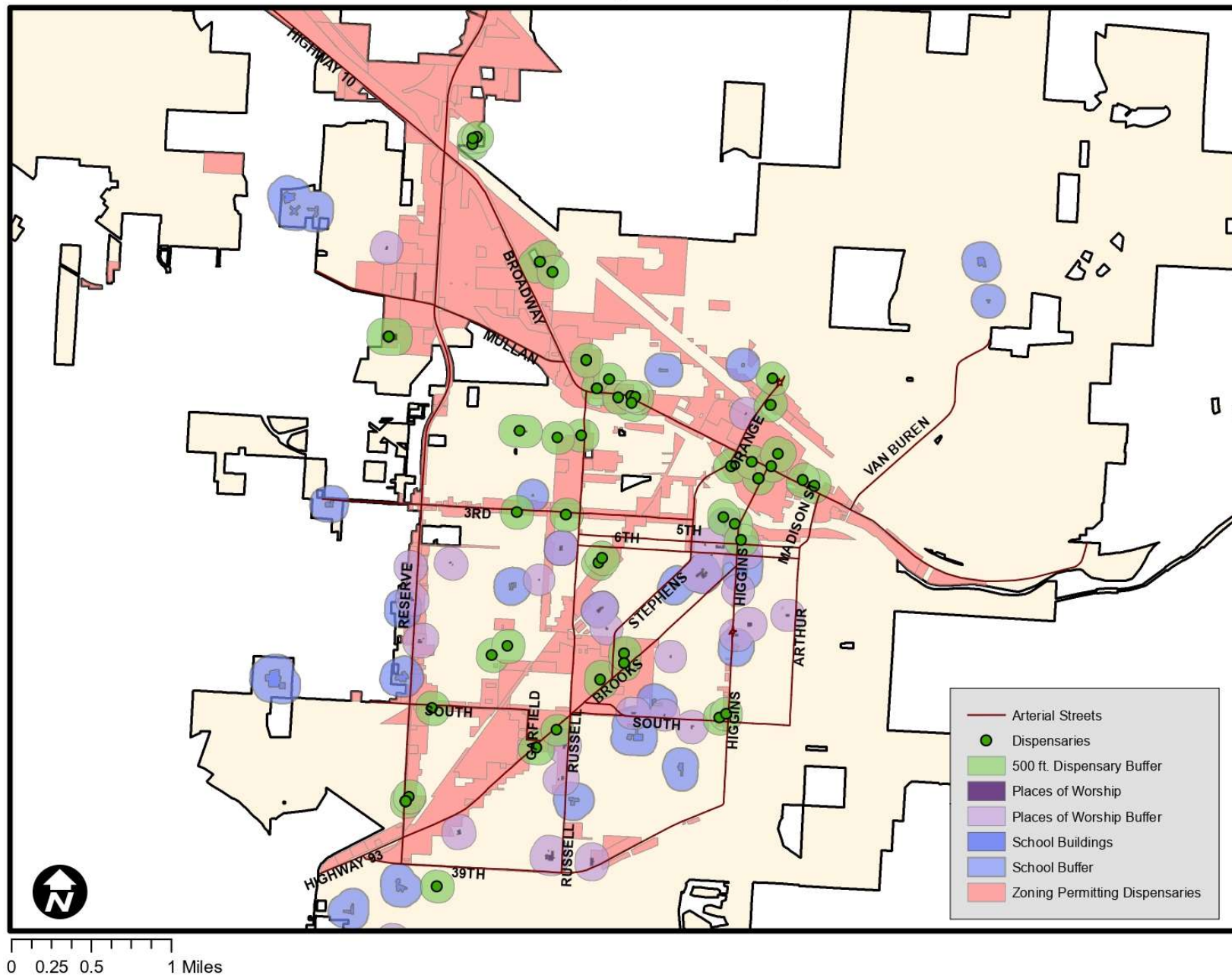
##### 3. Exemption

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

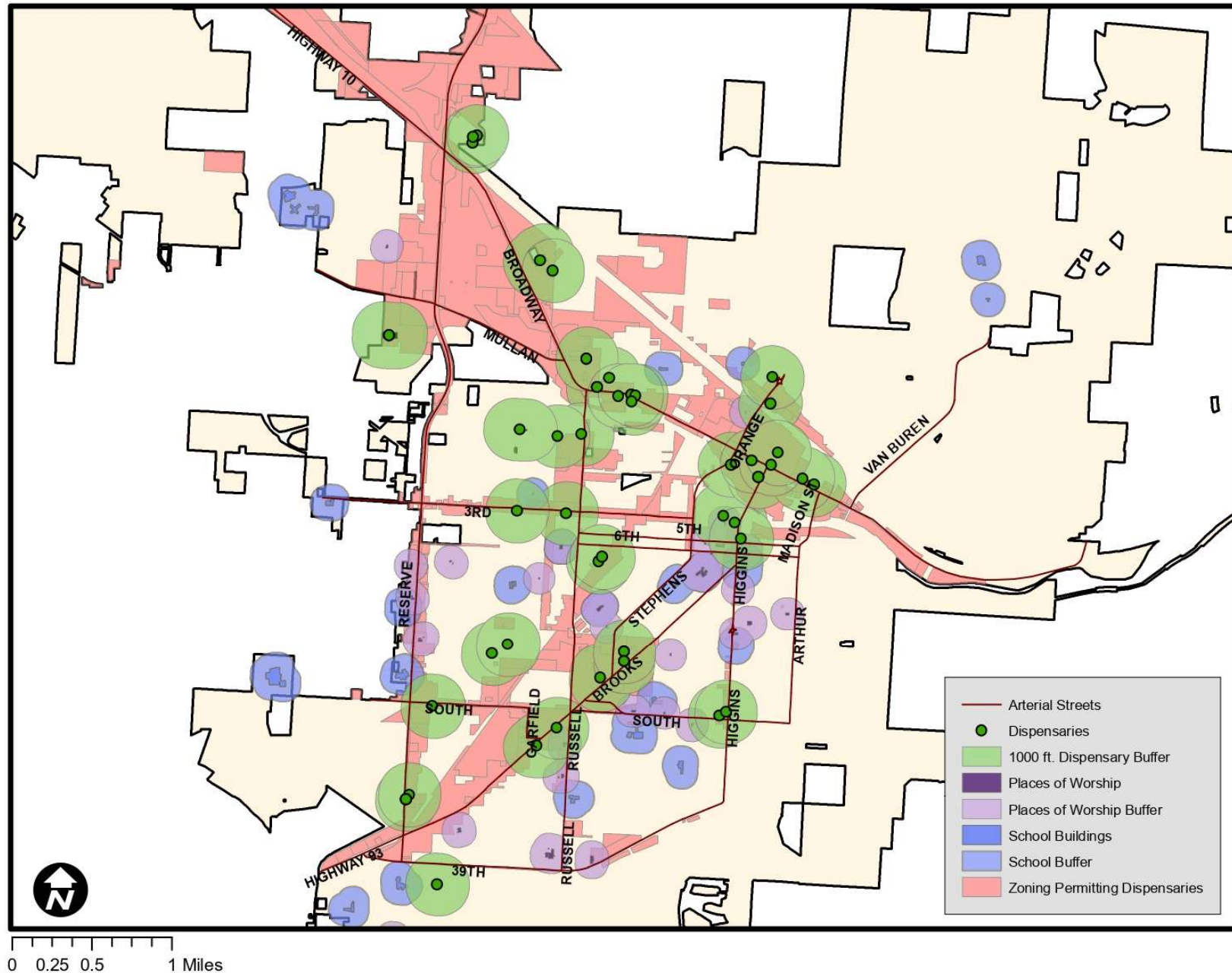




# 1,000' Buffer *(Preserve a Diverse Mix of Uses)*



## 1,000 Foot Dispensary Buffer

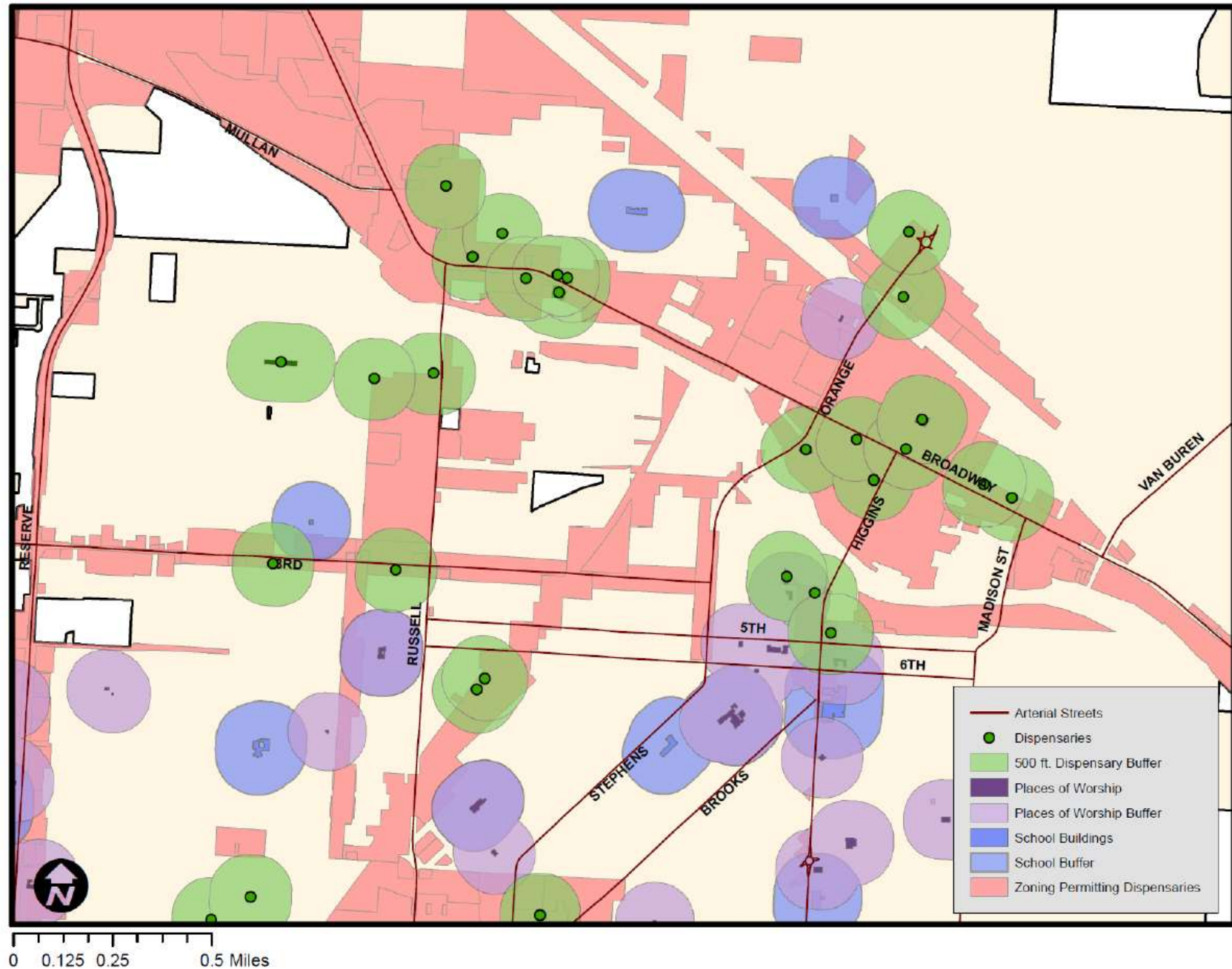




# 500' Buffer *(Preserve a Diverse Mix of Uses)*



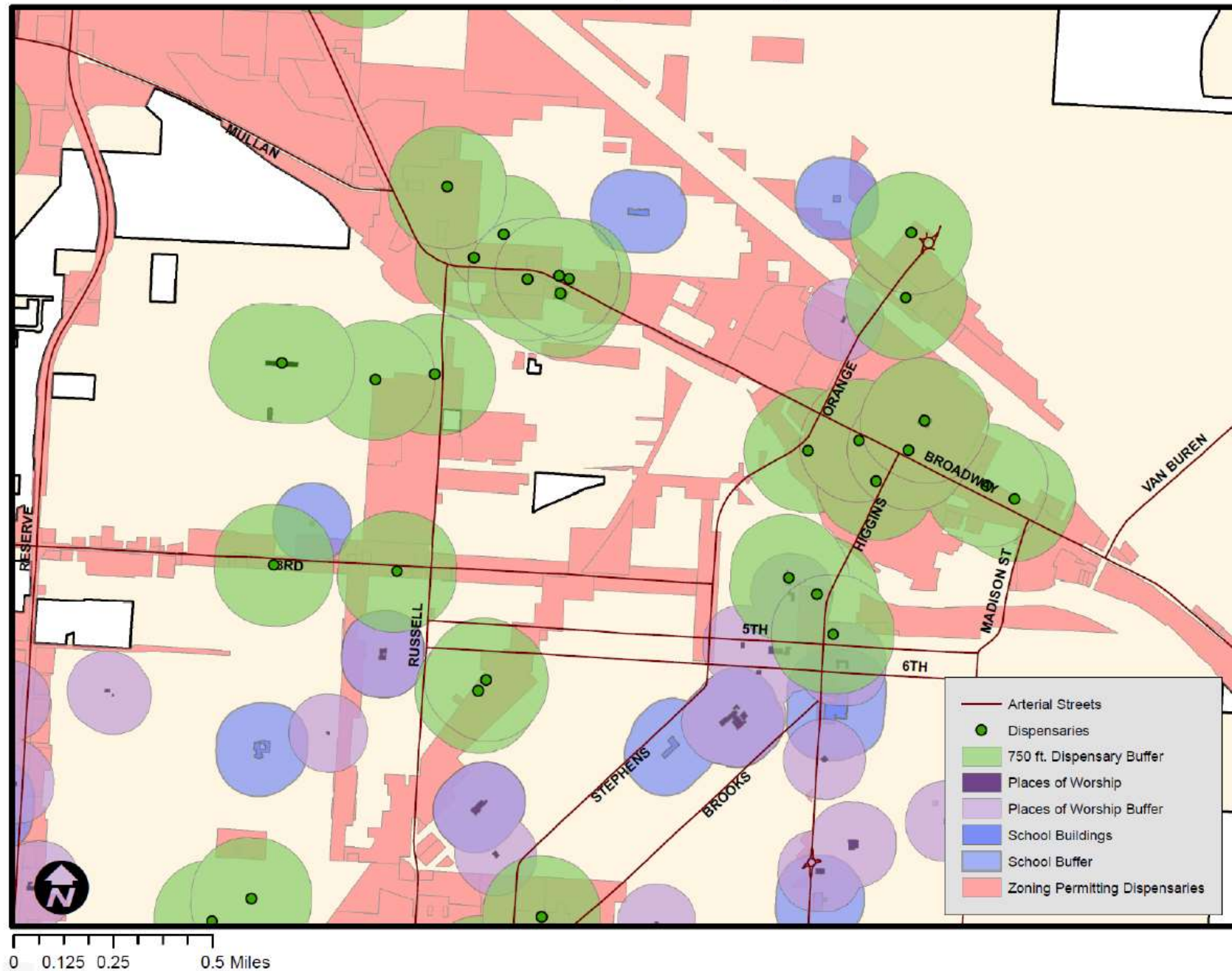
## 500 Foot Dispensary Buffer



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



## 750 Foot Dispensary Buffer

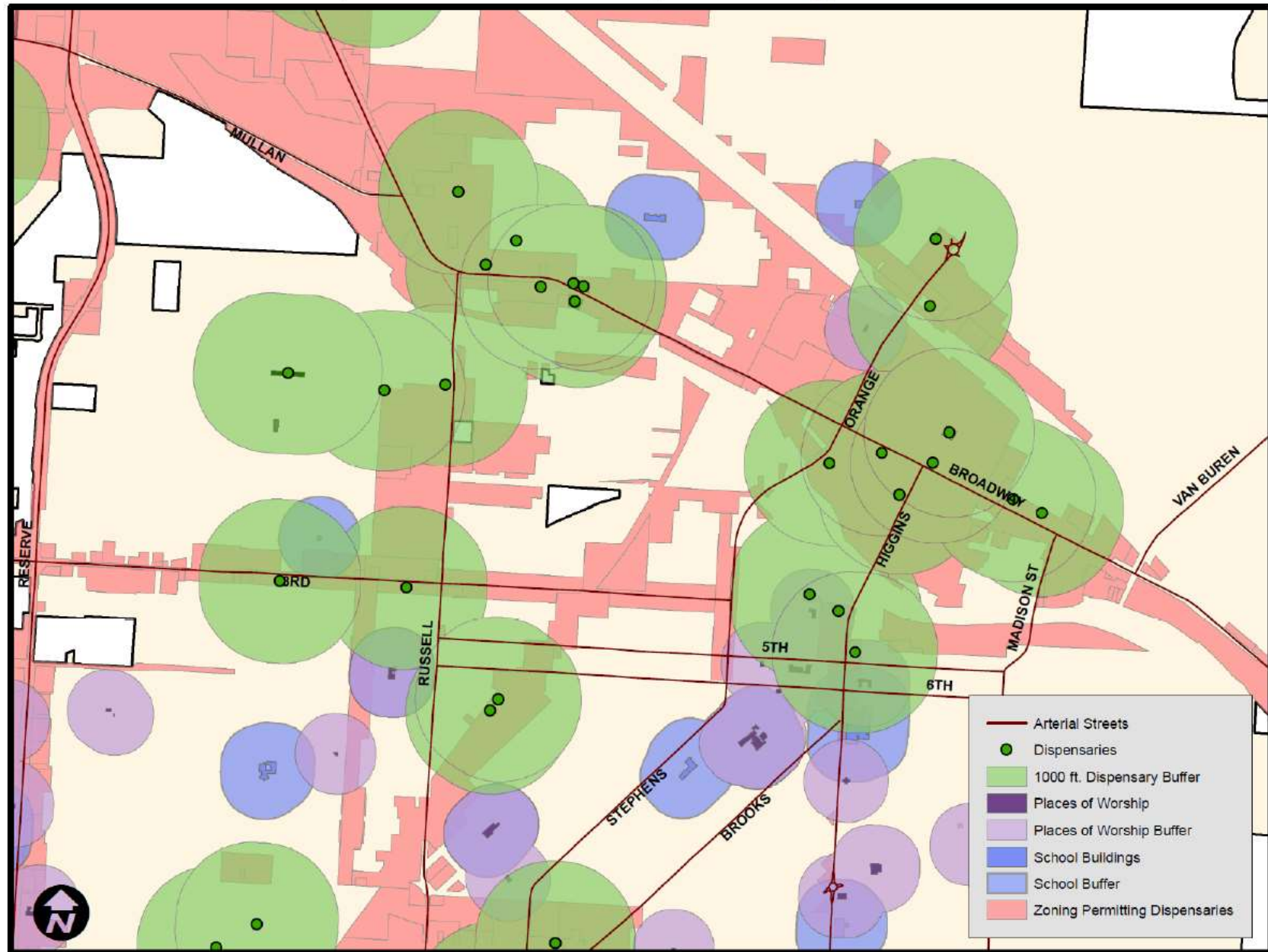




# 1,000' Buffer *(Preserve a Diverse Mix of Uses)*



## 1,000 Foot Dispensary Buffer



## 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.

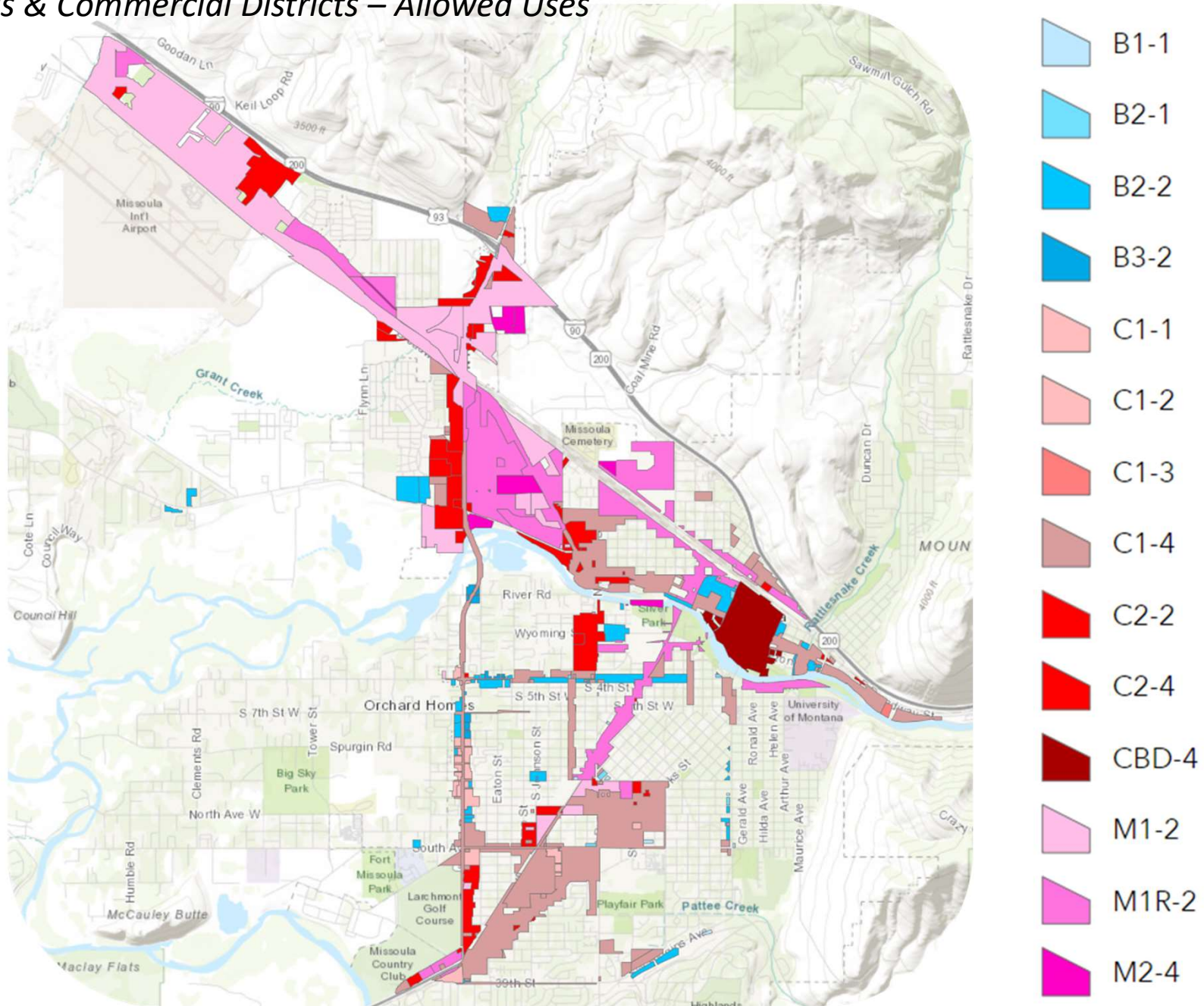
##### 3. General

....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





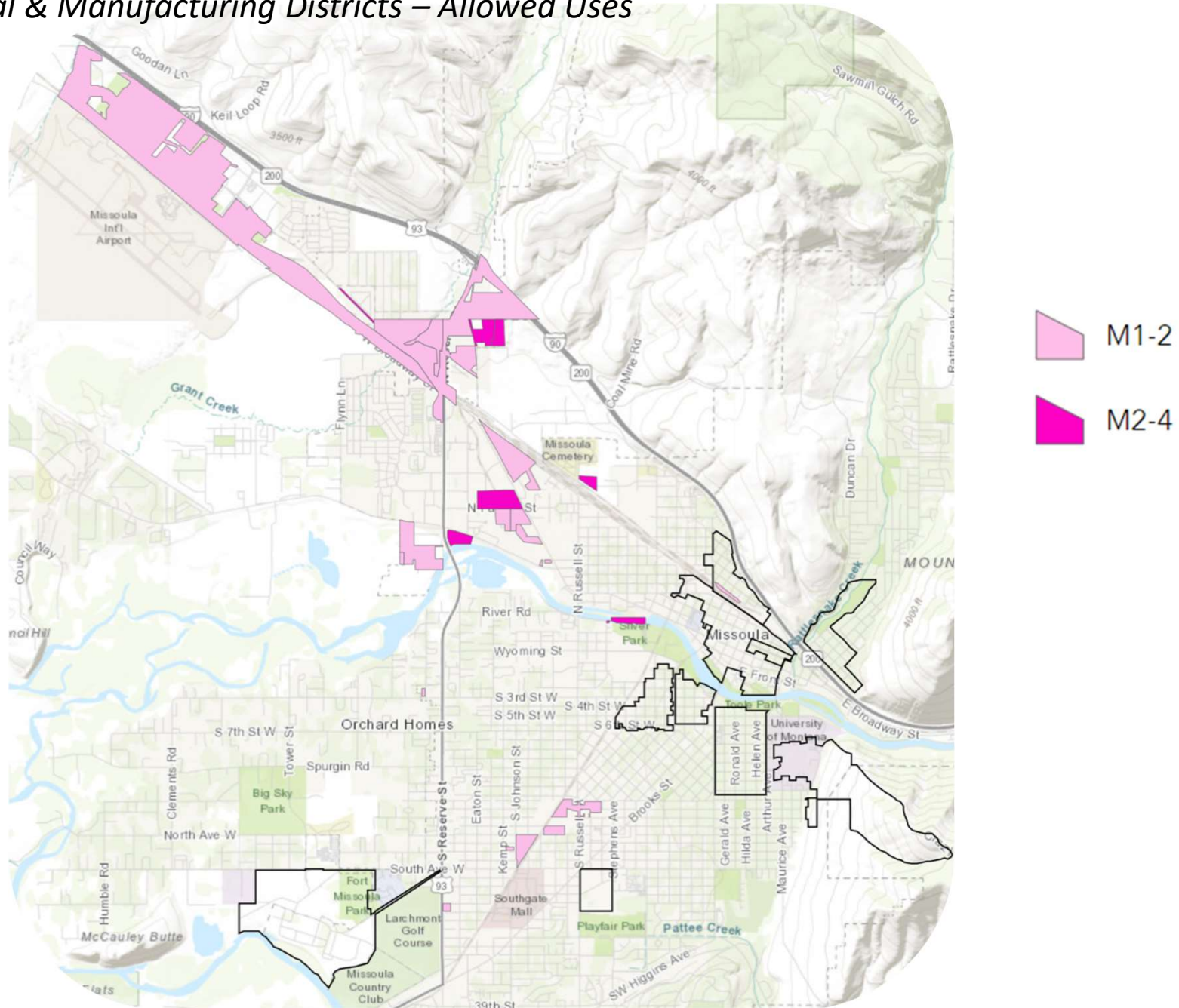
This map illustrates the commercial districts and allowed uses in Missoula, Montana. The map is overlaid with a grid of colored zones: red for high-density commercial, pink for medium-density commercial, and light pink for low-density commercial. Key landmarks and features include the Missoula International Airport, Missoula Cemetery, University of Montana, and several parks like Big Sky Park and Pattee Creek. Major roads such as Highway 93 and Highway 200 are also shown.

- 
- |   |       |
|---|-------|
|    | B3-2  |
|    | C1-1  |
|    | C1-2  |
|    | C1-3  |
|   | C1-4  |
|  | C2-2  |
|  | C2-4  |
|  | CBD-4 |
|  | M1-2  |
|  | M1R-2 |
|  | M2-4  |

# General Manufacturing



## Industrial & Manufacturing Districts – Allowed Uses



# Moving Forward: Energy Conservation



The City of Missoula continues to experience the effects of a rapidly changing climate such as drought, increased wildfire, and lessening snowpack. Reducing greenhouse gas emissions is a top priority for our city.

Increased electricity and natural gas use correlate to higher greenhouse gas emissions, mitigation efforts include reducing energy and gas demand.

Since 2014, Missoula's commercial/industrial electricity usage has increased by 21% and natural gas usage has increased by 28%, while total number of jobs increased by only 6.8%. Greenhouse gas emissions inventories are a good tool for measuring success in our climate goals.



# Moving Forward: Energy Conservation

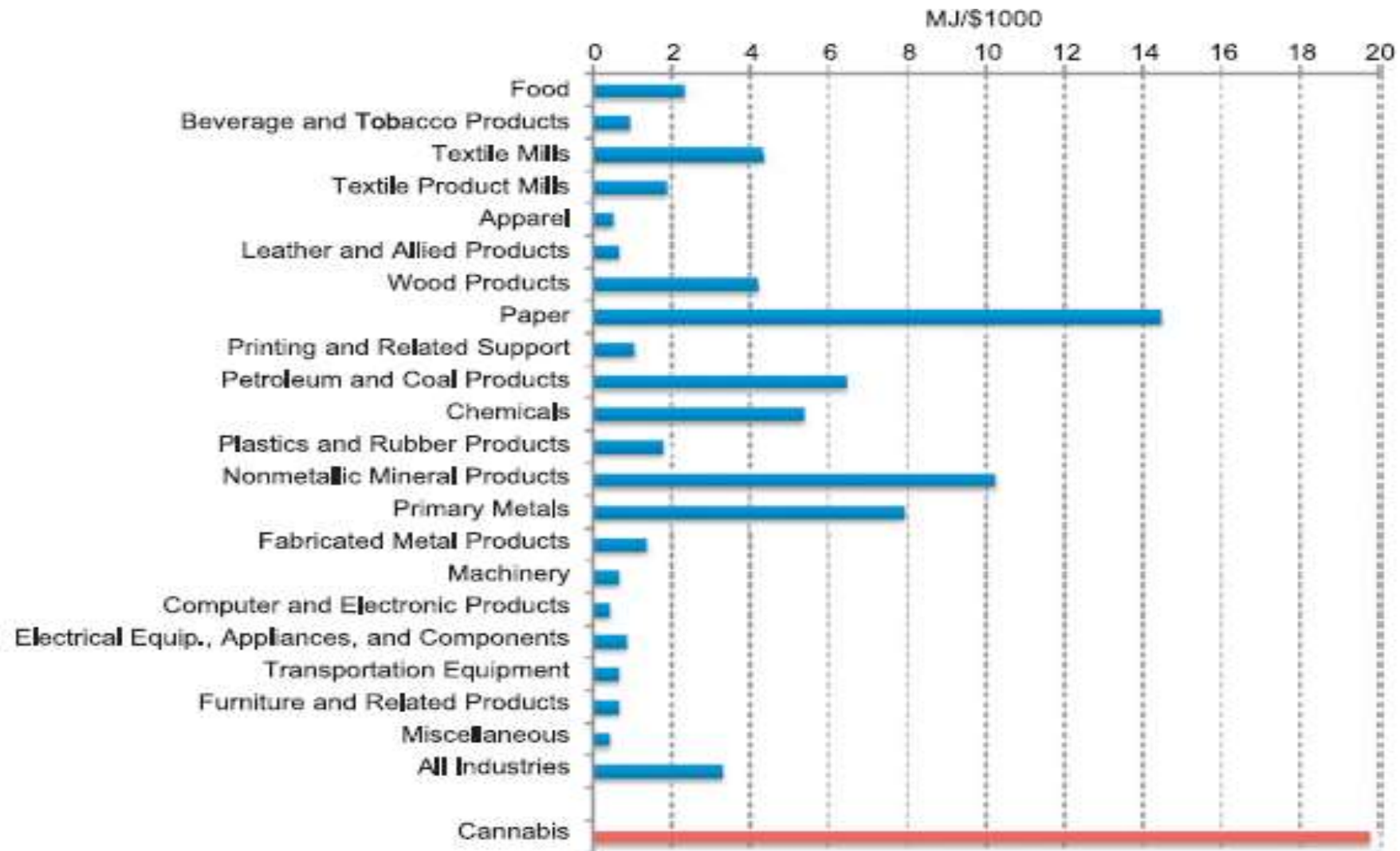


Fig. 3. Comparative energy intensities, by sector (2006).

# Moving Forward: Energy Conservation



MT House Bill 701 gives local governments “authority to allow for the operation of marijuana businesses in their community and establishing standards for the cultivation, manufacture, and sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions”

The current and future impacts of climate change are a significant threat to public health, safety, and welfare of our residents.

## Are there less energy-intensive ways to grow marijuana?

For indoor operations, light-emitting diode (LED) lights are much more efficient than HID bulbs and generate less heat which reduces the cooling needs of the operation. LED lights have a higher upfront cost but use about half as much energy as traditional lights which result in a decrease in operation costs. Northwestern Energy has an energy efficiency rebate program which can help narrow the cost gap between the LEDs and HIDs.

## What states or local governments have regulated the energy consumption of marijuana cultivation?

- Massachusetts  
lighting energy usage requirement (maximum watts/sq. ft.), with exemption for on-site renewable energy.
- Illinois  
lighting energy usage requirement (maximum watts/sq. ft.), energy efficient HVAC equipment, and water use efficiency.
- Boulder County, CO  
cultivators must pay into a carbon offset program, or purchase local renewable energy.
- California  
local government regulations around renewable energy and energy efficiency.
- Missoula County  
drafting regulation that will likely include an lighting energy usage requirement (maximum watts/sq. ft. or specific equipment listed on a third party qualified product list), with exemption for on-site renewable energy.

# Moving Forward: Energy Conservation



City staff are currently working to understand where best to place energy efficiency requirements, and will likely bring a code amendment to council on a slightly delayed path as compared to Title 20 amendments.

The City of Missoula Climate Action team will proactively reach out to marijuana cultivators ahead of any regulation to ensure they understand requirements and available Northwestern Energy rebate opportunities.

**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 <sup>st</sup> reading of Ordinance (consent agenda)
Nov. 2	Planning Board	Public Hearing.
<b>Nov. 10</b>	<b>LUP</b>	<b>Informational Item.</b>
Nov. 15	City Council	Public Hearing.
Nov. 29	City Council	<b>Final consideration.</b>

*\*As of November 10<sup>th</sup>, 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.