

SUMMARY:

City Zoning Amendments, Complying with 2023 State Legislation

This paper includes a summary of the proposed amendments to Title 20 Zoning Code in response to the bills passed during the State of Montana 2023 Legislative Session.

Amendment Descriptions by Bill:

[HB 305](#), Related to manufacturing and retail Alcohol laws. *Eff. July 1, 2023.*

Summary of Changes

1. Amend definition of microbrewery to explicitly allow colocation with beer and wine sales.

Affected Code Sections

Section 20.100, Terminology
Section 20.105, Use Classifications

[HB 918](#), Related to Day Care Homes. *Eff. July 1, 2023.*

Summary of Changes

1. Amend Residential Day Care use to comprise 15 or fewer children or adults in the Allowed Uses table for: Residential Districts and Open Space, Public, and Aviation Districts Allowed Uses.
2. Amend Day Care Center use to comprise 16 or more children or adults in the Allowed Uses table for: Residential Districts, Business and Commercial Districts and Open Space, Public, and Aviation Districts Allowed Uses.
3. Amend Residential Day Care use to comprise 15 or fewer children or adults in the Public and Civic Use Group.
4. Amend Day Care Center use to comprise 16 or more children or adults in the Public and Civic Use Group.

Affected Code Sections

Section 20.05, Residential Districts
Section 20.10, Business and Commercial Districts
Section 20.20, Open Space, Public, and Aviation Districts
Section 20.105, Use Classifications

[SB 178](#), Creating review definitions for cryptocurrency uses. *Eff. Immediately.*

Summary of Changes

1. Add 'data center', 'digital asset mining', and 'home digital asset mining' to the Allowed Uses table for Industrial and Manufacturing Districts.
2. Add use classification definitions for 'data center', 'digital asset mining', and 'home digital asset mining' in the Industrial Use Group.

Affected Code Sections

Section 20.15, Industrial and Manufacturing Districts
Section 20.105, Use Classifications

[SB 195](#), Creating building and use allowances for Places of Religious Worship. *Eff. Immediately.*

Summary of Changes

1. Add 'Temporary overnight visitors within a Religious Assembly' and timeline restrictions to the authorized Temporary Uses.
2. Amend definition of 'Religious Assembly' to allow for accommodating temporary overnight visitors for:
 - a. religious retreats, programs, & events,
 - b. emergency or catastrophic occurrences,
 - c. sheltering displaced persons due to hardship or inclement weather

Affected Code Sections

Section 20.40, Use- and Building- Specific Standards
Section 20.105, Use Classifications

[SB 245](#), Permitting Multiple-Unit Dwellings and Mixed-Use Developments. *Eff. Immediately.*

Summary of Changes

Affected Code Sections

1. Add 'Multi-dwelling unit (B and C districts, excluding CBD)' to the required vehicle parking schedule.

Section 20.60, Parking and Access

[SB 331](#), Amending TED review and approval process. *Eff. Immediately.*

Summary of Changes

1. Repeal noticing requirements from Townhome Exemption Development (TED) Review Process and Submittal Requirements.
2. Repeal Parks and Trails requirements within TED standards and references to Parkland.
3. Repeal regulations referencing conditions of approval for TEDs.

Affected Code Sections

Section 20.05, Residential Districts
Section 20.40, Use- and Building- Specific Standards

[SB 407](#), Amending Design Review Standards & Determination Authorities. *Eff. October 1, 2023.*

Summary of Changes

1. Repeal the Design Review Board and all reference to the Board (*and subsequent text amendments to maintain referential continuity*) and include provisions transferring authority.
2. Amend intent and applicability of screening landscaping (design) standards to tie clearly and objectively to public health and safety.
3. Remove design standards for the Design Excellence Overlay (generally), the Downtown Overlays, and Corridor Overlays unrelated to public health and safety.
4. Remove design standards for Enterprise Commercial uses unrelated to public health and safety.
5. Remove design standards for Multi-Dwelling Buildings unrelated to public health and safety.
6. Remove design standards for Townhouses unrelated to public health and safety.
7. Remove design standards for Commercial Uses Not Exceeding 30,000 Square Feet unrelated to public health and safety.
8. Remove design reference for Townhome Ownership Units.
9. Remove design standards for Accessory Dwelling Units unrelated to public health and safety.
10. Remove design standards for Activity Area Landscaping unrelated to public health and safety.
11. Remove design standards for Signs unrelated to public health and safety.

Affected Code Sections

Section 20.01, Introductory Provisions
Section 20.25, Overlay Districts
Section 20.40, Use- and Building- Specific Standards
Section 20.45, Accessory Uses and Structures
Section 20.65, Landscaping
Section 20.75, Signs
Section 20.85, Review and Approval Procedures
Section 20.90, Administration