

ORDINANCE NUMBER 3719

Pursuant to Montana Municipal Interim Zoning statute Section 76-2-306 MCA, the Missoula City Council hereby adopts an ordinance that extends for one year, Ordinance 3705, 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.

The extension of this interim zoning ordinance shall be applicable to specific uses in Title 20 and be effective for one year commencing May 15, during which time the city council will contemplate permanent zoning ordinance amendments to Title 20, Missoula City Zoning ordinance.

INTENT

Montana Code Annotated (MCA) 76-2-301 states that a municipality may regulate and restrict the use of land for trade, industry, residence, or other purposes for the purpose of promoting health, safety, morals, or the general welfare of the community.

The City of Missoula continues to face historic levels of development review, causing backlogs and delays that are directly and indirectly impacting our ability to move key priorities like residential projects forward. A large cause of this backlog is due to the historic number of active subdivision applications, which have review and response times that are mandated by state law. In light of current demand, there continues to be an urgent need to identify and simplify regulations and processes that have an immediate impact on our ability to operate and allow us to conduct business more efficiently.

Extension of this interim urgency ordinance (in accordance with MCA 76-2-306) will continue to allow many existing conditional uses throughout the zoning districts to be permitted. It will continue to help provide more effective delivery of City services, consistent with the City's mission, and support the overall public health, safety, and welfare of our growing community by allowing a more streamlined review of certain types of uses, thereby freeing up staff time to review and approve the housing and support services necessary to support a safe and healthy community.

Thus, the City Council determines that it best serves the public interest and best serves to protect the public safety, health, and welfare to adopt an ordinance extending the interim zoning ordinance (#3705) to more timely address these urgent concerns.

MCA 76-2-306 authorizes the City Council to adopt an ordinance to extend an interim zoning ordinance to be in effect for a one-year period, commencing May 15, subject to a super-majority (two-thirds) vote. During this one-year time period, the city council will contemplate permanent zoning ordinance amendments to Title 20, Missoula City Zoning Code.

Be it ordained that Table 20.05-1, Table 20.10-1, Table 20.15-1, and Table 20.20-1 of Title 20, Missoula City Zoning Ordinance are hereby amended and enacted as an interim zoning ordinance as follows:

SECTION 2. REGULATION

Chapter 20.05 Residential Districts

20.05.020 Allowed Uses

A. Use Table

Principal uses are allowed in "R" zoning districts in accordance with Table 20.05-1, below. See Chapter 20.45 for regulations governing accessory uses, such as home occupations.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Chapter 20.105. Uses are identified in the first column of Table 20.05-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.05-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.05-1 may be allowed if reviewed and approved in accordance with the conditional use procedures 20.85.070.

Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.05-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.05-1 Uses Allowed in Residential Districts

Use Category └ specific use type RESIDENTIAL	R215	R80	R40	R20	RT10	R8	RT5.4	RT2.7	RM2.7	RM2	RM1.5	RM1	RM0.5	RMH	Standards
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Household Living (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.05.030
^ Manufactured Housing Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Title 16
Group Living (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.070
^ Community Res. Facility (8 or fewer)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^ Community Residential Facility (9+)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.070
^ Fraternity/Sorority	-	-	-	-	-	-	-	-	-	C	C	P	P	P	P	-	20.40.070
PUBLIC/CIVIC																	
College/University	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	
Day Care																	
^ Residential Day Care (1—12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^ Day Care Center (13+)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Library/Cultural Exhibit	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	
Park/Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Preschool																	
^ Preschool (1— 12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^ Preschool Center (13+)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities and Services																	
^ Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^ Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
COMMERCIAL																	
Lodging																	
^ Bed and Breakfast	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	20.40.030
^ Tourist Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.135
Office	-	-	-	-	-	-	-	-	-	-	-	P	P	P[2]	-	-	

Parking, Non-accessory	-	-	-	-	-	-	-	-	-	-	C	C	C[1]	-	-	
Personal Improvement Service	-	-	-	-	-	-	-	-	-	-	P	P	P[2]	-	-	
Residential Support Services	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	20.40.120
INDUSTRIAL																
Residential Storage Warehouse	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	20.40.110
OTHER																
Agriculture, Animal	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water Testing Laboratory	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Wireless Communication Facility																
^ Ground-mounted support structure	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	20.40.160
^ Roof-mounted and structure mounted support structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.160

[1] Allowed (as conditional use) in RM1-35 district only.

[2] Permitted in RM1-35 district only.

Chapter 20.10 Business and Commercial Districts

20.10.020 Allowed Uses

A. Use Table

Uses are allowed in B and C zoning districts in accordance with Table 20.10-1, below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described

and defined in Chapter 20.105. Uses are identified in the first column of Table 20.10-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.10-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.10-1 may be allowed if reviewed and approved in accordance with the conditional use procedures of 20.85.070. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.10-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.10-1 Uses Allowed in Business and Commercial Districts

Fraternal Organization	-	P	P	P	P	P	
College/University	P	P	P	P	P	P	
Day Care (except as noted below)	P	P	P	P	P	P	
^L Day Care Center (13+)	P	P	P	P	P	P	
Emergency Homeless Shelter	C	C	C	P	P	C	20.40.045
Hospital	-	C	C	P	P	P	
Library/Cultural Exhibit	P	P	P	P	P	P	
Meal Center	C	C	C	P	P	C	20.40.085
Park/Recreation	P	P	P	P	P	P	
Preschool (except as noted below)	P	P	P	P	P	P	
^L Preschool Center (13+)	P	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	P	
Safety Services	P	P	P	P	P	P	
School	P	P	P	P	P	P	
Utilities and Services							
^L Minor	P	P	P	P	P	P	
^L Major	C	C	C	C	C	C	
COMMERCIAL							
Animal Services							
^L Sales and Grooming	P	P	P	P	P	P	20.40.020
^L Shelter or Boarding Kennel	-	-	-	P	P	C	
^L Veterinary	P	P	P	P	P	P	
Artist Work or Sales Space	P	P	P	P	P	P	20.40.170
Building Maintenance Service	-	C	C	P	P	C	
Business Equipment Sales and Service	P	P	P	P	P	P	20.40.170
Business Support Service	-	P	P	P	P	P	20.40.170
Communication Service Establishments	-	P	P	P	P	P	20.40.170
Construction Sales and Service	-	-	-	P	P	-	
Day Labor Employment Agency	-	-	-	P	P	P	20.40.170
Eating and Drinking Establishments							
^L Restaurant	P	P	P	P	P	P	20.40.170
^L Tavern or Nightclub	-	C	C	C	P	P	20.40.040 20.40.170
Enterprise Commercial Use	-	-	-	P	P	P	20.40.050
Entertainment and Spectator Sports							
^L Small Venue	-	P	P	P	P	P	
^L Medium Venue	-	-	-	P	P	P	
^L Large Venue	-	-	-	P	P	P	
Financial Services (except as noted below)	-	P	P	P	P	P	20.40.170
^L Check cashing/loan service	-	-	-	P	P	-	20.40.170

└ Pawn Shop	-	-	-	-	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	P	P	P	20.40.170
Funeral and Interment Services							
└	-	-	-	-	-	-	
Cemetery/Columbarium/Mausoleum							
└ Cremating	-	-	-	-	-	-	
└ Undertaking	-	P	P	P	P	-	
Gasoline and Fuel Sales (except as noted below)	-	-	-	C	C	C	20.40.060
└ Truck Stop/Travel Plaza	-	-	-	C	C	-	20.40.150
Lodging							
└ Bed and Breakfast	P	P	P	P	P	P	20.40.030 20.40.170
└ Hostel	-	-	P	P	P	P	20.40.170
└ Hotel/Motel	-	-	-	P	P	P	20.40.170
└ Recreational Vehicle Park	-	-	-	-	-	-	
└ Tourist Homes	P	P	P	P	P	P	20.40.135
Office							
└ Administrative, Professional or General Office	P	P	P	P	P	P	20.40.170
└ Medical Office	P	P	P	P	P	P	20.40.170
Parking, Non-Accessory	-	C	C	P	P	P	
Personal Improvement Service	P	P	P	P	P	P	20.40.170
Repair or Laundry Service, Consumer	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
└ Cannabis Dispensary	P	P	P	P	P	P	20.40.083
Sports and Recreation, Participant (except as noted below)	-	-	-	P	P	P	
└ Casino	-	-	-	C	C	C	20.40.040 20.40.170
Vehicle Sales and Service							
└ Car Wash/Cleaning Service	-	-	-	C	P	-	
└ Heavy Equipment Sales/Rentals	-	-	-	C	P	-	
└ Light Equipment Sales/Rentals	-	-	-	P	P	P	
└ Motor Vehicle Repair, Limited	-	-	-	P	P	P	
└ Motor Vehicle Repair, General	-	-	-	-	P	-	
└ Vehicle Storage and Towing	-	-	-	-	P	-	
INDUSTRIAL							
Cidery	-	C	C	P	P	P	
Manufacturing, Production and Industrial Service							
└ Artisan	P	P	P	P	P	P	

^ Limited	-	-	P	P	P	P	
Microbrewery/Microdistillery	-	P	P	P	P	P	
Recycling Service							
^ Limited	-	-	-	-	P	-	
^ General	-	-	-	-	-	-	
Residential Storage Warehouse	-	-	C	C	C	-	20.40.110
Warehousing, Wholesaling and Freight Movement							
^ Limited	-	-	-	P	P	P	
^ General	-	-	-	P	P	-	
Winery	-	C	C	P	P	P	
OTHER							
Agriculture, Crop	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	
Transportation Terminals	-	-	-	-	-	P	
Wireless Communication Facility							
^ Ground mounted support structure	P	P	P	P	P	P	20.40.160
^ Roof-mounted and structure mounted support structures	P	P	P	P	P	P	20.40.160

Chapter 20.15 Industrial and Manufacturing Districts

20.15.020 Allowed Uses

A. Use Table

Uses are allowed in M zoning districts in accordance with Table 20.15-1 below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Chapter 20.105. Uses are identified in the first column of Table 20.15-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.15-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.15-1 may be allowed if reviewed and approved in accordance with the conditional use procedures of 20.85.070. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.15-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.15-1 Uses Allowed in Industrial Districts

Use Category └ specific use type	M1R	M1	M2	Standards
RESIDENTIAL				
Household Living				
└ In Vertical Mixed-use Building	P	-	-	
└ In Single-purpose Residential Building	P	-	-	
└ In Mixed-use Building	P	-	-	
Group Living	P	-	-	20.40.070
PUBLIC/CIVIC				
Fraternal Organization	P	-	-	
College/University	P	-	-	
Day Care	P	-	-	
Detention and Correctional Facilities	-	C	C	
Emergency Homeless Shelter	C	P	-	20.40.045
Hospital	P	-	-	
Library/Cultural Exhibit	P	-	-	
Meal Center	C	P	-	20.40.085
Park/Recreation	P	-	-	
Preschool	P	-	-	
Religious Assembly	P	-	-	
Safety Services	P	P	P	
School	P	-	-	
Utilities and Services				
└ Minor	P	P	P	
└ Major	C	C	P	
COMMERCIAL				
Animal Services				
└ Sales and Grooming	P	P	P	
└ Shelter or Boarding Kennel	P	P	P	
└ Veterinary	P	P	P	
└ Stable	-	-	P	
Artist Work or Sales Space	P	P	P	20.40.170
Building Maintenance Service	P	P	P	

Business Equipment Sales and Service	P	P	P	20.40.170
Business Support Service	P	P	P	20.40.170
Communication Service Establishments	P	P	P	20.40.170
Construction Sales and Service	C	P	P	
Day Labor Employment Agency	P	P	P	20.40.170
Eating and Drinking Establishments				
└ Restaurant	P	P	P	20.40.170
└ Tavern or Nightclub	C	P	P	20.40.040 20.40.170
Enterprise Commercial Use	C	P	P	20.40.050
Entertainment and Spectator Sports	P	P	P	
Financial Services (except as noted below)	P	P	P	20.40.170
└ Check Cashing/Loan Service	C	P	P	20.40.170
└ Pawn Shop	P	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	20.40.170
Funeral and Interment Services				
└ Cemetery/Columbarium/Mausoleum	-	-	-	
└ Cremating	P	P	P	
└ Undertaking	P	P	P	
Gasoline and Fuel Sales (except as noted below)	P	P	P	20.40.060
└ Truck Stop/Travel Plaza	-	P	P	20.40.150
Lodging	P	P	P	
└ Bed and Breakfast	P	-	-	20.40.030 20.40.170
Office	P	P	P	20.40.170
Parking, Non-accessory	P	P	P	
Personal Improvement Service	P	P	P	20.40.170
Repair or Laundry Service, Consumer	P	P	P	20.40.170
Research Service	P	P	P	20.40.170
Retail Sales	P	P	P	20.40.170
└ Cannabis dispensary	P	P	P	20.40.083
Sports and Recreation, Participant (except as noted below)	P	P	P	
└ Casino	C	P	P	20.40.040 20.40.170
Vehicle Sales and Service				
└ Car Wash/Cleaning Service	C	P	P	
└ Heavy Equipment Sales/Rentals	C	P	P	
└ Light Equipment Sales/Rentals	P	P	P	
└ Motor Vehicle Repair, Limited	P	P	P	
└ Motor Vehicle Repair, General	P	P	P	
└ Vehicle Storage and Towing	C	P	P	
INDUSTRIAL				

Junk/Salvage Yard	-	P	P	
Auto Wrecking	-	P	P	
Cidery	P	P	P	
Manufacturing, Production and Industrial Service				
^L Artisan	P	P	P	
^L Limited	P	P	P	
^L General	-	P	P	
^L Intensive	-	-	P	
Microbrewery/Microdistillery	P	P	P	
Mining/Quarrying	-	-	P	
Recycling Service				
^L Limited	P	P	P	
^L General	-	P	P	
Residential Storage Warehouse	P	P	P	
Warehousing, Wholesaling and Freight Movement	P	P	P	
Waste-Related Use (except as noted below)	-	C	P	
^L Demolition Debris Landfill	-	P	P	
^L Sanitary Landfill	-	P	P	
^L Solid Waste Separation Facility	-	P	P	
^L Transfer Station	-	P	P	
Winery	P	P	P	
OTHER				
Agriculture, Crop	P	P	P	
Community Garden	P	P	P	
Wireless Communication Facility				
^L Ground-Mounted support structure	P	P	P	20.40.160
^L Roof-mounted and Structure-mounted support structures	P	P	P	20.40.160

Chapter 20.20 - Open Space, Public, and Aviation Districts

20.20.020 Allowed Uses

A. Use Table

Principal uses are allowed in "OP" or "A" zoning districts in accordance with Table 20.20-1, below.

B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Chapter 20.105. Uses are identified in the first column of Table 20.20-1.

C. Permitted Uses

Uses identified with a "P" in Table 20.20-1 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

D. Conditional Uses

Uses identified with a "C" in Table 20.20-1 may be allowed if reviewed and approved in accordance with the conditional use procedures of 20.85.070. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this zoning ordinance.

E. Prohibited Uses

Uses identified with a "-" are expressly prohibited.

F. Use Standards

The "use standards" column of Table 20.20-1 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

Table 20.20-1 Uses Allowed in Open Space, Public, and Aviation Districts

Use Category Specific Use Type	OP1	OP2	OP3	A	Standards
RESIDENTIAL					
Household Living	-		-	-	
^L Townhouses (in cluster developments)	-	P	-	-	20.40.140
^L Detached Houses	-	P	-	-	
Group Living (except as noted below)	-	P		-	
^L Community Residential Facility (8 or fewer)	-	P	-	-	
^L Community Residential Facility (9+)	-	P	-	-	20.40.070
^L Health Care Facility	-	-	P	-	
PUBLIC/CIVIC					
College/University	-	-	P	-	
Day Care					
^L Residential Day Care (1—12)	-	P	-	-	
^L Day Care Center (13+)	-	P	-	C	
Detention and Correctional Facilities	-	-	P	-	
Emergency Homeless Shelter	-	-	C	-	20.40.045
Hospital	-	-	P	-	
Library/Cultural Exhibit	-	-	P	P	
Meal Center	-	-	P	-	20.40.085
Parks/Recreation	P	P	P	P	

School	-	-	P	-	
Safety Services	-	-	-	P	
Utilities and Services					
└ Minor	P	P	P	P	
└ Major	C	-	P	C	
COMMERCIAL					
Business Support Services	-	-	-	P	
Eating and Drinking Establishments					
└ Restaurant	-	-	-	P	
└ Tavern or Nightclub	-	-	-	C	
Entertainment and Spectator Sports	-	-	P	-	
Funeral and Interment Service	-	-	P	-	
Lodging					
└ Hotel/Motel	-	-	-	P	
Office					
└ Administrative, Professional or General Office	-	-	-	P	
└ Medical or Government	-	-	P	P	
Parking, Non-accessory	-	-	-	P	
Retail Sales	-	-	-	C	
Vehicle Sales and Service					
└ Light Equipment Sales/Rentals	-	-	-	P	
INDUSTRIAL					
Manufacturing, Production, and Industrial Services	-	-	-	P	
└ Artisan	-	-	-	P	
└ Limited	-	-	-	P	
└ General	-	-	-	P	
Warehousing, Wholesaling and Freight Movement	-	-	-	P	
AVIATION					
Air Medical Services	-	-	-	P	
Mail and Distribution	-	-	-	P	
Private and Public Airports	-	-	-	P	
Airport Facilities	-	-	-	P	
OTHER					
Agriculture, Animal	-	P	-	P	
Agriculture, Crop	P	P	P	P	
Community Garden	P	P	P	P	
Wireless Communication Facility					
└ Ground-mounted support structure	C	C	P	P	
└ Roof-mounted and Structure-mounted support structures	P	P	P	P	

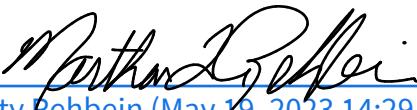
SECTION 2. IMMEDIATE EFFECTIVE DATE

The effective date of this interim zoning ordinance shall be May 15, 2023. This ordinance will be in effect for a period of one year, unless it is repealed or revised prior to the expiration of the one-year time period, or unless an additional extension of up to one year is approved.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

ATTEST:



Marty Rehbein (May 19, 2023 14:29 MDT)

Martha L. Rehbein, CMC
City Clerk

(SEAL)

APPROVED:



Jordan Hess (May 18, 2023 14:37 MDT)

Jordan Hess
Mayor

(SEAL)

