



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, MARCH 17, 2026
6:30 PM
COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. Because of the Rules that govern public meetings, Council is not permitted to speak in response to any issue raised that is a non-Agenda item. The Mayor may provide factual information in response, with the intention that the matter may be addressed at a later meeting. In addition, City Council may request that a particular non-Agenda item be placed on an upcoming Agenda, for consideration. Citizens should not construe Council's "silence" on an issue as an opinion, one way or the other, regarding that non-Agenda matter. Council simply cannot debate an item that is not on the Agenda, and therefore, they must simply listen to the feedback given during public input. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor.*

Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony, and written evidence.

General Items

Executive Review

- 1. Planning:** Emergency Ordinance - An Emergency Ordinance Of The City Of Laurel Temporarily Imposing A Moratorium On Annexation Applications In Order To Evaluate Municipal Infrastructure Capacity, Water System Demands, The Impacts Of Recent Changes In State Law, And The Proper Future Growth Plans For The City Of Laurel.

Council Issues

Other Items

Attendance at Upcoming Council Meeting

Announcements

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 5100, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

File Attachments for Item:

1. Planning: Emergency Ordinance - An Emergency Ordinance Of The City Of Laurel Temporarily Imposing A Moratorium On Annexation Applications In Order To Evaluate Municipal Infrastructure Capacity, Water System Demands, The Impacts Of Recent Changes In State Law, And The Proper Future Growth Plans For The City Of Laurel.

ORDINANCE NO. 026-_____

AN EMERGENCY ORDINANCE OF THE CITY OF LAUREL TEMPORARILY IMPOSING A MORATORIUM ON ANNEXATION APPLICATIONS IN ORDER TO EVALUATE MUNICIPAL INFRASTRUCTURE CAPACITY, WATER SYSTEM DEMANDS, THE IMPACTS OF RECENT CHANGES IN STATE LAW, AND THE PROPER FUTURE GROWTH PLANS FOR THE CITY OF LAUREL.

WHEREAS, the purpose of this Emergency Ordinance is to preserve the status quo and temporarily suspend annexation proceedings while the City puts a plan in place to evaluate the capacity of its infrastructure, including potable water supply, water storage, and municipal service capabilities, to assess the impacts of recent changes to Montana law affecting municipal land-use regulation, and to ensure proper future growth plans for the City of Laurel;

WHEREAS, this Emergency Ordinance is adopted pursuant to Mont. Code Ann. §7-5-104, as follows:

7-5-104. Emergency ordinance. In the event of an emergency, the governing body may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a two-thirds vote of the whole governing body for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days.

WHEREAS, the City makes the following legislative findings, related to this Emergency Ordinance:

1. The City of Laurel is responsible for providing safe potable water and municipal services to residents within the city limits.
2. The City currently has known infrastructure constraints within its water system, including limited water storage capacity and areas dependent upon temporary booster infrastructure.
3. Engineering analysis and planning documents have identified the need for additional infrastructure improvements.
4. The City is presently evaluating long-term water demand associated with significant industrial and municipal users within the City.
5. Recent amendments to Montana law, including §76-2-345 MCA, have altered municipal land-use authority and may increase development pressure.
6. The City believes that the following planning, in part, is necessary, in order to ensure proper annexation and services to City of Laurel residents: (a)

engineering staff certify water capacity; (b) storage impact is analyzed; (c) fire-flow requirements are confirmed; (d) service extension costs are identified; (e) emergency response service demands are evaluated; (f) infrastructure demand related to commercial and residential properties is evaluated; and (g) all other City service demands are evaluated and assessed, prior to any other approved growth within the City.

7. Properties contiguous to the City that may be eligible for annexation include substantial tracts of undeveloped land.
8. Preliminary estimates indicate potential annexation requests could involve approximately 50 to 60 blocks of developable land, if not more.
9. Municipalities that annex property must provide municipal services to annexed areas.
10. The City must ensure infrastructure can safely serve both existing residents and future development.
11. Immediate annexation consideration could jeopardize safe and reliable infrastructure.
12. The City has not completed current engineering confirmation of available potable water reserve for additional annexed territory.
13. The City is presently evaluating contractual water obligations involving major industrial consumption, including anticipated long-term municipal demand impacts.
14. Emergency services delivery capacity for certain contiguous growth areas has not been fully verified.
15. Annexation without immediate engineering verification may impair service reliability to existing residents.
16. Municipal emergency medical, police, and fire response impacts for newly annexed territory require updated review.
17. Temporary delay is necessary to prevent commitment of municipal services before capacity is known.
18. The City requires time to arrange to conduct engineering review, infrastructure review, and policy evaluation.

19. This Emergency Ordinance is not directed at any particular development proposal, and it applies citywide to all annexation requests equally without regard to applicant identity, land use type, or pending proposal.

WHEREAS, effective immediately upon passage, the City shall not accept, process, review, or approve any annexation petition, application, or request;

WHEREAS, this Emergency Ordinance is effective immediately upon passage and approval and shall remain in effect for ninety (90) days unless earlier repealed by the City Council;

WHEREAS, this Emergency Ordinance requires a two-thirds vote of the whole governing body;

WHEREAS, the City Council finds that this Ordinance is necessary for the immediate preservation of public health, safety, and welfare and shall take effect immediately upon passage, and the City Council waives a second reading of this Emergency Ordinance.

PASSED and ADOPTED on first reading (second reading waived) at a meeting of the City Council on the ____ day of _____, 2026, upon Motion by Council Member _____.

APPROVED BY THE MAYOR on the ____ day of _____, 2026.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

CITY HALL
115 W. 1st. St.
PUB WORKS: 628-4796
PWD FAX: 628-2241
WATER OFFICE: 628-7431
WTR FAX: 628-2289
MAYOR: 628-8456

City of Laurel

P.O. Box 10
Laurel, Montana 59044



City Attorney's Office

DEPARTMENT

LEGAL OPINION REGARDING EMERGENCY ORDINANCE ON ANNEXATION MORATORIUM

TO: City Mayor Waggoner
City CAO Markegard
City Planner Sanderson
City Council

FROM: Michele Braukmann, Laurel Civil City Attorney

DATE: 2026.3.6

RE: Legal Opinion Regarding Emergency Ordinance on Annexation Moratorium

FACTUAL BACKGROUND

The City is currently in the process of assessing demands upon infrastructure in relationship to future growth outside City limits. This is not case-specific. It is related to the present issues involving infrastructure demands, the present growth plan for the City of Laurel, the recent changes in Montana law, developments related to infrastructure demands from large industrial facilities, and other emergency services and City infrastructure needs.

ISSUE AND SHORT ANSWER

Issue: Whether the City of Laurel may lawfully adopt a temporary emergency ordinance imposing a moratorium on annexation applications while the City evaluates municipal infrastructure capacity, water supply obligations, fire flow capacity, emergency service demands, and the impacts of recent changes to Montana land use law.

Short Answer: Yes. Under Montana law, municipalities possess broad police powers to protect public health, safety, and welfare. A city may adopt a temporary emergency ordinance when immediate action is necessary, provided the ordinance: 1) recites the factual basis for the emergency; 2) s approved by a two-thirds vote of the governing body; 3) Remains in effect no longer than ninety

(90) days. These requirements are set forth in Mont. Code Ann. § 7-5-104.

LEGAL ANALYSIS

I. Emergency Ordinance Authority:

Municipal emergency ordinances are governed by Mont. Code Ann. § 7-5-104 – Emergency Ordinance. The statute provides:

An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a two-thirds vote of the whole governing body for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days.

II. Municipal Police Power:

Montana municipalities possess broad authority to protect public welfare. Mont. Code Ann. § 7-1-111 – Powers of Local Government:

Municipal governments may exercise powers necessary to protect public health, public safety, public welfare, and municipal infrastructure.

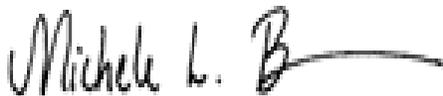
Infrastructure protection has historically been recognized as a core municipal police power.

Attached with this Recommendation are multiple examples of similar circumstances within municipalities in the State of Montana.

CONCLUSION

The City Council may proceed with adoption of the proposed Emergency Ordinance provided that the legislative findings and meeting record clearly establish that the Ordinance is necessary to allow the City to evaluate infrastructure capacity and municipal service obligations.

OFFICE OF THE CIVIL CITY ATTORNEY



Michele L. Braukmann, *Juris Doctorate*
CITY OF LAUREL
Civil City Attorney
civilattorney@laurel.mt.gov

cc: City Attorney Electronic Files (Legal Opinions/Recommendations)

**CITY OF LAUREL, MONTANA
COMPARATIVE MUNICIPAL AUTHORITY
REGARDING ANNEXATION MORATORIA**

The following information summarizes Montana municipal ordinances and related legislative actions demonstrating the use of interim zoning ordinances, temporary land-use moratoria, and annexation-related regulatory controls adopted by Montana municipalities under statutory and municipal police powers. These authorities are relevant to consideration of a temporary emergency moratorium on annexation while the City evaluates municipal utility capacity, statutory land use changes, and orderly growth management.

Municipality	Ordinance / Authority	Subject Matter	Statutory Basis	Duration	Relevance to Laurel
Miles City	Ordinance No. 1398	Interim zoning following annexation	MCA § 76-2-306	Interim pending permanent zoning	Directly regulates land use consequences immediately following annexation and demonstrates interim control during planning review.
Billings	Ordinance No. 21-5777	Interim zoning moratorium on specified land uses	MCA § 76-2-306	Six months	Illustrates temporary suspension of approvals while municipal policy review is undertaken.
Great Falls	Ordinance No. 3049	Temporary land-use moratorium	Municipal police power and interim zoning authority	Temporary	Demonstrates formal findings tied to public welfare and municipal planning.
Great Falls	Ordinance No. 2859	Extension of prior moratorium	Municipal police power and interim zoning authority	Extended term	Shows phased moratoria during extended regulatory review.
Helena	Ordinance No. 3248	Temporary moratorium ordinance	Municipal legislative authority	Temporary	Useful example for findings, emergency declaration, and immediate effect.

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VOLUME NO. 46

OPINION NO. 5

ANNEXATION - Authority of city council to adopt interim zoning regulations as to newly annexed lands;
CITIES AND TOWNS - Obligation to comply with statutory protest provision when interim zoning ordinance modified operation of existing zoning ordinance;
LAND USE - Obligation of city council to comply with statutory protest provision when interim zoning ordinance modified operation of existing zoning ordinance;
MUNICIPAL GOVERNMENT - Obligation to comply with statutory protest provision when interim zoning ordinance modified operation of existing zoning ordinance;
MONTANA CODE ANNOTATED - Sections 76-2-303 to -307, 76-2-310;
MONTANA LAWS OF 1975 - Chapter 488, § 1;
MONTANA LAWS OF 1929 - Chapter 136;
OPINIONS OF THE ATTORNEY GENERAL - 41 Op. Att'y Gen. No. 68 (1986).

HELD: The protest provisions in Mont. Code Ann. § 76-2-305(2) are available to affected landowners whenever an existing zoning regulation is changed within the scope of Mont. Code Ann. § 76-2-305(1) through exercise by a city or town council of its interim zoning authority under Mont. Code Ann. § 76-2-306.

June 20, 1995

Mr. Jim Nugent
Missoula City Attorney
435 Ryman
Missoula, MT 59802-4297

Dear Mr. Nugent:

You have requested my opinion concerning the proper application of Mont. Code Ann. § 76-2-306. After review of your request, I have determined that this opinion should be limited to resolving the relationship between that provision and Mont. Code Ann. § 76-2-305. I have therefore phrased the question you present as follows:

Under what circumstances, if any, do the protest provisions in Mont. Code Ann. § 76-2-305(2) apply to the

adoption of interim zoning ordinances under Mont. Code Ann. § 76-2-306?

I conclude that the two sections must be read in pari materia and that, when an interim zoning ordinance or regulation adopted in accordance with § 76-2-306 amends, supplements, changes, modifies or repeals an existing zoning ordinance, the provisions of § 76-2-305(2) must be complied with if an appropriate protest is filed.

The core of Montana's municipal zoning law was taken from the Standard State Zoning Enabling Act ["SSZEA"] and was adopted in 1929. 1929 Mont. Laws, ch. 136; see generally 4 Patrick J. Rohan, Zoning and Land Use Controls § 35.04[1] (1994) ["Rohan"]. Then and now, the Montana statute authorizes a city council to adopt and amend zoning regulations but, before doing so, requires not only that the municipality's zoning commission hold public hearings and issue a final report to the council but also that the council itself hold a public hearing as to which at least 15 days' notice is given. 1929 Mont. Laws, ch. 136, §§ 4-6 (codified as amended at Mont. Code Ann. §§ 76-2-303, -305, -307). Aside from these basic requirements, any change in a zoning regulation is subject to protest by affected landowners:

In case, however, of a protest against such change signed by the owners of 20% or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extended 150 feet therefrom or of those adjacent on either side within the same block or of those directly opposite thereof extending 150 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city or town council or legislative body of such municipality.

§ 76-2-305(2); see 41 Op. Att'y Gen. No. 68 at 283 (1986). Comments to the SSZEA indicated that the protest provision reflected "the practice . . . of permitting ordinary routine changes to be adopted by a majority vote of the local legislative body but requiring a three-fourths vote in the event of a protest from a substantial proportion of property owners whose interests are affected" and that such practice "tended to stabilize the ordinance." 8 Rohan, § 53.01[1] at 53-10.

Neither the SSZEA nor the Montana statute as originally enacted specifically addressed interim zoning--i.e., a temporary action which "either classifies or reclassifies land and imposes restrictions on uses allowed thereon in support of a contemplated pending zoning plan or zoning change." 1 Ziegler Rathkopf's The Law of Zoning and Planning § 11.01, at 11-3-4 (1994); see generally 1 Robert M. Anderson, American Law of Zoning 3d § 5.23 at 408-09 (1986) ("One to three years may be required to complete the

essential studies and evolve a comprehensive plan. . . . During this period of study and enactment, the development of the community continues. If the evolving land-use plan and its implementing regulations are made public, the period between public knowledge and final enactment may be used by some landowners and developers to construct buildings and establish uses which will disrupt the land-use plan"). The explanatory notes to the SSZEA discouraged the use of interim ordinances (8 Rohan § 53.01[1] at 53-55) and, while their adoption fell within the authority of legislative bodies, such authority arguably could be exercised only in compliance with the stringent procedural requirements imposed under the law with respect to the more general adoption or amendment of ordinances (3 Rohan § 22.02[3] at 22-25, -31).

The Montana legislature, however, established a special procedure for the adoption of interim zoning ordinances in 1975. 1975 Mont. Laws, ch. 488, § 1. That procedure is codified in § 76-2-306:

(1) The city or town council or other legislative body of such municipality, to protect the public safety, health, and welfare and without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the legislative body is considering or studying or intends to study within a reasonable time.

(2) Such interim ordinance shall only be applicable within the city limits and up to 1 mile beyond the corporate boundaries of the city or town and shall take effect upon passage; provided, however, a hearing is first held upon notice reasonably designed to inform all affected parties and in no event shall notice be less than publication in a newspaper of general circulation at least 7 days before the hearing.

(3) Such interim ordinance shall be of no further force and effect 6 months from the date of adoption thereof. However, after notice pursuant to 76-2-303 and pursuant to public hearing, the legislative body may extend such interim ordinance for 1 year. Any such extension shall require a two-thirds vote for passage and shall become effective upon passage. Not more than two such extensions may be adopted.

Subsection (1) thus exempts an interim ordinance from "the procedures otherwise required preliminary to the adoption of a zoning ordinance" but, when read together with the remaining subsections, imposes various conditions on the use of that power: the existence of an exigency requiring prohibition of certain uses inconsistent with a zoning proposal under consideration; a public

hearing prior to the ordinance's adoption preceded by at least seven days' notice; a limitation on the geographical scope of the ordinance to one mile beyond municipal boundaries notwithstanding the provisions of Mont. Code Ann. § 76-2-310 which, for first- and second-class cities, allow municipal zoning provisions to extend, respectively, three and two miles beyond their boundaries; and a restriction on the ordinance's duration. Consistent with exception from "the procedures otherwise required preliminary to the adoption of a zoning ordinance," interim ordinances are excluded from the zoning commission hearing and report requirements imposed under § 76-2-307.

Your opinion request seeks determination of how the interim zoning provisions in § 76-2-306 apply in several general factual contexts. You ask first whether those provisions may be applied by a city council to prohibit a proposed use which is permitted under an existing ordinance. You next ask whether the provisions may be applied to permit a use prohibited under an existing ordinance. Lastly, you ask whether § 76-2-306 may be applied to newly annexed lands to which the city's zoning ordinance has not extended previously and, with respect to such lands, whether it is possible to tack interim zoning ordinances together for the purpose of exceeding the 2½-year limitation imposed under subsection (3).

The basic concern you express with respect to each hypothetical is application of § 76-2-306 in a manner which interferes with statutory protest rights under § 76-2-305(2). The phrase "procedures otherwise required preliminary to the adoption of a zoning ordinance," however, indicates your concern is unwarranted. That phrase, when construed most naturally, refers to the procedural requirements under §§ 76-2-303 and -307 and, conceivably, any additional procedures provided independently under the municipality's ordinances. This interpretation is particularly compelling in light of the express exception to the zoning commission hearing and report requirements in § 76-2-307 with respect to interim ordinances, an exception not made with respect to the supermajority vote needed to approve changes when a valid protest has been filed under § 76-2-305(2). See State ex rel. Diehl Co. v. State of Montana, 181 Mont. 306, 314, 593 P.2d 458, 462 (1979) (observing that "only in following [§ 76-2-306]" could a city commission "act on a moratorium without first referring the matter to the Zoning Commission" under § 76-2-307). Absent explicit statutory direction, I am unwilling to imply what is, in essence, the repeal of a landowner's protest rights whenever a change in an existing ordinance is made through use of the interim zoning ordinance procedure. E.g., Kuchan v. Harvey, 179 Mont. 7, 10, 585 P.2d 1298, 1300 (1978).

The issue therefore becomes whether, in the situations you have posed, a change within the scope of § 76-2-305 exists. The first two hypotheticals do involve such a change and, while the city council has authority to utilize the interim zoning ordinance

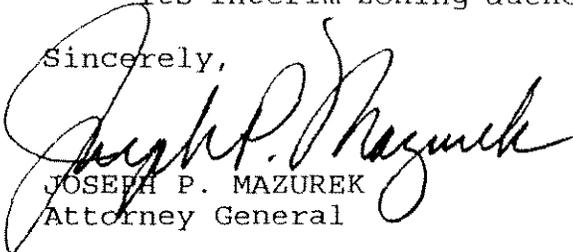
mechanism to effect the change temporarily, exercise of that authority is subject to the protest provisions in § 76-2-305(2). As to the third hypothetical, my understanding concerning the operation of Missoula's zoning ordinance is that recently annexed land remains unzoned until the council takes affirmative action to zone. Under those circumstances, § 76-2-305 has no application because no change in the ordinance itself is contemplated; the council instead merely exercises authority, otherwise conferred under the ordinance, to zone property as it deems appropriate.

Finally, whether the council can tack one interim zoning ordinance to another and thereby extend the duration of interim zoning beyond the period allowed under § 76-2-306(3) cannot be resolved conclusively on the basis of the facts you have supplied. By stating that no extensions other than the two provided under subsection (3) may be adopted, the statute itself counsels against any attempt to use a second ordinance as a subterfuge for continuing the interim zoning process beyond two and one-half years. Nevertheless, I am not prepared to hold that there are no circumstances under which consecutive interim ordinances would be proper.

THEREFORE, IT IS MY OPINION:

The protest provisions in Mont. Code Ann. § 76-2-305(2) are available to affected landowners whenever an existing zoning regulation is changed within the scope of Mont. Code Ann. § 76-2-305(1) through exercise by a city or town council of its interim zoning authority under Mont. Code Ann. § 76-2-306.

Sincerely,



JOSEPH P. MAZUREK
Attorney General

jpm/crs/bjh

ORDINANCE 2859

Amended on the floor

**AN ORDINANCE IMMEDIATELY ESTABLISHING
INTERIM ZONING REGULATIONS WITHIN
THE GREAT FALLS CITY LIMITS
FOR GAMBLING/CASINO ESTABLISHMENTS
UNTIL THE ADOPTION OF A UNIFIED LAND DEVELOPMENT CODE
FOR THE CITY OF GREAT FALLS**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

WHEREAS, on February 18, 2003 the City Commission adopted Ordinance 2843 establishing a six month moratorium on issuance of building or occupancy permits for gambling establishments and for sexually oriented/adult businesses pending adoption of a Growth Policy and Land Development and Zoning Code; and,

WHEREAS, on May 6, 2003 the City Commission adopted a Growth Policy; and,

WHEREAS, six months have passed and the Land Development Code and Zoning regulations are under development, expected to be presented to the City Commission by May of 2004; and,

WHEREAS, it seems in the public interest to allow establishments affected by the moratorium to make business decisions and be able to conduct business in the community under certain controls; and,

WHEREAS, a city may enact zoning ordinances limiting areas within its corporate limits where gambling is prohibited pursuant to 23-5-171, MCA; and,

WHEREAS, the development and adoption of a new land development and zoning code requires six months or more; and in the interim, it is deemed urgent and necessary to adopt interim regulations pursuant to procedures in 76-2-306, MCA, to prohibit said uses in certain zoning districts and to regulate their proximity to other uses; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

1. That interim zoning regulations throughout the City of Great Falls controlling the location of new gambling establishments, i.e. casinos, be immediately in effect upon adoption until the adoption of a Unified Land Development Code for the City and are attached as Exhibit A; and,

2. That a public hearing be held hereon before final adoption of said interim Ordinance and that notice of such public hearing be published in the Great Falls Tribune at least seven days before such hearing pursuant to 76-2-306, MCA.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on the 19th day of August, 2003.

Randall H. Mayor

ATTEST:

Melodi A. Wald, Deputy City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Melodi A. Wald, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance #2859 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 19th day of August, 2003, and approved by the Mayor of said City on the 19th day of August, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 19th day of August, 2003.

Melodi A. Wald, Deputy City Clerk

(SEAL OF THE CITY)

State of Montana)
County of Cascade :ss
City of Great Falls)

Melodi A. Wald, being first duly sworn, deposes and says: That on the 19th day of August, 2003, and prior thereto, she was Deputy City Clerk of the City of Great Falls, Montana; that as said Deputy City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2859 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building

On the Bulletin Board, first floor, Cascade County Court House

On the Bulletin Board, Great Falls Public Library

Melodi A. Wald, Deputy City Clerk

(SEAL OF CITY)

EXHIBIT A

Zoning Regulations Relating to Casinos

Section 1. Purpose.

These regulations are intended to promote the public health safety and welfare by regulating the location of casinos within the City to minimize the secondary negative effects of such uses and by insuring such uses are compatible with existing and anticipated land uses.

Section 2. Definitions.

For the purpose of this ordinance the following terms are defined:

- A. Casino means an establishment that offers, whether as an accessory or primary use, any form of legalized gambling authorized under Title 23, Chapter 5, Part 1 (except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. Organizations and facilities designated as exempt under state law shall not be classified as a casino.

- B. Church or place of worship means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines and temples.

- C. Residential zoning district means any PUD district with a residential component and each of the following districts: R-2, R-3, R-4, R-E, R-O, A-residence, B-residence, C-residence, and mobile home residence.

Section 3. Zoning Districts.

After the effective date of this interim ordinance, casinos shall only be established in the following districts provided they meet all other applicable provisions:

General Commercial District as long as the GC district exceeds 7 lots or 50,000 square feet, B-3 District, First Industrial District, Second Industrial District

Section 4. Standards

- A. **Proximity to residential zoned properties.** Casinos shall not be located on a premise that is immediately adjacent (sharing a common property line, not intended to include a street or alley) to a residential zoning district used for residential purposes.

- B. **Proximity to other specified uses.**
 - ~~1. The lot on which a casino is located shall not be located closer than 600 feet to another lot on which a public or private school and its grounds, from kindergarten through twelfth grade, is located.~~

 - 1. A casino shall not be located closer than 600 feet to a public or private school, from kindergarten through twelfth grade.**

~~2. A lot on which a casino is located shall not be located closer than 600 feet to another lot on which a church or worship facility is located.~~

2. A casino shall not be located closer than 600 feet to a church or worship facility.

~~3. For purposes of this section, specified distances will be measured in a straight line, without regard to intervening structures or streets, from the property line of the casino to the property line of the preceding land uses.~~

3. For purposes of this section, specified distances will be measured in a straight line, without regard to intervening structures or streets, from the casino to the structure housing the preceding uses.

4. If one of these specified uses locates within this area of separation after the casino has been granted an occupancy permit or building permit, the casino is not forced to relocate.

Section 5. Association with other uses. A casino shall not also offer adult entertainment.

Section 6. Liquor license. A casino may only be established in connection with a Montana State license to sell alcoholic beverages for consumption on the casino premises. An alcoholic beverage license however does not automatically entitle a license holder to open a casino or to expand an existing casino.

Section 7. Design Review Board Approval

Consistent with Chapter 2.30 of the City code, the Design Review Board shall review and approve the exterior building design and finishes; and the landscaping, signage, lighting and parking plan for any new or relocated casino, or for an expansion or exterior renovation of an existing casino. The DRB will ensure current City ordinances are met for signage.

Section 6. Nonconformities

Any casino establishment in existence as of the effective date of this ordinance that does not meet the standards of this ordinance shall be allowed to continue and exist in conformance with the regulations dealing with nonconformities found in §17.78 of the City code.

Section 7. Exemptions

Any application submitted to the City prior to the moratorium enacted on February 18, 2003, is exempt from this ordinance and shall be reviewed under the regulations in effect at the time of submittal.

Section 8. Future Land Development Code May Be More Restrictive

The City of Great Falls is in the process of adopting a Unified Land Development Code within the next 12 months. The rules governing the uses in this ordinance may change. This ordinance is intended to serve in the interim until the Land Development Code is adopted. The regulations in the Land Development Code may well be more restrictive than what is presented in this interim ordinance.

ORDINANCE 21-5777

AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, IMPOSING A MORATORIUM ON THE OPENING OF NEW ESTABLISHMENTS THAT GROW, MANUFACTURE, SELL, TEST OR DISTRIBUTE MARIJUANA, AND DIRECTING THE STUDY OF NEW PROPOSED ORDINANCES TO REGULATE SUCH ESTABLISHMENTS.

WHEREAS, Montana voters adopted Initiative Measure 190 (I-190) on November 3, 2020, statewide, in Yellowstone County, Montana, and in the City of Billings, Montana, legalizing adult-use marijuana and providing for approval of certain marijuana businesses within the State of Montana; and

WHEREAS, the 2021 Montana Legislature passed House Bill (HB) 701, with most sections effective January 1, 2022, which extensively changes and regulates the use, possession, and sale for profit of medical and adult-use (recreational) marijuana and modifies I-190; and

WHEREAS, HB 701 defines “marijuana businesses” as a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department of revenue under HB 701; and

WHEREAS, the concerns of local governments about HB 701’s application in their communities and the parameters under which a local government has authority to regulate its effects are still being understood; and

WHEREAS, the City Council of the City of Billings previously passed Ordinance 11-5545 which prohibits any storefront medical marijuana business within the city limits under the authority of Senate Bill (SB) 423, passed by the 2011 Montana Legislature, and later codified at MCA section 50-46-328(2); and

WHEREAS, the City Council of the City of Billings previously passed Ordinance 12-5587 which requires all businesses, occupations, and professions to comply with local, state, and federal law. Marijuana is currently defined as a Schedule 1 controlled substance under federal law, specifically 21 USC §812, the Controlled Substances Act, and as such the use, possession, or sale of marijuana remains a violation of federal law; and

WHEREAS, establishments that grow, manufacture, test, sell or distribute marijuana are not currently permitted in any zoning district established by the City of Billings; and

WHEREAS, establishments that grow, manufacture, test, sell, transport or distribute marijuana could have a blighting or detrimental effect on neighborhoods or on nearby schools, recreational facilities, or other uses, and can through such blighting create a public nuisance; and

WHEREAS, §76-2-306, MCA, permits a city to adopt an interim zoning ordinance for the preservation of the public peace, property, health, or safety, which may take effect immediately upon passage at one reading; and

WHEREAS, this statute allows the City to adopt an interim zoning ordinance to protect public safety, health, and welfare without following the procedures otherwise required preliminary to the adoption of zoning ordinances, and such interim zoning ordinances may prohibit uses that may be in conflict with a contemplated zoning proposal, which the legislative body is considering or intends to study within a reasonable amount of time; and

WHEREAS, the City Council of the City of Billings has determined that additional investigation, consideration, and public input is required to decide whether the operation of establishments that cultivate, manufacture, test, sell, transport or distribute marijuana within the City limits of Billings, could be immediately detrimental to, harmful to, and a threat to the peace, property, health, safety, and welfare of the City and its inhabitants, and the City needs an opportunity to further study such issue and if so determined to adopt appropriate ordinances, zoning or otherwise, to appropriately deal with any such establishments.

WHEREAS, after first having provided lawful public notice, as required by Section §76-2-306 (2), MCA the City Council conducted a public hearing on September 13, 2021, with respect to this proposed Ordinance, and invited public comment;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Billings, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The terms "marijuana business," shall have the meaning provided to such terms by HB 701.

Section 3: The City Council of the City of Billings hereby directs the City Administrator, presumably with the assistance of the City-County Planning Division, the Billings Police Department and the City Legal Department, to investigate and study the effect of the opening of establishments that grow, manufacture, test, sell, transport or distribute marijuana and to make recommendations concerning new zoning ordinances that could be adopted to better regulate and/or deal with such establishments, to limit, prohibit, or abate any negative effect implicating the health, safety and/or welfare of the citizenry of the City of Billings, Montana, or blight, upon the City (and its entire zoning jurisdiction and its inhabitants), or the schools, recreational facilities, other uses or neighborhoods located therein.

Section 4: The City Council of the City of Billings directs the City Administrator, presumably with the assistance of the City-County Planning Division, the Billings Police Department and the City Legal Department, to present the findings of its investigation and its recommendations to the City Zoning Commission, who in turn will provide its recommendations to the City Council, so that the Council may consider the issue within approximately three (3) months of the date of the enactment of this Ordinance.

Section 5: Until such new ordinances, zoning or otherwise, are adopted and in order to deal with the issues described above, any marijuana businesses, including new establishments attempting to grow, manufacture, test, sell, transport or distribute marijuana are hereby prohibited from being opened within the City of Billings.

Section 6: Any individual, entity, or establishment that violates the terms of the restrictions set forth above shall be deemed to be creating a public nuisance, and shall be subject to criminal penalties as provided in B.M.C.C. Sec. 1-110, and shall further be subject to such civil action to restrain or abate as provided in B.M.C.C. Sec. 18-301 et. seq., as the City deems appropriate. Such ability of the City to prosecute and/or enjoin or abate is in addition to any other remedies available to the City, at law or in equity. Any land use approval or other permit inadvertently granted or issued in conflict with this ordinance shall be deemed void ab initio, and any monies collected shall be immediately refunded to the payor upon written request.

Section 7: This Ordinance is expressly made immediately effective, and shall apply to all pending applications of business licenses, business taxes or fees, building permits, zoning variances, special review permits, zoning changes and all other applications for building and land use permits, developmental activity, land use activity, land use changes, and any other applications or licenses for approval of any type or nature, which have been received by the City of Billings and not yet granted as of the effective date of this Ordinance.

Section 8. In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 9. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Billings, Montana, and signing of the Mayor thereof. No second reading shall be required.

PASSED, ADOPTED and APPROVED on this 13th day of September, 2021.

CITY OF BILLINGS



BY: William A Cole
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

ORDINANCE NO. 1398

AN ORDINANCE ADOPTED PURSUANT TO THE MONTANA INTERIM ZONING STATUTE CONTAINED IN SECTION 76-2-306, MCA, ADOPTING AN INTERIM ZONING ORDINANCE PERTAINING TO THE APPLICATION OF MUNICIPAL ZONING DISTRICTS AND THE ZONING CODE TO THE LAST CHANCE SUBDIVISION AFTER ANNEXATION INTO THE CITY OF MILES CITY, MONTANA

WHEREAS, the City of Miles City has annexed all lots on the Plat of Last Chance Subdivision, including all streets, avenues and rights-of-ways shown on said Plat; see map attached hereto as Exhibit ‘A’;

AND WHEREAS, the official Miles City zoning district map referenced in Sec. 24-11 of the zoning code does not provide zoning district classifications for land located outside the City limits at the time of adoption of the official zoning map and amendments adopted thereto;

AND WHEREAS, pursuant to §76-2-306, Montana Code Annotated (MCA), to protect the public safety, health, and welfare and without following the procedures otherwise required prior to the adoption of a zoning ordinance, the City Council may adopt as an urgency measure an interim zoning ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time;

AND WHEREAS, upon annexation of the subject territory so that the corporate limits of the City of Miles City are extended to include the land within the City limits, the City intends to initiate amendments to the official Miles City zoning district map following the required municipal zoning procedures in the City zoning code and Title 76, Chapter 2, Part 3, MCA;

AND WHEREAS, pursuant to §76-2-301, MCA for the purpose of promoting health, safety, morals, or the general welfare of the community, the City Council is authorized and empowered to adopt municipal zoning regulations to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes;

AND WHEREAS, until the City adopts amendments to the official Miles City zoning district map, the recently subdivided and annexed area subject to this ordinance has the potential for development to occur contrary to the City’s long-range plans, such as the 2025 Miles City Growth Policy, and contrary to the health, safety, or general welfare of the community; further, without application of the current zoning code, development that occurs prior to the City adopting permanent zoning for the area that would be contrary to the permanent zoning districts and regulations that are determined by City Council after a study and zoning adoption could result in nonconformities that are in the City’s best interest to avoid;

AND WHEREAS, the future land use map, shown in Figure 3 on Page 66 of the 2025 Miles City Growth Policy, which is a general blueprint of what the community wants to become

and serves as a visual guide for future planning and development in areas surrounding the City, depicts the area subject to this ordinance as “Residential”, and as such, non-residential land uses in the subject area may be contrary to the adopted Growth Policy;

AND WHEREAS, Custer County has provided the City with a County Zoning Map for the Last Chance Subdivision, attached hereto as Exhibit ‘B’, that indicates Lot 1 of Block 1 and Lot 1 of Block 2 are zoned C-1 (General Commercial), Lots 2 & 3 of Block 1 are zoned R-3 (Residential and Modular Home), and Lots 2 – 17 of Block 2 are zoned R-1 (Residential), which suggests non-residential land uses have been contemplated for Lot 1 of Block 1 and Lot 1 of Block 2;

AND WHEREAS, the City of Miles City has not yet formally determined that non-residential uses in portions of the area subject to this ordinance would be inappropriate, but the City intends to study appropriate City zoning designations in the subject area immediately upon annexation, and potentially amend the Growth Policy if recommended by the City Planning Board, to provide for amendments to the official Miles City zoning district map to provide for the most appropriate zoning designations for the subject area;

AND WHEREAS, during said period of study, review, and leading up to implementation of amendments to the official Miles City zoning district map, the City of Miles City finds that it is necessary for the protection of the safety, health and welfare of the community to enact a six (6) month interim zoning ordinance as authorized by §76-2-306, MCA, which may be extended as authorized by said statute;

AND WHEREAS, properties available and immediately developable for affordable housing are currently in short supply in the Miles City community, and the City staff have already been approached by proponents of an affordable multifamily housing community within the Last Chance Subdivision and held a community meeting about the proposed project; said project would be beneficial to the community and address the shortage of affordable housing for individuals and families in the Miles City area;

AND WHEREAS, during said period of study, review, and implementation of amendments to the official Miles City zoning district map, the City will provide for limited residential development within the area subject to this ordinance by implementing this interim ordinance such that Lot 1 of Block 1 and Lot 1 of Block 2 will be treated as zoned City Residential C (RC) District, Lots 2 & 3 of Block 1 will be treated as zoned City Residential B (RB) District, and Lots 2 – 17 of Block 2 will be treated as zoned City Residential A (RA) District; see map attached hereto as Exhibit ‘C’;

AND WHEREAS, to address spot zoning concerns during the effective period of this ordinance, it must be noted that the zoning district designations applied by this interim ordinance are not intended to benefit an individual landowner or small group of landowners, but are instead intended to be for the benefit of the entire community by addressing development for the duration this ordinance remains in effect; properties available and immediately developable for affordable housing are currently in short supply, and the City’s intent is not to preclude or delay residential development beyond what is contemplated by this interim ordinance while the City makes long-term plans for more specific densities and land uses in the area to be annexed herein; therefore,

this ordinance is intended to apply the least burdensome zoning district designations that accord to the 2025 Growth Policy, are compatible with surrounding land uses, provide for reasonable transition between commercial and multi-family land uses and traditional single family neighborhoods zoned RA, and protection of the public safety, health, and welfare of the community, while allowing for acceptable levels of services provided by the City of Miles City;

AND WHEREAS, notice has been provided as required by §76-2-306, MCA, and prior to the adoption of this ordinance, a public hearing was duly held, and public input considered by the City Council.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

1. Effective Date. This ordinance shall be effective immediately upon adoption and shall expire six (6) months from the date of passage unless extended in accordance with §76-2-306, MCA.
2. Upon passage of this ordinance, the Last Chance Subdivision situated in the S ½ NW ¼ NE ¼ SE ¼, SW ¼ NE ¼ SE ¼ of Section 34, Township 8 North, Range 47 East, P.M.M., in Custer County, Montana shall be subject to the zoning regulations presently in the Code of Ordinances of the City of Miles City, Montana, pursuant to §76-2-306, MCA.
3. Upon passage of this ordinance, Lot 1 of Block 1 and Lot 1 of Block 2 of the Last Chance Subdivision will be treated as zoned City Residential C (RC) District.
4. Upon passage of this ordinance, Lots 2 & 3 of Block 1 of the Last Chance Subdivision will be treated as zoned City Residential B (RB) District.
5. Upon passage of this ordinance, Lots 2 – 17 of Block 2 of the Last Chance Subdivision will be treated as zoned City Residential A (RA) District.
6. Upon passage of this ordinance, the map attached hereto as Exhibit ‘C’ depicts the above-described interim zoning district designations for the lots within the Last Chance Subdivision.
7. The City staff shall promptly initiate the process to update the official Miles City zoning district map to provide for zoning district designations, beginning with a study of appropriate zoning district designations for the lots in the Last Chance Subdivision and any appropriate amendments to the zoning code; as part of the study, a joint meeting shall be held between the City Planning Board and Zoning Commission to obtain recommendations to staff regarding potential amendments to the 2025 Miles City Growth Policy and the official Miles City zoning district map prior to staff formally proposing amendments to the same according to statutory and local requirements for growth policy and zoning amendments. Interested parties, such as the subject landowner(s) and County Commissioners should be invited to attend the joint meeting with the City Planning Board and Zoning Commission, with a courtesy notice of the meeting in the Miles City Star. During the period of study and zoning amendment process, nothing herein shall preclude

any person from petitioning the City for amendments to the zoning district map and/or regulations following the procedures in Sec. 24-96 of the zoning code.

PASSED AND ADOPTED THIS 23RD DAY OF SEPTEMBER, 2025.

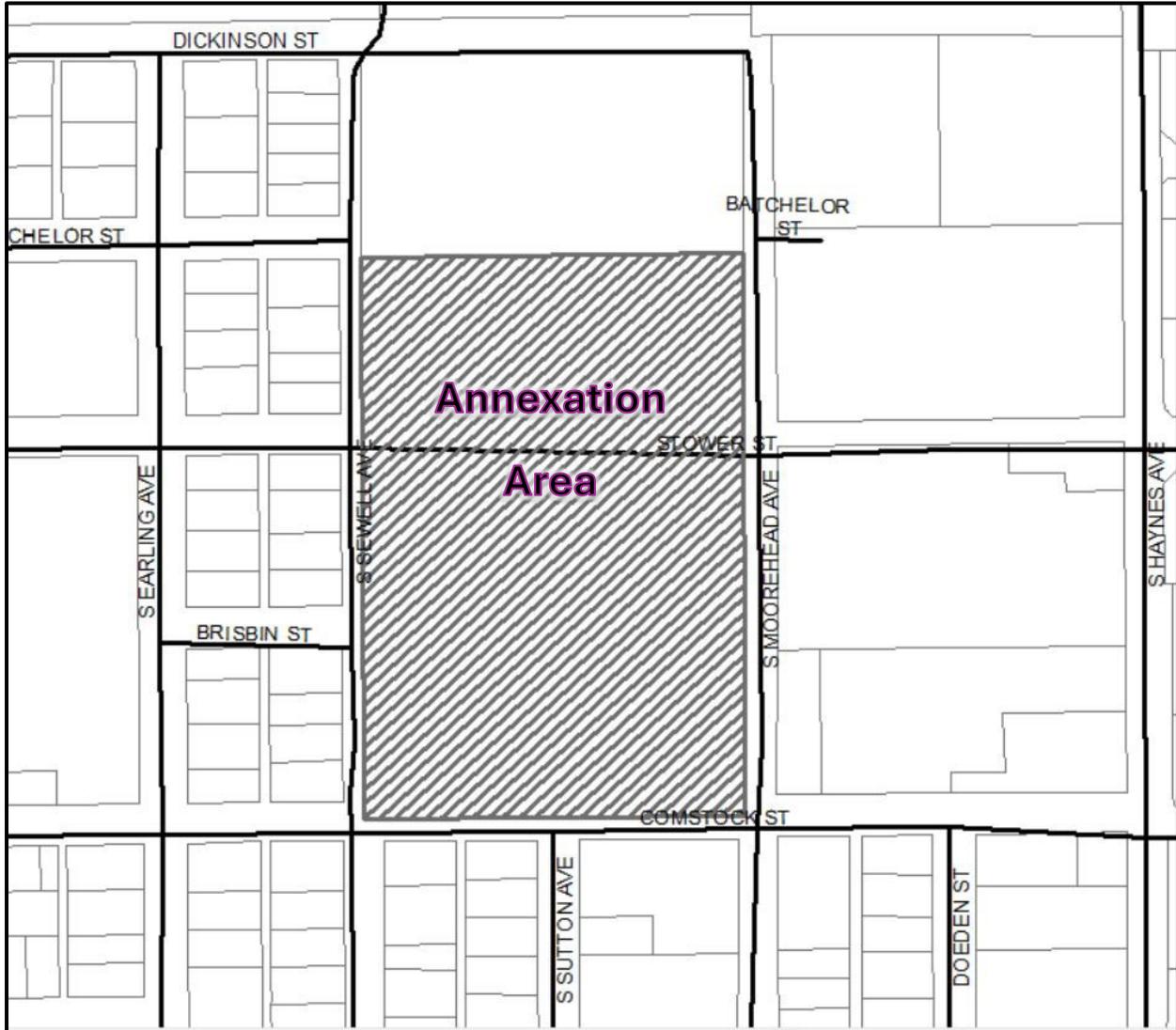
Dwayne Andrews, Mayor

ATTEST:

Mary Rowe, City Clerk

EXHIBIT 'A'

MAP OF ANNEXATION AREA OF LAST CHANCE SUBDIVISION



LAST CHANCE SUBDIVISION ZONING MAP EXHIBIT 'B' CUSTER COUNTY ZONING MAP

APPROVED

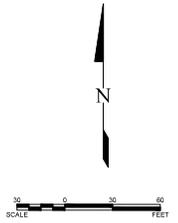
APPROVED

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

PRINT: _____
ZONING ADMINISTRATOR
CUSTER COUNTY, MT

PRINT: _____
CHAIRMAN OF ZONING BOARD
CUSTER COUNTY, MT



KEY	
	R-3
	C-1
	R-1

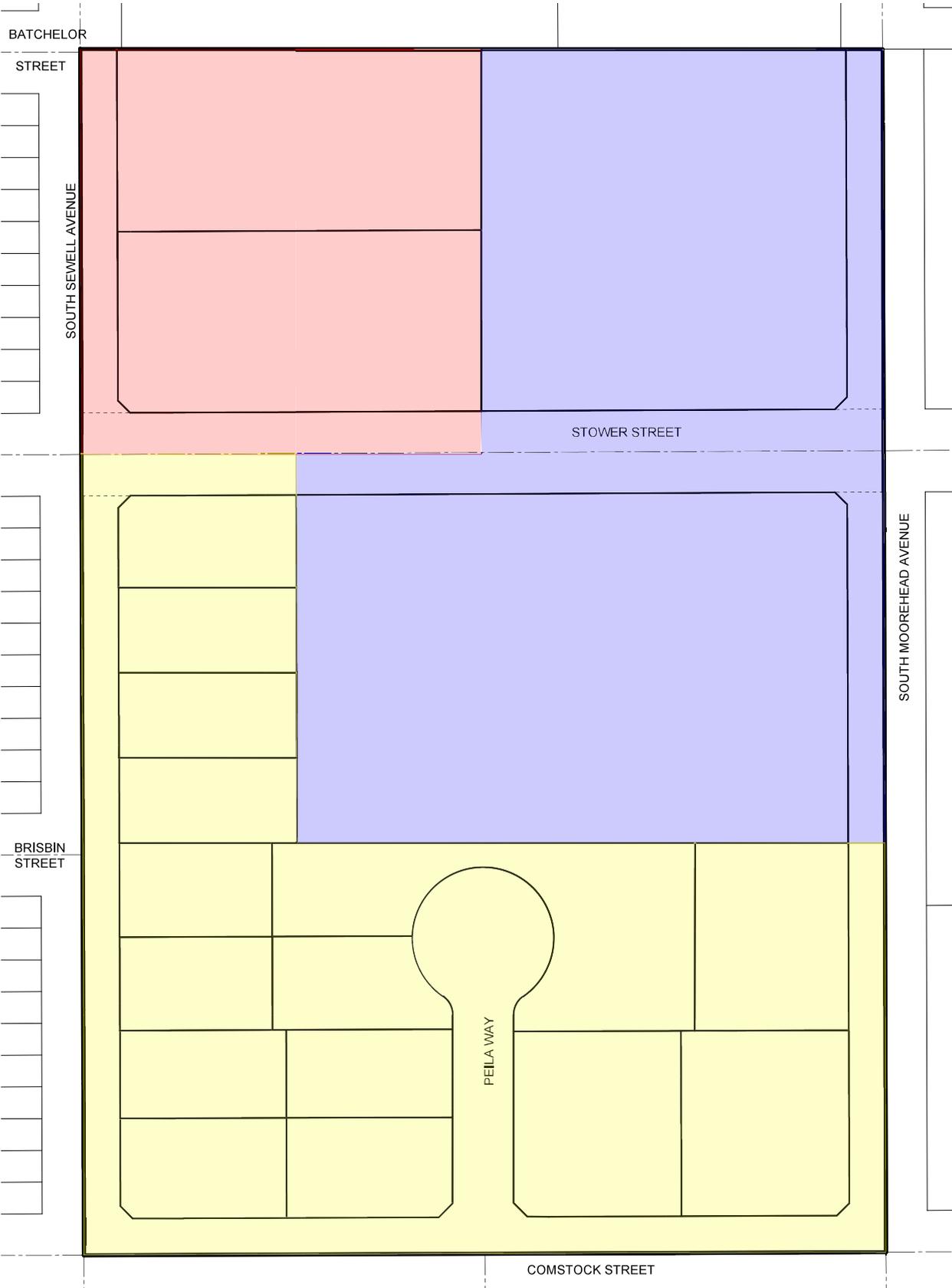
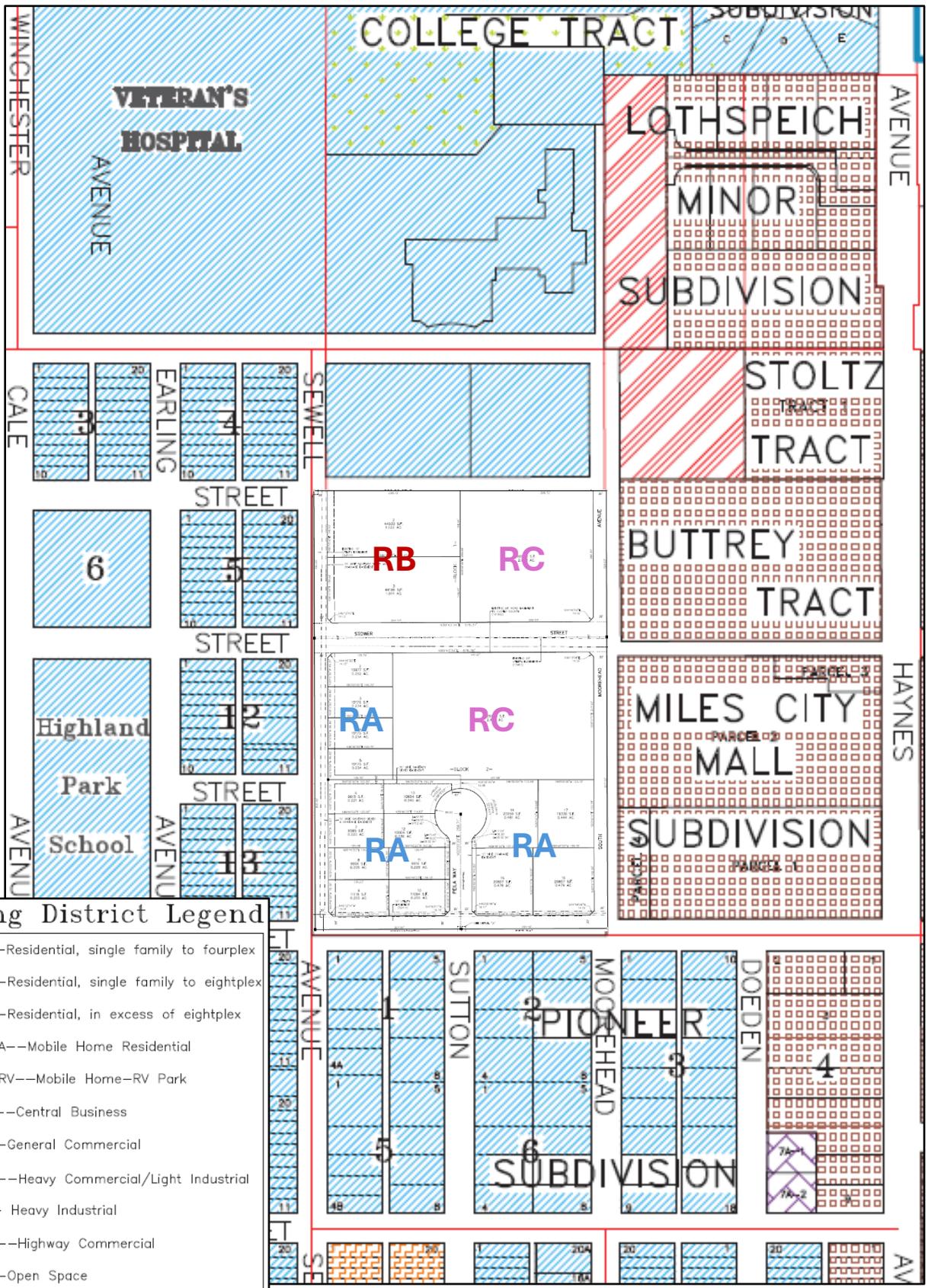


Exhibit 'C': Interim Zoning Districts for Last Chance Subdivision



Zoning District Legend

	RA--Residential, single family to fourplex
	RB--Residential, single family to eightplex
	RC--Residential, in excess of eightplex
	MH-A--Mobile Home Residential
	MH-RV--Mobile Home-RV Park
	CBD--Central Business
	GC--General Commercial
	HCLI--Heavy Commercial/Light Industrial
	HI-- Heavy Industrial
	HWC--Highway Commercial
	OS--Open Space
	SR--Semi-Rural
	MC--Medical Campus
	SOB--Sex Oriented Business Overlay

ORDINANCE NUMBER _____(date 11/29/22)_____

PURSUANT TO MONTANA MUNICIPAL INTERIM ZONING STATUTE SECTION 76-2-306 MCA THE MISSOULA CITY COUNCIL HEREBY ADOPTS THIS 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, AS THAT APPROACH MAY BE IN CONFLICT WITH A ZONING PROPOSAL THAT CITY COUNCIL IS CONTEMPLATING.

THIS INTERIM ZONING ORDINANCE SHALL BE EFFECTIVE FOR SIX MONTHS FROM THE DATE OF ADOPTION, DURING WHICH TIME THE CITY WILL CONTEMPLATE PERMANENT ZONING ORDINANCE AMENDMENTS.

SECTION 1. 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 is facing 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 is an urgent need to identify and simplify regulations and processes that have an immediate impact on our ability to operate and allows us to conduct business more efficiently. Since the conditional use process is not subject to state mandated timelines and are discretionary reviews, this interim ordinance is focusing on amendments to conditional uses.

This interim urgency ordinance (in accordance with MCA 76-2-306) shifts many existing conditional uses throughout the zoning districts to permitted based on analysis of specific considerations. This interim urgency ordinance will help to provide a more effective delivery of City services, consistent with the City’s mission, and supports 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.

MCA 76-2-306 authorizes the City Council to adopt interim zoning ordinances to be in effect for a maximum of six months from the date of adoption and provides for two one-year extensions subject to a super-majority (two-thirds) vote.

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 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
RESIDENTIAL																	
Household Living	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.05.030

(except as noted below)																	
^L Manufacture d 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
^L Community Res. Facility (8 or fewer)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^L Community Residential Facility (9+)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.070
^L Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	20.40.070
PUBLIC/CIVIC																	
College/University	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	
Day Care																	
^L Residential Day Care (1—12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^L 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	
Park/Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Preschool																	
^L Preschool (1—12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^L 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																	
^L Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
^L Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
COMMERCIAL																	
Lodging																	
^L Bed and Breakfast	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	20.40.030
^L 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	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water Testing Laboratory	-	-	-	-	-	-	-	-	-	-	-	-	C	C[1]	-	-	
Wireless Communication Facility																	
^L Ground-mounted support structure	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	20.40.160
^L Roof-mounted and	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.40.160

structure mounted support structures																		
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[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

Use Category ↳ specific use type	B1	B2	B3	C1	C2	CBD	Standards
RESIDENTIAL							
Household Living							
↳ In Vertical Mixed-use Building	P	P	P	P	P	P	
↳ In Single-purpose Residential Building	P	P	P	P	P	P	
↳ In Mixed-use Building	P	P	P	P	P	P	
Group Living (except as noted below)	P	P	P	P	P	P	20.40.070
↳ Community Residential Facility (8 or fewer)	P	P	P	P	P	P	
↳ Community Residential Facility (9+)	P	P	P	P	P	P	20.40.070
↳ Health Care Facility	P	P	P	P	P	P	
PUBLIC/CIVIC							
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	
↳ 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	
↳ 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							
↳ Minor	P	P	P	P	P	P	
↳ Major	C	C	C	C	C	C	
COMMERCIAL							
Animal Services							
↳ Sales and Grooming	P	P	P	P	P	P	20.40.020
↳ Shelter or Boarding Kennel	-	-	-	P	P	C	
↳ 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
^L 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							
^L Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	
^L Cremating	-	-	-	-	-	-	
^L Undertaking	-	P	P	P	P	-	
Gasoline and Fuel Sales (except as noted below)	-	-	-	C	C	C	20.40.060
^L Truck Stop/Travel Plaza	-	-	-	C	C	-	20.40.150
Lodging							
^L Bed and Breakfast	P	P	P	P	P	P	20.40.030 20.40.170
^L Hostel	-	-	P	P	P	P	20.40.170
^L Hotel/Motel	-	-	-	P	P	P	20.40.170
^L Recreational Vehicle Park	-	-	-	-	-	-	
^L Tourist Homes	P	P	P	P	P	P	20.40.135
Office							
^L Administrative, Professional or General Office	P	P	P	P	P	P	20.40.170
^L 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 ^L specific use type	M1R	M1	M2	Standards
RESIDENTIAL				
Household Living				
^L In Vertical Mixed-use Building	P	-	-	
^L In Single-purpose Residential Building	P	-	-	
^L 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				
^L Minor	P	P	P	
^L Major	C	C	P	
COMMERCIAL				
Animal Services				
^L Sales and Grooming	P	P	P	
^L Shelter or Boarding Kennel	P	P	P	
^L Veterinary	P	P	P	
^L 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				
^L Restaurant	P	P	P	20.40.170
^L 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
^L Check Cashing/Loan Service	C	P	P	20.40.170
^L Pawn Shop	P	P	P	20.40.170
Food and Beverage Retail Sales	P	P	P	20.40.170
Funeral and Interment Services				
^L Cemetery/Columbarium/Mausoleum	-	-	-	
^L Cremating	P	P	P	
^L Undertaking	P	P	P	
Gasoline and Fuel Sales (except as noted below)	P	P	P	20.40.060
^L Truck Stop/Travel Plaza	-	P	P	20.40.150
Lodging	P	P	P	
^L 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				
↳ Artisan	P	P	P	
↳ Limited	P	P	P	
↳ General	-	P	P	
↳ Intensive	-	-	P	
Microbrewery/Microdistillery	P	P	P	
Mining/Quarrying	-	-	P	
Recycling Service				
↳ Limited	P	P	P	
↳ 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	
↳ Demolition Debris Landfill	-	P	P	
↳ Sanitary Landfill	-	P	P	
↳ Solid Waste Separation Facility	-	P	P	
↳ Transfer Station	-	P	P	
Winery	P	P	P	
OTHER				
Agriculture, Crop	P	P	P	
Community Garden	P	P	P	
Wireless Communication Facility				

↳ Ground-Mounted support structure	P	P	P	20.40.160
↳ 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	-		-	-	
↳ Townhouses (in cluster developments)	-	P	-	-	20.40.140
↳ Detached Houses	-	P	-	-	

Group Living (except as noted below)	-	P		-	
↳ Community Residential Facility (8 or fewer)	-	P	-	-	
↳ Community Residential Facility (9+)	-	P	-	-	20.40.070
↳ Health Care Facility	-	-	P	-	
PUBLIC/CIVIC					
College/University	-	-	P	-	
Day Care					
↳ Residential Day Care (1—12)	-	P	-	-	
↳ 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	

^L 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					
^L Ground-mounted support structure	C	C	P	P	
^L Roof-mounted and Structure-mounted support structures	P	P	P	P	

SECTION 3. IMMEDIATE EFFECTIVE DATE

The effective date of this interim zoning ordinance shall be November 28, 2022. After it is adopted by the City Council, this interim zoning ordinance shall be in effect for six months, unless it is repealed or revised prior to the expiration date or unless an extension is approved subject to a super-majority (two-thirds) vote for passage.

SECTION 4. 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 words 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.

PASSED by a _____ vote and

APPROVED by the Mayor this _____ of _____, 2022.

ATTEST:

APPROVED:

Martha Rehbein
City Clerk

Jordan Hess
Mayor

(SEAL)