



Item: Public Hearing – Ordinance 3087 amending Title 17 of the Official Code of the City of Great Falls

From: Mike Haynes, AICP, Planning and Community Development Director

Initiated By: Planning and Community Development Department

Presented By: Mike Haynes, AICP, Planning and Community Development Director

Action Requested: City Commission adopt Ordinance 3087.

Public Hearing:

1. Mayor conducts public hearing, calling three times for opponents and proponents.
2. Mayor closes the public hearing and asks the will of the Commission.

Suggested Motions:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3087.”

2. Mayor calls for a second, discussion, and calls for the vote.
-

Recommendation: At the conclusion of a public hearing held April 10, 2012, the Planning Advisory Board, acting as the Zoning Commission, passed a motion unanimously recommending the City Commission approve the proposed Amendments to Title 17, Official Code of the City of Great Falls (OCCGF) commonly referred to as the Land Development Code” (LDC). The proposed changes relate to:

- Private garages and accessory bonus spaces in residential accessory structures.
- Establishing an overlay district in an area south of the downtown core (primarily zoned C-5). The area has not redeveloped as hoped and the overlay would allow additional uses accommodating re-use of existing buildings and encouraging redevelopment.
- Allow, with administrative approval, community gardens in the C-5 zoning district.
- Eliminate the requirement for payment in lieu of providing off-street parking in the C-4 district. Allow minimum off-street parking requirements to be waived in the C-5 district

also without payment in lieu.

- Clarify standards for curb-cuts and driveways in various zoning districts.

Ordinance 3087 was accepted by the City Commission on first reading on May 15, 2012. Pursuant to public notice requirements, notice of a Public Hearing before the City Commission for the adoption of Ordinance 3087 related to the proposed changes to Title 17 of the Official Code of the City of Great Falls (OCCGF) was published in the *Great Falls Tribune* on June 3, 2012.

Background:

The following is a summary of the proposed changes. See actual code text for full details.

Proposed Title 17 Amendments: Land Development Code

Accessory Living Spaces:

Great Falls, like cities throughout the United States, is seeing a trend towards multi-generational households and homeowners desiring bonus living space.

One in six Americans currently lives in a multi-generational household and about 4.2 million households now comprise three or more generations. Changing demographics, social and economic factors are resulting in more grandparent-headed multi-generational households where adults with children move back in with their parents and more parent-headed multi-generational households where seniors move in with their adult children for health and economic reasons. Also, there is a trend towards young adults (“boomerangs”) moving back in with their parents when they can’t find employment. At the same time, more and more homeowners want bonus living space to accommodate a game room, craft room, gym, playroom for kids, or other bonus living spaces that are becoming more popular, a common feature of new homes.

Typically these uses can be accommodated in the principal structure (in the basement, through an addition to the home, etc.), but there are occasions where, because of the configuration of the property or simply for reasons of privacy, there is a desire to accommodate these uses in an accessory structure (such as a second story above a detached garage or a separate accessory building).

Over recent months the Planning & Community Development Department has been responding to many questions from homeowners regarding whether such uses are allowable on their properties. In researching these questions, staff discovered that current code appears to be based on the assumption that accessory buildings are limited to garages and workshops and does not address current demands for “accessory living spaces.” In the proposed LDC amendments, planning staff establishes/clarifies regulations that allow homeowners reasonable enjoyment of their properties while providing neighbors reasonable protections.

Note: Staff is also dealing with a separate but related issue arising from homeowners who construct living space without considering zoning, consulting planning staff or obtaining building permits. In these instances, staff is bound to act to enforce zoning codes and retroactively issue permits and inspect improvements to ensure life safety of current and future owners and occupants of those spaces. The proposed code amendments do not affect one of the key underlying principles of the Zoning Code: how many dwelling units are permitted on one lot in the various residential zoning districts. For example, in the R-1 zoning district, only one dwelling unit is permitted on a lot in order to maintain the low density, suburban character of

those neighborhoods. Nothing in these code amendments allows additional dwelling units; the amendments relate only to living space that is accessory to the principal structure on the lot.

Specific Code Changes

Specific proposed changes to the LDC include definitions for “accessory living space,” “garage, attached private” and “garage, detached private,” as well as “immediate family.”

Accessory living space may be detached from the principal structure; it may be included within a detached private garage, in which case the structure could be up to 24 feet in height if it adheres to the requirements for establishment:

- Accessory living spaces must be associated with a principal structure.
- Accessory living spaces must be subordinate to the principal structure (height, size and footprint).
- Setbacks apply, as well as rules for windows and doors facing neighboring properties.

These requirements are designed to ensure that accessory living spaces are clearly secondary to the principal structure and will not negatively impact adjacent property owners.

Prohibitions on accessory living spaces include:

- Accessory living spaces cannot be separately rented, leased or sold – that would constitute a separate dwelling unit.
- Accessory living spaces cannot contain home occupations.
- Accessory living spaces cannot have fully-independent kitchen facilities.
- Accessory living spaces cannot be separately addressed or metered.
- Accessory living spaces cannot exceed 750 square feet.

These prohibitions are designed to ensure that accessory living spaces remain accessory to the principal structure and are of a size and composition that make illegal conversion to separate dwelling units impractical.

In summary, these proposed code changes respond to changing demographics, new economic realities and changing consumer preferences. The changes allow homeowners with property of adequate size and configuration the opportunity to have accessory living space in a detached structure, just like they can without question through expansion of the principal structure. These accessory living spaces must be limited in size and always be secondary to the principal structure in terms of bulk and height.

Southside Overlay District:

When the LDC was updated in 2005, the C-5 Central business periphery zoning district was created. This district was a consolidation of six different zoning districts located, as the name implies, around the periphery of the C-4 Central business core zoning district. The intent was to provide a transition zone between the city’s commercial core and the residential neighborhoods that surround it. Consistent with good planning practice, the C-5 zoning district was designed to allow a wide range of uses, but only uses that would be compatible with a vibrant and successful downtown. The C-5 zoning district was also designed to be compatible with, and maintain the viability of, adjacent residential neighborhoods.

In transitional areas, finding the appropriate mix of uses that will allow economic vitality as well as encourage a beneficial redevelopment of an area over time is tricky. While some areas of the

C-5 zoning district are very viable, being characterized by high occupancy rates, well-maintained properties and a diverse but successful mix of uses, there is an area of primarily old industrial buildings on the south side of downtown that has not thrived. The south side area has too many vacant buildings and has attracted few new businesses and little new development or redevelopment. The overlay area generally located between 2nd Avenue South and 4th Avenue South and between 3rd Street and 9th Street (see Exhibit A below) is primarily zoned C-5 but also contains some properties zoned M-2 Mixed-use transitional and R-9 Mixed residential.

Specific Code Changes

After talking to property owners in the district, carefully examining the area block by block and considering historic use (and therefore potential efficient re-use) of the buildings, planning staff is recommending establishment of a “Southside Business Overlay District” to revitalize the area. In the overlay district, uses currently allowed in the respective zoning districts are permitted to continue but the additional uses of warehouse, light industrial, micro-brewery and construction material sales are allowed. These uses are subject to conditions related to the preservation of buildings, landscaping and outdoor storage intended to maintain compatibility and avoid negative impacts on the adjacent downtown core and residential neighborhoods. Additionally, secondhand sales and climate-controlled indoor storage would be added to uses permitted anywhere in the C-5 zoning district.

Community Gardens:

In April 2011, the LDC was amended to allow community gardens to be established by-right in all areas of the city except commercial and industrial districts, through a quick administrative process in lieu of the time and cost of obtaining a Conditional Use Permit. Planning staff has since administratively approved a number of community gardens that provide significant social and physical benefit to the Great Falls community. At that time, staff consciously maintained the requirement that a Conditional Use Permit should be required to establish a community garden in the C-1, C-2, C-3, C-4, C-5, I-1 and I-2 zoning districts over concern that they may or may not be appropriate in commercial and industrial areas depending on the specific location and application.

Specific Code Changes

In response to several inquiries to establish urban gardens/fresh food production in the city and upon further consideration of the unique characteristics and specific location of the C-5 zoning district, we propose to add C-5 to the list of zoning districts where community gardens are permitted with administrative approval.

Downtown Parking:

Existing Code

The LDC has provisions that allow the Director of Planning & Community Development to reduce the number of required parking spaces in the C-4 zoning district (Central business core) on a site-specific basis given historic development patterns and the wide availability of off-street (garage and surface lot) and on-street parking spaces in the city’s downtown parking program. Existing code also requires that should a property owner be granted the reduction in parking, that payment in lieu be made to the city at \$1,000 per space. While this provision exists in the code, previous administrators of the parking program have not required payment in lieu for a reduction in parking spaces in the Central business core.

Specific Code Changes

Given initiatives underway to attract new businesses and promote development/redevelopment in the downtown area, and given that payment in lieu of parking has not been applied in the recent past, it is proposed to retain the Director's discretion to waive minimum parking requirements where warranted in the Central business core (C-4 zoning district), but formally eliminate the payment in lieu provision. Because the Downtown Parking District generally encompasses the C-4 and C-5 zoning districts and because the C-5 district has similar development patterns and access to public parking as the C-4 district, staff recommends allowing the Director to waive minimum parking requirements in the C-5 zoning district on a site-specific basis, also without the requirement of payment in lieu.

Driveways:

Existing Code

The LDC governs the number of curb cuts permitted off of public streets and dimensional standards for curb-cuts and driveways. Changes are proposed to address issues that have arisen over time.

Specific Code Changes

Proposed changes would allow the City Engineer to require plans prior to approval of certain driveways, would allow flexibility on maximum driveway widths in commercial and industrial zoning districts, would require driveways to be of adequate length to accommodate parking behind the building setback and allow up to three curb-cuts on properties in Commercial/Industrial/PLI districts with a lot frontage of over 400 feet instead of the current minimum lot frontage of over 600 feet. Other minor LDC changes, clarifications and new definitions are included in the package of proposed amendments.

Concurrences: Representatives from the City's Public Works and Building Departments have been involved throughout the process for these updates.

Fiscal Impact: There is no direct financial impact from adopting Ordinance 3087 but it is expected that these homeowner- and business-friendly code amendments will have a positive impact on growth and development within the city.

Alternatives: The City Commission could adopt with amendments or deny Ordinance 3087.

Attachments/Exhibits:

Ordinance 3087 with Attachment A Title 17 Amendments & Attachment B Southside Business Overlay District

Cc:

Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood and Youth Council Coordinator

ORDINANCE 3087

AN ORDINANCE AMENDING
TITLE 17 OF THE
OFFICIAL CODE OF THE CITY OF GREAT FALLS
GENERALLY ENCOMPASSING AMENDMENTS RELATED TO
ACCESSORY LIVING SPACES, A SOUTHSIDE BUSINESS
OVERLAY DISTRICT AND GENERAL, MINOR
HOUSEKEEPING ITEMS

* * * * *

WHEREAS, it is the intent of the City Commission of the City of Great Falls to provide for and protect the health, safety and welfare of the citizens of Great Falls; and,

WHEREAS, the Official Code of the City of Great Falls (OCCGF) is revised and refined over time to address changing local conditions and national trends that arise and affect the citizens of Great Falls; and,

WHEREAS, changing household characteristics and local desire for additional living space can be accommodated through the creation of an Accessory Living Space use category, if certain conditions are met; and,

WHEREAS, certain uses are appropriate in traditionally light industrial and warehouse buildings in and near the C-5 Zoning District south of downtown Great Falls, subject to conditions; and,

WHEREAS, staff has identified provisions warranting amendment that can be primarily categorized as typographical corrections, minor housecleaning, clarification, and improvement and refinement of wording and definitions for better code application, interpretation and enforcement; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing on the proposed amendments and recommended the City Commission adopt the provisions contained in Ordinance 3087; and,

WHEREAS, notice of amending the OCCGF was published in the *Great Falls Tribune*, advertising that a public hearing on these proposed amendments would be held on the 19th day of June, 2012, before final passage of said Ordinance herein.

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

- Section 1. That Title 17 of the Official Code of the City of Great Falls (OCCGF) be amended as depicted in Attachment "A" attached hereto, which removes language indicated by a strike-out and adds language which is bolded; and,
- Section 2. That the Official Zoning Map – City of Great Falls, Montana be amended as depicted in Attachment "B" attached hereto, which indicates the location of the Southside Business Overlay District; and,
- Section 3. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading May 15, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading June 19, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3087 in three 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

(Seal of the City)

Lisa Kunz, City Clerk

ATTACHMENT A
TO ORDINANCE 3087

PROPOSED AMENDMENTS TO TITLE 17,
OFFICIAL CODE OF THE CITY OF GREAT FALLS,
COMMONLY REFERRED TO AS THE
“LAND DEVELOPMENT CODE”

Generally encompassing amendments to Chapter 20 related to private garages/accessory bonus spaces and an overlay district within the C-5 zoning district; to Chapter 32 related to driveway access; to Chapter 36 related to C-4 and C-5 zoning district parking requirements; and, general, minor housekeeping items.

FIRST READING – MAY 15, 2012

PUBLIC HEARING – JUNE 19, 2012

17.8.120 - General definitions.

“Accessory living space” means an interior space included as an integral part of a detached garage or other permitted accessory structure that is clearly subordinate to and upon the same lot as a single-family residential home. Similar terms include bonus rooms, craft or hobby rooms, home shops, granny flats, mother-in-law suites, guest houses or bedrooms, carriage houses and the like.

“Climate controlled indoor storage” means indoor units, accessed from inside a building, for rent or lease and intended for personal storage. Such storage units are heated for a consistent climate. Document storage services are also included in this definition.

“Family, immediate” means a person who is a natural or legally defined offspring, spouse, sibling, parent, grandchild, grandparent, mother-in-law or father-in-law.

"Garage, attached private" means a private garage sharing and attached to all or a portion of one or more walls of the primary residence, or included as an integral part of the residence. A private garage attached by a breezeway or similar connection to a primary residence is considered a detached private garage.

"Garage, detached private" means a private garage that is physically separated from the principal residence, or attached to the principal residence by means of a breezeway or similar connection.

"Residence, accessory" means a place and/or building, or portion thereof, that is used, or is intended to provide housing, as a single-family residence for a caretaker, employee or owner of the ~~non-residential principle~~ principal use and the like. This residence is accessory to a ~~non-residential principle~~ principal use. (Ord. 2950, 2007)

"Residence, multi-family" means a single building situated on one (1) lot and that contains **three (3) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium.**

"Residence, two-family" means a ~~single building~~ **or buildings that ~~is~~ **are** situated on one (1) lot and that contains **a total of two (2)** dwelling units.**

17.20.2.040 - Establishment and purpose of districts.

B. Overlay districts. In addition to the base districts enumerated above, the City is also divided into the following overlay districts as shown on the official zoning map to account for unique conditions or requirements as further described in subsequent chapters:

1. Neighborhood conservation overlay districts. This overlay district is intended to protect characteristics typically found in older neighborhoods. Design standards help to perpetuate the best features of the neighborhood as buildings are renovated, maintained, and potentially redeveloped. The provisions relating to this overlay district are contained in Chapter 58 of this Title.

2. Great Falls International Airport overlay districts. Overlay districts are established around the Great Falls International Airport to limit the height of buildings and other obstructions near the airport. Noise zones are also established around Great Falls International Airport to ensure that land uses are compatible with the continued functioning of the airport with special consideration on noise compatibility. The provisions relating to these overlay districts are contained in Chapter 54 of this Title.

3. Floodplain overlay districts. The floodplain overlay districts are based on flood studies conducted in the City and on approved floodplain maps. Each of the districts has unique development standards based on flooding characteristics. The provisions relating to these overlay districts are contained in Chapter 56 of this Title.

4. Southside business overlay district. This overlay district is created to recognize the historic design and utilization of existing structures in the commercial district immediately south of the central business core. Comprising mainly a portion of the C-5 zoning district and some adjacent properties in other zoning districts, this overly district allows for flexibility in use of existing structures while still maintaining compatibility with nearby residential areas. The provisions relating to this overlay district are contained in Chapter 57 of this Title.

Title 17 - LAND DEVELOPMENT CODE
Chapter 20 - LAND USE
Article 3 – ALLOWABLE USES
Exhibit 20-1 Principal uses by district

Exhibit 20-1. Principal uses by district

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Community Services/Uses																				
Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	P	-	-	
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-	17.20.6.160
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170
Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	P	C	-	-	-	
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	P	C	-	-	-	
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	P	C	-	-	-	
Community garden	P	P	P	P	P	P	P	C	C	C	C	C	P	P	P	P	P	C	C	17.20.6.175
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	-	P	P	-	
Worship facility	C	C	C	C	C	C	C	P	-	-	C	P	P	P	-	-	P	-	-	17.20.6.180
General Sales																				
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Construction materials sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P	
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	

Title 17 - LAND DEVELOPMENT CODE
 Chapter 20 - LAND USE
 Article 3 – ALLOWABLE USES
 Exhibit 20-1 Principal uses by district

General Storage																					
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Climate controlled indoor storage	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P	P	P	
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	-	P	P	P	17.20.6.130
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	-	P	P	P	

Title 17 - LAND DEVELOPMENT CODE
Chapter 20 - LAND USE
Article 3 – ALLOWABLE USES
Exhibit 20-1 Accessory uses by district

Exhibit 20-2. Accessory uses by district

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Accessory living space	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	17.20.7.010
Agriculture, livestock	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.080
ATM, exterior	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.020
Bed and breakfast	C	C	C	C	C	C	-	C	-	-	-	P	P	P	-	-	-	-	-	17.20.7.030
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.7.040
Gaming, accessory	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	P	P	P	17.20.7.050
Garage, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.060
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.7.070
Private stable/barn	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.080
Residence, accessory	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.7.085
Roadside farmer's market	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.7.090
Storage containers	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	17.20.7.100
Wind-powered electricity systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.7.110

Title 17 - LAND DEVELOPMENT CODE
 Chapter 20 - LAND USE
 Article 4 - LOT AREA AND DIMENSIONAL STANDARDS
 Exhibit 20-4 Development standards for residential zoning districts

Exhibit 20-4. Development standards for residential zoning districts

(see footnotes [4], [5] & [7] for general standards)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building [4]	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Maximum building height of detached private garage [1]	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	16 feet
Maximum building height of	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet

Title 17 - LAND DEVELOPMENT CODE
 Chapter 20 - LAND USE
 Article 4 - LOT AREA AND DIMENSIONAL STANDARDS
 Exhibit 20-4 Development standards for residential zoning districts

other accessory buildings [4]							
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line	Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	n/a
Minimum rear yard setback [7]	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory buildings	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none

[1] ~~See the hillside overlay district for more restrictive height requirements which may apply.~~ **Attached private garages are considered a part of the principal building for application of height and setback development standards.**

[2] An unenclosed front porch on a single-family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house. (Ord. 2950, 2007)

Title 17 - LAND DEVELOPMENT CODE
Chapter 20 - LAND USE
Article 4 - LOT AREA AND DIMENSIONAL STANDARDS
Exhibit 20-4 Development standards for residential zoning districts

[3] See **Section 17.20.6.020** for side yard requirements for zero lot-line projects **and Section 17.20.7.010 for accessory buildings with accessory living spaces.**

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements. (Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts. (Ord. 2950, 2007)

17.20.7.010 Accessory living space.

A. Applicability.

- 1. The provisions of this section apply to all newly established accessory living spaces in new buildings, additions to existing buildings, or as renovations to spaces in existing buildings.**
- 2. Accessory living spaces may only be established as accessory to and on the same lot as an existing or simultaneously constructed with a new single-family home.**

B. Intent. The intent of this section is to allow for flexibility in the use of accessory buildings associated with single-family homes. Such spaces fulfill the community desire for additional living space to accommodate local and national trends toward multi-generational family households, as well as “bonus spaces” for hobby, recreation, and other similar uses commonly found within a single-family home. Accessory living spaces are not intended to be fully independent dwelling units, and must be clearly subordinate and accessory to the principal single-family home.

C. Requirements for establishment.

- 1. Location.** Accessory living spaces may only be established in an accessory building upon the same lot as an existing single-family home, or in an accessory building that is constructed simultaneously with a new single-family home.
- 2. Subordinate use.** Accessory buildings housing accessory living spaces must be clearly subordinate to the principal single-family home in location, height, square footage and lot coverage.
- 3. Dimensions and visual buffering.** For the protection of privacy and the health, safety and welfare of adjoining properties and their occupants, the following height, setback and design standards apply to buildings containing accessory living spaces:
 - a. General dimensional requirements.** Generally, with the exception of 3.b. and 3.c below, height and setback measurements must be in compliance with Exhibit 20-4. If the building is located in a zoning district other than those shown in Exhibit 20-4 but accessory to a legal non-conforming single-family home, the dimensional standards for the R-3 zoning district as shown in Exhibit 20-4 shall apply.
 - b. Side yard setbacks for new buildings.** Side yard setbacks for newly established buildings containing accessory living spaces must meet the same minimum setback as the principal building, or a 6 foot minimum setback, whichever is greater.
 - c. Rear yard setbacks for new buildings.** Newly established buildings containing accessory living spaces must be set back at least 10 feet

from the rear lot line, if the rear of the lot does not border an alley. Otherwise, rear setbacks must comply with Exhibit 20-4.

- d. **Visual buffering.** If accessory living spaces are established in an existing building that does not comply with the requirements in 3.a, 3.b or 3.c of this Section, windows or doors may only be installed on facades oriented toward conforming setbacks.
4. **Building Code compliance.** Accessory living spaces shall comply with all Building Codes and other relevant City Codes for establishment of same.

D. Prohibited. Accessory living spaces shall not:

1. Be rented, leased or sold separately from the lot's principal single-family home.
2. Be used for any use not commonly found within a single-family home.
3. Be used by any person other than the occupant of the principal residential home or the occupant's immediate family, or by temporary guests. For the purposes of this section, "temporary guests" shall mean a person or persons, other than a member of a resident family, who occupies an accessory dwelling unit for sleeping purposes and who is not required to pay rental of any kind for such occupancy, for a period of not more than 30 days.
4. Contain or house home occupations.
5. Include or be designed to accommodate a stove or range, or otherwise fully independent kitchen facilities.
6. Be separately addressed or metered for water.
7. Cumulatively exceed 750 square feet.
8. Be constructed prior to establishment of the lot's single-family home.

17.20.7.060 - Garage, private.

Private garages shall occupy no more than the space area shown in Exhibit 20-9, provided other development standards can be met.

A. Measurement. Garage area limitation measurements are guided by the following provisions:

1. Measurements are cumulative of all garage spaces, including all detached and attached private garages.
2. Measurements include only the square footage of the ground or main floor level.
3. Upper stories or loft storage areas are excluded from the measurement of area for the purpose of compliance with Exhibit 20-9; however, ground level accessory living spaces, if included in a garage building, are included in the calculation.

Title 17 - LAND DEVELOPMENT CODE
Chapter 57 – SOUTHSIDE BUSINESS OVERLAY DISTRICT

Exhibit 20-9. Garage area limitations	
Parcel Lot Size (Square Feet)	Total Maximum Garage Area (Square Feet)
7,500	1,200
7,501 to 10,000	1,400
10,001 to 43,599	1,600
43,600 (1 acre) and higher	1,800

17.32.150 - Driveway access.

- A. Generally. Prior to the installation of a driveway curb cut or other access point onto a public street or right-of-way, the developer or owner shall obtain approval from the Montana Department of Transportation, Cascade County, or from the City. **The City Engineer may require site driveway plans prior to approval and the start of construction on any driveway accessing any public street or right of way within the City.**
- B. Width. Curb cuts shall not be wider than the widths listed in Exhibit 32-3. For single-family and duplex uses, the width of curb cuts shall conform to the standards listed in Exhibit 32-3 or the following, whichever is more restrictive:
1. For lots less than sixty-one (61) feet in width of frontage, the cumulative width of curb cuts shall not be more than thirty (30) percent of the lot frontage width.
 2. For lots sixty-one (61) feet or greater width of frontage, the cumulative width of curb cuts shall not be more than thirty-five (35) percent of the lot frontage width.
 3. **For commercial and industrial zoning districts where commercial trucking or transportation is a significant use, driveway width may exceed widths listed in Exhibit 32-3 with approval of the City Engineer. If approved, boulevard landscaped area used for the additional driveway width shall be relocated elsewhere upon the private property.**
 4. **Driveway width shall not be wider than the curb cut bottom width (excluding driveway wings) for the entire length of the driveway.**
- C. Number. The number of curb cuts shall conform to the standards listed in Exhibit 32-4.
- D. Location. Curb cuts shall be located at the discretion and by the approval of the City Engineer to ensure traffic safety and the character of the neighborhood is maintained.
- E. Off street parking. Approval of curb cuts to serve off street parking that is not connected to a garage or covered carport in residential areas is discouraged and shall be at the discretion of the City Engineer. **If approved, such driveways shall be of adequate length onto the private property to allow parking on the private property beyond the building setback. "U" shaped driveways (one continuous driveway with two curb cuts) in single-family residential zoned areas are prohibited.**
- F. Drainage structures. All driveways shall be constructed so as to not impair drainage within the right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right-of-way and under the driveways as a result of the property being developed shall be installed in accordance with the standards of the City.
- G. Driveway paving. ~~Driveways connecting to a public street must be surfaced and maintained with cement or asphaltic concrete.~~ **Driveways connecting to a public street must be surfaced and maintained with cement concrete from the back of curb to property line. The remainder of the driveway must be surfaced and maintained with cement or asphaltic concrete.** Paving of driveways connecting to a public street in R-1 Zoning District shall be required at the discretion of the City Engineer. (Ord. 2950, 2007)

Title 17 - LAND DEVELOPMENT CODE
Chapter 32 – TRANSPORTATION FACILITIES

Exhibit 32-4. Number of curb cuts

Residential Lot Frontage	Number Allowed
less than 101 feet	1
101 feet or more	2
Commercial/Industrial/PLI Lot Frontage	Number Allowed
Less than 51 feet	1
51 feet to 600 400 feet	2
More than 600 400 feet	3

Title 17 - LAND DEVELOPMENT CODE
Chapter 36 – PARKING
Article 2 – VEHICLE PARKING

17.36.2.050 - ~~Payment in lieu of p~~**Parking requirement in the central business core (C-4) and central business periphery (C-5) zoning districts.**

A. Generally. In the central business core **(C-4) and the central business periphery (C-5) zoning districts**, the Director of Planning and Community Development may reduce the number of required parking spaces depending on the circumstances of the property and surrounding land uses.

~~B. Payment required. If the number of required parking spaces is reduced, the applicant shall pay the City one thousand dollars (\$1,000.00) for each space reduced. These payments shall be used to provide, maintain, and improve parking areas that serve the central business core district as authorized by the City Commission.~~

(Ord. No. 3056, § 1, 8-17-2010)

Chapter 57
SOUTHSIDE BUSINESS OVERLAY DISTRICT

Sections:

17.57.010	Legislative findings
17.57.020	Purpose
17.57.030	Applicability
17.57.040	Permitted Uses
17.57.050	General Standards

17.57.010 Legislative findings

The City Commission makes the following findings:

1. Historic structures on the southern periphery of the central business core represent a unique set of buildings with a long history of a mixture of commercial uses, many of which focused on light industrial and warehousing.
2. Most light industrial and storage uses are currently prohibited on most of the properties in this overlay district.
3. While adaptive reuses of the buildings may occur over time, it is desirable to ensure continued occupancy as a necessity to the health of the commercial area and nearby central business core through creation of an overlay district to allow certain light industrial and warehousing uses in existing buildings.

17.57.020 Purpose

This chapter is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

1. Expand the mixture of allowable uses
2. Limit the potential impact of the expanded list of uses upon neighboring commercial and residential properties

17.57.030 Applicability

- A. Generally. This chapter applies to all properties within the southside business overlay district covering the central business periphery (C-5) zoning district south of the central business core (C-4) zoning district, as well as some adjacent properties of similar characteristics.
- B. District boundaries. As described and shown on the Official Zoning Map of the City of Great Falls.
- C. Uses to be established in existing buildings. New uses listed in 17.54.040 may be established in existing buildings, but may not be established in buildings constructed after the date of adoption of this overlay district.

17.57.040 Permitted uses. In addition to the uses allowed in the underlying zoning district, the following uses are allowed in this overlay district, provided the general standards in 17.57.050 are met.

- A. Warehouse.
- B. Light industrial.

- C. Micro-brewery.**
- D. Construction materials sales.**

17.57.050 General standards. The following conditions must be met before and adhered to after establishment of any use under this Chapter.

- A. Building exterior. The exterior of the existing structure may not be significantly altered to accommodate the new business unless it is restoration of an historic structure to its historic appearance.**
- B. Landscaping. Existing landscaping, including any boulevard areas, must be maintained and perpetuated in good condition. No landscaping may be removed to accommodate the business.**
- C. Prohibition on outdoor activities. No storage, manufacturing or other activities relating to the business, other than short-term loading and unloading of goods or materials, may occur outdoors. All activity relating to the business must be fully contained within the structure.**

17.64.020 - Nonconforming uses.

A. Generally. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Change or expansion of nonresidential uses.

a. A nonconforming nonresidential use may be changed to another nonconforming nonresidential use, or may be increased or expanded, if the Planning and Community Development Director determines the application for the proposed, expanded or increased use meets the following criteria, without requiring or requesting any dimensional, lighting, parking, landscaping or other similar variance:

1.i. The off-street parking and loading requirements for and traffic generated by the proposed, expanded or increased use do not exceed that of the existing or most recent use.

2.ii. The proposed use is permitted in the same zoning district in which the existing or most recent use is first permitted in Table ~~20-4~~ **20-1** of Chapter 20 to this Title. For the purposes of this Chapter, "first permitted" shall mean the first zoning district in Table ~~20-4~~ **20-1** in which a "P" occurs, when reading the table from left to right.

3.iii. The intensity of onsite and offsite impacts from noise, dust, smoke and other environmental impacts associated with the proposed, expanded or increased use is equal to or less than that associated with the existing or most recent use.

Such application may require a fee, as may be established by the City Commission.

(Ord. 2950, 2007)

b. Alternatively, a nonconforming, nonresidential use may also be changed to another nonconforming use, or may be increased or expanded, through a conditional use permit procedure as set forth in Chapter 16.

RESIDENTIAL USES

~~"Residence, condominiums" means separately owned single-family dwelling units with common elements located on property submitted to the provisions of the Montana Unit Ownership Act, Title 70, Chapter 23, MCA. (Ord. 2950, 2007)~~

GENERAL STORAGE

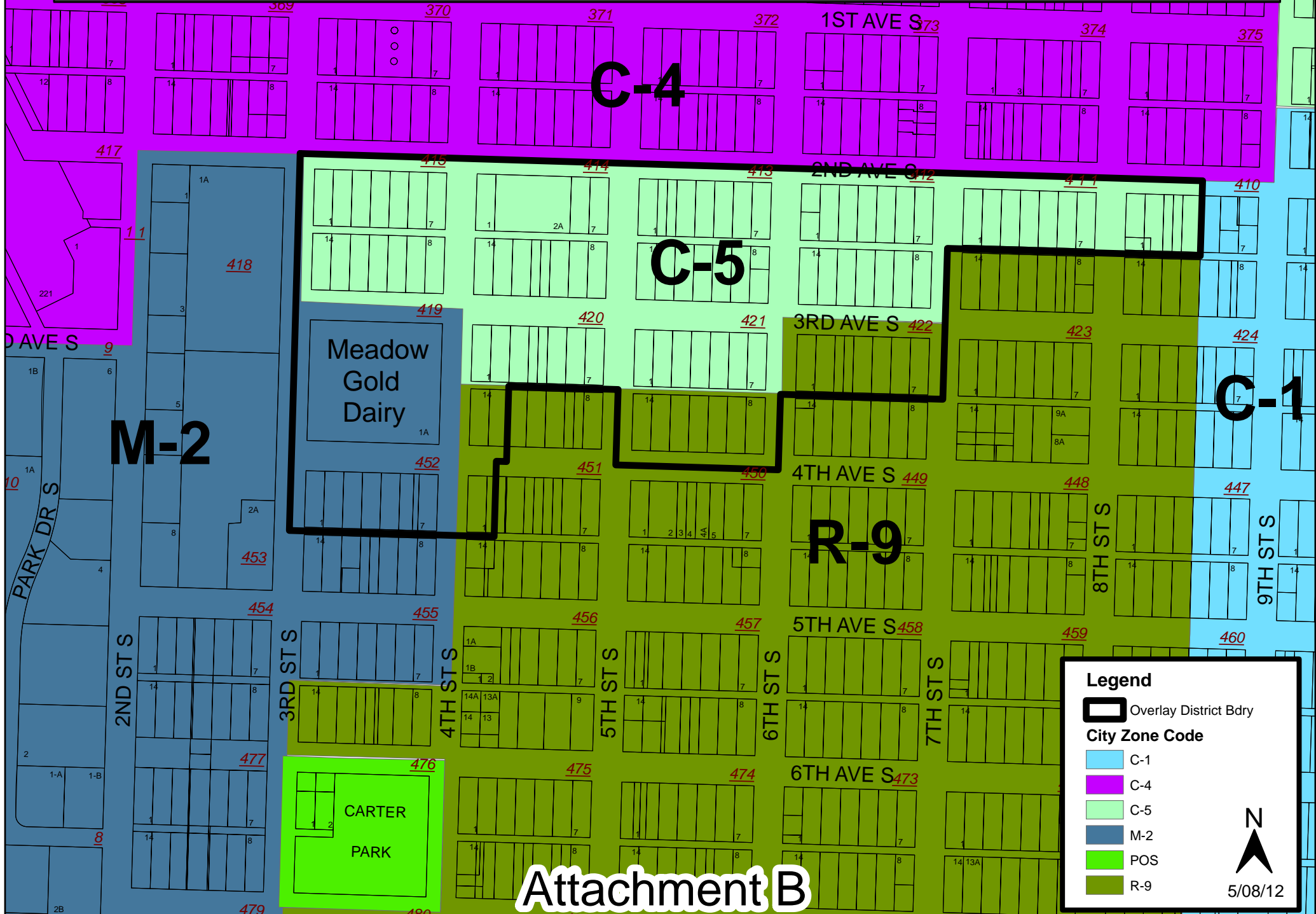
"Climate controlled indoor storage" means indoor units, accessed from inside a building, for rent or lease and intended for personal storage. Such storage units are heated for a consistent climate. Document storage services are also included in this definition.

ACCESSORY USES

"Accessory living space" means an interior space included as an integral part of a detached garage or other permitted accessory structure that is clearly subordinate to and upon the same lot as a single-family residential home. Similar terms include bonus rooms, craft or hobby rooms, home shops, granny flats, mother-in-law suites, guest houses or bedrooms, carriage houses and the like.








"Residence, accessory" means a place and/or building, or portion thereof, that is used, or is intended to provide housing, as a single family residence for a caretaker, employee or owner of the **non-residential** principal use and the like. This residence is accessory to a **non-residential** principal use. (Ord. 2950, 2007)

Southside Business Overlay District



Attachment B

Legend

-  Overlay District Bdry
-  C-1
-  C-4
-  C-5
-  M-2
-  POS
-  R-9



5/08/12