

Ordinance 3232 and excerpt of code adopted September 7, 2021

ORDINANCE 3232

AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, ARTICLES 4 AND 7 REGARDING PRIVATE GARAGES AND ACCESSORY STRUCTURES WITHIN RESIDENTIAL ZONING DISTRICTS.

* * * * *

WHEREAS, the City Commission established Title 17 of the OCCGF outlining provisions pertaining to, and known as, the Land Development Code; and

WHEREAS, the City Commission has recognized deficiencies in OCCGF Title 17, Chapter 20, including but not limited to, grammatical, formatting, and referencing deficiencies; and

WHEREAS, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 20, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

WHEREAS, at its regularly scheduled July 27, 2021 meeting, the Great Falls Planning Advisory Board recommended that the City Commission adopt Ordinance 3232; and

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

Section 1. OCCGF Title 17, Chapter 20, Articles 4 and 7 are hereby amended as depicted in Exhibit “A” attached hereto and by reference incorporated herein, with deleted language identified by ~~strike through~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 17, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 7, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, 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 certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3232 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. 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 width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

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Exhibit 20-4. Development standards for residential zoning districts
 (See footnotes below for additional 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 [1]	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
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	Principal building: 8 feet each side	Principal building: 6 feet each side	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	n/a
Minimum rear yard setback	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 structures	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
Detached Garages and other Accessory Structures							

Maximum building height for accessory structures	24 feet	24 feet	24 feet	24 feet	24 feet	24 feet	16 feet
Minimum front yard setback for accessory structures [5]	30 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	15 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	n/a
Minimum side yard setback for accessory structures	5 feet	5 feet	5 feet	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	5 feet; 10 feet if adjoining an R-1, R-2, R-3 district	5 feet	n/a
Minimum rear yard setback for accessory structures	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet

- [1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060.
- [2] 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.
- [3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.
- [4] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.
- [5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.

17.20.7.060 – Private Garages and Accessory Structures within Residential Zoning Districts.

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

A. **Measurement.** Garage and Accessory Structure area limitation measurements are guided by the following provisions:

1. Measurements are cumulative of all garage spaces and accessory structures, including but not limited to shed, and carports.
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 an accessory structure, are included in the calculation.

Exhibit 20-9. Cumulative area limitations

Lot Size (Square Feet)	Cumulative Area (Square Feet)
≤ 7,500	1,200
7,501 to 11,000	1,400
11,001 to 21,780	2,000
21,781 to 43,560	2,500
43,561 and higher	3,000

Exhibit C – Summary of Proposed Amendments

Proposed Amendment	Reason for Amendment																																								
17.20 Land Use																																									
17.20.4 – Lot Area And Dimensional Standards																																									
17.20.4.010 - Generally																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="8" style="text-align: center;">Detached Garages and other Accessory Structures</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Maximum building height</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">16 feet</td> </tr> <tr> <td style="text-align: center;">Minimum front yard setback [5]</td> <td style="text-align: center;">30 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">20 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">20 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">10 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">15 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">10 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td style="text-align: center;">Minimum side yard setback</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">4 feet; 8 feet if adjoining an R-1, R-2, R-3 district</td> <td style="text-align: center;">5 feet; 10 feet if adjoining an R-1, R-2, R-3 district</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td style="text-align: center;">Minimum rear yard setback</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> </tr> </tbody> </table>	Detached Garages and other Accessory Structures								Maximum building height	24 feet	24 feet	24 feet	24 feet	24 feet	24 feet	16 feet	Minimum front yard setback [5]	30 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	15 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	n/a	Minimum side yard setback	5 feet	5 feet	5 feet	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	5 feet; 10 feet if adjoining an R-1, R-2, R-3 district	5 feet	n/a	Minimum rear yard setback	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	<p>Call out standards for accessory structures to provide clarity to users</p>
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Exhibit C – Summary of Proposed Amendments

Maximum building height	24 feet	24 feet	24 feet	24 feet	24 feet	24 feet	16 feet	Creates more flexibility for accessory structures on lots that have single level homes
Minimum front yard setback [5]	30 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	15 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	n/a	Preserves neighborhood character by encouraging placing accessory structures on the back of lots, while providing flexibility for lots with homes set on the rear of the lot

Exhibit C – Summary of Proposed Amendments

								Increased the side yard setback to offset the increased height
Minimum side yard setback	5 feet	5 feet	5 feet	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	5 feet; 10 feet if adjoining an R-1, R-2, R-3 district	5 feet	n/a	
								Increased the rear setback to accommodate drainage and grading off the alleys, and to offset the increase in height
Minimum rear yard setback	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	

Exhibit C – Summary of Proposed Amendments

<p>[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060.</p> <p>[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.</p> <p>(Ord. 2950, 2007) 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.</p> <p>[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. An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.</p> <p>[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD). For townhomes, see Section 17.20.6.050 for additional and superseding requirements. Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD). For townhomes, see Section 17.20.6.050 for additional and superseding requirements.</p> <p>[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. If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback. An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.</p> <p>[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.</p> <p>(Ord. 2950, 2007)</p> <p>[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.</p>	<p>Update footnotes to reflect changes in the design standards table</p>
<p>17.20.7 – Special Standards for Accessory Uses</p>	
<p>17.20.7.060 Garage, private Private Garages and Accessory Structures within Residential Zoning Districts</p>	
<p>Private garages and Accessory Structures shall occupy no more than the cumulative area shown in Exhibit 20-9, provided other development standards can be met.</p>	<p>Codify current code interpretations by adding requirements for cumulative square foot area</p>

Exhibit C – Summary of Proposed Amendments

Lot Size (Square Feet)	Total Maximum Garage Cumulative Area (Square Feet)	Added categories of lot size to reflect requirement of zoning districts, as well as increased maximum allowance on large lots
≤ 7,500	1,200	
7,501 to 10,000 11,000	1,400	
10,001 to 43,559 11,001 to 21,780	1,600 2,000	
21,781 to 43,560	2,500	
43,560 (1 acre) and higher 43,561 and higher	1,800 3,000	