

ORDINANCE 2958

AN ORDINANCE OFFICIALLY REPEALING SECTIONS OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS THAT WERE SUPERSEDED OR REPLACED UPON ADOPTION OF THE LAND DEVELOPMENT CODE (ORDINANCE 2923)

WHEREAS, the Great Falls City Commission adopted Ordinance 2923 on September 6, 2005, known as the “Land Development Code”; and

WHEREAS, Ordinance 2923 replaced OCCGF Title 17, but did not remove and/or replace any other affected sections of the OCCGF; and

WHEREAS, in order to reduce confusion and conflict between Titles of the OCCGF, certain sections of OCCGF need to be repealed.

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

Section 1. That OCCGF Titles, Chapters and Sections 2.28; 2.30; 2.40; 2.46; 2.47; 12.41 and Title 16 as depicted in Exhibit A are hereby repealed.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 6th day of February, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)

(09/01/97)

County of Cascade : ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2958 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 6th day of February, 2007, and approved by the Mayor of said City on the 6th day of February, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of February, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 6th day of February, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2958 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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

(09/01/97)

Ordinance 2958
EXHIBIT A
Chapter 2.28

BOARD OF ADJUSTMENT

Sections:

2.28.010	Members--Terms.
2.28.020	Meetings--Rules.
2.28.030	Powers and Duties.
2.28.040	Notice of Hearing.
2.28.050	Appeals--Filing.
2.28.060	Action by City Commission.
2.28.070	Action without Board's Recommendations.
2.28.080	Variance--Consideration and Conditions.

2.28.010 Members--terms. A Board of Adjustment is hereby established. The Board shall consist of five members, residents of the City, appointed by the City Commission. Each of the members shall be appointed to hold office for a period of three years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All of the members of the Board shall serve without compensation, and are subject to removal by the City Commission for cause upon written charges and after public hearing. (Ord. 2652, 1993; Ord. 2037, 1979; Ord. 1858 2 (part) 1975; prior code 2-1-1).

2.28.020 Meetings--rules. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. (Ord. 2652, 1993).

2.28.030 Powers and duties. The Board of Adjustment shall have the following powers and duties:

A. To hear and decide appeals from any order, requirement, permit decision or refusal or determination made by administrative official(s) under the zoning, housing and building ordinances and from interpretation of the text of the zoning, housing and building ordinances.

B. To hear and decide, subject to City Commission review, requests for variances from the terms of the zoning, housing and building ordinances in the manner and subject to the standards set forth in those ordinances except requests for "use variances" which shall not be permitted under any circumstances.

C. To hear and decide all matters referred to the Board or upon which it is required to act under the zoning, housing and building ordinances. (Ord. 2652, 1993).

2.28.040 Notice of Hearing. The Board shall fix a reasonable time for the hearing of the appeal, give notice thereof, as well as due notice to the parties in interest, and transmit its decision to the City Commission within a reasonable time. (Ord. 2652, 1993; Ord. 2228, 1980; prior code 2-1-5).

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2.28.050 Appeals--filing. An appeal may be filed with the Board by notice specifying the grounds thereof. The record appealed from shall be transmitted to the Board. An appeal stays all proceedings unless the officer, from whom the appeal is taken, certifies to the Board that, on facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, or notice to the officer from whom the appeal is taken and on due cause shown. (Ord. 2652, 1993; Ord. 2091, 1980; Ord. 1858 (part) 1975; prior code ' 2-1-3).

2.28.060 Action by City Commission. The Board's decision shall be final unless the City Commission concurs by three affirmative votes to review the Board's decision. (Ord. 2652, 1993; Ord. 2228, 1980; Ord. 2190, 1980).

2.28.070 Action without Board's recommendations. If no decision is made by the Board within sixty days after the request for variance is filed with the Board, the City Commission may take action on the request. (Ord. 2652, 1993; Ord. 2228, 1980).

2.28.080 Variance--Consideration and Conditions. In considering variances, the Board or City Commission shall consider the effect of the proposed variance upon the health, safety and welfare of the community, existing and anticipated traffic conditions, light and air, danger of fire, risk to the public safety, and the effect of the proposed variances, upon the comprehensive plan. If the Board or City Commission determines by order or resolution that the special conditions applying to structure or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to adjacent land or structures, and that a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and that granting the variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values in the surrounding area, or in any other way impair health, safety, comfort, morals, and the comprehensive plan, and that such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the Board or City Commission may grant such variance and impose conditions and safeguards therein. (Ord. 2652, 1993; Ord. 2228, 1980; Ord. 2037, 1978).

Chapter 2.30

DESIGN REVIEW BOARD

Sections:

2.30.010	Purpose.
2.30.020	Establishment.
2.30.030	Authority of the Board.
2.30.040	Membership.
2.30.050	Terms of Membership.
2.30.060	Review of Board Decisions.
2.30.070	City Staff Support.
2.30.080	Operation of the Board.

2.30.010 Purpose. It is declared to be the intent of the City to protect and promote the general welfare of the citizens and their quality of life by establishing a Design Review Board.

2.30.020 Establishment. The Design Review Board (or “Board”) is hereby established pursuant to this chapter.

2.30.030 Authority of the Board. A. The Design Review Board is given the authority and responsibility of furthering the stated purposes of various ordinances which the City Commission may pass which provide for design review. Those areas of development which affect surrounding properties and should be reviewed by the Board shall include but not be limited to:

1. Site conditions;
2. Building design;
3. Exterior lighting;
4. Landscape plans;
5. Parking plans;
6. Signage requests.

B. To further promote the health, safety and general welfare of the City, the Design Review Board, shall have the authority to review projects assigned to the Board by the Commission via ordinances, resolutions and City policy. The Board, in harmony with all applicable ordinances, resolutions, policies of the City Commission - approved review criteria, may approve or deny, in whole or in part, or may modify and set conditions for approval, or provide advice and counsel, for any request pursuant to this chapter.

2.30.040 Membership. A. All members of the Board shall be residents of the City of Great Falls. Four volunteer members shall be appointed by the City Commission, with an effort to achieve a diversity of expertise, background and interest. Such diversity preferably should include:

1. Two architects;
2. Two individuals chosen for their demonstrated interest in and knowledge of the cultural and environmental heritage of Great Falls; and

B. One City staff member (Board secretary) will be appointed with voting privileges.

2.30.050 Terms of Membership. All volunteer members of the Board shall be appointed by the City Commission. The term shall be three years. The expiration of initial terms of Board members will be staggered to assure continuity.

2.30.060 Review of Board Decisions. Upon written request to the Board's secretary within four working days of any official Board decision, any aggrieved party may petition the City Commission to rehear the request and overrule the Board's decision. A majority vote of the City Commission shall be required in order to place the appeal of the Commission's agenda for formal action. Any City Commission action shall be considered preemptive of the Design Review Board's decisions, unless such decisions are upheld.

2.30.070 City Staff Support. A. The Board shall be served primarily by the Director of Community Development, or designee, who shall act as secretary. The Staff member may request assistance from any other City department or advice and council, in order to lend additional expertise to the Board.

B. Meetings. The secretary of the Board shall schedule all meetings of the Board as required by law and applicable City ordinances.

C. Records. The secretary shall keep a summary of all actions of the Board in the form of minutes or reports of the Board's actions.

2.30.080 Operation of the Board. A. A quorum shall be three members of the Board.

B. The Board shall adopt its own rules and bylaws, consistent with its powers and duties under the provisions of this chapter.

C. No member of the Board may vote on any project in which he/she or any partner has worked or has any financial, personal, or other direct interest.

Chapter 2.40

HISTORIC PRESERVATION ADVISORY COMMISSION

Sections:

2.40.010	Purpose and intent.
2.40.020	Scope.
2.40.030	Definitions.
2.40.040	Creation.
2.40.050	Membership.
2.40.060	Term.
2.40.070	Staff.
2.40.080	Powers and duties.

2.40.010 Purpose and intent. The purpose and intent of this chapter is to establish a local Historic Preservation program to promote the preservation of historic and prehistoric sites,

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structures, buildings and districts through the identification, evaluation and protection of historic resources within the jurisdiction of Cascade County and the City. This program is to promote the public interest and welfare by:

- A. Enhancing the visual character of the City by encouraging preservation ideals;
- B. Promoting the tourist industry of the City and County by encouraging the preservation of historically significant buildings and structures;
- C. Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
- D. Integrating historic preservation into local, state and federal planning and decision-making processes;
- E. Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history. (Ord. 2652, 1993; Ord. 2563 (Exh. B, 1990).

2.40.020 Scope. The City-County Historical Preservation Advisory Commission shall serve in an advisory capacity to Cascade County and the City, to include, but not limited to the County Commissioners, the City Commission, City-County Planning Board, and the Business Improvement District. (Ord. 2652, 1993; Ord. 2563 (Exh. B), 1990).

2.40.030 Definitions. A. "City Commission" means the governing body of the City of Great Falls, Montana.

B. "County Commission" means the governing body of Cascade County, Montana.

C. "Historic Preservation Advisory Commission" means the Commission created by this chapter. (Ord. 2652, 1993; Ord. 2563 2(Exh. B), 1990).

2.40.040 Creation. In order to carry out the purpose of this chapter, a Historical Preservation Advisory Commission is hereby created. (Ord. 2652, 1993; Ord. 2563 ' 2(Exh. B), 1990).

2.40.050 Membership. This Commission shall consist of nine members whose expertise/qualifications will lie in the following areas: history, planning, archaeology, architecture, architectural history, historic archaeology or other history preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this Commission. The Commission will consist of the following mix:

- A. Four members appointed by the City Commission;
- B. Four members appointed by the County Commission;
- C. One member with professional architectural expertise. This member is to be chosen by a simple majority of the other eight members. (Ord. 2652, 1993; Ord. 2563 (Exh. B), 1990).

2.40.060 Term. Terms of office of the Commission members shall be staggered and three years in duration. Upon enactment of this chapter, two members shall be appointed to one-year terms. (Ord. 2652, 1993; Ord. 2563 (Exh. B), 1990).

2.40.070 Staff. A. A Historic Preservation Officer for Cascade County--Great Falls shall be and appointed to act as staff to the Historic Preservation Advisory Commission. This individual will be qualified and appointed by the Board.

B. Duties of the Preservation Officer include coordinating the local historic preservation programs, helping in the development of local surveys, projects and historic preservation planning documents, advising and providing assistance to the Commission, government agencies and the public, and ensuring to the extent practicable that the duties and responsibilities delegated by this chapter are carried out. (Ord. 2652, 1993; Ord. 2563 (Exh. B), 1990).

2.40.080 Powers and Duties. The Historic Preservation Advisory Commission shall have the power to:

A. Maintain a system for the survey and inventory of historic properties. The Commission shall maintain this inventory of identified districts, sites and/or structures within Cascade County and the City and make this information available to the public;

B. Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;

C. Participate in the process of nominating to the National Register of Historic Places according to the Montana State Regulations for Certified Local Governments. This includes reviewing and commenting on any National Register nominations of property within Cascade County and the City;

D. Consult with the City, County, State and Federal agencies on all applications, environmental assessments, environmental impact statements, and other similar documents pertaining to historic districts, landmark sites, landmarks or properties;

E. Review the City's zoning regulations for their applicability to issues of historic preservation and make appropriate recommendations to the City-County Planning Board concerning any changes or modifications to the zoning regulations and zoning district boundaries;

F. Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures. The Commission shall create design guidelines which will be made available to the public for assistance in preservation projects;

G. Provide a means of informing owners of property, buildings and structures of potential tax incentives and federal and/or State grants that might be obtained through the preservation of historic facilities;

H. Participate in, promote and conduct public informational, educational and interpretive programs pertaining to historic preservation;

I. Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification;

J. In carrying out the listed powers and duties of the Commission, the Commission shall at all times ensure that any surveys, analyses, evaluations, reviews or reports relating to any property or project within the City are completed within the current time frames for development. Should the Commission fail to complete any of the above actions in time to be included for final action of the City or County Commissions, such failure shall not in any way impede the decision of the City or County Commission. (Ord. 2652, 1993; Ord. 2563 (Exh. B), 1990).

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Chapter 2.46

PLANNING ADVISORY BOARD

Sections:

2.46.010	Creation of Board.
2.46.020	Jurisdiction.
2.46.030	Membership.
2.46.040	Term.
2.46.050	Vacancies.
2.46.060	Qualifications.
2.46.070	Meetings.
2.46.080	Special meetings.
2.46.090	Quorum – official action.
2.46.100	Chairman and Vice-chairman
2.46.110	Staff.
2.46.120	Contracts and Agreements.
2.46.130	Compensation and expenses of board members.
2.46.140	Fiscal Administration -- Budget
2.46.150	Duties, Services and Functions
2.46.160	Ethics
2.46.170	Robert’s Rules of Order
2.46.180	Repealing Clause
2.46.190	Severability
2.46.200	Saving Provision

2.46.010 Creation Of Board. There is hereby created an advisory board, pursuant to and under the provisions of the Charter of the City of Great Falls, to be designated and known as the “Great Falls Planning Advisory Board.” (Ord. 2913, 2005).

2.46.020 Jurisdiction. The Board shall have jurisdiction within the incorporated limits of the City of Great Falls, as currently exist and as may change over time through annexation, and as may be granted or authorized pursuant to any existing or future intergovernmental agreements. (Ord. 2913, 2005).

2.46.030 Membership. The Board shall consist of nine (9) members all of whom shall be residents of the City of Great Falls. The Board shall consist of citizen members and shall not include any City employees or elected officials. Members shall be appointed by the City Commission. (Ord. 2913, 2005).

2.46.040 Term. The term of office of each member shall be for three years and shall be initially appointed as follows: three for a term of one year, three for a term of two years, and three for a term of three years, and their terms of office shall expire on the first day of January of the first, second and third years respectively following their initial appointment. Thereafter, as their terms

expire, each new appointment shall be for a term of three years. Members may be removed from office by a majority vote of the City Commission. Each member may be reappointed when their term has expired to the extent that City policy regarding reappointments allows. (Ord. 2913, 2005).

2.46.050 Vacancies. Vacancies shall be filled by the City Commission for the unexpired terms of any member whose term becomes vacant. (Ord. 2913, 2005).

2.46.060 Qualifications. Members shall be qualified by having interest in and knowledge of community planning and development. (Ord. 2913, 2005).

2.46.070 Meetings. The Board shall fix the time for holding regular meetings, but shall meet at least once each month during the year. (Ord. 2913, 2005).

2.46.080 Special Meetings. Special meetings of the Board may be called by the President or by two members upon written request to the Secretary of the Board. The Secretary shall send to all members, at least two days in advance of a special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting, or if all members are present at the special meeting. (Ord. 2913, 2005).

2.46.090 Quorum -- Official Action. Five members shall constitute a quorum. No action of the Board is official, however, unless authorized by five or more members of the Board at a regular or properly called special meeting. (Ord. 2913, 2005).

2.46.100 Chairman And Vice Chairman. As soon as practicable after its creation, the Board shall meet and organize by electing from its members a Chairman and a Vice Chairman. Thereafter, at its first regular meeting in each year, the Board shall elect from its members a Chairman and Vice Chairman. The Vice Chairman shall have authority to act as Chairman of the Board during the absence or disability of the Chairman. (Ord. 2913, 2005).

2.46.110 Staff. The City shall assign staff employed by the City to assist the Board in conducting its duties. The Board may delegate to assigned staff the authority to perform ministerial acts in all cases except when final action of the Board is necessary. The director of the assigned staff shall function as the Secretary of the Board and shall perform the duties of the director, as may be described in the Board by-laws. The staff will be responsive and responsible to the Board for all work necessary to carry out its responsibilities. (Ord. 2913, 2005).

2.46.120 Contracts and Agreements. Through the City, the Board may accept, receive, and expend funds, grants, and services from the Federal government or its agencies and instrumentalities, from State or local governments or their agencies and instrumentalities, or from civic sources; may contract with respect thereto; and may provide such information and reports as may be necessary to secure such financial aid. The City may make all contracts for special or temporary services and any professional services to assist the Board. (Ord. 2913, 2005).

2.46.130 Compensation and Expenses Of Board Members. Board members shall receive no salary for serving on the Board but may be reimbursed for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, etc. (Ord. 2913, 2005).

2.46.140 Fiscal Administration -- Budget. To finance the yearly operations of the board, the director of the assigned staff shall prepare a budget for approval by the Board and the City, in the same manner as City departments. The budget shall be based on projected revenue from all sources and shall estimate projected expenditures. Further, the budget shall be limited in all expenditures to the provisions made therefore by the City. (Ord. 2913, 2005).

2.46.150 Duties, Services And Functions. The Board shall perform and provide the duties, services and functions specified in this section. The Board shall have all of the authorities that may be granted by ordinances, resolutions, agreements, etc and shall perform all 3 duties required thereunder. In accomplishing this objective, the Board shall serve in an advisory capacity to the City Commission. The Board shall advise on all community planning and land development activities specified in this section, as well as any other duties, functions, services and activities requested or assigned. These shall generally include:

- A. If requested by the City, initiate, prepare, review, hear and make recommendations on the adoption or amendment of a growth policy and of such ordinances and resolutions necessary to implement the growth policy;
- B. Initiate, prepare, review, hear and make recommendations on the adoption or amendment of any planning documents designed to guide the orderly development of the community;
- C. Review, hear and make recommendations on subdivision applications and plats;
- D. Review, hear and make recommendations on annexations;
- E. Review, hear and make recommendations on zoning and rezoning petitions;
- F. Review, hear and make recommendations on conditional use permits;
- G. Review, prioritize and recommend projects for use of Community Transportation Enhancement Program (CTEP) funds;
- H. Serve as the Metropolitan Planning Organization for the Great Falls Urbanized Area Transportation Planning Process, including participation in said process; and,
- I. Undertake and perform other duties, services and functions, as requested by the City Commission. (Ord. 2913, 2005).

2.46.160 Ethics. All members of the Board shall comply with the provisions of the City of Great Falls Code of Ethics. (Ord. 2913, 2005).

2.46.170 Rules Of Order. The Board shall be governed by the rules contained in the "*Robert's Rules of Order, Revised,*" in all parliamentary procedures, as applicable. (Ord. 2913, 2005).

2.46.180 Repealing Clause. All ordinances, resolutions and sections of the Official Code of the City of Great Falls and parts thereof in conflict with the application of this ordinance are hereby repealed. (Ord. 2913, 2005).

2.46.190 Severability. If any provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable. (Ord. 2913, 2005).

2.46.200 Saving Provision. This ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that began before the effective date of this ordinance. (Ord. 2913, 2005).

Chapter 2.47

CITY ZONING COMMISSION

That the Great Falls Planning Advisory Board be designated as the body to perform the duties and functions of the City Zoning Commission. (Ord. 2914, 2005)

Chapter 12.41

LANDSCAPE DESIGN STANDARDS¹

Sections:

- 12.41.010 Intent.
- 12.41.020 Definitions.
- 12.41.030 Installation and maintenance.
- 12.41.040 Planting regulations.
- 12.41.050 Boulevard landscaping requirements.
- 12.41.060 Design standards for commercial, industrial and semi-public uses.
- 12.41.070 Incentive provision.
- 12.41.080 Bond provision.
- 12.41.090 Design standards for residential uses.
- 12.41.100 Violation and penalty.
- 12.41.120 Appeal.

12.41.010 Intent. This chapter establishes policies, regulations and standards necessary to ensure that the City will continue to realize the benefits provided by its community forest. The provisions of this chapter are enacted to:

- A. To enhance ambient environmental conditions by providing shade, air purification,

¹Prior ordinance history: Ord. 2185.

oxygen regeneration, groundwater recharge, storm water runoff retardation and noise, glare and heat abatement;

B. To provide landscaping to enhance and perpetuate the aesthetic qualities of the community;

C. Encourage the preservation, expansion, protection and proper maintenance of the community forest;

D. To buffer distinguishable land uses and generally enhance the quality and appearance over the entire site of the project. (Ord. 2687 Ex. B (part), 1995: Ord. 2549 §1(part), 1989: Ord. 2404 Ex. A (part), 1985).

12.41.020 Definitions. The following terms shall have the meaning given:

A. "Arboricultural Standards and Specifications" means the standards for the planting, care, and maintenance of trees, shrubs, and landscaping on file with the City Forester.

B. "Boulevard" is defined in Section 12.04.010A.

C. "Clear vision triangle" is defined in Section 12.04.030.

D. "Community Forest" means the sum of all trees and shrubs within the City of Great Falls.

E. "Groundcovers" means and includes living, low-growing plant materials other than turf grass, which reach a maximum height of not more than eighteen inches, and may be used in lieu of grass. Groundcovers must present a finished appearance and reasonably complete coverage at the time of planting.

F. "Landscaping" means living material (i.e., turf grass, ground cover, shrubs, vines, hedges) and nonliving durable material commonly used in landscaping (i.e., bark, rocks, pebbles, decorative walls, fences, art and benches).

G. "Lot" is defined in Section 17.09.280.

H. "Semipublic places" means and includes, but is not limited to, fraternity houses, hospitals, public service substations, utility sites, churches, charity organization sites, medical clinics, airports and related structures, apartment houses with three or more units or complexes, condominiums, schools and the like.

I. "Shrubs" means self-supporting woody deciduous or evergreen species and shall have a minimum height of eighteen inches upon maturity.

J. "Trees" means self-supporting woody plants which normally grow to a minimum height of fifteen feet or greater in the county and have trunks which can be maintained over five feet of clear wood. All trees shall have a minimum caliper, at six inches above the ground level, of at least one and one-half inches.

K. "Turf grass" means a species of perennial grass normally grown in the County as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes. Grass may be seeded, sodded, plugged or sprigged, except in areas subject to erosion in which case the area must be sodded or planted with nurse grass for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be commercially grown, clean and free of weeds and noxious pests and diseases.

L. "Vehicular use area" means and includes all areas used for circulation, parking and/or display of any and all types of vehicles, boats or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the primary use. This shall include, but not be limited to, activities of a drive-in nature such as service stations,

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convenience stores, banks, restaurants, and the like. Only driveways and parking spaces serving single-family and two-family uses shall be an exception to this definition. (Ord. 2687 Ex. B (part), 1995: Ord. 2549 §1(part), 1989: Ord. 2404 Ex. A(part), 1985).

12.41.030 Installation and Maintenance. All landscaping shall be installed in accordance with the Arboricultural Standards and Specifications. All landscaping required shall be live vegetation. Mature coverage of canopy trees will be computed and applied directly to the required landscaping. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free from refuse, weeds and debris. Automatic irrigation systems are required of all commercial development. The owner, tenant or agent, if any, shall be jointly responsible for the maintenance of all landscaping. All vehicular use areas on any property determined to comply with this chapter shall be surfaced and maintained with asphalt or cement. All landscaping material shall be in place and healthy prior to issuance of occupancy permit. A temporary permit may be issued without the installation, provided the bond required in Section 12.41.070 of this chapter is in force and that written assurances are given that the planting will take place when the proper season arrives. (Ord. 2687 Ex. B (part), 1995: Ord. 2404 Ex. A(part), 1985).

12.41.040 Boulevard landscaping requirements. The owners and tenants of any premises within the limits of the *City shall* maintain the boulevard section in front of and adjoining their premises in a safe and substantial condition. Any portion of the right-of-way which is not occupied by roadway section, curb and gutter, driveway, sidewalk or crosswalk *shall* be maintained according to the standards listed below. (Ord. 2734, 1998; Ord. 2687 Ex. B (part), 1995)

A. Boulevards in residential areas shall contain grass and trees (with organic mulched reservoirs) and *may* include shrubs, flowers and/or ornamental plants (with organic mulched reservoirs). In addition, the boulevard *may* also contain sidewalks, bus benches, driveways, mailboxes, utility installations; and signs and structures erected by a public agency.

1. Driveway width shall not exceed ten feet per stall to a maximum width of thirty feet (three stalls).

2. At least one canopy type tree shall be planted and maintained in a boulevard section of each fifty lineal feet of street and avenue frontage or portion thereof.

3. Trees shall be spaced thirty to fifty feet apart depending on the mature height and width of the type tree planted. All trees shall have a minimum caliper, at six inches above the ground level, of at least one and one-half inches. All trees will have organic mulched reservoirs.

4. No shrub shall be planted within five feet of a fire hydrant or within a clear vision triangle, as defined in 12.04.020, if its mature height will exceed three feet. The three foot maximum height shall be measured from the adjacent curb flowline.

5. All trees and shrubs placed in the boulevard area shall be the "Boulevard Tree Planting Standards and Specifications" as outlined in the current City of Great Falls "Arboricultural Standards and Specifications."

6. Any landscaping in the boulevard area that impedes pedestrian travel or is deemed detrimental to public safety shall be removed immediately by the property owner or agent upon written notification by the *City*.

7. Existing mature trees located in the boulevard or public rights-of-way *shall* not be removed, damaged, or encroached upon unless an application has been approved in accordance with OCCGF 12.44.

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8. Landscaping *shall* be maintained and those plantings which fail to survive *shall* be replaced with approved plantings within six months.

9. The following list includes, but is not limited to, those materials and vegetation which will not be approved in the residential boulevard:

- a. all artificial vegetation including but not limited to trees, shrubs, vines, bushes, flowers, and grass;
- b. all non-living material except as stated above;
- c. fences/walls (unless approved via Boulevard Encroachment Permit by the City Engineer);
- d. gravel/decomposed granite/cobble;
- e. sand.

B. Boulevards in non-residential areas *shall* contain grass and trees, and *may* contain shrubs, flowers, and/or ornamental plants. In addition, the boulevard *may* contain sidewalks, bus benches, driveways, utility installations; and signs and structures erected by a public agency. Limited amounts of non-living materials (mulches) are permitted when used in conjunction with shrub and tree plantings. Acceptable mulches include organic materials (wood chips and shredded bark), and inert inorganic materials (decomposed granite, cobble and gravel). Where mulch is used, a suitable landscape fabric shall be placed between the soil and mulch material to impede weed growth. However, the use of these substitute materials must be specifically approved by *City* officials as part of a landscape plan.

1. Mulches shall be applied to a depth of four inches (4") over bare soil, around trees, and in shrub beds.

2. In no case shall the boulevard area include more than twenty-five percent non-living material, excluding driveways.

3. Non-residential use driveway width *shall* be limited to forty-five feet. However, in Industrial Use zoning districts, the driveway width may be fifty-five feet, if approved by the City Engineer.

4. At least one canopy type tree shall be planted and maintained in the boulevard section for each fifty lineal feet of street and avenue frontage or portion thereof.

5. All trees and shrubs placed in the boulevard area shall meet the "Boulevard Tree Planting Standards and Specifications" as outlined in the current City of Great Falls Arboricultural Standards and Specifications."

6. No shrub shall be planted within five feet of a fire hydrant or within a clear vision triangle as defined in OCCGF 12.04.020, if its mature height will exceed three feet. The three foot maximum height shall be measured from the adjacent curb flow line.

7. Any landscaping in the boulevard area that impedes pedestrian travel or is deemed detrimental to public safety shall be removed immediately by the property owner, tenant, or agency upon written notification of the City.

8. Landscaping shall be maintained and those plantings which fail to survive shall be replaced with approved plantings within six months.

9. Non-residential landscaping shall include an adequate irrigation system approved by the Community Development Department.

10. All non-living material must be contained and shall not spill into the street and/or onto the sidewalk. Owners are required to remove any spillage.

11. Existing mature trees located within the boulevard or public rights-of-way shall not be removed, damaged or encroached upon unless an application has been approved in accordance with OCCGF 12.44.

12. The following list includes, but is not limited to, those materials and vegetation which are prohibited in the non-residential boulevard:

a. artificial vegetation including but not limited to trees, shrubs, vines, bushes, flowers, and grass.

b. fences/walls (unless approved via Boulevard Encroachment Permit by the City Engineer).

c. sand.

(Ord. 2734, 1998).

12.41.050 Design standards for commercial, industrial and semipublic uses. A.

Determination of Applicability. The landscaping requirements set forth in this chapter shall apply to:

1. All new buildings, other than single-family dwellings or duplex construction;
2. All buildings being increased in size by at least twenty percent (20%);
3. All new vehicular use areas;
4. All vehicular use areas being increased in size by at least twenty percent (20%).
5. All buildings and vehicular use areas which have been cumulatively increased in

size by twenty-five percent over a period of ten years.

B. Submission for Review. All landscape data shall be submitted for review and approval to the building inspector or delegate before any building permit can be issued. Three copies of all landscape data submitted should be at a scale of one inch equals twenty feet for less than one acre or one inch equals fifty feet for sites larger than one acre and will include:

1. A plant list containing botanical names, common name, plant size, number and variety of each plant used and mature area of coverage of canopy trees;

2. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), North arrow, property lines, easements, utilities and otherwise, and adjacent land use;

3. A plan showing location and construction details of all required irrigation systems to be installed.

C. Interior Landscaping Requirements.

1. Minimum square footage of interior landscaping shall be ten percent (10%) of the gross property area to be developed for property located in a commercial zone, and twelve percent (12%) of the gross area to be developed for non-residential uses in residential zones. A portion of the required landscaping, equal to at least five percent (5%) of the vehicular use area, must be located within the vehicular use area.

2. All required landscaping must be live vegetation and maintained in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris.

3. When a site abuts a natural amenity such as a flood plain, canal, park or other open space, the landscape plan shall integrate with, and respect the natural integrity of the amenity. By design, detention and retention ponds shall be physically, functionally, and visually integrated into adjacent landscape uses. Standing water is discouraged and shall be properly drained unless

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incorporated into recirculating water features or irrigation systems.

4. Interior landscaping shall be mounded a minimum of six inches above the height of adjacent vehicular uses areas but not exceeding 3:1 slope and shall be protected from automobile traffic by curbing or some other effective barrier to the passage of automobiles.

5. There shall be a minimum of one tree and seven shrubs planted and maintained per four hundred square feet or fraction thereof of required interior landscaping.

6. Where a commercial or non-residential use abuts a residential use a minimum of a five (5) foot landscape buffer shall be provided along the shared property line. Where vehicular use areas abut adjacent residential property the lot shall be screened by the use of a decorative masonry or concrete wall at least four feet in height, or evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three growing seasons to protect the residential nature of the adjoining property.

7. Twenty-five percent (25%) of the boulevard landscaping being provided may be credited to the interior landscaping requirement. (Ord. 2687 Ex. B (part), 1995; Ord. 2404 Ex. A(part), 1985).

12.41.060 Incentive provision. The Community Development Director may reduce the off-street parking requirement by up to five percent (5%) of the required number of spaces if the proposed landscape plan incorporates the retention of significant trees, particularly in the interior of the site, or if the proposed landscaping area exceeds the required landscaping by fifteen percent (15%). (Ord. 2687 Ex. B (part), 1995).

12.41.070 Bond provision. A. All required landscaping must be completed prior to the issuance of an occupancy permit.

B. A temporary occupancy permit may be issued, provided that a security is provided equal to one hundred percent (100%) of the estimated cost of landscaping improvements and installation. Security may consist of a faithful performance bond payable to the City, cash, certified check, time certificates of deposit, assignment of savings account, or other such assurance of completion as shall meet the approval of the City Attorney.

C. The security bond will be held until the end of the second growing season at which time the bond may be used to complete installation of the landscaping. Upon completion of installation, any portion of the remaining security deposit with the City shall be returned to the applicant. (Ord. 2687 Ex. B (part), 1995; Ord. 2599 §2(part), 1991).

12.41.080 Design standards for residential uses. All new buildings for dwelling or containing dwelling units and all dwelling structures being increased in size by at least fifty percent (50%) shall conform to the minimum landscaping requirements hereinafter provided by this chapter.

A. Submission for Review. All data showing residential landscaping requirements listed below shall be submitted for review to the building inspector before a building permit can be issued.

B. Landscaping Requirements. Within one year from the date of issuance of a building permit, the structure whether single-family or multiple units and its lot or lots shall be completed the following:

1. A canopy tree or evergreen tree shall be planted and maintained for each one thousand five hundred square feet or major portion thereof of gross lot area. A maximum of two

boulevard trees may be applied to this requirement.

2. Turf grass or groundcover plants shall be installed and maintained and shall cover fifty percent of the net lot area (gross lot area minus square footage occupied by buildings and parking lots). (Ord. 2404 Ex. A(part), 1985).

3. All vehicular use areas shall be surfaced and maintained in asphalt or concrete. (Ord. 2687 Ex. B (part), 1995).

12.41.090 Violation and penalty. Whenever in any section of this chapter the doing of any act is required, prohibited or declared to be unlawful, the person, firm or corporation who is convicted of a violation of any such section shall for each offense be fined not less than two hundred fifty dollars and not more than five hundred dollars or imprisoned for a period not to exceed six months, or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 2599 §2(part), 1991).

12.41.100 Appeal. Any person or persons, jointly or separately, aggrieved by any decision, order or action as a result of the enforcement of this code as contained in this chapter, may appeal such decision, order or action to the Board of Adjustment as provided for in Chapter 2.28 of this Code. (Ord. 2599 §2(part), 1991).

Title 16 **SUBDIVISIONS**

Chapters:

<u>16.04</u>	<u>General Provisions</u>
<u>16.08</u>	<u>Definitions</u>
<u>16.12</u>	<u>Plats and Data</u>
<u>16.16</u>	<u>Design Standards</u>
<u>16.20</u>	<u>Improvements</u>
<u>16.24</u>	<u>Variances</u>

Chapter 16.04

GENERAL PROVISIONS

Sections:

16.04.010	Purpose.
16.04.020	Planning Commission--Powers and duties.
16.04.030	Governing body--Power to reject proposals.

16.04.010 Purpose. The purpose of this title is to establish minimum standards to which owners of land or other persons shall comply in order to obtain the approval of the Planning

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Commission, the governing body, and obtain a building permit. The provisions of this chapter where established to promote orderly growth and development of the City; proper use of land; conservation, stabilization and protection of the use value of property; adequate provisions for utilities, streets and convenience; public health, safety and general welfare. (Prior code §9-8-1(A)).

16.04.020 Planning Commission--Powers and duties. The Planning Commission is charged with the duty of making investigations and reports to the governing body on the design and improvement of proposed additions; and is authorized to approve, conditionally approve or disapprove tentative plats of additions prepared and filed in accordance with the provisions of this title. Any variances authorized by the Commission, under Chapter 16.24 of this title, will be explained in detail in the report to the governing body. (Prior code §9-8-1(C)).

16.04.030 Governing body--Power to reject proposals. This title shall not in any manner restrict or alter the right of the governing body to reject any proposed addition or plat presented to the governing body for consideration. (Prior code §9-8-9).

Chapter 16.08

DEFINITIONS

Sections:

16.08.010	Definitions.
16.08.020	Block.
16.08.030	Commission.
16.08.040	Director.
16.08.050	Lot.
16.08.060	Street.
16.08.070	Zoning title.

16.08.010 Definitions. For the purpose of this title certain terms and words are defined as set forth in this chapter. (Prior code §9-8-1(D) (part)).

16.08.020 Block. "Block" means a piece or tract of land entirely surrounded by public highways, streets, waterways, railway rights-of-way or parks or a combination thereof. (Prior code §9-8-1(D)(1)).

16.08.030 Commission. "Commission" means the City Planning Commission. (Prior code §9-8-1(D)(4)).

16.08.040 Director. "Director" means the Director of Public Works. (Prior code §9-8-1(D)(5)).

16.08.050 Lot. "Lot" means a plat or tract of land occupied or proposed to be occupied by a building or an integrated group of buildings and uses customarily incident and accessory thereto, including such open spaces as required by the zoning ordinance Title 17, and such open spaces as are arranged and designed to be used in connection with any such building and having its principal frontage on a street or place. (Prior code §9-8-1(D) (2)).

16.08.060 Street. "Street" means a way for vehicular traffic designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, drive or otherwise.

A. "Arterial streets and highways" are those which are used primarily for fast or heavy traffic.

B. "Collector streets" are those which carry traffic from minor streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

C. "Minor streets" are those which are used primarily for access to the abutting properties.

D. "Marginal access streets" are minor streets which are parallel and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

E. "Cul-de-sacs" are dead-end streets with a turn-around facility.

F. "Alleys" are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street. (Prior code §9-8-1(D)(3)).

16.08.070 Zoning title. "Zoning title" means the zoning title included in this code. (Prior code §9-8-1(D)(6)).

Chapter 16.12

PLATS AND DATA

Sections:

16.12.010 Tentative plat--Preapplication--Procedure.

- 16.12.020 Tentative plat--Preapplication plan--Topographic survey.
- 16.12.030 Tentative plat--Information required.
- 16.12.040 Tentative plat--Conditional approval.
- 16.12.050 Final plat--Conformance to tentative plat.
- 16.12.060 Final plat--Approval.

16.12.010 Tentative plat--Preapplication--Procedure. A. Previous to submitting an application for the conditional approval of the tentative plat (defined in Section 16.12.030), the petitioner shall submit to the City Planning Commission preapplication plans and data (defined in Section 16.12.020). This step does not require formal application, fee or filing of plat.

B. Within thirty days, the Planning Commission shall inform the petitioner that the plans and data as submitted or as modified do or do not meet the requirements of these regulations. When the Commission finds that the plans and data do not meet the objectives of these regulations, it shall express its reasons therefor. (Prior code §9-8-2(A)).

16.12.020 Tentative plat--Preapplication plan--Topographic survey. A. A preapplication plan of the proposed addition may be a freehand pencil sketch made directly on a print of the topographic survey required for the tentative plat. In any event the preapplication plan shall show, in simple sketch form, the information listed below, or such of this information as the Planning Commission determines is necessary, as follows:

1. Boundary lines, bearings and distances sufficient to locate the exact area proposed for addition;
2. Topographical features of the proposed addition and of adjacent tracts; approximate direction and gradient of ground slope, including any embankments; water courses or drainage channels, rock outcrop, wooded areas, railroads, power lines, towers, character and location of buildings and other significant features;
3. Information describing the proposed addition; number of residential lots, typical lot size, sites to be reserved or dedicated for parks, playgrounds or other public areas;
4. Zoning on areas adjacent to the tract and proposed zoning for the tract; indicate sites, if any, for multi-family dwellings, shopping centers, business areas, churches, schools, industry or other public uses exclusive of single-family dwellings;
5. Streets; name and right-of-way width on and adjacent to the tract;
6. Easements; location, width and purpose;
7. Utilities; on and adjacent to the tract; location and size of sanitary sewers; location and size of water mains and fire hydrants. If water mains and/or sanitary sewer lines are not on or adjacent to the tract, indicate the direction, distance to and size of nearest ones;
8. Name of the proposed addition, name and address of the owner; name of the registered civil engineer or land surveyor platting the tract, date of survey. Adjacent unplatted land shall show property lines and owners of record;
9. Scale, north arrow, and notation stating total acreage.

B. Supporting data shall consist of a written draft of general information which describes or outlines the existing conditions of the site and the proposed development as necessary to supplement the preapplication plan. Such data shall describe the general class of residences contemplated for residential areas. (Prior code §9-8-3(A)).

16.12.030 Tentative plat--Information required. A. Five copies of the proposed addition drawn to a scale of one hundred feet to one inch or larger shall show all of the information required in Section 16.12.020; and in addition shall show the following:

1. A topographical survey showing ground elevations on the tract based on the City datum. For land that slopes less than approximately two percent, spot elevations at all breaks in grade, along all drainage channels, and at selected points not more than one hundred feet apart in all directions shall be shown. For land that slopes more than approximately two percent, contours with an interval of not more than ten feet shall be shown;

2. Lot lines, lot numbers and block letters;

3. Location and exact acreage of parks, playgrounds, school sites and other public areas;

4. Street roadway widths, approximate grades and gradients; similar data for alleys, if any;

5. Names of owners and description of land owned by respective owners.

B. Data. Supporting data shall consist of a written draft of the following:

1. A draft of protective covenants whereby the petitioner proposes to regulate land use in the addition and otherwise protect the proposed development;

2. Subsurface conditions of the tract, if required by the Planning Commission; location and results of tests made to ascertain subsurface soil, rock and ground water conditions; location and results of soil percolation tests if individual sewage disposal systems are proposed. (Prior code §9-8-3(B)).

16.12.040 Tentative plat--Conditional approval. A. On reaching conclusions, informally as recommended in Section 16.12.010, regarding the general program and objectives, the petitioner shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material (defined in Section 16.12.030).

B. Five copies of the tentative plat and supplementary material specified shall be submitted to the Planning Commission with written application for conditional approval at least five days prior to the meeting at which it is to be considered.

C. The following notice shall be stamped on the face of each tentative plat by the secretary of the Planning Commission: "Tentative Plat - for inspection purposes only, and in no way official or approved for record purposes."

D. Following the review of the tentative plat and other material submitted for conformity thereof to these regulations, together with negotiations with the petitioner on changes deemed advisable, the Planning Commission within thirty days shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

E. The action of the Planning Commission shall be noted on two copies of the tentative plat, referenced and attached to any conditions determined. One copy shall be returned to the petitioner and the other retained by the Planning Commission.

F. Conditional approval of a tentative plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the general plan submitted on the tentative plat as a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and the governing body. (Ord. 1990 §1(part), 1977; prior code §9-8-2(B)).

16.12.050 Final plat--Conformance to tentative plat. A. The final plat shall conform to the tentative plat as conditionally approved and to all requirements of the statutes of the State.

B. If desired by the petitioner, the final plat may constitute only that portion of the approved tentative plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all the requirements of these regulations. (Prior code §9-8-3(C)).

16.12.060 Final plat--Approval. A. After receiving conditional approval on the tentative plat, the petitioner shall cause to be prepared a final plat (defined in Section 16.12.050).

B. The final plat shall be submitted to the Planning Commission and following a review of the final plat for conformity thereof to these regulations, the Planning Commission within thirty days shall express its approval, or if disapproved, shall express its disapproval and its reasons therefore.

C. The *Planning Commission* shall notify the petitioner and the governing body of its action.

D. After receiving the approval of the Planning Commission on the final plat, the petitioner shall submit the final plat to the governing body and Board of County Commissioners as required by the statutes of the State. (Ord. 1990 §1(part), 1977; prior code §9-8-2(C)).

Chapter 16.16

DESIGN STANDARDS

Sections:

- 16.16.010 Streets.
- 16.16.020 Alleys.
- 16.16.030 Blocks.

16.16.010 Streets. A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. The arrangement of streets in an addition shall:

1. Provide for the continuation of appropriate projection of existing principal streets in surrounding areas;

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

C. Minor street shall be so laid out that their use by through traffic will be discouraged.

D. Where an addition abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, or deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of through and local traffic.

E. Where an addition borders on or contains a railroad right-of-way or a limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and one each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in

appropriate districts. Such distances shall also be determined with due regard to the requirements of approach grades and future grade separations.

F. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided.

G. Streets which are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerline shall coincide. In cases where straight continuations are not physically possible, such centerline shall be continued by curves.

H. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty degrees.

I. Property lines at street intersection shall be rounded with a radius of not less than twenty feet or of greater radius where the Planning Commission may deem it necessary.

J. Curved collector streets shall have a centerline radius of not less than two hundred fifty feet.

K. Curved minor streets shall have a centerline radius of not less than one hundred feet.

L. Streets which are a continuation of streets in contiguous territory shall have a right-of-way width identical to that of the existing street, unless otherwise required by the planning commission. Right-of-way widths for other streets shall be not less than as follows:

Street Type	Right-of-way (in feet, property line to property line)
Undivided arterial	80-100
Collector	60-80
Minor, for rowhouses and apartments	60
Minor, for other residences	50
Marginal access	40

M. Half streets shall be prohibited. Wherever a half street is adjacent to a proposed addition, the other half of the street shall be platted within such tract.

N. Dead-end streets (cul-de-sacs), designed to be so permanently, shall not be longer than five hundred feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet, and a street property line diameter of at least one hundred feet.

O. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to approval of the Planning Commission.

P. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves.

Street Type	Grade
Arterial	5%
Collector	7%
Minor	10%
Marginal Access	10%

Q. No street grades shall be less than five-tenths percent. (Prior code §9-8-4(A)).

16.16.020 Alleys. A. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive these requirements where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

B. The width of an alley shall be twenty feet.

C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Planning Commission.

E. Easement shall follow lot lines wherever possible and shall be not less than twenty feet wide. (Prior code §9-8-4(B)).

16.16.030 Blocks. The lengths, widths and shapes of blocks shall be determined with due regard to:

A. Provision of adequate building sites suitable to the special need of the type of use contemplated;

B. Needs for convenient access, circulation, control and safety of street traffic;

C. Limitations and opportunity of topography. (Prior code §9-8-4(C)).

Chapter 16.20

IMPROVEMENTS

Sections:

16.20.010 Required when.

16.20.020 Made when.

16.20.030 Water and sewer lines--Specifications and cost.

16.20.010 Required when. After approval of the final plat by the governing body, the following improvements shall be installed in conformance with plans and specifications prepared or approved by the Director of Public Works at the time hereinafter provided:

A. Street Improvements. All streets and alleys within the addition shall be excavated or filled within three-tenths (plus or minus) of a foot of the grade established by the Director of Public Works and the street surface compacted sufficiently to be traversable by motor vehicles under normal seasonal conditions or a graveled surface be placed thereon.

B. Irregular Land. Land which is considered to be excessively irregular shall be provided with proper drainage.

C. Curbs. Concrete curbs shall be installed on all streets, except alleys within the addition.

D. Water. Waterlines shall be installed to serve all lots within the addition in accordance with the requirements of the Director of Public Works and the City Water Department.

E. Fire Hydrants. Fire hydrants shall be installed within the addition in accordance with the requirements of the Director of Public Works and the City Water Department.

F. Sewers. Sewer lines shall be installed to serve all lots within the addition in accordance with the requirements of the Director of Public Works and the City Sewer Department. (Prior code §9-8-5).

16.20.020 Made when. The improvements required to be made under Section 16.20.010 of this chapter shall be installed at the following times:

A. The street and alley improvement, grading, drainage, waterlines and fire hydrants and sewer lines will be installed before the issuance of the building permit or permits upon the lots in the addition.

B. Curbs will be installed before the time of final approval of the building or buildings upon the lot or lots in the addition by the Building Inspector. (Prior code §9-8-6).

16.20.030 Water and sewer lines--Specifications and costs. A. With respect to waterlines, the minimum pipe size for feeder mains shall be six inches. If lines larger than eight inches are required, and such lines will be of some benefit to the entire City, the City Commission, at its discretion, may authorize payment of the difference in cost between an eight-inch pipe and the required size.

B. With respect to sewer lines, the minimum size shall be eight inches. If a larger pipe size is required, and such pipe will be of some benefit to the entire City, the City Commission at its discretion, may authorize payment of the difference in cost between an eight-inch pipe and the required size. (Prior code §9-8-7; Ord. 2221, 1980).

Chapter 16.24

VARIANCES

Sections:

- | | |
|-----------|----------------------------|
| 16.24.010 | Conditions--Determination. |
| 16.24.020 | Conditions for granting. |

16.24.010 Conditions--Determination. The Planning Commission may vary or waive the regulations of this title if it finds that the following conditions exist:

A. Hardship. The strict application of the provisions of these regulations would result in practical difficulties or unnecessary hardships inconsistent with the purpose and intent of these regulations;

B. Absence of Detriment. The granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding improvements or additions. (Prior code §9-8-8(A)).

16.24.020 Conditions for granting. In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. (Prior code §9-8-8(B)).

