

**(ALTERNATE)
ORDINANCE 3221**

AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, EXHIBIT 20-1 PRINCIPAL USES BY DISTRICT AND SECTION 17.20.6.080 REGARDING THE DISTANCE REQUIREMENTS FOR LIQUOR LICENSES IN ASSOCIATION TO WORSHIP FACILITIES GOVERNED BY MONTANA STATUTE AND 17.20.6.140 AND 17.20.6.150 REGARDING THE DISTANCE REQUIREMENTS FOR CASINOS IN ASSOCIATION TO WORSHIP FACILITIES.

* * * * *

WHEREAS, Mont. Code Ann. § 16-3-306 prohibits a liquor license to be issued to any establishment whose premises are within six-hundred (600) feet of a church, synagogue, or other place of worship; and

WHEREAS, Mont. Code Ann. § 16-3-309 gives an incorporated city the authority to supplant Mont. Code Ann. § 16-3-306 by establishing an ordinance defining certain areas in its incorporated limits where alcoholic beverages may or may not be sold; and

WHEREAS, OCCGF. § 17.20.6.140 and § 17.20.6.150 prohibits a casino to be established within six-hundred (600) feet of a worship facility; and

WHEREAS, members of the Great Falls community have expressed concern of worship facilities locating in the Commercial zoning districts which would prohibit the issuance of new liquor licenses as well as the establishment of a casino: and

WHEREAS, the City Commission has recognized the ability to supplant state statute and approve code revisions to alleviate the concern of the community and allow these uses to coexist and; and

WHEREAS, the City Commission now wishes to take such action to allow these uses to coexist; and

WHEREAS, at its regularly scheduled July 28, 2020, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance

3221 and also recommend the removal of the casino distance requirement to a worship facility.

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

Section 1. The City Commission supplants the provisions of Mont. Code Ann. § 16-3-306 as follows in OCCGF Title 17, Chapter 20 Section 17.20.6.080 specific to the distance requirements of the issuance of a liquor license with a church, synagogue, or other place of worship, depicted in Exhibit “A-1”. The statutory requirements not addressed in this OCCGF amendment are not supplanted.

Section 2. The City Commission revises OCCGF Title 17, Chapter 20 Section 17.20.6.140 and Section 17.20.6.150 to remove the distance requirement for a casino in regard to a worship facility.

Section 3. 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 18, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 15, 2020.

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 3221 Alternate on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Alternate Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

17.20.3.060 Certain land uses shown as permitted may be a conditional use.

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

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
Agricultural Uses																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
Residential Uses																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.050
Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Retirement home	-	C	C	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	
Special Care Facilities																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	

Alternate Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Community residential facility, type II	C	C	C	P	P	P	-	-	-	-	-	C	C	-	-	-	-	-	-		
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	P	-	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	-	
Overnight Accommodations																					
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070	
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-		
Food and Beverage Sales																					
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	17.20.6.080	
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.6.080	
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	17.20.6.080	
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		

Alternate Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

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	
General Services																				
Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	17.20.6.090
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	C	C	-	P	P	-	P	P	P	P	-	-	P	-	-	
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	17.20.6.100
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	17.20.6.110
Rental and General Repair																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Vehicle Trade and Service																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	

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Chapter 20 LAND USE

Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-	
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	
Indoor Recreation/Sports/Entertainment																				
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	17.20.6.140
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	17.20.6.150
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-	
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-	
Outdoor Recreation/Sports/Entertainment																				
Golf course/driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-	
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Services/Uses																				

Alternate Exhibit "A"

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Administrative governmental center	-	-	-	-	-	-	-	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	C	-	-	-		
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	C	-	-	-		
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	C	-	-	-		
Community garden	P	P	P	P	P	P	P	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	-		
Worship facility	C	C	C	C	C	C	C	P	P	-	C	P	P	P	-	-	P	-	17.20.6.180	
Health Care																				
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-		
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-		
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-		
Education																				
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P		
Educational facility (K—12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	17.20.6.200	
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	P	-		
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P		
Solid Waste, Recycling and Composting																				
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.210

Alternate Exhibit "A"

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Chapter 20 LAND USE

Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220	
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230	
Telecommunications																				
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240	
Telecommunication facility																			17.20.6.250	
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	C	P	P	P	
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	P	P	P	
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	P	P	P	
Utilities																				
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P		
Transportation																				
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-		
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	-	P	P	-	
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	P	P	P	17.20.6.260
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	-	P	P	P	
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P		
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	P	P	-	
Contractor Yards																				
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	P	P	-	17.20.6.270
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	P	17.20.6.280

Alternate Exhibit "A"

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Chapter 20 LAND USE

Industrial/Manufacturing																				
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-	
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.290
Light manufacturing and assembly	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	17.20.6.300
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.310
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

...

17.20.6.080 ~~Tavern.~~ Micro-brewery, Restaurant, and Tavern.

A. **As authorized by Mont. Code Ann. §16-3-306(4) and §16-3-309(1), with respect to any type or class of liquor license, the City supplants the provisions of Mont. Code Ann. §16-3-306(1), and eliminates the requirement of a 600 foot distance between a licensed establishment and a church, synagogue, or other place of worship (identified above in Exhibit 20-1 as Worship Facility). The elimination of this distance requirement is only applicable if the licensed establishment or Worship Facility is or will be located within a zoning district where both uses are permitted or conditionally permitted. The statutory requirements remaining are not supplanted. Taverns shall comply with the locational standards as may be adopted by the State.**

B. Taverns located in C-1 Districts may not have indoor or outdoor entertainment.

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Chapter 20 LAND USE

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17.20.6.140 Casino, type I.

- A. **Purpose.** This section is intended to allow the location of new casinos or the relocation of existing casinos in certain zoning districts provided they meet more stringent development and appearance standards than type II casinos.

(Ord. 2950, 2007)

- B. **Classification.** A casino shall be identified by definition in Chapter 8 of this Title.
- C. **Proximity to residentially zoned properties.** There is no minimum distance requirement from residential uses or between casinos.
- D. **Proximity to other specified uses.**
1. Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), ~~worship facility~~, park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,
 2. Casinos shall not locate on premises operating a sexually oriented business.
- ~~E. **Design Review Board approval.** The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or relocated casino, or an expansion or exterior renovation of an existing casino.~~

(Ord. 2950, 2007)

- F. **Special landscaping.** Casinos must comply with all applicable landscaping requirements in Chapter 44 Landscaping. Additional or special landscaping requirements for type I casinos include the following:
1. Minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas and foundation planting areas, shall be twenty (20) percent of the gross property area to be developed.
 2. Fifty (50) percent of said landscaping shall be located between the front lot line and the building.
- G. Signage must meet zoning district requirements for the premises.

(Ord. 3139, 2016)

17.20.6.150 Casino, type II.

- A. **Purpose.** This section is intended to prohibit casino gambling in certain zoning districts in the City of Great Falls to promote public health, safety and welfare by preserving aesthetic appearances within the City and by reducing the public exposure to casino gambling, thereby promoting moral, social and cultural values within the City.
- B. **Classification.** A casino shall be identified by definition in Chapter 8 of this Title.

Alternate Exhibit "A"

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- C. **Proximity to residentially zoned properties.** Casinos shall not be located within three hundred fifty (350) feet of any residentially zoned property. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.
- D. **Proximity to other specified uses.**
1. Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), ~~worship facility,~~ park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,
 2. Casinos shall not locate within three hundred fifty (350) feet of any other casino. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,
 3. Casinos shall not locate on premises operating a sexually oriented business.
- E. ~~**Design Review Board Approval.** The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or relocated casino, or an expansion or exterior renovation of an existing casino.~~

(Ord. 2950, 2007)