

ORDINANCE 3087

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3087 in three places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

(Seal of the City)

Lisa Kunz, City Clerk

ATTACHMENT A
TO ORDINANCE 3087

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

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

FIRST READING – MAY 15, 2012

PUBLIC HEARING – JUNE 19, 2012

17.8.120 - General definitions.

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

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

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

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

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

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

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

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

17.20.2.040 - Establishment and purpose of districts.

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

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

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

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

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

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

Exhibit 20-1. Principal uses by district

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

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

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

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

Exhibit 20-2. Accessory uses by district

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

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

Exhibit 20-4. Development standards for residential zoning districts

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

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

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

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

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

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

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

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

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

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

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

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

17.20.7.010 Accessory living space.

A. Applicability.

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

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

C. Requirements for establishment.

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

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

- d. **Visual buffering.** If accessory living spaces are established in an existing building that does not comply with the requirements in 3.a, 3.b or 3.c of this Section, windows or doors may only be installed on facades oriented toward conforming setbacks.

- 4. **Building Code compliance.** Accessory living spaces shall comply with all Building Codes and other relevant City Codes for establishment of same.

D. Prohibited. Accessory living spaces shall not:

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

17.20.7.060 - Garage, private.

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

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

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

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

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

17.32.150 - Driveway access.

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

Title 17 - LAND DEVELOPMENT CODE
Chapter 32 – TRANSPORTATION FACILITIES

Exhibit 32-4. Number of curb cuts

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

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

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

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

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

(Ord. No. 3056, § 1, 8-17-2010)

Chapter 57
SOUTHSIDE BUSINESS OVERLAY DISTRICT

Sections:

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

17.57.010 Legislative findings

The City Commission makes the following findings:

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

17.57.020 Purpose

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

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

17.57.030 Applicability

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

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

- A. Warehouse.
- B. Light industrial.

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

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

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

17.64.020 - Nonconforming uses.

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

1. Change or expansion of nonresidential uses.

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

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

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

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

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

(Ord. 2950, 2007)

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

RESIDENTIAL USES

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

GENERAL STORAGE

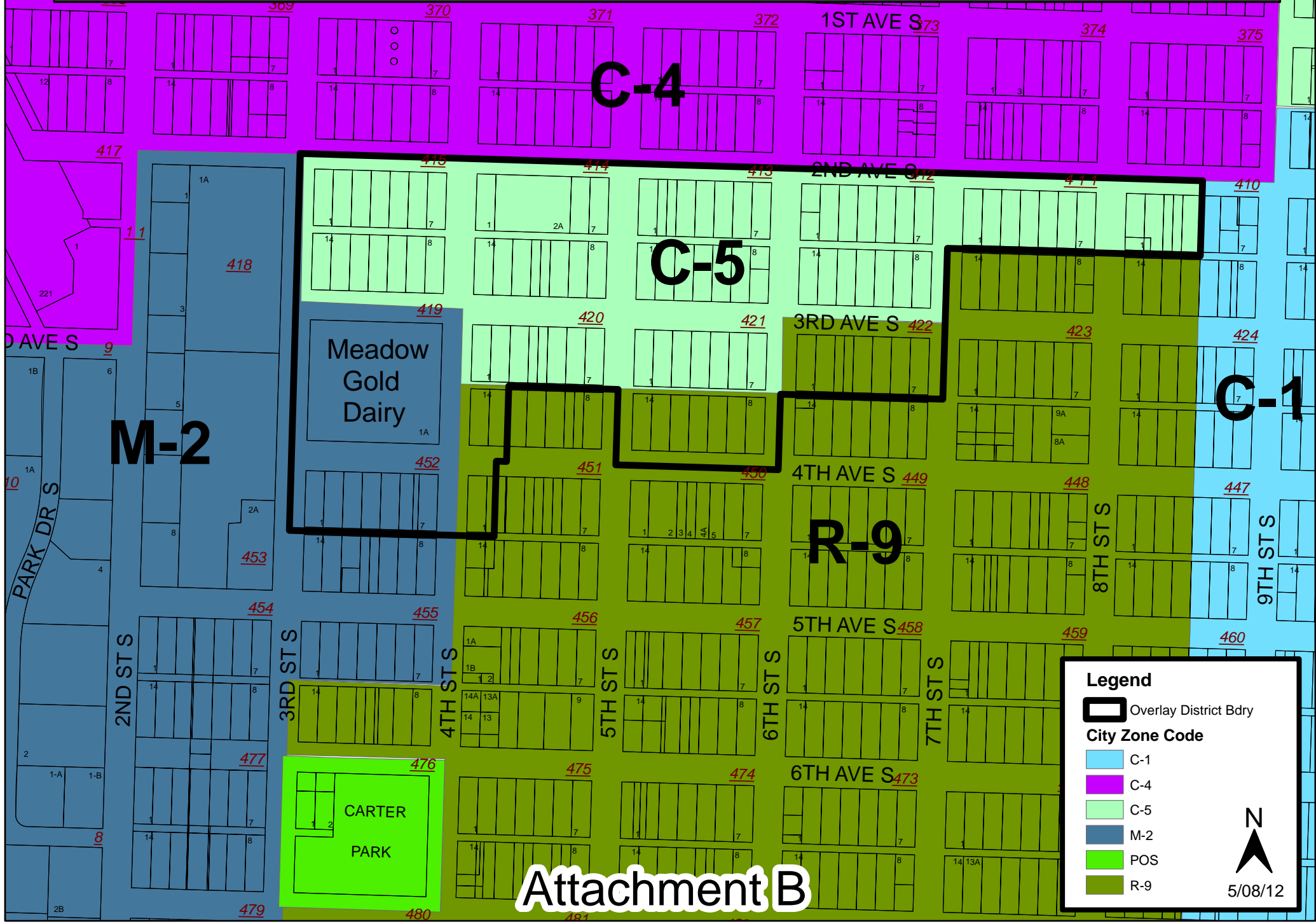
"Climate controlled indoor storage" means indoor units, accessed from inside a building, for rent or lease and intended for personal storage. Such storage units are heated for a consistent climate. Document storage services are also included in this definition.

ACCESSORY USES

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

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

Southside Business Overlay District



C-4

C-5

C-1

M-2

R-9

Meadow
Gold
Dairy

CARTER
PARK

Attachment B

Legend
Overlay District Bdry

City Zone Code

- C-1
- C-4
- C-5
- M-2
- POS
- R-9



5/08/12