

PLANNING ADVISORY BOARD ZONING COMMISSION

APRIL 10, 2012

Case Number

ZCA2012-1

Applicant

N/A

Owners

N/A

Property Location

N/A

Parcel ID Number

N/A

Requested Action

Amendments to Title 17
Land Development Code

Recommendation

Approval of the proposed
amendments

Project Planner

Mike Haynes, AICP

Land Development Code Amendments



Summary

Project Description

The Land Development Code (LDC) is revised and refined over time to address changing conditions and issues that arise in the course of day-to-day planning activities. Planning staff proposes a set of business- and property owner-friendly amendments.

Overview

The proposed changes relate to private garages and accessory bonus spaces in residential accessory structures. Staff recommends establishing an overlay district in an area south of the downtown core (primarily zoned C-5) at the request of the City Com-

mission. The area has not redeveloped as hoped and the overlay would allow additional uses accommodating re-use of existing buildings and encouraging redevelopment.

Other amendments would:

- Allow, by-right, community gardens in the C-5 zoning district.
- Eliminate the requirement for payment in lieu of off-street parking in the C-4 district. Allow minimum off-street parking requirements to be waived in the C-5 district.
- Clarify standards for curb-cuts and driveways in various zoning districts.

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

Accessory Living Spaces:

Great Falls, like cities throughout the U.S., has seen a trend towards homeowners desiring to have a game room, craft room, gym, playroom for kids or other bonus spaces. While these bonus spaces are typically found within the principal structure (in the basement, above the attached garage, etc.) they may just as easily be in a separate detached structure on the property or above a detached garage.

There has also been a growing trend towards multi-generational households where adult children move back to live with their parents because they cannot find employment. Also, seniors are moving in with their children for health and/or economic reasons.

Over recent months the Planning & Community Development Department has been responding to many questions from homeowners regarding whether such uses are allowable on their properties. Staff has also dealt with issues arising from homeowners who construct living space without considering zoning, consulting planning staff or obtaining building permits. In these instances staff is bound to act to enforce zoning codes and retroactively issue permits and inspect improvements to ensure life safety of current and future owners and occupants of those spaces.

In the proposed LDC amendments planning staff establishes/clarifies regulations that allow homeowners reasonable enjoyment of their properties, while providing necessary protections for neighbors and upholding provisions in the zoning code as it relates to the number of dwelling units allowed on a lot.

Existing Code

According to Chapter 8 Interpretation, Construction and Definitions, LDC a Private Garage “means a building that is intended to house vehicles and household items belonging to the owner or occupant of the principal residence” and an Accessory Building/Structure “means any building or structure that is clearly incidental and subordinate to and customarily found with a principal use.”

Garages may be up to 24 feet in height while accessory structures are limited to a maximum height of 12 feet. It’s clear that the authors of the code at the time were thinking about accessory structures in terms of shops, sheds and the like. However, there is no reason that bonus or “accessory” living space such as a game room, hobby room, etc. could not be detached from the principal structure so long as it’s limited in size, secondary to the principal structure and adheres to minimum setbacks and maximum height requirements. Game rooms and hobby rooms are commonly found within a principal structure, but, if located in an accessory structure that is subordinate in bulk and height, are still clearly incidental and subordinate to the principal structure.

It also follows that a homeowner should be able to use bonus living space, either permanently for immediate family members or

Accessory Living Spaces



occasionally for visiting friends and relatives, in the same way that they could without question accommodate them in the principal structure. What a homeowner cannot do is violate zoning standards that regulate the number of dwelling units permitted on a lot. The zoning code is the primary development standard that defines the character of residential zoning districts and the basis upon which homebuyers make real estate choices and investments.

Specific Code Changes

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

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

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

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

Prohibitions on accessory living spaces include:

- Accessory living spaces cannot be separately rented, leased or sold
- Accessory living spaces cannot contain home occupations
- Accessory living spaces cannot have full independent kitchen facilities
- Accessory living spaces cannot be separately addressed or metered
- Accessory living spaces cannot exceed 750 square feet

These prohibitions are designed to ensure that accessory living spaces remain accessory to the principal structure and are of a size and composition that don't lend themselves to illegal conversion to separate dwelling units.

In summary, these proposed code changes respond to new economic realities for many families as well as changing consumer preferences. The changes accommodate reasonable use of private property and the preservation of green space. The changes allow homeowners with property of adequate size the opportunity to have accessory living space in a detached structure, just like they could with an expansion of the principal structure. These accessory living spaces must be limited in size and always be secondary to the principal structure in terms of bulk and height. Reasonable limitations are imposed to make it impractical to convert these accessory living spaces into separate dwelling units where that would be a violation of the zoning code. In addition, design standards and prohibition on home occupations are designed to minimize any negative impacts on adjacent property owners.

Note:

Above is a discussion of accessory living spaces. The proposed changes do not change the fact that a homeowner cannot create a separate rentable dwelling unit that would violate zoning regulations.

In the R-1 single-family suburban zoning district, having two dwelling units on one lot is expressly prohibited. The R-1 district is the only residential zoning district in Great Falls that is strictly single-family; the district is generally characterized by larger lots and lower densities; it allows market gardens and keeping of livestock/chickens; and thereby provides an alternative for homeowners who prefer a more private and semi-rural lifestyle while receiving city services.

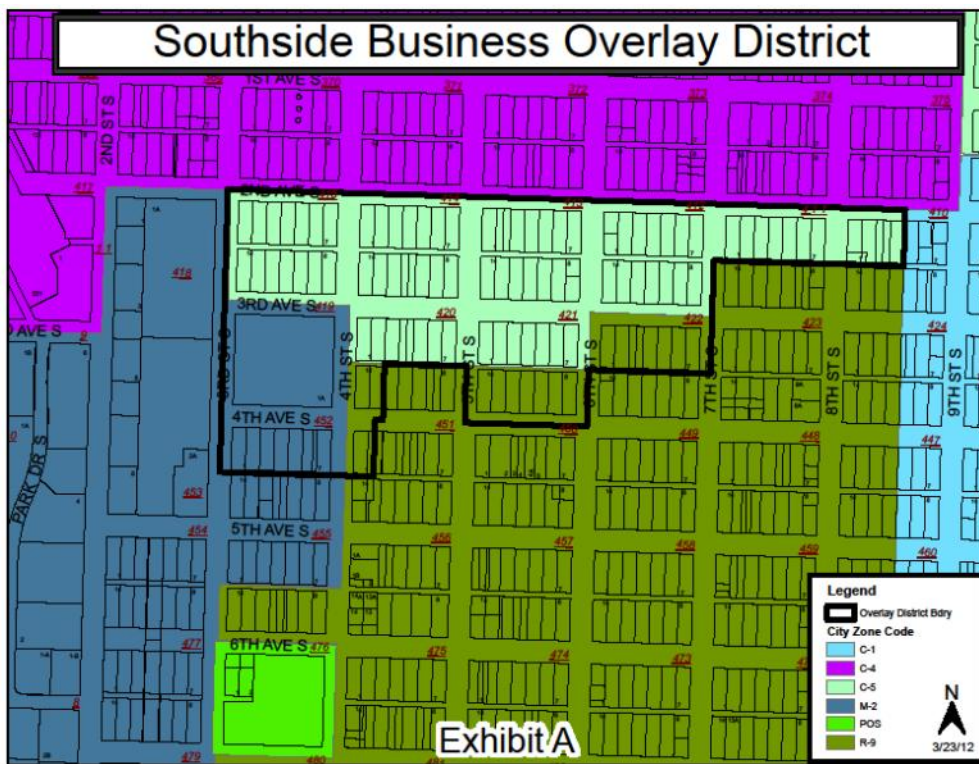
In the R-2 single-family medium density and in the R-3 single-family high density zoning districts a homeowner may seek planning approval for a second dwelling unit through the Conditional Use Permit (CUP) process. This process provides neighbors an opportunity for input on the merits of such an application in public hearings before the Planning Board and City Commission. The CUP process gives elected officials final authority to approve or disapprove such a request based on specific site conditions and taking into account public comment.

Southside Overlay District:

Existing Code

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

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



Specific Code Changes

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

Community Gardens:

Existing Code

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

Specific Code Changes

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



Downtown Parking:

Existing Code

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

Specific Code Changes

Given initiatives underway to attract new businesses and promote development/redevelopment in the downtown area, and given that payment in lieu of parking has not been applied in the recent past, it is proposed to retain the Director's discretion to waive minimum parking requirements where warranted in the Central business core, but formally eliminate the payment in lieu provision. Because the Downtown Parking District generally encompasses the C-4 and C-5 zoning districts and because the C-5 district has similar development patterns and access to public parking as the C-4 district, staff recommends allowing the Director to waive minimum parking requirements in the C-5 zoning district on a site-specific basis.

Driveways:

Existing Code

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

Specific Code Changes

Proposed changes would allow the City Engineer to require plans prior to approval of certain driveways, would allow flexibility on maximum driveway widths in commercial and industrial zoning districts, would require driveways to be of adequate length to accommodate parking behind the building setback, would prohibit “U” shaped driveways in single-family neighborhoods and allow up to three curb-cuts on properties in Commercial/Industrial/PLI districts with a lot frontage of over 400 feet instead of the current minimum lot frontage of over 600 feet.

Other minor LDC changes, clarifications and new definitions are included in the package of proposed amendments.

Public Notice Requirements

Consistent with statutory public notice requirements, notice of this public hearing was published in the “Legals” Section of the Great Falls Tribune on Sunday March 25, 2012.

Recommendation:

The Planning Advisory Board, acting as the Zoning Commission, recommends the City Commission adopt the proposed Title 17 code amendments.

Next Steps:

The recommendation of the Planning Advisory Board will be forwarded to the City Commission. City Commission will be asked to consider Ordinances related to these amendments to the Land Development Code (Title 17) and other associated amendments to City Code.

Attachments:

Summary of Proposed 2012 Amendments, Land Development Code (Title 17)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer

Summary of Proposed 2012 Amendments Land Development Code (Title 17)

| Title, Chapter, Article, Section | Proposed Amendment | Reason for Amendment |
|--|--|---|
| 17.8 Interpretations, Construction, and Definitions | | |
| 17.8.120 General definitions | | |
| | <p>“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.</p> | Defined new accessory land use |
| | <p>“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.</p> | Defined new land use |
| | <p>“Family, immediate” means a person who is related to another as a natural or legally defined child, spouse, sibling, parent, grandchild, grandparent, mother-in-law or father-in-law.</p> | New definition for term used in accessory living space special standards in Chapter 20 |
| | <p>"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.</p> | Clarified difference between attached and detached garages for application of standards in Chapter 20 |
| | <p>"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.</p> | Clarified difference between attached and detached garages for application of standards in Chapter 20 |
| | <p>"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.</p> | Clarified accessory residences are accessory to non-residential principal uses |
| | <p>"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.</p> | Format correction for consistency |
| | <p>"Residence, two-family" means a single building or buildings that is are situated on one (1) lot and that contain(s) a total of two (2) dwelling units.</p> | Corrected to match definition in Appendix F, changed in 2010 |

| 17.20 Land Use | | |
|---|---|---|
| 17.20.2.040 - Establishment and purpose of districts | | |
| 17.20.2.040.B Overlay districts | 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. | New overlay district to allow additional uses in a portion of the City, if certain conditions are met |
| 17.20.3 Exhibit 20-1 Principle uses by district | | |
| | Added “Climate controlled indoor storage” as allowable use in all commercial, mixed-use and industrial zoning districts. | Added as allowable use, not previously addressed |
| | Changed “Community garden” from a Conditional to a Permitted use in the C-5 zoning district. | To allow for utilization of vacant lots in the C-5 zoning district as community gardens without requiring a conditional use process |
| | Added “Secondhand sales” as a Permitted use in the C-4 and C-5 zoning districts | To legitimize existing second-hand businesses in these districts, and allow for establishment of same |
| 17.20.3 Exhibit 20-2 Accessory uses by district | | |
| | Added “Accessory living space” as a permitted accessory use to a single-family home in all zoning districts but R-10, POS, AI, I-1 and I-2, if certain standards are met. | Added to allow for additional living space options |
| 17.20.3 Exhibit 20-4 Development standards for residential zoning districts | | |
| | Removed footnote references to “Hillside overlay district”, which was never adopted | Clarified footnote |
| | Maximum building height of detached private garage [1] | Clarified for consistent terminology |
| | Added “ each side ” to sideyard setbacks, where missing | Clarified for consistent terminology |
| Footnote 1 | [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. | Removed reference to hillside overlay district, clarified measurements for attached private garages |
| Footnote 3 | [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. | Provided section citation for zero lot-line projects, provided citation for new accessory living spaces |

17.20.7 Special standards for accessory uses

.010 Accessory living space

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 single-family home, or as accessory to and on the same lot as a simultaneously constructed 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. Dimensional 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:

Adds special standards for accessory living spaces to outline conditions that must be met for establishment of same

.010 Accessory living space (continued)

- 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 and/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.

| <p>.010 Accessory living space (continued)</p> | <ol style="list-style-type: none"> 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. | | | | | | | | | | | | | |
|--|--|---------------------------------------|--|----------------------------------|--|-------|-------|-----------------|-------|------------------|-------|----------------------------|-------|---|
| <p>.060 Garages, private</p> | <p>Private garages shall occupy no more than the space area shown in Exhibit 20-9, provided other development standards can be met.</p> <p>A. Measurement. Garage area limitation measurements are guided by the following provisions:</p> <ol style="list-style-type: none"> 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. <table border="1" data-bbox="361 1076 1362 1386"> <thead> <tr> <th colspan="2">Exhibit 20-9. Garage area limitations</th> </tr> <tr> <th>Parcel Lot Size (Square Feet)</th> <th>Total Maximum Garage Area (Square Feet)</th> </tr> </thead> <tbody> <tr> <td>7,500</td> <td>1,200</td> </tr> <tr> <td>7,501 to 10,000</td> <td>1,400</td> </tr> <tr> <td>10,001 to 43,599</td> <td>1,600</td> </tr> <tr> <td>43,600 (1 acre) and higher</td> <td>1,800</td> </tr> </tbody> </table> | 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 | <p>Clarified measurement methodology for private garages, including new accessory living spaces</p> |
| 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 Transportation Facilities

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.**

Various revisions to improve driveway and curb cut access provisions

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| | <p>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.</p> <p>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)</p> | |
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| <p>Exhibit 32-4. Number of curb cuts</p> | <p>Exhibit 32-4. Number of curb cuts.</p> <table border="1" data-bbox="361 649 1131 933"> <thead> <tr> <th>Residential Lot Frontage</th> <th>Number Allowed</th> </tr> </thead> <tbody> <tr> <td>less than 101 feet</td> <td>1</td> </tr> <tr> <td>101 feet or more</td> <td>2</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <th>Commercial/Industrial/PLI Lot Frontage</th> <th>Number Allowed</th> </tr> <tr> <td>Less than 51 feet</td> <td>1</td> </tr> <tr> <td>51 feet to 600 400 feet</td> <td>2</td> </tr> <tr> <td>More than 600 400 feet</td> <td>3</td> </tr> </tbody> </table> | 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 | <p>Edit to allow for more effective use of commercial lots</p> |
|--|---|--------------------------|----------------|--------------------|---|------------------|---|--|--|--|----------------|-------------------|---|---|---|--|---|--|
| 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 | | | | | | | | | | | | | | | | | |

17.36 Parking

17.36.2.050 Payment in lieu of parking

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|--|---|--|
| | <p>17.36.2.050 - Payment in lieu of parking Parking requirement in the central business core (C-4) and central business periphery (C-5) zoning districts.</p> <p>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.</p> <p>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.</p> | <p>Removed the requirement for payment in lieu of parking in the C-4 zoning district; added the C-5 zoning district to this provision for additional flexibility; changed title of Section to reflect revised intent</p> |
|--|---|--|

17.57 Southside Business Overlay District (new chapter)

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.**

Allow additional, historic uses in the commercial area south of the central business district, provided certain conditions are met. This is intended to provide flexibility in use for the commercial health of the area, while still maintaining protection of adjoining residential areas

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| | <p>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.</p> <p>A. Warehouse. B. Light industrial. C. Micro-brewery. D. Construction materials sales.</p> <p>17.57.050 General standards. The following conditions must be met before and adhered to after establishment of any use under this Chapter.</p> <p>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.</p> <p>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.</p> <p>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.</p> | |
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17.64 Nonconformities

17.64.020 Nonconforming uses

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| A.1 Change or expansion of nonresidential uses | <p>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.</p> | Corrects table reference |
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Appendix F - Land Use Definitions

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| | <p>"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)</p> | Removes land use definition that should have been removed during prior code amendments |
| | <p>"Residence, two-family" means a building or buildings situated on one (1) lot that contain(s) a total of two (2) dwelling units.</p> | Grammar correction |
| | <p>"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.</p> | Adds new land use definition under "General Storage" to reflect change to Table 20-1 |

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| | <p>“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.</p> | <p>Adds new accessory land use definition under “Accessory Uses” to reflect change to Table 20-4</p> |
| | <p>"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. <i>(Ord. 2950, 2007)</i></p> | <p>Clarified accessory residences are accessory to non-residential principal uses</p> |