



**Planning Advisory Board/Zoning Commission  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
July 27, 2021 3:00 PM Agenda**

**UPDATES CONCERNING PROCESS OF MEETINGS**

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- Effective May 4, 2021 Planning Advisory Board/Zoning Commission members and City staff will be attending the meeting in person.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
  - Attend in person. Please refrain from attending in person if you are not feeling well.
  - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, July 27, 2021, to: [jnygard@greatfallsmt.net](mailto:jnygard@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
  - Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties

**OPENING MEETING**

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions  
**Dave Bertelsen - Chair**  
**Chuck Pankratz - Vice Chair**  
**Lindsey Bullock**  
**Kelly Buschmeyer**  
**Pat Green**  
**Tory Mills**  
**Samantha Shinaberger**
3. Recognition of Staff
4. [Approval of Meeting Minutes - June 22, 2021](#)

**BOARD ACTIONS REQUIRING PUBLIC HEARING**

- 5. Subsequent Minor Subdivision – Rivers Edge Dental Minor Subdivision addressed as 1900 River Dr N and legally described as Lot 2, Block 3, Edgewater Industrial Tract No. 3, Section 6, T20N, R4E, M.P.M., Great Falls, Cascade County, Montana.
- 6. OCCGF Title 17, Chapter 20 Garage and Accessory Structures Amendments (Ordinance 3232)

**BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

**COMMUNICATIONS**

**PUBLIC COMMENT**

*Public Comment on any matter and that is within the jurisdiction of the Planning Advisory Board/Zoning Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.*

**ADJOURNMENT**

*(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)*

*Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk’s Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.*

*Planning Advisory Board/Zoning Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Thursday at 7 p.m.*

**MINUTES OF THE MEETING  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
June 22, 2021**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:00 p.m. in the Commission Chambers at the Civic Center

**ROLL CALL & ATTENDANCE**

**UPDATES CONCERNING PROCESS OF MEETINGS**

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Planning Board Members present:

Dave Bertelsen, Chair  
Charles Pankratz, Vice Chair  
Lindsey Bullock  
Kelly Buschmeyer  
Pat Green  
Tory Mills  
Samantha Shinaberger

Planning Board Members absent:

None

Chair Bertelsen welcomed Pat Green as a new member of the Planning Advisory Board/Zoning Commission.

Planning Staff Members present:

Tom Micuda, Deputy Director Planning and Community Development  
 Erin Borland, Planner III  
 Lonnie Hill, Planner I  
 Jamie Nygard, Sr. Admin Assistant

Other Staff present:

Jeff Hindoien, Deputy City Attorney

Mr. Micuda affirmed a quorum of the Board was present.

### **MINUTES**

Chair Dave Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on May 25, 2021. Seeing none, Mr. Pankratz moved to approve the minutes. Ms. Shinaberger seconded, and all being in favor, the minutes were approved.

### **BOARD ACTIONS REQUIRING A PUBLIC HEARING**

**Annexation of Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast; and establishment of R-2 Single-family Medium Density zoning.**

Lonnie Hill, Planner I, presented to the Board. He stated that the applicant, Bryan Hicks, of 2249 Upper River Road, submitted an annexation application on April 21, 2021, for the purpose of connecting his single-family residence to City water and sewer utilities. The applicant has requested R-2 Single-family Medium Density zoning for the property. The Annexation will include the Right-Of-Way of Upper River Road to the City limits.

The parcel is 0.24 acres and is located in Phase 5 of the Upper/Lower River Road Water and Sewer District (ULRRWSD). Mr. Hill stated that the five Service Districts were created to improve water quality, resolve public health issues, remove sources of groundwater contamination in the area, and improve the tax base of the community. Previously, Service Districts 1, 2, most of 3, and 4 were wholly annexed into the City. District 5 is next in line to be annexed at an undetermined date. Although the District received funding and installed water and sewer mains within the Phase 5 area, the City has not received enough petitions to move forward with a district annexation. Instead, individual property owners have petitioned for annexation over the last several years.

Mr. Hill presented an Aerial Map, Site Photo and Zoning Map of the subject property.

Mr. Hill also presented the Findings of Fact for Annexation and establishment of R-2 zoning.

- Contiguity by annexing Upper River Road
- Consistent with the Growth Policy
- Public Services will be provided
- R-2 Single-family Medium Density aligns with zoning of the surrounding area of Grandview Tracts and Aligns with the current use of the subject property.

Mr. Hill stated that Staff recommends approval of the annexation of Tract No.2 of COS 2660 and the adjoining right-of-way of Upper River Road from the west property line of Tract No.2 to the existing City limit boundary to the southeast, and assignment of R-2 zoning with the following conditions:

Conditions of Approval for Annexation and Establishment of Zoning:

- The applicant’s request will comply with City code..
- The Annexation Agreement shall be recorded.
- The Land Use and Zoning will meet R-2 zoning district requirements.

Mr. Hill stated that the Planning Advisory Board/Zoning Commission could recommend denial of the annexation and zoning map amendment request. For those actions, the Planning Advisory Board/Zoning Commission must provide separate Findings of Fact/Basis of Decision for denial of the annexation and establishment of zoning.

**PETITIONER’S PRESENTATION**

Bryan Hicks, 2249 Upper River Road, Great Falls, stated that he has lived at the subject property for over 25 years. He stated that he is looking to annex into the City for the purpose of City water and sewer.

**PROPOSERS**

None.

**OPPOSERS**

None.

**BOARD DISCUSSION AND ACTION**

**MOTION:** That the Planning Advisory Board recommend the City Commission approve the Annexation of Tract No.2 of COS 2660 and the adjoining right-of-way of Upper River Road as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Mills

Second: Ms. Buschmeyer

VOTE: All in favor, the motion carried 7-0

MOTION: That the Zoning Commission recommend the City Commission approve the establishment of R-2 Single-family Medium Density zoning for Tract No.2 of COS 2660 as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Ms. Shinaberger

Second: Ms. Bullock

VOTE: All in favor, the motion carried 7-0

**Modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18<sup>th</sup> Ave N to allow the temporary storage of Anhydrous Ammonia (NH<sub>3</sub>) onsite in order to manufacture Ammonium Polyphosphate (APP).**

Ms. Borland, Planner III presented to the Board. She gave some background on the project. She stated that on October 2, 2012, Resolution 9993 was adopted and Ordinance 3097 was approved to annex and assign the Planned Unit Development (PUD) zoning classification to AgriTech Park Addition. She stated that AgriTech Park measures roughly 196.549 acres. Helena Agri-Enterprises, LLC (Helena Chemical) is a national fertilizer company that has been in business since 1957 and became established in Great Falls at AgriTech Park on Lot 3A in 2016. The City Commission approved the CUP for the Helena Chemical project on March 17, 2015 by adopting Resolution 10096. The property is very close to Malmstrom Air Force Base as well as Giant Springs Park, so a lot of planning went into the project when Helena Chemical moved in.

Helena Agri-Enterprises, LLC receives large quantities of dry and liquid fertilizer from rail and truck, and then will mix, blend, store, and redistribute large quantities of fertilizer to farmers across Montana.

Ms. Borland stated that Chapter 20 of Title 17 of the Official Code of the City of Great Falls (OCCGF) requires a Conditional Use process for the handling of hazardous materials. She stated that a Conditional Use Permit was required when Helena Chemical requested to establish their operation on Lot 3A of Agri-Tech Park. In 2015, staff identified two chemicals to not be permitted to be brought into the facility. These were ammonium nitrate and anhydrous ammonia. The cautions at the time were related to the flammable nature of the chemicals, however, staff has recently been contacted by the applicant requesting that the CUP be modified to allow anhydrous ammonia because of the need to supply ammonium polyphosphate (APP) to local farmers. The amendment requested will allow Helena Chemical to store anhydrous ammonia (NH<sub>3</sub>) onsite for short periods of time in order to produce ammonium polyphosphate (APP). The proposed process will require rail cars or trucks to be staged on the existing rail line or facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished APP and will use all the anhydrous ammonia stored in the rail cars or trucks in approximately twenty-four hours. The rail cars or trucks will be connected to the vessels and attached to the blending unit by hose. The ammonia

will be discharged from the unit by hose to existing plumbing and tanks. Helena Chemical anticipates the blending operation will be needed two times per calendar year. The NH<sub>3</sub> will be transported by four rail cars (16 trucks) and involve usage of approximately 60,000 gallons of water.

Ms. Borland presented the Basis for Decision for a Conditional Use Permit listed in OCCGF §17.16.36.040:

- The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
- The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Staff from various departments including Fire Rescue staff, have reviewed the proposal and find that the amendment is a reasonable modification of the 2015 CUP. The Staff recommendation is based on the ongoing efforts that Helena Agri-Enterprises, LLC has taken over the years to ensure safety in the chemical handling processes. Staff does recommend modification of the CUP.

Ms. Borland presented a few of the Conditions for approval:

- Chemicals: The applicant shall not handle or store ammonium nitrate at the site
- Emergency Management Plan: An Emergency Management Plan shall be updated and approved by the Great Falls Fire Department, before the amendment to allow the chemical can take place. The plan shall be reviewed annually at the time the applicant renews its Safety Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City's adopted fire code and other applicable regulations.
- Spill Prevention and Control Plan: The applicant shall review and update if necessary the Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3 to the Director of Public Works for review and approval before the amendment to the Conditional Use Permit can take place.
- Industrial Wastewater Survey: The applicant shall provide an updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.

### **PETITIONER'S PRESENTATION**

Gareth Davis introduced himself as the Western Unit Business Manager for Helena Chemical. He stated that he covers the western United States spanning from North Dakota down to California and Arizona. Ammonium Polyphosphate is a vital product for growers that carries nitrogen and phosphorus for the plants that they are growing. The product over the years has been difficult to acquire, so typically they already have tanks on site that store ammonium polyphosphate which is non-hazardous after the two products and water are blended. Because of the region that we are in, it is time sensitive to get the product out and the fertilizer out at the right time because of the dry land farming cultivation. He stated that the portable system that they are proposing is a contracted unit that is officially approved by the corporate office and went through several different

protocols to get on the list to allow the blending unit to be utilized at the facility. They have several facilities that utilize the blending unit.

Mr. Davis also introduced the project team at the meeting. Also present were Jake Godfrey, the Area Manager, Brooks Hammel, the Montana Branch Manager, and Burl Brawley, the Great Falls Location Manager.

### **PROPONENTS**

Brett Doney, Great Falls Development Authority, citizen of Great Falls, stated that Helena Chemical was one of the first businesses to build in the Agri-Tech Park and has been a wonderful tenant and they have done extensive due diligence due to the nature of their business. He stated that they went through great pains to build a heavy rail industrial park, and the new rail line is for businesses like the applicant. He stated that under the past planning staff, GFDA supported some of the PUD items and conditions that were proposed by the City. Other conditions requested they opposed, such as striping bike lanes through a heavy rail industrial park. The area is intended as a heavy rail industrial park and they have worked closely with the Air Force, with the caveat that the Air Force took land by eminent domain to build housing when they were aware that a heavy industrial rail facility would be built on the south side of 18<sup>th</sup> Avenue North. GFDA is still planning a large heavy industrial rail served area in the future. There is a large buffer between the Agri-Tech Park and the residential area so they strongly support the applicant, as it is exactly for what the park is intended.

### **OPPONENTS**

None.

### **BOARD DISCUSSION AND ACTION**

Ms. Shinaberger asked if Malmstrom Air Force Base had commented on the request. Ms. Borland responded that they were sent the Agenda Report and as of the meeting, Staff did not receive any comments back from them., They will be in the loop throughout the process as well as Neighborhood Council #4. A meeting for the Council is being held on June 24, 2021.

Ms. Bullock asked if the process was done at other facilities. Mr. Davis responded that they have stationary and portable units at several locations throughout the United States. They have over 500 locations. He stated that Anhydrous Ammonia is a very common product for their industry and for the refrigeration industry. They are very familiar with what is required and have consulted with engineers and chemists to know exactly how the product needs to be blended in order to create the finished product.

**MOTION:** That the Zoning Commission recommend the City Commission approve the request to modify the existing Conditional Use Permit for the subject property as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Pankratz  
 Second: Ms. Buschmeyer



VOTE: All in favor, the motion carried 7-0

**Request for a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57<sup>th</sup> Street South and legally described as the South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20N, R4E, P.M.M., Cascade County, Montana**

Lonnie Hill, Planner I, presented to the Board. He stated that the applicant, Set Five LLC, submitted an application on February 19 requesting a Conditional Use Permit to allow “Vehicular services” within the C-1 Neighborhood Commercial Zoning District, for the property located at 620 57<sup>th</sup> Street South. The original application was pulled from the March 23, 2021 Planning Board Agenda at the applicant’s request. The applicant has asked for a reduced landscape buffer from the code required 15 feet to a 5 foot buffer along the North property line to allow for a larger turn radius on the site to accommodate larger vehicles. In response to the applicant’s request for the smaller than required buffer, the staff requested the applicant submit additional information to address the potential impacts of the project to the surrounding properties. The Agenda Report reflects the changes and the addition of the information provided by the applicant, which is included as the last attachment - Exhibit A Additional Materials.

Mr. Hill presented an Aerial Map, Zoning Map, Site photos, and a Preliminary Site Plan of the property.

Mr. Hill stated that the property previously housed a gas station since the 1960’s and the applicant plans to remove all existing features of the gas station, with the exception of the signage on the corner of 57<sup>th</sup> Street South and 7<sup>th</sup> Avenue South. The applicant is proposing a car wash with 3 self-carwash bays, 1 auto wash bay, a potential dog washing station, and potential future onsite electric charging stations. The applicant has stated that the redevelopment response is due to a change in economic changes due to competition from other gas stations in the area, but that the automotive nature of the site will remain consistent with the historical use. Mr. Hill stated that the use of a car wash is identified as vehicular services that includes car washes, which is conditionally permitted in the C-1 zoning district. He stated that because the project includes a complete redevelopment of the subject property, staff notified the applicant that they would have to go through the Conditional Use Permit process, even though the previous use was a vehicular service use.

The proposed improvements to the site are going to greatly improve what is there currently. There will be a controlled access point on 57<sup>th</sup> Street South, 56<sup>th</sup> Street South and 7<sup>th</sup> Avenue South. The boulevards along 57<sup>th</sup> Street South and 56<sup>th</sup> Street South will be landscaped and there will be a 5 foot buffer and 6 foot tall fence along the north property line.

Mr. Hill Presented the Basis of Decision:

Consistent with the Growth Policy:

- Environmental Policy
- Physical Policies
- Will not be injurious to enjoyment of surrounding property or substantially diminish property values

- Adequate Ingress/Egress

Mr. Hill stated that the applicant will be required to meet the standards within Chapter 40 – Outdoor Lighting of Title 17. Specifically, the applicant is required to not exceed three tenths (0.3) foot-candles along the northern property line adjoining the existing residences and not to exceed (1.0) foot-candle along all other property lines. The project is also required to meet the standards for “Light Commercial District” within Chapter 53 – Noise of Title 8 of the OCCGF. Specifically, the development is limited to 65 dB(A) from 7:00 a.m. to 8:00 p.m. and 60 dB(A) from 8:00 p.m. to 7:00 a.m. per OCCGF §8.53.040 – Noise Levels- Limitations for structures and open spaces-dB(A)-Table I. He stated that potential mitigation could be required if the site was found to be not in compliance with the light or noise standards.

Mr. Hill stated that Staff recommends approval of the Conditional Use Permit, subject to the following conditions as further detailed in the agenda report:

Conditions of Approval:

- Subsequent Modifications and Additions
- Non-Establishment
- Abandonment
- General Code Compliance
- Potential Mitigation: The applicant shall employ mitigation measures as may be necessary in order to maintain compliance with ordinances listed within the Official Code of the City of Great Falls, including but not limited to provisions within Title 8, Chapter 53 – Noise and Title 17, Chapter 40 – Outdoor Lighting.

Mr. Hill stated that the Zoning Commission could recommend denial of the Conditional Use Permit. If so an alternative Basis of Decision would be required to support this action.

Mr. Hill stated that this project is located in Neighborhood Council #4 and they are not meeting until June 24, 2021. The materials have been shared with the Council Members and staff will present to them at the meeting to get their feedback.

### **PETITIONER’S PRESENTATION**

Joe Murphy, Big Sky Civil and Environmental, 1324 13<sup>th</sup> Avenue Southwest in Great Falls, stated that he was there on behalf of the applicant and owner, Jim Woods of Set Five LLC. He stated that the property owner wishes to redevelop the property with modern site improvements to include landscaping, site obscuring fence to the north and a car wash. It is likely that they will eventually install an electric charging as well. He stated that there will be a major improvement to the property from what is sitting there currently. Mr. Murphy thanked City Staff for allowing them to work through their concerns regarding mitigating measures and allowing them to address the potential effects to surrounding residential properties in the neighborhood.

### **PUBLIC COMMENTS**

Tom Wald, 309 Ridgeview Court, stated that he owns the property to the North. It is a 4-plex at 617 57<sup>th</sup> Street North. He stated that he is not opposed to the project and that he just had a few questions. He asked if the 6 foot fence would be a privacy fence. His concern was that there

are small children that have a swing set in the backyard and he doesn't want to expose them to people coming and going out of the car wash. Mr. Wald also expressed concern about the lighting and doesn't want bright lights all night. He also expressed concern about sound and also wanted to know what the hours of operation are going to be.

Mr. Hill did respond to the concerns from Mr. Wald. He stated that the proposal is going to be consistent with what is required in the code. At the north property line, the code calls for it to be 0.3 foot candles which is a very low level of lighting. He stated that the noise requirements that are set up in the code are listed from 7:00 a.m. to 8:00 p.m. and 8:00 p.m. to 7:00 a.m.

Mr. Murphy addressed the fencing concern and stated that there will be a site obscuring fence put up. They are also going to put in trees, as mature as possible, along the North property line to give even more of a buffer. They will work with the City on lighting to make it as dim as possible. He addressed the noise concern and stated that the vacuums that will be on site, will be ones that the owner is working with the manufacturer to get the lowest decibel. He did address the hours of operation as well and stated that he believes that it is the owner's intent that they would be available to the public 24 hours a day. He stated that he would be willing to work with Mr. Wald to address any concerns he has with his property line on the north.

Mr. Micuda did address the Board and let them know that lighting and noise is measurable by the City, so it can be enforced.

### **PROPOSERS**

Brett Doney, Great Falls Development Authority, citizen of Great Falls, stated that he did go out to the site and thinks that the proposed project is an improvement because there is no landscaping on 56<sup>th</sup> Street South or 57<sup>th</sup> Street South and it is just asphalt up to the property line on the north. He stated that the Great Falls Development Authority would love to see the commercial businesses on 57<sup>th</sup> Street South revitalized. He stated they have also been trying to see the same for the businesses on 2<sup>nd</sup> Avenue North, from 57<sup>th</sup> Street South into the main entrance of the Base. He stated that they have also tried to encourage the City, the County and MDT to place the faux pavers in the center lane of 57<sup>th</sup> Street South, as it is the main entrance to Malmstrom Air Force Base. He thanked City Staff because he knows that it has been a long struggle.

### **OPPONENTS**

None.

### **BOARD DISCUSSION AND ACTION**

Mr. Bertelsen asked if there was mitigation for the tanks on the property as it was a gas station. Mr. Murphy responded that the entire existing building will be razed and the canopies and tanks will be removed from the site compliant with the DEQ requirements. Mr. Murphy also said that during Phase I and Phase 2 of ESA [Environmental Site Assessment] process, there was a small amount of contamination that has been addressed. It is a closed petroleum leak site, so there should not be any surprises when the tanks get pulled, but they are prepared to address whatever is necessary. Mr. Wald asked if the extent of the contamination has been found and wanted to know if it could have leaked onto his property. Mr. Murphy stated that they did drill investigative test holes around the perimeter of the property and installed some temporary ground water

monitoring wells. They found some very residual contamination within the inside of the property and did not find any to the north by his property.

MOTION: That the Zoning Commission recommend the City Commission approve the Conditional Use Permit for the Subject Property as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Shinaberger  
Second: Mr. Mills  
VOTE: All in Favor, the motion carried 7-0

**COMMUNICATIONS**

Mr. Micuda stated that staff is anticipating the meeting for July 13, 2021 to be canceled and stated that there may be two Agenda Items for the July 27, 2021 meeting. One will be City initiated for a text amendment to City Code regarding accessory structures and making some changes to the code for garage sizes. The other item will be a minor subdivision request along River Drive near the TD & H building

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

There being no further business, Chair Bertelsen adjourned the meeting at 4:04 p.m.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY



Meeting Date: July 27, 2021

**CITY OF GREAT FALLS  
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

**Item:** Subsequent Minor Subdivision – Rivers Edge Dental Minor Subdivision addressed as 1900 River Dr N and legally described as Lot 2, Block 3, Edgewater Industrial Tract No. 3, Section 6, T20N, R4E, M.P.M., Great Falls, Cascade County, Montana.

**Initiated By:** Allan Currie, Owner

**Presented By:** Lonnie Hill, Planner I

**Action Requested:** Recommendation to the City Commission

**Public Hearing:**

1. Chairman of the Board conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Board closes public hearing and asks the will of the Board.

**Suggested Motion:**

1. Board Member moves:

“I move that the Planning Advisory Board recommend the City Commission (approve/deny) the minor subdivision as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

2. Chairman calls for a second, board discussion, and calls for the vote.

**Background:**

The subject property, which is located southeast of the intersection of River Drive North and 19th Street North, consists of ± 2.97 acres and is within the M-2, Mixed-use Transitional zoning district. The western third of the property is developed as Rivers Edge Dental, while the eastern two-thirds of the property remains undeveloped. The preliminary plat provided as an attachment shows the proposed lot configuration. The applicant intends to subdivide the property into three lots. Two additional lots would be created upon the undeveloped portion of the property for future development. The property is surrounded by Mixed-use Transitional zoning to the west, south and east, and Parks and Open Space zoning to the north with the Rivers Edge Trail and the Missouri River across River Drive North.

**Subsequent Minor Subdivision Request:**

The applicant is requesting what’s known as a subsequent minor subdivision of the property because the original 2.97 acre parcel was created through a previous subdivision. The applicant proposes to create three lots; Lot 2A which will consist of 1.082 acres and is currently developed as Rivers Edge Dental,

Lot 2B which will consist of 1.161 acres and is currently undeveloped, and Lot 2C which will consist of 0.728 acres and is currently undeveloped. Each of these proposed lots conforms to the lot area and dimensional standards of the M-2 zoning district.

The applicant proposes to create a new thirty (30) foot wide private access & utility easement along the rear of the property that is identified on the plat. This will allow both new lots to be accessed from the rear rather than through new access points from River Drive North. This proposed easement will allow for the extension of a new water main and a driveway to access Lot 2B and Lot 2C from the intersection of 12<sup>th</sup> Ave N and 19<sup>th</sup> St N. An existing sewer main runs along the rear of parcel and would also be contained in the new easement. There is an existing storm drain line and easement running along the east end of the parcel that will outlet future storm water runoff from developed property into the Missouri River.

The basis for a decision to approve, conditionally approve, or deny a proposed subdivision is whether it is demonstrated that development of the proposed subdivision meets the requirements of the Montana Code Annotated (MCA), is consistent with the City's zoning regulations and is in the public interest. Staff has reviewed the proposed project in relation to the City's zoning regulations. In addition, Staff developed Findings of Fact for the proposed subdivision and concludes the subdivision meets the requirements provided by 76-3-608(3) MCA. The full Findings of Fact are included as an attachment to this report.

**Neighborhood Council Input:**

Pursuant to MCA and the Official Code of the City of Great Falls (OCCGF) § 17.16.4.010 Table 16-2, minor subdivisions do not require Neighborhood Council notification. However, as a courtesy Lanni Klasner, the City's Communication Specialist, provided information regarding the proposed minor subdivision to Neighborhood Council #8 members. Staff has not received input from Council Members and the Council is currently on summer break.

**Concurrences:**

Representatives from various City departments, including the Public Works Department and Fire Department, have been notified of the applicant's request pursuant to Agency Notification requirements listed within OCCGF 17.16.4.010 Exhibit 16-2.

**Fiscal Impact:**

The cost of site improvements, including any utility services, will be paid by the property owner or future developer. The Public Works Department has identified the sanitary sewer infrastructure as near capacity downstream from the subject property. Future development proposals of Lot 2B and 2C will be reviewed for impacts to the existing sanitary sewer system and improvements to the system may be required depending on results of the analysis. This information was conveyed to the applicant's consulting engineer. Staff was told the applicant's desired use of the lots includes smaller businesses similar to the size and impact of Rivers Edge Dental, and will likely not require upgrades to the existing sewer infrastructure. All other existing public utilities can accommodate future increased capacity. Public safety services are currently being provided to the property and will not be affected.

**Staff Recommendation:**

Staff recommends approval of the subsequent minor subdivision of the subject property legally described as Lot 2, Block 3, Edgewater Industrial Tract No. 3 with the following conditions:

**Conditions of Approval:**

1. The applicant shall provide an amended plat of the subject property which shall be in compliance with survey requirements of this Title and State law and incorporate corrections of any errors or omissions noted by Staff.
2. The proposed plans shall conform to the M-2 zoning district development standards in the Land Development Code within the Official Code of the City of Great Falls.
3. The applicant is required to dedicate easements for utilities to the satisfaction of the City's Public Works Department. Said easements must be submitted to the City Commission for approval at the same time as the minor subdivision.
4. Sewer Improvements may be required if existing capacity is not adequate. Cost of improvements would be the responsibility of the owner if deemed necessary by the City.

**Alternatives:**

The Planning Advisory Board could recommend denial of the applicant's request. For this action, the Planning Advisory Board must provide alternative Findings of Fact to support a denial of the minor subdivision request.

**Attachments/Exhibits:**

- Findings of Fact – Subdivision
- Aerial Map
- Zoning Map
- Draft of Amended Plat
- Development Standards of M-2 Zoning District

## FINDINGS OF FACT/BASIS OF DECISION – MONTANA SUBDIVISION AND PLATTING ACT

Minor subdivision of Lot 2, Block 3, Edgewater Industrial Tract No. 3, Section 6, T20N, R4E, M.P.M., Great Falls, Cascade County, Montana. (PREPARED IN RESPONSE TO 76-3-608(3) MCA)

### PRIMARY REVIEW CRITERIA:

**Effect on Agriculture and Agricultural Water User Facilities:** The minor subdivision is located at the southeast corner of River Drive North and 19th Street North which is located within city limits. The subject property is surrounded by public right-of-way on the west and north sides, an existing mobile home park on the east side, and a large gravel parking lot with vacant land on the south side. Thus, the proposed minor subdivision will not interfere with any agricultural irrigation system or present any interference with agriculture operations in the vicinity.

**Effect on Local Services:** The Lots in the proposed subdivision are either currently served or will be served from public mains or private utility lines at the time of development. The Owner will pay the cost of the service lines from these utility mains. The owners of the three lots created by the subdivision will pay regular water and sewer charges, and monthly storm drain charges. The property proposed for this subdivision is currently receiving law enforcement and fire protection service from the City of Great Falls and the subdivision does not propose any changes to the current services. As noted in the agenda report, Public Works has identified a sewer capacity limitation downstream from the proposed subdivision. This will create some limitation on the amount of sewer discharge that can be released from future development of the two new lots. Fortunately, the applicant's desired use of the lots for smaller businesses will not impact the current City sewer system.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will continue to flow north into City infrastructure and ultimately discharge into the Missouri River. Storm water quantity and quality will be reviewed at the time of future development of each lot. As noted above, sewer discharges from the future development will not be too large for the City's downstream sewer system.

**Effect on Wildlife and Wildlife Habitat:** The subdivision is surrounded by existing roadways and development. This is not in an area of significant wildlife habitat beyond occasional deer and migrating fowl. Thus, the subdivision will not have a negative effect on wildlife and wildlife habitat.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. The subdivision itself will not have a negative effect on Public Health and Safety. The proposed access easement along the south side of the two lots will disperse vehicle traffic to 12th Avenue and 19th Street rather than directly onto River Drive.



**REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS**

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

**EASEMENT FOR UTILITIES**

The developer shall provide necessary utility easements to accommodate private utilities to serve all of the lots of the subdivision.

**LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed subdivision lots will be provided via an access easement that connects to the intersection of 12th Avenue North and 19th Street North. This access easement will be created through the amended plat.

# Aerial Map - Rivers Edge Dental Minor Subdivision

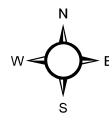


 City Limits

 Subject Property

 Parcels

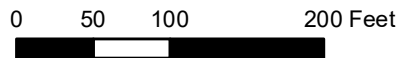
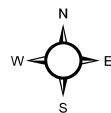
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community 20



0 50 100 200 Feet

Date: 7/7/2021

# Zoning Map



Date: 7/7/2021

# AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3 LOCATED IN GOVERNMENT LOTS 6 AND 7 OF SECTION 6, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNER: RIVERS EDGE DENTAL COMPLEX LLC

AREA OF LOTS = 2.971 ACRES  
AREA OF PARK = 0 ACRES  
AREA OF DEDICATED ROADS = 0 ACRES  
TOTAL SUBDIVISION AREA = 2.971 ACRES

BASIS OF BEARING:  
GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM  
PURPOSE OF SURVEY:  
TO CREATE 3 LOTS FROM LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3

### CERTIFICATE OF OWNERSHIP

I (we), the undersigned property owner(s), do hereby certify that I(we) have caused to surveyed, subdivided, and platted into lots, blocks, and easements, the following described tract of land in the City of Great Falls, Cascade County, Montana, to-wit:  
A tract of land being Lot 2, Block 3, of the Amended Plat of Block 3, Edgewater Industrial Tract No. 3, located in Government Lots 6 and 7, Section 6, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:  
Beginning at the Southwest corner of said Lot 2, being a point on the Easterly right-of-way line of 10th Street North; thence North 09°18'29" East along said Easterly right-of-way line, a distance of 323.81 feet to the Southerly right-of-way line of River Drive North; thence along said Southerly right-of-way line on a non-tangent curve to the right, having a Radius of 4017.48 feet, a Delta of 4°58'35", an Arc Length of 348.93 feet, a Chord Bearing of South 62°01'11" East, and a Chord Length of 348.82 feet; South 59°29'50" East along said Southerly right-of-way line, a distance of 260.61 feet to the Northeast corner of said Lot 2; thence South 09°16'53" West along the Easterly boundary line of said Lot 2, a distance of 117.57 feet to the Southeast corner of said Lot 2; thence North 80°43'33" West along the Southerly boundary line of said Lot 2, a distance of 573.50 feet to the Point of Beginning and containing 2.971 acres, along with and subject to any existing easements.  
The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, City of Great Falls, Cascade County, Montana, and the lands included in all streets, avenues, and parks or public lands shown on said plat are hereby granted and donated to the use of the public forever.

### CERTIFICATE OF EXEMPTION FROM PARK DEDICATION

I (we), the undersigned property owner(s), do hereby certify that being this subdivision is into lots that are all nonresidential; a park dedication will not be required pursuant to 76-3-621(3)(b) MCA, stating "(3) A park dedication may not be required for: (b) subdivision into parcels that are all nonresidential".

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_

\_\_\_\_\_  
RIVERS EDGE DENTAL COMPLEX LLC  
Printed Name \_\_\_\_\_  
Title \_\_\_\_\_

State of Montana)  
: ss  
County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

### CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Paul Skubinna, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, and the survey it represents, find that same conforms to regulations governing the platting of lands and presently platted adjacent land, as near as circumstances will permit, do hereby approve the same.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Public Works Director  
City of Great Falls, Montana

### CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Gregory T. Doyon, City Manager  
City of Great Falls, Montana

### CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, found that adequate municipal facilities for the supply of water and the disposal of sewage and solid waste, are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to Section 76-4-125(1)(d) M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

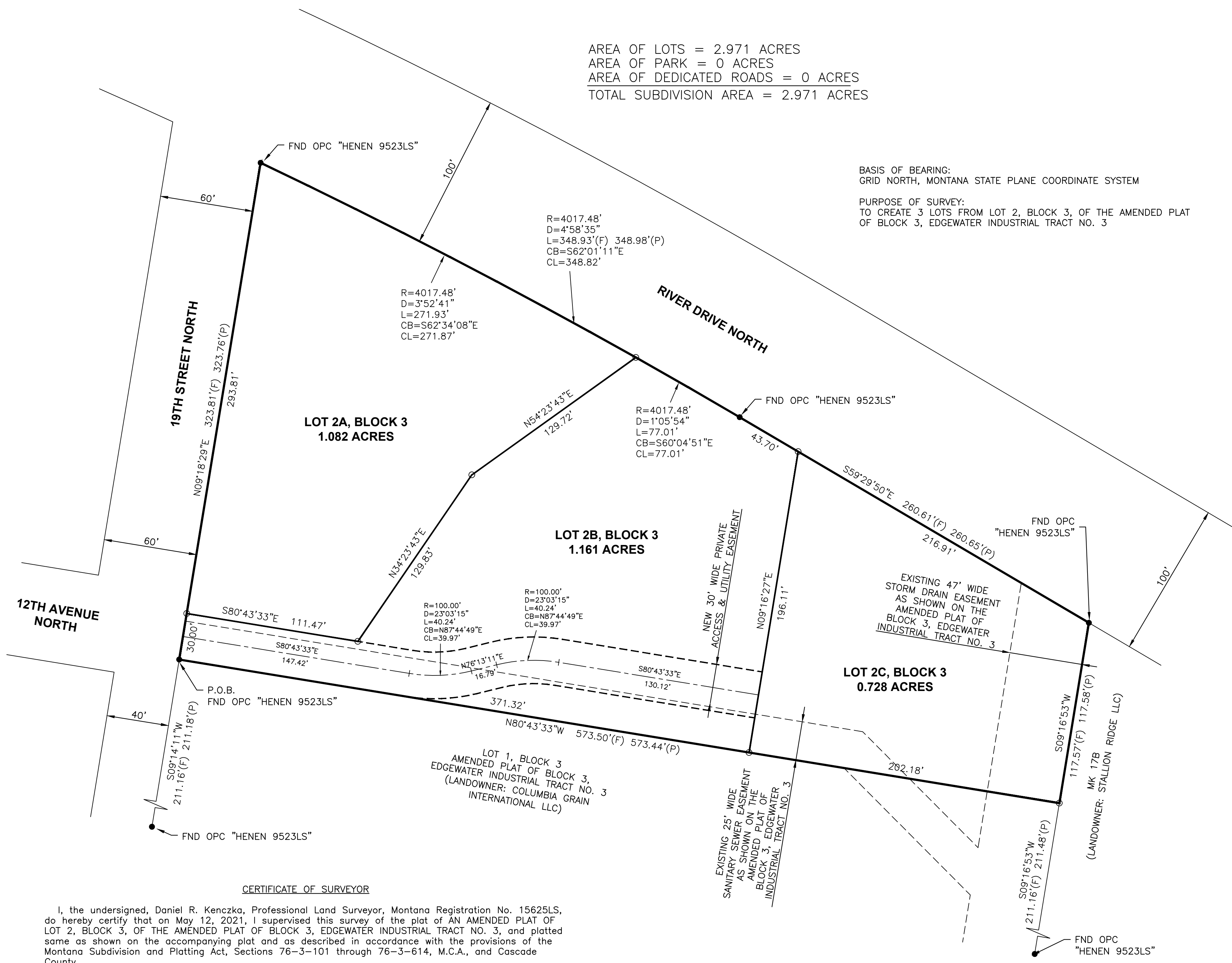
\_\_\_\_\_  
Gregory T. Doyon, City Manager  
City of Great Falls, Montana

### CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, Peter Fontana, President of the Great Falls Planning Board, City of Great Falls, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, has been submitted to the said Great Falls Planning Board, for examination by them and was approved at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Peter Fontana, President  
Great Falls Planning Board

\_\_\_\_\_  
Craig Raymond, Secretary  
Great Falls Planning Board

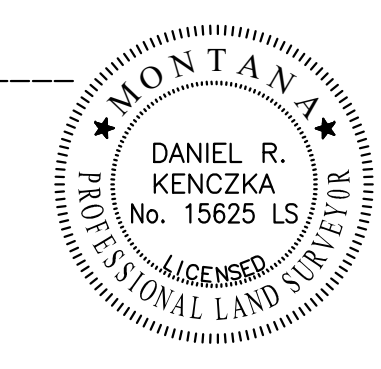


### CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that on May 12, 2021, I supervised this survey of the plat of AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, and platted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_

\_\_\_\_\_  
Daniel R. Kenczka, Montana Reg. No. 15625LS

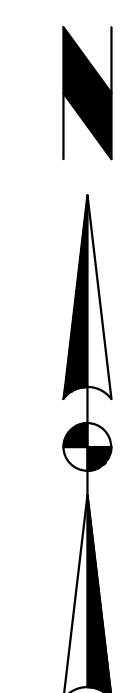


### CERTIFICATE OF COUNTY TREASURER

I, Diane Heikkila, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, and find that the current taxes are not delinquent.

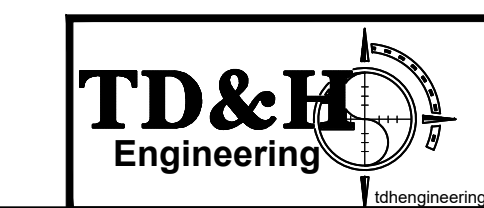
Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_

\_\_\_\_\_  
County Treasurer, Cascade County, Montana



### LEGEND

- FND PROPERTY PIN - AS NOTED
- SET PROPERTY PIN - 18"x5/8" REBAR/YPC 15625LS
- SUBDIVISION BOUNDARY
- - - SECTION LINE
- - - NEW EASEMENT THIS PLAT
- LOT LINE
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- P.O.B. POINT OF BEGINNING



DRAWN BY: DRK	DATE: 5-12-21	QUALITY CHECK: X
SURVEYED BY: KJV	JOB NO. 21-047	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY		
MONTANA WASHINGTON		
SPOKANE IDAHO		
LEWISTON NORTH DAKOTA		
WATFORD CITY		

Article 4 - LOT AREA AND DIMENSIONAL STANDARDS

**Sections:**

17.20.4.010 - Generally.

Lots and buildings shall conform to the dimensional standards specified in Exhibit 20-4.

17.20.4.020 - Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

**Exhibit 20-4 (continued). Development standards for other zoning districts**

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1

n for newly created lots (maximum depth to width)											
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right	65 feet	45 feet	none
Maximum building height of accessory 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	n/a	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	35 feet	none
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet

Minimum side yard setback of principal and accessory buildings	Commercial: none Residential: 5 feet each side	Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

(Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)



Meeting Date: July 27, 2021

**CITY OF GREAT FALLS  
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

**Item:** OCCGF Title 17, Chapter 20 Garage and Accessory Structures Amendments (Ordinance 3232)

**Initiated By:** Planning and Community Development Department

**Presented By:** Alaina Mattimiro, Planner I, Planning and Community Development Department

**Action Requested:** Recommendation to the City Commission

**Suggested Motion:**

1. Board Member moves:

“I move that the Planning Advisory Board recommend the City Commission (adopt/deny) Ordinance 3232.”

2. Chairman calls for a second, public comment, board/commission discussion, and calls for the vote.

**Background:** First adopted in 2005 as the City’s first comprehensive, inclusive compilation of code provisions relating to development, Title 17 to the Official Code of the City of Great Falls (OCCGF) has been modified a number of times to keep the Title relevant and to correct errors or omissions in the original adopted Title.

In 2019 and 2020, the City of Great Falls Board of Adjustment (BOA) received, and had to deny, two variance requests for garage spaces that exceeded the current code limitations. After reviewing the requests, a member of the BOA asked Staff to review the current code regulations regarding accessory structure square footage allowances, and determine if there was an opportunity to increase the sizes for accessory structure square footage on larger city lots. In addition to the specific request to amend the City’s code to allow greater square footage for these structures, Staff has talked to a number of residents who have been interested in building larger detached garages to store vehicles such as recreational vehicles, boats, and campers that are currently being stored in yards or parked on City streets.

Based upon Staff’s comprehensive review of City code, input from a focus group, and comparisons with Codes from other communities, staff is recommending revisions to Chapter 20, Articles 4 and 7. The Planning Advisory Board is required to review the Staff’s proposal and make a recommendation regarding Ordinance 3232, amending Title 17, Chapter 20 Land Use, attached to this report as Exhibits A and B and D.



Review Process:

The general process that staff followed to develop the proposed code changes included:

- Comparing the Code’s requirements for garages and other accessory structure to those of four different cities within Montana. The cities that were used for comparison were Missoula, Bozeman, Kalispell, and Billings. Generally, Great Falls was on the lower end of requirements (e.g. allowed for more square footage) among the various codes that were reviewed;
- Meeting with a focus group of professionals within the building community to solicit input regarding possible opportunities for code changes that would positively impact the community. This group unanimously supported the staff’s proposal to increase square footage allowance on larger city lots;
- Line-by-line review of the Chapter to identify areas that needed clarification and also to identify redundant, unused or outdated provisions; and,
- Re-formatting to match the format of other, recently adopted Titles of the OCCGF, as well as correction of grammatical or wording errors.

Summary of Amendments:

Three attachments are being provided to the Planning Advisory Board for its review. Exhibit A shows the text changes in bold and strikethrough text. Exhibit B is a simple clean copy of the amended text. Exhibit C summarizes each code change with brief explanations of staff’s rationale. In summary, four major changes are proposed:

1. **Clarification of Design Standards Table.** Currently the code combines the standards for principal and accessory structures. Staff proposes to break out the standards for accessory structures (detached garages, carports, and sheds) to make them easier for code users to find, as well as to define standards that currently are not called out within the code.
2. **Create flexibility.** Staff proposes to increase the maximum height of accessory garages to 24 feet across residential zoning districts rather than requiring a lower height when the home on the lot is one-story. This will create more flexible storage space to accommodate larger vehicles. Staff also proposes increasing the setbacks for accessory structures from two feet to five feet to balance out the larger height allowance.
3. **Update language.** The use of the term “accessory structures” is proposed to replace the term “garages” to categorize structures including, but not limited to, detached garages, sheds, and carports. Staff currently reviews permits for these structures if they are at least 200 square feet to ensure that the aggregate square footage in the code is not being exceeded. Since sheds, carports and other structures are already counted towards the allowed square footage for cumulative garage area, staff is clarifying the code to make sure these structures count towards the allowed square footage for each lot.
4. **Increase maximum square footage allowances.** This is the most important change to the code being driven by citizen input. Currently, the allowed cumulative square footage for attached garages, detached garages and other structures is as follows:

Lot Size (Square Feet)	Total Maximum Garage Area (Square Feet)
7,500	1,200
7,501 to 10,000	1,400
10,001 to 43,559	1,600
43,560 (1 acre) and higher	1,800

Staff is proposing to revise the current square footage table to increase allowable cumulative area as shown in the table below.

Exhibit 20-9. Cumulative Accessory Structure area limitations

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

Staff recommends changing the current code table to create five tiers of lot sizes rather than four. There are simply too many lots within the City’s code jurisdiction that are between 10,000 square feet and one acre to have only one square footage allowance for accessory structures. Staff proposes two categories, both with larger square footage allowances. Also, staff is proposing a significant increase in cumulative area allowed for accessory structures on lots over one acre. These lots are fairly rare in the City and are chosen by many residents who have a number of personal vehicles that need to be stored.

**Concurrences:** The City Legal Department concurs with the proposed amendments.

**Fiscal Impact:** The proposed amendments to Title 17, Chapter 20 are not expected to have any negative fiscal impact to the City of Great Falls. Instead, staff believes that the proposed revisions to the Land Use Chapter of the Code will have a positive impact on private sector development in the community.

**Staff Recommendation:** Staff recommends the Planning Advisory Board recommend the City Commission approve the amendments to Title 17, Chapter 20, as outlined in Ordinance 3232.

**Alternatives:** Alternatively, the Planning Advisory Board could take no action, recommend denial of the Ordinance as presented, or recommend approval with changes.

**Attachments/Exhibits:**

Exhibit A: Title 17 – Land Development Code – Chapter 20 Land Use amendments (bolded/strikethrough)

Exhibit B: Title 17 – Land Development Code – Chapter 20 Land Use amendments (clean version)

Exhibit C: Summary of Proposed Amendments

Exhibit D: Ordinance 3232

#### 17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts  
 (see footnotes [4], [5] & [7] for general standards **See footnotes below for additional standards**)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	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 other accessory buildings	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet

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 structures	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none
<b>Detached Garages and other Accessory Structures</b>							
<b>Maximum building height</b>	<b>24 feet</b>	<b>24 feet</b>	<b>24 feet</b>	<b>24 feet</b>	<b>24 feet</b>	<b>24 feet</b>	<b>16 feet</b>

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

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, **but must conform to all standards found in 17.20.7.060.**

[2] 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)~~ See section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[3] ~~See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.~~ **An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.**

[4] ~~Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).~~ **For townhomes, see Section 17.20.6.050 for additional and superseding requirements.**

[5] ~~An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.~~ **If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.**

[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)~~



17.20.7.060 – ~~Garage, private~~ **Private Garages and Accessory Structures within Residential Zoning Districts**

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

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

1. Measurements are cumulative of all garage spaces, ~~including all detached and attached private garages~~ **and accessory structures, including but not limited to sheds and carports.**
2. Measurements include only the square footage of the ground or main floor level.
3. Upper stories or loft storage areas are excluded from the measurement of area for the purpose of compliance with Exhibit 20-9; however, ground level accessory living spaces, if included in a garage building, are included in the calculation.

Exhibit 20-9. ~~Garage~~ **Cumulative** area limitations

Lot Size (Square Feet)	<del>Total Maximum Garage</del> <b>Cumulative</b> Area (Square Feet)
≤ 7,500	1,200
7,501 to <del>10,000</del> <b>11,000</b>	1,400
<del>10,001 to 43,559</del> <b>11,001 to 21,780</b>	<del>1,600</del> <b>2,000</b>
<b>21,781 to 43,560</b>	<b>2,500</b>
<del>43,560 (1 acre) and higher</del> <b>43,561 and higher</b>	<del>1,800</del> <b>3,000</b>

17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts  
 ( See footnotes below for additional standards)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a

Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building [1]	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side	Principal building: 8 feet each side	Principal building: 6 feet each side	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side	n/a
Minimum rear yard setback	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory structures	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none
Detached Garages and other Accessory Structures							

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

- [1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060.
- [2] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.
- [3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.
- [4] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.
- [5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.

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

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

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

1. Measurements are cumulative of all garage spaces and accessory structures, including but not limited to shed, and carports.
2. Measurements include only the square footage of the ground or main floor level.
3. Upper stories or loft storage areas are excluded from the measurement of area for the purpose of compliance with Exhibit 20-9; however, ground level accessory living spaces, if included in an accessory structure, are included in the calculation.

Exhibit 20-9. Cumulative area limitations

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

## Exhibit C – Summary of Proposed Amendments

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

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

### Exhibit C – Summary of Proposed Amendments

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



## Exhibit C – Summary of Proposed Amendments

<p>[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, <b>but must conform to all standards found in 17.20.7.060.</b></p> <p>[2] <del>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.</del></p> <p><del>(Ord. 2950, 2007) See section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.</del></p> <p>[3] <del>See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces. An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.</del></p> <p>[4] <del>Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD). For townhomes, see Section 17.20.6.050 for additional and superseding requirements.</del></p> <p>[5] <del>An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.</del></p> <p><del>[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.</del></p> <p><del>(Ord. 2950, 2007)</del></p> <p><del>[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.</del></p>	<p>Update footnotes to reflect changes in the design standards table</p>
<p><b>17.20.7 – Special Standards for Accessory Uses</b></p>	
<p><b>17.20.7.060 <del>Garage, private</del> Private Garages and Accessory Structures within Residential Zoning Districts</b></p>	
<p>Private garages and <b>Accessory Structures</b> shall occupy no more than the <b>cumulative</b> area shown in Exhibit 20-9, provided other development standards can be met.</p>	<p>Codify current code interpretations by adding requirements for cumulative square foot area</p>

### Exhibit C – Summary of Proposed Amendments

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

**ORDINANCE 3232**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, ARTICLE 4 AND ARTICLE 7 SECTION 17.20.7.060 REGARDING PRIVATE GARAGES AND ACCESSORY STRUCTURES WITHIN RESIDENTIAL ZONING DISTRICTS.**

\* \* \* \* \*

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

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

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

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

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

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

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

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

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 21, 2021.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3232 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

July 21, 2021

Tom Micuda, AICP  
Deputy Director  
Planning Department  
City of Great Falls

Dear Tom,

Thank you for the opportunity to review the proposed changes to the residential code concerning garages and shops, and the further opportunity to pass along my comments to you and others who will be involved in the process of evaluating and hopefully approving the proposed changes. From my days as a Banker and now as a Realtor, I share in the concern for a comprehensive and cohesive plan for the city and Great Falls area as our home and an appealing community for our family, friends, and those who may choose our city as their next place to call home. I speculate there may be concern with people looking to operate businesses from expanded facilities, or the changes may increase the collection of more “stuff (junk)” on their properties. These are challenges to the City, and I’m sure the City probably deals with them and I won’t pretend to understand, know, or how to deal with these challenges, but I hope they and other issues can be dealt with.

I know and suspicion it is as a Baby Boomer, as I see it in a number of my fellow aging friends, we like our toys. Whether they be sports cars, recreational vehicles, or maybe hobbies such as wood working, mechanics, or numerous other space-eaters, our current inventory of properties in our fair city don’t adequately provide for the buildings to enjoy these ventures at our homes. The proposed changes will expand the opportunity to add and make changes to our residential properties to make these hobbies and interests something we can bring home. Many of us have ventured out to buy or rent commercial space or property in Great Falls or outside of Great Falls to achieve a marginal level of satisfaction in buildings, that may be more fully realized if it could be closer to home for the convenience and security we desire. And it’s not just our generation. Our kids, and many of the younger generations, and a lot of the Air Force personnel that move here, often ask about a garage in what sometimes appears as much a priority to their home search accommodations. The changes the City is considering will allow our community to meet some of these changing and I would also say, progressive

changes to community development. It seems other cities and communities have recognized and implemented changes in their community development plans to meet these needs. I ask that all involved in the consideration of the code process, see this as the same progressive change I see. I support the changes.

Thank you for the opportunity to address this issue and for considering these changes.

Respectfully Submitted,

Tim McInerney  
Realtor  
ReMax of Great Falls  
Residence: 3030 8<sup>th</sup> Ave South