

# Planning Department



## Title 18

# Zoning Regulations

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**City of Columbia Falls**  
**130 6th Street West**  
**(406) 892-4391**

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## **TITLE 18 - ZONING REGULATIONS**

### **18.100 GENERAL PROVISIONS**

#### **Chapter 18.101 SHORT TITLE**

##### **18.101.010 Short Title**

This title and the maps adopted pursuant hereto shall be known as, and shall be cited and referred to as, the "Columbia Falls Area Zoning Ordinance" in accordance with and exercising the authority of the laws of the State of Montana, Section 76-2-301, M.C.A.

#### **Chapter 18.103 PURPOSE AND INTERPRETATION**

##### **18.103.010 Purpose And Interpretation**

The purpose of this title is to:

1. implement and promote the Growth Policy;
2. securing safety from fire, panic, and other dangers;
3. promote public health, safety, and general welfare;
4. provide adequate light and air;
5. promote compatible urban growth;
6. facilitate the adequate provision of motorized and nonmotorized transportation systems, water, sewerage, schools, parks, and other public requirements;
7. give reasonable consideration to the character of the districts;
8. give consideration to peculiar suitability of the property for particular uses;
9. conserve the value of buildings; and encourage the most appropriate use of land throughout the jurisdictional area.

##### **18.103.020 Minimum Requirements**

In interpretation and application, the provisions of this title shall be held to be minimum requirements.

#### **Chapter 18.104 SCOPE**

##### **18.104.010 Scope**

Wherever these regulations require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required in any other statute or local ordinance or regulation, these regulations and the provisions of the regulations made under authority of this part shall govern.

Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces; require a lower height of building or a less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required by the regulations made under authority of this part, the provisions of such statute or local ordinance or regulation shall govern.

A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law. The City may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy. However, the City authorities must be guided by and give consideration to the general policy and pattern of development set out in the growth policy when making decisions concerning the matters set forth in Sec. 76-1-605, M.C.A.

## **Chapter 18.106 SIMULTANEOUS APPLICATIONS**

### **18.106.010 Simultaneous Applications**

When applications for a single project, including zone map amendment, conditional use permit, planned unit development and/or subdivision are simultaneously submitted and to be considered at the same time, the hearing body may allow a single hearing before the body to receive comments on said applications.

## **18.200 ADMINISTRATION**

### **Chapter 18.205 ZONING ADMINISTRATOR**

#### **18.205.010 Created**

There is hereby created the position of zoning administrator, who shall be a duly appointed person charged with the administration, interpretation, and enforcement of this zoning title.

#### **18.205.020 Powers And Duties**

The zoning administrator, his assistant, or designee shall:

1. Enforce any and all provisions of this title;
2. Keep complete, accurate, and secure records;
3. Accept applications and appeals and ensure their appropriateness and completeness;
4. Accept and remit fees as established in the adopted administrative procedures;
5. Update this title and the official zoning map as directed by the city council;
6. Provide for the accuracy and the security of the official zoning map;
7. Undertake any other administrative function appropriate to the office of zoning administrator;
8. Report to the city council any recommendations for changes and improvements in this title and the procedures therein;
9. Issue any permit, granted by the city council or ordered by the board of adjustment, and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent;
10. Receive and investigate allegations of noncompliance or violation of these regulations, report findings to the city council, and file a complaint where such allegations are based on apparent fact;
11. Refer any matters under appeal to the board of adjustment for their action;

12. Make recommendations to the city council in connection with any conditional use permit or to the board of adjustment in connection with any application for variance or appeal, such conditions as he may deem necessary in order to fully carry out the provisions and intent of this title;
13. Determine the location of any district boundary shown on the zoning map adopted as part of this title when such location is in doubt; and
14. Refer to the planning board for placement of all uses not categorically permitted but deemed to be synonymous by the zoning administrator. The planning board shall reserve the right to declare a "new" use and thus require a zoning title amendment for placement of said "new" use.
15. The power to enter upon the property in violation of any requirement of this Chapter 18 after written notice and a show cause hearing, if applicable, for the specific purpose of abating the violation.
16. The power to assess the property owner for the actual costs of abatement made pursuant to Subsection O above.

## **Chapter 18.206 ZONING COMMISSION**

### **18.206.010 Creation, Composition, And Compensation Of Members**

1. The zoning commission for the city shall be the Columbia Falls city-county planning board, which shall also be referred to as the planning board (M.C.A. 76-1-101 and 76-1-108).
2. The membership of the planning board shall consist of nine members representative of areas both within and without the incorporated limits of the city, whose terms, status, appointments, etc. are set forth in state law (M.C.A. 76-1-201 to 76-1-204), and the rules of procedure adopted by the Columbia Falls city-county planning board.
3. The members of the planning board shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the zoning commission.

### **18.206.020 Powers And Duties**

It shall be the duty of the planning board to hold public hearings where necessary and make recommendations to the city council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, the amendments of this title, and any other matter within the scope of zoning power. The planning board shall make recommendations and an annual report to any governing bodies represented on the board concerning the operation of the board and the status of planning within the jurisdiction (M.C.A. 76-1-305 [4]). The planning board is also authorized to confer with and advise other city, county, regional, or state planning or zoning commissions.

## **Chapter 18.207 BOARD OF ADJUSTMENT**

### **18.207.010 Creation, Composition, And Compensation Of Members**

1. There is hereby created a "board of adjustment."



2. The board shall consist of not less than five members nor more than seven members appointed by the city council with at least one such member residing in the extra-territorial jurisdiction (if the jurisdiction extends beyond the corporate limits) and the remaining members residing within the corporate limits of the city.
3. Board members shall serve without compensation.

### **18.207.020 Powers And Duties**

The powers, duties, and terms of office are set forth in M.C.A. 76-2-321 to 76-2-324 and the rules of procedure adopted by the city board of adjustment.

### **18.207.030 Jurisdiction**

The board of adjustment shall not by either variance or appeal process make any change in uses categorically permitted in any zoning classification or zoning district, or amend the zoning text or map.

## **Chapter 18.208 APPEALS**

### **18.208.010 Eligibility**

Any person, the city, any federal, state, regional, county, school district, or city government agency may file an appeal when aggrieved by a decision or interpretation made by the zoning administrator, provided that the appeal is based on an allegation that:

1. The zoning administrator made an error in the interpretation of this title; and
2. The erroneous interpretation specifically aggrieves the appellant.

### **18.208.020 Application And Procedure**

1. Appeals to the board of adjustment must be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds of the appeal. The required fee shall be paid when the appeal is filed.
2. No part of any such fee shall be returnable after an appeal is filed and such fee paid, except upon petition by the appellant and approval of the zoning administrator.
3. The zoning administrator or other officer from whom the appeal is taken shall transmit in a timely manner any appeal with all supporting materials to the board of adjustment.
4. The zoning administrator shall fix a reasonable time for the hearing and give notice thereof to the parties of interest and the public by publishing notice in a newspaper of general circulation in the community at least fifteen days prior to such hearings.
5. Where an appeal concerns a particular piece of property, all property owners within one hundred fifty feet of the subject property shall be notified by mail at least fifteen days prior to the hearing. When the subject property abuts a public right-of-way, the one hundred fifty foot measurement shall be in addition to this right-of-way along the abutting side.

6. An appeal under the terms of this title stays all proceedings in the matter appealed unless the zoning administrator or other officer from whom the appeal is taken certifies to the board of adjustment hearing the application that, by reason of the facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the board hearing the appeal or by a court of record on application and notice to the zoning administrator from whom the appeal was taken and due cause shown.
7. Decisions of the board of adjustment shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.
8. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator or other officer from whom the appeal is taken or to decide in favor of the applicant on any matter.
9. A hearing may be continued at the request of the applicant or upon motion of the board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.
10. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.
11. Any person aggrieved by a decision of the board of adjustment may file an appeal with a court of competent jurisdiction within thirty days of the filing of the decision by the board.

## **Chapter 18.209 VARIANCES**

### **18.209.010 Purpose**

Certain circumstances may exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of this title. There are hereinafter provided provisions for the granting of a variance from the provisions of this title, so that the public welfare is secured and substantial justice can be done to those so affected.

### **18.209.020 Application For Variance**

1. Application for a variance may be filed by any property owner or their designated agent for the affected property.
2. Such application shall be made on a form provided by the office of the zoning administrator. Multiple requests for variances for the same project may be filed on a single application and charged a single fee.
3. The completed application and fee shall be submitted to the zoning administrator.
4. No part of any such fee shall be refundable after an application is filed and such fee paid, except under petition by the applicant and approval by the zoning administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded.

### **18.209.030 Procedure For Consideration**

1. After acceptance by the zoning administrator or his designee, the completed application shall be transmitted to the staff of the board of adjustment for their review and evaluation and shall set a hearing date, publish notice thereof as provided for in this title and notify all parties of interest. Public notice of the hearing shall be placed in a newspaper of general circulation in the community at least fifteen days prior to the date of the hearing.
2. Written notice shall be mailed to all property owners within one hundred fifty feet of the subject property at least fifteen days prior to the said hearing. Where the subject property abuts a public right-of-way, the one hundred fifty feet measurement shall be in addition to this right-of-way along the abutting side.
3. Findings are required to be made by the board for approval of a variance. No variance shall be granted unless the board finds all the following conditions are met or found to be not pertinent to the particular case:
  1. Strict compliance with the provisions of this title will:
    1. Limit the reasonable use of the property, and
    2. Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.
  2. The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.
  3. The hardship is peculiar to the applicant property.
  4. The hardship was not created by the applicant.
  5. The hardship is not economic (when a reasonable or viable alternative exists).
  6. Granting of the variance will not adversely affect the neighboring properties or the public.
  7. The variance requested is the minimum variance which will alleviate the hardship.
  8. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.
4. Every decision of the board of adjustment shall be made by motion and shall be based upon "findings of fact" and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to grant a variance under this title shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with this title.
5. In approving a variance, the board may impose such conditions as are, in its judgment, necessary to promote the general provisions of this title.
6. It shall take the affirmative vote of four members of the board to grant a variance.
7. A hearing may be continued at the request of the applicant or upon motion of the board. The granting of a continuance rests solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.
8. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.

9. A variance shall be valid indefinitely, provided it is excised within one year of the date of issuance, or as otherwise provided for by the board of adjustment.
10. The board of adjustment shall act upon any application for a variance within sixty days of the date of filing with the zoning administrator. Failure of the board to act within this timeframe shall constitute approval of the application.
11. A request may be reheard only when there has been a manifest error affecting the board's decision or it appears that a substantial change in facts, evidence, or conditions has occurred. Such determination shall be made by the zoning administrator within sixty days of final action by the board.
12. Any person aggrieved by a decision of the board of adjustment may file an appeal with a court of competent jurisdiction within thirty days of the filing of the decision by the board.

## **Chapter 18.210 CONDITIONAL USE PERMITS**

### **18.210.010 Required**

No structure, building, or land shall be used, constructed, altered, or expanded where a conditional use permit is specifically required by the terms of this title until a conditional use permit for such use has been authorized by the planning board and issued by the zoning administrator.

### **18.210.020 Structures And Buildings**

Structures or buildings devoted to any use which is permitted under the terms of this title subject to the securing of a conditional use permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new conditional use permit. Exception: a new conditional use permit shall not be required when the alterations, enlargements, expansions or relocations are, in the sole determination of the zoning administrator, minor in scale and do not materially effect the overall appearance, design, functionality and scale of the structure or building, which determination by the Zoning Administrator shall be made after reviewing the plans of the proposed changes.

### **18.210.030 Application**

1. Application for a conditional use permit may be made by the owner of the affected property, or his designated agent, on a form that may be obtained from the zoning administrator.
2. The completed application and fee shall be submitted to the zoning administrator or his designee. Such fee is not refundable.
3. A conditional use application may include multiple buildings or a single building on multiple contiguous lots or a single lot provided the building is part of a complex providing related uses.

### **18.210.040 Procedures For Consideration**

1. After acceptance by the zoning administrator or his designee, the completed application shall be transmitted to the staff of the planning board for their review and evaluation.

2. The planning staff shall set a date for a public hearing and publish a public notice which advertises the public hearing before the planning board at least once in a newspaper of general circulation in the community at least fifteen days prior to the meeting of the planning board at which the application is to be considered.
3. The planning staff shall also mail written notice to all abutting and adjacent property owners within one hundred fifty feet of the subject property not less than fifteen days prior to the date of formal review by the planning board. Where the subject property abuts a public right-of-way, the one hundred fifty foot measurement shall be in addition to the right-of-way along the abutting side.
4. Written comment from adjacent property owners shall be specific when maintaining that the granting of the conditional use permit would adversely or injuriously affect their personal or legal interests.
5. The planning board shall consider the application at its next regular meeting following the public notice process. The board shall make a recommendation to the city council to approve, conditionally approve or deny the application.
6. Upon receipt of the recommendation of the planning board, the city council shall hold a public hearing and render a determination whether to approve, conditionally approve, or deny the application for a conditional use permit based on public input, the staff report, and findings of the planning board.
7. Should a decision not be rendered by the city council within ninety days after acceptance of the completed application by the zoning administrator and the payment of the appropriate fees, the application shall be deemed approved unless said time limit has been extended by an agreement between the zoning administrator and the applicant.
8. In certain circumstances, the city council may elect to place certain required conditional use permits into an administrative review category; for example, those that may be required for minor amendment to an already approved conditional use permit, whereby the zoning administrator may issue such an administrative conditional use permit in compliance with guidelines set forth by the city council. This provision shall not be construed so as to give the power to grant or deny the conditional use permit to other than the city council, and shall apply only to specific categories or instances predetermined by the city council.

#### **18.210.050 Approval Of Application And Granting Of Conditional Use Permits**

Upon rendering a decision to grant a conditional use permit, with or without stipulations or conditions that must be adhered to by the applicant, the city council shall notify the zoning administrator of their decision, and he shall issue a conditional use permit with stipulations, if any, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall then be placed on permanent file in the office of the zoning administrator.

#### **18.210.060 Termination And Transferability**

Once granted, the conditional use permit with its terms and conditions shall:

1. Run with the lot, building, structure, or use and shall not be affected by change of ownership.
2. Terminate twelve months from the date of authorization if commencement of authorized activity has not begun:
  1. Unless otherwise specified in the conditions of the approval, or
  2. Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

#### **18.210.070 Denial Of Application**

1. In the event an application is denied by the city council, no resubmittal of an application for a conditional use permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the zoning administrator to demonstrate to him that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.
2. Denial of an application for a conditional use permit may be appealed to a court of competent jurisdiction within thirty days of such a denial.

#### **18.210.080 Criteria Required For Consideration Of A Conditional Use Permit**

A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

1. Site Suitability. That the site is suitable for the use. This includes:
  1. Adequate usable space,
  2. Adequate access, and
  3. Absence of environmental constraints.
2. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
  1. Parking scheme,
  2. Traffic circulation,
  3. Open space,
  4. Fencing/screening,
  5. Landscaping, and
  6. Signage.
3. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
  1. Sewer,
  2. Water,
  3. Storm water drainage,
  4. Fire protection,
  5. Police protection, and
  6. Streets.

4. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
  1. Excessive traffic generation,
  2. Noise or vibration,
  3. Dust, glare, or heat,
  4. Smoke, fumes, gas, or odors, and
  5. Inappropriate hours of operation
  6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.

#### **18.210.090 Burden Of Proof**

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the planning board. The granting of a conditional use permit rests in the discretion of the city council as to whether or not the proposal conforms to the criteria and requirements set forth in Chapter 18.210.080

#### **18.210.100 City Council Decision Based On Findings**

Every decision of the city council pertaining to the granting, denial, amendment of a request for a conditional use permit shall be based upon "findings of fact," and every finding of fact shall be supported in the records of its proceedings. The enumerated conditions as provided for in Section 18.210.080 required to exist in any matter which the city council is required to pass under this title shall be construed as a limitation on the power of the city council to act in the matter of issuance of conditional use permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with this title.

#### **18.210.110 Administrative Conditional Use Permits**

In specific circumstances, the city may issue an administrative conditional use permit for home occupations, temporary uses, vacation rentals and minor (fifteen percent or less) expansions of nonconforming uses, commercial zone fence that requires a conditional use permit that is a distance between 15 and 20 feet of the front property line or a distance between 10 and 15 feet of the side-corner property line. Chapter 18.426 Home Occupations, Chapter 18.444 Temporary Uses, Chapter 18.445 Vacation Rentals, Chapter 18.211 Nonconforming Uses, and Chapter 18.411 Accessory Apartment explain the criteria for receiving an administrative permit for the respective uses.

1. Upon receipt of a complete application and filing fee, the Columbia Falls zoning administrator or his designee shall prepare a notice containing the pertinent facts to the application and shall have said notice served by first class mail upon property owners within one hundred fifty (150) feet of the subject property. When the subject property abuts a right-of-way or river, the one hundred fifty (150) foot measurement shall be in addition to the right-of-way or river width along the adjacent side. The notice shall provide a reasonable period of time, not less than ten calendar days, for interested parties to submit comments on the proposed activity. Within ten working

days of the end of the comment period a written determination shall be mailed to the applicant approving or denying the permit.

2. The application and format used for the submittal of the administrative conditional use permit shall be the same as found in the Columbia Falls area zoning ordinance for conditional use permit applications. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the zoning administrator.
3. If there is no valid written public opposition to the adopted performance standards and the project meets the criteria for issuance of the permit, the project will be approved. The Columbia Falls zoning administrator shall issue a grant of administrative conditional use permit with or without conditions of approval which will be indicated on the face of the permit.
4. When written opposition from property owners within one hundred fifty (150) feet of the property subject to the request are received prior to the end of the comment period and the expressed concerns of the opposition cannot be resolved by the applicant, the administrative conditional use permit will be scheduled for the next available board of adjustment meeting for a decision. The applicant shall be responsible for all additional information and filing fees required.
5. If the administrative conditional use permit is denied by the zoning administrator the denial may be appealed. This appeal shall be made in accordance with Section 18.08 (Appeals) of the Columbia Falls zoning ordinance. The appellant is responsible for all information and additional filing fees required.

## **Chapter 18.211 NONCONFORMING USES**

### **18.211.010 Intent**

It is the intent of this chapter to permit building non-conformities or use non-conformities which were lawful before the adoption of this code to continue until they are removed. It is further the intent of this chapter that nonconformities shall not, unless otherwise permitted by this chapter, be enlarged upon or expanded, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming structures and uses are declared by this chapter to be incompatible with permitted structures and uses in the district involved. However, to avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this title and which actual structure construction has been carried on diligently. A change of tenancy, ownership, or management of any legally existing nonconforming structures or use is allowed. Furthermore, structures, lawful at the time of adoption of this code, may continue to exist so long as it remains lawful except as herein provided.



### **18.211.020 Abandonment**

Any nonconforming use may be continued except if any such nonconforming use is abandoned or deserted, or voluntarily or by legal action caused to be discontinued for a period of one hundred eighty (180) days, then any subsequent use of the lot, building, structure, or use of the land shall be required to be in conformity with the provisions of this title.

### **18.211.030 Non-Conforming Structures**

Any non-conforming structure shall not be altered or enlarged in any way that increases its non-conformity, but may be altered to decrease its non-conformity. Any non-conforming structure that is moved for any reason or for any distance it shall thereafter conform with this chapter.

### **18.211.040 Changes Permitted To Nonconforming Uses And Structures**

1. Routine maintenance and repair or those modifications required by applicable health and safety codes shall be permitted.
2. A nonconforming building, structure, or use may be enlarged, extended, reconstructed, or structurally altered if said building, structure, or use is changed to completely conform with this title.
3. A building or structure conforming with respect to use but nonconforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from this title.
4. A non-conforming façade may be altered by less than 50% of the area of the façade, provided the altered façade conforms to this ordinance. If a non-conforming façade is altered by 50% or more the entire façade shall conform to this ordinance.
5. A nonconforming use may be expanded, subject to a conditional use permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of this title, provided that the land area and/or use of building or structure being used for said nonconforming use at the time of the adoption or amendment of this title is not increased by more than fifty percent and the structure conforms to this ordinance. A non-conforming use may be expanded, subject to an administrative conditional use permit, provided the expansion is less than fifteen (15) percent. An administrative CUP may only be granted for the expansion of the same nonconforming use once every five years.
6. If no structural alterations are made to a non- conforming building or other structure, the nonconforming use may, upon approval and issuance of a conditional use permit, be changed to another nonconforming use of the same or more restricted use classification, provided that said new nonconforming use is no more deleterious to the neighborhood, considering all factors, than was the previous nonconforming use.
7. The conversion of basement or attic space within a residence that is legally nonconforming with respect to setbacks is not subject to a variance from the board of adjustments provided that the above ground conversion does not further encroach into the required setback. This provision would allow the construction of dormers for attic conversion and egress windows for basement conversion.

8. A non-conforming manufactured home (mobile home) may be replaced by a conforming manufactured home. A non-conforming manufactured home may be replaced in a mobile home park with a similar non-conforming manufacture home provided it is not more non-conforming than the existing home.

#### **18.211.042 Lot Adjustment**

Neither lot(s) nor subplot(s) shall be adjusted in size or shape to create non-conformity or increase the degree of non-conformity nor adjusted to have a lot width of less than twenty-five (25) feet.

#### **18.211.044 Accessory Building**

Uses or structures accessory to principal non-conforming uses or structures shall not continue after the principal use has ceased or terminated unless the use or structure conforms to this ordinance.

#### **18.211.050 Reconstruction Of Damaged Nonconforming Buildings**

1. Any nonconforming use or building so damaged or destroyed to the extent of more than fifty percent of the real value thereof, excluding foundation, then said nonconforming use of building and the land on which said use was located or maintained shall, from and after the date of such destruction, be subject to all of the regulations of the use district within which each land and/or building are located. The percentage of destruction shall be determined by the zoning administrator or his designee and shall be based on the estimated cost of repair or reconstruction to the original condition of the building.
2. Where any nonconforming building shall be destroyed to a degree less than fifty percent, as specified above, said building or structure may be reconstructed to its original size and use upon issuance of a building permit.

### **Chapter 18.212 AMENDMENTS TO TEXT OR OFFICIAL MAP**

#### **18.212.010 Amendments-Generally**

The provisions of this title may, from time to time, and for the furtherance of public necessity, convenience, and welfare and in recognition that circumstances and conditions may be altered substantially as time passes, be amended, supplemented, changed, modified, or replaced.

#### **18.212.020 Amendments To The Text**

Amendments to the provisions of the text of this title:

1. Requests to amend the text of this title may be initiated by any affected party or entity on a form provided by the zoning administrator.
2. The completed application and fee shall be submitted to the zoning administrator or his designee.
3. The completed application shall be processed as per the adopted administrative procedures.

4. After acceptance by the zoning administrator or his designee, the completed application shall be transmitted to the staff of the planning board for their review and evaluation.
5. The planning staff shall set a public hearing date and publish a public notice once in a newspaper of general circulation in the community at least fifteen calendar days prior to the meeting of the planning board at which the application is to be considered.
6. The planning board shall consider the application at its next regular meeting following the public notice process. The board shall make a recommendation to the city council to grant, amend, or deny the application.
7. Upon receipt of the recommendation of the planning board, the city council shall hold a public hearing. This hearing shall be advertised at least once in a newspaper of general circulation in the community at least fifteen calendar days prior to such hearing. Based on the results of the hearing, other public input, the staff report and findings of the planning board, the city council shall render a decision to grant, amend, or deny the requested amendment.
8. Should a decision not be rendered by the city council within ninety days of acceptance of the completed application by the zoning administrator and payment of the appropriate fee the application shall be deemed approved unless the time limit has been extended by an agreement between the zoning administrator and the applicant.
9. Should the proposed amendment be adopted, the city council shall officially notify the zoning administrator of the amendment now in force and he shall incorporate the amendment into the appropriate chapter, section, or paragraph of this title.
10. In the event that an application to amend this title is denied by the city council or that the application for amendment is withdrawn after the hearing of the planning board, the zoning administrator shall have the authority to refuse to accept another application for any similar amendment for one year from the date of hearing of the previous application by the board.

#### **18.212.030 Amendments To The Official Zoning Map**

1. An amendment proposing changes in the official zoning map shall follow substantially the same procedures as provided for in Section 18.212.020 with the following additional requirements to be met:
  1. The applicant shall provide names and addresses of all property owners within one hundred fifty feet of the proposed amendment area.
  2. The application for amendment shall be signed by an owner of record or his authorized agent in the space provided on the application.
  3. In the event that an application filed by a real property owner in the area involved includes any property other than owned by the applicant, then before the application will be accepted for processing, a petition in favor of the request signed by the real property owners representing at least sixty-five percent of the land area to be included in the application must be submitted. Said petition shall bear the property owners signatures and addresses, the legal description and land area of each property represented in the petition, the total land

area represented by the petition, and the percentage of land area of the amendment area owned by the petitioners in total and individually.

4. The staff of the planning board shall mail a notice to all property owners included in the proposed amendment area and all property owners adjacent to and within one hundred fifty feet of the boundary of the proposed amendment area. (Where the subject property abuts a public right-of-way, the one hundred fifty foot measurement shall be in addition to the right-of-way along the abutting sides.) Such notice shall be made no less than fifteen days prior to the planning board hearing date.
2. In the event that a written protest against a proposed amendment is filed in the office of the zoning administrator no later than ten days following planning board action by the owners of twenty-five percent or more, either of the area of the lots included in the proposed change or those lots within one hundred fifty feet of a lot included in a proposed change, such amendment shall not become effective except by the favorable vote of two-thirds of the present and voting members of the city council of the city of Columbia Falls, provided that such required number of votes shall not be less than a majority of the full membership of the council.
3. In the event that the city council grants the application to amend or rezone, they shall notify the zoning administrator of their action and he shall be responsible for updating the official zoning map. Such updating shall include the posting on the face of the official zoning map, the date and number of the ordinance amending such map.
4. In the event that an application to amend (rezone) is denied by the city council or that the application is withdrawn after the planning board hearing, the zoning administrator shall have the authority to refuse to accept another application for any similar amendment within one year from the date of the hearing of the previous application before the board.

#### **18.212.040 Evaluation Of Amendment Requests**

When considering an application for amendment to the provisions of this title or the official zoning map, the planning board and city council shall be guided by and give consideration to the following:

1. Whether the new zoning was designed in accordance with the Growth Policy;
2. Whether the new zoning will secure safety from fire, panic, and other dangers;
3. Whether the new zoning will promote health and general welfare;
4. Whether the new zoning will prevent the overcrowding of the land;
5. Whether the new zoning will avoid undue concentration of population;
6. Whether the new zoning will provide adequate light and air;
7. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
8. Whether the new zoning gives consideration to the particular suitability of the property for particular uses;
9. Whether the new zoning will conserve the value of buildings;

10. Whether the new zoning will encourage the most appropriate use of land throughout the municipality.

### **Chapter 18.213 ENFORCEMENT**

#### **18.213.010 Use Of Available Remedies Authorized**

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of this title, the proper legal authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

### **18.300 ESTABLISHMENT AND DEFINITIONS OF DISTRICTS**

#### **Chapter 18.314 USE DISTRICTS**

##### **18.314.010 Intent**

The purpose of this chapter is to establish districts wherein compatible uses of land may be grouped to create, protect, and maintain a livable environment; to stabilize and protect the uses contained within the districts; to allow a maximum degree of latitude within the districts, conduct profitable business, or contribute to the economy of the Columbia Falls area. It is also the purpose of this chapter to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use, providing for the health, safety, prosperity, and well-being of the total area.

##### **18.314.020 Establishment Of Use Districts**

For the purpose of applying these regulations to the zoning jurisdictional area of the city of Columbia Falls, said area is divided into the following use districts:

District	Title	Minimum Lot Size
CSAG-20	Agriculture	20 acres
CSAG-10	Suburban Agriculture	10 acres
CSAG-5	Suburban Agriculture	5 acres
CR-1	Suburban Residential	1 acres
CR-2	One-Family Limited Residential	20,000 sq. ft.
CR-3	One-Family Residential	9,600 sq. ft.

CR-4	Urban Residential	7,200 sq. ft.
CR-5	Two-Family Residential	5,400 sq. ft.
CRA-1	Residential Apartment	7,500 sq. ft.
CB-1	Neighborhood/Professional Business	5 acres, maximum
CB-2	General Business	not applicable
CB-4	Central Business	not applicable
CB-5	Resort Business	not applicable
CI-1	Light Industrial	not applicable
CI-2	Heavy Industrial	not applicable
CP-1	Public	not applicable
CPUD	Planned Unit Development	see Chapter 18.348
MH	Manufactured Home Overlay District	see Chapter 18.350
CBR-4	Resort Business	see Chapter 18.352

## **Chapter 18.315 LOCATION AND BOUNDARIES OF DISTRICTS**

### **18.315.010 Establishment Of Locations And Boundaries**

The location and boundaries of the use districts are established as they are shown on the map entitled "The Columbia Falls Jurisdictional Area Official Zoning Map," which shall become effective with and as an inseparable part of this title as of the date of adoption by the city council of the city. This title is invalid without said map and, conversely, the map is deemed to be invalid without this title.

### **18.315.020 Determination Of Boundaries**

Where uncertainty exists as to the boundaries of any of the aforesaid districts on said map, the following rules shall apply. Where more than one of the rules are applicable in any given situation, the first enumerated rule shall prevail:

1. Where a district boundary line is shown by a specific dimension, such specific dimension shall control.
2. Where a district boundary line is located within or along a street, alley, right-of-way, or waterway, the district boundary line shall be deemed to be the center of such street, alley, right-of-way, or waterway, or extension therefrom.

3. Where a district boundary line is shown as approximately following platted lot lines, the district boundary line shall be deemed to coincide with such platted lot lines.
4. If none of the above rules is found to be sufficient to resolve the question, the zoning administrator:
  1. Shall, using a scaled rule, measure a line drawn on the map, take note of the dimensions and record such dimensions on the map, thus establishing for future reference the location of said boundary in a manner to be consistent; or
  2. May make a decision, based on his knowledge and understanding of this title, specifically determining the location of the boundary in question. Any such decision becomes fixed unless amended by the city council, and a reference shall be entered on the map showing the date such decision was made. The zoning administrator shall keep on permanent file any such decision which may be altered or amended by the city council.

### **18.315.030 Boundaries-Consideration**

District boundaries shall, except for unique conditions or circumstances, take into consideration property boundaries platted and every effort shall be made to not divide a platted lot, parcel, or tract of land into two or more use districts.

## **Chapter 18.316 PERMITTED/CONDITIONAL USES AND DIMENSIONAL REGULATIONS**

### **18.316.010 Jurisdiction**

Within the various use districts, as defined in Chapter 18.314, and as indicated on the official zoning map of the planning area or parts thereof, no land, building, or structure shall be used and no building or structure shall be erected, reconstructed, or structurally altered for any purpose except as allowed in the district in which the building, land, or use is located. Permitted uses in the various districts are located in Chapters 18.317 through 18.352. No land, building, or structure which is intended to be, in whole or in part, a conditional use shall be erected or used without specific approval of the city council. The procedures outlined in Chapter 18.310 shall be used by the planning board and the city council as a guide in granting or denying approval of a conditional use. Any variance from the dimensional regulations shall require prior, specific approval of the board of adjustment as outlined in Chapter 18.309.

In the interpretation of Chapter 18.317 through Chapter 18.352, where a use is not specifically listed, its status shall, upon application, be determined by the planning board by reference to that listed use, if any, which is so like the requested use in purpose, function, character, and affect as to be substantially similar to the listed use.

### **18.316.020 Multiple Commercial Uses**

Except as otherwise specified in these regulations, only one primary use shall be allowed per tract of record in the following zones: CSAG-10, CSAG-5, CR-1, CR-2, CR-3, CR-4, CR-5, and CRA-1. Multiple uses may be allowed on single lots in other

zoning districts provided they meet the bulk, dimensional, and parking requirements of the underlying zoning classification.

#### **18.316.030 Structural Height Standards-Exemptions**

The following types of structures or structural parts are not subject to the building height limitations of this chapter: church spires, steeples and belfries; they will in no case exceed sixty-five (65) feet from the ground with one (1) foot of setback for each foot of height measured from the nearest property line. Amateur radio tower shall not exceed 100-feet above the ground.

#### **18.316.040 Permitted Encroachment Into Yards**

In residential zones, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, steps, bay windows and other similar architectural features may encroach into a required setback not more than one-third (1/3) of the distance of the required setback not to exceed two feet.

In residential zones, open porches, open landings, open decks or open balconies may be allowed to extend into the front or rear yard, one-third (1/3) of the distance of the required setback if less than thirty (30) inches in height above the lowest point of the immediate adjacent ground elevation.

### **Chapter 18.317 CSAG-20 AGRICULTURE**

#### **18.317.010 Definition**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment; including, but not limited to, residential development.

#### **18.317.020 Permitted Uses**

The permitted uses within the CSAG-20 district are as follows:

1. Accessory building or use;
2. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
3. Class A manufactured homes;
4. Dairy farm;
5. Dairy products processing, bottling, and distribution;
6. Dwelling, single-family;
7. Guest house;
8. Fish hatcheries;
9. Home Occupations (See Special Provisions);
10. Livestock;
11. Nursery, landscape materials;
12. Parks;
13. Produce stands;
14. Public transportation shelter stations;
15. Public utility service installations;
16. Riding academy, rodeo arena;
17. Stables, Public and private.



### **18.317.030 Conditional Uses**

The conditional uses within the CSAG-20 district are as follows:

1. Animal hospital, veterinary clinic;
2. Bed and Breakfast Establishments;
3. Cemetery, mausoleum, columbarium, crematory;
4. Church and other places of worship;
5. Communication tower or mast;
6. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
7. Electrical distribution station;
8. Extractive industries;
9. Family hardship dwelling;
10. Feed and seed processing and cleaning;
11. Feed lots: cattle, swine, poultry;
12. Kennels, commercial;
13. Landfills, sanitary for disposal of garbage and trash;
14. Microwave relay station;
15. Orphanage and charitable institutions;
16. Radio and television broadcasting stations and masts;
17. Retirement home;
18. Schools, public or private elementary, junior high, and senior high;
19. Temporary buildings or structures;
20. Water treatment plants;
21. Water storage facilities;
22. Vacation Rental.

### **18.317.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CSAG-20 district are as follows:

1. Minimum lot area: twenty (20) acres;
2. Minimum lot width: NA;
3. Minimum yard requirements:
  1. Front: thirty (30) feet;
  2. Side: twenty (20) feet;
  3. Side corner: thirty (30) feet;
  4. Rear: twenty (20) feet;
4. Maximum height: NA;
5. Permitted lot coverage: twenty (20) percent;
6. Maximum fence height: NA;
7. Off-street parking: See Chapter Parking and Loading 18.500.

## **Chapter 18.318 CSAG-10 SUBURBAN AGRICULTURE**

### **18.318.010 Definition**

A district to protect and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized.

### **18.318.020 Permitted Uses**

The permitted uses in the CSAG-10 district are as follows:

1. Accessory building or use;
2. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
3. Class A manufactured homes;
4. Dairy farm;
5. Dairy products processing, bottling, and distribution;
6. Dwelling, single-family;
7. Guest house;
8. Home Occupations (see Special Provisions);
9. Nursery, landscaping materials;
10. Parks;
11. Produce stands;
12. Public transportation shelter stations;
13. Public utility service installations;
14. Riding academy, rodeo arena;
15. Stables, public and private.

### **18.318.030 Conditional Uses**

The conditional uses allowed in the CSAG-10 district are as follows:

1. Animal hospital;
2. Bed and breakfast establishments;
3. Cemeteries, mausoleums, columbariums, crematories;
4. Churches and other places of worship;
5. Electrical distribution station;
6. Extractive industries;
7. Family hardship dwelling;
8. Golf course;
9. Kennels, commercial;
10. Orphanage and charitable institutions;
11. Retirement home;
12. Schools, public or private elementary, junior high, and senior high;
13. Swimming pools and beaches, public or semiprivate;
14. Temporary buildings or structures;
15. Water treatment plants;
16. Water storage facilities;
17. Vacation Rental.

### **18.318.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CSAG-10 district are as follows:

1. Minimum lot area: ten (10) acres;
2. Minimum lot width: NA;
3. Minimum yard requirements;
  1. Front: thirty (30) feet;
  2. Side: twenty (20) feet each;
  3. Side corner: thirty (30) feet;
  4. Rear: twenty (20) feet;

4. Maximum height: NA;
5. Permitted lot coverage: twenty (20) percent;
6. Maximum fence height: NA;
7. Off-street parking: See Chapter Parking and Loading 18.500.

## **Chapter 18.320 CSAG-5 SUBURBAN AGRICULTURAL**

### **18.320.010 Definition**

A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

### **18.320.020 Permitted Uses**

The permitted uses in the CSAG-5 district are as follows:

1. Agricultural/horticultural/silvicultural uses;
2. Class A manufactured homes;
3. Day care homes;
4. Dwellings, single family;
5. Guest house;
6. Home occupations (See Special Provisions);
7. Livestock;
8. Nursery, landscaping materials;
9. Parks and publicly owned recreational facilities;
10. Produce stands;
11. Public transportation shelter stations;
12. Public utility service installations;
13. Stable, private.

### **18.320.030 Conditional Uses**

The conditional uses in the CSAG-5 district are as follows:

1. Animal hospitals, veterinary clinics;
2. Bed and breakfast establishments;
3. Cemeteries, mausoleums, columbariums, crematoriums;
4. Churches and other places of worship;
5. Community center buildings, gymnasiums, swimming pools, beaches and other similar activities operated by a public agency, neighborhood or homeowners association;
6. Community residential facilities;
7. Dwellings, cluster development;
8. Dwellings, family hardship;
9. Electrical distribution stations;
10. Extractive industries;
11. Golf courses;
12. Golf driving ranges;
13. Kennels, commercial;
14. Recreational facilities;
15. Retirement homes;

16. Riding academy, rodeo arena;
17. Schools, primary and secondary;
18. Temporary buildings or structures;
19. Water and sewage treatment plants;
20. Water storage facilities;
21. Vacation Rental.

**18.320.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements in the CSAG-5 district are as follows:

1. Minimum lot area: five (5) acres;
2. Minimum lot width: No parcel or lot width shall be less than one-third its average length, unless the average lot width is 300 feet or greater;
3. Minimum yard requirements:
  1. Front: twenty (20) feet,
  2. Side: twenty (20) feet each,
  3. Side corner: twenty (20) feet,
  4. Rear: twenty (20) feet;
4. Maximum height: thirty-five (35) feet;
5. Permitted lot coverage (residential uses): twenty-five (25) percent;
6. Maximum fence height (residential uses):
  1. Front: four (4) feet,
  2. Side: six (6) feet,
  3. Rear: six (6) feet;
7. Off-street parking: See Chapter Parking and Loading 18.500.

**Chapter 18.322 CR-1 SUBURBAN RESIDENTIAL**

**18.322.010 Definition**

A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low-density development (e.g. extreme topography, areas adjacent to floodplains, airport runway alignment extension).

**18.322.020 Permitted Uses**

The permitted uses in the CR-1 district are as follows:

1. Accessory building or use;
2. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
3. Automobile parking in conjunction with permitted uses;
4. Day care home;
5. Dwelling, single family;
6. Guest house;
7. Parks;
8. Produce stands;
9. Public transportation shelter stations;
10. Public utility service installations.

### **18.322.030 Conditional Uses**

The conditional uses in the CR-1 district are as follows:

1. Boat marinas and sale of boating supplies and fuel;
2. Cemeteries, mausoleums, columbariums, crematories;
3. Churches and other places of worship;
4. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
5. Day care centers (see Special Provisions);
6. Dwelling, cluster development;
7. Electrical distribution station;
8. Extractive industries;
9. Family hardship dwelling;
10. Golf courses;
11. Golf driving range and putting course;
12. Home occupations (see Special Provisions);
13. Orphanage and charitable institutions;
14. Radio and television broadcasting stations and masts;
15. Retirement home;
16. Schools, public or private elementary, junior high, and senior high;
17. Swimming pools and beaches, public or semiprivate;
18. Temporary buildings or structures;
19. Water treatment plants;
20. Water storage facilities.
21. Vacation Rental;
22. Accessory Apartment (See Chapter 18.411).

### **18.322.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CR-1 district are as follows:

1. Minimum lot area: one (1) acre;
2. Minimum lot width: one hundred fifty (150) feet;
3. Minimum yard requirements:
  1. Front: thirty (30) feet;
  2. Side: twenty (20) feet each;
  3. Side corner: thirty (30) feet;
  4. Rear: twenty (20) feet;
4. Maximum height: thirty-five (35) feet; licensed amateur radio operators antennae-one hundred (100) feet;
5. Permitted lot coverage: thirty (30) percent;
6. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
7. Off-street parking: See Chapters Parking and Loading 18.500.

### **Chapter 18.324 CR-2 ONE-FAMILY LIMITED RESIDENTIAL**

### **18.324.010 Definition**

A residential district to provide for large-tract development. These areas will be found in suburban areas, beyond sanitary sewer and/or water lines.

### **18.324.020 Permitted Uses**

The permitted uses in the CR-2 district are as follows:

1. Accessory building or use;
2. Automobile parking in conjunction with permitted uses;
3. Day care home;
4. Dwelling, single family;
5. Guest house;
6. Parks;
7. Public transportation shelter stations;
8. Public utility service installations.

### **18.324.030 Conditional Uses**

The conditional uses in the CR-2 district are as follows:

1. Boat marinas and sale of boating supplies and fuel;
2. Cemeteries, mausoleums, columbariums, crematories;
3. Churches and other places of worship;
4. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
5. Day care centers (see Special Provisions);
6. Dwelling, cluster development;
7. Electrical distribution station;
8. Family hardship dwelling;
9. Golf courses;
10. Home occupations (see Special Provisions);
11. Orphanage and charitable institutions;
12. Retirement home;
13. Schools, public or private elementary, junior high, and senior high;
14. Swimming pools and beaches, public or semiprivate;
15. Temporary buildings or structures;
16. Water treatment plants;
17. Water storage facilities.
18. Vacation Rental;
19. Accessory Apartment (See Chapter 18.411).

### **18.324.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements of the CR-2 district are as follows:

1. Minimum lot area: twenty thousand (20,000) square feet;
2. Minimum lot width: one hundred (100) feet;
3. Minimum yard requirements:
4. Front: twenty-five (25) feet;
5. Side: fifteen (15) feet each;
6. Side corner: fifteen (15) feet;
7. Rear: twenty (20) feet;

8. Maximum height: thirty-five (35) feet; licensed amateur radio operators antennae-one hundred (100) feet;
9. Permitted lot coverage: thirty (30) percent;
10. Maximum fence height:
11. Front: four (4) feet;
12. Side: six (6) feet;
13. Rear: six (6) feet;
14. Off-street parking: See Chapters Parking and Loading 18.500.

## **Chapter 18.326 CR-3 ONE FAMILY RESIDENTIAL**

### **18.326.010 Definition**

A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e. schools, parks, shopping areas. This district will normally require all public utilities.

### **18.326.020 Permitted Uses**

The permitted uses in the CR-3 district are as follows:

1. Accessory building or use;
2. Automobile parking in conjunction with permitted uses;
3. Day care home;
4. Dwelling, single family;
5. Parks;
6. Public transportation shelter stations;
7. Public utility service installations.

### **18.326.030 Conditional Uses**

The conditional uses in the CR-3 district are as follows:

1. Boat marinas and sale of boating supplies and fuel;
2. Churches and other places of worship;
3. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
4. Day care centers (see Special Provisions);
5. Dwelling, cluster development;
6. Electrical distribution station;
7. Family hardship dwelling;
8. Golf courses;
9. Home occupations (see Special Provisions);
10. Orphanage and charitable institutions;
11. Retirement home;
12. Schools, public or private elementary, junior high, and senior high;
13. Swimming pools and beaches, public or semiprivate;
14. Temporary buildings or structures;
15. Water storage facilities.
16. Vacation Rental;
17. Accessory Apartment (See Chapter 18.411).

### **18.326.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CR-3 district are as follows:

1. Minimum lot area: nine thousand six hundred (9,600) square feet;
2. Minimum lot width: eighty (80) feet;
3. Minimum yard requirements:
  1. Front: twenty-five (25) feet;
  2. Side: five (5) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: twenty (20) feet;
4. Maximum height: thirty-five (35) feet; licensed amateur radio operators antennae-one hundred (100) feet;
5. Permitted lot coverage: thirty (30) percent;
6. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
7. Off-street parking: See Chapters Parking and Loading 18.500.

## **Chapter 18.328 CR-4 URBAN RESIDENTIAL**

### **18.328.010 Definition**

A residential district to provide lot areas for urban development. Development in this district must be served by all public utilities.

### **18.328.020 Permitted Uses**

The permitted uses in the CR-4 district are as follows:

1. Accessory building or use;
2. Automobile parking in conjunction with permitted uses;
3. Day care home;
4. Dwelling, single family;
5. Parks;
6. Public transportation shelter stations;
7. Public utility service installations.

### **18.328.030 Conditional Uses**

The conditional uses in the CR-4 district are as follows:

1. Bed and breakfast establishment (see Special Provisions);
2. Boat marinas and sale of boating supplies and fuel;
3. Churches and other places of worship;
4. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
5. Day care center (see Special Provisions);
6. Dwelling, cluster development;
7. Electrical distribution station;
8. Golf courses;
9. Home occupations (see Special Provisions);
10. Orphanage and charitable institutions;



11. Retirement home;
12. Schools, public or private elementary, junior high, and senior high;
13. Swimming pools and beaches, public or semiprivate;
14. Temporary buildings or structures;
15. Water storage facilities.
16. Vacation Rental;
17. Accessory Apartment (See Chapter 18.411).

### **18.328.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CR-4 district are as follows:

1. Minimum lot area: seven thousand two hundred (7,200) square feet;
2. Minimum lot width: sixty (60) feet;
3. Minimum yard requirements:
  1. Front: twenty (20) feet;
  2. Side: five (5) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: twenty (20) feet;
4. Maximum height: thirty-five (35) feet; licensed amateur radio operators antennae-one hundred (100) feet;
5. Permitted lot coverage: thirty-five (35) percent;
6. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
7. Off-street parking: See Chapters Parking and Loading 18.50

## **Chapter 18.330 CR-5 TWO-FAMILY RESIDENTIAL**

### **18.330.010 Definition**

A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. Two-family dwellings are allowed in this district.

### **18.330.020 Permitted Uses**

The permitted uses in the CR-5 district are as follows:

1. Accessory building or use;
2. Automobile parking in conjunction with permitted uses;
3. Day care home;
4. Dwelling, single family;
5. Dwelling, two family;
6. Parks;
7. Public transportation shelter stations;
8. Public utility service installations.

### **18.330.030 Conditional Uses.**

The conditional uses for the CR-5 district are as follows:

1. Bed and breakfast establishment (see Special Provisions);
2. Boat marinas and sale of boating supplies and fuel;

3. Churches and other places of worship;
4. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
5. Day care center (see Special Provisions);
6. Dwelling, cluster development;
7. Electrical distribution station;
8. Golf courses;
9. Home occupations (see Special Provisions);
10. Mobile home parks;
11. Orphanage and charitable institutions;
12. Retirement home;
13. Schools, public or private elementary, junior high, and senior high;
14. Swimming pools and beaches, public or semiprivate;
15. Temporary buildings or structures;
16. Water storage facilities;
17. Vacation Rental.

### **18.330.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CR-5 district are as follows:

1. Minimum lot area: five thousand four hundred (5,400) square feet;
2. Minimum lot width: forty-five (45) feet;
3. Minimum yard requirements:
  1. Front: twenty (20) feet;
  2. Side: five (5) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: twenty (20) feet;
4. Maximum height: thirty-five (35) feet; licensed amateur radio operators antenna-one hundred (100) feet;
5. Permitted lot coverage: forty (40) percent;
6. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
7. Off-street parking: See Chapters Parking and Loading 18.500.

## **Chapter 18.332 CRA-1 RESIDENTIAL APARTMENT**

### **18.332.010 Definition**

A district to provide areas for multi-family use and for nonresidential uses which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other denser, noncompatible districts. This district is intended to apply throughout the planning area.

### **18.332.020 Permitted Uses**

The permitted uses in the CRA-1 district are as follows:

1. Accessory building or use;
2. Automobile parking in conjunction with permitted uses;

3. Clinics, medical and dental;
4. Convalescent, nursing, and foster homes for the care of children and the aged;
5. Day care home;
6. Dwelling, single-family;
7. Dwelling, two-family;
8. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
9. Parks;
10. Pharmacy, operated within a clinic or physicians office and selling only drugs, prescription medicine, medical supplies and appliances, and pharmaceutical products; and provided that no more than fifty (50) percent of the ground floor of the building shall be used for such purpose;
11. Public transportation shelter stations;
12. Public utility service installations;

### **18.332.030 Conditional Uses**

The conditional uses in the CRA-1 district are as follows:

1. Bed and breakfast establishment (see Special Provisions);
2. Boat marinas and sale of boating supplies and fuel;
3. Churches and other places of worship;
4. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
5. Day care center (see Special Provisions);
6. Dwelling, multi-family;
7. Electrical distribution station;
8. Fraternity or sorority houses;
9. Golf courses;
10. Home occupations (see Special Provisions);
11. Hospitals;
12. Hotels;
13. Mobile home parks;
14. Orphanage and charitable institutions;
15. Retirement home;
16. Schools, public or private elementary, junior high, and senior high;
17. Sublots (Chapter Special Provisions);
18. Swimming pools and beaches, public or semiprivate;
19. Temporary buildings or structures;
20. Undertaking establishments;
21. Water storage facilities.
22. Vacation Rental.

### **18.332.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements of the CRA-1 district are as follows:

1. Minimum lot area: seven thousand five hundred (7,500) square feet;
2. Minimum lot width: seventy (70) feet;
3. Minimum yard requirements:

1. Front: fifteen (15) feet;
2. Side: five (5) feet each;
3. Side corner: fifteen (15) feet;
4. Rear: fifteen (15) feet;
4. Maximum height: thirty-five (35) feet; licensed amateur radio operators antennae-one hundred (100) feet;
5. Permitted lot coverage: forty-five (45) percent;
6. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet.
  3. Rear: six (6) feet;
7. Off-street parking: See Chapters Parking and Loading 18.500.

## **Chapter 18.334 CB-1 NEIGHBORHOOD/PROFESSIONAL BUSINESS**

### **18.334.010 Definition**

A business district to provide certain commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district should serve as a buffer between residential areas and other commercial districts and primarily serve the daily needs of the surrounding population. The district is not intended for those businesses that require the outdoor display, sale, and/or storage of merchandise, outdoor services or operations, or outdoor consumption of food and beverages. It is also not intended for buildings larger than 3,000 square feet.

### **18.334.020 Permitted Uses**

The permitted uses in the CB-1 district are as follows:

1. Accessory building or use;
2. Accountants, financial brokers;
3. Automobile parking in conjunction with approved uses;
4. Automobile service station;
5. Car washing and waxing, enclosed;
6. Clinics, medical and dental;
7. Day care centers;
8. Drug stores;
9. Food stores, retail only and less than three thousand square feet of floor area;
10. Lawyers, attorneys;
11. Parks;
12. Pharmacy, operated within a clinic or physicians office and selling only drugs, prescription medicine, medical supplies and appliances, and pharmaceutical products; provided that no more than fifty percent of the ground floor of the building shall be used for this purpose;
13. Public transportation shelter stations;
14. Public utility service installations.

### **18.334.030 Conditional Uses**

The conditional uses in the CB-1 district are as follows:

1. Electrical distribution station;

2. Temporary buildings or structures;
3. Water storage facilities.
4. Fence within twenty (20) feet of front property line;
5. Fence within fifteen (15) feet of side corner property line.

**18.334.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements of the CB-1 district are as follows:

1. Maximum lot area: five acres;
2. Minimum lot width: NA;
3. Minimum yard requirements:
  1. Front: twenty (20) feet;
  2. Side: five (5) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: fifteen (15) feet;
4. Maximum height: thirty-five (35) feet;
5. Permitted lot coverage: NA;
6. Maximum fence height:
  1. Front: see Special Provisions;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
  4. Side-corner: see Special Provisions.
7. Off-street parking: See Chapters Parking and Loading 18.500.

**Chapter 18.336 CB-2 GENERAL BUSINESS**

**18.336.010 Definition**

A business district to provide for a wide range of commercial activities including offices, retail sales and services, shopping malls, and businesses that serve the needs of the traveling public and tourists.

**18.336.020 Permitted Uses**

1. Accessory building or use;
2. Assembly halls, coliseums, stadiums;
3. Automobile sales (new and used) and accessory sales;
4. Automobile parking, commercial enterprise;
5. Automobile parking, in conjunction with permitted uses;
6. Automobile service station;
7. Banks and other financial institutions;
8. Boat sales, new and used;
9. Car wash, automatic coin-operated;
10. Car washing and waxing, enclosed;
11. Clinic, medical and dental;
12. Clubs and other places of entertainment operated as commercial enterprises;
13. Colleges, business schools, trade schools, music conservatories, dance schools; provided that no students reside on campus;
14. Commercial recreation area;
15. Drug stores;
16. Dwelling, single-family;

17. Food stores, supermarkets, delicatessens;
18. Hotel, motel;
19. Laundromat, self-service coin-operated;
20. Laundry pick-up station;
21. Libraries, museums, and art galleries;
22. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
23. Lumber yards, building materials; storage and sales;
24. Nursery, landscaping materials;
25. Office; professional, public and private;
26. Parks;
27. Pet shops, bird stores, taxidermists;
28. Pharmacy;
29. Public transportation shelter stations;
30. Public utility service installations;
31. Quasi-public buildings, nonprofit;
32. Recreational vehicle park;
33. Restaurants, except drive-ins;
34. Retail sales and service;
35. Shopping malls;
36. Storage, within the building, of goods intended for retail sales on premises;
37. Taverns;
38. Taxi stands;
39. Theaters, housed in permanent indoor structures;
40. Micro-Brewery, Brew Pub and Mini Brewery;
41. Vacation Rental.

### **18.336.030 Conditional Uses**

1. Accessory residential apartment within the same building as the permitted principal use;
2. Animal hospital;
3. Automobile repair shops;
4. Casino;
5. Churches and other places of worship;
6. Convention hall facilities;
7. Drive-in restaurants;
8. Drive-in theaters;
9. Electrical distribution station;
10. Golf driving range and putting course;
11. Large buildings;
12. Radio and television broadcasting stations and masts;
13. Storage warehouses and yards for domestic purposes, including mini-storage;
14. Temporary buildings or structures;
15. Undertaking establishments;
16. Water storage facilities;
17. Watchman/caretakers facility (see Special Provisions);
18. Fence within twenty (20) feet of front property line;

19. Fence within fifteen (15) feet of side corner property line.

### **18.336.040 Bulk And Dimensional Requirements**

1. Minimum lot area: Not applicable.
2. Minimum lot width: Not applicable.
3. Minimum yard requirements: zero (0) feet.
4. Minimum yard requirements: (When abutting a residential district)
  1. Front: Fifteen (15) feet.
  2. Side: Five (5) feet each.
  3. Rear: Fifteen (15) feet.
5. Maximum height: Forty-five (45) feet.
6. Permitted lot coverage: Not applicable.
7. Maximum fence height:
  1. Front: see Special Provisions.
  2. Side: Six (6) feet.
  3. Rear: Six (6) feet.
  4. Side-corner: see Special Provisions.
8. Off-street parking: See Chapters Parking and Loading 18.500.

### **18.336.050 Special Provisions**

All light manufacturing/assembly uses found in the CB-2 and CB-4 zoning classifications meeting the criteria found in Chapter 18.430 shall apply for an administrative conditional use permit. The zoning administrator shall review each business for conformance with the light manufacturing/assembly criteria. Once granted, the administrative conditional use permit shall run with the property as long as the scope of the business does not violate any of the criteria below. Should a proposed business not meet criteria in items a, d or e of Chapter 18.430, the applicant may apply for a conditional use permit in Chapter 18.210 which requires review by the Planning Board and the City Council.

## **Chapter 18.337 CB-3 LIMITED BUSINESS**

### **18.337.010 Definition**

A business district to provide certain limited commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district should serve as a buffer between residential areas and the Highway primarily serving the tourist/visitor needs but also providing services for the local population. The district is not intended for those businesses that require the outdoor display, sale, and/or storage of merchandise, and outdoor services or operations. It is also not intended for buildings larger than 4,000 square feet.

### **18.337.020 Permitted Uses**

The permitted uses in the CB-3 district are as follows:

1. Accessory building or use;
2. Automobile parking in conjunction with approved uses;
3. Day care centers;
4. Dwellings, single family;
5. Food stores, retail only, less than 3,000 square feet of floor area;

6. Office; Professional, public and private, less than 4,000 square feet of floor area;
7. Parks;
8. Public transportation shelter stations;
9. Public utility service installations.
10. Retail sales and service, less than 3,000 square feet of floor area.

### **18.337.030 Conditional Uses**

The conditional uses in the CB-3 district are as follows:

1. Electrical distribution station;
2. Temporary buildings or structures;
3. Water storage facilities.
4. Fence within twenty (20) feet of front property line;
5. Fence within fifteen (15) feet of side corner property line.
6. Home Occupation (See Special Provisions).
7. Micro-Brewery, Brew Pub and Mini Brewery less than 4,000 square feet.
8. Restaurants less than 3,000 square feet of floor area.
9. Retail sales and service less than 4,000 square feet of floor area.

### **18.337.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements of the CB-3 district are as follows:

1. Maximum lot area: three acres;
2. Minimum district width: 80-feet;
3. Minimum Lot Size: 9,600 square feet;
4. Minimum yard requirements:
  1. Front: twenty (20) feet;
  2. Side: five (5) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: fifteen (20) feet;
5. Maximum height: thirty-five (35) feet;
6. Permitted lot coverage: 30%;
7. Maximum fence height:
  1. Front: see Special Provisions;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
  4. Side-corner: see Special Provisions.
8. Off-street parking: See Chapters Parking and Loading 18.500.

## **Chapter 18.338 CB-4 CENTRAL BUSINESS**

### **18.338.010 Definition**

A business district to set apart that portion of the city which forms the center for financial, commercial, governmental, professional, and cultural activities. Suitability of this district for the performance of these functions should be maintained and uses likely to create friction should be discouraged. This district is not intended for general application throughout the planning area.



### **18.338.020 Permitted Uses**

The permitted uses in the CB-4 district are as follows:

1. Accessory building or use (see Special Provisions);
2. Assembly Halls
3. Clinic, medical and dental;
4. Clubs and other places of entertainment operated as commercial enterprise;
5. Colleges, business and trade schools;
6. Day care center;
7. Drug stores;
8. Dwelling(s), above first story;
9. Food stores, supermarkets, delicatessens;
10. Hotel;
11. Laundromat, laundry;
12. Libraries, museums, art galleries;
13. Financial institutions and professional services;
14. Light manufacturing/assembly (see Special Provisions);
15. Professional offices;
16. Private and commercial recreational facilities;
17. Public utility buildings and service facilities, excluding repair and storage;
18. Publicly owned and operated buildings, uses, or recreational facilities including parks and playgrounds;
19. Restaurants, excluding drive-ins;
20. Retail sales and service;
21. Taverns;
22. Theaters, housed in permanent indoor structures;
23. Micro-Brewery, Brew Pub and Mini Brewery;
24. Vacation Rental.

### **18.338.030 Conditional Uses**

The conditional uses in the CB-4 district are as follows:

1. Convention hall facilities;
2. Casino;
3. Pet Grooming and Pet Therapy/Rehabilitation;
4. Electrical distribution station;
5. Large buildings;
6. Radio and television broadcasting stations and masts;
7. Temporary buildings or structures;
8. Water storage facilities.
9. Fence within twenty (20) feet of front property line;
10. Fence within fifteen (15) feet of side corner property line.

### **18.338.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements of the CB-4 district are as follows:

1. Minimum lot area: NA;
2. Minimum lot width: NA;
3. Minimum yard requirements: zero (0) feet.
4. Minimum yard requirements: (When abutting a residential district.)
  1. Front: zero (0) feet;

2. Side: five (5) feet each;
3. Rear: fifteen (15) feet;
5. Maximum height: thirty five (35) feet;
6. Permitted lot coverage: NA;
7. Maximum fence height:
  1. Front: see Special Provisions;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
  4. Side-corner: see Special Provisions.
8. Off-street parking: See 18.500.

### **18.338.050 Special Provisions**

All light manufacturing/assembly uses found in the CB-2 and CB-4 zoning classifications meeting the criteria found in Chapter 18.430 shall apply for an administrative conditional use permit. The zoning administrator shall review each business for conformance with the light manufacturing/assembly criteria. Once granted, the administrative conditional use permit shall run with the property as long as the scope of the business does not violate any of the criteria below. Should a proposed business not meet criteria in items a, d or e of Chapter 18.430, the applicant may apply for a conditional use permit in Chapter 18.210 which requires review by the Planning Board and the City Council.

## **Chapter 18.340 CB-5 RESORT BUSINESS**

### **18.340.010 Definition**

A district to provide high-density hotel, motel, multi-family, and limited retail and commercial service facilities where such uses are desirable for resort development and where public facilities are available. This district is not intended for general application but should be limited to tourist destination centers.

### **18.340.020 Permitted Uses**

The permitted uses in the CB-5 district are as follows:

1. Accessory building or use;
2. Bed and breakfast establishments;
3. Commercial and retail facilities in an established resort complex that meet the following conditions:
  1. The total floor area devoted to such uses does not exceed twenty percent of the total floor area of the main building situated on the lot;
  2. No such use shall have an outside entrance for general use and shall be within the main building. No individual shop shall exceed five hundred square feet of floor space;
  3. No exterior signs;
4. The commercial or retail facilities listed below or of a similar nature:
  1. Art galleries,
  2. Baked goods shops,
  3. Barber and beautician shops,
  4. Candy shops,
  5. Florist shops,

6. Game rooms,
7. Garment shops,
8. Gift, curio and hobby shops,
9. Health studios,
10. Ice cream shops,
11. Laundry and cleaning pickup stations,
12. Sporting goods shops,
13. Travel agencies;
14. Dwellings, single family or two family;
15. Hotels, motels;
16. Restaurants and coffee shops operated in conjunction with and ancillary to established lodging facilities; including the sale of alcoholic beverages;
17. Sublots;
5. Vacation Rental.

### **18.340.030 Conditional Uses**

The conditional uses in the CB-5 district are as follows:

1. Churches and other places of worship;
2. Clubs, taverns;
3. Colleges, business and trade schools;
4. Day care centers (see Special Provisions);
5. Dwellings, cluster;
6. Dwellings, multi-family;
7. Outdoor recreation facilities;
8. Professional offices;
9. Recreational vehicle parks and campgrounds (two acre minimum size);
10. Schools, public and private.

### **18.340.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CB-5 district are as follows:

1. Minimum district size: five (5) acres;
2. Minimum lot area: NA;
3. Minimum lot width: NA;
4. Minimum yard requirements:
  1. Front: fifteen (15) feet;
  2. Side: five (5) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: ten (10) feet;
5. Maximum height: thirty-five (35) feet;
6. Permitted lot coverage: forty (40) percent;
7. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
8. Off-street Parking.

## **Chapter 18.342 CI-1 LIGHT INDUSTRIAL**

### **18.342.010 Definition**

An industrial district to provide areas for light industrial uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented.

### **18.342.020 Permitted Uses**

The permitted uses in the CI-1 district are as follows:

1. Accessory building or use;
2. Automobile and boat sales and service;
3. Automobile service station;
4. Building supply outlets;
5. Contractors yards;
6. Heavy equipment sales, rental, and service;
7. Manufacturing, fabricating, processing, repairing, packing, or storage facilities provided that such uses do not produce objectionable by-products (dirt, noise, glare, heat, odors, smoke, etc.) beyond the lot lines and that the uses do not involve materials that are explosive, hazardous, or toxic;
8. Nurseries and landscape materials, wholesale and retail;
9. Parcel delivery services;
10. Parks;
11. Research laboratories and institutions;
12. Tire sales, recapping and retreading.

### **18.342.030 Conditional Uses**

The conditional uses in the CI-1 district are as follows:

1. Auction yards, livestock;
2. Automobile wrecking yard, junk yard, salvage yard;
3. Outdoor recreation facilities;
4. Sewage treatment plant;
5. Class III Landfills;
6. Watchman/caretakers facility (see Special Provisions).

### **18.342.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CI-1 district are as follows:

1. Minimum lot area: NA;
2. Minimum lot width: NA;
3. Minimum yard requirements:
  1. Front: twenty (20) feet;
  2. Side: ten (10) feet each;
  3. Side corner: fifteen (15) feet;
  4. Rear: twenty (20) feet;
4. Minimum height: forty (40) feet; (Radio and TV towers-five hundred (500) feet);
5. Permitted lot coverage: NA;
6. Maximum fence height:

1. Front: zero (0) feet;
2. Side: ten (10) feet;
3. Rear: ten (10) feet;
7. Off-street parking.

### **18.342.050 Special Provisions**

When abutting a residential or commercial district a buffer shall be installed along the shared property line or right-of-way in compliance with Section 18.427.

## **Chapter 18.344 CI-2 HEAVY INDUSTRIAL**

### **18.344.010 Definition**

An industrial district to provide for uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or material. It is also intended that the encroachment of non-industrial uses within the district be prevented.

### **18.344.020 Permitted Uses**

The permitted uses in the CI-2 district are as follows:

1. Accessory building or use;
2. Contractors yards;
3. Manufacturing, fabricating, processing, repairing, packing, or storage facilities;
4. Parcel delivery services;
5. Parks;
6. Petroleum products, wholesale and retail;
7. Railroad yards.

### **18.344.030 Conditional Uses**

The conditional uses in the CI-2 district are as follows:

1. Automobile wrecking yards, junk yards, salvage yards;
2. Cryptocurrency facilities, data centers, server farms, server centers;
3. Outdoor recreational facilities;
4. Sewage treatment plant;
5. Watchman/caretakers facility (see Special Provisions).

### **18.344.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CI-2 district are as follows:

1. Minimum lot area: NA;
2. Minimum lot width: NA;
3. Minimum yard requirements:
  1. Front: forty (40) feet;
  2. Side: twenty feet (20) each;
  3. Side corner: twenty (20) feet;
  4. Rear: forty (40) feet;
4. Maximum height: sixty (60) feet; (Radio and television towers-five hundred feet);
5. Permitted lot coverage: NA;
6. Maximum fence height:

1. Front: ten (10) feet;
2. Side: ten (10) feet;
3. Rear: ten (10) feet;
7. Off-street parking: See Chapter Parking and Loading 18.500.

### **18.344.050 Special Provisions**

When abutting a residential or commercial district a buffer shall be installed along the shared property line or right-of-way in compliance with Section 18.427.

## **Chapter 18.346 CP-1 PUBLIC**

### **18.346.010 Definition**

A district to provide and reserve areas for public uses in order to provide adequate land for a variety of community facilities which serve the public health, safety, and general welfare. These uses would include schools, public buildings, parks and open spaces, etc.

### **18.346.020 Permitted Uses**

The permitted uses in the CP-1 district are as follows:

1. Accessory building or use;
2. Assembly halls;
3. Automobile parking in conjunction with permitted uses;
4. Churches and other places of worship;
5. Dwelling, single family;
6. Jails and penal institutions;
7. Libraries, museums, and art galleries;
8. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
9. Office buildings, governmental;
10. Parks;
11. Public transportation shelter stations;
12. Public utility service installations;
13. Theaters housed in a permanent indoor structure.

### **18.346.030 Conditional Uses**

The conditional uses in the CP-1 district are as follows:

1. Airports and landing fields;
2. Amusement park or zoo;
3. Boat marinas and sale of boating supplies and fuel;
4. Cemeteries, mausoleums, columbariums, crematories;
5. Coliseums and stadiums, profit and nonprofit;
6. Colleges and universities, public and private;
7. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
8. Electrical distribution station;
9. Electric light or power generating station;
10. Fraternity or sorority houses;

11. Golf courses;
12. Golf driving range and putting course;
13. Heliports;
14. Hospitals;
15. Landfills, sanitary for disposal of garbage and trash;
16. Microwave relay station;
17. Orphanage and charitable institutions;
18. Retirement home;
19. Schools, public or private elementary, junior high, and senior high;
20. Swimming pools and beaches, public or semiprivate;
21. Temporary buildings or structures;
22. Water treatment plants;
23. Water storage facilities.

### **18.346.040 Bulk And Dimensional Requirements**

The bulk and dimensional requirements for the CP-1 district are as follows:

1. Minimum lot area: NA;
2. Minimum lot width: NA;
3. Minimum yard requirements:
  1. Front: twenty (20) feet;
  2. Side: five (5) feet each;
  3. Side corner: twenty (20) feet;
  4. Rear: twenty (20) feet;
4. Maximum height: fifty (50) feet;
5. Permitted lot coverage: forty-five (45) percent;
6. Maximum fence height:
  1. Front: four (4) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet;
7. Off-street parking: See Chapters Parking and Loading 18.500.

## **Chapter 18.348 CPUD PLANNED UNIT DEVELOPMENT**

### **18.348.010 Definition**

A district to encourage a more efficient use of land and public services by allowing, under certain circumstances, a more flexible means of land development than is otherwise generally permissible under lot-by-lot restrictions.

### **18.348.020 Permitted Uses In A Residential Planned Unit**

Permitted uses in a residential planned unit are as follows:

1. Accessory building or use;
2. Commercial uses:
  1. No more than ten (10) percent of the gross area of the district is to be so designated, and
  2. The proposed commercial uses are compatible with and complementary to existing and proposed uses in the area;
3. Dwelling, single family;
4. Dwelling, two-family;

5. Dwelling, multi-family;
6. Dwellings, any combination of the above;
7. Private and/or semiprivate recreation and service facilities intended for the residents of the district.

**18.348.030 Permitted Uses In Nonresidential Planned Unit Development**

The permitted uses in nonresidential planned unit developments are as follows:

1. Any uses that are permitted in the underlying district for which the planned unit development is proposed;
2. Any other uses for which justification can be derived on the basis that such a use will be compatibly and harmoniously incorporated into the unified design of the development.

**18.348.040 Bulk And Dimensional Requirements**

1. There shall be no area designated as a planned unit development district of less than two acres of contiguous land unless the city council determines that a parcel, due to its unique character, is best developed as a planned unit development even though it does not meet the two acre requirement. The district area shall include the entire PUD district including the area of included right-of-way.
2. Not more than seventy percent of the PUD site shall be devoted to parking facilities, streets, buildings, and accessory buildings. The remaining thirty percent shall remain as open space or landscaped area; excluded from this percentage are on-lot yards, required landscape buffers and right-of-way landscaping.
3. Off-street parking for residential areas shall be two parking spaces per living unit. For commercial areas, two square feet of parking shall be provided for every one square foot of floor area.
4. Landscaping may be required by the planning board or the city council to provide a buffer between proposed uses or between the adjacent zoning districts.
5. Utilities shall be provided in a manner to meet the specifications of the planning board and city council.
6. Off-street loading areas shall be provided if required by the planning board or city council.
7. Architectural design of the buildings shall be compatible with surrounding buildings within the planned unit development.
8. The maximum allowable residential density for a planned unit development shall be based on the underlying zone, as follows:

Underlying Zone	Maximum PUD Density <sup>2</sup>
CSAG-10	1/10 dwelling units/gross acre
CSAG-5	1/5 dwelling units/gross acre



CR-1	1.5 dwelling units/gross acre
CR-2	4 dwelling units/gross acre
CR-3	7 dwelling units/gross acre
CR-4	12 dwelling units/gross acre
CR-5	12 dwelling units/gross acre
CRA-1	15 dwelling units/gross acre
CB-1 <sup>1</sup>	20 dwelling units/gross acre
CB-3 <sup>1</sup>	20 dwelling units/gross acre
CB-5 <sup>1</sup>	15 dwelling units/gross acre

9. <sup>1</sup> Gross acreage shall exclude all lands set aside for commercial or industrial activities and associated accessory uses. <sup>2</sup> Any fraction of a dwelling unit shall be rounded off to the nearest whole number. In computing residential density, areas of commercial uses will be subtracted before the density is computed.

**18.348.050 Legal Requirements**

In a planned unit development where ownership is subject to restrictions, the subdivision plat, dedications, covenants, and other agreements shall be recorded in the office of the county clerk and recorder. These documents will also include those that:

1. Create automatic membership in a nonprofit home- owners association or corporation to be formed to control, develop, and maintain common areas, properties, and facilities;
2. Place title to any common property or facilities in the association or corporation.

**18.348.060 Application Procedure**

The application for zoning or rezoning as a planned unit development district shall be executed by the individual(s) whose successors and assignees shall be responsible for carrying out the requirements and obligations of the planned unit development district.

1. Submit complete application, application fee and site plan; size and quantity of site plan copies as specified in the application.
2. The site plan shall include the following:
  1. Total acreage, present zoning classification and zoning classification of all adjoining districts;
  2. Density in dwelling units per gross acre;

3. Location, size, height and number of stories, use or uses to be contained in each existing or proposed structure;
  4. Location, width, surfacing and layout of all streets, parking areas and pedestrian walks;
  5. Location and number of proposed parking spaces;
  6. Location, size, height and orientation of all signs in excess of one square foot;
  7. Location and height of all fences, walls and screen plantings;
  8. Location of all common spaces and facilities; and
  9. Proposed landscaping.
3. All documents included in the site plan shall include space for certification of approval in accordance with the form used for subdivision platting.
  4. The applicant shall furnish:
    1. The proposed time schedule for the completion of the development or the phasing thereof;
    2. A copy of all proposed covenants, restrictions and easements;
    3. A copy of the proposed articles of incorporation and by-laws of any corporation and/or homeowners associations to be formed; and
    4. Any other information that the zoning commission or the city council may deem necessary.
  5. The preliminary plat (if required) shall be prepared in accordance to requirements of the subdivision regulations and shall include space for certification of approval by the City Council.

**18.348.070 Approval Of The Planned Unit Development**

The city council shall approve a planned unit development by ordinance which shall incorporate by reference all documents included in the site plan and the recommendation of the planning board. When appropriate, a final plat shall be submitted and approved by the city council and recorded in the County Courthouse. The face of the final plat shall bear the following language:

Uses and development within this plat shall be in compliance with the Planned Unit Development plan approved by the City of Columbia Falls by Ordinance # \_\_\_\_\_ enacted \_\_\_\_\_, 200\_\_. I, , Owner of the property set forth herein, do hereby agree that I will develop the property as a Planned Unit Development in accordance with the approve PUD plan. (Signature of Owner) Where a PUD is approved and not part of the platting of a subdivision, the deed for each parcel in the development shall be amended to include the following language: Uses and development of this property shall be in compliance with the Planned Unit Development plan approved by the City of Columbia Falls by Ordinance # \_\_\_\_\_ enacted \_\_\_\_\_, 200\_\_.

**18.348.074 Prior To Construction**

1. Prior to the construction of public infrastructure the developer shall submit verification that the service provider has reviewed and approved the construction plan.
2. Prior to the issuance of a building permit (if such a permit is required) the developer shall submit verification that the building(s) are in compliance with the approved PUD.

### **18.348.080 Enforcement**

Any modification or deviation from the site plan adopted by the PUD ordinance or resolution shall be by amendment to the PUD ordinance or resolution. Any modification or deviation otherwise made shall constitute a violation of the ordinance or resolution and the owner, lessee or occupant of the area or building in violation shall be subject to the penalties and remedies imposed by the codes of the city.

## **Chapter 18.350 MH MANUFACTURED HOME OVERLAY DISTRICT**

### **18.350.010 Definition**

An overlay designation that may be approved as a zone change in the CSAG-20, CSAG-10, CSAG-5, CR-1, CR-2, CR-3, CR-4, CR-5 and CRA-1 zoning designations. This MH district designation shall apply only to areas at least ten (10) acres in size. The designation of a MH district is treated as a zone change and handled in accordance with Chapter 18.212.

1. Permitted Uses. The permitted uses in the MH zone are as follows:
  1. Class B manufactured homes on permanent perimeter foundations.
  2. Uses permitted in the underlying zone.
2. Conditional Uses. The conditional uses in the MH zone are as those uses designated as conditional uses in the underlying zone.
3. Bulk and Dimensional Requirements. The bulk and dimensional requirements are as specified in the underlying zone.

## **Chapter 18.352 CBR-4 RESORT BUSINESS**

### **18.352.010 Definition**

The CBR-4 district is intended for resort purposes and to provide for the development of medium and high density resort uses, including hotels, motels, resort condominiums, interval ownership, recreational facilities and other similar uses oriented towards tourism and resort businesses. This district may also provide as allowed uses meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities.

### **18.352.020 Development Plan**

Acceptance of an application for CBR-4 zoning will be contingent upon an overall development plan for the area requested being submitted for review. The overall development plan (ODP) is a conceptual plan, which will address each of the following:

1. All such districts shall be served by community water and sewer systems.
2. Residential land uses associated in the project showing the densities assigned to overall acreages and the density mix between single family, duplex, triplex, multi-family, cluster housing projects and the ownership patterns established within the overall development scheme.
3. The mix between commercial activity and residential activity by mix and location identifying the areas committed within the overall project to mixed

use commercial-residential projects as opposed to purely commercial or residential activities.

4. The land uses committed for recreational purposes such as golf courses, tennis courts, private parks, beaches, etc., and their location within the ODP.
5. The provision of utility services showing the general locations and service capacity of all water, sewer, gas, electric, and telephone utilities showing the plan for providing these utilities and phasing the services within the development and the anticipated or desired routes and easements associated with utility trunks and extensions.
6. A vicinity map shall be included, showing surrounding land uses, street systems, lakes and waterways, one hundred-year floodplain, topographical contours, and other significant physical features.
7. An environmental assessment shall be included; using the format required in the Columbia Falls subdivision regulations.
8. Identify routes and locations for all arterial and collector systems associated with the development. The major traffic routes will be identified throughout the development and general locations of the collectors adjacent to the proposed commercial, recreational and residential uses. The actual location of the local streets within the development will be designed for conceptual purposes only to identify access and egress points from the project.
9. Identify policy levels of service for parking associated with all developments within the ODP. Policies will be established to deal with the project. Policies will be adopted within the development regarding the overall architectural theme and design characteristics associated with the structures, signage and other visual amenities associated with the project.
10. For developments where build-out over a number of years is anticipated, the ODP will identify and justify the proposed phasing of the project and provide a proposed schedule of phase development.

#### **18.352.025 Implementation Of The Overall Development Plan (ODP)**

1. The ODP as approved together with the conditions and restrictions imposed shall constitute the controlling guidelines of the district. No permit shall be issued for any structure within the district unless such structure conforms to the provisions of the ODP.
2. Development within a platted subdivision may include both permitted and conditional uses provided the use categories are approved at the time of preliminary and final plat review or ODP review and will require no additional review at the time of development.
3. Development of permitted uses outside of a platted subdivision shall be reviewed for compliance with the ODP and zoning as follows:
  1. The developer/applicant shall provide information to the planning office including a site plan and description of the project which demonstrates that the project complies with the ODP and the zoning regulations.
  2. The developer/applicant shall be notified in writing within one (1) week of the receipt of the material whether or not the submitted information is complete. A written determination shall be given to the applicant within two (2) weeks of submittal of the developer/applicants material

whether or not the project is in conformance with the ODP and zoning regulations. If the project is found to be not in conformance with the ODP or zoning, it shall be specifically stated why the project does not comply.

4. Development of conditional uses outside of a platted subdivision or for conditional or accessory uses for which no special review was provided at the time of ODP adoption, shall be reviewed by the zoning administrator for compliance with the overall development plan and zoning as follows:
  1. Uses accessory to allowed uses which have a minimal impact on the immediate neighborhood, may be permitted and shall be so noted in the O.D. P. file. Examples of such uses may be restrooms, lightning shelters, etc.
  2. Uses accessory to allowed uses with potential impacts to the immediate neighborhood may be required to obtain an administrative conditional use permit. Examples of such uses may be storage or maintenance facilities adjacent to less intensive uses.
5. The zoning administrator shall determine if any proposed deviation from the ODP is significant enough to require further review.
6. Insignificant changes, which have a minimal impact on the scale or scope of the plan or immediate neighborhood, shall be so noted in the ODP file.
7. Significant changes such as increased density or intensity of use, change or shift in proposed uses or substantial deviation from the applicable bulk and dimensional requirements will require changing the ODP by amending the zoning as outlined in Chapter 18.212 of the Columbia Falls zoning regulations.
8. Abandonment or Expiration. Upon the abandonment of a development authorized under Chapter 18.352 (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved ODP for which a development plan schedule has been filed and has not been completed), the planning board may initiate an amendment to the map of the CBR-4 zoning district so that the land will be rezoned in a category or categories in conformance with the Growth Policy in force which most nearly approximates its then existing use or such other zoning category or categories which it deems appropriate for the category or categories it held before being zoned as a CBR-4 district.

### **18.352.030 Permitted Uses**

The permitted uses in the CBR-4 district are as follows:

1. Accessory apartments;
2. Bed and breakfast establishments;
3. Churches and other places of worship;
4. Clothing stores;
5. Coffee shops and snack bars;
6. Convenience food stores (maximum three thousand (3,000) square feet);
7. Curio shops;
8. Dwellings, resort: one through four-plex dwelling units such as resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement

- residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests;
9. Financial institutions;
  10. Grocery stores (maximum three thousand (3,000) square feet);
  11. Health clubs;
  12. Hotels and motels (including restaurants, lounges or bars integral to the facilities);
  13. Laundromats;
  14. Offices, public and private;
  15. Recreation facilities, low-impact;
  16. Resort area and equipment maintenance facilities;
  17. Retail sales of items relating to the resort (e.g., boating supplies, ski equipment), sports equipment sales and rental. This does not include sales of major recreational vehicles, self-contained campers, boats, jet skis, or snow machines. (Maintenance and repair facilities for resort rental equipment are allowed.);
  18. Restaurants, excluding drive-ins;
  19. Travel agencies.

#### **18.352.040 Conditional Uses**

1. Bars, lounges, taverns;
2. Boat launching ramps and docks;
3. Convention centers and facilities;
4. Day care centers;
5. Dwellings, resort: five-plex or larger including such units as resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests;
6. Emergency medical clinics;
7. Gas/service stations;
8. Golf courses;
9. Marinas (commercial);
10. Recreational facilities, high-impact;
11. Recreational vehicle parks and campgrounds (five acre minimum size).

#### **18.352.050 Bulk And Dimensional Requirements**

1. Minimum district size: ten acres. \*NOTE: The following standards apply unless specifically modified by the ODP.
2. Minimum Residential Lot Area:
  1. Single-family dwelling: seven thousand five hundred (7,500) square feet.
  2. Two-family dwelling or larger: additional two thousand (2,000) square feet for each dwelling unit in excess of one.
3. Minimum Non-Residential Lot Area: NA.
4. Minimum Lot Width:
  1. Residential: fifty (50) feet;
  2. Non-Residential: NA.

5. Minimum Yard Requirements for Residential Areas\*:
  1. Front: twenty (20) feet;
  2. Side: five (5) feet each;
  3. Side Corner: fifteen (15) feet;
  4. Rear: fifteen (15) feet. \*These minimum yard requirements also apply for non-residential uses when abutting a residential area.
6. Increase yard requirements as follows when property fronts:
  1. County Road\*: twenty (20) feet;
  2. Federal or State Highway: twenty (20) feet;
  3. Unprotected Lake: twenty (20) feet;
  4. River or Stream: twenty (20) feet. \*Classified as a collector or major/minor arterial as defined in the city-county Growth Policy.
7. Maximum Height: forty (40) feet.
8. Permitted Lot Coverage:
9. Residential: forty-five (45) percent;
10. Non-Residential: NA.
11. Maximum Fence Height:
  1. Front: zero (0) feet;
  2. Side: six (6) feet;
  3. Rear: six (6) feet.
12. Off-Street Parking: See parking and loading section.

## **18.400 SPECIAL PROVISIONS**

### **Chapter 18.410 ACCESSORY USES**

#### **18.410.010 Accessory Uses**

General Provisions. Each permitted accessory use shall:

1. Be customarily incidental to the principal use established to the same lot;
2. Be subordinate to and serve such principal use;
3. Be subordinate in area, extent, and purpose to such principal use;
4. Contribute to the comfort, convenience or necessity of users of such principal use.

#### **18.410.020 Application To Zoning Districts**

The accessory uses, buildings or other structures permitted in each zoning classification may include the following:

1. In the CR-1, CR-2, CR-3, CR-4 and CR-5 zones:
  1. Fences;
  2. Private garages and sheds for the storage or maintenance of recreation and yard equipment used on the premises;
  3. Private greenhouses, vegetable, fruit or flower garden;
  4. Structures for the shelter of household pets except kennels;
  5. Noncommercial communication towers and satellite receiving devices when located in the rear yard;
  6. Gazebos, enclosed patios and similar buildings for recreational use;
  7. Roadside stands in a CR-1 zone only for the sale of produce grown on the premises provided that such a stand shall not contain more than

- six hundred square feet of floor area, the stand is located not less than twenty feet from a street and access to the stand is from an entrance to the farm or residence;
8. Private recreational uses and facilities including but not limited to swimming pools and tennis courts;
  9. Signs;
  10. Off-street parking;
  11. RVs used as guest quarters for stays not exceeding two weeks.
2. In the CSAG-20, CSAG-10 and CSAG-5 zones, usual agricultural buildings (barns, silos, corrals, etc.) shall be considered accessory uses to operating farms and ranches but shall conform to the setback requirements;
  3. In the CRA-1 zone, in addition to the accessory uses included in subsection (B)(1) of this section, non-commercial domestic storage buildings associated with multi-family dwellings and off-street loading shall be permitted;
  4. In the CB and CP zones:
    1. Storage buildings incidental to the primary use;
    2. Signs;
    3. Off-street parking;
    4. Fences;
    5. Uses incidental to permitted hotels such as clubs, gift shops, restaurant, etc.;
  5. In the CI zones:
    1. Offices;
    2. Employee cafeteria;
    3. Watchman's quarters;
    4. Signs;
    5. Parking and loading.

#### **18.410.030 Accessory Use Restrictions**

The following is a list of restrictions on accessory uses and structures:

1. In CR zones, there shall be no storage or overnight parking of trucks, buses, or other vehicles with a manufacturers rating of more than two tons;
2. No accessory structures except fences, walls, or hedges shall be constructed in any front yard. Accessory buildings shall not be located any closer than five feet to a rear or side lot line in zoning districts with setback requirements; except storage shed with an area 120 square feet or less.
3. Accessory buildings in a commercial or industrial district shall comply to the setback requirements for principal buildings when located adjacent to a residential use or district.
4. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
5. Accessory buildings shall not cover more than twenty-five percent of any rear yard in CR zones.
6. When a garage or carport is entered from an alley, it shall not be located closer than ten feet from the alley right-of-way line.
7. Accessory buildings shall not exceed a height of twenty-two (22) feet in CR zones or the maximum height permitted for a principal building in other zones.



8. Attached accessory buildings shall be located pursuant to the requirements for principal buildings.
9. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is an accessory.

## **Chapter 18.411 ACCESSORY APARTMENT**

### **18.411.010 Accessory Apartment Conditional Use Permit Standards**

1. An accessory apartment is limited to 800 square feet. The accessory apartment may be located within the primary residence such as attic or basement. If an accessory apartment is located in a detached garage or stand-alone structure, it shall be located rear of the front of the house.
2. Lots or parcels where accessory apartments are proposed shall be compliant with minimum lots sizes and the accessory apartment shall meet setbacks for accessory structures. Only one accessory apartment is allowed per lot of record.
3. Accessory Apartments shall be rented for a period of not less than one month unless the property owner has received an Administrative Conditional Use Permit for Vacation Rentals pursuant to Chapter 18.445.
4. One off-street parking space must be provided for the accessory apartment in addition to the parking required for the primary dwelling, in accordance with the parking and loading provision of this title.
5. An accessory apartment that will exceed 800 square feet is subject to a Conditional Use Permit pursuant to Chapter 18.210.

## **Chapter 18.412 ANIMAL HOSPITALS, POUNDS, KENNELS, ANIMAL SHELTERS**

### **18.412.010 Overnight Boarding**

Animals boarded overnight shall be kept in climate-controlled, soundproofed buildings.

### **18.412.020 Location**

Where facilities are not climate-controlled or soundproofed, no partially or fully enclosed structure or fenced open area used to board animals shall be closer than one hundred (100) feet to an adjacent property line.

### **18.412.030 Animal Waste**

Animal excreta shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.

## **Chapter 18.414 BED AND BREAKFAST ESTABLISHMENTS (Conditional Use Criteria)**

#### **18.414.010 Limitations**

The operation of a bed and breakfast establishment shall be limited to single-family houses. Preference is given to houses on or eligible to be placed on the National Register of Historic Places.

#### **18.414.020 Preferences**

Preference is given to bed and breakfast uses on collector and arterial streets.

#### **18.414.030 Modifications**

The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.

#### **18.414.040 Signage**

Signage shall be architecturally compatible to the residence and shall not flash, rotate, or blink.

#### **18.414.050 Residence Required**

A family or manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.

#### **18.414.060 Accessory Buildings**

Sleeping quarters and breakfast facilities shall not be allowed in accessory buildings.

#### **18.414.070 Cooking Facilities**

Overnight lodgers shall not have direct access to cooking facilities, although the permanent residents of the dwelling may provide breakfast service to the guests.

#### **18.414.080 Accessory Uses**

Use of the residential structure shall be limited to the exclusive use of the resident dwellers and their overnight guests. No other use such as a restaurant, bar, or other use which attracts nonboarding customers is permitted. No alcoholic beverages shall be sold on the premises.

### **Chapter 18.416 CLEAR VISION TRIANGLE**

#### **18.416.010 Clear Vision Triangles**

A clear vision triangle, as defined in Section 18.608.050, shall be maintained on the corners of all public and private property by the owners of such property, whether private or public, around the intersection of roadways or of a roadway and a railroad. The clear vision triangle shall contain no trees, shrubs or other plantings; no fences, walls, signs or other temporary or permanent sight obstructions of any nature exceeding thirty-six inches in height above the existing centerline elevation of the adjacent roadway, except that trees exceeding thirty-six inches in height may be permitted if all branches and foliage be removed to a height of nine feet above the existing centerline of the adjacent roadway.

### **18.416.030 Notification And Enforcement**

1. When the agency receives a complaint that a violation of the clear vision triangle requirements exists, the agency shall inspect the property alleged to be in violation of this chapter. Upon inspection the agency shall make determinations as to the existence of a violation of this chapter.
2. If there appears to be a violation of this chapter, the agency shall notify the owner of the property in writing of the alleged violation. This notice shall be sent by certified mail. This notice shall include a statement specifically describing the violation.
3. The owner shall after notification of violation submit a plan of abatement to the agency which shall include:
  1. Type or method of abatement;
  2. Date for commencement of action; and
  3. If abatement is not to commence within thirty days, the reason therefor. The agency may accept such plan and defer further proceedings under this chapter pending abatement.
4. The notice of violation to the owner shall specify that the owner has thirty days from receipt of such notice to become compliant with this chapter by means of removal of the conditions causing the violation.
5. After thirty days following the mailing of the notice of violation, the agency shall make a determination as to whether the violation has been abated by the owners.
6. If the owner has failed to act, the agency shall submit its determinations and findings to the City Attorney, who shall conduct a good faith factual and legal review and may in its sole discretion file charges against the owner for violation of this chapter in the City Court or other court of competent jurisdiction requesting a hearing wherein the owner shall appear to show cause why the violation has not been abated.
7. The owner shall be provided with notice of the time and date set for the hearing requested by the City Attorney under Subsection F above.
8. A show cause hearing will be held by the presiding judge. Both the city agency and the owner may give evidence. At the end of the hearing the judge shall determine if the violation in fact exists, and if proper notification was made and the violation exists, the owner shall be ordered to abate it within a reasonable time.
9. If after a judgment and order by the City Court or other court of competent jurisdiction against the owner for violation of this chapter directing the owner to abate the violation the owner has not complied with the court-ordered abatement, the agency may send written notification by mail to the owner of such failure and allow ten days further to complete abatement. After ten days following the mailing of such notification, the agency may enter upon the owner's property with the specific purpose of abating the violation in a manner the agency deems appropriate.
10. The agency may assess the property owner/user for the actual costs of the abatement by the agency.
11. Nonpayment of the assessment may be taken as a lien upon the property and is enforceable as is nonpayment of property taxes.

### **18.416.110 Jurisdiction**

This chapter applies to the whole of the City of Columbia Falls and its extraterritorial jurisdiction.

## **Chapter 18.418 CONJOINED LOTS**

### **18.418.010 Conjoined Lots**

A lot, as defined, shall be subject to the following special regulations:

1. Where two or more lots are used as a building site and where main buildings cross lot lines, then the entire area shall be considered as one lot; except that the front of the parcel shall be determined to be the front of the individual lots as platted, subdivided, or laid out.
2. For the siting of dwellings for rent or lease, contiguous tracts under single ownership shall be considered to be one lot.

## **Chapter 18.420 DAY CARE CENTER (13 OR MORE INDIVIDUALS) (Conditional Use Criteria)**

### **18.420.010 Drop-Off/Pick-Up Area**

Day care facilities must provide adequate drop-off and pick-up areas. This shall be based on the maximum number of individuals cared for at a single time. There shall be twenty feet of signed drop-off/pick-up area for every eight individuals.

### **18.420.020 Outdoor Play Facilities**

Where outside play facilities are provided, there shall be maintained a six foot sight-obscuring fence around the play area and the play area should be situated in the rear half of the site.

### **18.420.030 Residential And Resort Zones**

In all residential (CR-1 through CR-5) and resort (CB-5) zones:

1. Existing residential structures shall not be significantly modified so as to exhibit a nonresidential appearance;
2. Signage shall be architecturally compatible with the primary building and shall not flash, rotate, or blink; and
3. Preference is given to day care centers located on collector or arterial streets.

## **Chapter 18.422 FAMILY HARDSHIP DWELLINGS (Conditional Use Criteria)**

### **18.422.010 Family Hardship Dwellings**

A family hardship dwelling may consist of a mobile home as a second residence on a single tract of land wherein a family member whose health necessitates continual care resides. The family hardship dwelling may receive a permit under this section for a period of not more than one year, subject to renewal by the building inspector. At the time the permit expires, the temporary use and all appurtenances thereto shall be moved from the property forthwith.

## **Chapter 18.424 FENCES**

### **18.424.010 Height Limitations**

Height limitations of fences in the various zoning districts are designated in Chapters 18.317 through 18.352 and herein this section.

### **18.424.020 Exceptions-Schools And Public Institutions**

Open wire fences exceeding the designated height may be built around schools or other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.

### **18.424.030 Exceptions-Tennis Courts And Swimming Pools**

Open wire fences exceeding the designated height may be built around tennis courts and swimming pools at the discretion of the zoning administrator after giving consideration to location of planned courts, pool safety, and effects on the neighborhood.

### **18.424.040 Security Fences**

Security fences are allowed in side and rear yards up to eight feet in height when used to enclose commercial or industrial storage yards.

In commercial zones that allow a front or side-corner fence, a security fence is allowed in the front yard if they are more than twenty (20) feet back of the front property line, if the frontage is fifty (50) feet or less and one addition foot setback for each ten (10) feet of frontage to a maximum of thirty (30) feet required setback. A security fence is allowed in the side-corner yard if they are more than fifteen (15) feet back of the side- corner property line if the frontage is fifty (50) feet or less and one addition foot setback for each twenty-five (25) feet of frontage to a maximum of thirty (30) feet required setback. Front and side-corner shall not exceed six (6) feet in height.

### **18.424.050 Barbed Wire Fences**

Barbed wire fences are allowed only in the CSAG-20, CSAG-10, and CR-I zones. Furthermore, they may be allowed along the boundary of any district which directly abuts one of the above zones.

### **18.424.060 Conditional Use Permit Fences In Commercial Zones**

Fences conditionally permitted, in front or side-corner yards, in commercial zones shall mitigate the appearance of the fence to complement the appearance of the on-site and adjacent property. Mitigation may be landscaping between the property line and fence or other approved measures.

### **18.424.070 Maintenance, Replacement And Removal**

Fences in commercial zones, that would require a conditional use permit if constructed under this section, in existence prior to September 6, 2007, are recognized as illegal non-conforming fences. These fences may continue as currently constructed provided they remain in serviceable condition. Any portion of fence that is damaged for 50% or more of its length or 50% or more of its replacement cost, or removed for any reason except for minor maintenance, shall

not be repaired or replaced unless it conforms thereafter. If 50% or more of the entire fence on any front or any side corner is damaged, or requires more than minor repairs or is removed, then the entire fence on that side shall be made to conform. When the property changes ownership, in whole or part, the entire fenced shall conform.

## **Chapter 18.426 HOME OCCUPATIONS**

### **18.426.010 Registration**

All home occupations shall register with the city clerk.

### **18.426.020 Limitations**

Home occupations are permitted in any dwelling unit, subject to the following provisions:

1. Not more than one person other than members of a family residing on the premises shall be engaged in such occupation. If more than one non-family member is to be engaged in such occupation, a conditional use permit is required.
2. The use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than an area equal to one-fourth of the gross floor area of the primary residence shall be used for the home occupation. If an accessory building is proposed for use, only an area not to exceed one-fourth of the gross floor area of the primary residence shall be used. Additional area in both cases is allowed only by granting of a conditional use permit.
3. No exterior display, including window displays, shall be permitted.
4. No outdoor storage shall be permitted.
5. Exterior signs shall be restricted to those permitted in the zone in which the home occupation is located.
6. There shall be no other exterior indication of the home occupation.
7. No home occupation shall be conducted in such a manner, and/or no materials or mechanical equipment shall be used, which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factor.
8. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard.
9. The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by more than one at a given time or by more than eight all day.
10. No home occupation shall generate as a by-product for disposal or cause to be dumped in a city sewer any hazardous waste including chemicals and cleaners, other than the volume and types that would be normally generated by a typical single family home.
11. No home occupation shall cause an increase in any one or more utilities (water, sewer, garbage) so that the combined total use for dwelling and

home occupation purposes exceeds the average for residences in the neighborhood.

Use limitations. An occupation which does not comply with the above criteria shall not be deemed a home occupation.

## **Chapter 18.427 INDUSTRIAL DISTRICT BUFFER**

### **18.427.010 Intent**

The intent of these standards is to establish minimum requirements to protect public health, safety and welfare by separating incompatible or different uses at the boundary between them by requiring landscape buffers along the shared border.

### **18.427.020 Buffer Required**

Where an industrial property is located within one hundred (100) feet of the property line or right-of-way, if the right-of-way is less than or equal to sixty (60) feet, of a commercial or residential district and the use includes or will include any of the following:

1. parking lots, greater than twenty (20) spaces;
2. vehicle or equipment travel surfaces with more than one hundred (100) trips per day on a paved surface or more than twenty (20) trips per day on an unpaved surface;
3. buildings with a floor area greater than 1,000 square feet and higher than ten (10) feet, except building where the predominate portion fronting the border is used for offices or customer service area and the facade reasonably complies with commercial façade standards; or
4. unenclosed storage more than five (5) feet high or any height when closer than fifty (50) feet of the border.

### **18.427.030 Buffer Compliance Period**

1. Site(s) within industrial districts that existed prior to the enactment date of this section and upon which the uses described herein already exist, shall install approved buffer landscaping within ten years after notice from the City Zoning Administrator.
2. Site(s) within industrial districts that existed prior to the enactment date of this section and upon which none of the uses described herein existed on said date, and areas newly zoned an industrial district, shall install approved buffer landscaping within one year after the border area is used for any of the activities described herein.

### **18.427.040 Buffer Components, Performance And Maintenance Design Plan Required**

1. A design plan shall be submitted to the Zoning Administrator for review not less than thirty (30) days prior to the installation of a buffer. Within thirty (30) days after submittal, the department shall review, modify, approve or deny the plan.
2. The plan shall describe with text and drawings where and what will be installed to mitigate the impact on neighboring properties.
3. Buffer Components

1. The buffer shall provide living plant landscaping and may incorporate natural and manmade features – such as a path, planter and boulders- and fencing.
  2. Plant landscaping shall include trees or scrubs and ground cover.
    1. At least 50% of the trees must be conifers.
    2. Ground cover may be plants or non-living cover and may include a path, provided the path is at the outer edge of the perimeter and the living buffer components are at least ten (10) feet wide measured toward the industrial site.
  3. When the vertical components of the buffer include a fence, the fence shall be located on the industrial side of the buffer.
  4. Perimeter landscaping shall meet the following minimum width requirements:
    1. width is measured horizontal and perpendicular to the property line;
    2. where the industrial area is predominately used for parking, internal travel lanes or building(s), less than ten (10) feet in height, and the use occurs within the first one hundred (100) feet inside the perimeter, the buffer width shall be not less than ten (10) feet.
    3. where the industrial area is predominately used for building(s), higher than ten (10) feet, or unenclosed storage, and the use occurs within the first one hundred (100) feet inside the perimeter, the buffer width shall be not less than twenty (20) feet.
4. Buffer Performance
1. The buffer shall be installed at the perimeter of the industrial property.
  2. The vertical components of the buffer must include living elements that have a height of at least six (6) feet when planted and achieve a height of not less than ten (10) feet above the base elevation within seven (7) years after installation. The base elevation shall be either:
    1. the center line elevation of the shared right-of-way – if the shared element is a right-of-way and the right-of-way is not more than three (3) feet above the perimeter elevation; or
    2. the elevation of the shared property line boundary.
  3. The buffer shall provide a view screen that blocks not less than 70% of the view.
    1. View is from a point forty (40) feet outside the buffer – measured horizontal and perpendicular to the buffer- and six (6) feet above the base elevation.
    2. The view screen must be reasonably continuous from three (3) feet above the immediate ground elevation to a minimum height of six (6) feet when planted and ten (10) feet at maturity.
    3. At least 50% of the view screen must be provided by vertical components consisting of the living plant elements of the buffer.
    4. This blocking capacity must be present in all seasons.
5. Buffer Maintenance



1. The buffer shall be installed within nine months after plan approval or the nearest planting season, whichever is the shortest period of time.
2. The buffer shall be maintained; replaced components must reasonably conform to approved plan or a new plan must be submitted and approved.
3. Components that fail shall be replaced immediately, if other than living components, or at the start of the immediately available growing season, if a living component.

## **Chapter 18.428 LARGE BUILDING**

### **18.428.010 Intent**

The intent of these standards is to establish minimum requirements to protect public health, safety and welfare and to help create an attractive façade by reducing the mass of large buildings, creating structures in scale with existing development, and creating a pedestrian friendly environment, compatible with its surrounding area and contributes to the unique community character of Columbia Falls.

### **18.428.020 Review Of The Conditional Permit**

The Conditional Use Permit may recognize that certain uses may not be able to meet these standards. In such instances, the Conditional Use Permit may allow alternative landscaping and site layout to be utilized to mitigate the perceived mass and visual impacts of the large building.

### **18.428.030 Facades And Exterior Walls**

1. If a building façade exceeds 60 feet in length, it shall be broken down into smaller elements by recessing or projecting the wall in or out a minimum of two (2) feet for at least (10) feet in length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial architectural feature at intervals so that no continuous wall plane is more than 60 feet in length.
2. The portion of the building within public view shall incorporate human-scale elements such as windows, arcades, lower roof overhangs, awnings, or architectural features.
3. The design shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive scale effect by breaking up the building wall, front, side, or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.

### **18.428.040 Roofs And Parapets**

1. Parapets shall conceal flat roofs and rooftop equipment such as HVAC units from public view extending out to the site perimeter.
2. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature one of the following:
3. Three dimensional cornice treatment.

4. Overhanging eaves, extending no less than 3 feet past the supporting walls.
5. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
6. Three or more roof slope planes.

#### **18.428.050 Entrance**

1. Each principal building on a site shall have clearly defined, highly visible customer entrance featuring no less than three of the following:
  1. Canopies or porticos
  2. Overhangs
  3. Recesses/projections
  4. Arcades
  5. Raised corniced parapets over the door
  6. Peaked roof forms
  7. Arches
  8. Outdoor patios
  9. Display windows
  10. Columns
  11. Pilasters
  12. Architectural details such as tile work and moldings which are integrated into the building structure and design
  13. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
2. Where additional stores will be located in the principal building, any store occupying greater than 10% of the total floor area shall have at least one separate exterior customer entrance, which shall conform to the above requirements.

#### **18.428.060 Materials And Colors**

1. Predominant exterior building materials shall be constructed with high quality materials such as:
  1. Brick masonry
  2. Wood, large timbers
  3. Sandstone
  4. River rock and other native stone
  5. Tinted, textured, concrete masonry units
  6. Transparency elements such as windows, showcases, skylights, display windows
  7. Other similar high-quality building material.
2. Locally grown, manufactured, or harvested materials shall be utilized to the maximum extent possible.
3. Facade colors shall be low reflectance, subtle, and blend well with the environment and not cause abrupt changes.
4. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

5. Front facades or facades visible from public streets, unless screened by an approved method, shall not include the following:
  1. smooth-faced concrete block
  2. smooth-faced tilt-up concrete panels
  3. smooth-faced pre-fabricated steel panels.

### **18.428.070 Landscaping**

1. Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface. The selection and location of turf, trees, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing landscape impacts, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area.
2. Landscaping shall not be less than 15 percent of the total lot area and shall include the retention of existing native vegetation to the maximum extent possible.
3. Landscape Design Plan Required:
  1. Landscape Design Plans shall complement the existing landscapes of different retail sites within a development and shall enhance the personal scale of a development by clearly defining pathways, entrance areas, plazas or public gathering spaces, parking areas, and access roadways.
  2. Landscape Design Plans shall mitigate the impact to neighboring properties. The rear elevations of buildings, loading docks, and refuse collection areas must also be addressed in the Landscape Design Plan. The Plan for an area adjacent to non-commercial zoned sites will show how rear elevations will be screened to the full height of the structure within seven (7) years of occupancy of the retail space.
  3. Landscape Design Plans shall incorporate a mix of indigenous and native plants that are hardy and drought tolerant, and shall include a minimum of 50% evergreen plantings (trees, shrubs, groundcovers, ornamental grasses, and evergreen herbs). Permanently installed irrigation systems are required.
  4. Landscape Design Plans shall also address a variety of landscape lighting elements utilized both for safety and aesthetics.
4. Perimeter landscape buffer planting areas shall meet the following minimum depth from the edge of walkways, curbs or property lines, along all sides of the property:
  1. Sites less than thirty (30) acres shall have a perimeter landscape buffer depth of ten (10) feet.
  2. Sites thirty (30) to less than fifty (50) acres shall have a perimeter landscape buffer depth of thirteen (13) feet.
  3. Sites fifty (50) acres or greater shall have a perimeter landscape buffer of fifteen (15) feet.
5. Parking lot landscaping:

1. Parking lots with more than fifty (50) parking spaces:
  1. The lot shall have curbed planting areas. Planting areas shall be placed at each end of a parking row. No parking row shall contain 30 contiguous parking spaces without a curbed planting area.
  2. The curb shall be located away from the base of shrubs and hedges at least to outside edge of the anticipated mature drip line, but not less than two feet.
  3. The curb for trees shall be located away from the trunk at least to outside edge of the anticipated mature drip line, but not less than five feet.
  4. The curb shall possess a vertical face on the traffic side, the top of curb not less than six inches above the adjacent parking lot surface and secured to or embedded in the ground.
2. Parking Lots with more than twenty four (24) or more spaces:
  1. A minimum of 10 percent of the parking area of the parking lot shall be landscaped in islands, dividers, or a combination of the two;
  2. The parking lots will have a minimum 10-foot landscaped buffer adjacent to road rights-of-way.
6. General landscaping shall be additionally provided as needed to achieve the minimum required landscape coverage.
7. Required landscaping shall be limited to the following materials:
  1. Living ground cover;
  2. Permeable, continuous non-living ground cover;
  3. Living plant life other than ground cover;
  4. Retained native vegetation;
  5. Natural or man-made features, including but not limited to, boulders and planters;
  6. Pedestrian ways;
  7. Public spaces.
8. Separate sections of landscaping shall be composed of the required materials in any combination as follows:
  1. Living plant life other than ground cover or natural vegetation shall have minimum coverage of 10 percent;
  2. Living ground cover shall have a maximum coverage of 80 percent;
  3. Permeable non-living ground cover shall have a maximum coverage of 10 percent;
  4. Natural or man-made features shall have a maximum coverage of 10 percent;
  5. Pedestrian ways or public spaces shall have a maximum coverage of 50 percent.
9. Topsoil addition, final grading, seeding, and all planting of flora must be complete within nine months of occupancy, or within the first growing season after occupancy, whichever comes first. Required landscaping will be maintained thereafter, with all shrubs, trees, and groundcover being replaced as needed.

10. Any landscape element that dies, or is otherwise removed, shall be promptly replaced with the same, if not similar to, height or texture element as originally intended.
11. Access to current or future pedestrian and bicycle facility improvements shall be provided.
12. To the maximum extent feasible, pedestrians and vehicles shall be separated through provisions of a walkway. Hazards shall be minimized by using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas, where complete separations of pedestrian and vehicles are not feasible.
13. Landscaped parkways around parking lot perimeters shall be consistent with minimum setback requirements. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization.
14. Future maintenance shall be in accordance with accepted best maintenance practices.

#### **18.428.080 Parking Lot**

1. Parking lot design must include detailed information on non-motorized pedestrian access to and through the development. Demarcation shall be required by utilizing a combination of:
  1. change in paving surface materials,
  2. landscaping, or
  3. safety and directional lighting.
2. All required internal walkways must be located and constructed as an integral part of existing walkways.
3. Large surface parking lots shall be visually and functionally segmented into several smaller lots.
4. No parking row shall contain 30 contiguous parking spaces without a curbed planting area or bio-retention cell. These areas shall include trees of reasonable height and diameter and these areas shall contribute to small-scale control of storm water runoff.
5. No single parking area shall exceed 120 spaces unless divided into two or more sub-areas by a building, internal landscaped street, or landscaped pedestrian way.
6. Traffic calming techniques shall be encouraged for pedestrian safety.
7. Adequate and easily accessible cart corrals shall be provided.

#### **18.428.090 Snow Storage**

A snow storage plan, as component of the site plan, is required. Use of sidewalks and required parking areas for snow storage is prohibited. Use of landscaped areas for snow storage may be allowed under the approved snow storage plan. The plan shall provide an approved storm water drainage component. The Conditional Use Permit may impose such restrictions on snow removal operations as are necessary to reduce the effects of noise or traffic on surrounding areas.

### **18.428.100 Lighting**

1. Illuminated signage and exterior lighting shall comply with this section of other specific sign and lighting sections of this Title.
2. Illuminated signage and exterior building lighting shall be compatible with the architecture of the project and shall not detract from the visibility of surrounding buildings.
3. Landscape and architectural lighting shall not be used to illuminate building facades, building entrances, and feature or courtyard spaces.
4. Night lighting must be provided for all pedestrian walkways and where stairs, curbs, ramps, and crosswalks occur.
5. All exterior lighting fixtures in parking areas and driveways shall be hooded, shielded or screened to make the light downcast; arranged so as to reflect light away from adjoining uses and right-of ways.
6. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
7. For those parking lots that are adjacent to residentially-zoned land, the maximum height of light posts shall not exceed 18 feet.
8. Lighting reduction and energy-efficient timer systems shall be required after normal business hours except for lighting that is mandated for general safety and security.

### **18.428.110 Pedestrian Circulation**

1. Walkways at least 8 feet in width shall be provided along all sides of the lot that abut a public street and shall provide human-scale lighting to create a safe and attractive pedestrian atmosphere.
2. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public walkway or right-of-way to the customer entrance of all buildings on the site. Walkways shall connect pedestrian activity such as, but not limited to, transit stops, street crossings, buildings and store entry points, and central features and community spaces. Walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50% of its length.
3. Walkways, no less than 8 feet in width, shall be provided the full length of the building featuring a customer entrance, and along any facade abutting public parking areas. Such walkways shall abut a minimum 6-foot wide planting bed, except where features such as arcades or entryways are part of the facade.
4. All internal pedestrian crosswalks shall be distinguished by the use of durable, low maintenance surface materials such as the following:
  1. pavers,
  2. bricks,
  3. stamped asphalt, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways so long as they met the ADA Guidelines.
5. Bicycle lanes shall be provided, where appropriate, on ingress and egress routes and shall be consistent with standards identified and adopted by the City of Columbia Falls.

6. Parking lots shall provide trash receptacles and bicycle racks.

#### **18.428.120 Community Space**

At least two significant pedestrian amenities shall be provided for every 30,000 gross square feet of structure. Required pedestrian amenities may be combined into one or more locations, in order to create a larger amenity, so long as all other provisions of this section are satisfied.

#### **18.428.130 Trash And Receiving**

1. Trash and recycling collection areas shall be located at least 50 feet from adjacent residential uses or zones and public streets, unless enclosed within a structure. Unenclosed trash and recycling collection areas shall not be visible from public streets, sidewalks, trails, internal pedestrian walkways, or adjacent properties.
2. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
3. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building.

### **Chapter 18.430 LIGHT MANUFACTURING/ASSEMBLY SPECIAL PROVISIONS**

#### **18.430.010 Light Manufacturing/assembly Special Provisions**

Light manufacturing/assembly is allowed in any CB-2 or CB-4 district, subject to the following criteria:

1. All storage and processing must be done indoors;
2. The use shall not generate noise, vibrations, smoke, dust or odors (other than those related to bakeries or other small food processors) detectable at the property line, for free standing buildings, or beyond the exterior walls of the activity for attached buildings;
3. The business shall not use, store or generate toxins or hazardous products, materials or supplies;
4. The business shall provide, at a minimum, one off-street parking space per employee at maximum shift;
5. The business shall provide adequate freight and delivery access which does not block public streets.

Use Limitations. A use that does not comply with the definition set forth in this document or the following criteria is not considered a "light manufacturing/assembly" use.

## **Chapter 18.432 LIGHTING**

### **18.432.010 Intent**

The intent of this section is the enhancement of the visual integrity of the natural environs of the community area, particularly pertaining to the unwarranted and/or unwanted intrusion of artificial lighting in areas not desiring such light which detracts from the beauty and naturalness of the hours of normal darkness.

### **18.432.020 Public Or Private Parking And Vehicle Sales**

Any lights provided to illuminate any public or private parking area, exterior display or transaction area or vehicle sales area shall be hooded, shielded or screened to make the light downcast; arranged so as to reflect light away from any abutting or adjacent residential district or use; and minimal in quantity and intensity to not exceed acceptable best practice standards for exterior lighting and specifically the following for any light emitting at least 2050 lumens:

1. Within fifty feet of the property boundary not adjoining a public street, lights shall project no light above a 90° plane running through the lowest point on the fixture where light is emitted and less than 10% (ten percent) of the rated lumens are projected between 90° and 80°.
2. Within thirty five feet of the property boundary adjoining a public street, lights shall project not more than 5% (five percent) of the rated lumens above a 90° plane running through the lowest point on the fixture where light is emitted and less than 20% (ten percent) of the rated lumens are projected between 90° and 80°.
3. Lighting elsewhere within this area may meet either of the above prescriptions.

### **18.432.030 Yard And Porch**

All porch and yard lighting shall be hooded, screened, or directed in a manner such that the light source or the diffuser emitting the light shall not be intrusive on adjoining property.

### **18.432.040 Height Of Light**

Lights mounted on poles shall have a height not to exceed eighteen (18) feet. Lights mounted on buildings higher than 18 feet shall project no light above a 90° plane running through the lowest point on the fixture where light is emitted and less than 5% (five percent) of the rated lumens are projected between 90° and 80° for light focused on the building, and 0% (zero percent) of the rated lumens are projected between 90° and 75° for light not focused on the building.

### **18.432.040 Nonconforming Uses**

Any nonconforming lighting, where changing or adding shielding or redirecting the fixture can correct the nonconformance, shall be brought into compliance within ninety days of official notification that a nonconforming situation exists. Any nonconforming lighting, where replacing a fixture or changing the height of the light is necessary to correct the nonconformance, shall be brought into compliance when the fixture is repaired or replaced but not later than five years after official notification that a nonconforming situation exists.



## **Chapter 18.433 LIVESTOCK**

### **18.433.010 Fowl And Livestock**

The keeping of fowl and livestock is allowed in single-family residential areas, outside of the City Limits, provided the following minimum requirements are met:

1. The lot or tract of land is at least one acre in size.
2. The number of animals shall be limited to one hundred animal units (A.U.) per acre. Animal unit value shall be as follows:
  1. Horse, cow, donkey, etc.-fifty A.U.
  2. Sheep, goat, llama, etc.-twenty A.U.
  3. Chickens, geese, fowl, etc.-four A.U.
3. Livestock and fowl in residential (CR) zones are allowed only for domestic use or consumption and shall not be raised for commercial purposes. The keeping or raising of pigs or swine in residential areas is not allowed.
4. All animals in residential zones shall be kept inside fenced enclosures. Related buildings such as barns and animal pens shall be allowed only in rear and side yards of the tract or lot.
5. The keeping of fowl and livestock is allowed in single family residential areas provided the following minimum requirements are met:
  1. The lot or tract of land is at least one acre in size except fowl which may be kept in CR zoned lots/tract of less than one acre provided:
    1. No more than five fowl may be kept on lots less than one acre in size;
    2. No roosters or male fowl may be kept on lots less than one acre;
    3. Fowl must be kept in a fenced yard or enclosure.
6. The keeping of horses is allowed in single family residential areas and in any SAG and AG Districts, inside the City Limits, with a Conditional Use Permit provided the following minimum requirements are met:
  1. The subject property is a minimum of two acres in size with a minimum of one acre devoted to pasture;
  2. The number of horses is limited to two or less per acre of land devoted to pasture;
  3. The owner or person responsible for care of the horses must also reside on the property. Keeping of horses is an accessory use to the primary residential use;
  4. All structures associated with the horses must meet the setbacks for primary structures and shall be allowed only in rear and side yards of the tract or lot unless otherwise approved by the Planning Board and City Council in the Conditional Use Permit process;
  5. All horses shall be kept inside a fenced paddock;
  6. Depending on location and neighbor comment received through the CUP process, additional standards may be required, such as, additional fencing to avoid horses damaging neighboring landscaping or a waste management plan.

## **Chapter 18.434 MOBILE/MANUFACTURED HOMES**

### **18.434.010 Class A Manufactured Homes**

Class A manufactured homes (see definition) on permanent foundations shall be allowed on individual lots in all districts that allow single-family dwellings. Manufactured homes will be required to observe all regulations in the district, including setback and lot coverage requirements.

### **18.434.020 Class B Manufactured Homes**

Class B manufactured homes (see definition) shall be allowed on individual lots that are part of a mobile home special district, provided that said homes are placed on permanent foundations.

### **18.434.030 Class B Manufactured Homes-Mobile Home Parks**

Class B manufactured homes located in mobile home parks are not required to be on permanent foundations. All mobile homes will have skirting or foundation material extending from the home to at least ground level.

### **18.434.040 Class A Manufactured Homes-Residential Areas**

Class A manufactured homes in residential areas shall be made acceptably similar to other dwellings in the neighborhood.

## **Chapter 18.436 RETAINING WALLS**

### **18.436.010 Retaining Walls-Exempt**

Retaining walls thirty-six inches or less above the original grade shall be exempt from the terms of this chapter.

### **18.436.020 Retaining Walls-Regulations**

Retaining walls over thirty-six inches in height above the original grade shall be considered and regulated as an accessory structure and shall require a building permit. No individual retaining wall shall exceed four feet above the pre-existing grade.

## **Chapter 18.438 SIGNS**

### **18.438.010 Signs - Purpose**

The purpose of these standards is to prescribe standards for the location, design, color, illumination, height and size of all types of signs within the City of Columbia Falls in order to protect the unique natural beauty and small town character of the City, our primary assets. This article also intends to promote the following:

1. To ensure that signs preserve and protect the public health, safety, and welfare by not allowing signs that constitute a traffic or pedestrian safety hazard, or obstruct public ways; or create a nuisance.
2. To protect and enhance the community's image while allowing local businesses to communicate with potential customers in a reasonable manner.
3. To encourage the innovative use of design that is creative and distinctive, compatible with its surroundings, is an integral component of the style and

character of the building to which it relates, is appropriate to the activity to which it pertains and is appropriately sized for its context.

4. To maintain and enhance the aesthetic environment while promoting creativity and the City's ability to attract sources of economic development and growth.
5. To promote both renovation and proper maintenance.
6. To encourage the construction of signs of natural materials which are compatible with the historic, cultural and natural surroundings.
7. To promote clear views of the natural surroundings by minimizing visual clutter and reducing the competition for airspace.
8. To eliminate distracting lighting, excessive glare and light pollution by reasonably limiting the illumination of signs and buildings to subdued, adequately shielded or concealed light sources.
9. To enable the fair and consistent enforcement of these sign regulations.

### **18.438.015 Scope**

This chapter shall not regulate official traffic or government signs; the copy and message of signs, signs not intended to be viewed from public right-of-way; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; religious symbols; commemorative plaques; decorative holiday displays; traditional barber poles; the display of street numbers; or display or construction not defined herein as a sign.

### **18.438.020 Signs Permitted In All Districts Without A Permit**

1. The following temporary signs are allowed in all zoning districts and do not require a permit:
  1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
  2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  3. Political signs, each not exceeding twenty (20) square feet.
  4. One sign per contractor of a building which is under construction, provided the advertising display area of such a sign shall not exceed sixteen (16) square feet in residential districts or twenty (20) square feet in other districts.
  5. Signs associated with garage or yard sales, non-profit community events, or similar activities are allowed as long as they meet the following requirements: (1) Such signs may be posted or displayed for no more than five (5) days; (2) All such signs must be dated with the date of posting; (3) All such signs must be removed within forty-eight (48) hours after the sale or other activity in question.
2. Directional Signs.
  1. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, and not exceeding twelve (12) square

- feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
2. Way Signs erected by a Governmental Agency or in Cooperation with a Governmental Agency.
  3. "Entry" or "Welcome To" Signage installed by a Governmental Agency or in Cooperation with a Governmental Agency.
  3. Identification Signs: Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises and not exceeding twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
  4. Architectural Elements: Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
  5. Bulletin Boards: Bulletin boards for churches, schools, or other public, religious, or educational institution provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed forty square feet in area; if free standing, each side may not exceed forty square feet in area. Electronic Changeable Copy sign or internal lighting is permitted provided it complies with 18.438.040 C. and is not intrusive on adjacent property.
  6. One subdivision sign per entrance on streets with different names not exceeding twenty four (24) square feet per face nor exceeding six feet in height. The subdivision may have multiple signs at the entrance provided the total square footage does not exceed twenty four square feet. Fences or landscape features, such as rock or log features, do not count against the square footage when the signage on such structures.

#### **18.438.030 Signs Prohibited In All Districts**

1. Revolving Signs. No revolving signs shall be permitted.
2. Billboards. No billboards shall be permitted.
3. Abandoned signs or any sign which identifies or advertises an activity, business, product, service or special event which is no longer produced, conducted, performed or sold on the premises where the sign is located. A sign is considered abandoned if it meets this definition for a period of six (6) months or longer. If a new business occupies a structure or site, the period for removing the abandoned sign is thirty (30) days.
4. Rotating, flashing or blinking signs, strobe lights and searchlights except electronic message signs as provided elsewhere in these regulations.
5. Signs that have been unlawfully or illegally erected and/or maintained.
6. Permanent display of banners, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any device intended as an attractant that is affected by the movement of the air.
7. Roof signs higher than the apex of the roof.
8. Signs imitating or resembling official traffic or government signs or signals.
9. Advertising matter or sign painted, mounted or attached on a vehicle, trailer or boat, outdoor storage containers and/or waste receptacles or their

enclosures which are stored, parked or displayed in a conspicuous manner intended to attract the attention for advertising purposes.

10. Any sign with exposed incandescent, metal halide or fluorescent light bulbs.
11. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights or other visible matter, including any device that employs any stereopticon, motion picture or audio projection.
12. Any sign placed in any public right of way except for signs erected by the city, county, state or other authorized government agency; or as authorized by the city council issuance of a right of way encroachment permit.
13. In no event may an illuminated sign be placed or directed to cause glare or reflection that constitutes a nuisance in residential areas or a traffic hazard.

### **18.438.040 On-Site Signs Requiring A Permit**

All on-site signs permitted as accessory uses in business and industrial districts require a permit and are subject to the following regulations:

1. PROJECTION:
  1. Projection of wall signs shall not exceed two (2) feet measured from the face of the building.
  2. No wall sign may project above the highest point of roof structure of the building to which it is attached.
2. SETBACK:
  1. No on-site, freestanding sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses permitted in the district.
  2. No freestanding sign may be erected or placed closer than fifty (50) feet from a side or rear lot line abutting a residential district.
3. ELECTRIC CHANGEABLE COPY SIGNS:
  1. Such signs are allowed not to exceed twenty (20) square feet per face.
  2. Such lighting shall be limited to bulbs up to eleven (11) watts and equivalent neon lighting. In no event may an illuminated sign be placed or directed to cause glare or reflection that constitutes a nuisance in residential areas or a traffic hazard.
  3. All wiring, fittings, and materials used in the construction, connection, and operation of illuminated signs shall be in accordance with the state electrical code.
  4. Electronic changeable copy signs shall not be permitted in the CB-3 and CB-4 Districts.
4. HEIGHT:
  1. No freestanding sign shall exceed twenty (20) feet in height.
  2. In the CB-4 District no sign shall exceed ten (10) feet in height.
  3. In the CB-3 District no free-standing signs are permitted.
5. NUMBER OF SIGNS PERMITTED:
  1. In business and industrial districts, one (1) freestanding sign per frontage, provided such sign meets all other requirements of this title.
  2. Multiple freestanding signs on a lot shall have a minimum spacing of fifty (50) feet.
  3. In addition, up to three (3) wall signs per building frontage may be installed provided the total area does not exceed the allowable area.

4. Where there are multiple businesses, each business shall be allowed one (1) wall sign provided the total allowable area does not exceed the other requirements in this title.
6. PERMITTED SURFACE AREA:
  1. Freestanding Signs:
    1. The total surface area of all freestanding signs on a property is limited to one hundred (100) square feet per side plus ten (10) square feet for each additional tenant in multi-tenant buildings or one (1) square feet for each five (5) feet of frontage over one hundred (100) feet. In no case shall a single face of a freestanding sign exceed one hundred and fifty (150) square feet and in no case shall the total surface area exceed three hundred (300) square feet.
    2. Each face of the sign is counted in the total surface area for free standing signs.
    3. Freestanding signs in the CB-4 District are limited to fifty (50) square feet on any one side.
    4. In the CB-3 District no freestanding signs are permitted.
  2. Wall signs:
    1. Wall signs shall be permitted to cover twenty-five (25) percent of the exposed facade of the building on which they are mounted.
    2. Wall signs in the CB-4 District are permitted to cover fifty (50) square feet.
    3. Wall signs in the CB-4 District are permitted to cover fifty (50) square feet plus one (1) square foot for each one (1) foot of lineal frontage in excess of fifty (50) feet.
7. PROJECTING SIGNS:
  1. The sign shall be erected at right angles to the building face and be at least nine (9) feet above grade and shall not extend over any vehicular right-of-way.
  2. The maximum area per sign face shall not exceed twenty (20) square feet plus one (1) square foot for every one (1) linear foot of frontage.
8. MEASUREMENT OF SIGN AREA: Sign area for the purpose of measuring total square footage shall be measured as a total of all sign faces including multifaced signs.
  1. Sign Copy with Background: Sign copy mounted, affixed or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the distinctive background panel or area.
  2. Individual Letters: Sign copy mounted as individual letters or graphics against a wall, fascia, mansard or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for a sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

3. Area Calculation: Sign area for the purpose of measuring total square footage shall be measured as a total of all sign faces including multi-faced signs.

#### **18.438.050 Off-Site Signs Requiring A Permit**

1. SETBACK: No off-site sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses in the district in which they are placed. No sign may be erected or placed closer than fifty (50) feet from a side or rear lot line abutting a residential district.
2. AREA: No off-site sign may exceed fifty (50) square feet in total area or twenty-five (25) feet for one (1) side.
3. HEIGHT: No off-site sign shall exceed the height limitations of the district in which it is located as measured from either the grade at the sign or the grade of the nearest roadway, whichever is higher.
4. LOCATION: Off-site signs shall be limited to frontages along U.S. Highway 2.

#### **18.438.060 Temporary Signs Requiring A Permit**

1. The following signs may be issued a temporary permit by the zoning administrator:
  1. Portable reader boards may be permitted for up to thirty (30) consecutive days.
  2. Special event signs may be permitted for up to ten (10) consecutive days. Such signs may use moving devices such as banners, balloons, spinners, streamers, and pennants.
  3. "Going out of business" sale signs may be permitted for a period of up to sixty (60) consecutive days. There shall be a twenty-four (24) month interim period between the expiration of one "going out of business" permit and the issuance of another to the same applicant, business, or entity.
2. The area of temporary signs shall be limited to fifty (50) square feet.
3. Inflatable signs are permitted as temporary signs provided that the sign shall be no more than ten (10) feet and on a tether no longer than ten (10) feet measured from the ground. Such signs shall not be allowed on the roof of a building.
4. Upon expiration of the permit, the temporary sign and all appurtenances thereto shall be removed.
5. There shall be a ninety (90) day interim period, beginning the date of expiration of the permit, before another permit may be issued for a temporary sign on the same parcel of land. This shall not apply to "Going out of business" signs; see subsection (A)(3) of this section.

#### **18.438.070 Mural Exhibits**

1. Purpose. It is the intent of the city to provide opportunities for noncommercial mural exhibits of a social, cultural or historical event that beautifies and appeals to all segments of the community.
2. Mural Exhibits Defined. A noncommercial painted or mosaic tile style exhibit which covers all or a major portion of a wall or a building facade and which contains no sign.

3. Mural exhibits are permitted in CB-2 and CB-4 zoning districts.
4. All mural exhibits shall be required to submit a graphic representation of the proposed mural to the City Council for approval. The Council shall use the following criteria to determine if such exhibits are consistent with the provisions of this section:
  1. The location, scale and content of a mural should be in keeping with and enhance the building, wall, fence or hoarding on which it is located, as well as the local environment; it should enhance community identity; and it should contribute to the visual delight of passers-by and the visual quality of the city.
  2. Adjacent developments or signs should not detract from the appearance or effectiveness of the mural.
  3. Murals should not contain any identification, advertisement, insignia or promotion of the interest of any person, entity, product, or service.
  4. Mural exhibits should not contain obscene, offensive, or gang related symbols, depictions, or graphics.
5. A mural should be properly maintained and cleaned or repaired as necessary.

**18.438.080 Permitted Signs In Zoning Districts**

1. Permitted signs in zones CSAG-20, CSAG-10 and CSAG-5 shall be as follows:
  1. Exempt signs listed herein;
  2. One freestanding sign plus one wall sign for each place of business;
  3. One off-site sign when otherwise permitted and when located in same zoning district as business.
2. Permitted signs in zones CR-1, CR-2, CR-3, CR-4, and CR-5 shall be as follows:
  1. Exempt signs listed herein;
  2. One sign not exceeding six (6) square feet in area, in connection with a nonresidential permitted or conditionally permitted use;
  3. No sign shall exceed five (5) feet above ground elevation.
3. Permitted signs in zones CRA-1, CB-1, CB-5 shall be as follows:
  1. Exempted signs listed herein;
  2. One freestanding sign per developed multi-family or business lot provided the subject matter of such sign shall be limited to the name of the primary business and the business tenants of the building, as appropriate;
  3. One wall sign;
  4. Freestanding signs shall not exceed six (6) feet in height; and
  5. The sign area shall not exceed sixteen (16) square feet per face.
4. Permitted signs in zones CB-2, CI-1, and CI-2 shall be as follows:
  1. Exempt signs listed herein;
  2. Freestanding signs;
  3. Wall signs;
  4. Projecting signs;
  5. Freestanding multiple business signs;
  6. Electronic Changeable Copy;
  7. Off-site sign; and
  8. Affiliation sign not exceeding four (4) square feet.



5. Permitted signs in zone CB-3 (Limited Business)
  1. A maximum of two (2) signs of any combination for the following signs shall be allowed; One (1) wall sign, one window sign, one (1) projecting sign, one (1) awning sign.
  2. Awning – In the CB-3 District, the sign area of the awning shall equal no more than fifty (50) square feet
  3. Wall Signs – Signs shall have finished or framed edges.
  4. Materials – Signs may be constructed of, but not limited to painted, stained or carved wood; brick or stone; glass; high density urethane foam; gold leaf and silver leaf; metal which is painted, rusted or anodized, rust resistant, or otherwise treated to prevent reflective glare.
  5. Prohibited materials include: plexiglass, polymers, plastics, acrylic, lexan and flex face, with the exception of those used for letters.
  6. Bright and glossy or fluorescent colors and reflective surfaces are prohibited.
  7. Internally illuminated individual letters and internally illuminated signs are prohibited in the CB-3 district. Canopies, awnings, fascia and similar structures, whether or not they contain sign copy, may not be illuminated with direct illumination.
  8. Use of neon and/or other lighting arranged around a building or other structure for the purpose of attracting attention is prohibited.
  9. Because night light pollution is a growing problem, reduction or turning off sign lighting during non-operating hours is encouraged
6. Permitted signs in zones CB-4 (Central Business)
  1. A maximum of two (2) signs of any combination for the following signs shall be allowed; One (1) wall sign, one window sign, one (1) projecting sign, one (1) awning sign, one (1) freestanding sign.
  2. Awning – In the CB-4 District, the sign area of the awning shall equal no more than fifty (50) square feet
  3. In addition to the chosen combination of signs a business may hang an "under canopy sign." Under canopy signs shall be constructed of rigid material, and shall not project more than twelve (12) inches below the canopy and shall not be less than seven and one-half (7-1/2) feet above the sidewalk or grade line. The under canopy sign shall not exceed ten (10) square feet in area of each face, and shall not have more than two (2) signage surfaces.
  4. Freestanding signs are allowed only if the building has a twenty (20) feet setback.
  5. One "menu" or "A-frame" sign is allowed per developed site that does not exceed six (6) square feet per side but not more than two (2) feet wide; and businesses must maintain a minimum of forty-four (44) inches of clearance around any sign located in the public sidewalk to meet ADA requirements.
  6. Wall Signs – Signs shall have finished or framed edges.
  7. Materials – Signs may be constructed of, but not limited to painted, stained or carved wood; brick or stone; glass; high density urethane foam; gold leaf and silver leaf; metal which is painted, rusted or

- anodized, rust resistant, or otherwise treated to prevent reflective glare.
8. Prohibited materials include: plexiglass, polymers, plastics, acrylic, lexan and flex face, with the exception of those used for letters.
  9. Bright and glossy or fluorescent colors and reflective surfaces are prohibited.
  10. Because night light pollution is a growing problem, reduction or turning off sign lighting during non-operating hours is encouraged.
7. Permitted signs in the zone of CPUD shall be as follows:
1. Exempt signs listed herein, and
  2. As otherwise permitted in CB-4, CB-5 or CR zones.

### **18.438.090 Permits**

1. General. It is unlawful to display, erect, relocate, or alter any sign without first filing with the zoning administrator a written application and obtaining a sign permit except as exempted in these regulations.
2. Application. Each application for a sign permit must be accompanied by a plan or plans drawn to scale and including:
  1. The dimensions of the sign and, where applicable, the dimensions of the wall surface to which it will be attached;
  2. Dimensions of the sign's supporting structure;
  3. Height of the sign;
  4. The proposed location of the sign relative to the face of the building and to the boundaries of the lot;
  5. Description of building materials, illumination, and colors; and
3. A processing fee in the amount determined by the city council.
4. Issuance. Upon review of the application materials, the zoning administrator shall issue a permit for the installation of a sign that conforms with these regulations. Any question concerning the conformity of a sign should be directed to the zoning administrator. Requests for variance from these sign regulations shall be processed by the zoning administrator.
5. Master Sign Plan: A master sign plan will be required for all multiuse buildings and commercial developments containing more than one tenant and/or building that will be kept on file with the city. The master sign plan must be approved prior to issuance of a building permit for all new buildings, additions or renovations. The master sign plan shall run with the multiuse building or commercial center and not with the individual tenants.

### **18.438.100 Maintenance**

1. All signs shall be kept in a neat, clean, and attractive condition. This includes the periodic cleaning, painting, repairing, and/or general maintenance of the sign. Maintenance shall also include the updating of the information provided by signs. All signs shall give an accurate representation of the current goods/prices offered, occupant, and/or other circumstances that are advertised on the sign. This maintenance shall be the responsibility of the holder of the sign permit. Any sign that is not properly maintained shall be deemed to be an illegal nonconforming use.

2. All wiring, fittings, and materials used in the construction, connection, and operation of illuminated signs shall be in accordance with the current electrical code adopted by the State of Montana.

#### **18.438.110 Non-Conforming Signs**

1. A sign, which was in existence prior to the adoption of this chapter under permit, shall be considered a legal nonconforming sign if it is not altered in any way that increases its noncompliance.
2. Signs located in areas annexed by the city after the adoption of this chapter shall, or included in a city planning area that was expanded due to an annexation, shall be considered legal nonconforming signs except prohibited types of signs which shall be unlawful. Billboards in these areas shall be brought into compliance within seven (7) years of being annexed or included in the planning area.
3. Any sign which is nonconforming shall nevertheless comply with this chapter if:
  1. The sign is replaced, including due to a change in business. Repairing the face does not constitute replacement;
  2. The sign is abandoned;
  3. The sign suffers damage of greater than fifty (50) percent of its appraised value;
  4. Nonconforming billboards shall comply within seven (7) years of the effective date of adoption of this amendment.
4. All nonconforming signs on a zoned lot shall be brought into compliance within ninety (90) calendar days of notice from the city if:
  1. The use advertised is suspended for one hundred eighty (180) calendar days;
  2. The use changes;
  3. The name of the business or the franchise changes;
  4. The sign is altered in any way except for ordinary maintenance; or
  5. The sign is relocated.
5. Any illegal sign which was in existence prior to the adoption of this chapter shall not be considered a legal nonconforming sign. Illegal sign shall be brought into compliance within twelve months after notice by the zoning administrator.
6. Businesses may request an exemption from the provisions of this section per a variance procedure if they can demonstrate that a sign is of historic significance or, in the case of an illegal sign, that the removal or alteration within twelve months is such a hardship that a longer period is necessary.

#### **18.438.120 Violations**

1. When, in the opinion of the administrator, a violation of this chapter or the building code exists, the administrator shall issue a written order to the alleged violator. The order shall specify those sections of the code which the individual may be in violation of and shall state that the individual has thirty (30) days from the date of the order in which to correct the alleged violation or to appeal to the board of adjustment. Appeals shall be decided by a majority vote of the board.

2. If, upon inspection, the administrator finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within fourteen (14) days of the order.

In cases of emergency, the administrator may cause the immediate mitigation of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

## **Chapter 18.439 CLUSTER UNIT DEVELOPMENT**

### **18.439.010 Definition**

"Cluster development" means a subdivision with lots clustered in a group of lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities and/or creating a large open space tract that preserves agricultural lands or sensitive areas important to wildlife and wildlife habitat. "Cluster Area" means the total area of the development less the combined area of dedicated public right-of-way and area set aside as open space.

### **18.439.020 Permitted Uses In A Residential Cluster Development**

Cluster unit development may overlay suburban and urban residential zones.

Cluster unit developments shall be subject to the following:

1. Minimum area of the development:
  1. Within districts zoned SAG-20, SAG-10 or SAG-5, the minimum lot size permitted in the respective district based on the proposed density.
  2. Within other districts zoned residential, the minimum area is 5 gross acres.
2. Types of buildings and uses: Any uses that are permitted in the underlying district for which the planned unit development is proposed. In addition the following uses may be permitted:
  1. In residential zones, other than SAG zones, multiple units may be placed in a single building, except the number of multi-family units within one building may not exceed ten (10) units and the total number of multifamily units within the cluster development does not exceed thirty percent (30%) of the total of all units;
  2. Within districts zoned SAG grazing and farming is permitted.

### **18.439.030 Bulk And Dimensional Requirements**

1. The overall density of the cluster development shall not exceed the density allowed in the underlying district, except as follows:
  1. The density may be increased by 1.2 (one and two tenths) units for each one unit of qualifying affordable housing that is either provided within the development or an approved contribution to a qualified affordable housing project elsewhere within the jurisdiction; such density increase not to exceed ten percent (10%) of the allowed density.

2. The density may be increased by an additional amount, not to exceed fifteen percent (15%) of the allowed density, where all of the open space is enrolled in an approved conservation easement held by the local government with jurisdiction, and the general public is provided reasonable access.
3. The base density in districts zoned SAG may be a ratio of 1.5:1 (one and one half to one) and may be increased in accordance with 1 and 2.
2. A cluster development may have more than one cluster area but no cluster area shall have more than fifty percent (50%) of the total cluster development lots, nor fewer than five (5) lots.
3. The minimum size of a lot of record within a cluster development shall be not less than the cluster area divided by the total number of units permitted but not less than the minimum area that may be served by approved potable water and sanitary sewer system, nor less than 3,000 square feet. The size of a subplot for two family or multifamily dwellings may not be less than 1,500 square feet.
4. The maximum lot coverage by all buildings, building height, and parking requirements, as specified for the district, shall be applied to the cluster development as a whole and not to individual lots of record within the cluster development.
5. Building or primary uses shall not be placed closer than five (5) feet of any side lot property line.
6. Front and rear yard widths shall be either that specified for the district or reduced to not less than twenty (20) feet by the governing body as part of the subdivision review and approval process.
7. Not more than fifty percent (50%) of the cluster development site shall be devoted to lots, parking facilities, streets, buildings, and accessory buildings and right-of-way. The remaining fifty percent (50%) shall remain as open space.
8. A landscape buffer abutting the boundary of the cluster development and the cluster area(s) shall be provided where the distance between the boundary and closest point of the cluster area perimeter is less than thirty (30) feet:
  1. The buffer shall be a width that conforms to the minimum front yard setback requirements for the underlying district.
  2. Such required buffer shall not be used as parking nor storage.
  3. Perpetual maintenance of the buffer shall be in accordance with prescriptions in this chapter for homeowner's common areas.

**18.439.040 Creation And Maintenance Of Required Open Space**

1. At least fifty percent (50%) of the total gross area of the cluster development site shall be set aside as open space.
2. The open space must be enrolled in an irrevocable conservation easement or protected by a Deed Restriction that prohibits further subdivision of the open space unless lifted by the City Council.
3. Maintenance of the open space shall be secured in the following manner:
  1. Adequate provisions shall be made for the perpetual maintenance of all open space areas by the inclusion of covenants running with the land

in the deeds or other instruments of conveyance, delineating such open areas. The covenant shall require one of the following options:

1. Obligating purchasers to participate in a homeowners association and to support maintenance of the open space areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payments of the respective assessments; Empowering the governing body as well as purchasers in the development to enforce the covenants in the event of failure of compliance; and Providing for an agreement that if the governing body is required to perform any maintenance work prescribed herein above, said purchasers would pay the cost thereof and the same shall be a lien upon their properties until said cost has been paid. Assurance that such covenants will be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the County Clerk and Recorder's Office of Flathead County, Montana, of a declaration providing for perpetual maintenance of the open space areas, as prescribed above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyance other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
2. The deed restriction provides for the land owner or developer to retain the open space parcel and maintain the property in agricultural use or managed open space.
4. All portions of the open space shall be uninterrupted, except for minor and minimal intrusion of right-of-way corridors. Cluster areas should be located in areas that require minimal disturbance to the open space.
5. During construction of streets, utility lines or lots, the work and any surface disturbance shall be confined to areas outside the open space area.
6. Open space must include sensitive areas within the cluster development site including: areas of high ground water that seasonally surfaces; wetland; floodplain; areas within one hundred (100) feet of high water of a stream (other than ephemeral streams), river, or surface water body; slopes that are steeper than 25% if the elevation difference from top to toe of slope is greater than thirty (30) vertical feet; forested areas bearing healthy trees; and other sensitive areas that provide wildlife habitat.

#### **18.439.050 Exemption Or Waiver Of Specific Regulations**

1. Cluster development is exempt from park land dedication provisions by establishment of the open space lot.
2. Required right-of-way widths may be reduced to forty (40) feet and street developed width to twenty two (22) feet. The requirement for providing curbs and sidewalks may be waived. Such reduction and waiver are applicable to a cluster area that conforms to the following:

1. An approved walk path is provided on one side of the street separated from the street by a minimum five (5) foot wide landscape buffer.
2. Residential lots need not abut a street provided that a common front court yard is provided and off-street parking provided in an adjacent area. The court yard must meet the following prescription:
  1. the court shall be not less than forty (40) feet wide,
  2. the furthest front yard property line shall be not more than one hundred twenty (120) feet from the nearest front street access,
  3. the court front street entrance shall be not more than one hundred (100) feet from the nearest fire hydrant,
  4. only primary use building shall front the common court; and
  5. primary use building shall not exceed a total count of ten (10) buildings.

**18.439.060 Application Procedure**

The application subdivision shall be executed by the individual(s) whose successors and assignees shall be responsible for carrying out the requirements and obligations of the cluster subdivision.

1. Submit complete subdivision application, application fee and site plan; size and quantity of site plan copies as specified in the application.
2. The separate site plan(s) including the following shall accompany the preliminary plat:
  1. Total acreage, present zoning classification and zoning classification of all adjoining districts;
  2. Density in dwelling units per gross acre;
  3. Location, size, height and number of stories, use or uses to be contained in each existing or proposed structure;
  4. Location, width, surfacing and layout of all streets, parking areas and pedestrian walks;
  5. Location and number of proposed parking spaces;
  6. Location and height of all fences, walls and screen plantings;
  7. Location of all common spaces and facilities; and
  8. Proposed landscaping.
3. The applicant shall furnish:
  1. The proposed time schedule for the completion of the development or the phasing thereof;
  2. A copy of all proposed covenants, restrictions and easements;
  3. A copy of the proposed articles of incorporation and by-laws of any corporation and/or homeowners associations to be formed; and
  4. Any other information that the zoning commission or the city council may deem necessary.
4. The preliminary plat shall be prepared in accordance to requirements of the subdivision regulations and shall include space for certification of approval by the city council.

**18.439.070 Approval Of The Planned Unit Development**

The City Council shall approve a cluster development with the preliminary plat by resolution which shall incorporate by reference all documents included in the site

plan and the recommendation of the planning board. The final plat shall be submitted and approved by the city council and recorded in the County Courthouse. The face of the final plat shall bear the following language:

Uses and development within this plat shall be in conformance with the Cluster Development plan approved by the City of Columbia Falls by Resolution # \_\_\_\_\_ enacted \_\_\_\_\_, 20\_\_\_\_. I, \_\_\_\_\_, Owner of the property set forth herein, do hereby agree that I will develop the property in accordance with the approved Cluster Development Plan.

#### **18.439.080 Prior To Construction**

1. Prior to the construction of public infrastructure the developer shall submit verification that the service provider has reviewed and approved the construction plan.
2. Prior to the issuance of a building permit (if such a permit is required) the developer shall submit verification that the building(s) are in compliance with the approved Cluster Development Plan.

### **Chapter 18.440 SHIPPING CONTAINERS**

#### **18.440.010 Intent**

It is the intent of the section to limit the siting, appearance and use of shipping containers in all districts except industrial zones.

#### **18.440.020 Permitted Areas**

1. Permitted in the CI-1 and CI-2 industrial zoning classifications.
2. Permitted in the CB-2 business zoning classifications subject to the following standards:
  1. A limit of three (3) shipping containers per lot or tract provided the containers are located in close proximity of each other.
  2. The shipping container shall be accessory to an existing business and shall not be a stand-alone use.
  3. Shipping containers shall be placed at the rear of the property behind building(s) to minimize their visibility from the street.
  4. Shipping containers shall be screened from adjacent side and rear properties with thick vegetation, a solid fence, or equivalent.

#### **18.440.030 Temporary Uses**

1. Shipping containers used by contractors for equipment storage on a temporary basis on the construction site where the equipment is in use, during construction projects, not to exceed 18 (eighteen) months, are exempt from these requirements and are allowed in any zoning classification.
2. Shipping containers may be used on a temporary basis in any zone, not to exceed one period per year not exceeding thirty (30) consecutive days per period. More periods, not to exceed two, and/or more days, not to exceed 60 days cumulative, may be permitted by an administrative conditional use permit provided the extended use is necessary and not merely convenient, and disruption to the neighborhood is minimized.



## **Chapter 18.441 SMALL BUILDINGS**

### **18.441.010 Intent**

The intent of these standards is to establish minimum requirements to protect public health, safety and welfare and to help create an attractive façade by creating structures in scale with existing development, and creating a pedestrian friendly environment, compatible with its surrounding area and contributes to the unique community character of Columbia Falls.

### **18.441.030 Facades And Exterior Walls**

1. If a building façade exceeds 60 feet in length, it shall be broken down into smaller elements by jogging the wall in or out a minimum of two (2) feet for at least (10) feet in length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial architectural feature at intervals so that no continuous wall plane is more than 60 feet in length.
2. The portion of the building within public view shall incorporate elements such as windows, arcades, lower roof overhangs, awnings, or architectural features.

### **18.441.040 Roofs And Parapets**

1. Roof design shall conceal flat roofs and rooftop equipment such as HVAC units from public view extending out to the site perimeter.
2. Parapets shall not at any point exceed one-third of the height of the supporting wall.

### **18.441.050 Entrance**

1. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
  1. Canopies or porticos
  2. Overhangs
  3. Recesses/projections
  4. Arcades
  5. Raised corniced parapets over the door
  6. Peaked roof forms
  7. Arches
  8. Outdoor patios
  9. Display windows
  10. Pilasters
  11. Columns
  12. Architectural details such as tile work and moldings which are integrated into the building structure and design
  13. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
2. Where additional stores will be located in the principal building, each store which occupies 25% or more of the total square footage shall have at least one exterior customer entrance, which shall conform to the above requirements.

### **18.441.060 Materials And Colors**

1. Predominant exterior building materials shall be constructed with high quality materials such as:
  1. Brick masonry
  2. Wood, large timbers
  3. Sandstone
  4. River rock and other native stone
  5. Tinted, textured, concrete masonry units
  6. Transparency elements such as windows, showcases, skylights, display windows
  7. Other similar high-quality building material.
2. Exterior colors shall be low reflectance and subtle.
3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing or sequential lighting shall not be an acceptable feature for building trim or accent areas.
4. Front facades or facades visible from public streets, unless screened by an approved method shall not include the following:
  1. smooth-faced concrete block
  2. smooth-faced tilt-up concrete panels
  3. smooth-faced pre-fabricated steel panels

### **18.441.070 Landscaping**

1. Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface. The selection and location of turf, trees, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing hardscape impacts, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area.
2. Landscaping shall not be less than 5 percent of the total lot area.
3. A street frontage landscape buffer planting area is required which shall be a minimum of four (4) feet in depth from the edge of walkways, curbs or property lines.
4. Curbs shall be located away from the base of trees, shrubs, and hedges at least to the outside edge of the anticipated mature drip lines, but not less than two feet.
5. Required landscaping shall be limited to the following materials:
  1. Living ground cover;
  2. Permeable, continuous non-living ground cover;
  3. Living plant life other than ground cover;
  4. Retained native vegetation;
  5. Natural or man-made features, including but not limited to, boulders and planters;
6. Topsoil addition, final grading, seeding, and all planting of flora must be complete within nine months of occupancy, or within the first growing season after occupancy, whichever comes first. Required landscaping will be

maintained thereafter, with all shrubs, trees, and groundcover being replaced as needed.

7. Any landscape element that dies, or is otherwise removed, shall be promptly replaced with the same, if not similar to, height or texture element as originally intended.
8. Future maintenance shall be in accordance with accepted maintenance practices.

#### **18.441.080 Parking Lot**

1. Parking lot design must include detailed information on non-motorized pedestrian access to and through the development. Demarcation shall be required.
2. Access to current or future pedestrian and bicycle facility improvements shall be provided. To the maximum extent feasible, pedestrians and vehicles shall be separated through provisions of a walkway. Where complete separation of pedestrian and vehicle are not feasible, hazards shall be minimized by using landscaping, bollards, special paving, lighting and other means of clearly delineate pedestrian areas.
3. Large surface parking lots shall be visually and functionally segmented into several smaller lots.
4. Traffic calming techniques shall be encouraged for pedestrian safety.
5. Adequate and easily accessible cart corrals shall be provided.
6. A snow storage plan, as a component of the site plan, is required. Use of sidewalks and required parking area for snow storage is prohibited. Use of landscaping areas for snow storage may be allowed under the approved snow storage plan.

#### **18.441.100 Lighting**

1. Illuminated signage and exterior lighting shall comply with this section of other specific sign and lighting sections of this Title.
2. Illuminated signage and exterior building lighting shall be compatible with the architecture of the project and shall not detract from the visibility of surrounding buildings.
3. Landscape and architectural lighting shall be used to illuminate building facades, building entrances, and feature or courtyard spaces, if illuminated.
4. Night lighting must be provided for all pedestrian walkways and where stairs, curbs, ramps, and crosswalks occur.
5. All exterior lighting fixtures in parking areas and driveways shall be hooded, shielded or screened to make the light downcast; arranged so as to reflect light away from adjoining uses and right-of ways.
6. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
7. For those parking lots that are adjacent to residentially-zoned land, the maximum height of light posts shall not exceed 18 feet.
8. Lighting reduction and energy-efficient timer systems shall be required after normal business hours except for lighting that is mandated for general safety and security.

### **18.441.110 Pedestrian Circulation**

1. Walkways at least meeting City standards in width shall be provided along all sides of the lot that abut a public street and shall provide human-scale lighting to create a safe and attractive pedestrian atmosphere.
2. Bicycle lanes shall be provided, where appropriate, on ingress and egress routes and shall be consistent with standards identified and adopted by the City of Columbia Falls.
3. Walkways, no less than 4 feet in width, shall be provided the full length of the building featuring a customer entrance, and along any facade abutting public parking areas.
4. Commercial parking lots shall provide trash receptacles and bicycle racks.

### **18.441.130 Trash And Receiving**

1. Trash and recycling collection areas shall be located at least 50 feet from adjacent residential uses or zones and public streets, unless enclosed within a structure. Unenclosed trash and recycling collection areas shall not be visible from public streets, sidewalks, trails, internal pedestrian walkways, or adjacent properties.
2. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
3. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building.

## **Chapter 18.442 SUBLOTS**

### **18.442.010 Sublots-Requirements**

When authorized as permitted uses in the zoning district in which they are proposed to be located, dwellings with common party walls may be constructed on a subplot and separately conveyed subject to compliance with the subdivision regulations of the governing authority and with all of the following conditions:

1. Site Requirements.
  1. Each subplot shall be located in a recorded subdivision lot which shall contain an area of not less than six thousand square feet.
  2. The allowable number of sublots shall be determined by dividing the gross area of the platted lot by the density limits of the zoning district. In no case shall a subplot have an area of less than two thousand square feet nor more than one dwelling unit thereon. Neither the board of adjustments nor the zoning administrator shall have authority to vary this provision. For density computation, the gross area of the

lot shall not be reduced by the area of drainage ways dedicated to the governing authority.

2. Building Limitations. The yard, height, and area requirements of the district shall apply to the entire area of the platted lot or of the developed tract.
3. Use of Common Area. When the proposed sublots are located in a subdivision which also contains areas to be held in common ownership by the owners of lots or sublots, such common area may be used for required and supplementary parking, accessory buildings, and recreational facilities.
4. Private Access Ways. Private access ways may be used for vehicular ingress and egress when shown on the preliminary plat, provided they are constructed in accordance with standards and specifications of the city council.

## **Chapter 18.444 TEMPORARY USES**

### **18.444.010 Approval Required**

All temporary uses shall be approved in writing through the granting of a temporary conditional use permit by the city except as stated in 18.444.060. Conditions may be placed on the use to promote neighborhood compatibility or to mitigate health and safety issues.

### **18.444.020 Setback Requirements**

Temporary uses shall comply with all setback requirements of the zoning district.

### **18.444.030 Building Or Demolition Permits**

A Class A or B manufactured home or RV may be allowed on an occupied site when either a building or demolition permit has been secured for that lot and the occupants of the temporary use are actively involved in demolishing and clearing the site or constructing a new primary building. The maximum stay for temporary use is one year with extensions granted only by the city council.

### **18.444.040 Water And Sewer**

Temporary uses must be connected to approved water and sewer utilities, where appropriate.

### **18.444.050 Removal And Restoration**

Temporary use structures shall be removed from the property and the entire property shall be restored to compliance with the zoning regulations within ten days after expiration of the permit.

### **18.444.060 Seasonal Uses**

Seasonal temporary uses such as fireworks stands, Christmas tree sales, and produce stands shall have specific and definable timeframes to coincide with the particular season and shall be considered a permitted use in non-residential districts during the appropriate timeframes. These uses shall be removed from the property when not in use.

## **Chapter 18.445 VACATION RENTALS**

### **18.445.010 Applicable Zoning Districts**

The Vacation Rentals may apply for a conditional use permit within the CSAG-20; CSAG-10; CSAG-5; CR-1; CR-2; CR-3; CR-4; CR-5; and CRA-1 zoning districts. Vacation Rentals within the CB-2, CB-4 and CB-5 are permitted uses.

### **18.445.020 Administrative Conditional Use Permit Standards**

Any property owner within an applicable zoning district (18.445.010) wishing to rent their unit for period of thirty days or less shall complete and submit, with filing fee, an Administrative Conditional Use Permit Application Form with the City of Columbia Falls. The Administrative Conditional Use Permit shall ensure the follow standards are meet:

1. Units rented shall not exceed the allowable dwelling unit density of the underlying zoning district. A unit is defined as a rentable, lockable space within a building containing a kitchen or kitchenette.
2. The property owner shall provide the name of a local contact person that shall be responsible for handling any problems that arise with the property.
3. Each unit for rent shall provide a minimum of two off-street parking spaces.
4. Each unit will provide a sign-off of the Fire Marshall from the Columbia Falls Fire Department that indicates the dwelling has smoke detectors and egress windows for each bedroom.
5. Each unit shall provide a State of Montana Public Accommodation License for a Tourist Home. This License is administered by the Flathead City-County Health Department and is subject to annual inspections.
6. There will be no signage advertising the nightly rental of properties within the Suburban Agricultural or Residential zoning districts.
7. If located in the City Limits, provide proof of a Columbia Falls City Business License. (Note: All Vacation Rental units are subject to and the owners are responsible for collecting the State's Bed Tax)
8. An inspection of the unit by the Zoning Administrator or his/her designee shall ensure that the dwelling in question conforms to the land use provisions of the Columbia Falls Zoning Ordinance.
9. The property owner shall understand that a violation of any of these conditions as well as repeated complaints of disturbing the peace related to the property shall result in suspension and possible revocation of the Administrative Conditional Use Permit.
10. The applicant is responsible for reviewing and adhering to all Covenants, Conditions and Restrictions in place. The City shall not be responsible for the applicant's determinations as to compliance with such Covenants, Conditions and Restrictions and shall have no duty to enforce them.

## **Chapter 18.446 WATCHMAN/CARETAKERS UNIT**

### **18.446.010 Watchman/caretakers**

A watchman/caretaker unit is a residential structure or portion of a structure intended for permanent occupancy by a manager, watchman, family, property owner or employee for the purpose of security, oversight, convenience or

caretaking of the use or activity being conducted. A caretakers unit must comply with all of the following criteria:

1. The watchman/caretaker unit may consist of an attached apartment, freestanding residence or class A or B manufactured home. Only one caretakers unit is allowed per use or ownership.
2. Manufactured homes shall be properly anchored and skirted and may require a permanent foundation.
3. The caretakers unit shall be secondary or accessory in nature to the primary commercial or industrial use of the property.
4. The caretakers unit shall be placed on the same lot as the commercial or industrial primary use; however, if the unit is placed on an adjacent lot, it shall be tied to the primary commercial or industrial lot by deed restriction.
5. The caretakers unit shall not be sold off separately or severed from the commercial or industrial use of the property.
6. The caretakers unit shall provide two off-street parking spaces and comply with the access, paving, and parking requirements of the zone.
7. The caretakers unit shall abide by all setback and height requirements of the zone.

## **18.500 PARKING AND LOADING**

### **Chapter 18.502 GENERAL REQUIREMENTS**

#### **18.502.010 General Requirements**

1. Except as herein provided, no building or structure shall be erected, altered or converted to any use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained herein, except that an established use lawfully existing at the effective date of this title need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.
2. A standard vehicle parking space shall measure no smaller than nine feet by twenty feet.
3. A compact parking space shall be no smaller than eight feet by sixteen feet. No more than twenty percent of the off-street parking requirement shall be met by the use of compact spaces and all such spaces shall be suitably marked on the site.
4. Due to the surplus of public parking and the historic nature of the district, the CB-4 (central business) zoning classification is exempt from the parking standards established within Chapters 18.502 through 18.520 of this title. However to avoid conflicts with nearby residential uses, a plan to show employee parking on-site is required. Due to lot constraints providing spaces for all employees may be impossible therefore a specific number is not require

## **Chapter 18.504 RESIDENTIAL**

### **18.504.010 One-Family Dwelling**

The minimum parking requirement for a one-family dwelling is two spaces per dwelling unit.

### **18.504.020 Two-Family Dwelling**

The minimum parking requirement for a two family dwelling is two spaces per dwelling unit.

### **18.504.030 Multi-Family Dwelling**

The minimum parking requirement for a multi-family dwelling is two spaces per dwelling unit.

### **18.504.040 Group Dwelling**

The minimum parking requirement for a dwelling unit occupied by four or more individuals unrelated by blood, marriage or adoption is two spaces per three individuals, plus one additional space for each additional individual exceeding three.

### **18.504.050 Boarding House**

The minimum parking requirement for a boarding house is one space/guest room plus one space for residential family.

### **18.504.060 Elderly Housing Project**

The minimum parking requirement for an elderly housing project (where ninety percent of the units are occupied by persons sixty years of age or older) is one-half space per dwelling unit or lodging unit.

### **18.504.070 Home For The Aged, Disabled Or Handicapped**

The minimum parking requirement for a home for the aged, disabled or handicapped is one space per five beds for bed care patients plus one space for every other dwelling or lodging unit.

## **Chapter 18.506 COMMERCIAL ACCOMMODATIONS**

### **18.506.010 Bed And Breakfast**

The minimum parking requirement for a bed and breakfast is two spaces for the resident family or manager plus one space per room rented plus one space for each two outside employees of maximum shift.

### **18.506.020 Hotels, Motels And Cabins**

The minimum parking requirement for hotels, motels and cabins is one space per guest room or suite plus one space for every two employees per maximum shift.



## **Chapter 18.508 INSTITUTIONS**

### **18.508.010 Animal Hospitals, Pounds, Shelters Or Commercial Kennels**

The minimum parking requirement for animal hospitals, pounds, shelters or commercial kennels is one space per four hundred square feet of gross floor space; minimum of four spaces.

### **18.508.020 Auditoriums, Theaters, Churches Or Other Places Of Assembly**

The minimum parking requirement for auditoriums, theaters, churches or other places of assembly is one space per five seats or forty square feet of gross floor area used for assembly purposes, whichever is greater. In districts where churches are permitted as a conditional use, the conditional use permit shall prescribe the minimum parking requirements.

### **18.508.030 Hospitals**

The minimum parking requirement for a hospital is one space per two beds and one space for each staff doctor and one space for each four employees per maximum shift.

### **18.508.040 Libraries, Museums And Art Galleries**

The minimum parking requirement for libraries, museums and art galleries is one space for every five hundred square feet of gross floor area.

### **18.508.050 Mortuaries**

The minimum parking requirement for a mortuary is one space per seventy-five square feet of gross floor area used for assembly.

## **Chapter 18.510 SCHOOLS**

### **18.510.010 Day Care**

The minimum parking requirement for a day care is one space per eight supervised children or adults.

### **18.510.020 Elementary And Junior High Schools**

The minimum parking requirement for elementary and junior high schools is one space per employee and faculty member, but not less than assembly facility area requirements of one space per four seats.

### **18.510.030 High Schools And Colleges**

The minimum parking requirement for high schools and colleges is one space for every twenty-five students plus one space for each employee and faculty member, but not less than assembly facility area requirements of one space per four seats.

## **Chapter 18.512 RECREATIONAL AREAS**

### **18.512.010 Bowling Alleys**

The minimum parking requirement for a bowling alley is six spaces per alley.

### **18.512.020 Golf Courses**

The minimum parking requirement for a golf course is three spaces per hole of main course

### **18.512.030 Private Clubs And Lodges, Special Centers, Athletic Clubs And Other Similar Institutions**

The minimum parking requirement for private clubs, lodges, special centers, athletic clubs and other similar institutions is one space per eight seats plus one space for every one hundred square feet of assembly space without seats.

### **18.512.040 Stadiums, Special Arenas And Similar Open Assemblies**

The minimum parking requirement for stadiums, special arenas and similar open assemblies is one space per eight seats plus one space for every one hundred square feet of assembly space without seats.

## **Chapter 18.514 FOOD AND BEVERAGE PLACES**

### **18.514.010 Drive-In Restaurants**

The minimum parking requirement for drive-in restaurants is one space per eighty square feet of gross floor area with ten space minimum.

### **18.514.020 Restaurants, Cafeterias And Food And Beverage Establishments**

The minimum parking requirement for restaurants, cafeterias and food and beverage establishments is:

1. If less than four thousand square feet of floor area, one space per one hundred square feet of gross floor area;
2. If over four thousand square feet of floor area, forty spaces and one space per two hundred square feet of gross floor area in excess of four thousand square feet.

## **Chapter 18.516 BANKS AND OFFICES**

### **18.516.010 Banks And Financial Institutions**

The minimum parking requirement for banks and financial institutions is one space per four hundred square feet of gross floor area.

### **18.516.020 Professional Offices**

The minimum parking requirement for professional offices is one space per four hundred square feet of gross floor area.

### **18.516.030 Medical And Dental Offices**

The minimum parking requirement for medical and dental offices is one space per one hundred fifty square feet of gross floor area.

### **18.516.040 Offices Not Providing Customer Services**

The minimum parking requirement for offices not providing customer service is one space per four employees, but not less than one per four hundred square feet of gross floor area.

## **Chapter 18.518 BUSINESSES**

### **18.518.010 Retail Or Personal Service Stores**

The minimum parking requirement for retail or personal service stores is one space per three hundred square feet of gross floor area.

### **18.518.020 Service Stations**

The minimum parking requirement for service stations is three spaces per service bay.

## **Chapter 18.520 MANUFACTURING AND WAREHOUSING**

### **18.520.010 Manufacturing Uses, Research Testing, Processing And Assembling-All Industries**

The minimum parking requirement for manufacturing uses, research testing, processing and assembling (all industries) is one space per employee on a maximum shift but not less than one space for every two thousand square feet of gross floor area.

### **18.520.020 Warehouse, Storage And Wholesale Business And Freight Terminals**

The minimum parking requirement for warehouse, storage and wholesale business and freight terminals is one space for every two thousand square feet of gross floor area.

## **Chapter 18.522 CR-1, CR-2, CR-3, CR-4, CR-5, CRA-1 CB-5 SPECIAL CONDITIONS**

### **18.522.010 Truck Or Truck Trailer-Restrictions**

The parking or storage of any truck or truck trailer in excess of one ton for more than twenty-four hours in any three day period shall not be allowed in the front or side yard setbacks.

### **18.522.020 Driveway-Restrictions**

No driveway in the front yard setback shall be wider than twenty-two feet.

### **18.522.030 Residential Parking**

Residential parking spaces shall be on the same lot with the main building. Parking for nonresidential uses may be located up to three hundred feet from the property.

### **18.522.040 Parking Areas And Driveways-Minimum Requirements**

All parking areas and access driveways shall have at a minimum:

1. A smoothly graded stabilized dust free surface that has been treated with dust retardants for single family and duplex residential uses outside the city limits;
2. A paved hard surface (concrete, asphalt, interlocking bricks, etc.) for:
  1. Single family and duplex residential uses inside the city,
  2. Triplex or larger residential uses, and
  3. All nonresidential uses;
3. Adequate drainage so that injuries will not be caused to adjacent properties nor will water drain across a public walk;
4. Appropriate bumper guards or curbs where needed to define parking spaces, limits of paved areas or to prevent vehicles from projecting into any setback or other portion of a lot where parking may be prohibited by another section of this title.
5. All commercial uses including nonconforming commercial uses existing prior to January 1, 2008 which do not have paved parking lots and access driveways shall have five years (until December 31, 2013) to pave. Failure to do so will constitute a violation of these regulations.

**18.522.050 Uncovered, Open Air Parking**

Uncovered, open air parking is allowed in the side yard and rear yard setbacks to serve triplex or larger residential uses and all nonresidential uses allowed provided a five foot landscaping and solid screening area is provided adjacent to the adjoining property boundary or a public right-of-way.

**18.522.060 Recreational Vehicles**

The parking of recreational vehicles in the side yard setbacks whether for storage or use shall be prohibited. The parking of boat(s) in the side yard setbacks that have an average height greater than eight (8) feet above the immediately adjacent ground surface and a length from stem to stern greater than twenty (20) feet, shall be prohibited.

**Chapter 18.524 CB-1, CB-2, CB-4, CI-1, CI-2 SPECIAL CONDITIONS**

**18.524.010 Parking Areas And Driveways-Minimum Requirements**

All parking areas and access driveways shall have at a minimum:

1. Adequate drainage so that injuries will not be caused to adjacent properties nor will water drain across a public walk;
2. Appropriate bumper guards or curbs where needed to define parking spaces, limits of paved areas, or to prevent vehicles from projecting into any setback or other portion of a lot where parking may be prohibited by another section of this title; and
3. A paved, hard surface.

**18.524.020 Property Owner Or Lessee-Responsibility**

The property owner or lessee shall be responsible to see that their employees, visitors, guests, or customers park in the designated parking areas.

### **18.524.030 Drop-Off Zones**

Visitor, guest or customer drop-off zones and parking shall be provided near visitor or customer entrances into buildings and shall be separated from all-day employee parking.

## **Chapter 18.526 OFF-STREET PARKING DESIGN STANDARDS**

### **18.526.010 Requirements**

Parking aisles shall not contain more than ten cars in a row. Total parking area shall be broken into sections not to exceed forty cars. Each section shall be separated by internal drives to improve traffic circulation

### **18.526.020 Expansion And Enlargement**

All parking spaces must be designated properly by painted lines or other approved methods.

### **18.526.030 Minimum Requirements**

One access shall be allowed per lot, or one access shall be allowed for each two hundred feet of frontage. Minimum distance between accesses shall be one hundred feet. An additional access shall be allowed for the other street frontage on a corner lot. Service stations shall be allowed two accesses per lot on the same frontage.

## **Chapter 18.528 OFF-STREET LOADING, GENERAL REQUIREMENTS**

### **18.528.010 Requirements**

Each off-street loading space shall measure not less than thirty-five feet by twelve feet and shall have an unobstructed height of fourteen feet six inches and shall be made permanently available for such purposes, and shall be surfaced, improved and maintained.

### **18.528.020 Expansion And Enlargement**

Whenever any building existing on the effective date of this title is subsequently altered to increase floor area by fifty percent or more, off-street loading spaces shall be provided as indicated. Nothing in these provisions shall be construed to require off-street loading areas for the portions of such buildings existing at the time of passage of this title.

**18.528.030 Minimum Standards**

Required off-street loading spaces shall be in conformance with the following: Department stores, retail or wholesale stores, eating and drinking establishments, warehouses, repair, general service, manufacturing or industrial establishments:

1. Department stores, retail or wholesale stores, eating and drinking establishments, warehouses, repair, general service, manufacturing or industrial establishments:

Square feet of aggregate gross floor area	Required number of spaces
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 59,999	3
Each additional 20,000	1 additional

2. Hotels, office buildings, hospitals or similar institutions, auditoriums or similar places of public assembly:

Square feet of aggregate gross floor area	Required number of spaces
30,000 to 59,999	1
60,000 to 89,999	2
90,000 to 119,999	3
Each additional 60,000	1 additional

**Chapter 18.530 STREET AND ROADWAY STANDARDS**

**18.530.010 Approach Standards For Montana Highways**

Access to businesses, service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided or as prescribed by the Approach Standards for Montana Highways (whichever requirements are greater).

**18.530.020 Access**

See 18.526.030.

**18.530.030 Fractional Measurements**

When units or measurements determining the number of required off-street parking and off-street loading spaces results in a requirement of a fractional space, any fraction up to one-half shall be disregarded, and fractions of one-half and over shall require one off-street parking or loading space.

#### **18.530.040 Requirements**

No two of said roadways shall be closer to each other than twelve feet on the same parcel, and no roadway shall be closer to a side property line than two feet.

#### **18.530.050 Width Requirements**

Each roadway shall be not more than thirty-six feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way. No roadway shall be less than ten feet wide for one-way traffic or twenty feet wide for two-way traffic.

#### **18.530.060 Corner Lots**

On a corner lot, no roadway shall be closer than twenty feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

#### **18.530.070 Safety Islands**

In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the building inspector.

#### **18.530.080 Minimum Requirements**

Where there is no existing curb and gutter or sidewalk, the applicant may install such curb, gutter and sidewalk but at a minimum shall install a safety island along the entire length of the property line.

### **Chapter 18.532 JOINT USE PARKING**

#### **18.532.010 Parking Facilities**

The zoning administrator may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

1. Up to fifty percent of the parking facilities required by this chapter for primarily "night time" or "weekend" uses such as theaters, bowling alleys, bars, restaurants, churches and related uses, may be supplied by certain other types of buildings or uses herein referred to as "day time" uses such as banks, offices, retail and personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
2. Up to fifty percent of the parking facilities required by this chapter for primarily "day time" uses may be supplied by primarily "night time" uses.
3. Up to one hundred percent of the parking facilities required by this chapter for a church building or for an assembly facility incidental to a public or private school may be supplied by the off-street parking facilities provided by uses primarily of a "day time" nature.

### **18.532.020 Conditions Required For Joint Use**

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred feet of such parking facilities in addition to which:

1. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
2. The applicant shall present to the zoning administrator a properly drawn legal instrument to be recorded with the county clerk and recorder, executed by the parties concerned for long term joint use of off-street parking facilities and approved as to form and manner of execution by the city attorney; such instrument to be filed with the zoning administrator.

## **18.600 DEFINITIONS**

### **Chapter 18.602 INTERPRETATION OF DEFINITIONS**

#### **18.602.010 Interpretation**

For the purpose of this title, certain terms and words are hereby defined as follows. The following words, when applied in this title, shall carry full force when used interchangeably: lot, plot, parcel, or premises; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct, erect, alter.

#### **18.602.020 Conflicting Provisions**

When there appears to be a conflict between the content of the text of this title and any definition given in the following chapters, the text shall control.

### **Chapter 18.604 DEFINITIONS-A**

#### **18.604.010 Abandonment**

"Abandonment" means the actual cessation of a nonconforming use coupled with the intent not to put the premises again to the same use. Proof of any intent not to abandon must be inferable from existing facts.

#### **18.604.020 Accessory Building/use**

"Accessory building/use" means a use, a building or structure, part of a building or structure which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. If an accessory building is attached to the main building or structure by a common wall or roof, such accessory building shall be considered as part of the main building.

#### **18.604.028 Agency**

"Agency" means the Zoning Administrator as established in Section 18.205, which is designated to enforce the clear vision triangle.

#### **18.604.030 Agriculture**

"Agriculture" means the use of land for agricultural purposes including farming, dairying, pasturage, grazing land, animal and poultry husbandry, feed lots, and the



necessary accessory uses for packing, treating, storing, or shipping of products. Raising and harvesting timber is also included.

**18.604.040 Alley**

"Alley" means a passage or way, open to public travel and dedicated to public use, affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**18.604.050 Alterations**

"Alterations" means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

**18.604.060 Apartment**

"Apartment" means a room or a suite of two or more rooms in a multiple-family dwelling or in any other building, except a single-family dwelling or a two-family dwelling, occupied or suitable for occupancy as a dwelling unit for one family.

**18.604.070 Apartment House**

"Apartment house" means a building or a portion of a building arranged or designed to be occupied by three or more families living separately from each other and containing three or more apartments.

**18.604.080 Arterial**

"Arterial" means a street designed to provide for large volumes of through traffic movement between areas and across the urban area. Arterials offer direct access to abutting property and are subject to necessary control of entrances, exits, and curb use.

**18.604.085 Assembly Hall**

"Assembly Hall" means an open partially enclosed or fully enclosed facility used or intended to be used for entertainment events, expositions, and other public gatherings.

**18.604.090 Automobile Repair Shop**

"Automobile repair shop" means a facility in which passenger cars and small trucks are serviced and repaired. Such services and repairs may include those offered by an automobile service station (see Section 18.638.050), engine removal for repair or replacement, transmission repair, body work, and painting. Such facility shall not be involved in the dismantling of motor vehicles.

**18.604.100 Automobile Service Station**

See "service station."

**18.604.110 Automobile Wrecking Yard**

"Automobile wrecking yard" means any premises devoted to the destruction, wrecking, and/or dismantling of motor vehicles and trailers, or the storage, sale, or

dumping of wholly or partially dismantled, obsolete, or wrecked vehicles or their parts.

## **Chapter 18.606 DEFINITIONS-B**

### **18.606.010 Basement**

"Basement" means that portion of a building partly underground and having at least one-half of its height more than five feet below the adjoining finished grade.

### **18.606.020 Bed And Breakfast**

"Bed and breakfast" means a single family detached dwelling containing, in addition to living accommodations for the resident-manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public, for compensation, lodging bathroom facilities, and breakfast only to overnight patrons.

### **18.606.030 Beneficial Open**

"Beneficial open space" means any open space performing necessary or desirable function in relation to the adjoining residential use. Beneficial open spaces may include, but are not limited to, rivers, lakes, public parks, and grounds around public buildings.

### **18.606.040 Board Of Adjustment**

"Board of adjustment" means a quasi-judicial body created under Chapter 18.207 of his title.

### **18.606.050 Boarding House**

"Boarding house" means a dwelling, or part thereof, other than a hotel, motel or restaurant, where one or more meals per day and lodging for periods of one week or longer are provided, for compensation, for two or more unrelated persons, where no cooking or dining facilities are provided in the individual rooms.

### **18.606.060 Buildable Area**

"Buildable area" means that portion of a lot upon which a building may be lawfully constructed.

### **18.606.070 Building**

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building, provided that each division is on a separate lot, not occupied by the same tenet and the cumulative first floor area is not more than 10,000 (ten thousand) square feet.

### **18.606.080 Building Area Or Footprint**

"Building area or footprint" means the total area covered by enclosed building space including total area of all covered open space, except for open space covered by eaves and normal overhang of roofs, but not including uncovered entrance

platforms, uncovered terraces, or uncovered steps where such features do not themselves constitute enclosures for building areas below them.

#### **18.606.090 Building Height**

"Building height" means the vertical distance from the established grade to the highest point of the roof or parapet wall.

#### **18.606.100 Building Line**

"Building line" means the line of that face, corner, roof, or part of a building nearest the property line. For purposes of meeting yard requirements the building line is established inside of the permitted intrusions into the adjacent yard.

#### **18.606.110 Building Permit**

"Building permit" means an official document or certificate issued by the building official authorizing the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition of any structure within the planning area.

#### **18.606.120 Business Or Commercial Use**

"Business or commercial use" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management or occupancy of office buildings, offices, recreation or amusement enterprises; or the maintenance and use of buildings, offices, structures, or premises by professions and trades or persons rendering services.

### **Chapter 18.608 DEFINITIONS-C**

#### **18.608.010 Campground**

"Campground" means any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers, or other camping outfits.

#### **18.608.020 Carport**

"Carport" means a structure to house or protect motor vehicles which has at least fifty percent of the total area of its sides open to the weather.

#### **18.608.025 Casino**

1. An establishment whose primary or accessory use or activity is gambling, either in the form of gambling machines (video, keno, etc.), card games or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as ancillary uses. In all instances, an establishment will be considered a casino for the purpose of these regulations if any one of the below characteristics apply:
  1. The establishment is referenced as a "casino" or uses the following words "betting, gambling, gaming, or chance" in signage, advertising (on-site, off-site, or media) or by name;
  2. Has any card tables on the premise;

3. Has more than two gambling machines on premise; or
  4. The predominant source of income is from gambling revenue.
2. Generally, an establishment will not be considered a casino when the premise contains no live card games, has two or fewer gambling machines, and the gambling machines are clearly incidental to the primary use.

**18.608.030 Child Care Center**

See "day care."

**18.608.040 Church**

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and is maintained and controlled by a religious body organized to sustain public worship.

**18.608.050 Clear Vision Triangle**

"Clear vision triangle" means that area at the intersection of two roads or a road and railroad tracks created by measuring along both roadways to a point forty feet from the point of intersection and connecting those two points to form a triangle.

**18.608.060 Clinic**

"Clinic" means a building designed and used for the medical or similar examination and treatment of persons on an outpatient basis.

**18.608.070 Club**

"Club" means an incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary, or charitable purposes whose activities are confined to members and their guests and are not extended to the general public. Property occupied by a club shall be subject to the regulations governing public buildings and places.

**18.608.080 Cluster**

"Cluster" means a pattern of residential development wherein units are grouped together around access courts with the remainder of the yard left in its natural condition.

**18.608.090 Commercial Or Business Use**

See "business or commercial use."

**18.608.100 Common Wall**

"Common wall" means the wall or walls extending from the basement or ground floor line of a building to the roof along a side lot line that is shared with an adjoining lot.

**18.608.110 Conditional Use**

"Conditional use" means a use permitted in one or more zones as defined in this title but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements, or demands upon public facilities requires a special degree of

control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

**18.608.120 Conditional Use Permit**

"Conditional use permit" means the documented evidence of authority granted by the city council to locate a conditional use at a particular location.

**18.608.130 Condominium**

"Condominium" means ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit or apartment in such building.

**18.608.140 Convalescent Home**

See "nursing home."

**18.608.150 Court**

"Court" means an open, unoccupied space other than a yard which is on the same lot as a building or buildings and is bounded on two or more sides by such building or buildings, including the open space of a house, court, or apartment, providing access to the units thereof.

**18.608.160 Covered Moorage Building Area**

"Covered moorage building area" means the area of water lying directly beneath that portion of a structure covered by a roof.

**18.608.170 Cryptocurrency Facility**

"Cryptocurrency facility" means any digital mining facility, server farm or data center whose purpose is to support digital mining of bitcoin and other cryptocurrencies (digital value currencies or derivatives). These facilities are typically comprised of high-powered computers running 24 hours per day, 365 days per year; may or may not have on site staffing.

**Chapter 18.610 DEFINITIONS-D**

**18.610.010 Dairy**

"Dairy" means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked, and/or maintained.

**18.610.020 Day Care**

"Day care" means a facility which provides daily care and supervision of five or more children or handicapped, disabled, or elderly adults not related by blood or marriage and not the legal ward of the attendant adult. "Homes" (5-12 individuals) must be registered with the appropriate State agency. "Centers" (13 or more individuals) must be licensed with the appropriate state agency.

**18.610.030 Density**

"Density" means the number of dwelling units per gross acre in any residential development.

**18.610.040 Detached Building**

"Detached building" means any building surrounded on all sides by open space.

**18.610.050 Developer**

"Developer" means an owner, or any person authorized by the owner, who intends to improve or to construct improvements upon the owners property.

**18.610.060 District**

"District" means an area defined by boundaries and location on an official zoning map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this title.

**18.610.070 Dock**

"Dock" means a basin for the storage of boats, including a basin formed between the extension of two piers on the area between a bank or quay and a pier. Docking facilities may include moorage, docks, or any place or structure connected with the shore or upon shorelands provided for the securing of a boat.

**18.610.080 Drive-In Restaurant**

"Drive-in restaurant" means a use wherein its retail character is dependent on a driveway approach and parking space on the premises for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises in the vehicle.

**18.610.090 Dwelling**

"Dwelling" means a building used for human residential purposes.

**18.610.100 Dwelling, Multi-Family**

"Multi-family dwelling" means a building designed to house three or more families living independently of each other in separate dwelling units but having one yard in common.

**18.610.110 Dwelling, Two Family**

"Two-family dwelling" means a detached or semi-detached building used for residential occupancy by two families living independently of each other.

**18.610.120 Dwelling Unit**

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

**Chapter 18.612 DEFINITIONS-E**

**18.612.010 Electrical Distribution Substation**

"Electrical distribution substation" means an assembly of equipment designed to receive energy from a high voltage distribution supply system, convert it to a form

suitable for local distribution, and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

**18.612.020 Established Grade**

"Established grade" means the high point of the sidewalk at the front or side lot line as established by the city.

**18.612.030 Existing Use**

"Existing use" means the actual lawful use of the premises at the time this title was adopted or at the time a building permit has been issued, provided the work has actually been done thereon or a valid contract made for such work within the intent of the permit and before the amendment of this title, insofar as it affects the use allowed under the permit.

**18.612.040 Extractive Industries**

"Extractive industries" means commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel or any mineral.

**Chapter 18.614 DEFINITIONS-F**

**18.614.010 Family**

"Family" means one or more persons related by blood, marriage, adoption, or a group of not more than four persons, excluding servants, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

**18.614.020 Fence**

"Fence" means a masonry wall or a barrier composed of parts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. Retaining walls are not considered to be fences.

**18.614.030 Floor Area**

"Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include: basement space where the ceiling is at least thirty inches above the ground elevation of adjacent portions of the lot, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with head room of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches exterior steps or stairs, terraces, breezeways, and open spaces.

**18.614.040 Foster Home**

"Foster home" means a facility wherein:

1. The operator is not legally related to the individuals supervised and is licensed by the state, and

2. Not more than eight individuals reside and are provided with room, board, ordinary care, and supervision. More than eight individuals may reside in a home where such individuals are all related to one another as brothers and/or sisters. The term "foster home" includes, without limitation by reason of enumeration, receiving homes and free homes.

#### **18.614.050 Fraternity, Sorority, Or Student Cooperative**

"Fraternity, sorority or student cooperative" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning and regulated by such institution.

### **Chapter 18.616 DEFINITIONS-G**

#### **18.616.010 Garage, Commercial**

"Commercial garage" means a building or portion thereof designed and used for the storage, repair or servicing of motor vehicles or boats as a business.

#### **18.616.020 Garage, Private**

"Private garage" means an accessory building or accessory portion of the main building enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

#### **18.616.030 Greenbelt**

"Greenbelt" means a strip of land variable in width for the planting, growing and maintaining of a sight-obscuring screen of healthy native trees or cultivated landscaping to attain an ultimate height of not less than eight feet.

#### **18.616.040 Ground Elevation**

"Ground elevation" means the finished grade of a sidewalk adjacent to any front yard property line or the adjacent street right-of-way line if no sidewalks exists. On side and rear property line, ground elevation shall be the natural grade of said side or rear property line.

#### **18.616.050 Group Home**

"Group home" means a facility wherein:

1. A. The operator is not legally related to the individual supervised and is licensed by the State, and
2. One or more individuals is provided with room, board, specialized and distinctive care and supervision in a family environment or where five or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment. The term group home shall include, without limitation by reason of enumeration, receiving homes and work or wage homes.



### **18.616.060 Guest House**

"Guest house" means a detached structure being an accessory to a one-family dwelling with not more than two bedrooms, and may include kitchen facilities and which shall be used and/or designed for use primarily by guests.

## **Chapter 18.618 DEFINITIONS-H**

### **18.618.010 Home Occupation**

"Home occupation" means any use conducted entirely within the dwelling and carried on by the members of the family, but may include one employee outside the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith there are no commodities sold from the premises, except that which is produced thereof, provided that the same does not involve more than one-fourth of the total square footage of the dwelling. The conducting of a hospital, tea room, tourist home, animal hospital or any use generating traffic volumes greater than that generated by typical residential use shall not be deemed to be a home occupation.

### **18.618.020 Hospital**

"Hospital" means an establishment which provides accommodations, facilities and services over a continuous period of twenty-four hours or more for observation, diagnosis and care of two or more individuals not related by blood or marriage to the operator, who are suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.

### **18.618.030 Hospital, Animal**

"Animal hospital" means a building or premises for the medical or surgical treatment of animals or pets including dog, cat, and veterinary hospitals, including the boarding of hospitalized animals but excluding the boarding of animals not subjected to medical or surgical treatment.

### **18.618.040 Hotel**

"Hotel" means a building containing five or more individual sleeping rooms or suites having each a private bathroom attached thereto for the purpose of providing overnight lodging facilities to the public for compensation with or without meals, excluding accommodations for employees. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted upon proper licensure.

## **Chapter 18.620 DEFINITIONS-J**

### **18.620.010 Junk Yard**

"Junk yard" means a lot, land or structure or a part thereof used for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collection, dismantling, storage, salvaging, or sale of parts of machinery not in running condition.

## **Chapter 18.622 DEFINITIONS-K**

### **18.622.010 Kennel, Commercial**

"Commercial kennel" means any lot or building in which four or more adult dogs and/or cats are kept, boarded, trained or propagated whether in special structures or runways or not.

## **Chapter 18.624 DEFINITIONS-L**

### **18.624.004 Large Building**

"Large building" means a building in areas zoned B2 or B4 with a floor area of ten thousand (10,000) square feet or more.

### **18.624.010 Livestock**

"Livestock" means horses, bovine animals, sheep, goats, swine, donkeys, mules and all wild animals.

### **18.624.020 Lot**

"Lot" means a parcel of land occupied or to be occupied by one building and the accessory buildings or uses customarily incident to it including such open spaces as are arranged and designed to be used in connection with such buildings.

### **18.624.030 Lot Area**

"Lot area" means the total horizontal area within the boundary lines of a lot. Where surface utilities or street easements are located within a parcel, lot area computation shall not include that area contained within the easement.

### **18.624.040 Lot, Corner**

"Corner lot" means a lot at the junction of and fronting on two or more intersecting streets.

### **18.624.050 Lot Depth**

"Lot depth" means the mean dimension of a lot from the front street line to the rear line.

### **18.624.060 Lot, Interior**

"Interior lot" means a lot fronting on one street

### **18.624.070 Lot, Through**

"Through lot" means a lot fronting on two streets that do not intersect on the parcels lot lines. May be referred to as a double frontage lot.

### **18.624.080 Lot Width**

"Lot width" means a dimension of the lot line at the street or in an irregularly shaped lot the dimension at the building line or in a corner lot the narrow dimension of the lot at a street or building line.

## **Chapter 18.626 DEFINITIONS-M**

### **18.626.010 Manufactured Home**

"Manufactured home" means housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities.

1. Class A manufactured home - a manufactured home meeting the following standards:
  1. A single-family dwelling constructed not more than eight years prior to placement and consisting of at least one thousand square feet of living space.
  2. At least twenty feet wide at the narrowest point.
  3. Placed on a permanent perimeter foundation.
  4. Hitch and/or tongue of the manufactured home is removed.
2. Class B manufactured home - a manufactured home that does not meet the above standards except that Class B manufactured homes must meet the permanent perimeter foundation requirement in the mobile home overlay districts.

### **18.626.020 Manufactured Home Park**

"Manufactured home park" means a parcel of land which has been planned and improved for the placement of one or more manufactured homes for residential use.

### **18.626.030 Manufactured Home Subdivision**

"Manufactured home subdivision" means a subdivision designed and intended for residential use where residence is in manufactured homes exclusively, and where the lot is sold or rented to the occupant.

### **18.626.035 Manufacturing/assembly, Light**

"Light manufacturing/assembly" means the manufacturing, fabricating, and/or assembly of products for retail, commercial or wholesale distribution. No heavy welding, casting, fiberglass forming or commercial painting activities are permitted. Light manufacturing/ assembly shall meet all of the special provisions criteria found in Chapter 18.430.

### **18.626.040 Map**

"Map" means the official zoning district map of Columbia Falls, Montana.

### **18.626.050 Marquis**

"Marquis" means a fixed shelter used only as a roof and extending beyond a building line and which is entirely supported by the building to which it is attached.

### **18.626.060 Mean Ground Level**

"Mean ground level" means the average of the finished ground level at the center of all exposed walls of the building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.

### **18.626.065 Micro-Brewery, Brew Pub And Mini Brewery**

"Micro-Brewery, Brew Pub and Mini Brewery." A brewery where the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year and is licensed in accordance with state law. Brew Pubs for example may also serve alcohol and food items on site.

### **18.626.070 Moorage**

"Moorage" means a place to tie up or anchor a boat or vessel.

### **18.626.080 Motel**

See "hotel."

## **Chapter 18.630 DEFINITIONS-N**

### **18.630.010 Non-Conforming Use**

1. "nonconforming use or legal non-conforming use" means:
  1. The use of any building or structure or of land which, at the time such use was initiated, was not prohibited by any then-existing applicable zoning ordinance but which, by virtue of the subsequent adoption of one or more zoning ordinances, would not be permitted due to requirements of any existing ordinance; or
  2. The use of any building or structure or of land that existed prior to April 19, 1955, and whose nonconformity shall be satisfactorily documented by a substantial preponderance of evidence supported by a history of several of the following factors existing prior to April 19, 1955, including, but not limited to, business licenses, building permits, zoning compliance permits, city/county billing records, assessment, tax or rent records, and by city directory listings, and is certifiable as a legal nonconforming use by the Planning Office.
2. "nonconforming building or structure, or legal non-conforming building or structure" means:
  1. The existence of any building or structure which, at the time such building or structure was constructed or placed on the parcel, was not prohibited by any then-existing applicable zoning ordinance, but which, by virtue of the subsequent adoption of one or more zoning ordinances, would not be permitted after such adoption due to requirements of any existing ordinance.
  2. Any building or structure that existed prior to April 19, 1955, and whose nonconformity shall be satisfactorily documented by a substantial preponderance of evidence supported by a history of several of the following factors existing prior to April 17, 1989, including, but not limited to, business licenses, building permits, zoning compliance permits, city/county billing records, assessment, tax or rent records, and by city directory listings, and is certifiable as a legal nonconforming building or structure by the Planning Office.
  3. The term "building" shall be synonymous with the term "structure", for the purposes of determining issues involving conformance to the zoning.

**18.630.020 Nursery, Day**

See "day care center."

**18.630.030 Nursing Home**

A health care institution other than a hospital or personal care facility which is licensed by the State of Montana as a skilled nursing facility for two (2) or more unrelated persons.

**Chapter 18.632 DEFINITIONS-O**

**18.632.010 Off-Street Parking**

"Off-street parking" means parking facilities for motor vehicles on other than a public street or alley.

**18.632.020 Open Space**

"Open space" means any part of a lot unobstructed from the ground upward. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed public open space.

**Chapter 18.634 DEFINITIONS-P**

**18.634.010 Parking Space**

"Parking space" means a space within or without a building exclusive of driveways at least one hundred eighty square feet used to temporarily park a motor vehicle having access to a public street or alley.

**18.634.020 Pasture**

"Pasture" means an area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock.

**18.634.030 Permanent Perimeter Foundation**

A permanent perimeter foundation consisting of concrete footings and concrete or concrete block foundation walls to conform with the state building code.

**18.634.040 Permitted Use**

"Permitted uses" means any use authorized alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

**18.634.050 Personal Care Facility**

"Personal care facility" means a residential health facility licensed by the State of Montana to provide nonskilled personal care services including meals, bathing and mobility assistance on a twenty-four hour basis.

**18.634.060 Planned Unit Development (PUD)**

"Planned unit development (PUD)" means a tract of land developed as an integrated unit. The development is unique and is based on a plan which allows for

flexibility of design, setting, and density not otherwise possible under the prevailing zoning district regulations.

**18.634.070 Planning Office**

"Planning office" means the office designated by the city to provide planning services to the city.

**18.634.080 Planning Staff**

"Planning staff" means the staff, employees or officials designated by the city to serve as its official city planners.

**18.634.090 Principal Use**

"Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**18.634.100 Professional Offices**

"Professional offices" means offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as physicians and dentists (but wherein no overnight care for patients is given), and by engineers, attorneys, architects, accountants and other persons providing services utilizing training in and the knowledge of mental disciplines as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

**18.634.110 Projection**

"Projection" means the distance any part of the structure extends over public property or beyond the building setback line.

**18.634.120 Public Utility**

"Public utility" means a public service cooperation performing some public service and subjected to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Some services shall include but are not limited to water supply, electric power, telephone, television cable antennae, gas and transportation for persons and freight.

**18.634.130 Public Open Space**

"Public open space" means any open space performing necessary or desirable functions in relation to the adjoining residential use. Public open spaces may include, but are not limited to rivers, lakes, public parks, and grounds around public buildings.

**Chapter 18.636 DEFINITIONS-R**

**18.636.010 Recreation Area, Commercial**

"Commercial recreation area" means an area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses whether the use of such area is limited

to private membership or open to the public upon payment of the fee or service charge.

#### **18.636.020 Recreational Area, Noncommercial**

Non-commercial recreation area" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses, and other similar uses maintained and operated by non-profit club, homeowners association, or other corporate structure and in which membership is limited to the residents within the area.

#### **18.636.030 Recreation Space**

"Recreation space" means open space for both passive and active recreation. Passive recreation facilities include outdoor sitting areas in the form of sundecks, balconies or roof gardens, shaded areas along walkways or portions of walkways overlooking open areas. Active recreation areas include pedestrian ways located and landscaped to provide for strolling activities, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, playlots, playgrounds and playfields.

#### **18.636.040 Recreational Vehicle**

"Recreation vehicle" means a travel trailer or camping trailer designed to be towed, motorized homes, pickup campers, or coaches designed and constructed for human habitation, which can be operated independently or dependently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation. A travel trailer shall adhere to the width restrictions as set forth by the MDOT, excluding slide outs.

#### **18.636.050 Recreational Vehicle Park**

"Recreational vehicle park" means a lot, tract, or parcel of land used or offered for use in whole or in part, with or without charge, for the parking of occupied recreational vehicles, tents, or similar devices used for temporary living quarters for recreational camping or travel purposes.

#### **18.636.055 Residential**

"Residential." A structure regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. In situations where a dwelling is rented or leased, a residential use would involve lease periods of one month or more.

#### **18.636.060 Retail Business**

"Retail business" means a business that sells goods or commodities in small quantities directly to consumers as opposed to a business that is a producer or a wholesaler of goods. Retail business is open to the general public on a regular and frequent basis, for a period not less than seasonally. Retail businesses include but are not limited to the following: shops/stores/businesses that sell gifts, cards, appliances, art, art supply, automobile parts, bicycles, books, stationery, camera supplies, clothing, flowers, furniture, garden supplies, hardware, toys, paint, shoes,

sporting goods, wall and floor coverings, jewelry, records, pets and pet supplies, and/or crafts.

**18.636.070 Retirement Home**

"Retirement home" means a place of residence for several families or individuals in apartment-like quarters, rented, cooperative, or condominium, which may feature services to retired persons such as limited nursing facilities, minimum maintenance, living accommodations, and recreation programs and facilities.

**18.636.080 Rooming House**

See "boarding house."

**Chapter 18.638 DEFINITIONS-S**

**18.638.002 Safety Island**

"Safety island" means an area along the property line abutting a vehicle lane that is not a private driveway outside the public right-of-way, unobstructed, sufficient in width to permit standing or walking and reasonably accessible to a pedestrian; sidewalk; buffer strip.

**18.638.010 Satellite Dish**

"Satellite dish" means a device commonly parabolic in shape mounted at a fixed point for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as a common television antenna.

**18.638.020 School, Commercial**

"Commercial school" means a building where instruction is given to pupils in arts, crafts, or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by public taxation.

**18.638.030 Second Hand/antique Store**

"Second hand/antique store" means any retail establishment in which the principal portion of the articles, commodities or merchandise handled/offered for sale or sold on the premises is used or not new.

**18.638.040 Semiprivate Facility**

"Semiprivate facility" means any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.

**18.638.050 Service Station, Automobile**

"Automobile service station" means an occupancy which provides for drive-in type business and in which business or service may be provided with or without the customer leaving the vehicle. It may also include the following:

1. The servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories;
2. Automobile washing, waxing and polishing of automobiles;



3. Tire changing and repairing, excluding recapping;
4. Battery service, charging and replacement;
5. Radiator cleaning and washing, excluding steam cleaning and repair; and
6. Installation of accessories;
7. The following operations if conducted within a building:
  1. Lubrication of motor vehicles;
  2. Brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes;
  3. Wheel balancing;
  4. The testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses, and wiring.

**18.638.060 Shelter Station**

"Shelter station" means a shelter for the protection from the elements of the waiting customers of the public transportation system.

**18.638.068 Shipping Container**

"Shipping Container" means a container typically metal sided, used for multimodal shipping, not placed on a foundation, and used only for storage associated with the business on the premises. Semitrailers, truck boxes and box trailers, etc., are also considered shipping containers if the wheels or wheel carriage has been removed.

**18.638.070 Sign**

"Sign" means any medium or visual communication including its supporting structure and source of light which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction or informational purposes.

1. Billboard means an off-site freestanding or building-attached sign that is generally designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual product, business, charitable or church organization, candidate or point of view.
2. Construction sign means any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
3. Freestanding sign means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign.
4. Illuminated sign means any sign illuminated in any manner by an artificial light source.
5. Message sign means a sign which displays community service oriented messages along with incidental advertising for the business to which it relates. It must contain electronically updated time, temperature and date.
6. Off-site sign means a sign advertising or otherwise relating to any business, product or activity not being conducted or produced on the lot or parcel on which the sign is located.

7. Political sign, means a sign with a message advocating a particular candidate, party or proposition.
8. Portable sign means a sign that is not permanently affixed to the ground or building and which is able to be readily moved from one location to another.
9. Projecting sign means a sign erected upon a building wall or canopy and projecting more than twelve inches outward from the plane of the business facade.
10. Readerboard means a sign constructed to display an advertising message that may be changed by the manual, electronic or other manipulation of letters or numbers on its face(s).
11. Real estate sign means a temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.
12. Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.
13. Event sign means a banner or sign with a message identifying a civic or public event or holiday.
14. Wall sign means a sign erected upon a building, fence or other structure, at no point projecting more than twelve inches horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure which is visible from the public right-of-way.

#### **18.638.080 Site Plan**

"Site plan" means a schematic diagram of the lot, tract or parcel of land showing the specific location of all existing and proposed features such as buildings, other structures, driveways, parking, landscaped areas, easements, utilities, drainage, etc.

#### **18.638.082 Small Building**

"Small building" means any building in any commercial or residential zone, except suburban agricultural zones, that is not defined as a large building, excluding residential buildings that have fewer than five (5) units.

#### **18.638.090 Solid Planting**

"Solid planting" means the planting of evergreen trees and shrubs which will prevent a thorough and unobscured penetration of light and sight.

#### **18.638.100 Stable, Private**

"Private stable" means a detached accessory building in which horses or other animals owned by the occupant of the premises are kept and in which no such animals are kept for hire, remuneration or sale.

#### **18.638.110 Stable, Public**

"Public stable" means a stable other than a private stable.

#### **18.638.130 Storage Yard**

"Storage yard" means any lot or portion of the lot which is used for the sole purpose of the outdoor storage of fully operable motor vehicles, construction

equipment, construction materials, or other tangible materials and equipment in an orderly manner.

**18.638.140 Story**

"Story" means that part of the building lying between two floors or between the floor and ceiling of the highest usable level of the building.

**18.638.150 Street, Arterial**

"Arterial street" means a major street with moderate to fast speeds, high volume and designed to provide access to the regional transportation system and move traffic through or around the city or from one general area of the city to another.

**18.638.160 Street, Collector**

"Collector street" means intermediate streets which collect local traffic from neighborhoods and move it to an adjacent neighborhood or transfers the traffic to the arterial system.

**18.638.170 Street, Local**

"Local streets" means minor streets intended to serve individual sites buildings or lots. Local streets feed into collectors or provide destination access off of collectors.

**18.638.180 Street, Public**

"Public street" means a dedicated public right-of-way for vehicles which affords a principal means of access to abutting properties.

**18.638.190 Structural Alterations**

"Structural alterations" means any change in the supporting members of the building such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

**18.638.200 Structure**

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in height, retaining walls, rockeries, and similar improvements of a minor character less than three feet in height.

**18.638.210 Sublot**

"Sublot" means a lot created for the purpose of allowing the construction of a building that is mounted on the lot line with a common wall that permits the conveyance of a portion of the building and portion of the lot occupied by the building as a distinct property separate from the remainder of the building and lot.

## **Chapter 18.640 DEFINITIONS-T**

### **18.640.010 Temporary**

"Temporary" means not having or requiring permanent attachment to the ground, or involving structures which have no required permanent attachment to the ground.

### **18.640.020 Theater**

"Theater" means a structure used for dramatic, operatic, motion picture or other performances for admission to which entrance money is received and no audience participation or meal service is allowed.

### **18.640.030 Theater, Drive-In**

"Drive-in theater" means an establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles. Parking spaces provided on the same site with the outdoor screen.

### **18.640.040 Truck Repair Shop**

"Truck repair shop" means a facility that services and repairs large delivery vehicles, passenger buses, and tractor-trailer rigs. Such facility shall not be involved in the dismantling of motor vehicles.

## **Chapter 18.642 DEFINITIONS-U**

### **18.642.010 Underlying Zone**

"Underlying zone" means the established zoning use district for an area for which a PUD or the equivalent is proposed.

### **18.642.020 Use**

"Use" means the specific purpose for which a building or lot is arranged, intended, designed, occupied or maintained.

## **Chapter 18.644 DEFINITIONS-V**

### **18.644.005 Vacation Rental**

"Vacation Rental." A residential use that allows paid visitors to rent an entire house, townhouse unit, condominium unit, apartment or other residence located in the applicable zoning district for a period of between one and thirty days. In Columbia Falls, this use requires an Administrative Conditional Use Permit if proposed in suburban agricultural and residential zoning districts. Vacation rentals are not Bed and Breakfast, Hostel, Lodge, Motel or Hotel establishments and shall not provide food or beverages for sale on premises or with the rental of the dwelling.

### **18.644.010 Variance**

"Variance" means an adjustment made in the application of the specific regulations to a particular piece of property, in the form of a special exception to this division granted by the appropriate body.

### **18.644.020 Veterinary Hospital**

See "hospital, animal."

### **18.644.030 Veterinary Clinic**

"Veterinary clinic" means a veterinary hospital; a building or premises for the medical or surgical treatment of small animals or pets including dog, cat, not to include livestock or other large animals, including the boarding of hospitalized animals but excluding the boarding of animals not subjected to medical or surgical treatment.

## **Chapter 18.646 DEFINITIONS-W**

### **18.646.010 Wholesale**

"Wholesale" means the business of selling goods or merchandise to retailers or jobbers for the resale to the ultimate user.

## **Chapter 18.648 DEFINITIONS-Y**

### **18.648.010 Yard**

"Yard" means open space in front, rear, or side on the same lot with the building or proposed building unoccupied and unobstructed from the ground upward except for permitted incursions into these spaces.

### **18.648.020 Yard, Front**

"Front yard" means a yard extending between side lot lines across the front of a lot.

### **18.648.030 Yard, Rear**

"Rear yard" means a yard extending between side lot lines across the rear of a lot.

### **18.648.040 Yard, Service**

"Service yard" means an open area usually paved with access to a street or alley to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock or people.

### **18.648.050 Yard, Side**

"Side yard" means a yard extending from the front yard to the rear yard across the side of a lot.

## **Chapter 18.650 DEFINITIONS-Z**

### **18.650.010 Zoning Administrator**

"Zoning administrator" means a duly appointed officer of the city charged with the administration and enforcement of the provisions of this title.