

ORDINANCE NO. 730

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING PORTIONS OF TITLE 18 OF THE COLUMBIA FALLS MUNICIPAL CODE TO INCLUDE REFERENCE TO ASSEMBLY HALLS AND MICRO-BREWS, BREW PUBS AND MINI BREWERIES.

WHEREAS, the City Council desires to amend portions of Title 18 of the Columbia Falls Municipal Code to include reference to Assembly Halls, Micro-Brews, Brew Pubs and Mini Breweries; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Section Amended: Portions of Title 18 of the Columbia Falls Municipal Code are hereby amended to read as shown on Exhibit "A" attached hereto.

Section Two. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Three. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Four. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 7th DAY OF MAY, 2012, THE COUNCIL VOTING AS FOLLOWS:

AYES: Plevel, Shepard, Bates, Fisher, Karper, Barnhart

NOES: None

ABSENT: Petersen

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 11th DAY OF MAY, 2012.

Mayor

ATTEST:

City Clerk

EXHIBIT A

18.336 CB-2:

18.336.020 Permitted uses.

- A. Accessory building or use;
 - B. Assembly halls, coliseums, stadiums;
 - C. Automobile sales (new and used) and accessory sales;
 - D. Automobile parking, commercial enterprise;
 - E. Automobile parking, in conjunction with permitted uses;
 - F. Automobile service station;
 - G. Banks and other financial institutions;
 - H. Boat sales, new and used;
 - I. Car wash, automatic coin-operated;
 - J. Car washing and waxing, enclosed;
 - K. Clinic, medical and dental;
 - L. Clubs and other places of entertainment operated as commercial enterprises;
 - M. Colleges, business schools, trade schools, music conservatories, dance schools; provided that no students reside on campus;
 - N. Commercial recreation area;
 - O. Drug stores;
 - P. Dwelling, single-family;
 - Q. Food stores, supermarkets, delicatessens;
 - R. Hotel, motel;
 - S. Laundromat, self-service coin-operated;
 - T. Laundry pick-up station;
 - U. Libraries, museums, and art galleries;
 - V. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
 - W. Lumber yards, building materials; storage and sales;
 - X. Nursery, landscaping materials;
 - Y. Office; professional, public and private;
 - Z. Parks;
 - AA. Pet shops, bird stores, taxidermists;
 - BB. Pharmacy;
 - CC. Public transportation shelter stations;
 - DD. Public utility service installations;
 - EE. Quasi-public buildings, nonprofit;
 - FF. Recreational vehicle park;
 - GG. Restaurants, except drive-ins;
 - HH. Retail sales and service;
 - II. Shopping malls;
 - JJ. Storage, within the building, of goods intended for retail sales on premises;
 - KK. Taverns;
 - LL. Taxi stands;
 - MM. Theaters, housed in permanent indoor structures.
- (Ord. 687 § 2(part), 2007)

ADDING:**NN. Micro-Brewery, Brew Pub and Mini Brewery**

18.338 CB-4:

18.338.020 Permitted uses.

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

- A. Accessory building or use (see special provision section);
 - B. Clinic, medical and dental;
 - C. Clubs and other places of entertainment operated as commercial enterprise;
 - D. Commercial recreation facilities;
 - E. Colleges, business and trade schools;
 - F. Day care center;
 - G. Drug stores;
 - H. Dwelling, above first story;
 - I. Food stores, supermarkets, delicatessens;
 - J. Hotel;
 - K. Laundromat, laundry;
 - L. Libraries, museums, art galleries;
 - M. Financial institutions and professional services;
 - N. Light manufacturing/assembly (see special provisions section);
 - O. Professional offices;
 - P. Private and commercial recreational facilities;
 - Q. Public utility buildings and service facilities, excluding repair and storage;
 - R. Publicly owned and operated buildings, uses, or recreational facilities including parks and playgrounds;
 - S. Restaurants, excluding drive-ins;
 - T. Retail sales and service;
 - U. Taverns;
 - V. Theaters, housed in permanent indoor structures.
- (Ord. 687 § 2(part), 2007)

ADDING:**W. Assembly Halls****X. Micro-Brewery, Brew Pub and Mini Brewery**

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

ADDING:

18.604.085 Assembly Hall.

"Assembly Hall. 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. (Ord. 687 § 2(part), 2007)

18.604.100 Automobile service station.

See "Service station."
(Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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.

A. "Class A manufactured home" means 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.

B. "Class B manufactured home" means 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 (Chapter 18.350). (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

18.626.040 Map.

"Map" means the official zoning district map of Columbia Falls, Montana. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

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. (Ord. 687 § 2(part), 2007)

ADDING:

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. (Ord. 687 § 2(part), 2007)

18.626.080 Motel.

See "Hotel."
(Ord. 687 § 2(part), 2007)