AGENDA
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, November 10, 2015 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER
   a. Roll Call
   b. Pledge of Allegiance

B. APPROVAL OF MINUTES: *Minutes of the October 13, 2015 Regular Board Meeting

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight’s agenda)

D. PUBLIC HEARINGS:
   The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, November 10th at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on December 7th, 2015 starting at 7:00 p.m. in the same location.

   **Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to 18.410.030.A(G) (Accessory Building Height in the CR zoning) and increase the building height for a detached garage from 15-feet to 22-feet. Amend Chapters 18.322.040(D), 18.324.040(H) and 18.326.040(D) – Building Height increasing the existing 30-feet to 35-feet height to match all of the other residential zoning districts. Adding a new provision for Clustering in the SAG zones enabling a property owner to use the density provisions of the zone to create smaller lots in exchange for open space or agriculture easements. Explore the possibilities of creating off-premise signage and other sign provisions for the downtown CB-4 (Central Business District). Propose other amendments to the Sign Chapter 18.438 to comply with recent US Supreme Court decisions.
Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

   a. Adopt Staff Report #CZTA-15-02 as findings of fact.
   b. Approve, amend or deny the Zone Text Amendment request.

E. NEW BUSINESS: CB-4 Signage Discussion/Work Session

F. REPORTS: 
   1. Planning Board
   2. Planning Staff

G. ADJOURNMENT

Next Meeting – December 15, 2015
MINUTES
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, October 13, 2015 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER AND ROLL CALL
Chairman Vukonich called the meeting to order at 6:33 p.m. PRESENT: Vukonich, Nolan, Duffy, Schlesinger, and Stene. ABSENT: Shepard, Hughes and Haverfield.

Also present were City Planner Eric Mulcahy, City Manager Nicosia and City Clerk Staaland.

Pledge of Allegiance

B. APPROVAL OF MINUTES: Stene made a motion to approve the amended minutes of the September 15, 2015 regular Board Meeting, second by Duffy. Motion carried.

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight’s agenda) None

D. PUBLIC HEARINGS: The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, October 13th at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold subsequent hearings on October 19th, 2015 starting at 7:00 p.m. in the same location:

A. REQUEST FOR A PLANNED UNIT DEVELOPMENT IN THE COLUMBIA FALLS ZONING JURISDICTION:
Ruis Holdings LLC is requesting a Planned Unit Development (PUD) to place an 82 room three story hotel (64 rooms first phase) on property located at the southwest corner of Highway 2 and Second Avenue West. This is the vacant parcel just east of the City Park and Pool. The PUD will review the large building standards as well as deviations to height, landscape buffer and parking counts. The property is Zoned CB-2 and hotels are a permitted use in this zone. The property is specifically described in Exhibit A.

City Planner Mulcahy presented Staff Report CPUD-15-01. Mulcahy reported that this project is subject to the Large Building Standards and was reviewed accordingly. The PUD requests zoning deviations for height, perimeter landscape buffering and parking requirements. Staff supports the parking deviation subject to the conditions of the cost share for the diagonal
Chairman Vukonich asked the Board if they had any questions for staff.

Schlesinger asked if the photo on display was the 82 room hotel or the 64 units. Mulcahy said that is the 82 room photo.

Stene inquired about the pedestrian path to Nucleus Avenue. Mulcahy said the sidewalk on Hwy 2 will take them to the light to go up Nucleus Avenue. Stene asked if there were additional crosswalks added. Mulcahy said we are not requiring it; MDOT would be in control of crosswalks on the highway. Vukonich added the pedestrian circulation with the two farmers markets is busy in that particular area. Mulcahy said we can query MDOT to see what they may need to develop a crosswalk. Nicosia said we will be doing a complete a transportation study which could include the determination of additional crosswalks. Nicosia noted that MDOT rejected a proposal to add a marked crosswalk at 1st Ave West and Hwy 2 this summer.

Vukonich asked if on the west side towards the Pinewood Park and the City Pool will there be fencing to separate this property from the park. Mulcahy said no there was no required fence and only the portion of the building housing the motel pool is within the setback variance.

Vukonich asked if the owner is redrawing the property lines on the south side of the property where there is about an acre that is undeveloped. Mulcahy said yes.

Vukonich asked about bike paths or walk ways into the park, referencing the path that comes off the highway and cuts diagonal to the pool. Nicosia noted that it is a walk way on city park property for those citizens that are cutting across the park property instead of walking all the way to 4th Ave West.

Chairman Vukonich opened 7:24 public hearing noting that this is an advisory Board and upon conclusion of tonight’s hearing, they will send a recommendation to the City Council.

Chairman Vukonich asked the Board if they had any questions for staff.

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Schlesinger asked if there is a restaurant, lounge or bar proposed at the hotel/conference center as he did not see a reference to one. Mulcahy replied not in this facility. Schlesinger asked if there would be cooking facilities or catering. Mulcahy said they will have a continental breakfast area as in other hotels.

Duffy said the property seems to be developed from the east to the west, noting that he would like to know more about the empty property. Mulcahy reported that the PUD application is only for the hotel/conference center. Nicosia replied that the project was designed partially to avoid moving the sewer main that is within the old alleyway, in the middle of the lot.

Rory Young, project consultant from Jackola Engineering 2250 Hwy 2 South Kalispell, introduced himself and stated that he was available to answer technical questions.

Vernon Kiser, 33 Goldfinch Lane, Columbia Falls. This is a great thing for the city and will be an asset to the community and this project should have been done a long time ago.

Rod Shaw, 370 Meadow Lake Drive, a partner in the project reported that the hotel will be initially built at 64 rooms with a possibility of an additional 18 rooms in 4 – 5 years. Mr. Shaw noted that there weren’t any feasibility studies on hotel capacity for Columbia Falls. He noted that he concurred with the traffic and highway crossing discussion. He said this development would be friendly to the farmers markets in the area. He also reported that the hotel would not have a large kitchen but would have a catering staging area and a breakfast area for hotel
guests. Due to land expense, the area south of the proposed building will provide future opportunity for a restaurant or apartments. Mr. Shaw stated that he did not realize that the hotel/conference center development would assist with paying for the additional diagonal parking on 2nd Ave. West. He said the farmers markets would also benefit if the City put in the parking on public roads, noting that they would pay their share if necessary.

Vukonich asked the developer if he had any communication with the neighbors. Rod Shaw said he talked to the neighbors on the south side, noting that they are going to clean up the property. Vukonich also asked about the lighting and noise concerns per the letter from the neighbor. Mr. Shaw noted that the hotel/conference center is being built in the far northwest corner, a considerable distance from the residences on 11th St. West. He noted that he has been in the hospitality business for 35 years and you cannot have a noisy, over lit facility for your guests.

Schlesinger asked about the extra paving to accommodate additional parking; noting that he understood that there was additional paving to accommodate the parking. Mulcahy said that is correct. Nicosia, referencing the paving option handout, noting that without the hotel development, the City would simply overlay 2nd Ave West, without any widening or additional paving. The cost to overlay the existing pavement is estimated at $30,000 while the cost to widen the street surface to accommodate diagonal parking and the additional traffic load, is estimated at $200,000. Nicosia noted that the condition was added as the hotel was asking for a variance of 36 parking spots and were counting the proposed 24 parking spots as a way of meeting their parking requirement. Stene asked Nicosia for clarification on the angled parking benefiting the motel. Nicosia said yes, that is correct.

Rick Huston, 21 Darlene Road, Columbia Falls, reported that he and his wife have just returned to Columbia Falls. They were both raised in Columbia Falls and said they have seen drastic changes in Columbia Falls. He is concerned that Nucleus Ave is becoming a ghost town. He said this hotel is going to jump start Columbia Falls and help rebuild us. Karen Huston, 21 Darlene Rd, said she did not think the residential area would be affected by this project. She noted that the property was a mobile home park and apartments when she was growing up.

Duffy asked about the manhole and if it is designed for a full load. Nicosia said yes it has been reviewed by the engineer and public works.

Chairman Vukonich asked if there was any additional testimony and if there was any additional written comments noting there was a letter from the Schauble family against the project.

Chairman Vukonich closed the Public Hearing at 7:41 p.m.

Stene asked for clarification on parking if the developer does not agree to pay for the additional parking. Mulcahy said the Board either approves the deviation or denies; if the variance is denied they would have to come up with other parking on their property. Stene said she is in support of the project but does have concerns about vehicle and foot traffic and asked how the City addresses that issue. Nicosia said that the City can work with MT DOT.
Nicosia noted that MT DOT wants the City to complete a formal transportation study for an estimated cost of $100,000, which is very significant to the City. Issues such as alternative travel, traffic lights, and crossings will all be evaluated during the study. MT DOT governs what happens on Hwy 2 and they can determine that a crossing at 2nd Ave West is not warranted with the traffic data. Mulcahy noted that we cannot condition this request to require a marked pedestrian crossing as it is out of the control of the applicant as well as the City. He also noted that the hotel does not have an approach onto Hwy 2.

Schlesinger asked if 2nd Ave East could be made into a one way street. Mulcahy said that it is not proposed and it would be difficult for guests and residents.

Nolan asked why the applicant does not add more parking with the vacant land. Mulcahy noted that their proposed project boundary does not allow for more parking.

Duffy suggested reducing the number of required parking spaces. Mulcahy reported that the parking requirements are determined by the Zoning Code and the PUD application recommends allowing a deviation of 36 less spots than required by code. Duffy asked if Xanterra was given a parking variance. Nicosia noted that their buildings and parking lot were in place but they were not granted any parking variance for their use.

Mr. Young said the developer would still put in the planned 126 parking spaces based on their calculation.

Schlesinger made a motion to approve Staff Report CPUD-15-01 as findings of fact. Motion seconded by Nolan. Motion passed with voting as follows: AYE: Nolan, Schlesinger, Duffy, Stene and Vukonich. NAYE: None ABSENT: Shepard, Haverfield, Hughes

Nolan made a motion to approve the Planned Unit Development and the 12 conditions, motion seconded by Stene. Board discussion ensued on whether the parking requirements should be amended, final consensus was to not amend the recommended conditions. Motion carried with voting as follows: AYE: Schlesinger, Duffy, Stene, Nolan, Vukonich NAYE: None ABSENT: Shepard, Hughes, Haverfield

Chairman Vukonich called for a short recess.

**B. Request by the City of Columbia Falls to adopt new Floodplain Regulations:**
The City of Columbia Falls is a participant in the National Flood Insurance Program (NFIP) which is administered through the Federal Emergency Management Agency (FEMA). The City participates in this program so that citizens within its jurisdiction can secure federally backed flood insurance and in cases of flooding, the City and its citizens can be eligible for Federal Disaster Assistance through FEMA. As a condition of participation in the NFIP, FEMA requires that enrolled communities adopt Floodplain Regulations compliant with the State and Federal Floodplain Regulation Model. The proposed Floodplain Regulations will replace the existing Floodplain Regulations which were last updated in 2007.

Mulcahy presented Staff Report CFREGS-15-01 and recommends approval by the Board.
Chairman Vukonich opened the public hearing at 8:20 p.m. and upon seeing no one wishing to address the Board, closed the Public Hearing.

Nolan motioned to approve Staff Report CFREGS-15-01, second by Schlesinger with voting as follows. AYE: Duffy, Stene, Nolan, Schlesinger and Vukonich. NAYE: None. ABSENT: Shepard, Haverfield and Hughes.

Duffy motioned to approve the Floodplain Regulations, second by Stene with voting as follows. AYE: Stene, Nolan, Schlesinger, Duffy and Vukonich. NAYE: None. ABSENT: Shepard, Hughes and Haverfield.

E. NEW BUSINESS:
   a. Urban Highway Program Committee Memorandum of Agreement
   City Manager Nicosia presented the MOU for Continuing Transportation Planning in the Columbia Falls Urban Area. Nicosia noted the changes on the draft MOU as recently approved by the City Council. Nicosia reported that this MOU will also be approved by the Flathead County Commissioners and then signed by the MT DOT. This MOU is required due to the City’s Urban Highway Funding participation.

   Schlesinger motioned to approve the Memorandum of Agreement as amended and approved by the City Council, second by Nolan. Motion passed with all members present voting in favor of the motion; Shepard, Hughes and Haverfield absent.

F. OLD BUSINESS: None

G. REPORTS:
   1. Planning Board
   2. Planning Staff
      a. Nicosia reported that the following Board appointments expire 12/31/15:
         City: Schlesinger, Nolan and Duffy
         County: Vukonich, Haverfield

H. ADJOURNMENT:
   Motion by Stene to adjourn at 8:44 p.m. Motion carried.

__________________________________________
Chairman

ATTEST:

__________________________________________
City Clerk
CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, November 10th at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on December 7th, 2015 starting at 7:00 p.m. in the same location.

Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment): A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to 18.410.030.A(G) (Accessory Building Height in the CR zoning) and increase the building height for a detached garage from 15-feet to 22-feet. Amend Chapter 18.322.040(D), 18.324.040(H) and 18.326.040(D) – Building Height increasing the existing 30-feet to 35-feet height to match all of the other residential zoning districts. Adding a new provision for Clustering in the SAG zones enabling a property owner to use the density provisions of the zone to create smaller lots in exchange for open space or agriculture easements. Explore the possibilities of creating off-premise signage and other sign provisions for the downtown CB-4 (Central Business District). Propose other amendments to the Sign Chapter 18.438 to comply with recent US Supreme Court decisions.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 13 day of October, 2015.

Susan Nicosia
Susan Nicosia, CPA, MPA, City Manager
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

Publish: Daily Interlake: October 25, 2015
ZONE TEXT AMENDMENT REQUEST  
COLUMBIA FALLS AREA ZONING JURISDICTION  
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CZTA-15-02  
October 23, 2015

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning text of the Columbia Falls Zoning Ordinance. The City proposes changes to 18.410.030.A(G) (Accessory Building Height in the CR zoning) and increase the building height for a detached garage from 15-feet to 22-feet. Amend Chapters 18.322.040(H), 18.324.040(H) & 18.326.040 (D) - Building Height increasing the existing 30-feet to 35-feet height to match all of the other residential zoning districts. Making certain changes to the sign regulations for conformance with US Supreme Court Decision. Adding a new provision for Clustering in the SAG zones enabling a property owner to use the density provisions of the zone to create smaller lots in exchange for open space or agriculture easements. The zone text amendment request is scheduled for hearing before the Planning Board on November 10, 2015 at 6:30 pm. The City Council meeting is scheduled for December 7th, 2015, at 7:00 p.m.

A. PETITIONERS  
City of Columbia Falls  
130 6th Street West  
Columbia Falls, MT 59912

B. PETITIONER’S TECHNICAL ASSISTANCE  
Columbia Falls Planning Staff  
130 6th Street West  
Columbia Falls, MT 59901

D. REQUEST  
The request is to amend the text various sections of the Columbia Falls Zoning Code (Chapter 18 of the Columbia Falls Municipal Code). The Text Amendment include addressing sign regulation consistencies with recent court cases, consistent height requirement, expanding height for detached accessory structures, creating an option for clustering subdivisions using densities rather than minimum lots sizes in the Suburban Agricultural zones. Deletions are shown with strikethroughs and additions are show with underlines.

Changes proposed by City Staff are addressed below.

Chapter 18.322 CR-1 ONE-FAMILY LIMITED RESIDENTIAL

18.322.040 Bulk and dimensional requirements.  
The bulk and dimensional requirements for the CR-1 district are as follows:  
A. Minimum lot area: one (1) acre;  
B. Minimum lot width: one hundred fifty (150) feet;  
C. 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;
D. Maximum height: thirty (30) thirty-five (35); licensed amateur radio operators antennae-seventy-five (75) feet;
E. Permitted lot coverage: thirty (30) percent;
F. Maximum fence height:
   1. Front: three (3) feet;
   2. Side: six (6) feet;
   3. Rear: six (6) feet;
(Ord. 523 § 1(part), 1989)

Chapter 18.324 CR-2 ONE-FAMILY LIMITED RESIDENTIAL

18.324.040 Bulk and dimensional requirements.
The bulk and dimensional requirements of the CR-2 district are as follows:
A. Minimum lot area: twenty thousand (20,000) square feet;
B. Minimum lot width: one hundred (100) feet;
C. Minimum yard requirements:
   1. Front: twenty-five feet,
   2. Side: five feet each,
   3. Side corner: fifteen feet,
   4. Rear: twenty feet;
D. Maximum height: thirty (30) thirty-five (35) feet; licensed amateur radio operators antennae-seventy-five (75) feet;
E. Permitted lot coverage: thirty percent;
F. Maximum fence height:
   1. Front: three (3) feet,
   2. Side: six (6) feet,
   3. Rear: six (6) feet;
H. Maximum height: thirty (30) thirty-five (35) feet; licensed amateur radio operators antennae-seventy-five (75) feet;
I. Permitted lot coverage: thirty (30) percent;
J. Maximum fence height:
K. Front: three (3) feet;
L. Side: six (6) feet;
M. Rear: six (6) feet;
(Ord. 523 § 1(part), 1989; Ord. No. 716, exhibit A, 4-5-2010)

Chapter 18.326 CR-3 ONE FAMILY RESIDENTIAL

18.326.040 Bulk and dimensional requirements.
The bulk and dimensional requirements for the CR-3 district are as follows:
A. Minimum lot area: nine thousand six hundred square feet;
B. Minimum lot width: eighty feet;
C. Minimum yard requirements:
   1. Front: twenty-five feet,
   2. Side: five feet each,
   3. Side corner: fifteen feet,
   4. Rear: twenty feet;
D. Maximum height: thirty (30) thirty-five (35) feet; licensed amateur radio operators antennae-seventy-five (75) feet;
E. Permitted lot coverage: thirty percent;
F. Maximum fence height:
   1. Front: three feet,
   2. Side: six feet,
3. Rear: six feet;
G. Off-street parking: See Chapters Parking and Loading 18.500
(Ord. 687 § 2(part), 2007)

**Chapter 18.410 ACCESSORY USES**

18.410.030 Accessory Use Restrictions.
The following is a list of restrictions on accessory uses and structures:
A. 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;
B. 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.
C. 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.
D. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
E. Accessory buildings shall not cover more than twenty-five percent of any rear yard in CR zones.
F. 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.
G. Accessory buildings shall not exceed a height of fifteen feet twenty two feet in CR zones or the maximum height permitted for a principal building in other zones.
H. Attached accessory buildings shall be located pursuant to the requirements for principal buildings.
I. 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.
(Ord. 615 § 2(part), 1999; Ord. 601 § 7, 1997; Ord. 544 § 3, 1991; Ord. No. 716, exhibit A, 4-5-2010)


**E. REASON FOR REQUEST**

**Building Height**
The building height in the CR-1, 2 and 3 zoning districts is a 30-foot height limit. All other residential and CSAG districts are 35-feet. This change is requested to make the zoning regulations consistent.

**Accessory Structure Height**
The Columbia Falls Board of Adjustment has granted several variances to detached garage height. If a garage is attached to the residence, then the garage can be as tall as the residence (up to 35 feet). If the garage is detached it is limited to 15 feet in height which with today’s full sized pick-up, travel trailers, and boats, is too short to fit these vehicles. The proposed 22 foot height limit for detached garages will allow for taller garage doors and some storage in the attic of the garage.

**Sign Regulations**
The amendments to the sign regulations are based on a recent US Supreme Court Case that involved temporary signage. The proposed changes are intended to make
the sign regulations more content neutral while still regulating time, place and manner of signage.

**Clustering Provision**

After the Columbia Falls Board of Adjustment granted a variance for a family with a large farm holding to create a smaller lot while protecting the density provisions of the zoning district, the Board recommended that the City explore the creation of Cluster Development that respects the overall density of a property but also preserves more farm and open space areas.

**EVALUATION BASED ON STATUTORY CRITERIA**

The following findings are made:

1. **Does the requested zone give consideration to the general policy and growth pattern set out in the Growth Policy?**
   
   Chapter 12 of the Columbia Falls Growth Policy addresses implementation strategies to further the adopted goals and policies of the document. Zoning is identified as a legal tool to regulate compatibility of use such as the transition between commercial and residential; density of development primarily using minimum lot sizes, bulk/dimensional standard to protect view sheds but also address signage, parking, landscaping, and floodplain.

   The proposed changes primarily address changes and consistencies that have either come to light through the administration of the zoning code or through court decisions.

   The proposed changes meet the intent of zoning as identified in the Columbia Falls Growth Policy and as none of the changes are site specific, they do not impact the Growth Policy Map.

2. **Is the requested zone designed to lessen congestion in the streets?**
   
   The proposed changes to the zoning ordinance focus on legal inconsistencies, zoning inconsistencies, and provisions that provide greater flexibility to the residents of the Columbia Falls Planning Jurisdiction. None of the proposed changes are site specific which would impact congestion. Amendments to height and signage will not impact the density of development. The Clustering provisions use the base density of the existing zoning district with some small incentives to establish larger open space areas and/or the protection of environmental sensitive areas.

3. **Will the requested zone secure safety from fire, panic, and other dangers?**
   
   The proposed text amendments do not increase the risk of fire, panic or other dangers.

4. **Will the requested change promote the health and general welfare?**
   
   The proposed zone text amendments continue to promote the health and general welfare of the community.

5. **Will the requested zone provide for adequate light and air?**
   
   The proposed text amendments do not change the setback requirements of the Columbia Falls Zoning Code. The change to the CR-1, 2 and 3 height standards is only intended to match what is allowed in all other residential and suburban
6. **Will the requested zone prevent the overcrowding of land?**

None of the proposed text amendments impact the density provisions of the Columbia Falls Zoning Code. The proposed clustering provision does allow for smaller lots than the minimum lot size of the zoning regulation provided that the overall density is considered and 50% of the development is preserved in open space or agricultural lands. However, the cluster provision should not overcrowd the land and a land owner that may use the proposed cluster provision is required to go through the subdivision process which provides for review by the Planning Board and/or the City Council.

7. **Will the requested zone avoid undue concentration of people?**

The only proposed text amendments that vary land use provisions, is in the clustering option. The clustering provision may allow different types of residential use such as attached dwellings. However, the cluster provision still uses the density provisions of the underlying zoning for the ultimate unit count. The text amendments to the sign and height will not alter the concentration of people.

8. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**

The proposed text amendments do not change the provisions for transportation, water, sewerage, schools, parks, or other public requirements.

9. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses.**

The proposed text amendments for signs and building height have very little impact on the suitability of property because none are site specific. Only the cluster provisions have the potential to change land use and these provisions require subdivision review which looks at the site specifics and the suitability for the given project.

10. **Does the requested zone give reasonable consideration to the character of the district and is the consideration weighted equally for both historical uses and established use patterns, and recent change-in-use trends without giving consideration one to the exclusion of the other?**

As stated previously, the proposed text amendments are not site specific and generally reflect the overall performance of the Zoning Code. Although the cluster provision allows for smaller lots or attached units, the proposed provision uses the density provisions as a basis for the maximum number of units. The proposed clustering provision requires that a minimum of 50% of the subject property be retained in a permanent open space or agricultural holding. In a rural setting, the open space may be beneficial to the character of the district in which it is proposed.

11. **Will the new zoning affect property values and does it have a view of conserving the value of buildings.**

None of the proposed text amendments are significant enough to impact property values and none address a single property or proposed use.
12. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**

The Text Amendment focuses on legal inconsistencies and zoning inconsistencies and acknowledges new trends in land use that are occurring in the Columbia Falls jurisdictions. Only the cluster provisions have the potential to change land use and these provisions require subdivision review which looks at the site specifics and the appropriateness for the given project.

**SUMMARY**

The request is to amend the text various sections of the Columbia Falls Zoning Code (Chapter 18 of the Columbia Falls Municipal Code). The Text Amendment include addressing sign regulation consistencies with recent court cases, consistent height requirement, expanding height for detached accessory structures, creating an option for clustering subdivisions using densities rather than minimum lots sizes in the Suburban Agricultural zones. None of the proposed text amendments are site specific and none of the amendments negatively impact the review criteria.
RECOMMENDATION

Staff recommends that the Columbia Falls City – County Planning Board adopt Columbia Falls Planning Office Staff Report #CZTA-15-02 as findings of fact and recommend approval of the requested Zoning Text Amendments. The amendments are indicated by strike-out and underline.

Chapter 18.322 CR-1 ONE-FAMILY LIMITED RESIDENTIAL

18.322.040 Bulk and dimensional requirements.

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

H. Minimum lot area: one (1) acre;
I. Minimum lot width: one hundred fifty (150) feet;
J. 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;
K. Maximum height: thirty (30) \( \text{thirty-five (35)} \); licensed amateur radio operators antennae-seventy-five (75) feet;
L. Permitted lot coverage: thirty (30) percent;
M. Maximum fence height:
   1. Front: three (3) feet;
   2. Side: six (6) feet;
   3. Rear: six (6) feet;
(Ord. 523 § 1(part), 1989)

Chapter 18.324 CR-2 ONE-FAMILY LIMITED RESIDENTIAL

18.324.040 Bulk and dimensional requirements.

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

A. Minimum lot area: twenty thousand (20,000) square feet;
B. Minimum lot width: one hundred (100) feet;
C. Minimum yard requirements:
D. Front: twenty-five (25) feet;
E. Side: fifteen (15) feet each;
F. Side corner: fifteen (15) feet;
G. Rear: twenty (20) feet;
H. Maximum height: thirty (30) \( \text{thirty-five (35)} \); licensed amateur radio operators antennae-seventy-five (75) feet;
I. Permitted lot coverage: thirty (30) percent;
J. Maximum fence height:
K. Front: three (3) feet;
L. Side: six (6) feet;
M. Rear: six (6) feet;
(Ord. 523 § 1(part), 1989; Ord. No. 716, exhibit A, 4-5-2010)
Chapter 18.326 CR-3 ONE FAMILY RESIDENTIAL

18.326.040 Bulk and dimensional requirements.

The bulk and dimensional requirements for the CR-3 district are as follows:
A. Minimum lot area: nine thousand six hundred square feet;
B. Minimum lot width: eighty feet;
C. Minimum yard requirements:
   1. Front: twenty-five feet,
   2. Side: five feet each,
   3. Side corner: fifteen feet,
   4. Rear: twenty feet;
D. Maximum height: thirty (30)-thirty-five (35) feet; licensed amateur radio operators antennae-seventy-five feet;
E. Permitted lot coverage: thirty percent;
F. Maximum fence height:
   1. Front: three feet,
   2. Side: six feet,
   3. Rear: six feet;
G. Off-street parking: See Chapters Parking and Loading 18.500
(Ord. 687 § 2(part), 2007)

Chapter 18.410 ACCESSORY USES

18.410.030 Accessory Use Restrictions.
The following is a list of restrictions on accessory uses and structures:
A. 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;
B. 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.
C. 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.
D. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
E. Accessory buildings shall not cover more than twenty-five percent of any rear yard in CR zones.
F. 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.
G. Accessory buildings shall not exceed a height of fifteen feet twenty two feet in CR zones or the maximum height permitted for a principal building in other zones.
H. Attached accessory buildings shall be located pursuant to the requirements for principal buildings.
I. 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.
(Ord. 615 § 2(part), 1999; Ord. 601 § 7, 1997; Ord. 544 § 3, 1991; Ord. No. 716, exhibit A, 4-5-2010)
STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

TIARA ALKIRE BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE DAILY INTER LAKE, A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT NO. 23087


AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

Subscribed and sworn to
Before me this October 26, 2015.

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/11/2017
18.349 CLUSTER UNIT DEVELOPMENT

18.349.010 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.

18.349.020 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:

A. 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.

B. 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.

18.349.030 Bulk and dimensional requirements

A. 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. (Note: Flathead County makes this density bonus much simpler. The County states the density is 150% of the base density if the applicant meets the open space requirement. Example: if the land owner has 100 acres that is zoned SAG-10, the standard subdivision would allow ten lots. If the Land owner uses the cluster provision and sets the minimum 50% open space aside, the land owner gets the bonus and can create 15 smaller lots. I include a copy of the County Clustering provisions in the packet for your review.)

B. 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.

C. 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 sublot for two family or multifamily dwellings may not be less than 1,500 square feet.

D. 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.

E. Building or primary uses shall not be placed closer than five (5) feet of any side lot property line.
F. 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.

G. 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.

H. 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 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.

18.349.030 Creation and Maintenance of Required Open Space

A. At least fifty percent (50%) of the total gross area of the cluster development site shall be set aside as open space.

B. 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.

C. 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:
      a. 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.

b. 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.

D. 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.

E. During construction of streets, utility lines or lots, the work and any surface disturbance shall be confined to areas outside the open space area.

F. Open space must include sensitive areas within the cluster development site including: areas of high ground water that seasonally surfaces; wetland; floodplain; areas within fifty (50) 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.

18.349.060 Exemption or Waiver of Specific Regulations

A. Cluster development is exempt from park land dedication provisions by establishment of the open space lot.
B. 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:
   a. the court shall be not less than forty (40) feet wide,
   b. the furthest front yard property line shall be not more than one hundred twenty (120) feet from the nearest front street access,
   c. the court front street entrance shall be not more than one hundred (100) feet from the nearest fire hydrant,
   d. only primary use building shall front the common court; and
   e. primary use building shall not exceed a total count of ten (10) buildings.

18.349.070 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.

A. Submit complete subdivision application, application fee and site plan; size and quantity of site plan copies as specified in the application.

B. 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.

C. 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.

D. 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.

18.349.080 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 ____________, 200__.

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.

18.349.090 Prior to construction

A. Prior to the construction of public infrastructure the developer shall submit verification that the service provider has reviewed and approved the construction plan.

B. 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.
F. A note shall be placed on the plat stating that if two flag lots are created on adjoining parcels, shared access shall be required when possible. Common access shall be created for both parcels by relocating existing driveway, if necessary.

G. Property owners within 150 feet shall be notified in the event of the creation of a flag lot concurrent with the minor subdivision process.

SECTION 5.09

RESIDENTIAL CLUSTERING IN AG AND SAG DISTRICTS
(See Section 4.05 for Cluster Housing Development in Residential Districts)

The purpose of this regulation is to allow single-family dwellings to be clustered in areas of non-prime agricultural soils in a manner that prime agricultural land, timberland, or unique natural amenities will be preserved. Clustering of residential dwellings in agricultural zoning districts may be permitted whenever a parcel of land is determined to be eligible based on the criteria set forth in this Section.

5.09.010 Procedure

The procedure to establish a cluster development shall be the review and approval of the land division as a subdivision by the Flathead County Commissioners, subject to Flathead County Subdivision Regulations. Resubdivision of a cluster development must be reviewed and approved by the Flathead County Commissioners.

5.09.020 General Provisions

1. Residential clustering may be permitted in the following zoning districts: AG-80, AG-40, AG-20, SAG-10, and SAG-5.

2. Single-family dwellings may be either attached or detached. If attached, no more than 4 dwellings may occupy a single structure and each separate dwelling must be conveyable as a townhouse unit. All dwellings must be built on-site or a Class A manufactured home, and be situated upon permanent foundations.

3. Density and open space requirements:
   A. Lots within the cluster subdivision may not exceed a net average of two (2) acres.
   B. Maximum cluster site density:  15 dwellings per acre
   C. Maximum residential density of parent tract:

      150% of allowable density in zoning district

   D. Minimum proportion of parent tract in open space:

      | Zoning District | Proportion |
      |-----------------|------------|
      | AG-80           | 80%        |
      | AG-40           | 80%        |
      | AG-20           | 80%        |
      | SAG-10          | 70%        |
      | SAG-5           | 60%        |
4. A “cluster site” shall mean a designated location within a “parent” tract of land that has sufficient size to allow for the density and open space requirements within the specific zoning district.

5. A “parent” tract shall mean a single tract of record that is used for calculating a cluster density allowance.
   Note: Multiple tracts of land under single ownership must be aggregated with a boundary line adjustment (BLA) if a combination of multiple tracts are intended to qualify as a “parent” tract.

6. Density allowance shall be based on the size of the parent tract.
   Density bonus allowance is 150% of standard number of dwelling units (du).
   Note: This chart is based on a parent tract of 100 acres.

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted</th>
<th>Cluster</th>
<th>Open Space</th>
<th>Dev. Ac.</th>
<th>Avg Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG-80</td>
<td>1 du</td>
<td>1 du</td>
<td>80%</td>
<td>20 ac.</td>
<td>2.0 ac.</td>
</tr>
<tr>
<td>AG-40</td>
<td>2 du</td>
<td>3 du</td>
<td>80%</td>
<td>20 ac.</td>
<td>2.0 ac.</td>
</tr>
<tr>
<td>AG-20</td>
<td>5 du</td>
<td>7 du</td>
<td>80%</td>
<td>20 ac.</td>
<td>2.0 ac.</td>
</tr>
<tr>
<td>SAG-10</td>
<td>10 du</td>
<td>15 du</td>
<td>70%</td>
<td>30 ac.</td>
<td>2.0 ac.</td>
</tr>
<tr>
<td>SAG-5</td>
<td>20 du</td>
<td>30 du</td>
<td>60%</td>
<td>40 ac.</td>
<td>1.3 ac.</td>
</tr>
</tbody>
</table>

7. The differences in area between the (net) residential lot sizes of a cluster site and the total (gross) area of the “parent” tract used in the density allowance calculation must be retained in some form of open space until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development.

8. A covenant shall be recorded with the filing of any plat that establishes a cluster site. The covenant shall restrict the use of the required open space in a manner that includes the following:
   A. Prohibition of any further divisions of land or change in use of the property until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development/uses.
      This will not preclude phased cluster projects up to the allowed density.
   B. Description of the intended use, management, and ownership of the open space.

5.09.030
Performance Standards

Each cluster site shall adhere to the following performance standards:

The cluster sites

1. Shall be able to obtain safe and convenient access to a public or private road but individual lot access onto a highway or road is not allowed;

2. Shall be located off of prime agricultural land (SCS soil classification I-IV) to the greatest extent possible when determining a location for the cluster development or, if located within a forested area, not be within an area that is
rated as “very high” or “extreme” fire risk by the Montana Department of Natural Resources after subdivision improvements;

3. Shall have suitable soils for on-site treatment of sewage;

4. Shall not be situated or otherwise associated with any environmentally sensitive area, hazard area, or wildlife habitat of local significance or habitat for endangered or threatened species, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Montana Department of Fish, Wildlife and Parks;

5. Should be situated near the perimeter boundary of the “parent” tract of land in order to maximize the extent of uninterrupted open space;

6. Shall not interfere or otherwise conflict with adjoining farming activities;

7. Shall establish minimum setbacks for all structures of 100 feet from the boundary of a highway right-of-way and otherwise conform to the minimum setbacks of the district;

8. Shall not be located in:
   
   A. a 100-year floodplain (floodway and flood fringe) as determined by the Federal Emergency Management Agency (FEMA);
   
   B. areas on sloped banks or within 50 horizontal feet of high water of water bodies or streams;
   
   C. wetlands as determined by the U.S. Army Corps of Engineers;
   
   D. steep areas in excess of 30% slope or other areas subject to excessive geological hazards; or
   
   E. areas where development will be detrimental to significant natural, historic, or cultural resources.

5.09.040 Open Space Requirements

The location and size of the area designated as open space shall be shown on the final plat of the subdivision. A single-family dwelling on open-space area 20-acres or larger, and utilities are permitted.

SECTION 5.10 RETAINING WALLS

Retaining walls over thirty-six (36) inches in height above the original grade shall meet the setback requirements and height limitations for accessory structures. The height shall be measured as the total height of the retaining wall or combination of tiered retaining walls within the setback area.

SECTION 5.11 SIGNS

5.11.010 Signs permitted in all districts (exempt signs):

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding thirty-two (32) square feet in area.
Signs:

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.
A. 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.
B. To protect and enhance the community’s image while allowing local businesses to communicate with potential customers in a reasonable manner.
C. 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.
D. To maintain and enhance the aesthetic environment while promoting creativity and the City’s ability to attract sources of economic development and growth.
E. To promote both renovation and proper maintenance.
F. To encourage the construction of signs of natural materials which are compatible with the historic, cultural and natural surroundings.
G. To promote clear views of the natural surroundings by minimizing visual clutter and reducing the competition for airspace.
H. 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.
I. To enable the fair and consistent enforcement of these sign regulations. (Ord. 689 § 2(part), 2007; Ord. No. 716, exhibit A, 4-5-2010)

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.
A. 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 twelve (12) square feet, not erected more than thirty (30) days prior to, and removed not more than one week after, the election or event to which the sign pertains.
4. One sign per street frontage 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. Temporary 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. (Ord 689 § 2(part), 2007; Ord 593 § 1, 1996; Ord 523 § § 1, 3(part), 1989)

B. 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.

C. Identification Signs: Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations, 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.

D. Architectural Elements: Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

E. 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.

F. Flags and insignias of any government except when displayed in connection with commercial promotion.
18.438.030 Signs Prohibited in All Districts

A. Revolving Signs. No revolving signs shall be permitted.
B. Billboards. No billboards shall be permitted.
C. 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.
D. Rotating, flashing or blinking signs, strobe lights and searchlights except electronic message signs as provided elsewhere in these regulations.
E. Signs that have been unlawfully or illegally erected and/or maintained.
F. 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.
G. Roof signs higher than the apex of the roof. Religious symbols may extend up to thirty five (35) feet. Religious symbols may extend above thirty five (35) feet with a conditional use permit. Existing religious symbols are exempt from these provisions.
H. Signs imitating or resembling official traffic or government signs or signals.
I. 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.
J. Any sign with exposed incandescent, metal halide or fluorescent light bulbs.
K. 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.
L. 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.
M. 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.

(Ord 689 § 2(part), 2007)

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:

A. PROJECTION:
   1. Projection of wall signs shall not exceed five (5) 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.
B. 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.

C. 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. Electronic changeable copy signs shall not be permitted in the CB-4 Districts.

D. 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.

E. 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.

F. PERMITTED SURFACE AREA:
   1. Freestanding Signs:
      a. 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 foot for each five (5) feet of building 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.
      b. Each face of the sign is counted in the total surface area for free standing signs.
      c. Freestanding signs in the CB-4 District are limited to fifty (50) square feet on any one side.
   2. Wall signs:
a. Wall signs in the CB-2 District shall be permitted to cover twenty-five (25) percent of the exposed facade of the building on which they are mounted.
b. Wall signs in the CB-4 District are permitted to cover fifty (50) square feet.
c. 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 building frontage in excess of fifty (50) feet.

G. 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 building frontage.

H. 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-faceted signs.

(Ord 689 § 2(part), 2007; Ord. 615 § 2(part), 1999; Ord. 523 §§ 1, 3(part), 1989)

18.438.080 Permitted signs in zoning districts.

A. 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.

B. 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.
C. 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.

D. 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.

E. 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.

F. 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.

(Ord. 555 § 3(part), 1992; Ord. 523 §§ 1, 3(part), 1989)
Dear Business Owner/Operator and All Interested Parties:

The Columbia Falls City-County Planning Board is holding a work session at their Regular Board meeting on Tuesday November 10th at 6:30 p.m. The purpose of the work session is to discuss current CB-4, Central Business, Signage regulations and possible amendments to the requirements. City staff will present current regulations and the Board will entertain discussion from interested parties on potential amendments to the CB-4 signage requirements.

City Staff and the Planning Board are encouraging all interested parties to attend this work session to discuss potential amendments to these Zoning requirements.

You may also send written comments to the attention of the City Clerk via email: staalandb@cityofcolumbiafalls.com.

Please contact Eric Mulcahy, City Planner, 755-6481 or Susan Nicosia, City Manager/Planning & Zoning Administrator, 892-4391, should you have any questions or comments on CB-4 signage regulations.

Thank you, in advance, for your participation.

Sincerely,
Susan M. Nicosia
Susan M. Nicosia
November 4, 2015

TO: Planning & Zoning Board

From: Susan M. Nicosia, City Manager/Planning & Zoning Administrator

RE: New Business – CB-4 Signage work session/discussion

To facilitate the CB-4 work session, I am providing the current CB-4 signage provisions as amended by Ordinance 745 in May 2014. At that time, we were addressing the illumination of signs in the CB-4 district.

Additionally, Eric Mulcahy has provided an example of signage requirements for the historic railroad district in Whitefish.
ORDINANCE NO. 745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING PORTIONS OF CHAPTER 18 ZONING TEXT OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend portions of Chapter 18 of the Columbia Falls Municipal Code dealing with CB-4 text, signage and parking requirements; and

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

WHEREAS, the Columbia Falls City-County Planning Board & Zoning Commission held a public hearing on March 11, 2014 and recommended approval; and

WHEREAS, the City Council held a public hearing on April 7, 2014 and approved the recommended text amendments as shown on Exhibit “A.”

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

Section One. Section Amended: Chapter 18 of the Columbia Falls Municipal Code is 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 5th DAY OF MAY, 2014, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Lovering, Petersen, Shepard and Barnhart

NOES: None

ABSENT: Karper and Plevel

___________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 5th DAY OF MAY, 2014.
ATTEST:

______________________________

City Clerk

______________________________

Mayor
EXHIBIT “A”

Land Uses:

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.
(Ord. 523 § 1(part), 1989)

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. Assembly Halls
C. Clinic, medical and dental;
D. Clubs and other places of entertainment operated as commercial enterprise;
E. Commercial recreation facilities;
F. Colleges, business and trade schools;
G. Day care center;
H. Drug stores;
I. Dwelling(s), above first story;
J. Food stores, supermarkets, delicatessens;
K. Hotel;
L. Laundromat, laundry;
M. Libraries, museums, art galleries;
N. Financial institutions and professional services;
O. Light manufacturing/assembly (see special provisions section);
P. Micro-Brewery, Brew Pub and Mini Brewery
Q. Professional offices;
R. Private and commercial recreational facilities;
S. Public utility buildings and service facilities, excluding repair and storage;
T. Publicly owned and operated buildings, uses, or recreational facilities including parks and playgrounds;
U. Restaurants, excluding drive-ins;
V. Retail sales and service;
W. Taverns;
X. Theaters, housed in permanent indoor structures.
(Ord. 730 § 2(part), 2012; Ord. 648 § 2(part), 2003; Ord. 615 § 2(part), 1999; Ord. 559 § 1, 1993: Ord. 523 § 1(part), 1989)

18.338.030 Conditional uses.

The conditional uses in the CB-4 district are as follows:
A. Convention hall facilities;
B. Casino;
C. Pet Grooming and Pet Therapy/Rehabilitation
D. Electrical distribution station;
E. Large buildings;
F. Radio and television broadcasting stations and masts;
G. Temporary buildings or structures;
H. Water storage facilities.
I. Fence within twenty (20) feet of front property line;
J. Fence within fifteen (15) feet of side corner property line
(Ord. 691 § 2(part) 2007; Ord. 615 § 2(part), 1999; Ord. 523 § 1(part), 1989)

**Signs:**

**CHAPTER 18.438 SIGNS**

**18.438.020 Signs permitted in all districts without a permit.**

The following signs are allowed in all zoning districts and do not require a permit:

A. 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.

B. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations, 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.

C. Flags and insignias of any government except when displayed in connection with commercial promotion.

D. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

E. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

F. 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.

G. 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.

H. Political signs, each not exceeding twelve (12) square feet, not erected more than thirty (30) days prior to, and removed not more than one week after, the election or event to which the sign pertains.
I. One sign per street frontage 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.

K. Temporary 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. (Ord 689 § 2(part), 2007; Ord 593 § 1, 1996; Ord 523 § § 1, 3(part), 1989)

L. Way Signs erected by a Governmental Agency or in Cooperation with a Governmental Agency.

M. “Entry” or “Welcome To” Signage installed by a Governmental Agency or in Cooperation with a Governmental Agency.

18.438.030 Signs Prohibited in All Districts

A. Revolving Signs. No revolving signs shall be permitted.
B. Billboards. No billboards shall be permitted.
C. 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 period definition for a period of eighteen (18) 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.
D. Rotating, flashing or blinking signs, strobe lights and searchlights except electronic message signs as provided elsewhere in these regulations.
E. Signs that have been unlawfully or illegally erected and/or maintained.
F. 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.
G. Roof signs higher than the apex of the roof. Religious symbols may extend up to thirty five (35) feet. Religious symbols may extend above thirty five (35) feet with a conditional use permit. Existing religious symbols are exempt from these provisions.
H. Signs imitating or resembling official traffic or government signs or signals.
I. 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.
J. Any sign with exposed incandescent, metal halide or fluorescent light bulbs.
N. 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.
O. 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.
P. 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.

(Ord 689 § 2(part), 2007)

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:

A. 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.

B. 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.

C. 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. Electronic changeable copy signs shall not be permitted in the CB-4 Districts.

D. 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.

E. 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.

F. PERMITTED SURFACE AREA:
   1. Freestanding Signs:
      a. 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 building 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.
      b. Each face of the sign is counted in the total surface area for freestanding signs.
      c. Freestanding signs in the CB-4 District are limited to fifty (50) square feet on any one side.
   2. Wall signs:
      a. Wall signs shall be permitted to cover twenty-five (25) percent of the exposed facade of the building on which they are mounted.
      b. Wall signs in the CB-4 District are permitted to cover fifty (50) square feet.
c. Wall signs in the CB-24 District are permitted to cover fifty (50) square feet plus one (1) square foot for each one (1) foot of lineal building frontage in excess of fifty (50) feet.

G. 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 building frontage.

H. 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

(Ord 689 § 2(part), 2007; Ord. 615 § 2(part), 1999; Ord. 523 §§ 1, 3(part), 1989)

18.438.080 Permitted signs in zoning districts.

A. 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.

B. 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.

C. 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.
D. 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.

E. 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. Internally illuminated individual letters and internally illuminated signs are prohibited in
       the CB-4 district. Canopies, awnings, fascia and similar structures, whether or not they
       contain sign copy, may not be illuminated with direct illumination.
   11. Use of neon and/or other lighting arranged around a building or other structure for the
       purpose of attracting attention is prohibited.
   12. Because night light pollution is a growing problem, reduction or turning off sign lighting
       during non-operating hours is encouraged.

F. 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.

(Ord. 555 § 3(part), 1992; Ord. 523 §§ 1, 3(part), 1989)
Parking:

Division 18.500 PARKING AND LOADING

Chapter 18.502 GENERAL REQUIREMENTS

18.502.010 General requirements.
A. 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.
B. A standard vehicle parking space shall measure no smaller than nine feet by twenty feet.
C. 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.
D. 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 required.

(Ord. 615 § 2(part), 1999; Ord. 523 § 1(part), 1991)