

ORDINANCE NO. 771

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING CHAPTERS 18.317 (CSAG-20), 18.318 (CSAG-10), 18.320 (CSAG-5), AND 18.616.060 GUEST HOUSE DEFINITION, CHAPTER 18.438.020 SIGNS AND ADDING CHAPTER 18.411 ACCESSORY APARTMENT, AMENDING CHAPTER 18.322.030 CR-1 CONDITIONAL USES, CHAPTER 18.324.030 CR-2 CONDITIONAL USES, CHAPTER 18.326.030 CR-3 CONDITIONAL USES, AND CHAPTER 18.328.030 CR-4 CONDITIONAL USES AND CHAPTER 18.210.110 ADMINISTRATIVE CONDITIONAL USE PERMITS OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend Chapter 18.317 CSAG-20 Agriculture, Chapter 18.318 CSAG-10 Suburban Agriculture, Chapter 18.320 CSAG-5 Suburban Agriculture, and Chapter 18.616.060 Guest House and Chapter 18.438.020 Signs Permitted in all districts without a permit, of the Columbia Falls Municipal Code; and

WHEREAS, the City Council desires to add Chapter 18.411 Accessory Apartment to the Columbia Falls Municipal Code; and

WHEREAS, the Columbia Falls City-County Planning Board and Zoning Commission (Board) conducted a public hearing on the proposed text amendments on Tuesday, January 9, 2018, after said hearing was advertised according to law; and at said hearing on said date, the Board considered any and all comments filed or voiced with respect to the changes, and recommended adoption of the text amendments; and

WHEREAS, a hearing on said text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on February 5, 2018, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered any and all comments filed or voiced with respect to said changes; and

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

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

Section One. Section Amended: Chapter 18.317 CSAG-20 Agriculture, Chapter 18.318 CSAG-10 Suburban Agriculture, Chapter 18.320 CSAG-5 Suburban Agriculture, and Chapter 18.616.060 Guest House and Chapter 18.438.020 Signs Permitted in all districts without a permit; of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Section Added: Chapter 18.411 Accessory Apartment to the Columbia Falls Municipal Code is hereby added as more particularly set forth on Exhibit "A" attached hereto, resulting in amendments to Chapter 18.322.030 CR-1 Suburban Residential Conditional Uses, Chapter 18.324.030 CR-2 One-Family Limited Residential Conditional Uses, Chapter 18.326.030 CR-3 One Family Residential Conditional Uses and

Chapter 18.328.030 CR-4 Urban Residential Conditional Uses and Chapter 18.210.110 Administrative Conditional Use Permits.

Section Three. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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

Section Five. 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 Six. 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 20th DAY OF FEBRUARY, 2018, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Lovering, Piper, Robinson, Shepard and Barnhart

NOES: None

ABSENT: Karper

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 20th DAY OF FEBRUARY, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

I, Barb Staland, City Clerk of Columbia Falls, do hereby certify that on the 20<sup>th</sup> day of FEBRUARY, 2018, I posted a copy of the foregoing ordinance in my office, and that the same remained posted for a period of five days thereafter, and that the foregoing record is a true copy of the Ordinance as passed by the Council.

Witness my hand and seal this 20<sup>th</sup> day of FEBRUARY, 2018.

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City Clerk

## EXHIBIT A

### Chapter 18.317 CSAG-20 AGRICULTURE

#### 18.317.010 Definition.

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

(Ord. 523 § 1(part), 1989)

#### 18.317.020 Permitted uses.

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

- A. Accessory building or use;
- B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
- C. Class A manufactured homes;
- D. Dairy farm;
- E. Dairy products processing, bottling, and distribution;
- F. Dwelling, single-family;
- G. Guest house;
- H. Fish hatcheries;
- I. Home occupations (see Chapter 18.400);
- J. Livestock;
- K. Nursery, landscape materials;
- L. Parks;
- M. Produce stands;
- N. Public transportation shelter stations;
- O. Public utility service installations;
- P. Riding academy, rodeo arena;
- Q. Stables, Public and private.

(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

#### 18.317.030 Conditional uses.

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

- A. Animal hospital, veterinary clinic;
- B. Bed and Breakfast Establishments;
- C. Cemetery, mausoleum, columbarium, crematory;
- D. Church and other places of worship;
- E. Communication tower or mast;
- F. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
- G. Electrical distribution station;
- H. Extractive industries;

- I. Family hardship dwelling;
- J. Feed and seed processing and cleaning;
- K. Feed lots: cattle, swine, poultry;
- L. Kennels, commercial;
- M. Landfills, sanitary for disposal of garbage and trash;
- N. Microwave relay station;
- O. Orphanage and charitable institutions;
- P. Radio and television broadcasting stations and masts;
- Q. Retirement home;
- R. Schools, public or private elementary, junior high, and senior high;
- S. Temporary buildings or structures;
- T. Water treatment plants;
- U. Water storage facilities.

(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

**18.317.040 Bulk and dimensional requirements.**

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

- A. Minimum lot area: twenty (20) acres;
- B. Minimum lot width: NA;
- C. Minimum yard requirements:
  1. Front: thirty (30) feet;
  2. Side: twenty (20) feet;
  3. Side corner: thirty (30) feet;
  4. Rear: twenty (20) feet;
- D. Maximum height: NA;
- E. Permitted lot coverage: twenty (20) percent;
- F. Maximum fence height: NA;
- G. Off-street parking: See Chapters Parking and Loading 18.500.

(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

**Chapter 18.318 CSAG-10 SUBURBAN AGRICULTURE**

**18.318.010 Definition.**

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

(Ord. 523 § 1(part), 1989)

**18.318.020 Permitted uses.**

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

- A. Accessory building or use;
- B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
- C. Class A manufactured homes;
- D. Dairy farm;
- E. Dairy products processing, bottling, and distribution;

- F. Dwelling, single-family;
- G. Guest house
- H. Home occupations (see Special Provisions 18.400);
- I. Nursery, landscaping materials;
- J. Parks;
- K. Produce stands;
- L. Public transportation shelter stations;
- M. Public utility service installations;
- N. Riding academy, rodeo arena;
- O. Stables, public and private.

(Ord. 523 § 1(part), 1989)

**18.318.030 Conditional uses.**

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

- A. Animal hospital;
- B. Bed and breakfast establishments;
- C. Cemeteries, mausoleums, columbariums, crematories;
- D. Churches and other places of worship;
- E. Electrical distribution station;
- F. Extractive industries;
- G. Family hardship dwelling;
- H. Golf course;
- I. Kennels, commercial;
- J. Orphanage and charitable institutions;
- K. Retirement home;
- L. Schools, public or private elementary, junior high, and senior high;
- M. Swimming pools and beaches, public or semiprivate;
- N. Temporary buildings or structures;
- O. Water treatment plants;
- P. Water storage facilities.

(Ord. 523 § 1(part), 1989)

**18.318.040 Bulk and dimensional requirements.**

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

- A. Minimum lot area: ten (10) acres;
- B. Minimum lot width: NA;
- 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: NA;
- E. Permitted lot coverage: twenty (20) percent;
- F. Maximum fence height: NA;
- G. Off-street parking: See Chapters Parking and Loading 18.500.

(Ord. 523 § 1(part), 1989)

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

### **18.320.010 Definition.**

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

(Ord. 559 § 2(part), 1993)

### **18.320.020 Permitted uses.**

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

- A. Agricultural/horticultural/silvicultural uses;
- B. Class A manufactured homes;
- C. Day care homes;
- D. Dwellings, single family;
- E. Guest house;
- F. Home occupations (See Chapter 18.400);
- G. Livestock;
- H. Nursery, landscaping materials;
- I. Parks and publicly owned recreational facilities;
- J. Produce stands;
- K. Public transportation shelter stations;
- L. Public utility service installations.
- M. Stable, private

(Ord. 559 § 2(part), 1993)

### **18.320.030 Conditional uses.**

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

- A. Animal hospitals, veterinary clinics;
- B. Bed and breakfast establishments;
- C. Cemeteries, mausoleums, columbariums, crematoriums;
- D. Churches and other places of worship;
- E. Community center buildings, gymnasiums, swimming pools, beaches and other similar activities operated by a public agency, neighborhood or homeowners association;
- F. Community residential facilities;
- G. Dwellings, cluster development;
- H. Dwellings, family hardship;
- I. Electrical distribution stations;
- J. Extractive industries;
- K. Golf courses;
- L. Golf driving ranges;
- M. Kennels, commercial;
- N. Recreational facilities;
- O. Retirement homes;
- P. Riding academy, rodeo arena;
- Q. Schools, primary and secondary;
- R. Temporary buildings or structures;

- S. Water and sewage treatment plants;
- T. Water storage facilities.  
(Ord. 559 § 2(part), 1993)

**18.320.040 Bulk and dimensional requirements.**

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

- A. Minimum lot area: five (5) acres;
- B. Minimum lot width: No parcel or lot width shall be less than one-third its average length, unless the average lots width is 300 feet or greater;
- C. Minimum yard requirements:
  - 1. Front: twenty (20) feet,
  - 2. Side: twenty (20) feet each,
  - 3. Side corner: twenty (20) feet,
  - 4. Rear: twenty (20) feet;
- D. Maximum height: thirty-five (35) feet;
- E. Permitted lot coverage (residential uses): twenty-five (25) percent;
- F. Maximum fence height (residential uses):
  - 1. Front: three (3) feet,
  - 2. Side: six (6) feet,
  - 3. Rear: six (6) feet;
- G. Off-street parking: See Chapter Parking and Loading 18.500.  
(Ord. 559 § 2(part), 1993)

**18.616.060 Guest house.**

"Guest house" means a detached structure being an accessory to a one-family dwelling with not more than two bedrooms, and may include kitchen facilities, and which shall be used and/or designed for use primarily by guests.  
(Ord. 523 § 1(part), 1989)

**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.
  - B. 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)
  - C. One subdivision sign per entrance on streets with different names not exceeding twenty four (24) square feet per face nor exceeding six feet in height. The subdivision may have multiple signs at the entrance provided the total square footage does not exceed twenty four square feet. Fences or landscape features, such as rock or log features, do not count against the square footage when the signage on such structures.

Chapter 18.210.110 Administrative Conditional use permits.

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

Chapter 18.322.030 CR-1 Suburban Residential Conditional Uses

U. Accessory Apartment (See Chapter 18.411)

Chapter 18.324.030 CR-2 One-Family Limited Residential Conditional Uses

R. Accessory Apartment (See Chapter 18.411)

Chapter 18.326.030 CR-3 One Family Residential Conditional Uses

P. Accessory Apartment (See Chapter 18.411)

Chapter 18.328.030 CR-4 Urban Residential Conditional Uses.

O. Accessory Apartment (See Chapter 18.411)

## 18.411 ACCESSORY APARTMENT

### 18.411.010 Accessory Apartment Conditional Use Permit Standards

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