

**CITY OF GREAT FALLS, MONTANA**  
**A G E N D A   R E P O R T**

**AGENDA #** 3  
**DATE** August 16, 2005

**ITEM** Ordinance No. 2923 Great Falls Land Development Code

**INITIATED BY** City Commission

**ACTION REQUESTED** Amend Land Development Code, close public hearing and schedule action on Ordinance No. 2923 for September 6, 2005

**PREPARED BY** Land Development Code Staff

**PRESENTED BY** John Lawton, City Manager

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**RECOMMENDATION:**

The Great Falls City-County Planning Board recommended the City Commission approve the Great Falls Land Development Code.

Staff has reviewed and addressed comments received during the Land Development Code (Ordinance No. 2923) public hearing held on August 2, 2005. It is recommended the Commission direct staff to amend the proposed Code with any amendments desired by the Commission. It is further recommended that if the Commission desires additional time to consider Ordinance No. 2923, the Commission close the public hearing and schedule action for September 6, 2005. The two following motions are suggested. Separate action should be taken for each.

**MOTION #1:**

“I move the City Commission direct staff to incorporate the following amendments to the proposed Land Development Code.” (List desired amendments)

And,

**MOTION #2:**

“I move the City Commission close (or continue) the public hearing and schedule action on Ordinance No. 2923 for September 6, 2005.”

**SYNOPSIS:**

Ordinance No. 2923 would amend the Official Code of the City of Great Falls to create “Title 17 – Land Development Code” which would include a new and updated set of guidelines, requirements and standards to help govern zoning and physical growth and development within the City of Great Falls.

**BACKGROUND:**

In May 2003, the Great Falls City Commission hired the consulting firm of Vierbicher Associates, Inc. to work with members of the community and City staff to develop a new and updated set of guidelines, requirements and standards to help govern zoning and physical growth and development within the City of Great Falls.

Numerous reasons drove the need and interest to conduct a thorough and comprehensive update of the City's existing land development codes. These primarily included:

1. The 1930 zoning code, with its multiple revisions, no longer met current expectations and standards;
2. Related land development provisions were scattered throughout the City code book;
3. Ambiguous language within the current code needed to be clarified;
4. Repetitive provisions needed to be combined;
5. Errors in the zoning map needed to be addressed; and,
6. Additional tools needed to be created to help implement the planning goals, strategies and actions identified in the newly adopted Growth Policy, Transportation Plan, and Missouri River Urban Corridor Plan.

The proposed Code will combine all land development provisions into one portion of the Official Code of the City of Great Falls and will be called, "Title 17 – Land Development Code." In general, this effort will result in the following:

1. Updated definitions;
2. Updated administrative & enforcement procedures;
3. Updated zoning districts, uses, and standards;
4. Updated sign standards;
5. Updated subdivision and platting standards;
6. Updated parking and landscaping standards;
7. Updated floodplain and stormwater management standards, and,
8. New provisions for transportation facilities, outdoor lighting, hillside development, and erosion control during site development.

Copies of the Code were provided to the City Commission at its July 5, 2005 Work Session.

Community involvement has been a key component in the development of this proposed Code. The City administration appointed two groups to work closely and directly with the consultant. These groups were:

1. The "Land Use Advisory Committee" consisting of a broad section of community leaders, special purpose groups and City staff; and,
2. The "Focus Group" consisting of land development code users, including realtors, architects, engineers, and land developers.

Vierbicher Associates also conducted stakeholder interviews and meetings with Neighborhood Councils, in addition to using the results of a public visual preference survey conducted for the Growth Policy. A public open house was held in October 2004 to unveil the proposed Code and to provide opportunity for

individual discussion. Several presentations were also provided by staff to Neighborhood Councils, the Great Falls Homebuilder's Association, the Great Falls Association of Realtors, and the Great Falls Conservation Council. A timeline for these meetings, as well as the steps and presentations during preparation of the Code was previously provided to the Commission. Several comments were received during the public comment period, including the Planning Board's public hearing. Staff responses to each were previously provided to the Commission. Also provided were comment letters, memorandums, etc. that were received since the first reading of Ordinance No. 2923 on July 5, 2005.

The draft Code has been available for public review and comment since its unveiling at the October 2004 open house. During that time, it has been available for viewing and downloading on the City of Great Falls web site at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us). Copies of the draft Code and zoning map have also been available for review at the Great Falls Public Library, as well as at the Planning Office in the Civic Center.

To assist the general public, current and future Code users, the Planning Board and the City Commission in their review and understanding of the proposed Code, a summary was prepared that generally compared the current Code with the proposed Code. A copy of this chapter by chapter comparison was previously provided to the Commission for its information. It is also posted on the City's website.

In the 1974 case of *Lowe v. Missoula*, the Montana Supreme Court ruled that a municipality must demonstrate that its zoning regulations were made in accordance with its growth policy, as well as several Court required findings, as specified in 76-2-304 MCA. As such, Chapter 20 (Land Use) and Chapter 24 (Subdivision and Platting) of the proposed Code specifically list each of the required findings within the "Legislative Findings" and "Purpose" sections and specifically state that each Chapter "is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes...". The stated purposes are in fact the same findings listed in 76-2-304 MCA, regarding municipal zoning and the rezoning of land.

On June 14, 2005, the Great Falls City-County Planning Board conducted a public hearing on the proposed Code and zoning map. The Board unanimously passed a motion recommending that the Official Code of the City of Great Falls be amended to incorporate updated land development procedures, guidelines, standards and provisions to be titled as, "Title 17 – Land Development Code."

The Board further recommended that the City Commission approve Chapters 4, 8, 12, 16, 20, 24, 32, 46, 54, 58, & 64 (These chapters include provisions that fall under the purview of the Planning Board) and that the City Commission consider the public comment and testimony the Board received during its public hearing for Chapters 28, 36, 40, 44, 48, 52, 56, 60, & 68. (These chapters include provisions that do not fall under the purview of the Planning Board. Comments were documented in the "Public Comments/Proposed Responses Matrix.")

Attachment: Ordinance No. 2923