



**Planning Advisory Board/Zoning Commission Agenda  
Civic Center, 2 Park Drive South, Great Falls, MT  
City Commission Chambers  
January 08, 2019  
3:00 PM**

**OPENING MEETING**

1. Call to Order 3:00 P.M.
2. Roll Call- Board Introductions
  - Peter Fontana- Chair
  - Michael Wedekind- Vice Chair
  - Dave Bertelsen
  - Kelly Bushmeyer
  - Anthony Houtz
  - Tory Mills
  - Charles Pankratz
  - Samantha Shinaberger
  - Patrick VanWorth
3. Recognition of Staff
4. Approval of Meeting Minutes- December 11, 2018
5. Election of 2019 Officers- Nominations from the Floor

**BOARD ACTIONS REQUIRING PUBLIC HEARING**

**BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

6. Ordinance 3194, "An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 1 Through 3; and, Repealing and Replacing Chapter 4 Pertaining to General Provisions to The Land Development Code."

**COMMUNICATIONS**

7. Next Meeting Agenda- Tuesday, January 22, 2019
  - Steve Johnson Annexation
  - Bob Livesay Rezone
8. Petitions & Applications Received

**PUBLIC COMMENT**

**ADJOURNMENT**

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
December 11, 2018**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Pete Fontana at 3:00 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Pete Fontana, Chair  
Michael Wedekind, Vice Chair  
Dave Bertelsen  
Scot Davis  
Charles Pankratz  
Patrick Sullivan

Planning Board Members absent:

Anthony Houtz  
Tory Mills  
Amanda Thompson

Planning Staff Members present:

Thomas Micuda, Deputy Director P&CD  
Erin Borland, Planner II  
Alex Dachs, Planner II  
Connie Tryon, Sr. Admin Assistant

Other Staff present:

Joseph Cik, Assistant City Attorney  
Dave Dobbs, City Engineer

Mr. Micuda affirmed a quorum of the Board was present.

**MINUTES**

Chair Pete Fontana asked if there were any comments or corrections to the minutes of the meeting held on November 27, 2018. Seeing none, Mr. Wedekind moved to approve the minutes. Mr. Bertelsen seconded, and all being in favor, the minutes were approved.

## **BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

### **Minor Subdivision- Holiday Village Mall, 1200 10<sup>th</sup> Ave South**

Erin Borland, Planner II, said Holiday Village Partners, LLC, is requesting a minor subdivision of the Holiday Village Mall in order to create five separate lots. The mall, located on 10<sup>th</sup> Avenue South, is located in the C-2 General Commercial district, and Ms. Borland reviewed the existing development and parking configurations. She reviewed the proposed minor subdivision configuration, and said the proposed lots do meet the standards outlined in the Land Development Code.

The applicant is bringing forward the subdivision request in order to allow investment in the parcels by new owners, and allow for capital to be reinvested in the interior mall building, which is necessary to meet changing needs in a dynamic retail environment and ensure long-term viability of the property. Ms. Borland reviewed the Findings of Fact as listed in the staff report and said staff does recommend approval of the minor subdivision.

### **PETITIONER'S PRESENTATION**

Jana Cooper, TD&H Engineering, thanked staff for the effort put into the project, said the utilities will stay the same and the proposed project is in line with City requirements.

### **PUBLIC QUESTION AND ANSWER SESSION**

Mr. Fontana asked why they didn't choose to condominium the mall as opposed to subdividing. Ms. Cooper explained malls are not doing well across the U.S., and the owners chose this option to keep the mall viable with new ownership. Mr. Fontana inquired about maintenance agreements, and Ms. Cooper said there are current maintenance agreements in place, and those will continue.

Mr. Wedekind asked if the current stores currently owned their own piece of the building, and Ms. Cooper said with the exception of the former Herbergers store, the individual retail stores do not have ownership, and this will set them up to be able to do so.

Mr. Pankratz asked if this allowed the individual operations more freedom, and Ms. Cooper said yes.

Mr. Sullivan asked if there was current staff that maintains the mall as a whole, not just the individual stores. Ms. Cooper said yes, cross access, water and sewer, and the fire suppression system has to all be managed together.

There was discussion on code provisions for what happens in the event one of the individual buildings on a parcel was damaged by a catastrophic event. Jennifer Bishop, representing the applicant, said the proposed agreement states rebuilding must be done within 24 months.

### **BOARD DISCUSSION AND ACTION**

**MOTION:** That the Planning Advisory Board recommend the City Commission approve the minor subdivision of the Holiday Village Mall, as legally described in the Staff report, and accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Sullivan  
Second: Mr. Davis

Mr. Bertelsen and Mr. Sullivan expressed their support of the project.

VOTE: All in favor, the motion carried.

### **COMMUNICATIONS**

#### Next Meeting Agenda – Tuesday, January 8, 2019

- None

#### Petitions & Applications Received:

- None

### **PUBLIC COMMENT**

Mr. Fontana inquired about the election of officers at the first meeting in January. He asked if the Board would like to take nominations from the floor, or appoint a Nominating Committee. It was agreed to take nominations from the floor, and Mr. Fontana reminded everyone to make sure the nominees have previously agreed to serve in their potential positions.

Mr. Fontana thanked Scot Davis for his contribution to the Planning Board for the past six years.

Mr. Wedekind asked about the current situation regarding the Parking Advisory Commission and their recommendations being brought forward to the City Commission. Mr. Micuda reviewed the proposal brought to the City Commission, and there was discussion regarding those meetings and the proposal.

Mr. Wedekind asked if there are changes being made in the Public Works Department and if there was new leadership. Mr. Micuda explained the development review process is currently under revision.

### **ADJOURNMENT**

There being no further business, Chair Pete Fontana adjourned the meeting at 3:35 p.m.

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CHAIRMAN

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SECRETARY



Agenda #: 1  
Meeting Date: 1/8/2019

**CITY OF GREAT FALLS**  
**PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

**Item:** Ordinance 3194, “An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 1 Through 3; and, Repealing and Replacing Chapter 4 Pertaining to General Provisions to The Land Development Code.”

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Joseph Cik, Assistant City Attorney

**Action Requested:** Recommendation to the City Commission

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**Suggested Motion:**

1. Board Member moves:  
  
“I move that the Planning Advisory Board recommend the City Commission adopt Ordinance 3194.”
  2. Chairman requests a second to the motion, public comment, Board discussion and calls for the vote.
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**Background:** Project Summary

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with State and Federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue a comprehensive revision of the Code.

OCCGF Title 17 is the Great Falls Land Development Code. As such, it is the largest and most complex of all OCCGF Titles. The Ordinance under consideration is the first Ordinance that has been presented in City Staff’s overall code revision effort pertaining to Title 17.

Most of the proposed changes are non-substantive. These changes include establishing and reserving Chapters 1 through 3 of Title 17. Other non-substantive changes include correcting typographical, grammatical, formatting, and referencing deficiencies in OCCGF Title 17, Chapter 4.

The Ordinance under consideration has one significant substantive amendment to OCCGF §17.4.080, “Applicability of zoning regulations to public entities.” The proposed amendments would clarify what OCCGF zoning regulations apply to public entities developing land. The amendments would clarify

that public entities are only exempt from regulations that are specifically designated by state law. Specifically:

1. The height, number of stories, and size of buildings and other structures;
2. The percentage of lot that may be occupied;
3. The size of yards, courts, and other open spaces;
4. The density of population; and
5. The location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

*Id.* at (A.).

Additionally, the proposed amendments clarify the process the public entity would be required to follow to be exempt from the above listed regulations. Finally, the amendments to the above listed OCCGF section would require public entities developing property to comply with all other development and property maintenance standards outlined in the OCCGF.

Ord. 3194 Exhibit “A” is a document illustrating the provisions that will replace the current OCCGF Title 17 with added language in **bold** and deleted language in ~~strike through~~. Exhibit “B”, attached to this agenda report, illustrates the proposed Code in clean format.

**Concurrences:** City Manager’s Office  
Planning and Community Development  
Public Works  
Park and Recreation  
City Clerk’s Office

**Fiscal Impact:** None

**Staff Recommendation:**

Staff recommends that the Planning Advisory Board recommend that the City Commission adopt Ordinance 3194.

**Alternatives:**

The Planning Advisory Board may chose not to recommend that the City Commission adopt Ordinance 3194. The Planning advisory Board may also table action on the item to a date certain to provide additional suggested revisions.

**Attachments/Exhibits:**

Ordinance 3194, Ord. 3194 Exhibit “A”, and Ord. 3194 Exhibit ”B”.

**ORDINANCE 3194**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 1 THROUGH 3; AND, REPEALING AND REPLACING CHAPTER 4 PERTAINING TO GENERAL PROVISIONS OF THE LAND DEVELOPMENT CODE**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 17 of the OCCGF outlining provisions pertaining to and known as the Land Development Code; and

**WHEREAS**, the City Commission wishes to establish and reserve Chapters 1 through 3 of OCCGF Title 17; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 17, Chapter 4, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 4, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

**WHEREAS**, at its regularly scheduled January 8, 2019, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3194.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

**Section 1.** OCCGF Title 17, Chapters 1-3 are hereby established and reserved;

**Section 2.** OCCGF Title 17, Chapter 4 is hereby repealed and replaced as depicted in Exhibit "A" attached hereto and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

**Section 3.** This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading \_\_\_\_\_, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading \_\_\_\_\_, 2019.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

State of Montana    )  
County of Cascade  : ss  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3194 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)



**Chapter 1 RESERVED**

**Chapter 2 RESERVED**

**Chapter 3 RESERVED**

**Chapter 4 GENERAL PROVISIONS**

**Sections:**

~~17.4.010 Name of title.~~

~~17.4.020 Authority.~~

~~17.4.030 General intent.~~

~~17.4.040 Legislative findings.~~

~~17.4.050 Purpose.~~

~~17.4.060 Compliance.~~

~~17.4.070 Relationship of this Title to other regulations.~~

~~17.4.080 Applicability of zoning regulations to public entities.~~

~~17.4.090 No defense to nuisance action.~~

~~17.4.100 Incorporation by reference.~~

~~17.4.110 Citations.~~

~~17.4.120 Severability.~~

**17.4.010 Name of title.**

**17.4.020 Authority.**

**17.4.030 General intent.**

**17.4.040 Legislative findings.**

**17.4.050 Purpose.**

**17.4.060 Compliance.**

**17.4.070 Relationship of this Title to other regulations.**

**17.4.080 Applicability of zoning regulations to public entities.**

**17.4.090 No defense to other OCCGF violation.**

**17.4.100 Severability.**

Exhibit "A"

**17.4.010 Name of title.**

This Title shall be known as the "Land Development Code" and may be referred to herein as "this Title".

**17.4.020 Authority.**

The regulations contained in this Title are specifically authorized by ~~the Montana State statute Code Annotated~~ or are adopted consistent with the City's ~~police~~ powers as authorized in ~~State by~~ law.

**17.4.030 General intent.**

This Title has been adopted to implement the City's ~~growth policy~~ **Growth Policy**, ~~river corridor plan~~, neighborhood plans as may be adopted, the City's ~~transportation plan~~ **Urban Area Long Range Transportation Plan, Missouri River Urban Corridor Plan, Medical District Master Plan, Downtown Master Plan**, and any other land use planning documents that may be duly adopted ~~from time to time~~.

**17.4.040 Legislative findings.**

A. ~~General findings.~~ The City Commission makes the following findings:

1. Pursuant to **Mont. Code Ann. § 76-1-6043, MCA**, the Great Falls ~~City-County~~ Planning **Advisory** Board recommended the adoption of a ~~growth policy~~ **Growth Policy** by the City Commission;
2. Pursuant to **Mont. Code Ann. § 76-1-604, MCA**, the City Commission adopted the ~~growth policy~~ **Growth Policy**;
3. The City Commission has adopted a ~~river corridor plan~~ **Missouri River Urban Corridor Plan, Medical District Master Plan, Urban Area Long Range Transportation Plan and Downtown Master Plan**;
4. This Title is consistent with and furthers the intent of the ~~growth policy~~ **Growth Policy** and ~~river corridor plan~~ **other adopted plans; and**
5. The legislative, administrative, and enforcement bodies may not permit or otherwise allow any development to occur that is not in compliance with this Title.

B. ~~Specific findings.~~ Specific findings are included in the various chapters, articles, and sections **of this Title** as appropriate.

**17.4.050 Purpose.**

A. ~~General purpose.~~ This Title is established to promote the public health, safety, and welfare and is intended to accomplish the following **general** purposes:

1. ~~implement~~ **Implement** the goals, objectives, and policies of the ~~growth policy~~ **Growth Policy**;
2. ~~ensure~~ **Ensure** that all development is guided by, and gives consideration to, the ~~growth policy~~ **Growth Policy**;
3. ~~establish~~ **Establish** a comprehensive compendium of regulations that controls the use or development of land within the City;
4. ~~provide~~ **Provide** for clear, consistent standards, regulations, and procedures for the review and approval of all proposed development within the City;
5. ~~address~~ **Address** the substantive findings as contained in this Title; **and**

Exhibit "A"

6. ~~safeguard~~ **Safeguard** the public health, safety, and general welfare by establishing minimum standards for design and development.
- B. ~~Specific purposes.~~ Specific purposes are included in the various chapters, articles, and sections as appropriate.

**17.4.060 Compliance.**

- A. ~~Generally.~~ Except as specifically provided, **or otherwise in conflict with State or Federal laws or regulations**, the provisions of this Title shall apply to all development within the **incorporated City limits**, and no development shall be undertaken without the prior authorizations required by this Title.
- B. ~~Previously granted permits, an exception.~~ When a permit has been issued in accordance with the law prior to the effective date of this Title, or amendment thereto, it shall be valid for one (1) year from date of issuance, ~~even if it authorizes an action that is not allowed under this Title, or amendment.~~ If the action, as authorized by the permit, does not commence within that time period and **in the discretion of the Planning and Community Development Director** continue in good faith to completion, said permit shall lapse and be null and void.
- C. ~~Establishment of a use, structure or building not requiring authorization, an exception.~~ If prior to the adoption of this Title, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may continue to completion even when the use, structure, or building requires a permit or other authorization under this Title, ~~is being developed contrary to this Title, or is otherwise prohibited.~~

**17.4.070 Relationship of this Title to other regulations.**

In addition to meeting the regulations contained in this Title, development shall comply with all applicable regulations of ~~federal~~ **Federal** and State agencies. In all cases, the strictest of the applicable provisions shall apply. No use of land shall be permitted by right or conditionally permitted within the **incorporated City of Great Falls limits** that is in violation of ~~federal, state~~ **Federal, State**, or local law.

(Ord. No. 3054, § 1, 6-1-2010)

**17.4.080 Applicability of zoning regulations to public entities.**

- A. **Pursuant to Mont. Code Ann. §76-2-402**, A a State or local agency may develop public land **for use** contrary to the zoning regulations ~~contained in this Title~~ **set forth in Chapter 20 of this Title** restricting:
1. **The height, number of stories, and size of buildings and other structures;**
  2. **The percentage of lot that may be occupied;**
  3. **The size of yards, courts, and other open spaces;**
  4. **The density of population; and**
  5. **The location and use of buildings, structures, and land for trade, industry, residence, or other purposes.**

Exhibit "A"

- B. However, the agency shall notify the Director of the Planning and Community Development Department of its intent to do so and the Board of Adjustment shall hold a public hearing within thirty (30) days of the date of such notice. The Board of Adjustment shall host the public hearing as a public forum for comment on the proposed use but shall have no power to deny the proposed use. ~~(See 76-2-402, MCA)~~
- C. ~~If a private developer develops privately owned land is developed under contract for a State or local agency use, that is contrary to this Title, the property, including uses, buildings, and structures, shall conform to this Title when the State agency vacates the building~~ **all development shall conform to the provisions of this Title.**
- D. **The development of public land by a State or local agency contrary to the zoning regulations set forth in Chapter 20 of this Title shall conform to all other development and property maintenance standards provided by the Official Code of the City of Great Falls (OCCGF).**

~~(Ord. No. 3056, § 1, 8-17-2010)~~

**17.4.090 No defense to ~~nuisance action~~ other OCCGF violation.**

Compliance with the standards and requirements contained in this Title shall not constitute an absolute defense to an action to abate a ~~nuisance~~ **Nuisance pursuant to the Official Code of the City of Great Falls (OCCGF) Title 8, Chapter 49, a specific violation of the OCCGF, or a Criminal Public Nuisance action pursuant to OCCGF Title 8, Chapter 50.**

**17.4.100 — Incorporation by reference.**

The following, as may be amended from time to time, ~~are incorporated into and made part of this Title by reference:~~

- ~~1. The official zoning map on file with the City Clerk.~~
- ~~2. The flood insurance rate maps for Great Falls, as may be amended, having the revision date of February 15, 2002.~~
- ~~3. "Storm Drainage Design Manual", dated June 1990.~~
- ~~4. The City's street classification map, as maintained by the Planning and Community Development Department.~~
- ~~5. "Arboricultural and Standards and Specifications" as kept on file by the City Clerk.~~

~~(Ord. No. 3056, § 1, 8-17-2010)~~

## Exhibit "A"

### **17.4.110 Citations.**

~~This Title is organized into chapters, articles and sections. When a chapter is divided into articles, a citation would be in the form of title.chapter.article.section (e.g., 17.8.2.230). When a chapter is not divided into articles, a citation would be in the form of title.chapter.section (e.g., 17.12.280).~~

### **17.4.1200 Severability.**

If a court of competent jurisdiction finds that a part of this Title is invalid, the remaining sections shall continue in full force and effect.

**Chapter 1 RESERVED**

**Chapter 2 RESERVED**

**Chapter 3 RESERVED**

**Chapter 4 GENERAL PROVISIONS**

**Sections:**

17.4.010 Name of title.

17.4.020 Authority.

17.4.030 General intent.

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17.4.070 Relationship of this Title to other regulations.

17.4.080 Applicability of zoning regulations to public entities.

17.4.090 No defense to other OCCGF violation.

17.4.100 Severability.

**17.4.010 Name of title.**

This Title shall be known as the "Land Development Code" and may be referred to herein as "this Title".

**17.4.020 Authority.**

The regulations contained in this Title are specifically authorized by the Montana Code Annotated or are adopted consistent with the City's powers as authorized by law.

**17.4.030 General intent.**

This Title has been adopted to implement the City's Growth Policy, neighborhood plans as may be adopted, the City's Urban Area Long Range Transportation Plan, Missouri River Urban Corridor Plan, Medical District Master Plan, Downtown Master Plan, and any other land planning documents that may be duly adopted.

Exhibit "B"

**17.4.040 Legislative findings.**

- A. The City Commission makes the following findings:
  - 1. Pursuant to Mont. Code Ann. § 76-1-603, the Great Falls Planning Advisory Board recommended the adoption of a Growth Policy by the City Commission;
  - 2. Pursuant to Mont. Code Ann. § 76-1-604, the City Commission adopted the Growth Policy;
  - 3. The City Commission has adopted a Missouri River Urban Corridor Plan, Medical District Master Plan, Urban Area Long Range Transportation Plan and Downtown Master Plan;
  - 4. This Title is consistent with and furthers the intent of the Growth Policy and other adopted plans; and
  - 5. The legislative, administrative, and enforcement bodies may not permit or otherwise allow any development to occur that is not in compliance with this Title.
- B. Specific findings are included in the various chapters, articles, and sections of this Title as appropriate.

**17.4.050 Purpose.**

- A. This Title is established to promote the public health, safety, and welfare and is intended to accomplish the following general purposes:
  - 1. Implement the goals, objectives, and policies of the Growth Policy;
  - 2. Ensure that all development is guided by, and gives consideration to, the Growth Policy;
  - 3. Establish a comprehensive compendium of regulations that controls the use or development of land within the City;
  - 4. Provide for clear, consistent standards, regulations, and procedures for the review and approval of all proposed development within the City;
  - 5. Address the substantive findings as contained in this Title; and
  - 6. Safeguard the public health, safety, and general welfare by establishing minimum standards for design and development.
- B. Specific purposes are included in the various chapters, articles, and sections as appropriate.

**17.4.060 Compliance.**

- A. Except as specifically provided, or otherwise in conflict with State or Federal laws or regulations, the provisions of this Title shall apply to all development within the incorporated City limits, and no development shall be undertaken without the prior authorizations required by this Title.
- B. When a permit has been issued in accordance with the law prior to the effective date of this Title, or amendment thereto, it shall be valid for one (1) year from date of issuance. If the action, as authorized by the permit, does not commence within that time period and in the discretion of the Planning and Community Development Director continue in good faith to completion, said permit shall lapse and be null and void.

## Exhibit "B"

- C. If prior to the adoption of this Title, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may continue to completion even when the use, structure, or building requires a permit or other authorization under this Title.

### **17.4.070 Relationship of this Title to other regulations.**

In addition to meeting the regulations contained in this Title, development shall comply with all applicable regulations of Federal and State agencies. In all cases, the strictest of the applicable provisions shall apply. No use of land shall be permitted by right or conditionally permitted within the incorporated City limits that is in violation of Federal, State, or local law.

### **17.4.080 Applicability of zoning regulations to public entities.**

- A. Pursuant to Mont. Code Ann. §76-2-402, a State or local agency may develop public land for use contrary to the zoning regulations set forth in Chapter 20 of this Title restricting:
  - 1. The height, number of stories, and size of buildings and other structures;
  - 2. The percentage of lot that may be occupied;
  - 3. The size of yards, courts, and other open spaces;
  - 4. The density of population; and
  - 5. The location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
- B. However, the agency shall notify the Director of the Planning and Community Development Department of its intent to do so and the Board of Adjustment shall hold a public hearing within thirty (30) days of the date of such notice. The Board of Adjustment shall host the public hearing as a public forum for comment on the proposed use but shall have no power to deny the proposed use.
- C. If privately owned land is developed for a State or local agency use, all development shall conform to the provisions of this Title.
- D. The development of public land by a State or local agency contrary to the zoning regulations set forth in Chapter 20 of this Title shall conform to all other development and property maintenance standards provided by the Official Code of the City of Great Falls (OCCGF).

### **17.4.090 No defense to other OCCGF violation.**

Compliance with the standards and requirements contained in this Title shall not constitute an absolute defense to an action to abate a Nuisance pursuant to the Official Code of the City of Great Falls (OCCGF) Title 8, Chapter 49, a specific violation of the OCCGF, or a Criminal Public Nuisance action pursuant to OCCGF Title 8, Chapter 50.

### **17.4.100 Severability.**

If a court of competent jurisdiction finds that a part of this Title is invalid, the remaining sections shall continue in full force and effect.