



**Board of Adjustment / Appeals- July 11, 2019 Agenda**  
**Civic Center 2 Park Drive South, Great Falls, MT**  
**City Commission Chambers**  
**July 11, 2019**  
**3:00 PM**

**OPEN MEETING**

1. Call to Order 3:00 P.M.
2. Roll Call- Board Introductions  
**Jule Stuver- Chair**  
**Krista Smith- Vice Chair**  
**Joe McMillen**  
**Aspen Northerner**  
**Kyle Palagi**
3. Recognition of Staff
4. Approval of Meeting Minutes- April 4, 2019

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS**

**BOARD ACTIONS REQUIRING PUBLIC HEARING**

5. 2400 6th Street NW - Variance to Section 17.20.7.060 and Section 17.20.4.010 of the Official Code of the City of Great Falls (OCCGF) that would allow the total maximum garage area to be increased and the maximum height of a detached garage to be increased.

**BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

6. Ordinance 3205, "An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 9 Through 11; and, Repealing and Replacing Chapter 12 Pertaining to Administrative and Enforcement Bodies."

**COMMUNICATIONS**

**PUBLIC COMMENT**

*PUBLIC COMMENT ON ANY MATTER AND THAT IS WITHIN THE JURISDICTION OF THE BOARD OF ADJUSTMENT/APPEALS. PLEASE KEEP YOUR REMARKS TO A MAXIMUM OF FIVE (5) MINUTES. SPEAK INTO THE MICROPHONE, AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.*

**ADJOURNMENT**

*PLEASE EXIT THE CHAMBERS AS QUICKLY AS POSSIBLE. CHAMBER DOORS WILL BE CLOSED 5 MINUTES AFTER ADJOURNMENT OF THE MEETING. BOARD OF ADJUSTMENT/APPEALS MEETINGS ARE TELEVISED ON CABLE CHANNEL 190. IF A RECORDING IS AVAILABLE, IT WILL BE POSTED ON THE CITY'S WEBSITE AT [HTTPS://GREATFALLSMT.NET/MEETINGS](https://greatfallsmt.net/meetings). BOA MEETINGS ARE RE-AIRED ON CABLE CHANNEL 190 THE FOLLOWING FRIDAY MORNING AT 10 A.M.*

**MINUTES OF THE MEETING**  
OF THE  
**GREAT FALLS BOARD OF ADJUSTMENT/APPEALS**  
April 4, 2019

**CALL TO ORDER**

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Jule Stuver at 3:00 p.m. in the Gibson Room of the Civic Center.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Mr. Jule Stuver, Chair  
Ms. Krista Smith, Vice Chair  
Mr. Joe McMillen  
Ms. Aspen Northerner  
Mr. Kyle Palagi

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Mr. Craig Raymond, Director of P&CD  
Mr. Tom Micuda, Deputy Director of P&CD  
Mr. Brad Eatherly, Planner I  
Ms. Connie Tryon, Sr. Administrative Assistant

Others present:

Mr. Joseph Cik, Assistant City Attorney

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

MINUTES

Chair Stuver asked if there was a motion to approve the meeting minutes as stated for January 10, 2019. Mr. Palagi moved to approve the minutes, seconded by Ms. Smith. All in favor, the minutes were approved.

OLD BUSINESS

There was no old business.

NEW BUSINESS

**920 21<sup>st</sup> Street North- United Materials Variance Request- Maximum Building Height**

Mr. Palagi recused himself due a conflict of interest as he works for TD&H Engineering, the firm working on the project.

Mr. McMillen disclosed that his father is a part time truck driver for the applicant, United Materials. He stated his father is not an owner or stockholder, and in no way does his father's employment impact his decision on the request before the Board.

Mr. Eatherly said United Materials is requesting a variance for maximum building height for a parcel zoned I-1 Light Industrial, in order to build a new concrete batch plant. He reviewed site photos of the existing batch plant and the location for the new proposed plant, and explained the new proposed site is actually further away from residential neighbors.

Mr. Eatherly reviewed code provisions for development standards in the Light Industrial district, and said the maximum height allowed of a principal building is 45 feet. The variance is requesting the building be allowed to be 82 feet 11 inches. Staff finds a literal enforcement of code would create a unique hardship for United Materials to continue concrete production onsite, if unable to construct the batch plant at the requested height. Mr. Eatherly said staff recommends the Board approve the variance, and offered to answer any questions.

PETITIONER'S PRESENTATION

Mitch Callas, United Materials, 2100 9<sup>th</sup> Avenue North, said the existing plant is 81 feet, but the new plant will be at a grade five feet below what the current plant sits at, so essentially the new plant will be lower in elevation.

OPPORTUNITY FOR BOARD MEMBERS TO ASK QUESTIONS

Ms. Smith asked if the current plant would be demolished, and Mr. Callas confirmed it would.

Mr. McMillen asked if there was an expected change in noise level. Mr. Callas said it should be about the same, but further away from the residences.

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPponents OPPORTUNITY TO SPEAK

There were no opponents.

BOARD DISCUSSION AND ACTION

MOTION: That the Board of Adjustment, based on the findings for the Basis of Decision, approve the application of United Materials of Great Falls for the requested variance from City Code Title 17, Chapter 20, Land Use, subject to the conditions of approval.

Made by: Ms. Smith  
Second: Mr. McMillen

Ms. Smith and Mr. McMillen both spoke in favor of the proposed project.

VOTE: All in favor, the motion passed. Mr. Palagi recused himself from the vote.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair Stuver adjourned the meeting at 3:15 p.m.



Date: 7/11/19

**CITY OF GREAT FALLS  
BOARD OF ADJUSTMENT AGENDA REPORT**

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**Item:** 2400 6th Street NW - Variance to Section 17.20.7.060 and Section 17.20.4.010 of the Official Code of the City of Great Falls (OCCGF) that would allow the total maximum garage area to be increased and the maximum height of a detached garage to be increased.

**Applicant:** John B. Reynolds, Owner

**Representative:** Janna Reynolds

**Presented By:** Erin Borland, Planner III, Planning and Community Development

**Action Requested:** To deny an increase of total maximum garage area allowed on the property to 2,400 instead of the 1,600 and to approve the maximum height of the detached garage to be built at 24 feet even though the existing principal structure is less than the maximum height.

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**Public Hearing:**

1. Chairman calls for Staff presentation.
2. Chairman calls for questions and answers.
3. Chairman conducts public hearing, calling three times each for proponents and opponents.
4. Chairman closes public hearing and asks the will of the Board.

**Suggested Motion:**

1. Board Member moves:
  - I. "I move that the Board of Adjustment, based on the Findings for the Basis of Decision (approve/deny) the variance request from OCCGF Title 17, Chapter 20, Article 7, Section 060, total maximum garage area to allow an additional 800 square feet."

And;

- II. "I move that the Board of Adjustment, based on the Findings for the Basis of Decision (approve/deny) the variance request from OCCGF Title 17, Chapter 20, Article 4, Section 010, Exhibit 20-4, to allow the detached garage to be built at the maximum height."
  2. Chairman calls for a second, discussion, and calls for the vote.
-

**Synopsis:**

The applicant, John B. Reynolds, owns the property located at 2400 6th Street NW. The property is a 40,946 square foot lot that is located within the City limits. The lot abuts a large parcel, to the west, under the county jurisdiction with no access to the back of the lot except through the lot itself. The lots to the north and south are similar in size and also have access restrictions to the back of the properties. Due to the large lot size and the long configuration of the lot, the applicant wants to utilize the back of the lot by constructing a large detached garage. The applicant owns several recreational vehicles such as a camper, boat, and additional vehicles that the applicant works on as a hobby. In order to keep the property clean and the vehicles off of the road, the detached garage would be utilized for storage. The applicant also is proposing to demolish the existing house and attached garage and replace it with a larger house with an attached garage.

The subject property is located in the R-2 Single-family medium density zoning district. Properties in this zoning district are typically 11,000 square feet or larger due to the development standards of the zoning district. Due to the development standards of the zoning district and the garage area limitations per the Official Code of the City of Great Falls (OCCGF), the applicant has requested two variances from the Code.

**Background Information:**

**Requested Variance: Chapter 20 – Land Use § 17.20.7.060 Garage, private.**

Per the OCCGF a private detached garage is required to meet the total maximum garage area per Exhibit 20-9. This exhibit, included below, shows the allowed garage area on a property per the lot size. This is broken into four size categories with the maximum allowed for the subject property to be 1,600 square feet. This square footage allowance is cumulative of all garage spaces including all detached and attached private garages.

**Exhibit 20-9. Garage area limitations**

Lot Size (Square Feet)	Total Maximum Garage Area (Square Feet)
7,500	1,200
7,501 to 10,000	1,400
10,001 to 43,559	1,600
43,560 (1 acre) and higher	1,800

The applicant is requesting to build a 1,600 square foot detached garage as well as an 800 square foot attached garage on the proposed house to be constructed totaling a cumulative garage area at 2,400 square feet. Therefore, a variance for additional square footage is requested from the applicant.

**Requested Variance: Chapter 20 – Land Use § 17.20.4.010 Exhibit 20-4 Development standards for residential zoning districts**

Per the OCCGF each zoning district has a set of development standards, as mentioned earlier. These standards include minimum lot size, setbacks, height restrictions, and maximum lot coverage. Exhibit 20-4 which is attached, shows the maximum building height of a detached garage to be 24 feet, but it may not be higher than the uppermost elevation of the principal building.

The existing residence on the property has a height lower than the maximum height allowed for a detached garage. Since the applicant would like to build the detached garage first to store their belongings as they build a new house and the proposed detached garage is 24 feet tall, the applicant is also requesting a height variance to allow the height of the garage to be taller than the principal structure until the new house is constructed.

The applicant has applied for the two requested variances and has submitted a narrative explaining the request along with a site plan showing the location of the proposed structures, and various support documentation from the OCCGF as well as a copy of the staff report from a previous variance request similar to this request from 2013 for consideration of the variance request.

**Findings for the Basis of Decision:**

The basis for decision for a variance request is listed in § 17.16.32.040 of the OCCGF Land Development Code. The decision of the Board of Adjustment shall consider the three Basis of Decision criteria. Staff provides the following Basis of Decision for consideration by the Board:

**1. The variance is not contrary to the public interest.**

The purpose of the total maximum garage area is ensure that large garages are not dominating over the houses on a property; this preserves the neighborhood character of the residential areas of the city. This also helps prohibit large garages being turned into businesses in a residential area which are not permitted by the OCCGF. Therefore, the total maximum garage area is determined by the size of the property with the maximum garage area allowed for one acre or higher being 1,800 square feet. Due to the size and the depth of the property the applicant feels that building the garage on the back of the lot would prohibit the garage from dominating the property. The applicant is has also provided a map showing that there are several properties in the vicinity that have existing larger structures, and therefore feel that the additional square footage requested would not affect the neighborhood character.

The applicant is proposing to build the detached garage at twenty-four feet in order to utilize the height for the storage of their RV. This is taller than the height of the existing house. The applicant is then proposing to demolish the existing house and build a new house at twenty-four feet or higher which then would bring the garage height into compliance. Since the applicant would like to build the large garage in the back first in order to use as storage while the house is being built, the garage would be required to have a temporary height variance until the house is built. Once the house is built, the garage will be in compliance with the standards set forth in Exhibit 20-4.

**2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.**

True hardship is defined as a unique condition on the property that would prohibit the owner from building based on Code and standards. The applicant feels that due to the size of their lot and the lack of access to the back of the lot from an alley or another road, a hardship is created for the amount of garage area allowed. The applicant has provided information showing the percentage of garage area allowed

per each lot size classification, thus showing that if the variance is granted, that they will be in line with the percentages calculated for the other classifications. Staff appreciates the fact that the applicant would like to build a garage in order to keep the additional vehicles off of the road and not stored on the property out in the open, but the amount that the applicant is asking for is 600 square feet more than the total amount allowed for the largest classification. Since there is not a unique condition on the property, staff does not find adequate basis for hardship for the increase in maximum garage area allowed. However, Staff does note that nearby properties have been able to develop similar sized garages, thus this request would not be unique or a significant departure from neighborhood character.

Staff does find that the existing house on the property does create a temporary hardship for the height of the detached garage. Since it is the intent of the applicant to build the house taller and in compliance with the development standards for the R-2 Single family medium density zoning district, the temporary variance on the height could be granted.

**3. The spirit of this Title would be observed and substantial justice done by granting the variance.**

As mentioned above, the request is asking for 800 square feet more than the maximum allowed of 1,600 square feet for their lot size. The applicant has shown that based their proposal, only 11% of the lot will be covered structurally, which is under the percentage of lot coverage allowed for garage area on a smaller lot. Also, due to the temporary height variance the property will ultimately be in compliance with all height restrictions in this zoning district. Therefore, the spirit of this Title would be observed by granting the requested variances.

**Alternative:**

The Board of Adjustment could approve the variances if sufficient findings of fact are developed to support an approval. If the Board of Adjustment does vote to approve the variances, staff recommends a condition of approval be that the house is constructed as proposed.

**Recommendation:**

Based on the findings for the basis of decision Staff recommends approval of the variance on the height of the garage, but due to the lack of hardship Staff has to recommend denial of the increase of total garage area allowed.

**Attachments:**

- Aerial Map
- Exhibit 20-4 Development Standards for Residential Zoning Districts
- Variance Application



**Exhibit 20-4. Development standards for residential zoning districts**  
(see footnotes [4], [5] & [7] for general standards)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Maximum building height of detached private garage [1]	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	16 feet
Maximum building height of other accessory buildings	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line	Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	n/a

Minimum rear yard setback [7]	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory buildings	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards.

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house.

(Ord. 2950, 2007)

[3] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.

(Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.

Date Stamp:

CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
406.455.8430 • WWW.GREATFALLSMT.NET

RECEIVED  
JUN 17 2019  
BY: \_\_\_\_\_

### VARIANCE APPLICATION

Garage Variance 2400 6<sup>th</sup> St NW  
Name of Project (if applicable): Project Address:

John B. Reynolds  
Applicant/Owner Name:

105 30<sup>th</sup> Ave. NE Great Falls, MT 59404  
Mailing Address:

(406) 788-5368 johnny2bruce@yahoo.com  
Phone: Email:

Janna J. Reynolds  
Representative Name:

(406) 799-6433 jjreynolds15@gmail.com  
Phone: Email:

#### LEGAL DESCRIPTION:

Lot/Block/Subdivision:

Section/Township/Range:

#### ZONING AND LAND USE (TO BE COMPLETED BY STAFF):

Existing Zoning: Existing/Proposed Land Use:

#### VARIANCE REQUEST:

See Attached letter.

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my

John B. Reynolds 6-15-19  
Applicant/Owner's Signature: Date:

Janna J. Reynolds 6/15/19  
Representative's Signature: Date:

Janna Reynolds  
John Reynolds  
2400 6<sup>th</sup> St. NW  
Great Falls, MT 59404  
6/11/19

City of Great Falls  
Planning & Community Development Dept.  
P.O. Box 5021  
Great Falls, MT 59403

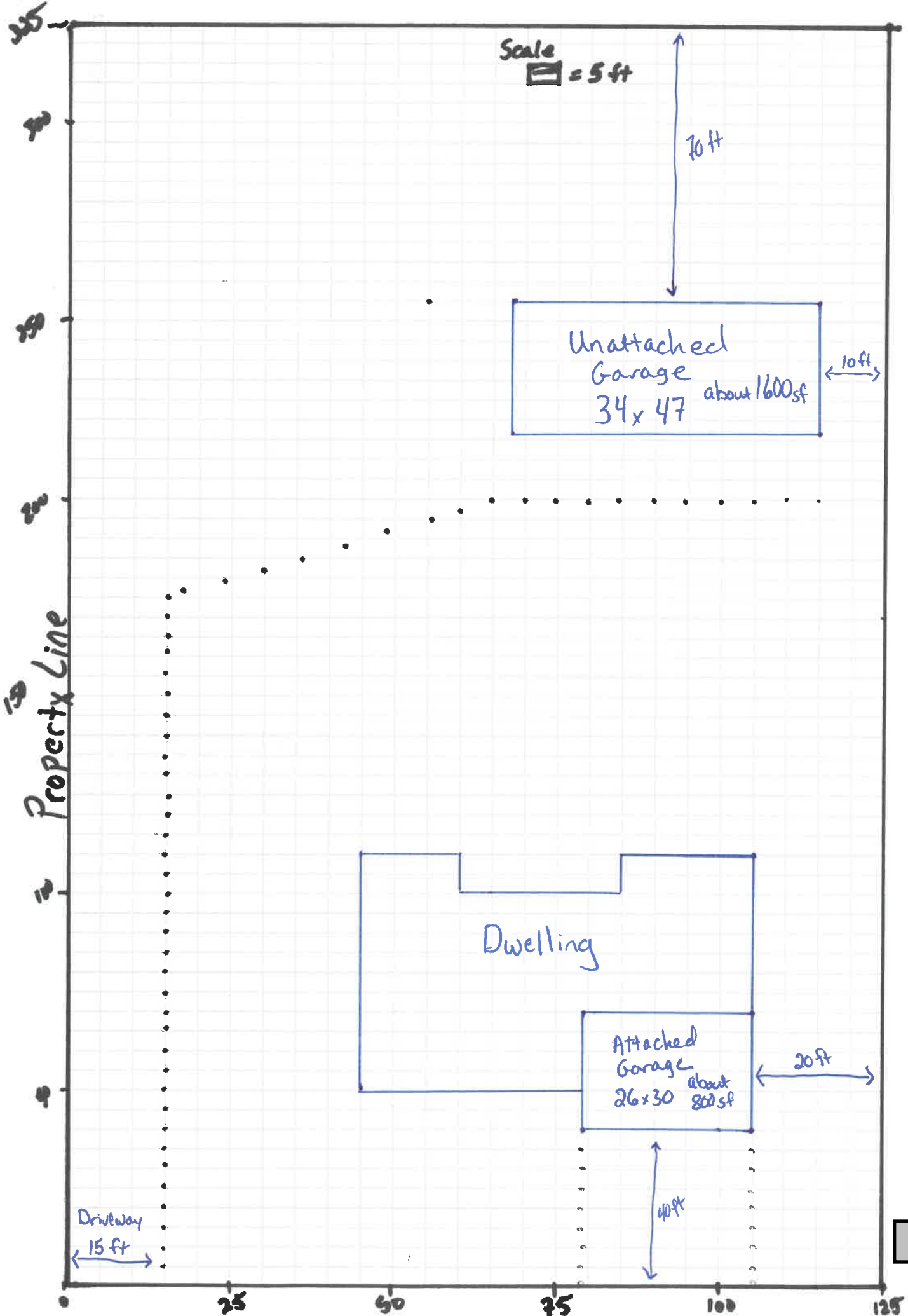
Dear City of Great Falls  
Planning & Community Development Dept.:

We are writing this letter for the property at 2400 6<sup>th</sup> St. NW regarding an application for variance. This property is unique in that it is a very large lot with no current or future plans to have access to the back portion, leaving it almost useless. We would like to take full advantage by adding a storage building for recreational vehicles such as a camper, boat, and vehicles being restored as a hobby. Our current plan is to build the structure the allowed 1600 square feet (sf) unattached towards the back of the property with a large cement pad around it. We will use gravel on the road that leads back. We will next be removing the existing house and rebuilding. Our intent is to build the back garage first, move our belongings into it which are being held in the current house, and then demo and rebuild a new house. The variance we are asking for is to build an 800 sf attached garage on the front of the new house in addition to the 1600 sf unattached structure on the back of the property. We ask to allow the unattached structure to be the allotted 24 feet in height. The current house does not meet this height, the new house will. We would like to note that the code allowance does not proportionally increase with the lot size, as per code 17.20.7.060 a 7500 sf lot can have a garage of 1200 sf covering 16% of the property where our current lot of 40,946 sf at the allowed 1600 sf is just under 4% of the property. With 1600 sf unattached garage, 800 sf attached garage and around 2000 sf house we plan to cover around 4400 sf of the property just under 11% of the 35% allowed by principal and accessory buildings for an R-2 property. There are also other properties in the area with similar structures built but with only half of the lot size, so we will be following the trend of the neighborhood. We have attached a similar variance that was approved in 2013 for a smaller lot. Please consider our request for a variance, this will benefit the neighborhood by removing the vehicles from being stored on the street, obstructing traffic views, and clean up the look of the neighborhood by removing unsightly project vehicles from being stored in on the front of the property.

Sincerely,



Janna Reynolds





H 10ft

\*barage

1mm = 2ft

2400 6th St. NW



**Exhibit 20-4. Development standards for residential zoning districts (see footnotes [4], [5] & [7] for general standards)**

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
<b>Residential density</b>							
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building [1]	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family; 50 feet, multi-family	12 feet to exterior wall
Maximum building height of detached garage [1]	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	16 feet
Maximum building height of other accessory buildings [1]	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	n/a
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	12 feet
Minimum side yard setback [3]	Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line	Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	n/a
Minimum rear yard setback [7]	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory buildings	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none

[1] See the hillside overlay district for more restrictive height requirements which may apply.  
 [2] An unenclosed front porch on a single family residence may extend into the front yard setback up to 8 feet, provided the porch does not occupy more than 50 percent of the length of the main part of the house.  
 [3] See side yard requirements for zero lot-line projects.  
 [4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).  
 [5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.  
 [6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.  
 [7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.



17.20.7.060 - Garage, private.

Private garages shall occupy no more than the area shown in Exhibit 20-9, provided other development standards can be met.

A. **Measurement.** Garage area limitation measurements are guided by the following provisions:

1. Measurements are cumulative of all garage spaces, including all detached and attached private garages.
2. Measurements include only the square footage of the ground or main floor level.
3. Upper stories or loft storage areas are excluded from the measurement of area for the purpose of compliance with Exhibit 20-9; however, ground level accessory living spaces, if included in a garage building, are included in the calculation.

**Exhibit 20-9. Garage area limitations**

Lot Size (Square Feet)	Total Maximum Garage Area (Square Feet)	
7,500	1,200	16%
7,501 to 10,000	1,400	14%
10,001 to 43,559	1,600	4%
43,560 (1 acre) and higher	1,800	4%

40,946

(Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

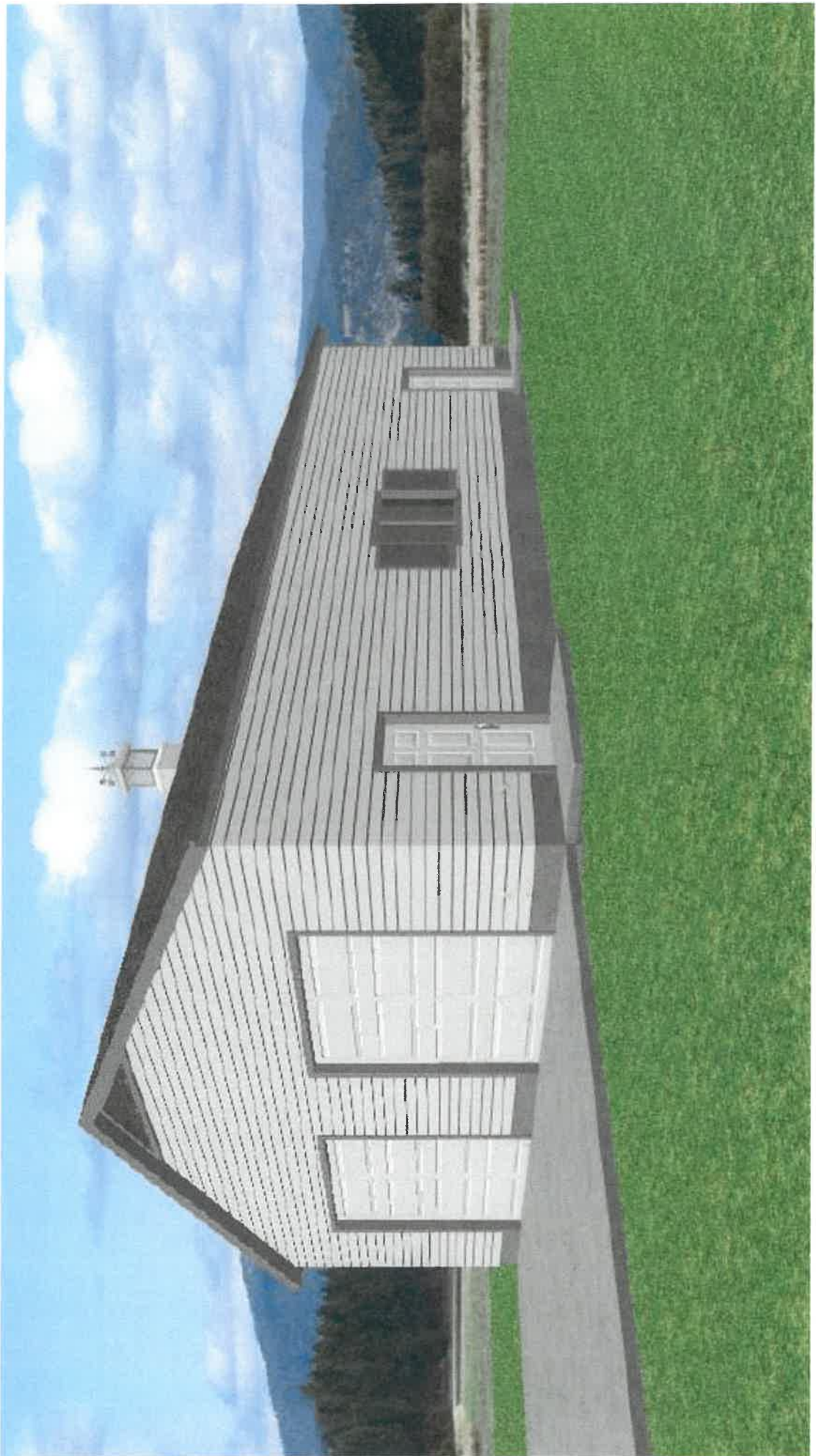




# Other Garages in the Neighborhood







# BOARD OF ADJUSTMENT

October 3, 2013

**Case Number**

BOA2013-07

**Applicant/Owner**

Colleen & Joe LeLievre

**Property Location**

Immediately east of Interstate 15 and west of Hickory Swing Golf Course

**Property Information**

Zoning of property: R-1 Single-family suburban

**Requested Action**

Variance to Section 17.20.7.060 of the City Code that would increase the permitted maximum garage area in order to build attached and detached garage space.

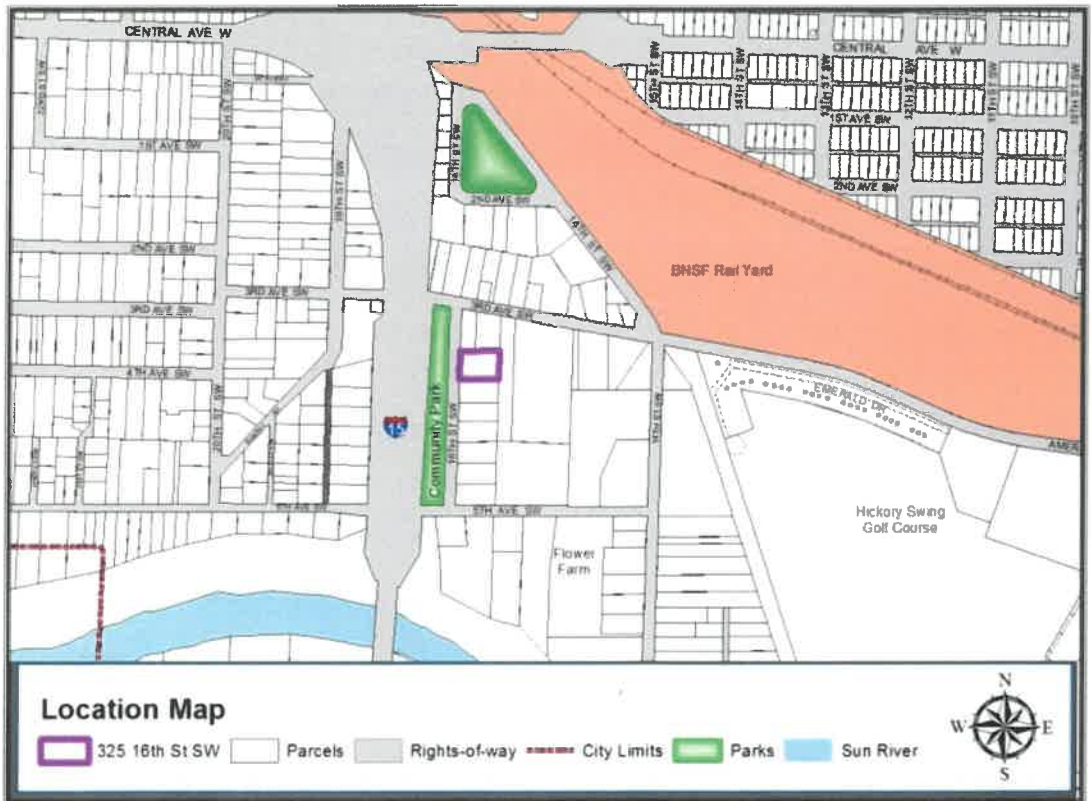
**Recommendation**

Approve with conditions

**Project Planner**

Galen Amy

## 325 16TH STREET SOUTHWEST



**Synopsis**

The applicant is requesting a variance to City Code, Title 17, Chapter 20, Article 7, Section 060, Exhibit 20-9, Garage area limitations. The applicant is requesting consideration to construct a 912 square feet attached garage and a 1,200 square feet detached garage. In total, 2,112 square feet of garage area is proposed. City Code permits the maximum garage area of 1,600 square feet for parcels that are 10,001 to 43,559 square feet. The subject property is ±29,463 square feet or ±0.68 acres.

**17.16.32.040 Basis of decision for a dimensional variance**

A dimensional variance shall only be granted when the evidence shows and a finding can be made that each of the following conditions exist:

- The variance is not contrary to the public interest.
- A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
- The spirit of the Title would be observed and substantial justice done by granting the variance.



BACKGROUND INFORMATION:

The subject property is located at 325 16th Street Southwest and is legally described as Lot 1B, Block 10, Community Hall Addition. The property is zoned R-1 Single-family suburban and has been used for residential purposes. The property owner is proposing construction of a 38-foot by 24-foot, 912 square foot, attached garage, and a detached 40-foot by 30-foot, 1,200 square foot garage/shop located on the back northeast corner of the subject property (see Exhibit C).

The proposed structures will meet all required setbacks, and the detached garage will be approximately 158 feet from the front property line. City Code requires no more than 30% lot coverage of principal and accessory buildings in R-1 districts. The proposed home, attached garage, and detached garage would create a total of ±16% lot coverage. The properties to the north and south are similar sized parcels in the R-1 zoning district. Across 16th Street Southwest to the west is Community Park and Interstate 15. To the east are large vacant parcels zoned M-2 Mixed-use transitional.

The applicant has removed a previously existing modular home and is in the process of cleaning up the subject property in order to construct a new house with an attached garage for personal vehicles, as well as construct a detached garage for their recreational equipment in order to keep their property orderly (see Exhibit B). In support of the request, the property owner has spoken with adjacent neighbors to the north and south. None of the neighbors contacted have objection to the project (see Exhibit C). The applicant also provided the attached site plan (see Exhibit D).

The Notice of Public Hearing was mailed to the neighboring property owners and was published in the *Great Falls Tribune* on September 18, 2013. Patty Cadwell, Neighborhood Council Coordinator, provided the information to Neighborhood Council 2 on September 16, 2013. As of the writing of this report, Staff has received no comments from the public related to the request.



View looking east across the subject property, and the adjacent neighbor to the north's existing garage, from 16th St SW.



View looking east across the subject property, and the adjacent neighbor to the south's existing garage and residence,



View looking east across the subject property, from 16th St SW, at some of the cleanup work the owner has done.

# AERIAL MAP



 325 16th St SW     Tracts of Land     Sun River    300 150 0 300 Feet    N



### Variance Issues:

City Code permits the maximum garage area of 1,600 square feet for parcels that are 10,001 to 43,559 square feet. Garage area limitations established in City Code are provided to promote sound development patterns, to regulate the construction of structures and maintain the existing characteristics in various neighborhoods. In this case, due to the larger size of the subject and adjacent properties and the intent of the applicant, the allowable garage square footage requirement represents a clear hardship, is uncharacteristic of the surrounding neighborhood, and constrains reasonable development of the site.

### Findings for the Basis of Decision:

Staff supports the request for an additional 512 square feet of private garage area. Over the past 40+ years of development in the immediately surrounding R-1 Single-family suburban density neighborhood, large garages or shops are not uncommon. Staff provides the following Basis of Decision for the proposed dimensional variance:

1. The variance is not contrary to the public interest.

The requested variance is not contrary to the public interest because the subject property owner made contact with the three abutting property owners to the north and south, who provided no objections to the proposed project. Construction of private garages has minimal impact on surrounding properties or the neighborhood in general. The proposed location of the detached garage is consistent with the character of the neighborhood, as there are other properties that have similar large outbuildings and garages. The garage will primarily affect the adjoining properties to the north, which include a single-family residence, detached garage, and a primarily vacant lot (see aerial map).

2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.

Construction of private attached and detached garages totaling 2,112 square feet on the  $\pm 0.68$  acre property is reasonable. A literal enforcement would create restrictions uncharacteristic to the use of the subject property, and that of the neighboring R-1 residential district to the north and south. City Code permits 30% maximum lot coverage of principal and accessory buildings in the R-1 Zoning district, and all of the proposed structures would create approximately 16% coverage, so there is ample space on the subject property for such development. Additionally, two neighboring properties to the north, on 3rd Avenue Southwest, have requested and received variances for garage area increases, so this variance request appears to be consistent with the surrounding neighborhood characteristics.

3. The spirit of this Title would be observed and substantial justice done by granting the variance.

The proposed detached garage location provides adequate room for construction and maintenance of the structure, and matches the adjacent R-1 uses in the neighborhood. As stated by the property owner, the proposed private garage will serve to store the many recreational vehicles and enable them to keep their property orderly. Moreover, the neighbors are in support of the variance request and proposed garages (see Exhibit C).

Staff finds adequate basis and hardship for the variance and supports granting the increase in permitted garage area limitations.

**Recommended Motion:**

Board Member moves:

“I move the Board of Adjustment, based on the Findings for the Basis of Decision, approve a variance on the property legally described as Lot 1B, Block 10, Community Hall Addition, for an increase to the maximum garage area permitted by 512 feet, for the construction of an attached garage and detached garage totaling 2,112 square feet combined, subject to conditions 1 and 2.”

**Conditions of Approval**

1. The proposed project shall be developed consistent with the conditions in this agenda report, all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. If after the approval of the conceptual development plan by this Board, the owner proposes to expand or modify said plans, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the concept for one or more review criteria. If such proposed change would alter said plan, the proposal shall be resubmitted for review as a new application.

Chairman calls for a second, discussion, public comment, and calls the vote.

Cc: Patty Cadwell, Neighborhood & Youth Council Coordinator  
Colleen and Joe LeLievre, Owners, [elkh8me@msn.com](mailto:elkh8me@msn.com)



# EXHIBIT A - APPLICATION

CITY OF GREAT FALLS  
 PLANNING & COMMUNITY DEVELOPMENT DEPT.  
 P.O. Box 5021, GREAT FALLS, MT, 59403-5021  
 406.455.8431 • WWW.GREATFALLSMT.NET

## VARIANCE APPLICATION

Date: 9/6/13  
 Application Number: BSA-2013-7  
 Fee: \$200  
 Paid (Official Use ONLY):

### CONDITION FOR VARIANCE

Montana Statutes require an *unnecessary hardship* as a condition for a variance. "Variance" means a grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

JOE LE LIEVRE

Owner / Representative Name:

2127 1<sup>st</sup> Ave SW

Mailing Address:

(406) 564-9498

Phone:

ELKHOME@MSN.COM

Email: c\_budeski@hotmail.com

Requested Action: A variance from Title:

Chapter:

Article:

17.20.2.060 Ex. 20-9 Garage area limitations

Basis for Request:

see attached letter

### PROPERTY DESCRIPTION LOCATION:

1B, 10 Community Hall 10 20 N 3E  
 Mark/Lot/Block: Addition: Section: Township: Range:  
 325 16<sup>th</sup> ST SW GREAT FALLS, MT 59404  
 Street Address:

ZONING:

R-1

Current:

LAND USE:

Single family

Current:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge. NOTE: If the applicant is not the owner of record, the signature of the owner of record must also be obtained.

Colleen Budeski

Property Owner's Signature:

9-6-13

Date:

[Signature]

Representative's Signature:

SEP 6, 2013

Date:

# EXHIBIT B - APPLICANT LETTER

## City of Great Falls

Planning & Community Development Dept.  
Board of Adjustment

September 6, 2013

Dear Board Members:

We are requesting a variance to build a detached garage at the property located at 325 16<sup>th</sup> St SW. This lot previously had a mobile home on it, and a fenced storage area of masonry supplies.

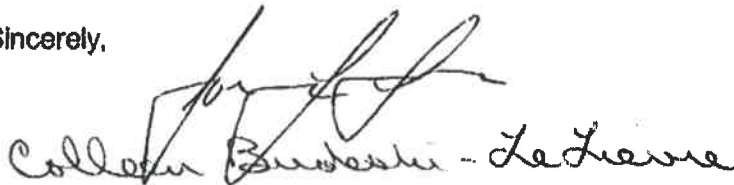
This is a larger R-1 lot. While the minimum size for a newly created lot is 15,000 square feet, this property is surveyed at 29,403 square feet.

Our intent is to build a dwelling with an attached three-car garage, which will be used to park our daily driving vehicles.

We would like to keep our property looking clean, and the additional garage will provide a secure building for our camper, boat, 4 wheelers, dirt bikes, and some hobby woodworking tools.

We have no intention for this garage other than residential use. We believe granting this variance will bring the property into parity with other properties in the area. We are available to answer any questions you may have.

Sincerely,



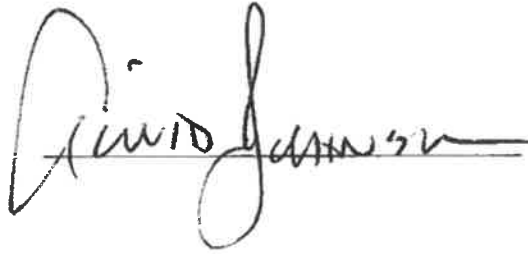
Joe Le Lievre  
Colleen Budeski-Le Lievre

Phone: 564-9498  
Phone: 868-6175

# EXHIBIT C - NEIGHBOR SIGNATURES

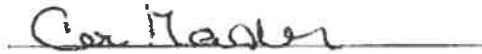
As an adjacent property owner, I have no objection to an oversized detached garage proposed for construction on the back of the lot at 325 16th St SW. The structure will meet height and property line setback conditions as established by the City of Great Falls.

Arvid Johnson  
301 16<sup>th</sup> St SW  
Great Falls, MT



Date: 8.8.13

Cori Mader  
407 16<sup>th</sup> St SW  
Great Falls, MT



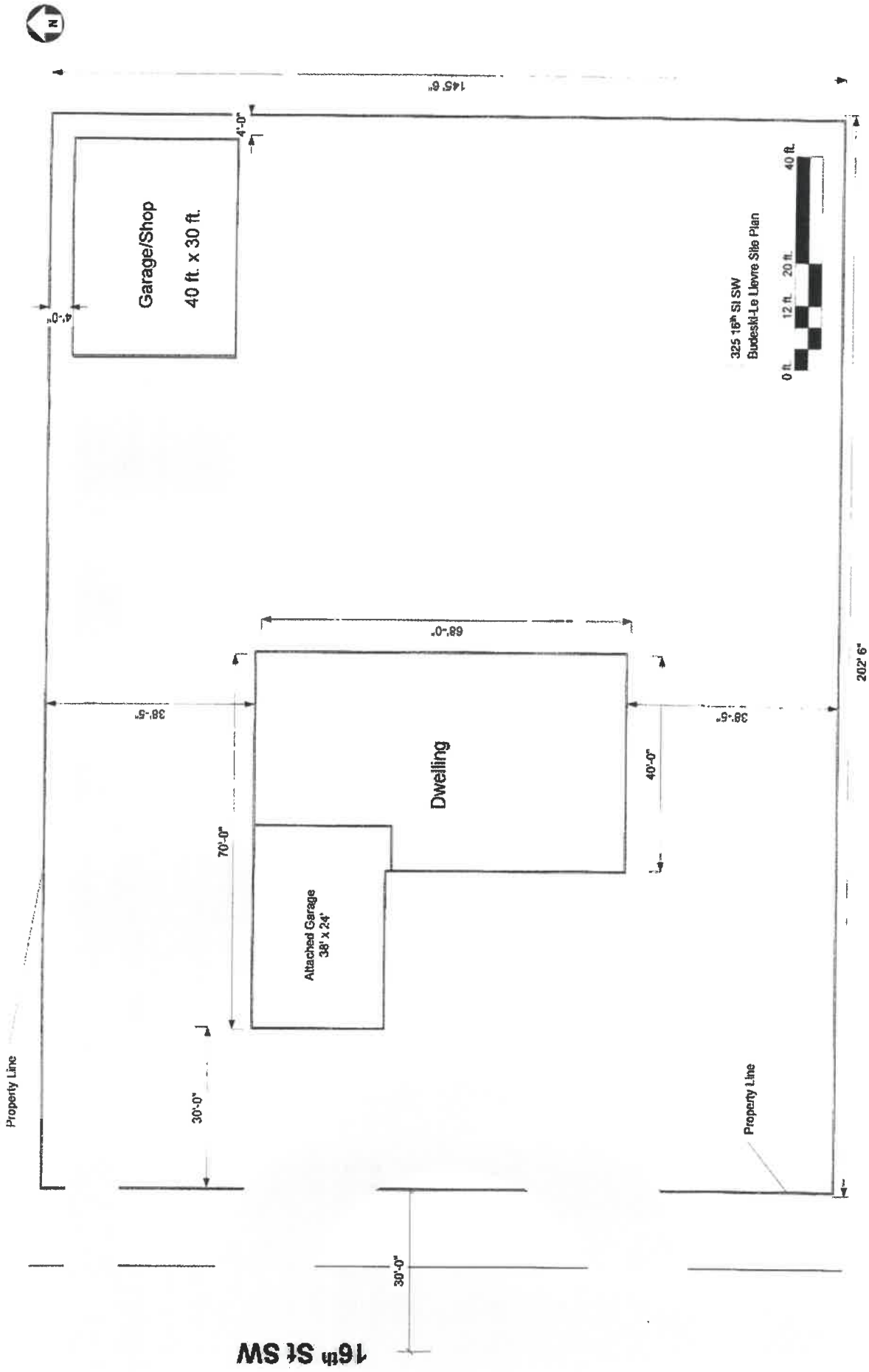
Date: 8-8-13

Mike Hryzko  
1536 3<sup>rd</sup> Ave SW  
Great Falls, MT

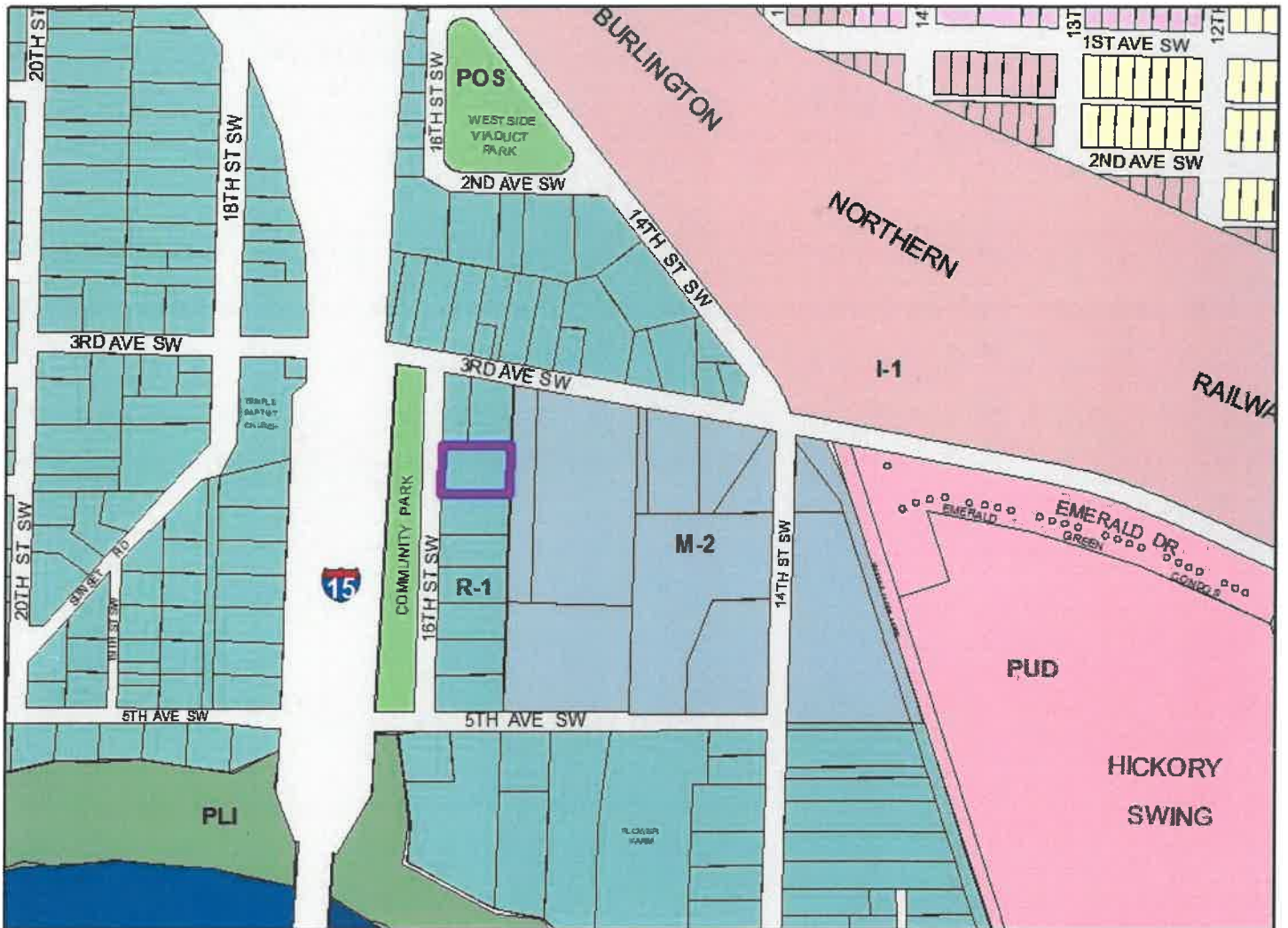


Date: 8-18-13

# EXHIBIT D - SITE PLAN



# EXHIBIT E - ZONING MAP



325 16th St SW

City Limits

Tracts of Land

**ZONING**

AI Airport Industrial

C-1 Neighborhood commercial

C-2 General commercial

C-3 Highway commercial

C-4 Central business core

C-5 Central business periphery

I-1 Light industrial

I-2 Heavy industrial

M-1 Mixed-use district

M-2 Mixed-use transitional

PLI Public lands institutional

POS Park Open Space

PUD Planned unit development

R-1 Single-family suburban

R-2 Single-family medium density

R-3 Single-family high density

R-5 Multi-family medium density

R-6 Multi-family high density

R-9 Mixed residential

R-10 Mobile home park

Unincorporated

Right of Way



Meeting Date: July 11, 2019

**CITY OF GREAT FALLS  
BOARD OF ADJUSTMENT AGENDA REPORT**

**Item:** Ordinance 3205, “An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 9 Through 11; and, Repealing and Replacing Chapter 12 Pertaining to Administrative and Enforcement Bodies.”

**From:** Legal Department

**Initiated By:** Legal Department

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

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

---

**Suggested Motion:**

1. Board Member moves:

“I move that the Board of Adjustment recommend the City Commission adopt Ordinance 3205.”

2. Chairperson calls for a second, discussion, and calls for the vote.

---

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have identified various types of deficiencies throughout numerous sections of the code. The deficiencies range 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 for revisions to the second 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 9 through 11 of Title 17. Other non-substantive changes include correcting typographical, grammatical, formatting, and referencing deficiencies in OCCGF Title 17, Chapter 12.

The Ordinance under consideration has minor substantive changes. The first change amends articles 1 and two to move zoning approval provisions from the Planning Advisory Board (PAB) Pprovisions to the Zoning Commission (ZC) provisions. This amendment will be consistent with State Law and current practice.



The Second proposed substantive change is to eliminate repetitive election membership and officer regulations in the Zoning Commission regulations. The Zoning Commission is comprised of the same membership, term limits, and elected officers as the Planning Advisory Board. By simply cross referencing the PAB provisions in the ZC Article, a large amount of unnecessary language will be eliminated.

The final substantive change is removing Airport Zoning and Hazard Board designations from the Zoning Commission and Board of Adjustment. These designations are not required under Montana Law and would be consistent with current practice.

Ord. 3205 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 ~~striketrough~~. 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 Board of Adjustment recommend that the City Commission adopt Ordinance 3205.

**Alternatives:**

The Board may choose not to recommend that the City Commission adopt Ordinance 3205. The Board may also table action on the item to a date certain to provide additional suggested revisions.

**Attachments/Exhibits:**

Ordinance 3205, Ord. 3194 Exhibit “A”, and Ord. 3205 Exhibit “B”.

**ORDINANCE 3205**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 9 THROUGH 11; AND, REPEALING AND REPLACING CHAPTER 12 PERTAINING TO ADMINISTRATIVE AND ENFORCEMENT BODIES.**

\* \* \* \* \*

**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 9 through 11 of OCCGF Title 17; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 17, Chapter 12, 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 12, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

**WHEREAS**, at its regularly scheduled July 9, 2019, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3205; and

**WHEREAS**, at its special July 11, 2019, meeting, the Great Falls Board of Adjustment voted to recommend that the City Commission adopt Ordinance 3205.

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

**Section 1.** OCCGF Title 17, Chapters 9-11 are hereby established and reserved;

**Section 2.** OCCGF Title 17, Chapter 12 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 3205 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

Exhibit "A"

**Chapter 9    RESERVED**

**Chapter 10    RESERVED**

**Chapter 11    RESERVED**

**Chapter 12    ADMINISTRATIVE AND ENFORCEMENT BODIES**

**Articles:**

Article 1 - PLANNING ADVISORY BOARD

Article 2 - ZONING COMMISSION

Article 3 - DESIGN REVIEW BOARD

Article 4 - HISTORIC PRESERVATION ADVISORY COMMISSION

Article 5 - BOARD OF ADJUSTMENT

**Article 1    PLANNING ADVISORY BOARD**

**Sections:**

~~17.12.1.010 Establishment.~~

~~17.12.1.020 Jurisdiction.~~

~~17.12.1.030 Duties, services and functions.~~

~~17.12.1.040 Composition and appointment of members.~~

~~17.12.1.050 Officers.~~

~~17.12.1.060 Board procedures.~~

~~17.12.1.070 Schedule of meetings.~~

~~17.12.1.080 Special meetings.~~

~~17.12.1.090 Voting and quorum.~~

~~17.12.1.100 Compensation and expenses.~~

~~17.12.1.110 Ethics.~~

~~17.12.1.120 Contracts and agreements.~~

~~17.12.1.130 Staff.~~

Exhibit "A"

~~17.12.1.140 Fiscal administration and budget.~~

**17.12.1.010 Establishment.**

**17.12.1.020 Jurisdiction.**

**17.12.1.030 Duties, services, and functions.**

**17.12.1.040 Composition and appointment of members.**

**17.12.1.050 Officers.**

**17.12.1.060 Board procedures.**

**17.12.1.070 Schedule of meetings.**

**17.12.1.080 Special meetings.**

**17.12.1.090 Voting and quorum.**

**17.12.1.100 Compensation and expenses.**

**17.12.1.110 Contracts and agreements.**

**17.12.1.120 Staff.**

**17.12.1.130 Fiscal administration and budget.**

**17.12.1.010 Establishment.**

The Great Falls Planning Advisory Board is established to undertake the responsibilities herein defined, pursuant to and under the provisions of the Charter of the City of Great Falls.

**17.12.1.020 Jurisdiction.**

The jurisdictional area of the board includes the area within the incorporated limits of the City of Great Falls and such areas as may be granted or authorized pursuant to intergovernmental agreements.

**17.12.1.030 Duties, services, and functions.**

A.— **Generally.** ~~In general, the~~ **The** Board shall perform and provide the duties, services and functions established and assigned through ~~City ordinance, the OCCGF, Commission resolution, agreements, this Title, etc., or other Commission initiative~~ including the authority and responsibility to:

- 1.— Advise the City Commission on all community planning and land development activities specified in this Title, ~~as well as any other duties, functions, services and activities requested or assigned;~~ **and**
- 2.— Undertake and perform other duties, services and functions, as requested by the City Commission.

B.— **Long-range planning.** The board shall have the authority and responsibility to:

- 1.— ~~If requested by the City, initiate~~ **Initiate**, prepare, review, hear, and make recommendations to the City Commission on the adoption or amendment of a growth policy ~~and such ordinances and resolutions necessary to implement the growth policy;~~ **and**

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

- 2.— Initiate, prepare, review, hear, and make recommendations to the City Commission on the adoption or amendment of any planning documents designed to guide the orderly development of the community.
- C.— **Subdivision, and annexation, zoning and conditional use review.** The board shall have the authority and responsibility to review, hear, and make recommendations to the City Commission on ~~subdivision applications and plats, annexations, zoning and rezoning petitions and conditional use permits.:~~
  1. **Subdivision applications and plats; and**
  2. **Annexations.**
- D.— **Transportation.** The board shall have the authority and responsibility to:
  1. ~~Review, prioritize, and recommend projects for use of Community Transportation Enhancement Program (CTEP) funds;~~
  2. ~~Sserve~~ **serve** as the Metropolitan Planning Organization (MPO) for the Great Falls Urbanized Area Transportation Planning Process, ~~including participation in said process and all associated duties.~~

**17.12.1.040 Composition and appointment of members.**

- A.— **Number and appointment.** The board shall consist of nine (9) members appointed by the City Commission, who:
  - 1.— Are residents of the City of Great Falls; ~~and,~~
  - 2.— Are not City employees or elected officials. ~~;~~ **and**
  3. **Are qualified Montana electors.**
- B.— ~~Considerations~~ **Consideration in making appointments.** Any interested and eligible citizen may be appointed to the board. ~~but those Applicants with knowledge of or, experience, or interest in the fields of planning, development, Planning, Development, and zoning shall receive special consideration. Zoning are preferred.~~
- C.— **Terms.** Each member shall be appointed to a three-year term, beginning and ending ~~on~~ the first day of January 1<sup>st</sup>.
- D.— **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the City Commission for the unexpired term.
- E.— **Conditions for of removal.** A member may be removed from office by a majority vote of the City Commission. ~~pursuant to OCCGF Title 2.~~
- F.— **Reappointments.** Each member may be reappointed when ~~their-his or her term has expired to the extent that City policy regarding reappointments allows~~ **expires as set by Commission resolution.**

**17.12.1.050 Officers.**

- A.— ~~Election.~~ **Elections.** At its first regular meeting in each calendar year, the board shall elect from its members a ~~chairman~~ **Chairperson** and ~~vice chairman~~ **Vice-Chairperson** to serve for a period of one (1) year. If there is more than one (1) nominee for any office, voting shall be **conducted** by secret ballot.
- B.— **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the board, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

least two (2) weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.

- C.— **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D.— ~~Limitation~~ **Limitations on consecutive terms.** No member-~~Officer~~ shall hold-~~serve~~ in the same ~~elective office~~ **position** for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the ~~chairman, upon approval by a majority of voting members present,~~ **Chairperson** shall designate a member to fill the unexpired term of the office- **pursuant to a confirmation by a majority of the board.**
- F.— ~~Rights of chairman, and duties of~~ **Chairperson.** The ~~chairman~~ **Chairperson** shall have all the rights and privileges of a board member-.
- G.— ~~Duties of chairman.~~ ~~The chairman- and~~ shall:
- 1.— Preside at all meetings of the board;;
  - 2.— Be an ex-officio member of all committees except the nominating committee;;
  - 3.— Act as a liaison between the board ~~and the Planning, City staff, and Community Development Department,~~ **the City Commission;**
  - 4.— Execute all legal documents on behalf of the board;;
  - 5.— Authorize all financial transactions upon approval of a majority of members present;;
  - 6.— Appoint the chair and members of all committees except the nominating committee-; **and**
  - 7.— Call special meetings as provided herein, ~~and.~~
  - 8.— ~~Act as the public representative of the board or designate an alternate.~~
- G.— ~~Duties of vice-chairman.~~ ~~Vice-Chairperson.~~ The ~~vice-chairman~~ **Vice-Chairperson** shall perform the duties of the ~~chairman in all cases in which the chairman~~ **Chairperson when the Chairperson** is unable to serve ~~or as otherwise directed by the chairman.~~
- H.— ~~Duties of secretary.~~ ~~Secretary.~~ The Director of the Planning and Community Development Department shall function as the ~~secretary of the board~~ **Secretary.** The ~~secretary~~ **Secretary** shall maintain:
1. **Maintain** the minutes and records of the board and issue calls and notices pertaining to the board, ~~prepare;~~
  2. **Prepare** and distribute the agenda for all regular meetings at least four (4) days prior to the meeting, ~~keep a roll of membership and attendance, and supervise the balloting at all elections.;~~
- (Ord. No. 3056, § 1, 8-17-2010)
3. **Keep a roll of membership and attendance; and**
  4. **Supervise the balloting at all elections.**

17.12.1.060 Board procedures.

~~The~~ **Unless otherwise specified in this Title, the** board shall be governed by the rules contained in **the most recent edition of "Robert's Rules of Order, Revised,"** in all parliamentary procedures, as applicable.

Exhibit "A"

**17.12.1.070 Schedule of meetings.**

~~The~~**Unless otherwise specified in this Title, the** board shall fix the time for holding regular meetings,  
~~but~~**and** shall meet at least once in the months of January, April, July, and October.

~~(Ord. No. 3056, § 1, 8-17-2010)~~

**17.12.1.080 Special meetings.**

Special meetings of the board may be called by the ~~chairman~~**Chairperson** or by two (2) members upon written request to the secretary of the board. The secretary shall ~~send~~**provide written notice** to all members, at least two (2) days in advance of a special meeting,~~a written notice fixing the time and place of the meeting.~~ Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting ~~or if all the members are present at the special meeting.~~

**17.12.1.090 Voting and quorum.**

- A.— **Requirements for quorum.** A quorum shall consist of five (5) members.
- B.— **Requirements for official action.** Each decision of the board shall be approved by a majority vote of the members present ~~at a meeting in which a quorum is in attendance and voting.~~
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close~~**a personal ties relationship** to the applicant, the project, or to a party opposing the application ~~that impacting the member cannot reasonably be expected to member's exercise sound judgment in for the public interest; or~~
  - 3.— The member owns property within the area entitled to receive written notice; or
  - 4.— Participation in the matter ~~might~~**could** violate ~~the letter or spirit~~ **a provision of a member's code of professional responsibility; or**
  - 5.— ~~Other applicable law that applies.~~

~~(Ord. No. 3056, § 1, 8-17-2010)~~**OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.**

**17.12.1.100 Compensation and expenses.**

Members shall ~~receive no salary~~**not be compensated** for serving on the board but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, etc.

**17.12.1.110 Ethics.**

~~All members of the board shall comply with the provisions of the City of Great Falls Code of Ethics.~~

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**17.12.1.120—Contracts and agreements.**

~~Through the City, the~~**The board may accept, receive, and expend funds, grants, and services from and may contract with respect thereto**~~the:~~

- A. The** Federal government or its agencies and instrumentalities~~;~~~~from~~;
- B.** State or local governments or their agencies and instrumentalities~~;~~~~or from~~
- C. From** civic sources~~;~~.

~~may contract with respect thereto; and may provide such information and reports as may be necessary to secure such financial aid. The City may make all contracts for special or temporary services and any professional services to assist the board.~~

**17.12.1.130120 Staff.**

The City shall assign **City** staff ~~employed by the City~~ to assist the board in conducting its duties. The board may delegate to assigned staff the authority to perform ministerial acts ~~in all cases except when final action of the board is not necessary.~~~~The staff will be responsive and responsible to the board for all work necessary to carry out its responsibilities.~~

**17.12.1.140130 Fiscal administration and budget.**

~~To finance the yearly operations of the board, the Director of the Planning and Community Development Department shall prepare a budget for approval by the board and the City, in the same manner as City departments. The budget shall be based on projected revenue from all sources and shall estimate projected expenditures. Further, the budget shall be limited in all expenditures to the provisions made therefore by the City.~~

~~(Ord. No. 3056, § 1, 8-17-2010)~~**The board shall be financed pursuant to the annual budget adopted by the City Commission.**

**Article 2 ZONING COMMISSION**

**Sections:**

~~17.12.2.010 Establishment.~~

~~17.12.2.020 Jurisdiction.~~

~~17.12.2.030 Authority.~~

~~17.12.2.040 Composition and appointment of members.~~

~~17.12.2.050 Officers.~~

~~17.12.2.060 Commission procedures.~~

~~17.12.2.070 Schedule of meetings.~~

~~17.12.2.080 Notice for special meetings.~~

~~17.12.2.090 Voting and quorum.~~

~~17.12.2.100 Compensation and expenses.~~

~~17.12.2.110 Ethics.~~

~~17.12.2.120 Joint airport zoning board.~~

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**17.12.2.010 Establishment.**

**17.12.2.020 Jurisdiction.**

**17.12.2.030 Authority.**

**17.12.2.040 Composition and appointment of members.**

**17.12.2.050 Officers.**

**17.12.2.060 Commission procedures.**

**17.12.2.070 Schedule of meetings.**

**17.12.2.080 Notice for special meetings.**

**17.12.2.090 Voting and quorum.**

**17.12.2.100 Compensation and expenses.**

**17.12.2.010 Establishment.**

~~Pursuant to 76-2-307, MCA, a~~ **A Zoning Commission** is established to undertake the responsibilities herein defined **pursuant to this Article.**

**17.12.2.020 Jurisdiction.**

The jurisdictional area of the commission includes the area within the incorporated limits of the City, **as may be altered pursuant to annexation.**

**17.12.2.030 Authority.**

The commission shall have the authority to:

- 1.—**A.** Review, hear, and make recommendations to the City Commission on conditional use permits;
- 2.—**B.** Prepare and submit an application to amend this Title ~~when it deems appropriate;~~
- 3.—**C.** Review, hear, and make recommendations to the City Commission on applications to amend this Title;
- 4.—**D.** **Review, hear, and make recommendations to the City Commission on zoning and rezoning petitions; and**
- E.** Review and hear other applications ~~as may be specified in~~ **pursuant to** this Title.

**17.12.2.040 Composition and appointment of members.**

The members of the Great Falls Planning Advisory Board shall serve as the members of the ~~zoning commission~~ **Zoning Commission.**



TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**17.12.2.050 Officers.**

A. ~~**Election.** At its first regular meeting in each calendar year, the commission shall elect from its members a chairman and vice chairman to serve for a period of one (1) year. All provisions provided by OCCGF § 17.12.1.050 shall apply to the Zoning Commission.~~

If there is more than one (1) nominee for any office, voting shall be by secret ballot.

B. ~~**Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.~~

C. ~~**Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.~~

D. ~~**Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.~~

E. ~~**Vacancies.** In the event of a vacancy in any office, the chairman, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.~~

F. ~~**Rights of chairman.** The chairman shall have all the rights and privileges of a commission member.~~

G. ~~**Duties of chairman.** The chairman shall:~~

- ~~1. Preside at all meetings of the commission,~~
- ~~2. Act as a liaison between the commission and the Planning and Community Development Department,~~
- ~~3. Execute all legal documents on behalf of the commission,~~
- ~~4. Call special meetings as provided herein, and~~
- ~~5. Act as the public representative of the commission or designate an alternate.~~

H. ~~**Duties of vice chairman.** The vice chairman shall perform the duties of the chairman in all cases in which the chairman is unable to serve or as otherwise directed by the chairman.~~

I. ~~**Duties of secretary.** The Director of the Planning and Community Development Department shall function as the secretary of the commission. The secretary shall maintain the minutes and records of the commission and issue calls and notices pertaining to the commission, prepare and distribute the agenda for all regular meetings at least four (4) days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.~~

~~(Ord. No. 3056, § 1, 8-17-2010)~~ **17.12.2.060 Commission procedures.**

~~The~~ **Unless otherwise specified in this Title, the** commission shall be governed by the rules contained in "Robert's Rules of Order, Revised," in all parliamentary procedures, as applicable.

**17.12.2.070 Schedule of meetings.**

A. ~~**Regular meeting.** The commission provisions of OCCGF §§ 17.12.1.070 and 080 shall schedule meetings apply to review applications for which it has authority to review.~~

B. ~~**Special meeting.** Special meetings may be called by the chairman, two (2) members of the commission, or the City Zoning Commission upon written request to the secretary.~~

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**17.12.2.080 Notice for special meetings.**

The secretary shall send a written notice to all members at least two (2) days in advance of a special meeting.

**17.12.2.090 Voting and quorum.**

~~A. **Requirements for quorum.** A quorum consists of five (5) members.~~ **The provisions of OCCGF § 17.12.1.090 shall apply to the Zoning Commission.**

~~B. **Requirements for voting.** Each decision of the commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.~~

~~C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:~~

- ~~1. The member has a direct financial interest in the outcome of the matter at issue; or~~
- ~~2. The member has such close personal ties to the applicant, the project, or to a party opposing the application that the member can not reasonably be expected to exercise sound judgment in the public interest; or~~
- ~~3. The member owns property within the area entitled to receive written notice; or~~
- ~~4. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or~~

~~5. Other applicable laws that apply.~~

**17.12.2.100 Compensation and expenses.**

Members shall ~~receive no salary~~ **not be compensated** for serving on the commission but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, etc.

~~**17.12.2.110 Ethics.**~~

~~All members of the commission shall comply with the provisions of the City of Great Falls Code of Ethics.~~

~~**17.12.2.120 Joint airport zoning board.**~~

~~The commission established by this part shall also assume the responsibilities of the Joint Airport Zoning Board.~~

**Article 3 DESIGN REVIEW BOARD**

**Sections:**

~~17.12.3.010 Establishment.~~

~~17.12.3.020 Authority.~~

~~17.12.3.030 Composition and appointment of members.~~

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

~~17.12.3.040 Officers.~~

~~17.12.3.050 Board procedures.~~

~~17.12.3.060 Schedule of meetings.~~

~~17.12.3.070 Voting and quorum.~~

~~17.12.3.080 Compensation and expenses.~~

~~17.12.3.090 Legal representation.~~

**17.12.3.010 Establishment.**

**17.12.3.020 Authority.**

**17.12.3.030 Composition and appointment of members.**

**17.12.3.040 Officers.**

**17.12.3.050 Board procedures.**

**17.12.3.060 Schedule of meetings.**

**17.12.3.070 Voting and quorum.**

**17.12.3.080 Compensation and expenses.**

**17.12.3.090 Legal representation.**

**17.12.3.010 Establishment.**

A Design Review Board is established to undertake the responsibilities herein defined, **pursuant to this Article.**

**17.12.3.020 Authority.**

To further promote the health, safety, and general welfare ~~of the City~~, the board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in this Title. The board may approve ~~or, deny, in whole or in part,~~ **or may modify and, or** set conditions for approval **of development proposals**, or provide advice and counsel.

**17.12.3.030 Composition and appointment of members.**

- A.— **Number and appointment.** The board shall consist of five (5) voting members appointed by the City Commission.
- B.— ~~Considerations~~ **Consideration in making appointments.** Members shall be residents of the City. ~~The~~ **and qualified Montana electors.** City Commission shall ~~make an effort to achieve a diversity of expertise, background, and interest. Such diversity should preferably include two members and City staff may not be members of the board.~~
- C. **Preferred composition. The preferred board composition includes:**
  - 1. **Two (2) architects; and three**

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

2. **Three** (3) individuals chosen for their demonstrated interest in ~~and~~ or expertise in design or community aesthetics. ~~No member of the City Commission or employee of the City shall be eligible for membership on the board.~~

~~C.~~**D. Terms.** Each member shall be appointed to a three-year term. The expiration of initial terms of board members will be staggered to assure continuity.

~~D.~~**E. Vacancies.** When a position becomes vacant before the end of the term, the City Commission shall ~~make an appointment~~ **appoint a member to fill the vacancy.** A member whose term expires may continue to serve until a successor is appointed and qualified.

~~F.~~ **Conditions for of removal.** ~~A member shall~~ **Members may** be removed from the board and the member's office declared vacant under the following conditions: **pursuant to OCCGF Title 2, Chapter 23.**

- ~~1.~~ The member fails to attend three (3) successive regular meetings without excused absences; or
- ~~2.~~ The member moves outside of the City; or
- ~~3.~~ The City Commission declares without notice and without assignment of cause the removal of a member.

**17.12.3.040 Officers.**

A.— **Election.** At its annual meeting, the board shall elect a ~~chair~~ **Chairperson** and ~~vice chair~~ **Vice-Chairperson** from among its membership by majority vote. ~~If there is more than one (1) nominee for any office, voting shall be by secret ballot.~~

~~B.~~**B. Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.

~~C.~~ **Terms of office.** ~~All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.~~

~~D.~~**C. Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.

D.— **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.

E.— **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.

F.— **Rights of chair, the Chairperson.** The ~~chair~~ **Chairperson** shall have all the rights and privileges of a board member.

G.— **Duties of chair, the Chairperson.** The ~~chair~~ **Chairperson** shall:

- 1.— Preside at all meetings of the board,;
- 2.— Plan the agenda for the board,;
- 3.— Act as a liaison between the board ~~and~~, the Planning and Community Development Department, **and the City Commission;**
- 4.— Execute all legal documents on behalf of the board,;
- 5.— Call special meetings as provided herein,; and
- 6.— Act as the public representative of the board or designate an alternate.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

H.— ~~Duties of vice-chair, the~~ **Vice-Chairperson.** The ~~vice-chair~~ **Vice-Chairperson** shall perform the duties of the ~~chair~~ **Chairperson** in all cases in which the ~~chair~~ **Chairperson** is unable to serve or as otherwise directed by the chair.

I.— ~~Duties of secretary, I.~~ The ~~secretary~~ **Secretary** shall:

- 1.— Maintain the minutes and records of the board and issue calls and notices pertaining to the board;
- 2.— Distribute the agenda for all regular and annual meetings at least ~~one (1) week~~ **forty-eight (48) hours** prior to the meeting;
- 3.— Keep a roll of membership and attendance; and
- 4.— Supervise the balloting at all elections.

J.— **Delegation of duties.** The board may delegate the duties of the ~~secretary~~ **Secretary** to the Planning and Community Development Department by a majority vote.

(Ord. No. 3056, § 1, 8-17-2010)

**17.12.3.050 Board procedures.**

The board may adopt rules of procedure to carry out its purposes. All rules must conform to ~~this Title, other City regulations,~~ the **OCCGF** and State law and shall be filed in the office of the City Clerk.

**17.12.3.060 Schedule of meetings.**

- A.— **Annual meeting.** The board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B.— **Regular Meeting.** The board shall schedule meetings to review applications for which it has authority to review.
- C.— **Special meeting.** Special meetings may be called by the ~~chair or~~ **Chairperson**, by two (2) members of the board, or the City Commission upon written request to the ~~secretary~~ **Secretary**.

**17.12.3.070 Voting and quorum.**

- A.— **Requirements for a quorum.** A quorum shall consist of three (3) voting members.
- B.— **Requirements for voting.** Each decision of the board shall be approved by a majority vote of the members present at a regular, annual, or special meeting in which a quorum is in attendance and voting.
- C.— **Disqualification or voluntary abstention from voting.** A member shall abstain from voting on a particular issue ~~or shall be disqualified by majority vote of the remaining members present,~~ if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close~~ a ~~personal ties~~ **relationship** to the applicant, the project, or to a party opposing the application ~~that the member can not reasonably be expected to~~ **impacting the member's** exercise sound judgment ~~in~~ **for** the public interest; ~~or~~
  - 3.— The member owns property within the area entitled to receive written notice; or

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

- 4.— Participation in the matter might **could** violate the letter or spirit of a member's code of professional responsibility; or
- 5.— ~~Other applicable law that applies.~~ **a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.**

**17.12.3.080 Compensation and expenses.**

- A.— **Compensation.** Members shall not be compensated for their services on the board.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the City Commission.

**17.12.3.090 Legal representation.**

The City Commission may appoint legal counsel to represent the board when it deems necessary.

**Article 4 HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

~~17.12.4.010 Establishment.~~

~~17.12.4.020 Authority.~~

~~17.12.4.030 Composition and appointment of members.~~

~~17.12.4.040 Officers.~~

~~17.12.4.050 Commission procedures.~~

~~17.12.4.060 Schedule of meetings.~~

~~17.12.4.070 Voting and quorum.~~

~~17.12.4.080 Compensation and expenses.~~

~~17.12.4.090 Legal representation.~~

~~17.12.4.100 Staff.~~

**17.12.4.010 Establishment.**

**17.12.4.020 Authority.**

**17.12.4.030 Composition and appointment of members.**

**17.12.4.040 Officers.**

**17.12.4.050 Commission procedures.**

**17.12.4.060 Schedule of meetings.**

**17.12.4.070 Voting and quorum.**

**17.12.4.080 Compensation and expenses.**

**17.12.4.090 Legal representation.**

**17.12.4.100 Staff.**

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**17.12.4.010 Establishment.**

- A.— **Commission.** In order to carry out the purpose of this ~~chapter~~ **Chapter**, the Great Falls ~~City~~ **Cascade** County Historical Preservation Advisory Commission is hereby ~~created~~ **established**.
- B.— **Historic preservation program.** A local historic preservation program is hereby created to promote the preservation of historic ~~and prehistoric sites~~, **pre-historic** sites, structures, buildings, and districts through the identification, evaluation, and protection of historic resources within the County and City. This program is intended to promote the public interest and welfare by:
- 1.— Enhancing the visual character of the City and County by encouraging preservation ideals;
  - 2.— Promoting ~~the tourist industry of~~ **tourism within** the City and County by encouraging the preservation of historically significant buildings and structures;
  - 3.— Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
  - 4.— Integrating historic preservation into **the** local, State, and ~~federal~~ **Federal** planning and decision-making processes; **and**
  - 5.— Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history.

**17.12.4.020 Authority.**

The commission shall serve in an advisory capacity to the Board of County Commissioners, City Commission, Great Falls Planning Advisory Board, and the Business Improvement District and have the authority to:

- 1.—**A.** Maintain a system for the survey and inventory of historic properties. ~~The commission shall, maintain this~~ **the** inventory of identified districts, sites and/or structures within the County and the City, and make this information available to the public;
- 2.—**B.** Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;
- 3.—**C.** Participate in the process of nominating to the National Register of Historic Places, according to procedures established for certified local governments. ~~This includes, by reviewing and commenting on any National Register nominations of property within the County and City;~~
- 4.—**D.** Consult with ~~the~~ City, County, State, and ~~federal~~ Federal agencies on ~~all~~:
  1. **All** applications, ~~environmental~~;
  2. **Environmental** assessments, ~~environmental~~;
  3. **Environmental** impact statements,; and ~~other~~
  4. **Other** similar documents pertaining to historic districts, landmark sites, landmarks or properties;

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

- 5.—~~E.~~ Review the City's land development regulations ~~OCCGF~~ for their applicability to issues of historic preservation and make appropriate recommendations to the Planning **Advisory Board** and Zoning Commission concerning any changes or modifications to ~~the zoning~~ **OCCGF** regulations and zoning district boundaries;
- 6.—~~F.~~ Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures. ~~The commission shall,~~ **and** create design guidelines which will be made available to the public for assistance in preservation projects;
- 7.—~~G.~~ Provide a means of informing owners of **information to** property, buildings ~~building,~~ and structures **structure owners** of potential tax incentives and ~~federal~~ **Federal** and/or State grants that might be obtained through the preservation of historic facilities;
- 8.—~~H.~~ Participate in, promote, and conduct ~~public:~~
  1. **Public** informational, ~~educational;~~
  2. **Educational;** and ~~interpretive~~
  3. **Interpretive** programs pertaining to historic preservation; **and**
- 9.—~~I.~~ Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification;.
- 10.—~~J.~~ ~~In e~~ **Carrying** out the listed powers and duties of the commission, ~~the commission~~ **and** shall at all times ensure that any surveys, analyses, evaluations, reviews, or reports relating to any property or project within the City are completed within the current time frames for development. Should the commission fail to complete any of the above actions in time to be included for final action of the City Commission or Board of County Commissioners, such failure shall not in any way impede the decision of the City Commission or Board of County Commissioners.

**17.12.4.030 Composition and appointment of members.**

- A.— **Number and appointment.** The commission shall consist of nine (9) members appointed as follows:
  - 1.— Four (4) members as appointed by the Board of County Commissioners;
  - 2.— Four (4) members as appointed by the City Commission; **and**
  - 3.— One (1) member who has professional architectural expertise as appointed by the commission by a majority vote.
- B.— **Considerations in making appointments.** Members shall have expertise/qualifications in one (1) or more of the following areas: ~~history, planning, archaeology, architecture,~~
  1. **History;**
  2. **Planning;**
  3. **Architecture and/or** architectural history;
  4. **Archaeology; or**
  5. **Other** historic ~~archaeology, or other history~~ preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.
- C.— **Terms.** Each member shall be appointed to a three-year term. ~~During the initial round of appointments, two (2) members shall be appointed to one-year terms.~~



TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

- D.— **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the appropriate governing body. A member whose term expires may continue to serve until a successor is appointed and qualified.
- E.— **Conditions for removal.** A member shall be removed from the commission and the member's office declared vacant under the following conditions:
- 1.— ~~The member fails to attend three (3) successive meetings without excused absences; or~~
  - 2.— **1. a City Commission appointee is removed pursuant to OCCGF Title 2, Chapter 23;**
  2. The member moves outside of the jurisdiction the member represents; or
  - 3.— ~~The governing body that appoints the member to the commission declares without notice and without assignment of~~ **3. The County Commissioners determine there is cause for the removal of a County appointed member.**

**17.12.4.040 Officers.**

- A.— ~~**Election.**~~ **Elections.** At its annual meeting, the commission shall elect a ~~chair, vice-chair~~ **Chairperson, Vice-Chairperson,** and ~~secretary~~ **a Secretary** from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B.— **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the commission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least ~~two (2) weeks~~ **forty-eight (48) hours** before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. — **Limitation on consecutive terms.** No ~~member~~ **Officer** shall hold the same elective office for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the ~~chair~~ **Chairperson**, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F.— **Rights of chair.** ~~Chairperson.~~ The ~~chair~~ **Chairperson** shall have all the rights and privileges of a commission member.
- G.— **Duties of chair.** ~~Chairperson.~~ The ~~chair~~ **Chairperson** shall:
- 1.— Preside at all meetings of the commission;
  - 2.— Plan the agenda for the commission;
  - 3.— Act as a liaison between the commission ~~and~~, the Planning and Community Development Department; **and the City and County Commissions;**
  - 4.— Execute all legal documents on behalf of the commission;
  - 5.— Call special meetings as provided herein; and
  - 6.— Act as the public representative of the commission or designate an alternate.
- H.— **Duties of vice-chair.** ~~Vice-Chairperson.~~ The ~~vice-chair~~ **Vice-Chairperson** shall perform the duties of the ~~chair in all cases in which~~ **Chairperson when the chair** **Chairperson** is unable to serve or as otherwise directed by the ~~chair~~ **Chairperson**.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

- I.— **Duties of ~~secretary~~-Secretary.** The ~~secretary~~-**Secretary** shall:
- 1.— Maintain the minutes and records of the commission and issue calls and notices pertaining to the commission;
  - 2.— Distribute the agenda for all meetings at least ~~one (1) week~~-**forty-eight (48) hours** prior to the meeting;
  - 3.— Keep a roll of membership and attendance, and
  - 4.— Supervise the balloting at all elections.
- J.— **Delegation of duties.** The commission may delegate the duties of the secretary to the Planning and Community Development Department by a majority vote.

(Ord. No. 3056, § 1, 8-17-2010)

**17.12.4.050 Commission procedures.**

The commission may adopt rules of procedure to carry out its purposes. All rules must conform to ~~this Title, other City regulations, and the OCCGF~~, State law, and shall be filed in the office of the City Clerk and County Clerk and Recorder.

**17.12.4.060 Schedule of meetings.**

- A.— **Annual meeting.** The commission shall meet at least once a year in January to elect officers and for such other business as may arise.
- B.— **~~Special meeting~~-meetings.** Special meetings may be called by the ~~chair~~-**Chairperson** or by two (2) members of the commission, the City Commission, or the Board of County Commissioners upon written request to the ~~secretary~~-**Secretary**.

**17.12.4.070 Voting and quorum.**

- A.— **Requirements for quorum.** A quorum shall consist of four (4) voting members.
- B.— **Requirements for voting.** Each decision of the commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue ~~or shall be disqualified by majority vote of the remaining members present~~, if any of the following circumstances apply:
- 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close a~~ personal ~~ties~~-**relationship** to the applicant, the project, or to a party ~~opposed to~~-**opposing** the application ~~that the member can not reasonably be expected to impacting the member's exercise sound judgment in~~ ~~for~~ the public interest; ~~or~~
  - 3.— The member owns property within the area entitled to receive written notice; or
  - 4.— Participation in the matter ~~might~~-**could** violate ~~the letter or spirit of a member's code of professional responsibility~~; or
  - 5.— ~~Other applicable law that applies~~-**a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.**

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**17.12.4.080 Compensation and expenses.**

- A.— **Compensation.** Members shall not be compensated for their services on the commission.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on commission business under procedures prescribed in advance by the ~~City Commission and Board of County Commissioners.~~ **appropriate appointing body.**

**17.12.4.090 Legal representation.**

The City Commission ~~and~~ Board of County Commissioners may appoint legal counsel to represent the commission when, ~~it deems in the judgement of either body,~~ **legal representation is necessary.**

**17.12.4.100 Staff.**

- A.— **Historic preservation officer.** The City shall provide a historic preservation officer to act as staff to the commission. The commission ~~should~~ **may** be involved in the selection process for new hires.
- B.— **Duties.** Duties of the preservation officer include ~~coordinating:~~
  - 1. **Coordinating** the local historic preservation programs, ~~helping;~~
  - 2. **Assisting** in the development of local surveys, projects, and historic preservation planning documents, ~~advising;~~
  - 3. **Advising** and providing assistance to the commission, government agencies and the public;; and ~~ensuring~~
  - 4. **Ensuring** to ~~the~~ **a reasonable** extent ~~practicable that~~ the duties and responsibilities delegated by this article are carried out.

**Article 5 BOARD OF ADJUSTMENT**

**Sections:**

~~17.12.5.010 Establishment.~~

~~17.12.5.020 Authority.~~

~~17.12.5.030 Composition and appointment of members.~~

~~17.12.5.040 Officers.~~

~~17.12.5.050 Board procedures.~~

~~17.12.5.060 Schedule of meetings.~~

~~17.12.5.070 Voting and quorum.~~

~~17.12.5.080 Compensation and expenses.~~

~~17.12.5.090 Legal representation.~~

~~17.12.5.100 Board of Airport Hazard Adjustment.~~

**17.12.5.010 Establishment.**

**17.12.5.020 Authority.**

Exhibit "A"

17.12.5.030 Composition and appointment of members.

17.12.5.040 Officers.

17.12.5.050 Board procedures.

17.12.5.060 Schedule of meetings.

17.12.5.070 Voting and quorum.

17.12.5.080 Compensation and expenses.

17.12.5.090 Legal representation.

17.12.5.100 Board of Airport Hazard Adjustment.

17.12.5.010 Establishment.

Pursuant to **Mont. Code Ann. § 76-2-321, MCA**, a Board of Adjustment is established to undertake the responsibilities herein defined.

17.12.5.020 Authority.

- A.— **Generally.** The Board of Adjustment shall have the following authority and responsibility:
1. **Appeals.**— To hear and decide appeals where it is alleged that an administrative official responsible for administering this Title or the housing or building regulations:
    - a.— failed **i. Failed** to act as required;
    - b.— made **ii. Made** an error in issuing a permit or in denying an application;
    - c.— made **iii. Made** an error in enforcement; or
    - d.— made **iv. Made** an error in an interpretation or any other determination. ~~(See: 76-;~~ and 2-323 (1), MCA)
  - 2.— ~~Variences.~~ **2 Variances.** To hear and decide variances ~~consistent with~~ pursuant to this Title. ~~(See: 76-2-323 (1), MCA)~~
- B.— **Powers.** In exercising these powers, the board may ~~compel the:~~
1. **Compel an** administrative official to act as required ~~or reverse or;~~ **and**
  2. **Reverse**, affirm, ~~wholly or partly,~~ or modify ~~the,~~ **in whole or in part, any** order, requirement, decision, or determination appealed from ~~and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. (See: 76-2-323 (2), MCA).~~
- C.— **Chair. Witnesses.** The ~~chair~~ **Chairperson** or acting ~~chair~~ **Chairperson** may administer oaths and compel the attendance of witnesses. ~~(See: 76-2-321, MCA)~~

Exhibit "A"

**17.12.5.030 Composition and appointment of members.**

- A.— **Number and appointment.** The board shall consist of five (5) members as appointed by the City Commission.
- B.— **Considerations in making appointments.** Board members shall be residents of the City, **and qualified State electors.**
- C.— **Terms and vacancies.** Each member shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified. ~~(See: 76-2-322 (1), MCA) Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. (See: 76-2-322 (2), MCA)~~
- D.— ~~Conditions~~ **Condition of vacancy filling. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.**
- E. **Removal.** The City Commission may remove a member ~~for cause upon written charges and after public hearing. (See: 76-~~**pursuant to OCCGF Title 2-322 (1), MCA), Chapter 23.**

**17.12.5.040 Officers.**

- A.— ~~Election.~~ **Elections.** At its annual meeting, the board shall elect a ~~chair, vice chair~~ **Chairperson, Vice-Chairperson,** and ~~secretary~~ **a Secretary** from among its membership by majority vote. ~~If there is more than one (1) nominee for any office, voting shall be by secret ballot.~~
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Term of office.** ~~C.— Terms of office.~~ All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the ~~chair~~ **Chairperson**, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F.— **Rights of chair.** ~~Chairperson.~~ The ~~chair~~ **Chairperson** shall have all the rights and privileges of a board member.
- G.— **Duties of chair.** ~~Chairperson.~~ The ~~chair~~ **Chairperson** shall:
  - 1.— Preside at all meetings of the board;
  - 2.— Plan the agenda for the board;
  - 3.— Act as a liaison between the board ~~and,~~ the Planning and Community Development Department, **and the City Commission;**
  - 4.— Execute all legal documents on behalf of the board;
  - 5.— Call special meetings as provided herein; and
  - 6.— Act as the public representative of the board or designate an alternate.
- H.— **Duties of vice chair.** ~~the Vice-Chairperson.~~ The ~~vice chair~~ **Vice-Chairperson** shall perform the duties of the ~~chair~~ **Chairperson** in all cases in which the chair is unable to serve or as otherwise directed by the ~~chair~~ **Chairperson.**
- I.— **Duties of secretary.** ~~the Secretary.~~ The ~~secretary~~ **Secretary** shall:

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

- 1.— Maintain the minutes and records of the board and issue calls and notices pertaining to the board;
  - 2.— Distribute the agenda for all meetings at least ~~one (1) week~~ **forty-eight (48) hours** prior to the meeting;
  - 3.— Keep a roll of membership and attendance; and
  - 4.— Supervise the balloting at all elections.
- J.— **Delegation of duties.** The board may delegate the duties of the secretary to the Planning and Community Development Department by a majority vote.

~~(Ord. No. 3056, § 1, 8-17-2010)~~

**17.12.5.050 Board procedures.**

The board may adopt rules of procedure to carry out its purposes. All rules must conform to ~~this Title, other City regulations,~~ **the OCCGF** and State law and shall be filed in the office of the City Clerk.

**17.12.5.060 Schedule of meetings.**

- A.— **Annual meeting.** The board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular meeting. The board shall schedule meetings to review applications for which it has authority to review.**
- ~~C.B.— **Regular meeting.** The board shall schedule meetings to review applications for which it has authority to review.~~
- C.— **Special meeting.** Special meetings may be called by the ~~chair~~ **Chairperson** or by two (2) members of the board or the City Commission upon written request to the ~~secretary.~~ **Secretary.** ~~(See: 76-2-321 (3), MCA)~~

**17.12.5.070 Voting and quorum.**

- A.— **Requirements for quorum.** A quorum shall consist of four (4) voting members.
- B.— **Requirements for voting.** The concurring vote of four (4) members shall be necessary to grant a variance or overturn, in whole or part, an administrative decision, or interpretation. ~~(See: 76-2-324, MCA).~~
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting ~~on a particular issue or shall be disqualified by majority vote of the remaining members present,~~ if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close~~ **a personal ties-relationship** to the applicant, the project, or to a party opposing the application ~~that the member can not reasonably be expected to~~ **impacting the member's** exercise sound judgment ~~in~~ **for** the public interest; ~~or~~
  - 3.— The member owns property within the area entitled to receive written notice; or
  - 4.— Participation in the matter ~~might~~ **could** violate ~~the letter or spirit of a member's code of professional responsibility;~~ or

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

5. ~~Other applicable law that applies~~ **provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.**

**17.12.5.080 Compensation and expenses.**

- A.— **Compensation.** Members shall not be compensated for their services on the board.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the City Commission.

**17.12.5.090 Legal representation.**

The City Commission may appoint legal counsel to represent the board when it deems necessary.

~~**17.12.5.100 Board of Airport Hazard Adjustment.**~~

~~The board established in this article shall also serve as the Board of Airport Hazard Adjustment consistent with 67-4-312, MCA. The board shall expressly state in its public notice and at the opening of its meetings that it is acting as the Board of Airport Hazard Adjustment.~~

**(Ord. 3205, 2019; Ord. 3056, 2010; Ord. 2950, 2007; Ord. 2923, 2005)**

**Chapter 9    RESERVED**

**Chapter 10    RESERVED**

**Chapter 11    RESERVED**

**Chapter 12    ADMINISTRATIVE AND ENFORCEMENT BODIES**

**Articles:**

Article 1 - PLANNING ADVISORY BOARD

Article 2 - ZONING COMMISSION

Article 3 – DESIGN REVIEW BOARD

Article 4 - HISTORIC PRESERVATION ADVISORY COMMISSION

Article 5 - BOARD OF ADJUSTMENT

**Article 1    PLANNING ADVISORY BOARD**

**Sections:**

17.12.1.010 Establishment.

17.12.1.020 Jurisdiction.

17.12.1.030 Duties, services, and functions.

17.12.1.040 Composition and appointment of members.

17.12.1.050 Officers.

17.12.1.060 Board procedures.

17.12.1.070 Schedule of meetings.

17.12.1.080 Special meetings.

17.12.1.090 Voting and quorum.

17.12.1.100 Compensation and expenses.

17.12.1.110 Contracts and agreements.

17.12.1.120 Staff.

17.12.1.130 Fiscal administration and budget.



TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.1.010 Establishment.**

The Great Falls Planning Advisory Board is established to undertake the responsibilities herein defined, pursuant to and under the provisions of the Charter of the City of Great Falls.

**17.12.1.020 Jurisdiction.**

The jurisdictional area of the board includes the area within the incorporated limits of the City of Great Falls and such areas as may be granted or authorized pursuant to intergovernmental agreements.

**17.12.1.030 Duties, services, and functions.**

- A. **Generally.** The Board shall perform and provide duties, services and functions established and assigned through the OCCGF, Commission resolution, or other Commission initiative including:
  - 1. Advise the City Commission on all community planning and land development activities specified in this Title; and
  - 2. Undertake and perform other duties, services and functions, as requested by the City Commission.
- B. **Long range planning.** The board shall have the authority and responsibility to:
  - 1. Initiate, prepare, review, hear, and make recommendations to the City Commission on the adoption or amendment of a growth policy; and
  - 2. Initiate, prepare, review, hear, and make recommendations to the City Commission on the adoption or amendment of any planning documents designed to guide the orderly development of the community.
- C. **Subdivision and annexation review.** The board shall have the authority and responsibility to review, hear, and make recommendations to the City Commission on:
  - 1. Subdivision applications and plats; and
  - 2. Annexations.
- D. **Transportation.** The board shall have the authority and responsibility to serve as the Metropolitan Planning Organization (MPO) for the Great Falls Urbanized Area Transportation Planning Process and all associated duties.

**17.12.1.040 Composition and appointment of members.**

- A. **Number and appointment.** The board shall consist of nine (9) members appointed by the City Commission, who:
  - 1. Are residents of the City of Great Falls;
  - 2. Are not City employees or elected officials; and
  - 3. Are qualified Montana electors.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- B. **Consideration in making appointments.** Any interested and eligible citizen may be appointed to the board. Applicants with knowledge, experience, or interest in the fields of, Planning, Development, and Zoning are preferred.
- C. **Terms.** Each member shall be appointed to a three-year term, beginning and ending January 1<sup>st</sup>.
- D. **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the City Commission for the unexpired term.
- E. **Conditions of removal.** A member may be removed pursuant to OCCGF Title 2.
- F. **Reappointments.** Each member may be reappointed when his or her term expires as set by Commission resolution.

**17.12.1.050 Officers.**

- A. **Elections.** At its first regular meeting in each calendar year, the board shall elect from its members a Chairperson and Vice-Chairperson to serve for a period of one (1) year. If there is more than one (1) nominee for any office, voting shall be conducted by secret ballot.
- B. **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the board, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least two (2) weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitations on consecutive terms.** No Officer shall serve in the same position for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson shall designate a member to fill the unexpired term of the office pursuant to a confirmation by a majority of the board.
- F. **Rights and duties of Chairperson.** The Chairperson shall have all the rights and privileges of a board member and shall:
  - 1. Preside at all meetings of the board;
  - 2. Be an ex-officio member of all committees except the nominating committee;
  - 3. Act as a liaison between the board, City staff, and the City Commission;
  - 4. Execute all legal documents on behalf of the board;
  - 5. Authorize all financial transactions upon approval of a majority of members present;
  - 6. Appoint the chair and members of all committees except the nominating committee; and
  - 7. Call special meetings as provided herein.
- G. **Duties of Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unable to serve.
- H. **Duties of Secretary.** The Director of the Planning and Community Development Department shall function as the board Secretary. The Secretary shall:

## TITLE 17 LAND DEVELOPMENT CODE

### Exhibit "B"

1. Maintain the minutes and records of the board and issue calls and notices pertaining to the board;
2. Prepare and distribute the agenda for all regular meetings at least four (4) days prior to the meeting;
3. Keep a roll of membership and attendance; and
4. Supervise the balloting at all elections.

#### **17.12.1.060 Board procedures.**

Unless otherwise specified in this Title, the board shall be governed by the rules contained in the most recent edition of "Robert's Rules of Order, Revised," in all parliamentary procedures, as applicable.

#### **17.12.1.070 Schedule of meetings.**

Unless otherwise specified in this Title, the board shall fix the time for holding regular meetings and shall meet at least once in the months of January, April, July, and October.

#### **17.12.1.080 Special meetings.**

Special meetings of the board may be called by the Chairperson or by two (2) members upon written request to the secretary of the board. The secretary shall provide written notice to all members, at least two (2) days in advance of a special meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting.

#### **17.12.1.090 Voting and quorum.**

- A. **Requirements for quorum.** A quorum shall consist of five (5) members.
- B. **Requirements for official action.** Each decision of the board shall be approved by a majority vote of the members present.
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  1. The member has a direct financial interest in the outcome of the matter at issue;
  2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise sound judgment for the public interest;
  3. The member owns property within the area entitled to receive written notice; or
  4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

#### **17.12.1.100 Compensation and expenses.**

Members shall not be compensated for serving on the board but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, etc.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.1.110 Contracts and agreements.**

The board may accept, receive, and expend funds, grants, and services from and may contract with respect thereto:

- A. The Federal government or its agencies and instrumentalities;
- B. State or local governments or their agencies and instrumentalities; or
- C. From civic sources.

**17.12.1.120 Staff.**

The City shall assign City staff to assist the board in conducting its duties. The board may delegate to assigned staff the authority to perform ministerial acts when final action of the board is not necessary.

**17.12.1.130 Fiscal administration and budget.**

The board shall be financed pursuant to the annual budget adopted by the City Commission.

**Article 2 ZONING COMMISSION**

**Sections:**

17.12.2.010 Establishment.

17.12.2.020 Jurisdiction.

17.12.2.030 Authority.

17.12.2.040 Composition and appointment of members.

17.12.2.050 Officers.

17.12.2.060 Commission procedures.

17.12.2.070 Schedule of meetings.

17.12.2.080 Notice for special meetings.

17.12.2.090 Voting and quorum.

17.12.2.100 Compensation and expenses.

**17.12.2.010 Establishment.**

A Zoning Commission is established to undertake the responsibilities pursuant to this Article.

**17.12.2.020 Jurisdiction.**

The jurisdictional area of the commission includes the area within the incorporated limits of the City, as may be altered pursuant to annexation.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.2.030 Authority.**

The commission shall have the authority to:

- A. Review, hear, and make recommendations to the City Commission on conditional use permits;
- B. Prepare and submit an application to amend this Title;
- C. Review, hear, and make recommendations to the City Commission on applications to amend this Title;
- D. Review, hear, and make recommendations to the City Commission on zoning and rezoning petitions; and
- E. Review and hear other applications pursuant to this Title.

**17.12.2.040 Composition and appointment of members.**

The members of the Great Falls Planning Advisory Board shall serve as the members of the Zoning Commission.

**17.12.2.050 Officers.**

All provisions provided by OCCGF § 17.12.1.050 shall apply to the Zoning Commission.

**17.12.2.060 Commission procedures.**

Unless otherwise specified in this Title, the commission shall be governed by the rules contained in "Robert's Rules of Order, Revised," in all parliamentary procedures, as applicable.

**17.12.2.070 Schedule of meetings.**

The provisions of OCCGF §§ 17.12.1.070 and 080 shall apply to the Zoning Commission.

**17.12.2.080 Notice for special meetings.**

The secretary shall send written notice to all members at least two (2) days in advance of a special meeting.

**17.12.2.090 Voting and quorum.**

The provisions of OCCGF § 17.12.1.090 shall apply to the Zoning Commission.

**17.12.2.100 Compensation and expenses.**

Members shall not be compensated for serving on the commission but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, etc.

Exhibit "B"

**Article 3 DESIGN REVIEW BOARD**

**Sections:**

17.12.3.010 Establishment.

17.12.3.020 Authority.

17.12.3.030 Composition and appointment of members.

17.12.3.040 Officers.

17.12.3.050 Board procedures.

17.12.3.060 Schedule of meetings.

17.12.3.070 Voting and quorum.

17.12.3.080 Compensation and expenses.

17.12.3.090 Legal representation.

**17.12.3.010 Establishment.**

A Design Review Board is established to undertake the responsibilities pursuant to this Article.

**17.12.3.020 Authority.**

To further promote the health, safety, and general welfare the board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in this Title. The board may approve, deny, modify, or set conditions for approval of development proposals, or provide advice and counsel.

**17.12.3.030 Composition and appointment of members.**

- A. **Number and appointment.** The board shall consist of five (5) voting members appointed by the City Commission.
- B. **Consideration in making appointments.** Members shall be residents of the City and qualified Montana electors. City Commission members and City staff may not be members of the board.
- C. **Preferred composition.** The preferred board composition includes:
  - 1. Two (2) architects; and
  - 2. Three (3) individuals chosen for their demonstrated interest or expertise in design or community aesthetics.
- D. **Terms.** Each member shall be appointed to a three-year term. The expiration of initial terms of board members will be staggered to assure continuity.
- E. **Vacancies.** When a position becomes vacant before the end of the term, the City Commission shall appoint a member to fill the vacancy. A member whose term expires may continue to serve until a successor is appointed and qualified.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- F. **Conditions of removal.** Members may be removed pursuant to OCCGF Title 2, Chapter 23.

**17.12.3.040 Officers.**

- A. **Election.** At its annual meeting, the board shall elect a Chairperson and Vice-Chairperson from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of the Chairperson.** The Chairperson shall have all the rights and privileges of a board member.
- G. **Duties of the Chairperson.** The Chairperson shall:
1. Preside at all meetings of the board;
  2. Plan the agenda for the board;
  3. Act as a liaison between the board, the Planning and Community Development Department, and the City Commission;
  4. Execute all legal documents on behalf of the board;
  5. Call special meetings as provided herein; and
  6. Act as the public representative of the board or designate an alternate.
- H. **Duties of the Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson in all cases in which the Chairperson is unable to serve or as otherwise directed by the chair.
- I. The Secretary shall:
1. Maintain the minutes and records of the board and issue calls and notices pertaining to the board;
  2. Distribute the agenda for all regular and annual meetings at least forty-eight (48) hours prior to the meeting;
  3. Keep a roll of membership and attendance; and
  4. Supervise the balloting at all elections.
- J. **Delegation of duties.** The board may delegate the duties of the Secretary to the Planning and Community Development Department by a majority vote.

**17.12.3.050 Board procedures.**

The board may adopt rules of procedure to carry out its purposes. All rules must conform to the OCCGF and State law and shall be filed in the office of the City Clerk.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.3.060 Schedule of meetings.**

- A. **Annual meeting.** The board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular meeting.** The board shall schedule meetings to review applications for which it has authority to review.
- C. **Special meeting.** Special meetings may be called by the Chairperson, by two (2) members of the board, or the City Commission upon written request to the Secretary.

**17.12.3.070 Voting and quorum.**

- A. **Requirements for a quorum.** A quorum shall consist of three (3) voting members.
- B. **Requirements for voting.** Each decision of the board shall be approved by a majority vote of the members present at a regular, annual, or special meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention from voting.** A member shall abstain from voting on a particular issue, if any of the following circumstances apply:
  - 1. The member has a direct financial interest in the outcome of the matter at issue;
  - 2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise sound judgment for the public interest;
  - 3. The member owns property within the area entitled to receive written notice; or
  - 4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

**17.12.3.080 Compensation and expenses.**

- A. **Compensation.** Members shall not be compensated for their services on the board.
- B. **Expenses.** Members may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the City Commission.

**17.12.3.090 Legal representation.**

The City Commission may appoint legal counsel to represent the board when it deems necessary.

**Article 4 HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

17.12.4.010 Establishment.

17.12.4.020 Authority.

17.12.4.030 Composition and appointment of members.

17.12.4.040 Officers.



TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.4.050 Commission procedures.

17.12.4.060 Schedule of meetings.

17.12.4.070 Voting and quorum.

17.12.4.080 Compensation and expenses.

17.12.4.090 Legal representation.

17.12.4.100 Staff.

**17.12.4.010 Establishment.**

- A. **Commission.** In order to carry out the purpose of this Chapter, the Great Falls/Cascade County Historic Preservation Advisory Commission is hereby established.
- B. **Historic preservation program.** A local historic preservation program is hereby created to promote the preservation of historic sites, pre-historic sites, structures, buildings, and districts through the identification, evaluation, and protection of historic resources within the County and City. This program is intended to promote the public interest and welfare by:
  - 1. Enhancing the visual character of the City and County by encouraging preservation ideals;
  - 2. Promoting tourism within the City and County by encouraging the preservation of historically significant buildings and structures;
  - 3. Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
  - 4. Integrating historic preservation into the local, State, and Federal planning and decision-making processes; and
  - 5. Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history.

**17.12.4.020 Authority.**

The commission shall serve in an advisory capacity to the Board of County Commissioners, City Commission, Great Falls Planning Advisory Board, and the Business Improvement District and have the authority to:

- A. Maintain a system for the survey and inventory of historic properties, maintain the inventory of identified districts, sites and/or structures within the County and the City, and make this information available to the public;
- B. Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;
- C. Participate in the process of nominating to the National Register of Historic Places, according to procedures established for certified local governments, by reviewing and commenting on any National Register nominations of property within the County and City;
- D. Consult with City, County, State, and Federal agencies on:

## TITLE 17 LAND DEVELOPMENT CODE

### Exhibit "B"

1. All applications;
  2. Environmental assessments;
  3. Environmental impact statements; and
  4. Other similar documents pertaining to historic districts, landmark sites, landmarks or properties;
- E. Review the OCCGF for applicability to issues of historic preservation and make appropriate recommendations to the Planning Advisory Board and Zoning Commission concerning any changes or modifications to OCCGF regulations and zoning district boundaries;
- F. Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures, and create design guidelines which will be made available to the public for assistance in preservation projects;
- G. Provide information to property, building, and structure owners of potential tax incentives and Federal and/or State grants that might be obtained through the preservation of historic facilities;
- H. Participate in, promote, and conduct:
1. Public informational;
  2. Educational; and
  3. Interpretive programs pertaining to historic preservation; and
- I. Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification.
- J. Carry out the listed powers and duties of the commission, and shall at all times ensure that any surveys, analyses, evaluations, reviews, or reports relating to any property or project within the City are completed within the current time frames for development. Should the commission fail to complete any of the above actions in time to be included for final action of the City Commission or Board of County Commissioners, such failure shall not in any way impede the decision of the City Commission or Board of County Commissioners.

#### **17.12.4.030 Composition and appointment of members.**

- A. **Number and appointment.** The commission shall consist of nine (9) members appointed as follows:
1. Four (4) members as appointed by the Board of County Commissioners;
  2. Four (4) members as appointed by the City Commission; and
  3. One (1) member who has professional architectural expertise as appointed by the commission by a majority vote.
- B. **Considerations in making appointments.** Members shall have expertise/qualifications in one (1) or more of the following areas:
1. History;
  2. Planning;
  3. Architecture and/or architectural history;
  4. Archaeology; or

## TITLE 17 LAND DEVELOPMENT CODE

### Exhibit "B"

5. Other historic preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.
- C. **Terms.** Each member shall be appointed to a three-year term.
- D. **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the appropriate governing body. A member whose term expires may continue to serve until a successor is appointed and qualified.
- E. **Conditions for removal.** A member shall be removed from the commission and the member's office declared vacant under the following conditions:
  1. a City Commission appointee is removed pursuant to OCCGF Title 2, Chapter 23;
  2. The member moves outside of the jurisdiction the member represents; or
  3. The County Commissioners determine there is cause for the removal of a County appointed member.

#### 17.12.4.040 Officers.

- A. **Elections.** At its annual meeting, the commission shall elect a Chairperson, Vice-Chairperson, and a Secretary from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the commission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least forty-eight (48) hours before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No Officer shall hold the same elective office for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of Chairperson.** The Chairperson shall have all the rights and privileges of a commission member.
- G. **Duties of Chairperson.** The Chairperson shall:
  1. Preside at all meetings of the commission;
  2. Plan the agenda for the commission;
  3. Act as a liaison between the commission, the Planning and Community Development Department, and the City and County Commissions;
  4. Execute all legal documents on behalf of the commission;
  5. Call special meetings as provided herein; and
  6. Act as the public representative of the commission or designate an alternate.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- H. **Duties of Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unable to serve or as otherwise directed by the Chairperson.
- I. **Duties of Secretary.** The Secretary shall:
  - 1. Maintain the minutes and records of the commission and issue calls and notices pertaining to the commission;
  - 2. Distribute the agenda for all meetings at least forty-eight (48) hours prior to the meeting;
  - 3. Keep a roll of membership and attendance, and
  - 4. Supervise the balloting at all elections.
- J. **Delegation of duties.** The commission may delegate the duties of the secretary to the Planning and Community Development Department by a majority vote.

**17.12.4.050 Commission procedures.**

The commission may adopt rules of procedure to carry out its purposes. All rules must conform to the OCCGF, State law, and shall be filed in the office of the City Clerk and County Clerk and Recorder.

**17.12.4.060 Schedule of meetings.**

- A. **Annual meeting.** The commission shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Special meetings.** Special meetings may be called by the Chairperson or by two (2) members of the commission, the City Commission, or the Board of County Commissioners upon written request to the Secretary.

**17.12.4.070 Voting and quorum.**

- A. **Requirements for quorum.** A quorum shall consist of four (4) voting members.
- B. **Requirements for voting.** Each decision of the commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue, if any of the following circumstances apply:
  - 1. The member has a direct financial interest in the outcome of the matter at issue;
  - 2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise of sound judgment for the public interest;
  - 3. The member owns property within the area entitled to receive written notice; or
  - 4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.4.080 Compensation and expenses.**

- A. **Compensation.** Members shall not be compensated for their services on the commission.
- B. **Expenses.** Members may be paid for travel and other expenses incurred on commission business under procedures prescribed in advance by the appropriate appointing body.

**17.12.4.090 Legal representation.**

The City Commission or Board of County Commissioners may appoint legal counsel to represent the commission when, in the judgment of either body, legal representation is necessary.

**17.12.4.100 Staff.**

- A. **Historic preservation officer.** The City shall provide a historic preservation officer to act as staff to the commission. The commission may be involved in the selection process for new hires.
- B. **Duties.** Duties of the preservation officer include:
  - 1. Coordinating the local historic preservation programs;
  - 2. Assisting in the development of local surveys, projects, and historic preservation planning documents;
  - 3. Advising and providing assistance to the commission, government agencies and the public; and
  - 4. Ensuring to a reasonable extent the duties and responsibilities delegated by this article are carried out.

**Article 5 BOARD OF ADJUSTMENT**

**Sections:**

17.12.5.010 Establishment.

17.12.5.020 Authority.

17.12.5.030 Composition and appointment of members.

17.12.5.040 Officers.

17.12.5.050 Board procedures.

17.12.5.060 Schedule of meetings.

17.12.5.070 Voting and quorum.

17.12.5.080 Compensation and expenses.

17.12.5.090 Legal representation.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.5.010 Establishment.**

Pursuant to Mont. Code Ann. § 76-2-321, a Board of Adjustment is established to undertake the responsibilities herein defined.

**17.12.5.020 Authority.**

- A. **Generally.** The Board of Adjustment shall have the following authority and responsibility:
  - 1. **Appeals.** To hear and decide appeals where it is alleged that an administrative official responsible for administering this Title or the housing or building regulations:
    - i. Failed to act as required;
    - ii. Made an error in issuing a permit or in denying an application;
    - iii. Made an error in enforcement; or
    - iv. Made an error in an any other determination; and
  - 2. **Variances.** To hear and decide variances pursuant to this Title.
- B. **Powers.** In exercising these powers, the board may:
  - 1. Compel an administrative official to act as required; and
  - 2. Reverse, affirm or modify, in whole or in part, any order, requirement, decision, or determination appealed from.
- C. **Witnesses.** The Chairperson or acting Chairperson may administer oaths and compel the attendance of witnesses.

**17.12.5.030 Composition and appointment of members.**

- A. **Number and appointment.** The board shall consist of five (5) members as appointed by the City Commission.
- B. **Considerations in making appointments.** Board members shall be residents of the City and qualified State electors.
- C. **Terms and vacancies.** Each member shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified.
- D. **Condition of vacancy filling.** Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- E. **Removal.** The City Commission may remove a member pursuant to OCCGF Title 2, Chapter 23.

**17.12.5.040 Officers.**

- A. **Elections.** At its annual meeting, the board shall elect a Chairperson, Vice-Chairperson, and a Secretary from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Term of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of Chairperson.** The Chairperson shall have all the rights and privileges of a board member.
- G. **Duties of Chairperson.** The Chairperson shall:
  - 1. Preside at all meetings of the board;
  - 2. Plan the agenda for the board;
  - 3. Act as a liaison between the board, the Planning and Community Development Department, and the City Commission;
  - 4. Execute all legal documents on behalf of the board;
  - 5. Call special meetings as provided herein; and
  - 6. Act as the public representative of the board or designate an alternate.
- H. **Duties of the Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson in all cases in which the chair is unable to serve or as otherwise directed by the Chairperson.
- I. **Duties of the Secretary.** The Secretary shall:
  - 1. Maintain the minutes and records of the board and issue calls and notices pertaining to the board;
  - 2. Distribute the agenda for all meetings at least forty-eight (48) hours prior to the meeting;
  - 3. Keep a roll of membership and attendance; and
  - 4. Supervise the balloting at all elections.
- J. **Delegation of duties.** The board may delegate the duties of the secretary to the Planning and Community Development Department by a majority vote.

**17.12.5.050 Board procedures.**

The board may adopt rules of procedure to carry out its purposes. All rules must conform to the OCCGF and State law and shall be filed in the office of the City Clerk.

**17.12.5.060 Schedule of meetings.**

- A. **Annual meeting.** The board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular meeting.** The board shall schedule meetings to review applications for which it has authority to review.
- C. **Special meeting.** Special meetings may be called by the Chairperson or by two (2) members of the board or the City Commission upon written request to the Secretary.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.5.070 Voting and quorum.**

- A. **Requirements for quorum.** A quorum shall consist of four (4) voting members.
- B. **Requirements for voting.** The concurring vote of four (4) members shall be necessary to grant a variance or overturn, in whole or part, an administrative decision or interpretation.
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting, if any of the following circumstances apply:
  - 1. The member has a direct financial interest in the outcome of the matter at issue;
  - 2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise sound judgment for the public interest;
  - 3. The member owns property within the area entitled to receive written notice; or
  - 4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

**17.12.5.080 Compensation and expenses.**

- A. **Compensation.** Members shall not be compensated for their services on the board.
- B. **Expenses.** Members may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the City Commission.

**17.12.5.090 Legal representation.**

The City Commission may appoint legal counsel to represent the board when it deems necessary.

(Ord. 3205, 2019; Ord. 3056, 2010; Ord. 2950, 2007; Ord. 2923, 2005)