



**City Commission Meeting Agenda  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
November 01, 2022  
7:00 PM**

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

Public participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to City Clerk, PO Box 5021, Great Falls, MT 59403, or via email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

Extra Mile Day

**MILITARY UPDATES**

1. Miscellaneous Reports and announcements from Malmstrom Air Force Base.

**PETITIONS AND COMMUNICATIONS**

2. Miscellaneous reports and announcements.

*(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and either your address or whether you are a city resident for the record.)*

**NEIGHBORHOOD COUNCILS**

3. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

4. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

5. Miscellaneous reports and announcements from City Manager.

## CONSENT AGENDA

*The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

6. Minutes, October 18, 2022, City Commission Meeting.
7. Total Expenditures of \$2,334,601 for the period of October 4, 2022 through October 19, 2022, to include claims over \$25,000, in the amount of \$1,734,083.
8. Contracts List.
9. Set a public hearing for December 6, 2022 on Resolution 10481, A request for a Conditional Use Permit for a “Two-family residence” land use upon the property addressed as 306 21st Avenue South.

**Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member. After motion is made, Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.**

## PUBLIC HEARINGS

10. CDBG & HOME 2023-2024 Annual Action Plan. *Action: Conduct a public hearing for the purpose of receiving community input on the needs within the community. No other action required.*
11. Ordinance 3251, Amending Title 17 of the Official Code of the City of Great Falls Pertaining to Casinos and their Special Standards for Location and Development. *Action: Conduct a public hearing and adopt or deny Ord. 3251. (Presented by Craig Raymond)*

## OLD BUSINESS

12. Central Ave/3rd St Drainage Improvements Phase 1 project. *Action: Award or not award a contract in the amount of \$1,483,052 to Ed Boland Construction; authorize or not authorize the City Manager to execute the necessary documents and to make the payments. (Presented by Jesse Patton)*

## NEW BUSINESS

## ORDINANCES / RESOLUTIONS

## CITY COMMISSION

13. Miscellaneous reports and announcements from the City Commission.
14. Commission Initiatives.

## ADJOURNMENT

*(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)*

*Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.*

*Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.*

**JOURNAL OF COMMISSION PROCEEDINGS**  
**October 18, 2022**

Regular City Commission Meeting

Mayor Pro Tempore Wolff presiding  
 Commission Chambers Room 206

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Susan Wolff, Eric Hinebauch, Joe McKenney and Rick Tryon. Mayor Bob Kelly was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson, Grant Administrator Tom Hazen, Planning and Community Development Director Craig Raymond, Finance Director Melissa Kinzler, Interim City Attorney David Dennis, Police Chief Jeff Newton, and City Clerk Lisa Kunz.

**AGENDA APPROVAL:** City Manager Greg Doyon pulled Agenda Item 14 from the agenda. There were no proposed changes to the agenda by the City Commission. The agenda was approved as amended.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

**PROCLAMATIONS:** National Red Ribbon Week [October 23-29, 2022]. Wade Stout, Tobacco Education Specialist with the City County Health Department, discussed the addictive and negative effects of the vaping epidemic. Calling the 800-Quit-Now line is an important step for addicts to become successful in quitting nicotine.

**COMMUNITY INITIATIVES**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS – CRIME/SAFETY UPDATE FROM HIDTA TASK FORCE.**

Adam Hunt, Great Falls Police Department Detective and Drug Enforcement Administration Drug Task Officer, provided the following updates pertaining to narcotic trends the last couple of years and how things have changed, as it affects everyone in the community:

- The opioid epidemic first hit this community the most with heroin.
- In the last 12 months, there has been a significant increase in the seizures of fentanyl and a decrease in the seizures of heroin. A few thousand fentanyl pills were seized in 2021 compared to 16,000-17,000 pills in 2022. They are seizing a lot of value from the drug trafficking organizations in which they are investigating. Pills go for \$30-\$50 each in Great Falls, and some people use one to 30-40 pills per day. Almost all of the seizures contain fentanyl.
- Methamphetamine (meth) is king in Cascade County and the State of Montana. It is the main drug that enforcement officers see the effects of every day. Fourteen pounds of meth was seized in September alone, as well as pounds and pounds of illegally trafficked marijuana and 4,000 fentanyl pills.

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- Sixty overdoses were reported in 2021, seven of which were fatal, and 33 times patrol officers utilized Narcan to bring someone back. So far in 2022, there have been 110 reported overdoses, 17 of which were fatal, and 34 Narcan uses. Overdose statistics are not accurate, as most are not being reported when a friend brings someone back with the use of Narcan.
- In Cascade County in 2022 fatal overdoses included 15 from fentanyl, 3 from heroin, and 7 from meth.
- There were 773 reported overdoses in the State of Montana in 2021 compared to 867 in 2022.
- Marijuana has more recently been legalized for personal, recreational use in the State of Montana. However, recreational use of marijuana was legalized in Denver, Colorado in 2012. Storefronts for the commercial sale of marijuana began in 2014. The Denver Drug Enforcement Agency has reported that the number of burglaries and robberies of the recreational marijuana storefronts has skyrocketed because it is an all cash business due to marijuana being an illegal Schedule 1 drug according to the US Government.

Commissioner Tryon received clarification that there have been 17 fatal fentanyl overdoses so far this year in Great Falls.

2.

**PETITIONS AND COMMUNICATIONS**

**Jeni Dodd**, City resident, inquired about the phone number for call in comments. She commented that there appears to be a conflict of interest when Commissioner Hinebauch voted on the allocation of CARES funds to Great Falls Development Authority when he was also a member of that board.

City Manager Greg Doyon responded that the phone-in option was discontinued when the Commission went back to having in-person meetings due to the lack of adequate technology.

**Doug Darko**, 5501 5<sup>th</sup> Avenue South, submitted a proposal to deal with traffic on 57<sup>th</sup> Street South between 2<sup>nd</sup> Avenue North and 10<sup>th</sup> Avenue South. He has already been in touch with several organizations requesting letters from officials be sent to the State Highway Department to look at a traffic study, the need for a light, and better traffic control along 57<sup>th</sup> Street. Due to a lack of lighting and the street turning into a drag strip, he expressed safety concerns for people walking or jogging in that area.

Manager Doyon noted that he drafted a letter pointing out that area has developmentally changed in the last 10 years. This State route needs to be looked at, as development will continue in that area, in addition to the upgrades that will be occurring at Malmstrom Air Force Base.

It was the consensus of the Commission that Manager Doyon draft a similar letter from the Commissioners to send to the State.

**NEIGHBORHOOD COUNCILS**

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**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS AND COMMISSIONS**

**4. REAPPOINTMENT TO THE GREAT FALLS TRANSIT DISTRICT BOARD.**

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission reappoint Donna Zook to the Great Falls Transit District Board for a four-year term through November 30, 2026.**

Mayor Pro Tempore Wolff asked if there were any comments from the public or discussion amongst the Commissioners.

Hearing none, Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**CITY MANAGER**

**6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported the following:

- The annual conference of the Montana League of Cities and Towns was held in Kalispell. There was a lot of conversation about pre-legislative activities. An item of interest is the Housing Task Force draft recommendations. Staff has concerns about the recommendations that undermine the ability of local government to perform its planning and zoning. He encouraged everyone to review the recommendations and contact their local legislators if they share those same concerns.
- The sixth session of the Emerging Leaders program was held last week.
- He spoke to the Leadership High School participants and played a clip from 911 illustrating how those tragic events unfolded.
- Appreciation was expressed to Colton Walter for dinner at Fire Station 4. It was a good opportunity to catch up in an informal setting on what is happening in the City and how the Fire Department is doing.
- Chad Wolfe joined the City on October 10 as the Utilities System Manager, and brings with him 20+ years of experience.
- The new Public Works Director will start employment with the City at the end of the month.
- A permanent story walk was established in the north loop at Gibson Park.

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In the interests of public transparency, Commissioner Tryon requested responses to the comment about Commissioner Hinebauch's potential conflict of interest, and concerns expressed about the ARPA process not being done in a public forum.

Manager Doyon responded that it was his understanding that Commissioner Hinebauch resigned from the GFDA board prior to that vote. Commissioner Hinebauch commented that was correct.

With regard to the ARPA process, Manager Doyon commented that, ultimately, it is the City Commission that has the decision-making authority on how ARPA funds are used. All of that information, staff recommendation and discussion will be done in a public process before the Commission makes the final decision.

Interim City Attorney David Dennis added that the underlying sentiment behind the rules is to provide a reasonable ability for the public to participate in the decision making process of public bodies. There is not a Supreme Court case that decided a body composed of City staff members making a recommendation to a City Commission is subject to the open meeting laws. The reason it hasn't become an issue is clear - staff develops recommendations based on information, and provides that information and a recommendation to the Commission. The Commission then makes a decision, based upon that information and possibly the recommendation, that is all discussed in front of the public and with the public able to participate in that process.

When the decision was made to allow a certain portion of the ARPA dollars to be used for community partners, there had to be a process developed for allocation, that included an application, review of applications, and decisions on applications. That fell to Tom Hazen because he is the staff member that is in charge of reviewing grant proposals and contracts. He developed a process that included a scoring process that was presented to the Commission in a public meeting. That scoring process was then included in the application process. He enlisted a group of staff members to apply that scoring process that ultimately came up with a global score for the applicants. All of that information will be available to the public prior to a decision being made by the Commission. Staff members making the recommendation and assembling the information for the Commission is not a group that is subject to the open meeting laws.

Manager Doyon concluded that everyone knew there was going to be an application process. The Commission ratified a score sheet. All the information will be presented at the November meeting set up to start the review process.

Commissioner Tryon discussed the difference between staff reviewing applications and making a recommendation and the advisory board appointed by the Commission to review CDBG applications and make recommendations.

**CONSENT AGENDA.**

7. Minutes, October 4, 2022, City Commission Meeting.
8. Total Expenditures of \$2,660,931 for the period of September 13, 2022 through October 5, 2022, to include claims over \$25,000, in the amount of \$1,928,054.
9. Contracts List.

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10. Approve the purchase of one new 2022 John Deere 135G Excavator from RDO Equipment Company of Great Falls through Sourcewell, formerly known as NJPA, for a total of \$206,230, including trade-in.
11. Approve the bid award for gasoline and diesel fuel to Mountain View Co-op for five years and authorize the City Manager to execute the contract documents.
12. Ratify the purchase of 10 complete Self Contained Breathing Apparatus units and 51 spare SCBA bottles from Big Sky Fire Equipment in the amount of \$133,650 using Assistance to Firefighters Grant funds, budgeted ARPA funds and fire department funding.
13. Approve a Community Development Block Grant (CDBG) Funding Agreement in the amount of \$98,500 for the installation of tables, a pavilion, play structure, and accessibility improvements to Kranz Park.
14. Approve a Professional Services Agreement in the amount \$450,327.57 to Great West Engineering Inc., for the City of Great Falls Stormwater Master Plan Update project, and authorize the City Manager to execute the agreement documents. **OF 1361.6**
15. Extend a natural gas supply contract with Energy West Resources through October 31, 2023.
16. Set a public needs hearing on the CDBG & HOME 2023-2024 Annual Action Plan for November 1, 2022.

**Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission approve the Consent Agenda as presented.**

Mayor Pro Tempore Wolff asked if there were any comments from the public.

**Jeni Dodd**, City resident, referred to Item 16 and noted that the Annual Action Plan was not attached to the agenda. She inquired how the public would decide if it is something they agree with or want to comment on if they do not have a chance to review it before the public hearing on November 1<sup>st</sup>.

With regard to the ARPA discussion, Ms. Dodd noted that she found case law that disagrees with Interim City Attorney Dennis.

Mayor Pro Tempore Wolff asked if there was any discussion amongst the Commissioners.

Hearing none, Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

With regard to Item 16, Planning and Community Development Director Craig Raymond noted that a Needs Hearing is conducted to hear from the public and then the Annual Action Plan is drafted.



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**PUBLIC HEARINGS**

**17. REQUEST FROM THE BUSINESS IMPROVEMENT DISTRICT TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF LIGHTING ON THE EXTERIOR OF TEN (10) BUILDINGS AT THE LOCATION OF 24 ARTSFEST MURALS.**

Mayor Pro Tempore Wolff declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that the Business Improvement District is proposing to design and install lighting on the exterior of ten different downtown buildings for the purpose of implementing additional safety and security measures around 24 ArtsFest murals. These areas have been identified as having seen an increase in pedestrian traffic, but also extended viewing hours, and therefore are in need of further lighting to create a higher level of visibility. Lighting done well is one of the cornerstone elements of the CPTED (Crime Prevention Through Environmental Design) strategy to reduce crime through natural surveillance, which relates to the ability to see into and out of an area. In addition to security, this provides increased visibility to the Artwork that has been lovingly produced on the side of downtown buildings, and helps to further enhance the downtown character and vitality.

Although the specific request falls outside of the formal guidelines of the new downtown Environmental Design TIF program, this is a unique project in that it involves 10 separate properties in the same project. Part of the new programs do allow for the Commission to separately consider a request because it is truly unique and/or transformational. The total funding request is permissible upon Commission approval.

For informational purposes, when a project falls outside of the program limits, it is required that the request follow the typical TIF request process as opposed to being eligible for administrative approval. As such, the Downtown Development Partnership voted to recommend approval of the proposal at its meeting on July 27<sup>th</sup>.

Mayor Pro Tempore Wolff asked if the Commission members had any questions of staff or the applicant. Hearing none, Mayor Pro Tempore Wolff asked if there were any comments from the public in support of or opposition to the BID's application for expenditure of Downtown Urban Renewal District Tax Increment Financing funds in the amount of \$150,000 for the alley lighting project.

**Alison Fried**, Dragonfly Dry Goods, 504 Central Avenue, commented that she has served on the BID board on and off for 20 years and has owned Dragonfly for 25 years. At the conclusion of this fourth year of the art festival, there were a total of 36 murals from world renowned artists.



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There is a lot of discussion, meetings and planning that goes into that eight-day festival. Seven years ago at a Downtown Safety meeting, they read tons of research and learned how art, traffic patterns and lighting can change the dynamic of a downtown. It is about safety. The mural festivals would not exist if they had not sat in many meetings over the past years and talked about downtown safety. Four years ago, NeighborWorks America awarded a grant to try this idea and it started with a butterfly on the side of her building. They have found about 50 more locations for murals. The artists have many followers. She hears from out of state people every day at her store that they came to walk around and see all of the artists' murals. Now when she opens her back door there are people taking wedding, senior or baby pictures in the alley as opposed to intoxicated people hanging out. The lighting is the next component to extend the hours of traffic and to make it more walkable and visible.

**Christian Leinhauser**, Downtown Business Development Officer for the Great Falls Development Authority, commented that more and more downtowns are activating their alleys with art and alley lighting. In his travels this year, he has been to over a dozen communities that are lighting alleys, activating them with art and new uses. He has seen pop up coffee shops, food trucks and live music. The common denominator was art. Murals have the opportunity to tell a community's story, create a unique experience, engage citizens, increase foot traffic and tourism, increase appreciation for the arts and artists, and increase overall attractiveness of a space. By bringing more people downtown and more foot traffic, safer alleys are needed. Lighting in any downtown district is important to the public safety perception. The more people feel safe the longer they will stay downtown. The longer they stay downtown the more money they spend, and that drives economic development. Downtown is the heart of the city and, without a doubt, is being brought back to life.

**Carol Bronson**, NeighborWorks Great Falls, commented that NeighborWorks is one of the property owners of this project. She has been involved in downtown safety efforts since 2009. Downtown business and property owners have been concerned and working hard on multiple issues to address downtown safety. The alley between NeighborWorks and Dragonfly used to have people passed out drunk every day. Putting murals in the alleys was stunningly effective. Now she sees volleyball teams taking pictures and moms with strollers. It made a significant difference all around the building to change the perspective and bring new people to the downtown. Murals are proven to increase foot traffic and that improves safety by bringing more people downtown. Lighting is critically important to safety.

There being no one further to address the Commission, Mayor Pro Tempore Wolff closed the public hearing and asked the will of the Commission.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the Business Improvement District's Application for expenditure of Downtown Urban Renewal District Tax Increment Financing funds in the amount of \$150,000 for the design and installation of the alley lighting project.**

Mayor Pro Tempore Wolff asked if there was any discussion amongst the Commissioners.

Commissioner Tryon inquired if the lights would be on constantly throughout the evening hours.

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Director Raymond responded that the City is not specifying the hours when the lights are on or off.

**Alison Fried** commented that she is one of the property owners of this project and will be responsible for paying the electrical bill. Depending on the location, the lighting will be different. She is not sure yet about the timing.

Commissioner Tryon commented that the safety aspect of the project is very important. This is a big step towards reducing crime, and it is gratifying that people get to see the beautiful art as well at night.

Commissioner McKenney commented that downtown Great Falls is not being revitalized by accident. Although government is helping with TIF financing, it is the entrepreneurs doing the heavy lifting and taking the risks.

Mayor Pro Tempore Wolff complimented the BID on the level of the artists they brought to Great Falls and the reception.

Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

**OLD BUSINESS**

**NEW BUSINESS**

**18. FIRE DEPARTMENT OVERHEAD DOOR REPLACEMENT (OF 1797.0).**

Grant Administrator Tom Hazen reported the large overhead doors of the four Great Falls Fire Stations are rapidly approaching a state of obsolescence. The current installations range in age from 40 – 50 years old. Over the years multiple controllers, rollers, panels, and additional components have been replaced, and the doors have become more and more unreliable.

One in four doors has been rendered inoperable due to malfunction within the last 12 months. During these down times, Great Falls Fire Rescue (GFFR) has been forced to jockey trucks in and out of the buildings to remain ready to rapidly respond to calls. This results in delays for those waiting for assistance and safety issues for the firemen themselves.

In addition to the operational impact, the doors are becoming more and more of an economic burden. Parts are no longer readily available and must be special ordered, and all repairs are assumed to assure only temporary reliability, at best.

With these factors in mind, the GFFR submitted this project for consideration as a potential use of ARPA funds. This project is an eligible expense under the lost revenue/government services eligibility category of ARPA. This Commission selected this proposal as one of several Tier 1 projects. That being the case, a bid package was prepared and advertised two times. One bid was submitted.

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The proposed 20 installations are a no frills common sense commercial doors. However, these doors far surpass the current fixtures in regards to safety, insulation, and weight. Additionally, these installations will result in an immediate substantial overhead cost reduction, as regular repairs will no longer be required. Finally, and most importantly, this will also result in a universal increase in reliability.

Staff recommends the approval of the construction contract award and authorize the allocation of \$421,868.00 of American Rescue Plan Act funds for the project.

**Commissioner Tryon moved, seconded by Commissioners Hinebauch and McKenney, that the City Commission award a contract in the amount of \$421,868 to Door Systems of Montana – Great Falls, for the Fire Department Overhead Door Replacement project, authorize the allocation of American Rescue Plan Act funds, and authorize the City Manager to execute the construction contract documents.**

Mayor Pro Tempore Wolff asked if there were any comments from the public. Hearing none, Mayor Pro Tempore Wolff asked if there was any discussion amongst the Commissioners.

Manager Doyon commented that the stations were built at the same time in the 1960's. The doors are just one aspect of a greater need in all of those facilities. Several years ago, the Commission allowed staff to budget for a sewer line replacement that ended up having to close a station for several months because it was so bad with voids underneath the slabs of concrete. What was budgeted for four stations was exceeded in just one station. He is glad this money is being put to good use, but reminded the Commission there are still electrical, roof, and HVAC issues in the remaining stations.

Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

**19. ADDITION OF THREE MOBILE HOME PAD SITES TO MONTANA ADVENTURE MOBILE PARK LOCATED AT 3829 LOWER RIVER ROAD.**

Planning and Community Development Director Craig Raymond reported that the following interesting project requires a somewhat unique process for review and approval.

Originally, Rada's Mobile Home Park was developed in 1968 and it was licensed for 10 pad sites. However, when the park was annexed into the City in 2007, the park had downsized in order to reduce taxes and was only licensed for six pad sites. During the annexation of this particular phase of the Upper/Lower River Road it was determined that the property would be required to connect to city water and sewer. The park did connect to water, but never did connect to sewer, and instead continued to be served by the existing on-site septic system. New owners renamed the park Montana Adventure Mobile Home Park and would like to add three sites to increase the total to nine and connect all sites to the city waste water system.

The Official Code of the City of Great Falls, Sections 17.16.28.010-.050, require that site plans be reviewed by the City Commission for the establishment of new campgrounds or mobile home

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parks, as well as for additions to such parks. It further states that the application and review process to be followed is the process used for review of a minor subdivision. This is why no public hearing is required. Additionally, no plat or findings of fact are required. Instead, only a final site plan is required to be approved by the legislative body and then recorded. A final site plan has been included as an attachment to the agenda report.

Given the specific requirements for review/approval, this project was not submitted to the Neighborhood Council for review or recommendation.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the final site plan as legally described in the Staff Report.**

Mayor Pro Tempore Wolff asked if there were any comments from the public. Hearing none, Mayor Pro Tempore Wolff asked if there was any discussion amongst the Commissioners.

Commissioner Tryon inquired why the project was not brought before the neighborhood council.

Director Raymond responded that it was not required per the statutory framework for review and approval. It is also keeping with streamlining the development review process.

There being no further discussion, Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

**ORDINANCES/RESOLUTIONS**

**CITY COMMISSION**

**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Tryon commented that the situation at First United Methodist Church (FUMC) continues to be raised and brought to his attention from folks in this community and wondering why the City is not doing more as the situation continues and seems to be going back to where it was a year ago. To clarify, the City has done everything it can legally do about the situation at FUMC by requiring FUMC to adhere to zoning codes in that area. The City cannot force FUMC to be good neighbors.

The latest report was that the Police Department has received 246 calls again for that area. It is a drain on law enforcement resources. It is up to the folks at FUMC to decide what they want to do about it.

Manager Doyon added that the City is mindful of it and understands the frustration. When out patrolling if officers visually see something that they can enforce, they do. There are some elements to this that are really difficult to enforce. The interim city attorney is looking at case law. If there is a tool to help the Commission help staff with the enforcement piece of it, he will bring that back to the Commission. He knows what FUMC is trying to achieve, but he is not sure they know the impact that is occurring around their property.

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Mayor Pro Tempore Wolff commented that she is concerned about the downtown businesses. The entrepreneurs have done so much to revitalize downtown and do not want to lose any of that. It is her hope that either the church or another organization moves forward with a plan that the City can support.

Mayor Pro Tempore Wolff announced that the Great Falls Area Chamber of Commerce Central Montana Works held its first Worlds of Work today. Over 2000 students from Cascade, Chouteau and Teton Counties participated in the event.

**21. COMMISSION INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Pro Tempore Wolff, to adjourn the regular meeting of October 18, 2022, at 8:25 pm.**

Motion carried 4-0.

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Mayor Pro Tempore Wolff

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City Clerk Lisa Kunz

**Minutes Approved: November 1, 2022**



Commission Meeting Date: November 1, 2022  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**ITEM:** \$25,000 Report  
 Invoices and Claims in Excess of \$25,000

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
<http://greatfallsmt.net/finance/checkregister>

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$25,000:**

ACCOUNTS PAYABLE CHECK RUNS FROM NEW WORLD	OCT 6, 2022-OCT 19, 2022	629,405.90
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS	OCT 6, 2022-OCT 19, 2022	1,689,397.19
MUNICIPAL COURT ACCOUNT CHECK RUN FOR ASIFLEX	OCT 6, 2022-OCT 19, 2022	15,262.79
	OCT 4,2022	534.99
<b>TOTAL: \$</b>		<u><u>2,334,600.87</u></u>

**GENERAL FUND**

**POLICE SUPPORT SERVICES**

ARMSCOR CARTRIDGE INC.	AMMO FOR GFPD	25,265.00
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**SPECIAL REVENUE FUND**

**STREET DISTRICT**

GREAT FALLS SAND & GRAVEL INC	TYPE B & C ASPHALTIC CONCRETE	69,013.45
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**CAPITAL PROJECTS**

**CD ADMINISTRATION**

TALISMAN CONSTRUCTION SERVICES, INC	CIVIC CENTER FAÇADE	186,903.66
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**ENTERPRISE FUNDS**

**WATER**

TRACTOR & EQUIPMENT CO	DYNAPACK D ONE TRENCH ROLLER	34,681.00
GERANIOS ENTERPRISES INC	OF 1432.4 SW SIDE WMR PHASE III/PMT 2	85,530.48
FERGUSON ENTERPRISES INC, #109	MXU RADIO READS	120,825.00

**PARKING**

STANDARD PARKING CORPORATION	PARKING CONTRACT	30,178.72
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**INTERNAL SERVICES FUND**

**HEALTH & BENEFITS**

HOME HEALTH OF MT PRIVATES SERVICES LLC	IT STARTS WITH ME BIOMETRICS SEPT 22	25,640.00
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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	GASOLINE/DIESEL FUEL	33,025.91
PATS COLLISION CENTER LLC	HAIL DAMAGE SERVICE ON 8 TRUCKS	33,396.64

**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	99,609.58
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	53,349.69
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	71,860.25
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	142,941.75
US BANK	FEDERAL TAXES, FICA & MEDICARE	230,433.01
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	WC CITY EE PAYROLL ASSESSEMENT	270,500.56

**UTILITY BILLS**

ENERGY KEEPERS	ELECTRICITY CHARGES FOR SEPT 2022	63,121.50
NORTHWESTERN ENERGY	SLDR ACCT #05614938	61,196.34
HIGH PLAINS LANDFILL	SEPT 2022 CHARGES	96,610.67
	SANITATION CHARGES FOR SEPT 2022	96,610.67

<b>CLAIMS OVER \$25000 TOTAL:</b>	<b>\$</b>	<u><u>1,734,083.21</u></u>
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**CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION**

**DATE: November 1 2022**

**ITEM:** CONTRACTS LIST  
Itemized listing of administratively approved contracts.  
(Listed contracts are available for inspection in the City Clerk’s Office.)

**PRESENTED BY:** Lisa Kunz, City Clerk  
**ACTION REQUESTED:** Ratification of Contracts through the Consent Agenda  
**MAYOR’ S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Public Works – Engineering	Capcon LLC.	11/01/2022 – 12/31/2025	\$71,746.50 [State ARPA grant funds/City storm drain funds/and Downtown TIF funds]	Public Works Construction Agreement to install 215 feet of storm drain main extending into 2 <sup>nd</sup> Alley South between Park Drive South and 2 <sup>nd</sup> Street South to alleviate flooding and ice buildup in alley [CR: 081622.11/Ord. 3247 approving the amended and restated urban renewal plan for the Downtown Urban Renewal District and approve two storm drainage projects as urban renewal projects] <b>OF 1793.0</b>

<b>B</b>	Public Works – Engineering	Konceptio Data Services, LLC d/b/a KDS Networks	11/01/2022	In-kind consideration in lieu of \$2,400/yr	Amendment No. 1 to Agreement for Occupation of the 10 <sup>th</sup> Street Bridge by Fiber – Article IV(C) providing for in-kind consideration of Lighting System Support – internet connectivity, application hosting, SSL renewals and support of the Lighting Control System [CR: 050322.9A] <b>OF 1784.5</b>
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Commission Meeting Date: November 1, 2022

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10481 – Set the public hearing for the request of a Conditional Use Permit for a “Two-family residence” land use upon the property addressed as 306 21<sup>st</sup> Avenue South and legally described as Lot 10, Grandview Tracts Addition, Section 13, T20N, R3E, P.M.M., Cascade County, Montana.

**From:** Brad Eatherly, Planner II, Planning and Community Development

**Initiated By:** Casey Carter, Owner

**Presented By:** Craig Raymond, Director, Planning and Community Development

**Action Requested:** City Commission set a public hearing for Resolution 10481 on December 6, 2022.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for Resolution 10481 on December 6, 2022.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

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**Staff Recommendation:**

The Zoning Commission recommended that the city Commission approve the applicant’s request for a Conditional Use Permit for “Two-family residence” at the conclusion of a public hearing held on October 11, 2022. In addition, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Expiration:** The Conditional Use Permit shall expire one year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a

Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.

3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Fire-rating:** The owner must provide a code compliant fire-rated floor/ceiling assembly to separate the two units.
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

#### **Background:**

The applicant, Casey Carter, has submitted an application to request a Conditional Use Permit to allow for the legalization of a “two-family residence” land use upon the property addressed as 306 21<sup>st</sup> Avenue South and legally described as Lot 10, Grandview Tracts Addition, Sec. 13, T20N, R3E, PMM, Cascade County, Montana. The subject property is zoned R-2 Single-family medium density, wherein a “two family residence” land use is permitted upon receiving approval of a Conditional Use Permit and fulfillment of any required conditions.

The subject property is identified in the City’s records as containing a single-family residence with no indication of ever being used as a two-family residence. The current owner acquired the property and is requesting to turn it into an “up/down” duplex. While the property in question is located within an R-2 Single family medium density zoning district, there are no other properties with the land use of “two-family residence” or “multi-family residence” that are located in close proximity. Many nearby properties are outside the City limits. Despite the lack of “Two –family residences” or “multi-family residences” in the vicinity, City staff believes the request to have a land use of “Two-family residence” is appropriate for this property for the following reasons. First, the property’s lot size is abnormally large at 1.583 acres. This is over six times the minimum lot size for the R-2 zoning district. If the applicant was interested in subdividing this property, the size of the property could accommodate several additional single family lots. Second, the property has a very large existing driveway that can easily accommodate the required four parking spaces.

The basis for a decision for a Conditional Use Permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, and additional information demonstrates that the criteria which are attached as Basis of Decision have been met.

#### *Impacts:*

Increasing the residential density of the lot from one to two units will not adversely impact the area. The property is over 1.5 acres in size and there is more than ample room for the required four parking spaces. A more detailed analysis of impact can be found in the attached Basis of Decision.

*Improvements:*

Staff is not recommending any improvements to the property based on its large lot size and availability of required parking.

*Proximity to Other Uses:*

The Subject Property is surrounded by single family homes on large lots or properties that are outside of the City Limits.

**Fiscal Impact:**

Approval of the CUP would have no adverse financial impact upon the City of Great Falls. Approval would result in the legal use of the second unit on the parcel, which would increase the value of the property

**Alternatives:**

The City Commission could decline to set the public hearing for Resolution 10481 for the Conditional Use Permit. Due process normally requires that the City commission schedule public hearings to hear requests of this type.

**Concurrences:**

Representatives of the City's Public Works Department have reviewed the proposal and have no objections to issuance of the Conditional Use Permit.

**Neighborhood Council Input:**

Neighborhood Council #6 met on Wednesday, October 5, 2022. The Council voted unanimously to recommend that the City Commission approve the applicant's request for a Conditional Use Permit for "Two-family residence." There have been two phone calls from neighbors who were inquiring what the applicant was applying for. Once both of their questions had been answered, they had no further comments.

**Attachments/Exhibits:**

Resolution 10481

Basis of Decision

Site Layout

Aerial Map

Zoning Map

Applicant Narrative

RESOLUTION 10481

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “RESIDENCE, TWO-FAMILY” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 306 21<sup>ST</sup> AVENUE SOUTH AND LEGALLY DESCRIBED AS LOT 10 OF GRANDVIEW TRACTS, SEC. 13, T20N, R3E, PMM, CASCADE COUNTY, MT.

\* \* \* \* \*

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Residence, two-family” land use upon the property legally described as Lot 10 of Gradview Tracts, Sec. 13, T20N, R3E, PMM, Cascade County, Montana (subject property); and,

WHEREAS, the subject property is presently zoned R-2 Single-family medium density, wherein a "Residence, two-family" land use is permitted upon receiving approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of a “Residence, two-family” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 11, 2022, to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a “Residence, two-family” land use be granted by the City Commission for the subject property, subject to the following conditions:

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Expiration:** The Conditional Use Permit shall expire one year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Fire-rating:** The owner must provide a building code compliant fire-rated floor/ceiling assembly to separate the two units.
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

WHEREAS, the City Commission having allowed for proper public notice, conducted a public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

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

That a Conditional Use Permit be granted for a “Residence, two-family” land use at the property addressed as 306 21<sup>st</sup> Avenue South and legally described as Lot 10 of Grandview Tracts, Sec. 13, T20N, R3E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,



BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OOCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OOCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on December 6, 2022.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David Dennis, Interim City Attorney

## CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting the approval of a Conditional Use Permit (CUP) for a Two-Family Residence located at 306 21<sup>st</sup> Avenue South in the R-2 district.

**1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.**

The proposed two-family residence provides housing diversity and increased density within the City and also takes advantage of existing street and utility infrastructure. More specifically, it is consistent with the following policies in the City's Growth Policy:

Phy4.1 – Encourage a balanced mix of land uses through-out the City.

Phy4.3 – Optimize the efficiency and use of the City's Public facilities and utilities.

Soc1.4.6 – Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.

**2. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.**

The CUP will have no detrimental impact upon the health, safety, morals, comfort or general welfare. The subject property has been inspected by Planning and Building staff. Because the property is so large, increasing the density will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare of the surrounding properties.

**3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The residential properties in this area, whether in the City, or outside the City limits, are much larger than the average City residential lot. Many of the surrounding properties are outside the City limits and therefore do not conform to typical City standards for residential lots. The applicant's parcel is six times larger than the R-2 minimum lot size requirement and could be subdivided into more residential lots. Because of these factors, the conditional use will not adversely impact the use, enjoyment or property value of any property in the immediate vicinity.

**4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The project will not impede the normal and ordinary development and improvement of surrounding properties. All of the residentially zoned lots located north, east and west of the property are already developed. Adjacent property owners have been notified about the project and City staff has received no questions regarding project specifics. As of the date of this agenda report, there have been no comments.

**5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

Adequate services and infrastructure are available to serve the two family dwelling. Water,

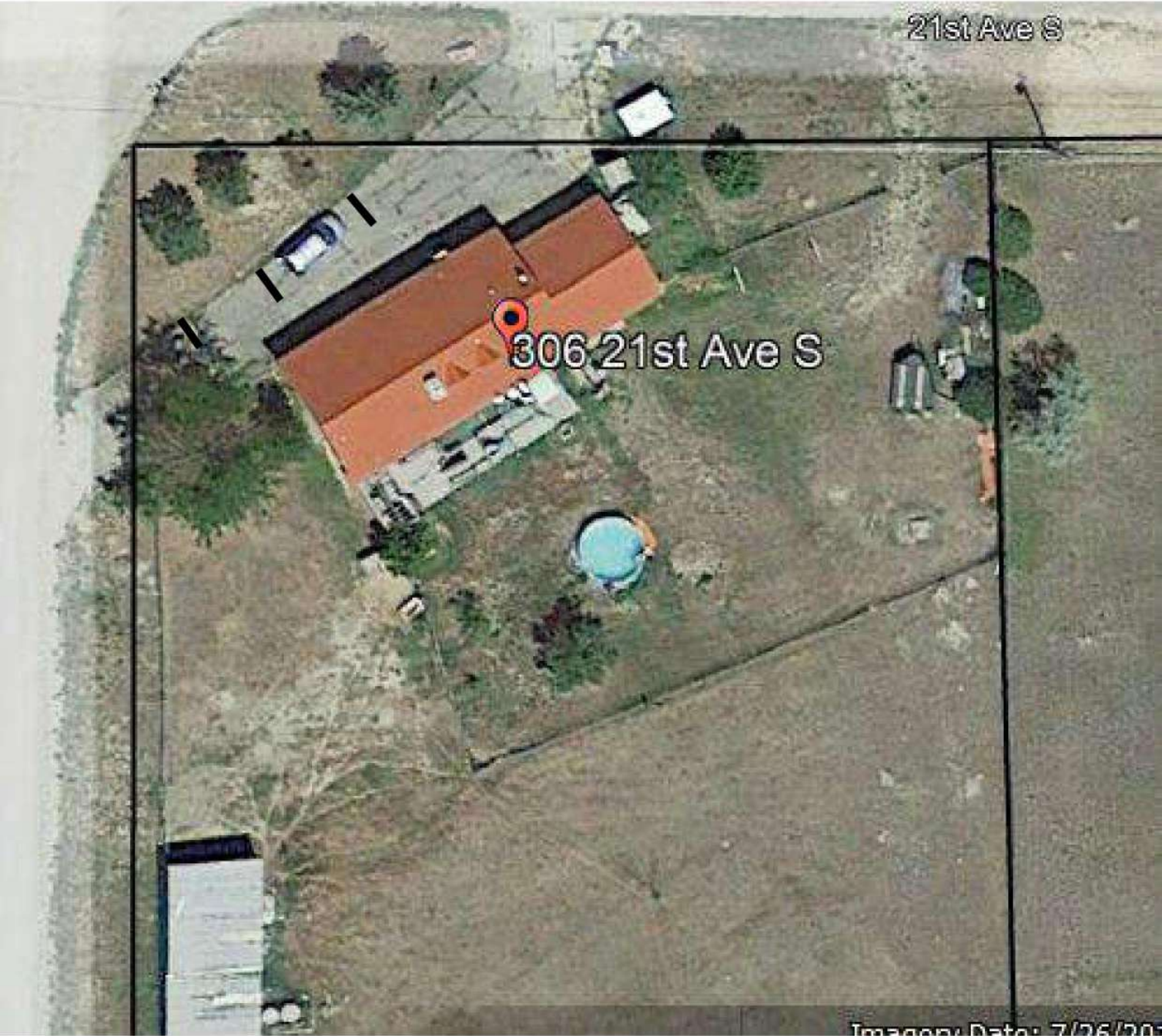
sewer and gravel roads already exist adjacent to the subject parcel. Any utilities needed for the duplex will need to be permitted through the City.

**6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

The project will generate little daily traffic, and will have no discernible impact upon the area road network. Driveway access is off both 21<sup>st</sup> Avenue South and 3<sup>rd</sup> Street South. Local traffic in this area is minimal and the second residential unit would not congest the area further.

**7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.**



The lot is of sufficient size for the proposed two-family use to comply with all applicable regulations in the City's Land Development Code and, more specifically, the R-2 Zoning District. The City's Building Department will require fire-rated construction between the lower and upper dwelling units.





### Aerial Map

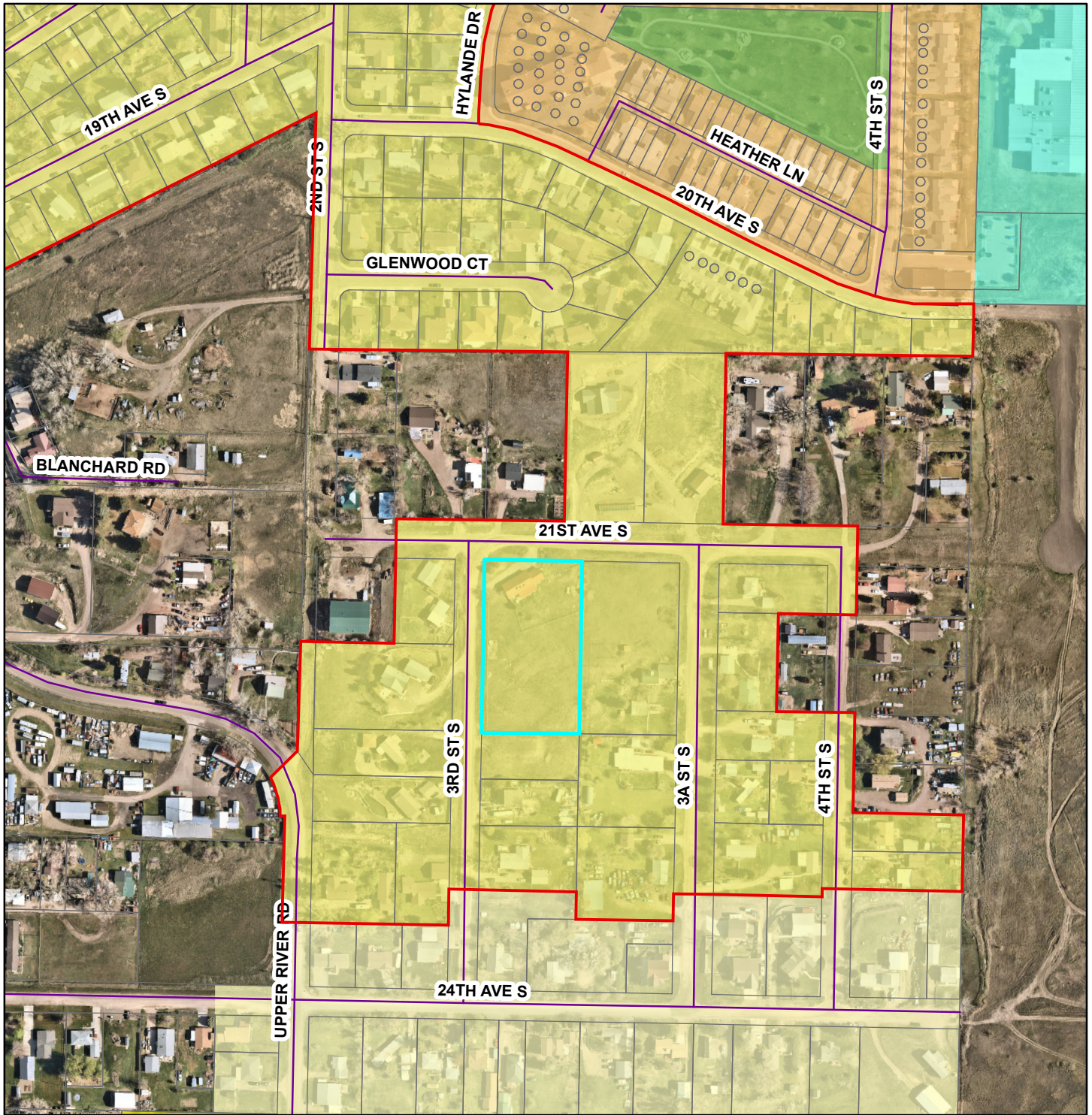


-  Parcel selection
-  City Limits









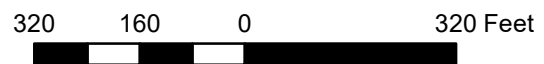


# ZONING MAP



## Legend

-  R-1 Single-family Suburban
-  R-2 Single-family Medium Density
-  R-3 Single-family High Density
-  R-5 Multi-family Medium Density
-  PLI Public Lands and Institutional
-  POS Parks and Open Space



N



We are seeking a Conditional Use Permit so that we can remodel our current residence into an up/down duplex. One of us, Kristine M Lasein, will live in the top portion and we will rent out the bottom portion once remodel is completed.

We have contacted contractors, understand to have plans ready to create fire rated ceilings throughout the apartment. Thank you for your time and attention to this matter.





Commission Meeting Date: November 1, 2022  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** CDBG & HOME 2023-2024 Annual Action Plan Public Needs Hearing

**From:** Planning & Community Development Department

**Initiated By:** Tonya Shumaker, CDBG Administrator, Planning & Community Development

**Presented By:** Craig Raymond, Director, Planning & Community Development

**Action Requested:** Conduct the Public Needs Hearing for the CDBG & HOME 2023-2024 Annual Action Plan

**Public Hearing:**

1. Mayor opens the public hearing for the purpose of receiving community input on the needs within the community.
2. Mayor closes public hearing.

**Suggested Motion:** No action required.

**Staff Recommendation:** Staff recommends the City Commission conduct the Public Needs Hearing required for the City’s Community Development Block Grant (CDBG) and HOME Grant programs.

**Summary:** Holding a Public Needs Hearing to receive community input on the needs within the community is a requirement outlined in the City’s Citizen Participation Plan submitted with the City’s Five Year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The Public Needs Hearing is the first formal opportunity for the public as well as subrecipient agencies to impact the priorities the City will outline in the development of its Annual Action Plan submission to HUD.

The City Commission set the public needs hearing at the October 18<sup>th</sup> City Commission meeting. Notice of the Public Needs Hearing was published in the Great Falls Tribune per HUD requirements. Notice about the Public Needs Hearing was made available to all Great Falls Housing Authority residents and given to the nine Neighborhood Councils, local non-profit agencies, City departments, and has been posted on the City’s website.

**Background:** CDBG and HOME programs are federal programs administered by HUD to help fund local community development programs including affordable housing, public service agency assistance, economic development and public infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in Great Falls. State and local governments receive

funding from HUD based on a formula derived from population and housing statistics. HUD requires public input, especially input from lower income citizens and the agencies representing them, on issues and needs of the community. The Commission will be asked to give consideration to citizen comments received during this public hearing when determining funding priorities for the CDBG and the HOME Grant Programs.

For the 2023-2024 Program Year the City will start a competitive application process for CDBG funded projects once again. For the last several years, the City has operated on a year round application process; however the lack of a deadline for grant requests has made timely spending of CDBG funding a challenge. Staff believes that re-instituting a competitive application submission held earlier in the fiscal year will help to ensure timely performance of projects and timely utilization of CDBG funding. The Public Needs Hearing will be followed by the CDBG application process for projects expected to be completed during the 2023-2024 Program Year (July 1, 2023 – June 30, 2024). Please note that HOME funding will continue to be awarded on a year-round basis because there is no annual spending deadline attached to this grant program.

**Fiscal Impact:** Conducting the Public Needs Hearing is a pre-condition for the City to receive its annual allocation of CDBG and HOME grant funds from HUD. For the current program year, the City received \$764,295 in CDBG funds and \$319,759 of HOME funds. Although the expected allocation of funds for the next program year is not yet known, it is reasonable to assume that funding amounts will be consistent with current and past program years.

**Alternatives:** The City Commission could elect to not hold a public hearing and thereby decide to delay or not accept CDBG and HOME funding for PY 2023/2024.



Commission Meeting Date: November 1, 2022  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Public Hearing - Ordinance 3251, An Ordinance Amending Title 17 of the Official Code of the City of Great Falls Pertaining to Casinos and their Special Standards for Location and Development

**From:** Tom Micuda, Deputy Director, Planning and Community Development

**Initiated By:** Bill Heisler, 3 High Inc.

**Presented By:** Craig Raymond, Director, Planning and Community Development

**Action Requested:** City Commission adopt Ordinance 3251

**Public Hearing:**

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motion:**

1. Commissioner moves:  

“I move that the City Commission (adopt/deny) Ordinance 3251.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

**Staff Recommendation:** Staff recommends that the City Commission adopt Ordinance 3251.

**Background:** The applicant for the proposed text amendment owns the property located at 2416 11<sup>th</sup> Avenue South. He is interested in selling the property to a buyer who would like to reuse a portion of the building for a casino. The building is currently vacant, but was previously occupied by a casino business known as “Bingo Bonanza.” A valid state gaming license is still available, which led to both the building owner and potential buyer approaching City staff to determine whether a casino could be re-established on the property.

The Land Development Code classifies three land uses related to the gaming industry: 1) Type I Casino, 2) Type II Casino, and 3) Accessory Gaming. Type I Casinos are classified as a Permitted Land Use in the General Commercial (C-2), Central Business Core (C-4), Airport Industrial (AI), Light Industrial (I-1), and Heavy Industrial (I-2) zoning districts. The applicant’s property is zoned C-2, which means that under normal circumstances, the building would simply need to be renovated as needed to establish the

proposed use. However, Type I Casinos have special requirements found in Section 17.20.6.140 that create challenges for the applicant. These requirements are below.

**17.20.6.140 - Casino, type I.**

**A. Purpose.** *This section is intended to allow the location of new casinos or the relocation of existing casinos in certain zoning districts provided they meet more stringent development and appearance standards than type II casinos.*

**B. Classification.** *A casino shall be identified by definition in Chapter 8 of this Title.*

**C. Proximity to residentially zoned properties.** *There is no minimum distance requirement from residential uses or between casinos.*

**D. Proximity to other specified uses.**

1. *Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), worship facility, park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,*

2. *Casinos shall not locate on premises operating a sexually oriented business.*

**E. Design Review Board approval.** *The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or relocated casino, or an expansion or exterior renovation of an existing casino.*

**F. Special landscaping.** *Casinos must comply with all applicable landscaping requirements in Chapter 44 Landscaping. Additional or special landscaping requirements for type I casinos include the following:*

1. *Minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas and foundation planting areas, shall be twenty (20) percent of the gross property area to be developed.*

2. *Fifty (50) percent of said landscaping shall be located between the front lot line and the building.*

**G. Signage must meet zoning district requirements for the premises.**

**Impact of the Requirements on the Applicant's Property:** The applicant's property complies with the distance requirement from schools, churches, parks, and playgrounds noted in 17.20.6.140(D) above. However, the applicant's property is significantly impacted by the Special Landscaping requirements noted in 17.20.6.140(F) above. The applicant's property was developed during a time period when current City landscaping regulations were not in place. Almost all of the landscaping on the site is actually in the public right-of-way along 25<sup>th</sup> Street and 11<sup>th</sup> Avenue. This landscaping does not count towards either of the requirements outlined in 17.20.6.140(F).

As a result, the only way the applicant could renovate a 3,000 s.f. tenant space for a Type I Casino would be to remove parking spaces on 20% of the existing property and install landscaping, with 50% of that landscaping required to be installed along the front of the property. Because the applicant's property is

slightly less than 27,000 square feet, this translates to the applicant being required to establish 5,400 square feet on new landscaping with 2,700 square feet being required for the area between the building and the front lot line. Staff estimates that this would require the applicant to eliminate at least 18 existing parking spaces to comply with the special landscaping standards.

During a meeting with the applicant and potential buyer, staff indicated that there were three options that could be pursued: 1) the applicant could comply with code, 2) the applicant could apply for a variance, or 3) the applicant could apply for a text amendment to the Land Development Code. Staff noted to the applicant that a variance could be difficult to obtain because the property wasn't necessarily unique and the applicant had the option to pursue many other commercial uses for the building. As a result, staff advised the applicant to submit the proposed text amendment. The goal of the applicant's request is to create a regulation that treats the establishment of casinos like every other commercial land use in City code.

**Overview of the Proposed Text Amendment:** The proposed text amendment represents a significant change in the way the casino land use would be regulated in the Land Development Code. The amendment is being submitted because applicants routinely struggle to navigate the special standards which are unique to casino uses which in turn creates difficulties for staff in administering the current regulations in the zoning code. Additionally, it could be argued that the original intent of the special standards regarding casinos is not likely having any significant impact other than creating difficulty for certain businesses in Great Falls without any tangible benefit to the community. Staff is proposing a much simpler approach – one that relies on the zoning districts to control where casinos can be located rather than one that also relies on specific distance requirements and requires property owners to install landscaping well beyond normal code requirements.

A full copy of the proposed amendments is attached in both (1) bold/strike-through format (*Exhibit "A"*). The key changes outlined in the proposal are as follows:

- The amendment proposes to eliminate all the special landscaping requirements for Type I Casinos. This change can be found on Page 40 of Exhibit A. This does not eliminate the need to landscape casino developments if such projects involve new construction, building expansions, or additional parking areas. Those proposals would be required to allocate 15 percent of the interior of the property as well as the boulevard area for landscaping like any other commercial development. The staff's proposal simply removes the requirement to retrofit landscaping for casinos moving into existing buildings.
- The amendment proposes to eliminate all the various special distance requirements in locating Type I and Type II Casinos near churches, schools, parks, playgrounds, and residential zoning districts. This can be found on pages 40 and 41 of Exhibit A. This is not an issue for the applicant's request, but has been an issue that has created challenges for both staff to administer as well as for property owners wishing to establish casinos. It is important to note that all of the State of Montana distance requirements would still be applicable to anyone seeking a gaming license. Staff is simply proposing not to duplicate the State's distance requirements with another layer of zoning requirements.
- Because staff is proposing to eliminate both the special landscaping requirements and the distance requirements for Type I and Type II Casinos, there is no longer a reason to have two types of casinos with two types of special regulations. As a result, staff is proposing to delete the two types and just have one land use – Casino. This change can be found on the color coded land use table

on Page 37 of Exhibit A as well as the revised definition on Page 7. Under this proposal, there would be one type of casino permitted in 5 different zoning districts: C-2, C-4, Airport, I-1, and I-2. No new districts are proposed for casinos.

- Finally, there have been some challenges in understanding the differences between casinos and what are called accessory gaming activities. Accessory gaming activities are very small gaming areas limited to no more than 500 square feet of space that are clearly accessory to bars, hotels, and restaurants. On page 7 on Exhibit A, staff proposes a minor change to the definition of Casino to make the distinction more clear. Currently, the code notes that accessory gaming areas are limited to no more than 500 square feet, but the Casino definition states any gaming operation having 5 or more machines is considered to be a casino. These two provisions are in conflict, and has created uncertainty for staff in determining whether a gaming operation should be considered accessory or be classified as a full-fledged casino. Staff proposes to eliminate the 5 machine provision and use the 500 square foot threshold.

**Fiscal Impact:** On the surface, the amendment could be viewed as increasing the potential for casino relocation and development in the community. This would likely be a concern for decision makers and certainly for residents in the community. However, because the State of Montana still restricts casino/bar licensing as well as enforces their own distance requirements, staff believes that both the financial impact and impact to community character associated with the proposed amendment will be limited. No change to the number of zoning districts which currently allow casinos is being proposed.

**Alternatives:** The City Commission could deny or modify the proposed amendment to the Land Development Code. If the Commission denies the amendment, the applicant has the option to request a zoning variance to waive or reduce the landscaping requirement associated with establishing a Type I Casino. The applicant can also comply with the code and remove parking spaces to install the required landscaping.

**Concurrences:** Staff from the City's Legal and Planning and Community Development Departments have worked in tandem to develop the proposed amendment. Specifically, the amendment addresses the applicant's request to be treated like any other commercial land use.

**Attachments/Exhibits:**

Ordinance 3251

Exhibit "A": Bold / Strikethrough Copy of Proposed Code Amendment

Text Amendment Application

**ORDINANCE 3251**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO CASINOS AND THEIR SPECIAL STANDARDS FOR LOCATION AND DEVELOPMENT**

\* \* \* \* \*

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

**WHEREAS**, the applicant, Bill Heisler (3 High, Inc.) has applied for a text amendment to the Land Development Code requesting that the location and development of casinos be treated under the same zoning regulations as the location and development of any other commercial use; and

**WHEREAS**, the City’s Planning and Community Development staff also believe that the location and development of casinos should be governed under the same set of regulation as other commercial business uses; and

**WHEREAS**, City staff believe that the City’s established goals in the Land Development Code to promote the public health, safety, welfare, and moral, social, and cultural values within the community by reducing the public’s exposure to casino gambling can still be ensured by relying on the State of Montana’s licensing requirements as well as still limiting the number of zoning districts where casinos are allowed;

**WHEREAS**, on behalf of the applicant, City staff presented a proposal to amend the Land Development Code at the regularly scheduled September 13, 2022 meeting of the Great Falls Planning Advisory Board, and the Board recommended that the City Commission adopt Ordinance 3251.

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

**Section 1.** OCCGF 17.08.120 (General Definitions), is hereby amended to clarify the difference between Casinos and Accessory Gaming and eliminate the reference to Type I and Type II Casinos, as depicted by Exhibit “A” attached hereto

and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

**Section 2.** OCCGF 17.20.3.060, Exhibit 20.1. Principal Uses by District, is hereby amended to eliminate the land uses, Type I and Type II Casinos, in favor of a single land use, Casino, with no change in the zoning districts where the use is allowed, as depicted by Exhibit “A”; and

**Section 3.** OCCGF 17.20.6.140, Special Standards for Principal Uses, Casino, Type I, is hereby amended to delete the Section entirely, as depicted by Exhibit “A”.

**Section 4.** OCCGF 17.20.6.150, Special Standards for Principal Use, Casino, Type II, is hereby amended to delete the Section entirely, as depicted by Exhibit “A”.

**Section 5.** This ordinance shall be in full force and effect thirty (30) days after public hearing and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 4, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 1, 2022.

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

ATTEST:

(CITY SEAL)

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

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David G. Dennis, Interim 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 3251 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

## Exhibit A

### 17.8.120 General definitions.

- A. **Words and terms not defined.** Unless specifically defined in this section, words or phrases used in this Title shall be interpreted so as to give them the meaning they have in common usage and to give this Title its most reasonable application.
- B. **Words and terms defined.** For the purpose of this Title, certain terms and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

#### A

"A-type sign" See: sandwich board sign.

"Abandoned sign" a sign that has not advertised a bona fide business, product or service for a period of one hundred eighty (180) consecutive days; a sign that is damaged, in disrepair, or vandalized and not repaired within thirty (30) days from the onset of damages.

"Accessible entrance" means an entrance to a facility meeting the minimum accessibility requirements of the Americans with Disabilities Act.

"Accessible route" means a continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts. (Source: "ADA Standards for Accessible Design" 28 CFR Part 36, revised as of July 1, 1994)

"Accessory building/structure" means any building or structure that is clearly incidental and subordinate to and customarily found with a principal use.

"Accessory land use" See: land use, accessory.

"Accessory living space" means an interior space included as an integral part of a detached garage or other permitted accessory structure that is clearly subordinate to and upon the same lot as a single-family residential home. Similar terms include bonus rooms, craft or hobby rooms, home shops, granny flats, mother-in-law suites, guest houses or bedrooms, carriage houses and the like.

"Accessory use" means a use that is incidental and subordinate to the main use of a property and is located on the same lot as the main use.

"Adjudicative decision" means a decision that is discretionary in nature and that is made by elected or appointed governmental officials in the context of existing standards, requirements, and procedures and that applies to a specific instance. Examples include annexation requests and subdivision proposals.

"Administrative decision" means a decision that is made by a governmental employee in the context of existing standards, requirements, and procedures and that applies to a general or specific instance. For example issuance of a building permit is an administrative decision.

"Administrative government center" means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional and related transitional facilities, and the like.

"Administrative services" means a place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms, and the like.

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer individuals per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

"Adult book store/adult video store" means a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas;
2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

"Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear semi-nude; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slide, or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; and has a sign advertising availability of this type of photographs reproduction; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

"Adult motion picture theater" means a commercial establishment which, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

"Affordable housing" means a dwelling unit that may be purchased or rented by a household earning no more than one hundred twenty (120) percent of the median annual income in the specified area and where the monthly housing costs do not exceed thirty (30) percent of the family's total monthly income. For example, in an area with a median income of fifteen thousand dollars (\$15,000.00), the term "affordable housing" would only be applied to those households earning less than eighteen thousand dollars (\$18,000.00) ( $\$15,000.00 \times 1.2 = \$18,000.00$ ). For a household with an annual income of fifteen thousand dollars (\$15,000.00), their total housing costs should not exceed three hundred seventy-five dollars (\$375.00) per month ( $(\$15,000.00 \times 0.3) / 12 \text{ months} = \$375.00$ ).

"Aggrieved person" means a person that has or likely will suffer an adverse effect resulting from a decision made pursuant to this Title.

"Agricultural commodity storage facility" means a place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing. The term includes grain elevators and such facilities.

"Agricultural water user facility" means those facilities which provide water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including ditches, pipes, and head gates.

"Agriculture, horticulture, nursery" means a place and/or building, or portion thereof, that is used or is intended for growing fruit, vegetables, flowers, and other plants typically grown on farming operations in the region.

(Ord. 2950, 2007)

"Agriculture, livestock" means a place and/or building, or portion thereof, that is used or is intended for raising horses and/or cattle, exclusively.

"Agriculture sales" means a place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. The term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like. The term does not include wholesale sales.

"Air contaminant" means any fume, smoke, particulate matter, vapor, gas, or any combination. The term does not include water vapor or steam condensation.

"Airport" means a place and/or building, or portion thereof, that is used or is intended for the landing and takeoff of airplanes, helicopters, similar craft, including all necessary facilities for the housing and maintenance of the same.

"Airport, private" means an airport that is used by the owner and other persons authorized by the owner and not open for general public use.

"Airport, public" means an airport that is open for general public use.

"Airport elevation" means the highest point of an airport's usable landing area measured in feet from sea level.

"Airport influence area" means all land in the proximity of an airport within a defined boundary, the use of which may be affected by the airport's existence.

"Alley" means a vehicular accessway providing secondary access to the back of lots that front on a street.

"Alteration" See: structural alteration.

"Amateur radio station" means a radio station operated by a federally licensed amateur radio operator as part of the Amateur Radio Service.

"Animal shelter" means a place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

"Annexation" means the process of adding land to the jurisdictional area of a city or town.

"Antenna" means a device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include (1) mobile services providing public information coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.

"Antenna, building-mounted" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten (10) feet tall and six (6) inches in diameter, or structure other than a telecommunication tower.

"Antenna, directional (also known as a panel antenna)" means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.

"Antenna, ground-mounted" means any antenna with its base, single or multiple posts, placed directly on the ground.

"Antenna, omni-directional" means an antenna that transmits and/or receives radio frequency signals in a three hundred sixty-degree radial pattern. For the purpose of this Title, an omni-directional antenna is up to fifteen (15) feet in height and up to four (4) inches in diameter.

"Antenna, parabolic (also known as satellite dish antenna)" means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia-shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.

"Antenna, portable" means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

"Antenna, vertical" means a vertical type antenna with no horizontal cross-section greater than one-half (½) inch in diameter.

"Appeal" means a process initiated by an aggrieved party to review: (1) a decision made pursuant to this Title; or (2) an alleged failure to act as required by this Title.

"Appellant" means a person who has filed an appeal pursuant to this Title.

"Applicant" means a person who submits an application as required by this Title.

"Approach surface" means a surface longitudinally centered on the extended airport runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

"Approved plastic" means slow-burning plastic of no greater combustibility than that approved for sign use by Underwriter Laboratories, Inc.

"Aquifer" means a water-bearing, subsurface formation capable of yielding sufficient quantities of water to a water well for a beneficial use.

"Arboricultural standards and specifications" means the standards for the planting, care, and maintenance of trees, shrubs, and landscaping on file with the City Forester.

"Arcade" means a covered walkway often with shops on one (1) side or both.

"Architect" See: registered architect.

"Area of special flood hazard" See: one hundred-year floodplain.

"Artificial obstruction or development" means any obstruction which is not natural and includes any dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any one hundred-year floodplain which may impede, retard or alter the pattern of flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of water would carry the same downstream to the damage or detriment of either life or property.

"Artisan shop" means a place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale. Examples of such items include paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

"Assessed value" means that value established by the State of Montana for taxing purposes.

"Auction sales" means a place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public. The term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

"Automated teller machine (ATM)" means an automated device for conducting financial transactions.

"Automated teller machine (ATM), exterior" means an automated teller machine that is accessed from outside of an enclosed building.

(Ord. 2950, 2007)

"Average daily traffic (ADT)" means the average number of vehicles passing a specific point on a roadway during a single twenty-four-hour period.

"Average trip generation rate" means the average number of vehicles entering and exiting a site during a twenty-four-hour period.

"Avoid" means to take an action so that a negative impact does not occur.

"Awning or canopy" means a material or structure intended to provide protection from the weather that is mounted on the exterior of a building. Signage placed on an awning or a canopy is calculated as wall signage.

## B

"Bank stabilization" means any effort to harden the bank of a stream to prevent lateral movement. Such measures include: bio-engineering, native material revetment, rip-rap, bin-walls, barbs, vanes, and other such techniques.

"Banner" means fabric, plastic, paper, or other light, pliable material not enclosed in a rigid frame that is suspended, mounted or attached to buildings or poles at two (2) ends or continuously across its longest side.

"Bed and breakfast" means a single family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner. (Refer to: 50-51-102, MCA)

"Bench/transit shelter sign" means an off-premise sign attached to a bench or transit shelter.

"Berm" means a mound or embankment of earth, generally man-made.

"Best management practice (BMP)" means, in relation to erosion control, a practice, technique, or measure that is an effective, practical means of preventing and reducing soil erosion and/or water pollution during land development activities. BMPs can be structural, vegetative, or operational practices.

"Bike lane" means a portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

"Bike path" means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the roadway right-of-way or within an independent right-of-way.

"Bike route" means a segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

"Bikeway" means any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

"Billboard" means a sign larger than two hundred (200) square feet in area, mounted on a permanent structure, designed to advertise products, services, or businesses not available on the premise upon which the sign is located.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries (e.g., streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines or subdivision boundary lines).

"Block face" means all of the lots situated on one (1) side of the street.

"Board of Adjustment" means the board of adjustment created by the City Commission and more fully described in this Title.

"Board of County Commissioners" means the governing body of Cascade County, Montana.

"Boulevard" means that area within the street right-of-way not occupied by street paving, curb and gutter, and sidewalks.

"Boulevard, inside" means that portion of the boulevard between the sidewalk and the lot.

"Boulevard, outside" means that portion of the boulevard between the sidewalk and the street.

"Boulevard banner" means a decorative sign constructed of cloth, canvas, or vinyl that contains upper and lower pole pockets and is secured by a pole banner bracket system. Boulevard banners are designed as attachments to street light poles or boulevard lamps and advertise special community events.

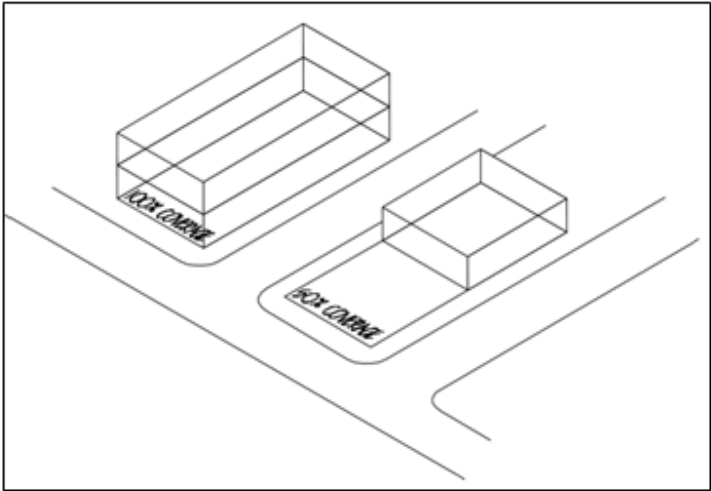
"Buffer area" means a landscaped area intended to separate and partially obstruct the view between uses, serve as an attractive boundary, or both.

"Building" means a structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of people, animals, chattels, or property of any kind.

"Building area" means the total horizontal projected area of a building.

"Building coverage" is a measure of land use intensity. It compares the portion of a site that is covered by a building(s) with the overall area of the site. For example, a development consisting of two (2) buildings with a total footprint of 0.6 acres on a 2-acre site has a building coverage of 0.3 or 30 percent ( $0.6 / 2 = 0.3$ ). (Exhibit 8-2)

**Exhibit 8-2. Building coverage**



"Building mass" means the three-dimensional bulk of a building represented by its height, width, and depth.

"Building permit" means a permit that is issued prior to the construction of or addition to a building or structure or the installation of a mobile home.

"Burden of proof" means the obligation of a party to establish a fact by evidence.

"Bus transit terminal" means a place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

**C**

"Campground" means a place and/or building, or portion thereof, that is used or is intended for public camping, where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles,

and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a laundromat and retail sales for the convenience of campground guests. (Source: 50-52-101, MCA)

"Cascade County Conservation District" means the governmental subdivision of Montana organized in accordance with Title 76, Chapter 15, Part 2, MCA, that functions in Cascade County to address issues relating to soil and water conservation.

"Casino" means any and all establishments that offer legalized gambling authorized under Title 23, Chapter 5, Part 1, et seq., MCA and where any one (1) of the following characteristics applies:

- a. The establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
- ~~b. Five (5) or more gambling machines are on the premises; and/or~~
- ~~eb. A card table is on the premises- and/or~~
- c. The establishment does not meet the requirements for accessory gaming as outlined in 17.20.7.050 of this Title.**

~~"Casino, type I" means a casino allowed in certain zoning districts only if specific development and appearance standards are met.~~

~~"Casino, type II" means a casino allowed in certain zoning districts without specific development or appearance standards.~~

**(Ord. 3251, 2022)**

"Cemetery" means a place and/or building, or portion thereof, that is used or is intended for burial purposes. Accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

"Central Business District" means the C-4 Central Business Core zoning district.

"Certificate of appropriateness" means a permit issued indicating conformance with design guidelines or other similar requirements as contained in this Title.

"Certificate of survey (COS)" means a drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

"Changeable copy sign" means a sign whose content is changed by manual, electric, electromechanical or electronic means. Examples include electronic message boards, time and temperature boards or manually changed reader boards.

"Channelization project" means the excavation and/or construction of an artificial channel for the purpose of diverting the entire flow of a stream from its established course.

"City Attorney" means the position of City Attorney for the City of Great Falls.

"City Clerk" means the position of City Clerk for the City of Great Falls.

"City Commission" means the governing body of the City of Great Falls.

"Civic use facility" means a place and/or building, or portion thereof, that is used or is intended for large gatherings of people. The term includes zoos, arenas, stadiums, fairgrounds, and the like.

"Climate controlled indoor storage" means indoor units, accessed from inside a building, for rent or lease and intended for personal storage. Such storage units are heated for a consistent climate. Document storage services are also included in this definition.

"Co-located telecommunication antennae" means an antenna that is mounted on an existing tower.

"Co-location" See: telecommunication facility, co-located.



"Collector street" means a roadway that links local access streets to the arterial roadway network (minor and principal arterials). Speeds are generally lower than on arterials and access to adjacent land uses has a high priority. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Color rendering index (CRI)" means a measurement comparing the color of an object under a light source to a reference light source of comparable color temperature. CRI values generally range from 0 to 100. As the CRI approaches 100, the color of the lit object becomes truer or closer to the original color.

"Commercial educational facility" means an educational facility operated by private institutions or individuals that is used or is intended for preparing students for jobs in trades or professions. The term includes music schools, hair styling schools, real estate schools, and the like.

"Commercial kennel" means a place and/or building, or portion thereof, that is used or is intended for housing three (3) or more dogs, cats or other domesticated animals over six (6) months of age or for the purpose of boarding, breeding, training, or sale. The term includes boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

"Commercial use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time.

"Commercial zoning district" means any zoning district established by this Title that has a "C" followed by a number as its abbreviation (e.g., C-1).

"Community center" means a place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

"Community cultural facility" means a place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts. The term includes libraries, museums, art galleries, observatories, and the like. The term does not include performing arts.

"Community garden" means an outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use. The community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

"Community residential facility" means any one (1) of the following as defined:

- a. "Community group home" means a family-oriented residence that is designed to provide residential services for two (2) to eight (8) individuals with severe disabilities and does not provide skilled or intermediate nursing care. The term does not preclude the provision of skilled or intermediate nursing care by third-person providers. (Source: 52-4-202, MCA)
- b. "Youth foster home" means a youth care facility licensed by the State in which one (1) to six (6) children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)
- c. "Youth group home" means a youth care facility licensed by the State in which seven (7) to twelve (12) children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)
- d. "Halfway house" means a place and/or building, or portion thereof, that is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (Source: 53-24-103, MCA)
- e. "Adult foster care home" means a private home or other facility that offers only light personal care or custodial care to four (4) or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (Source: 50-5-101, MCA)

"Community residential facility, type I" means a community residential facility with eight (8) or fewer individuals.

"Community residential facility, type II" means a community residential facility with nine (9) or more individuals.

"Composting facility" means a place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting. The term includes the storage and manipulation of materials prior to, during, and following composting.

"Comprehensive sign plan" means a plan submitted for Design Review Board approval in conjunction with a permit application for a building or sign. The plan must show all signage for a planned or existing multi-tenant development.

"Conditional use" See: land use, conditional.

"Conditional use permit" means a permit authorizing establishment of a conditional use consistent with the provisions of this Title.

"Condominium" means a form of ownership with unrestricted right of disposal of one (1) or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

"Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

"Conservancy area" means a property or portion of a property designated on a recorded plat, deed, covenant, or other legally binding document to protect the natural features of the area designated.

"Conserve" means to manage and use in a prudent and sustainable manner to provide for future availability.

"Construction materials sales" means a place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

"Contractor yard" means a place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

"Contractor yard, type I" means a contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

"Contractor yard, type II" means a contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

"Contributing structure, building or property" means a structure, building or property within a historic district that contributes to the historic integrity of the district.

"Convenience sales" means a place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items. The term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

"County Clerk and Recorder" means the Clerk and Recorder for Cascade County.

"Covenant" means a legally binding agreement contained in a deed, declaration, or other legal document or on the face of a plat that restricts or regulates the use of specified real property.

"Critical habitat" means the area occupied by a species which contains those physical and biological features that are (1) essential to the conservation of the species and (2) which may require special considerations or protection. Critical habitat shall not include the entire geographic area which can be occupied by the species.

"Cumulative effect" means a noticeable overall effect which results from the incremental effects of other projects, where the increment from each project may not necessarily be noticeable or considered unacceptable.

"Curb" means the barrier used to separate roads and other vehicle use areas from the surrounding environs.

"Curb cut" means the width of the opening in the curb along a street that provides vehicular access to private property.

"Curb line" means the line at the back of the curb nearest to the lot line. In the absence of a curb, the curb line is established by the City Engineer.

"Curb radius" means the radius of the circle formed by the curve of the curb at the corner.

"Curb ramp" means a short ramp cutting through a curb or built up to it.

"Cutoff luminaire" means a luminaire where less than two and one-half (2.5) percent of the lamp lumens occur at or above the horizontal plane and no more than ten (10) percent of the lamp lumens occur above eighty (80) degrees.

## D

"Date of completeness" means the date an application is deemed complete by the City.

"Day care center" means a place and/or building, or portion thereof, that is used or is intended to provide day care to children on a regular basis. The operation may include pre-school services/activities (Source: 52-2-703, MCA) (Ord. 2950, 2007)

"Deck" means an above-ground, unroofed platform extending from a building and intended for outdoor living.

"Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted. (Source: 76-3-103(3), MCA)

"Demolition" means an act or process that destroys, in whole or in part, a structure.

"Demolition by neglect" means the gradual destruction of a building or structure due to a lack of normal maintenance.

"Demolition permit" means a permit issued consistent with this Title authorizing the complete or partial demolition of a structure.

"Density" means the number of dwelling units per acre, calculated as follows: number of dwelling units divided by the acreage of the parcel of land, whether gross or net. As the context would indicate, density can be based on the actual, proposed, or permitted number of dwelling units.

"Density, gross" means the density based on the acreage of the entire parcel of land. For example, a development of twenty (20) houses on a forty-acre parcel of land has a gross density of one-half of one (0.5) dwelling units per gross acre ( $20 / 40 = 0.5$ ).

"Density, net" means the density based on the acreage of the entire parcel of land, excluding the acreage used for parks or which will not be further developed. For example, a development of twenty (20) houses on a forty-acre parcel of land, with twenty (20) acres in a floodplain or a conservation easement, has a net density of 1 dwelling units per net acre ( $40 - 20 / 20 = 1$ ).

"Department Director" means a City of Great Falls official designated as the head of a specific City Department, or his/her designee, authorized to act on his/her behalf.

(Ord. 2950, 2007)

"Design review" means an evaluation of a project's design features as enumerated in this Title including architecture, site layout, and landscaping.

"Design Review Board" means that board created by the City Commission to administer the design review process consistent with this Title.

"Design wavier" means a grant of relief from the strict application of the adopted regulations that will avoid unintended and unwanted results and therefore result in a better development.

"Detention" means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

"Detention facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

"Development" See: land development.

"Development exaction" means money, land (on-site or off-site), or infrastructure (on-site or off-site) that a developer provides to a local unit of government to alleviate a specified impact created by the proposed development. The nature of the mitigation is determined on a case-by-case basis.

"Deviation, major" means a deviation from the terms of a permit or other approval other than a minor deviation.

"Deviation, minor" means a deviation from the terms of a permit or other approval issued pursuant to this Title that is necessary in light of technical or engineering considerations first discovered after the permit issuance or other approval and not reasonably anticipated during the review process and if had been known during the review process would not have materially altered the decision to issue the permit or approval.

"Diameter at breast height (DBH)" means a tree measured four and one-half (4½) feet above the ground surface on the uphill side of the tree. For a multi-trunk tree, DBH is the sum of the diameter of the three (3) largest trunks.

"Directional sign" means a sign that designates the location or direction of a place or area.

"Discourage" means to avoid or hinder an event or some occurrence.

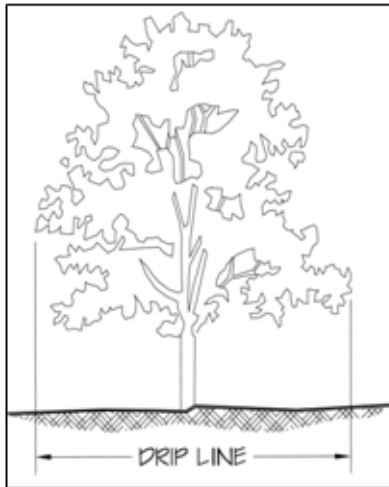
"Display surface" means the area of a sign structure that displays the advertising message.

"District" See: zoning district.

"Division of land" means the segregation of one (1) or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not considered a division of land. (Source: 76-3-103(4), MCA)

"Drainage way" means any channel that conveys surface runoff throughout the site.

"Drip line" means a vertical line that extends from the outermost edge of the tree canopy to the ground. (Exhibit 8-3)

**Exhibit 8-3. Drip line**

"Dwelling unit" means a single building or portion thereof providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**E**

"Easement" means a less than fee interest to use the property of another for specific purposes.

"Easement, private road and public utility easement" means an easement shown on a plat where private roads are located and where public utility companies may place utility service for customers.

"Easement, public road and public utility easement" means an easement shown on a plat where public roads are located and where public utility companies may place utility service for customers.

"Educational facility (K—12)" means a place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school.

"Educational facility (higher education)" means any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools. On campus housing and dormitories to accommodate enrolled students are considered an accessory use.

"Electric sign" means a sign containing electrical wiring.

"Electronic message board" See: changeable copy sign.

"Electronic message display" means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. (Ord. 3139, 2016)

"Emergency shelter" means a place and/or building, or portion thereof, that is used or is intended to provide temporary housing and ancillary services to primarily indigent, needy, homeless, or transient individuals.

"Encourage" means to stimulate, foster, or help advance an event or some occurrence.

"Engineer" See: registered professional engineer.

"Engineering department" means the Engineering Department for the City of Great Falls.

"Enhance" means to improve or increase in value or attractiveness.

"Ensure" means to guarantee or make sure something will happen.

"Environmental assessment" means a written report that documents the environmental, social, and cultural impacts and consequences of a proposed development project.

"EPA's Menu of BMPs" means the manual prepared by the Environmental Protection Agency.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Erosion and sediment control plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Erosion control" means a measure that prevents erosion.

"Erosion control permit" means a permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

"Establish" means to construct, place, insert, or excavate.

"Exaction" See: development exaction.

"Examining land surveyor" means a registered land surveyor appointed by the City to review surveys and plats submitted for filing.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where the construction of facilities for servicing the manufactured home lots is completed before the effective date of the floodplain management regulations. This includes, at a minimum, the installation of utilities, the construction of streets, and either final site or grading, or pouring of concrete pads.

"Ex parte communication" means any form of communication (e.g., written, verbal), whether voluntary or occurring inadvertently, that occurs prior to and outside of the public hearing between an individual who will vote on an adjudicative matter pending before the decision-making body on which he/she serves and another individual and which relates to the matter pending.

## F

"Factory-built home" See: Residence, manufactured/factory built.

"Family" means an individual, or two (2) or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five (5) individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

"Family day care home" means a private residence in which day care (meaning care is less than twenty-four (24) hours per day) is provided to three (3) to six (6) children from separate families on a regular basis. (Source: 52-2-703, MCA)

"Family, immediate" means a person who is a natural or legally defined offspring, spouse, sibling, parent, grandchild, grandparent, mother-in-law or father-in-law.

"Feather pole banner" means a sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of 4 feet high to 1 foot wide and less than fifteen (15) feet height. This definition also applies to tear drop flags, windfeather flags, bow flags, and other similar type signs. (Ord. 3139, 2016)

"Fee in lieu" means a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

"Fence" means a structure around the perimeter of a space that provides privacy, aesthetics, or security.

"Financial services" means a place and/or building, or portion thereof, that is used or is intended for providing financial and banking services. The term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. The term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

"Finding" means a written conclusion or determination that is considered in reaching a decision.

"Fish habitat structure" means any structure that is designed to create fish habitat. Examples include random instream boulder cover and bank cover. This term is to be narrowly construed to exclude any structure which may offer fish habitat as a secondary benefit.

"Flag" means a square, rectangular, or triangular piece of fabric that is mounted along one (1) side upon a pole, cable, or rope.

"Floor area" means the total horizontal area contained within the outside perimeter of a building.

"Foot-candle" means a measure of light falling on a given surface. One (1) foot candle is equal to one (1) lumen per square foot.

"Foundation planting" means plant material placed in planting beds along and near a foundation of a building. Intended to complement the building and connect the building to the site.

"Freestanding sign - a.k.a. pole sign" means a sign supported wholly by a pole or poles, I-beam, or a structure in the ground with no part of itself attached to a building.

"Freight terminal" means a place and/or building, or portion thereof, that is used or is intended for unloading, loading or storage of freight for routing or reshipment.

(Ord. 2950, 2007)

"Frontage" means a side of a building that faces a public right-of-way or provides off-street parking, or provides a customer entrance, or any side of a lot or parcel that borders on a public right-of-way.

"Frontage road" See: road, frontage.

"Fuel tank farm" means a place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

"Fugitive dust" means solid airborne particulate matter resulting from any activity conducted on a parcel zoned, or used, for industrial purposes.

"Full-cutoff luminaire" means a luminaire where no light occurs above the horizontal plane and no more than ten (10) percent of the lamp lumens occur above eighty (80) degrees.

"Funeral home" means a place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial. The term includes funeral homes and mortuaries.

## G

"Gaming, accessory" means a portion of a hotel, motel, restaurant or tavern with legalized gambling authorized under Title 23, Chapter 5, part 1, et seq., MCA, permitted with specific development and use standards.

"Garage, attached private" means a private garage sharing and attached to all or a portion of one or more walls of the primary residence, or included as an integral part of the residence. A private garage attached by a breezeway or similar connection to a primary residence is considered a detached private garage.

"Garage, detached private" means a private garage that is physically separated from the principal residence, or attached to the principal residence by means of a breezeway or similar connection.

"Garage, private" means a building that is intended to house vehicles and household items belonging to the owner or occupant of the principal residence.

(Ord. 2950, 2007)

"Garage sales" means the occasional non-business public sale of secondhand household goods and other goods incidental to household uses. The term also includes yard sales, patio sales, and the like. The term does not include any sales defined as itinerant outdoor sales.

(Ord. 2950, 2007)

"General repair" means a place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, small engines, and the like. The term does not include repair of vehicles or industrial equipment.

"General sales" means a place and/or building, or portion thereof, that is used or is intended for retail sale of goods, commodities, or products to the end consumer.

"General services" means a place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

"Geological hazard" means the potential for geological instability arising from geologic features or conditions, including faults, landslides, avalanches, stream channel movement, fluvial erosion, and the like.

"Glare" means luminance in excessive of what the human eye is accustomed to resulting in annoyance, discomfort, or loss of visual performance and visibility.

"Golf course/driving range" means a place, whether organized for profit or not, that is used or is intended for playing golf.

"Grade control structure" means a structure consisting of stones, rocks, or analogous material that is placed on the bed of a stream to control or otherwise influence the grade of the stream.

"Grading" means the excavation or fill of soil material, including the resulting conditions thereof.

"Groundcover" means a low-growing plant material (other than turf grass) that characteristically does not grow higher than eighteen (18) inches and forms a more or less continuous cover over the ground surface.

"Groundwater" means water occupying the voids within a geologic stratum and within the zone of saturation.

"Group day care home" means a private residence in which day care (meaning care is less than twenty-four (24) hours per day) is provided to seven (7) to twelve (12) children on a regular basis. (Source: 52-2-703, MCA)

"Growth policy" means that document the City Commission has adopted consistent with 76-1-601, MCA.

## H

"Hazard" means any condition, whether man-made or natural, which presents a tangible danger to the public health, safety, and general welfare.

"Hazard to air navigation" means an obstruction determined to have a substantial adverse effect of the safe and efficient utilization of the navigable airspace.

"Hazardous substance" means any material regulated by the "Emergency Planning and Community Right-to-Know Act of 1986" 42 USC 1101-11050, as may be amended.

"Hazardous waste" means a waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. The term does not include substances governed by Title 82, Chapter 4, Part 2, MCA. (Source: 75-10-403, MCA)

"Health care clinic" means a place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation. The term includes dental clinics, doctor's offices, and sports medicine facilities. The term does not include those uses as classified as a health care facility.

(Ord. 2950, 2007)



"Health care facility" means a place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals. The term does not include offices of private physicians or dentists. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult day-care centers as defined in State law. (Source: 50-5-101, MCA)

"Health care sales and services" means a place and/or building or portion thereof, that is used or intended to provide for the sale of health care products and services. The term includes pharmacies, vision care facilities, hearing aid facilities, prosthetic facilities, etc.

(Ord. 2950, 2007)

"Height" means a line of measurement between two (2) given points contained in a plane that is perpendicular to horizontal ground level. See Section 17.8.090 for definition of "building height." (Ord. 2950, 2007)

"Heli-pad" means a place that is used or intended to land helicopters.

"Historic district" means a geographically defined area that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

"Historic Preservation Advisory Commission (HPAC)" means the commission created jointly by the Great Falls City Commission and Cascade Board of County Commissioners to administer its local preservation program consistent with State and local requirements and/or guidelines.

"Historic Preservation Officer" means the individual so designated by the City.

"Historic structure" means any structure that is a contributing or a primary structure or any structure individually listed on the National Register of Historic Places.

"Home occupation" means any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting. The term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

"Homeowners association" means a corporation consisting of homeowners and created pursuant to State law for the purpose of owning, operating, and maintaining various common properties.

"Horizontal surface" means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

"Hotel/motel" means a building that is used, intended, kept, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests (as defined in State law) with or without meals. (Source: 50-51-102, MCA)

"Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Household" means one (1) or more individuals (related or unrelated) that usually occupy a dwelling unit.

I

"Illuminance" means the amount of light falling on a surface. Illuminance may be measured in lux or in foot-candles.

"Illuminating Engineering Society of North America (IESNA)" means a professional organization that was created to advance knowledge and disseminate information for the improvement of the lighted environment to the benefit of

society. Its membership includes engineers, architects, designers, manufacturers, contractors, distributors, utility personnel, educators, students, and scientists.

"Immediate family" means a spouse, children by blood or adoption, and parents.

"Impervious surface" means that portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes areas of compacted soil and surfaces such as buildings, sidewalks, parking lots, driveways, and similar features.

"Incidental sign" means a sign indicating services, credit cards, hours of operation, or other similar information that pertains to the premises where the sign is located.

"Indoor entertainment" means a place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types. The term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

"Indoor sports and recreation" means a place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types. The term includes bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, and the like.

"Industrial, heavy" means a place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

"Industrial, light" means a place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. The term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

"Industrial park" means a planned and coordinated development designed to accommodate a variety of and more than two (2) industrial uses.

"Industrial zoning district" means any zoning district established by this Title that has an "I" followed by a number as its abbreviation (e.g., I-1).

"Infill development" means the construction of new structures on one (1) or more vacant lots within a previously established or approved development or area.

"Inhabited area" means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

(Ord. 2950, 2007)

"Institutional use" means a public and/or quasi-public land use typically engaged in community service, health care, or educational land uses including but not limited to: governmental facilities, worship facilities, community centers, K—12 and higher education facilities, and health care facilities.

"Instream structure" means any structure that is placed within the ordinary high water mark for irrigation purposes, for controlling lateral or horizontal stream movement. Examples include bank stabilization, grade control structures, headgates, and the like.

"Instructional facility" means any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

"International Building Code" current, adopted edition of the International Building Code published by the International Codes Council.

"Interstate highway" means a roadway intended to carry vehicles over long distances with access restricted to interchanges. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Itinerant outdoor sales" means a place that is used or is intended for retail sales over a limited duration. The term includes seasonal sales such as fireworks and Christmas trees, flea markets, and the like. The term does not include private yard or garage sales or the sale of agricultural products produced on the premises.

"Irrigation ditch" means a man-made structure to carry water for irrigation purposes.

"Irrigation system" means a permanent, artificial watering system designed to transport and distribute water to landscape plants.

## J

"Junk vehicle" means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, which is not lawfully and validly licensed and remains inoperative or incapable of being driven. (Source: 75-10-501, MCA)

"Junk yard" means a place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

## L

"Land clearing" means the removal of trees, understory, shrubbery, brush, groundcover, and/or topsoil from any part of the land. The term does not include standard maintenance practices including lawn mowing, pruning, and the like.

"Land development" means any activity that must comply with the provisions of this Title.

"Landscape architect" See: registered landscape architect.

"Landscape plan" means a scaled plan that shows the areas of a site to be landscaped and provides design, planting, and irrigation specifications.

"Landscaping" means living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and nonliving durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

"Landslide" means a natural movement of a large mass of soil and/or rock moving down slope under gravitational forces.

"Land use" means, as the context would indicate, (1) the development that has occurred on the land (2) development that is proposed on the land, or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

"Land use, accessory" means any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

"Land use, beneficial" means any use of a parcel of land that is common in the region, on similarly situated properties, even if it does not involve development.

"Land use, conditional" means a land use that would not be appropriate generally or without restriction throughout a specified area but which, if controlled as to the number, area, location, or relation to the neighborhood, could promote the public health, safety, or general welfare.

"Land use, permitted by right" means a land use that is allowed throughout a specified area. Land uses permitted by right shall be reviewed to ensure that all provisions of local, State, or federal regulations are met.

"Land use, principal" means the dominant land use of a parcel of land.

"Land use, water-dependent" means any land use that is by necessity dependent upon access to a water body for water-borne transportation including ports or marinas, recreation, electrical generating facilities, or water supply.

"Land use, water-related" means any land use that is not by necessity dependent upon access to a water body, but which predominantly provides goods and services that are directly associated with water-dependent land uses.

"Large equipment rental" means a place and/or building, or portion thereof, that is used or is intended for renting large equipment that is normally stored out of doors. Typical items would include trucks, vertical lifts, fork lifts, back hoes, other types of heavy equipment, and modular buildings.

"Larger than utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

"Lattice tower" means a self supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

"Legislative decision" means a decision generally discretionary in nature, made by elected governmental officials, that creates a new law or that repeals or modifies a previously adopted law. The adoption of a local comprehensive plan or a zoning code is an example of a legislative decision.

"Levee" means a manmade structure, usually earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as drainage and closure devices, which are constructed and operated in accordance with sound engineering practices.

"Local street" means a roadway intended to predominantly provide access to adjoining properties. Traffic speeds are characteristically lower and access to and from driveways is frequent. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Light manufacturing and assembly" means a place and/or building, or portion thereof, that is used or is intended for manufacturing and/or assembly of goods where no air contaminants or potentially offensive odors are emitted outside of the building or area of manufacture/assembly; no radioactive materials or hazardous substances or hazardous wastes or regulated substances are handled or produced. Such uses do not produce offensive noises outside of the building or area of manufacturing/assembly. Such uses typically have relatively small volumes of products shipped in and out, so as to not adversely impact neighboring uses (such as residential, office or commercial in mixed use zones). Typical uses include assembly of computers; testing, producing and/or packaging software; packaging of pre-made goods; etc. This term does not include any uses specifically listed under the definition of "industrial, light".

"Light meter" means a device that measures the amount of light energy falling on a given surface.

"Light trespass" means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

"Lighting fixture" See: luminaire.

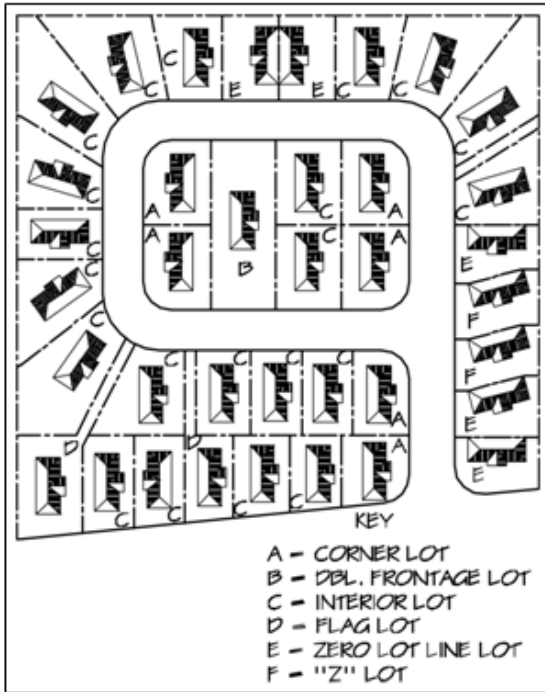
"Loading area" means an off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.

"Local services" means any and all services or facilities the City is authorized to provide.

"Logo" means a graphic design representing an activity, service, or business.

"Lot" means a parcel of ground with a definable location based on a recorded survey or similar instrument. (Exhibit 8-4)

Examples of lot types



"Lot, corner" means a lot situated at the junction of and fronting on two (2) or more roadways. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

"Lot, flag" means a lot with access provided by a corridor from a street to the bulk of the lot.

"Lot, interior" means a lot that abuts only one (1) road.

"Lot, through" means a lot having a frontage on two (2) more or less parallel streets.

"Lot, Z" means a type of interior lot that is generally situated on an angle to the street.

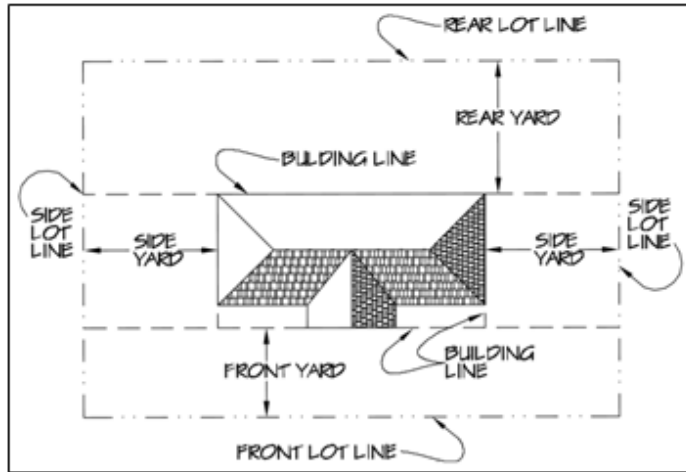
"Lot, zero lot line" means a lot where the building is place on or near one (1) of the side lot lines.

"Lot area" means the area of the horizontal plane bound by the vertical planes through front, rear, and side lot lines.

"Lot coverage" is a measure of land use intensity. It compares the portion of a site that is covered by impervious surfaces with the overall area of the site. For example, a two-acre site with one-half of one (0.5) acres of impervious surface has a lot coverage of 0.25 or twenty-five (25) percent ( $0.5 / 2 = 0.25$ ).

"Lot line" means a line dividing one (1) lot from another lot or from a street or alley.

**Exhibit 8-5. Lot lines and types of yards**



"Lot line, front" means a lot line described for each of the following types of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained (Exhibit 8-5).

"Lot line, rear" means a lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line (Exhibit 8-5).

"Lot line, side" means a lot line not a front or rear lot line (Exhibit 8-5).

"Low-profile sign" means a freestanding pole or monument sign with a height limit of 8 feet from finished grade to the top of the sign structure.

"Lowest floor" means any floor used for living purposes, storage, or recreation or that could be converted to such a use.

"Lumen" means a measure of light energy generated by a light source. Manufacturers list ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings.

"Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**M**

"Maintain" means to support, keep, and continue in an existing State or condition without decline.

"Manufactured home" See: Residence, manufactured/factory-built.

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

"Manufactured housing sales" means a place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

"Market value" means the value as reported on Cascade County Assessor's roll.

"Marquee" means a permanent, roofed structure that projects over public property and is attached to and supported by a building.

"Marquee sign" means a sign attached to a marquee.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations are referenced.

"Micro-brewery" means a place and/or building, or portion thereof, which is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

"Mini-storage facility" means a place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles that are not for sale or trade.

"Miniature golf" means a place and/or building, or portion thereof, that is used or is intended for playing miniature golf.

"Minimize" means that no other alternative would result in a lesser impact.

"Minor arterial" means a roadway that is designed to carry vehicles quickly from place to place, but access to adjacent land use has a high priority. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Mitigate" means to take an action designed to offset or rectify a negative effect.

"Mixed-use building" means a building that contains two (2) or more of the following uses: residential, retail, office, employment, or civic.

"Mixed-use zoning district" means any zoning district established by this Title that has an "M" followed by a number as its abbreviation (e.g., M-1).

"Mobile home" means a dwelling unit that is: (1) constructed off-site; and (2) equipped with the necessary utility service connections; and (3) made so as to be readily movable as a unit or units on its (their) own running gear; and (4) designed to be used with or without a permanent foundation.

"Mobile home pad" means the area of a mobile home space which has been prepared for the placement of a mobile home.

"Mobile home park" means a place providing two (2) or more mobile home lots for lease or rent to the general public. (Source: 50-52-101 MCA)

"Mobile home space" means a designated portion of a parcel of land designed for the accommodation of one (1) mobile home and its accessory buildings or structures for the exclusive use of the occupants.

"Mobile home subdivision" means a tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets and the lots then sold or rented to the occupant.

"Modular home" See: Residence, manufactured/factory-built.

"Monopole" is a wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

"Monument" means any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

"Monument sign" means a low-profile, freestanding sign whose entire structure consists of solid material. Monument signs, in their entirety, are limited to a total height of eight (8) feet.

"Motor vehicle graveyard" means a place and/or building, or portion thereof, that is maintained and operated by a county and that is used or is intended as a collection point for junk motor vehicles prior to their disposal. (Source: 75-10-501, MCA)

"Motor vehicle wrecking facility" means a place and/or building, or portion thereof, that is used or is intended for buying, selling, or dealing in four (4) or more vehicles per year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or a facility that



buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard. (Source: 75-10-501, MCA)

"Mulch" means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture, and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots. Examples include bark, wood chips, and coffee bean hulls.

## N

"National Register of Historic Places" means the official list of the Nation's historic places worthy of preservation. Authorized under the National Historic Preservation Act of 1966 and administered by the National Park Service, it is part of a national program to coordinate and support public and private efforts to identify, evaluate and protect our historic and archaeological resources. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture.

"Native material revetment" means bank stabilization using root wads, logs, boulders, vegetation plantings, and sod mats. This type of design improves visual and biological values as opposed to some of the more "hard" approaches such as rip-rap.

"Neighborhood council" means the elected body for one (1) of the neighborhood districts within the City.

"Neighborhood district" means the geographic area established pursuant to the City's Charter.

"Neighborhood plan" means a plan for a geographic area within the boundaries of the jurisdictional area that addresses one (1) or more of the elements of the growth policy in more detail. (Source: 76-1-103, MCA)

"New construction" means structures for which the start of construction, substantial improvement, or alteration commences on or after the effective date of these regulations.

"NIER" means non-ionizing electromagnetic radiation, which is electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

(Ord. 2950, 2007)

"Noncombustible material" means material that does not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit during a five-minute exposure and that does not continue to burn or glow at that temperature, as specified in the current, adopted edition of the International Building Code.

"Nonconforming building" means any building that at the time of construction conformed to existing rules and regulations, but is now inconsistent with this Title.

"Nonconforming structure" means any structure that at the time of construction or placement conformed to existing rules and regulations, but is now inconsistent with this Title.

"Nonconforming use" means any use of land that at the time of establishment conformed to existing rules and regulations, but is now inconsistent with this Title.

"Noncontributing structure, building or property" means a structure, building or property within a historic district that does not contribute to the historic integrity of the district.

"Non-cutoff luminaire" means a luminaire where a considerable amount of light occurs above the horizontal plane.

"Non-ionizing electromagnetic radiation (NIER)" means electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

"Non-precision instrument runway" means runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

"Nonstructural trim" means molding battens, caps, nailing strips, latticing, walkways, cutouts, or letters attached to a sign structure.

"Noxious weed" means any exotic plant species established or that may be introduced in the State which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

"Nursing home" means a place that provides twenty-four-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

#### O

"Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

"Off-premise sign" means a sign that directs attention to a business, commodity, service, activity, or product not sold, conducted, or offered for sale on the premise where the sign is located.

"Off-site facility" means any facility located outside of the subject property.

"Off-site liquor sales" means a place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

"On-premise sign" means a sign that directs attention to a business, commodity, service, activity, or product sold, conducted, or offered for sale on the premise where the sign is located.

"On-site construction office" means a building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

"On-site facility" means any facility located inside of the subject property.

"On-site real estate sales office" means a residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

"Open space" means a vacant, undeveloped or unimproved parcel or area of land that is intended to remain free of development. Such lands typically include undeveloped park lands or other public lands, private lands in high hazard areas or with conservation easements, open water bodies, etc.

"Ordinary high-water mark" means the line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural value. A floodplain adjacent to surface waters is not considered to lie within the surface waters' high-water mark. (Source: 23-3-301, MCA)

"Outdoor entertainment" means a place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events. The term includes race tracks, motocross courses, sports arenas, concerts, religious assemblages, and the like.

"Outdoor entertainment, temporary" means a short-term outdoor event such as concerts, performances, religious assemblages and the like. The term does not include sporting events such as motocross, auto racing and the like.

(Ord. 2950, 2007)

"Overall development plan" means the master site plan for a single tract of land showing the proposed project submitted for review and the conceptual layout of land excluded from the project. It is intended to show how the entire property will likely be developed over time.

"Overlay district" means a geographic area that is placed over land use districts that adds additional requirements to those of the underlying district.

"Owner of record" means the person, or persons, that are listed in the official county records as the legal owners of a tract of record.

**P**

"Parapet" means a low protective wall or railing along the edge of a raised structure such as a roof.

"Parcel of land" means a unit of land all parts of which are contiguous, including contiguous lots, in the possession of, owned by, or managed by the same person.

"Park" means a place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association. The term includes developed and undeveloped areas and neighborhood recreation centers.

"Park dedication" means land set aside by the developer for park purposes.

"Park dedication, cash-in-lieu of" means a cash payment that is equal to the assessed value of the land that would have been dedicated for park dedication purposes.

"Parking garage" means an off-street building used to temporarily park vehicles.

"Parking lot" means an off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

"Parking lot, principal use" means an off-street parking facility intended to temporarily store vehicles, not accessory to any principal use.

(Ord. 2950, 2007)

"Parking structure" means a multilevel structure that is used or is intended for parking motor vehicles for a short duration. The term does not include underground parking.

"Pedestrian pass-through" means a walkway that provides unconstrained pedestrian access through a building.

"Pedestrian scale (human scale)" means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of a human body, taking into account the perceptions and walking speed of a typical pedestrian.

"Perimeter control" means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

"Permanent foundation" means a continuous foundation wall around the perimeter of a building.

"Permit" means a written governmental authorization allowing the holder to take action not otherwise allowed.

"Permitted use" means a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

"Person" means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

"Planned unit development (PUD)" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprise a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use. (Source: 76-3-103, MCA)

"Planning Board" means the Great Falls Planning Advisory Board.

"Plat" means a graphical representation of a subdivision showing the division of land into lots, blocks, streets, alleys, and other divisions and dedications.

"Plat, amended" means a plat showing adjustments to a final plat that has been recorded with the County Clerk and Recorder.

"Plat, concept" means a drawing of a proposed subdivision that is general in nature and shows the essential elements of the project.

"Plat, final" means a plat to be filed with the County Clerk and Recorder and that contains all of the elements and requirements set forth in this Title and the Montana Subdivision and Platting Act.

"Plat, preliminary" means a plat that is submitted for review and that contains the minimum information required in this Title and the Montana Subdivision and Platting Act.

"Pole sign - a.k.a. freestanding sign" means a sign supported wholly by a pole or poles, I-beam or structure in the ground and not a part of or attached to a building at any point.

"Pollution or pollutants" means the presence in the outdoor atmosphere, ground, or water of any substance, contaminant, noise, or any other manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air, soils, or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

"Pollution, nonpoint source" means a diffuse source of pollution resulting from the activities of man over a relatively large area, the effects of which normally must be addressed or controlled by a management practice rather than by an engineered containment or structure. (Source: 16.20.1001, ARM)

"Pollution, point source" means a single, discernable source of pollution resulting from the activities of man, the effects of which normally must be addressed or controlled by an engineered system.

"Porch" means a part of a building with a roof of its own that covers an entrance.

"Portable sign" means a sign that is not permanently affixed to a building, structure, or the ground.

"Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system or a precision approach radar. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

"Premise" means a single tract of land; whether described by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of application for a building permit or for taxation is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control.

"Preserve" means to save from change or loss and reserve for a special purpose.

"Primary structure, building or property" means a structure, building or property within a historic district that contributes to the historic integrity of the district.

"Principal arterial" means a road that carries vehicles efficiently from place to place. Access to adjacent land uses is a minor function for this classification. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Principal building" means the primary building on a lot or a structure that houses a principal use.

"Principal land use" See: land use, principal.

"Private stable/barn" means a place and/or building, or portion thereof, that is used or is intended for noncommercial activities relating to rearing, training, and riding horses or raising other permitted livestock. This term includes pole barns.

"Professional engineer" See: registered professional engineer.

"Professional services" means a building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis. The term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

"Prohibited lawn signs" include, yard signs, bandit signs, placards, and road signs, among other names used for advertising, products, businesses, services, and charities, educational, political, ideological, or religious advertisement that are temporary in nature and placed in landscaped areas of a premise. (Ord. 3139, 2016)

"Projecting signs" means those signs which project over the public rights-of-way at any point. All other signs projecting from the building face are designated as "free standing signs" provided they are contained upon private property entirely. (Ord. 3139, 2016)

"Projection" means the distance by which a sign extends over public property or beyond the building.

"Public improvement" means any structure or facility constructed to serve the residents of a subdivision or development project or the general public.

"Public notice" means that way in which a government uses or is required to use to formally notify people of a proposed governmental hearing or action.

"Public safety facility" means any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services. The term includes ambulance services, fire stations, police stations, and the like.

"Public service use or facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, transportation or utilities.

"Public view" means a point six (6) feet above the surface of the center of any adjacent public right-of-way including but not limited to avenues, streets and alleys.

"Public way" means and includes all public streets and utility easements, now and hereafter owned by the City, but only to the extent of the City's right, title, interest or authority to grant a license to occupy and use such streets and easements for telecommunications facilities.

#### Q

"Quasi-public use" means a use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

#### R

"Railroad yard" means a place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

"Readily visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.

"Real estate sign" means a sign pertaining to the sale, lease or rental of land or buildings.

"Recharge" means the replenishment of underground water reserves.

"Recreation trail" means a linear path which may be dedicated to a single use or multiple uses. Examples include hiking trails, bike trails, x-country ski trails, and horse trails.

"Recreational vehicle" means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

"Recreational vehicle park" means a tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

"Recreational vehicle space" means a designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

"Recycling center" means a place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. The term shall not include a junk yard.

"Redevelopment" means the development of a site where the site was at one (1) time developed and has been, or will be, cleared in whole or in part, to allow new construction.

"Registered architect" means an individual licensed to practice architecture in Montana.

"Registered land surveyor" means an individual licensed to practice surveying in Montana.

"Registered landscape architect" means an individual licensed to practice landscape architecture in Montana.

"Registered professional engineer" means an individual licensed to practice engineering in Montana.

"Regulated substance" means any hazardous substance as defined in 75-10-602, MCA, or petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure. This term does not include hazardous wastes as regulated by State law.

"Related equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to cable, conduit, and connectors.

"Remainder" means that part of an original tract which is not created for transfer, but which is left after parcels are segregated for transfer. (See letter of opinion from Montana Attorney General to Robert M. McCarthy, April 22, 1987)

"Remodel" means to only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

"Residence, accessory" means a place and/or building, or portion thereof, that is used, or is intended to provide housing, as a single-family residence for a caretaker, employee or owner of the non-residential principal use and the like. This residence is accessory to a non-residential principal use. (Ord. 2950, 2007; Ord. ~~No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012~~)

"Residence, condominiums" means separately owned single-family dwelling units with common elements located on property submitted to the provisions of the Montana Unit Ownership Act, Title 70, Chapter 23, MCA.

"Residence, manufactured/factory-built" means a single-family dwelling unit built in a factory in accordance with the United States Department of Housing and Urban Development code or approved by the Montana Department of Labor and Industry Building Codes Bureau.

"Residence, multi-family" means a single building situated on one (1) lot and that contains three (3) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium. (Ord. ~~No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012~~)

"Residence, single-family detached" means a single building that is situated on one (1) lot, contains one (1) dwelling unit, and is not attached to any other dwelling unit by any means. The term includes factory-built homes, manufactured homes, and stick-built homes, but excludes mobile homes.

"Residence, townhouse" means a building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

"Residence, two-family" means a building or buildings that are situated on one (1) lot and that contains a total of two (2) dwelling units. (Ord. ~~No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012~~)

"Residence, zero lot line" means a single building that is situated on one (1) lot, contains one (1) dwelling unit, and is not attached to any other dwelling unit by any means. The side wall of the building is placed directly on or very close to one (1) of the adjoining side yard property boundary lines. The term includes factory-built homes, manufactured homes, and stick-built homes, but excludes mobile homes.

"Residential zoning district" means any zoning district established by this Title that has an "R" followed by a number as its abbreviation (e.g., R-1).

"Restaurant" means a place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for consumption on or off site, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. The term does not include a grocery or convenience store with a food service section. Such establishments may include a drive-through window, and may or may not include on-site seating.

(Ord. 2950, 2007)

"Retirement home" means a place and/or building, or portion thereof, that is used or is intended to provide living quarters for individuals generally sixty-two (62) years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home. The term includes assisted living facilities wherein skilled or intermediate nursing care is not provided on a full time basis.

"Rezoning" See: zoning map amendment.

"Right-of-way" means that land which the Montana Department of Transportation, county, or City has title to, or right of use, for public roads and appurtenances, including utilities.

"Right-of-way" means a strip of land dedicated or acquired for public use.

"Riprap" means a structure consisting of stone and or rocks (not concrete or other cement product) that is placed along the bank or bed of a stream for the purpose of alleviating lateral bank erosion.

"Riverfront Corridor" means the area along River Drive and Giant Springs Road extending between the southern and northeastern limits of the City.

"Road" See: street.

"Road maintenance agreement" means a written instrument recorded with the County Clerk and Recorder that defines how a private road will be maintained in perpetuity, or until such time as the City, county, or the State accepts it as a public road, and the rights and obligations of the parties to the agreement.

"Roadside farmer's market" means a place and/or building, or portion thereof, that is used or is intended for the retail sale of produce grown exclusively on the premises.

"Roof sign" means a sign attached to roof structure - including parapet, fascia and rake framing, walls and/or columns of a building so that a portion of the advertising display is at or above roof level.

"Rotating sign" means a sign or portion of a sign that revolves or rotates.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

## S

"Salvage material" means material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing. Examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics, and equipment made of these.

"Sandwich board sign a.k.a. A-type sign" means a portable sign that rests on the ground and is not permanently attached to anything.

"Satellite earth station" means a telecommunication facility consisting of more than a single satellite dish smaller than ten (10) feet in diameter that transmits to and/or receives signals from an orbiting satellite.

"Screening" means a feature, such as a wall, fence, hedge, berm, or similar feature, used to shield or obscure elements of a development from adjacent sites.

"Secondhand sales" means a place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time. The term includes secondhand stores, thrift stores, consignment shops, and the like.

"Security lighting" means outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is of primary concern.

"Sediment control" means any measure that prevents eroded sediment from leaving the site.

"Semi-cutoff luminaire" means a luminaire where less than five (5) percent of the lamp lumens occur above the horizontal plane and no more than twenty (20) percent of the lamp lumens occur above eighty (80) degrees.

"Setback" means a specified horizontal distance between two (2) actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.)

"Sexually-oriented business" includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

"Shared parking" means one (1) or more parking spaces that, partially or entirely, meet the parking requirements of two (2) or more uses.

"Shopping center" means more than one (1) sales or service use built on a single site which is planned, developed, and managed as an operating unit and has an accumulated gross floor area exceeding thirty-five thousand (35,000) square feet on a site at least two (2) acres in size. Typical features include one (1) or more anchor tenant(s), freestanding buildings containing restaurants or other commercial uses, and on-site employee and customer parking.

"Shrub" means a self-supporting woody perennial plant that characteristically grows to a height of twelve (12) feet at maturity. It typically has multiple stems and branches continuous from the base.

"Sidewalk café" means an outdoor dining area located upon public property, including a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

"Sidewalk food vendor" means the sale of food and beverage from a mobile cart located on public property or within the public right-of-way.

"Sign" means a notice bearing a name, direction, warning, or advertisement that is displayed or posted for public view.

"Sign structure" means the supports, uprights, braces and framework of a sign.

"Silhouette" means a representation of the outline of a structure, especially a tower and antenna associated with a telecommunication facility, as seen from an elevation perspective.

(Ord. 2950, 2007)

"Site-built home" means a dwelling unit that is constructed on the site on which it will be located.

"Site plan" means a plan drawn to scale that shows the layout of existing and proposed features including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

"Small equipment rental" means a place and/or building, or portion thereof, that is used or is intended for renting small equipment and supplies that typically are stored indoors. Typical rentals include hand tools, party equipment, lawn care and yard equipment.

"Soil amendment" means organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration.

"Soil stabilization" means the use of practices that prevent exposed soil from eroding.



"Solid waste" means all putrescible and nonputrescible wastes. (Refer to: 75-10-103, MCA)

"Solid waste transfer station" means a place and/or building, or portion thereof, that is used or is intended for temporary collection of solid waste prior to transport to a processing plant or to final disposal. (Refer to: 16.14.403, ARM)

"Special event" means a promotional or community event, e.g. a bazaar, street fair, show, exhibition, sporting event or fun run.

"Special exception" See: conditional use.

"Special improvement district (SID)" means a geographic area established by a local governing body where property owners pay a special assessment to finance public improvements (e.g., sidewalks, lighting).

"Specified anatomical areas" means the male genital in the state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

"Specified sexual activity" means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

"Start of construction" means the first land-disturbing activity associated with a development, including land preparation such as land clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"State" means the State of Montana.

"Stoop" means a raised platform in front of an entrance to a building with one (1) or more steps.

"Stop work order" means an order issued by the City which requires that any activity found in violation of this Title cease.

"Storage container" means an enclosed metal container exceeding ninety (90) cubic feet that is typically used to temporarily store merchandise.

"Stormwater" means water from a rainfall event or melting snow that flows over the ground surface.

"Stormwater detention structure" means a structure designed to collect and temporarily store stormwater with subsequent gradual release.

"Stormwater management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

"Stormwater retention structure" means a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

"Stormwater retrofit" means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

"Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

"Stormwater treatment practices" means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

"Stream" means a natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

"Street" means a public access way within a public right-of-way or private easement.

"Structural alteration" means any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

"Structure" means any permanent or temporary object that is constructed, installed, or placed by man, the use of which requires a location on a parcel of land. It includes buildings of all types, bridges, instream structures, storage tanks, fences, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs, and other objects.

"Structure ridgeline" means the line along the top of a roof or top of a structure, if it has no roof.

"Subdivider" means any person which causes land to be subdivided or which proposes a subdivision. (Source: 76-3-103(15), MCA).

"Subdivision" means a division of land or land so divided that it creates one (1) or more parcels containing less than one hundred sixty (160) acres that cannot be described as a one-quarter ( $\frac{1}{4}$ ) aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes. (Source: 76-3-103(16), MCA)

"Subdivision, major" means a subdivision not qualifying as a minor subdivision.

"Subdivision, minor" means a subdivision containing five (5) or fewer lots where proper access to all lots is provided and where no land in the subdivision will be dedicated to public use for parks or playgrounds, and the subdivision is eligible for review under 76-3-505 or 76-3-609, MCA.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) Before the improvement or repair is started; or (2) If the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor, or other structural part of the building commences. The term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

"Suitable fill" means material which is stable, compacted, well-graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps, or other organic material; and is fitting for the purpose of supporting the intended use of and/or permanent structure.

"Surveyor" See: registered land surveyor.

## T

"Tavern" means a place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages. The term includes bars and lounges.

"Taxi cab dispatch terminal" a place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

"Telecommunication equipment building, shelter or cabinet" means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.

(Ord. 2950, 2007)

"Telecommunication facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

"Telecommunication facility, co-located" means a telecommunication facility comprised of a single telecommunication tower or building supporting one (1) or more antennas, dishes, or similar devices owned or used by more than one (1) public or private entity.

"Telecommunication facility, commercial" means a telecommunication facility that is operated primarily for a business purpose or purposes.

"Telecommunication facility, concealed" means (1) an antenna that a casual observer would consider it a part of the structure to which it is attached or made a part of, or (2) an antennae and tower structure that is camouflaged to blend into the surroundings (e.g., camouflaged trees).

"Telecommunication facility, multiple user" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public or private entity, excluding research and development industries with antennas to serve internal uses only.

"Telecommunications facility, noncommercial" means a telecommunication facility that is operated solely for a non-business purpose.

"Telecommunication facility, unconcealed" means an antenna mounted on a tower or mounted on the ground.

"Telecommunications tower" means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one (1) or more antenna, dishes arrays, etc. shall be considered a telecommunications tower.

"Temporary sign" means a sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood or other light material, with or without frames, intended for display during a limited period of time.

"Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office. (Source: 76-3-103(17)(a), MCA)

"Traffic impact analysis" means a written report that documents the traffic impacts and consequences of a proposed development project. Typical components would address each of the following: (1) existing conditions, (2) on-site traffic circulation (3) impacts on public roads; and (4) recommendations/alternatives to alleviate identified impacts.

"Transit shelter sign" means an off-premise sign painted on or posted within a transit shelter.

"Tree" means a self-supporting woody plant that characteristically grows to a minimum height of fifteen (15) feet at maturity and has a trunk which can be maintained over five (5) feet of clear wood.

"Tree, protected" means a tree on public property that may be threatened with removal or damage during a construction project.

(Ord. 2950, 2007)

"Tree, significant" means a tree that is six (6) inches or larger in trunk diameter when measured at one (1) foot above the ground.

(Ord. 2950, 2007)

"Turf or turfgrass" means hybridized grasses, that when regularly mowed characteristically forms a dense growth of leaf blades and roots.

**U**

"Uniformity ratio" means the ratio of average illumination to minimum illumination within a given area.

"Use by right" See: land use, permitted by right.

"Utility installation" means a place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services generally having moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electrical substations, water towers and the like. It does not include public water system wells, sewer lift stations, irrigation ditches, or linear electric, communications or natural gas utilities, and the like.

"Utility runway" means runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

## V

"Variance" means a grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

"Vehicle fuel sales" means a place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels. The term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs, and the like.

"Vehicle repair" means a place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles. Typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

"Vehicle sales and rental" means a place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

"Vehicle services" means a place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight. Examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

"Vehicular use area" means those areas of a lot used for vehicle circulation and parking, including loading berths, parking lots, service drives, internal roads, and the like.

"Vendor cart" means a small non-motorized vehicle equipped with all necessary appurtenances to prepare and serve a limited menu and beverages.

"Veterinary clinic" means a place and/or building, or portion thereof, that is used or is intended for the medical care of animals. A veterinary clinic may include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

"Veterinary clinic, large animal" means a veterinary clinic that specializes in the care and treatment of large animals and livestock.

"Veterinary clinic, small animal" means a veterinary clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

"Vicinity map" means a map that shows the location of a proposed project relative to other parcels and roads in the area.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

## W

"Wall sign" means a sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall. Wall signs include signs painted on awnings and the exterior walls of buildings.

"Warehouse" means a place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. The term includes moving and storage facilities. The term does not include fuel tank farms.

"Water quality volume (WQ<sub>v</sub>)" means the storage needed to capture and treat ninety (90) percent of the average annual stormwater runoff volume. Numerically (WQ<sub>v</sub>) will vary as a function of long term rainfall statistical data.

"Water right" means a legal right to use water that is protected under Montana law.

"Waterbody" includes rivers, streams, creeks, irrigation ditches, lakes, and ponds, both natural and man-made.

"Wind-powered electricity systems" means

"Small wind-powered electricity systems" have a rated capacity of up to and including one hundred (100) kilowatts (kW) and are incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind-powered electricity system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company as may be governed by applicable state statutes.

"Large wind-powered electricity systems" have a rated capacity of over one hundred (100) kilowatts (kW) and are intended to produce electricity for use on-site and/or sale to a rate regulated utility company or other off-site provider of electric power. Such systems may also be termed as "commercial wind-powered electricity systems".

"Tower Height" means the vertical measurement from the base of the tower to the top of the tower itself or the tip of the highest piece of equipment attached thereto. In the case of building-mounted towers the height of the tower does not include the height of the building on which it is mounted.

"Wetland" means those ecological entities so defined by the current edition of the "Federal Manual for Identifying and Delineating Wetlands".

"Wildland fire" means an unplanned and uncontrolled fire spreading through vegetation that may also consume structures or other improvements as well.

"Window sign" means a sign affixed to a window.

"Worship facility" means a place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and day care centers within the same structure. The term does not include, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

(Ord. 2950, 2007)

"Written or in writing" means any representation of words, letters, drawings, graphics, or pictures.

#### Y

"Yard" means the area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

"Yard, front" means a yard that extends across the front of a lot between the side lot lines from the front line of the building (excluding the front steps) to the front lot line.

"Yard, rear" means a yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding steps) to the rear lot line.

"Yard, side" means a yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

"Year" means a calendar year.

Z

"Zoning district" means a geographic area as delineated on the zoning map that identifies a base zoning district.

"Zoning permit" means a permit that is issued prior to the issuance of a building permit to ensure that the proposed use is consistent with the allowable uses within the district in which it is to be located.

**17.20.3.060 Certain land uses shown as permitted may be a conditional use.**

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

**Exhibit 20-1. Principal Uses by District**

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
<b>Agricultural Uses</b>																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
<b>Residential Uses</b>																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.040
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.050
Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Retirement home	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	
<b>Special Care Facilities</b>																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	
Community residential facility, type II	C	C	C	P	P	P	-	-	-	-	-	-	C	C	-	-	-	-	-	
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	P	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	-	C	P	P	P	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	-	C	P	P	P	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	
<b>Overnight Accommodations</b>																				
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-	
<b>Food and Beverage Sales</b>																				
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	17.20.6.080
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.6.080
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	17.20.6.080
<b>General Sales</b>																				
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Construction materials sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P	
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	
<b>General Services</b>																				

Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	C	-	P	-	-	
Commercial kennel	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	P	P	-	17.20.6.090
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	C	C	-	P	P	-	P	P	P	P	-	-	P	-	-
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	17.20.6.100
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P	
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	17.20.6.110
<b>Rental and General Repair</b>																			
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	P	P	P	
<b>Vehicle Trade and Service</b>																			
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-
Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-
<b>General Storage</b>																			
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Climate controlled indoor storage	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	P	
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	17.20.6.130
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	P	P	
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P
<b>Indoor Recreation/Sports/Entertainment</b>																			
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	17.20.6.140
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	P	17.20.6.150
Casino	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-
<b>Outdoor Recreation/Sports/Entertainment</b>																			
Golf course/driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	P	P	-	-	
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Community Services/Uses</b>																			
Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	P	-	-	
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170
Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	C	-	-	-	
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	C	-	-	-	
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	C	-	-	-	
Community garden	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	C	C	17.20.6.175
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	-	-	P	-	
Worship facility	C	C	C	C	C	C	C	P	P	-	C	P	P	P	-	-	P	-	17.20.6.180
<b>Health Care</b>																			
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-	-
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-
<b>Education</b>																			
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-
Educational facility (K—12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	17.20.6.200
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	-	-	
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-
<b>Solid Waste, Recycling and Composting</b>																			
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P

Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230
Telecommunications																					
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240
Telecommunication facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.250
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	P	C	P	P	P	
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	P	P	P	
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	C	P	P	P	
Utilities																					
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	
Transportation																					
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	C	-	P	P	-	
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	P	P	P	17.20.6.260
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	P	P	P	
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	P	P	-	
Contractor Yards																					
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	-	P	P	-	17.20.6.270
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	P	P	P	17.20.6.280
Industrial/Manufacturing																					
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P	P	-	
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.290
Light manufacturing and assembly	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.6.300
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.310
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

**Exhibit 20-2. Accessory uses by district**

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Accessory living space	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	17.20.7.010
Agriculture, livestock	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.080
ATM, exterior	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.020
Bed and breakfast	C	C	C	C	C	C	-	C	-	-	-	P	P	P	-	-	-	-	-	17.20.7.030
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.7.040
Gaming, accessory	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	P	P	P	17.20.7.050
Garage, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.060
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.7.070
Private stable/barn	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.080



Residence, accessory	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.7.085
Roadside farmer's market	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.7.090
Storage containers	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	17.20.7.100
Wind-powered electricity systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.7.110

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

**Exhibit 20-3. Temporary uses by district (see 17.20.8.010 for Special Standards)**

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Garage sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.8.015
Itinerant outdoor sales	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	C	C	-	17.20.8.020
On-site construction office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.8.030
On-site real estate sales office	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	-	-	-	-	17.20.8.040
Outdoor entertainment, temporary	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	P	P	
Sidewalk café	-	-	-	-	-	-	-	P	P	-	P	P	P	P	C	C	-	-	-	17.20.8.050
Sidewalk food vendor	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	17.20.8.060

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

~~17.20.6.140 – Casino, type I.~~

~~A. Purpose. This section is intended to allow the location of new casinos or the relocation of existing casinos in certain zoning districts provided they meet more stringent development and~~

~~appearance standards than type II casinos.~~

(Ord. 3251, 2022; Ord. 2950, 2007)

~~B.—Classification. A casino shall be identified by definition in Chapter 8 of this Title.~~

~~C.—Proximity to residentially zoned properties. There is no minimum distance requirement from residential uses or between casinos.~~

~~D.—Proximity to other specified uses:~~

~~1.—Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), worship facility, park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,~~

~~2.—Casinos shall not locate on premises operating a sexually oriented business.~~

~~E.—Design Review Board approval. The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or~~

~~relocated casino, or an expansion or exterior renovation of an existing casino.~~

(Ord. 3251, 2022; Ord. 2950, 2007)

~~F.—Special landscaping. Casinos must comply with all applicable landscaping requirements in Chapter 44 Landscaping. Additional or special landscaping requirements for type I casinos include the following:~~

~~1.—Minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas and foundation planting areas, shall be twenty (20) percent of the gross property area to be developed.~~

~~2.—Fifty (50) percent of said landscaping shall be located between the front lot line and the building.~~

~~G.—Signage must meet zoning district requirements for the premises.~~

(Ord. 3251, 2022; Ord. 3139, 2016)

17.20.6.150—Casino, type II.

~~A.—Purpose. This section is intended to prohibit casino gambling in certain zoning districts in the City of Great Falls to promote public health, safety and welfare by preserving aesthetic appearances within the City and by reducing the public exposure to casino gambling, thereby promoting moral, social and cultural values within the City.~~

~~B.—Classification. A casino shall be identified by definition in Chapter 8 of this Title.~~

~~C.—Proximity to residentially zoned properties. Casinos shall not be located within three hundred fifty (350) feet of any residentially zoned property. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.~~

~~D.—Proximity to other specified uses.~~

~~1.—Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), worship facility, park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,~~

~~2.—Casinos shall not locate within three hundred fifty (350) feet of any other casino. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,~~

~~3.—Casinos shall not locate on premises operating a sexually oriented business.~~

~~E.—Design Review Board Approval. The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or relocated casino, or an expansion or exterior renovation of an existing casino.~~

**(Ord. 3251, 2022; Ord. 2950, 2007)**

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

ZONE-000003-2022

DEVELOPMENT APPLICATION

Casino LANDSCAP Reevirment Text Add

Name of Project:

3 High Inc.

Owner Name:

PO Box 7028

Mailing Address:

406 799 3810

Phone:

billyheisler2@hotmail.com

Email:

Bill Heisler

Representative Name:

Phone:

Email:

PROPERTY DESCRIPTION / LOCATION:

Lots G-14

18

20N/13

4E/Lincoln Heights

Mark/Lot:

Section:

Township/Block:

Range/Addition:

2412 11<sup>th</sup> Ave So

Street Address:

ZONING:

G-2

Same

Vacant

Casino

Current:

Proposed:

Current:

Proposed:

LAND USE:

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 (our) knowledge.



Property Owner's Signature:

6/30/22

Date:

Representative's Signature:

Date:



Commission Meeting Date: November 1, 2022  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Construction Contract Award: Central Ave/3rd St Drainage Improvements Phase 1, O.F. 1779.0

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Public Works Department

**Action Requested:** Consider Bids and Approve Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$1,483,052 to Ed Boland Construction for the Central Ave/3rd St Drainage Improvements Phase 1 project, and authorize the City Manager to execute the necessary documents and to make the payments.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

---

**Staff Recommendation:** Approve construction contract award.

**Summary:**

There has been an increasing number of short duration high intensity rainfall events that have resulted in flooding within the City in recent years. One area that has been problematic from a flooding perspective is the Downtown Business District. This area includes Central Avenue, 2<sup>nd</sup> Street South, 4<sup>th</sup> Street South, and 5<sup>th</sup> Street South. The increase in flooding frequency triggered multiple complaints from downtown businesses. Business and building owners expressed concerns with damage caused by water flooding the basements and lower levels of their facilities.

**Background:**

Previously, the City retained Great West Engineering to perform a basin study for the project area. The study included assessments of the existing storm drainage piping. The study helped to identify system deficiencies and make recommendations for improvements to the storm drainage network that will help reduce the duration and amount of future flooding.

The proposed project area for this phase is along 3<sup>rd</sup> Street South and extends from 4<sup>th</sup> Avenue South to 2<sup>nd</sup> Avenue South; along 3<sup>rd</sup> Avenue South from 3<sup>rd</sup> Street South to 4<sup>th</sup> Street South; and along 2<sup>nd</sup> Avenue South from 3<sup>rd</sup> Street South to 5<sup>th</sup> Street South. The project will involve adding storm drain inlets, increasing underground pipe capacity, and better conveying storm water to the Missouri River.

**Citizen Participation:**

City Staff presented this project to the Downtown Development Partnership (DDP) at its June 22 monthly meeting. The DDP voted to recommend support for both the Public Works drainage projects as well as amending the Downtown Urban Renewal Plan (DURP) document. At its June 28 meeting, the Planning Advisory Board determined that the proposed amendment to the DURP is consistent with the City's Growth Policy.

During the City Commission meeting on July 19, a Resolution of Intention to amend the DURP was adopted, Ordinance 3247 was accepted on first reading and a public hearing was set. After a public hearing on August 16 the City Commission adopted Ordinance 3247, approving the amended and restated urban renewal plan for the DURP and the two storm drainage projects.

**Workload Impacts:**

Great West Engineering completed engineering design, bidding, and construction contract documents. Great West Engineering, when necessary, will provide construction phase services and City Engineering staff will provide construction project inspection and engineering services support.

**Purpose:**

The purpose of this phase of the project is to implement Phase one of the improvements recommended in the zone identified as "Area 1" in the December 2020, 9th Ave S and Central Ave/4th St Drainage Basin Study prepared by Great West Engineering.

**Project Work Scope:**

The project consists of installing 293 lineal feet of 12" PVC storm drain; 946 lineal feet of 18" PVC storm drain; 380 lineal feet of 18" DR25 C900 PVC storm drain; 512 lineal feet of 54" RCP storm drain; 24 lineal feet of 40" x 65" RCPA storm drain; 9 concrete manholes; Three Type 1 curb inlets, and two Hydrodynamic Stormwater separators.

**Evaluation and Selection Process:**

The specifications were advertised three times in the Great Falls Tribune. Two bids were received on October 18, 2022 ranging from \$1,483,052 to \$1,487,693. Ed Boland Construction submitted the low bid.

**Conclusion:**

The project has been selected, prioritized, and executed in accordance with the Public Works Capital Improvement Program. The project was included in the 2023 budget within the storm drain utility enterprise fund. The project will reduce flooding and help address concerns that citizens have raised regarding the drainage in this area. City staff recommends awarding the contract to Ed Boland Construction in the amount of \$1,483,052.

**Fiscal Impact:**

State ARPA Grant funds, City storm drain funds, and Downtown TIF funds are programmed for funding this project. An application was approved by this Commission on January 4<sup>th</sup>, 2022 and submitted to the second round of competitive grant awards authorized by House Bill 632. The Office of the Governor notified the City that it's application had been selected for funding in a letter dated June 24<sup>th</sup>, 2022. On September 20<sup>th</sup>, 2022 the Commission approved an application for Minimum Allocation Grant funds, an additional House Bill 632 funding program, to be allotted to this project. That application has been submitted and is still pending. The attached bid tabulation summarizes bids that were received.

**Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project. This action would result in delaying the project leading to additional citizen complaints and potential litigation.

**Concurrences:**

Planning and Community Development and the Downtown Development Partnership recommend award of the bid.

**Attachments/Exhibits:**

Bid tabulation is attached.

Vicinity Map

CITY OF GREAT FALLS ENGINEERING  
 P.O. BOX 5021  
 GREAT FALLS, MT 59403

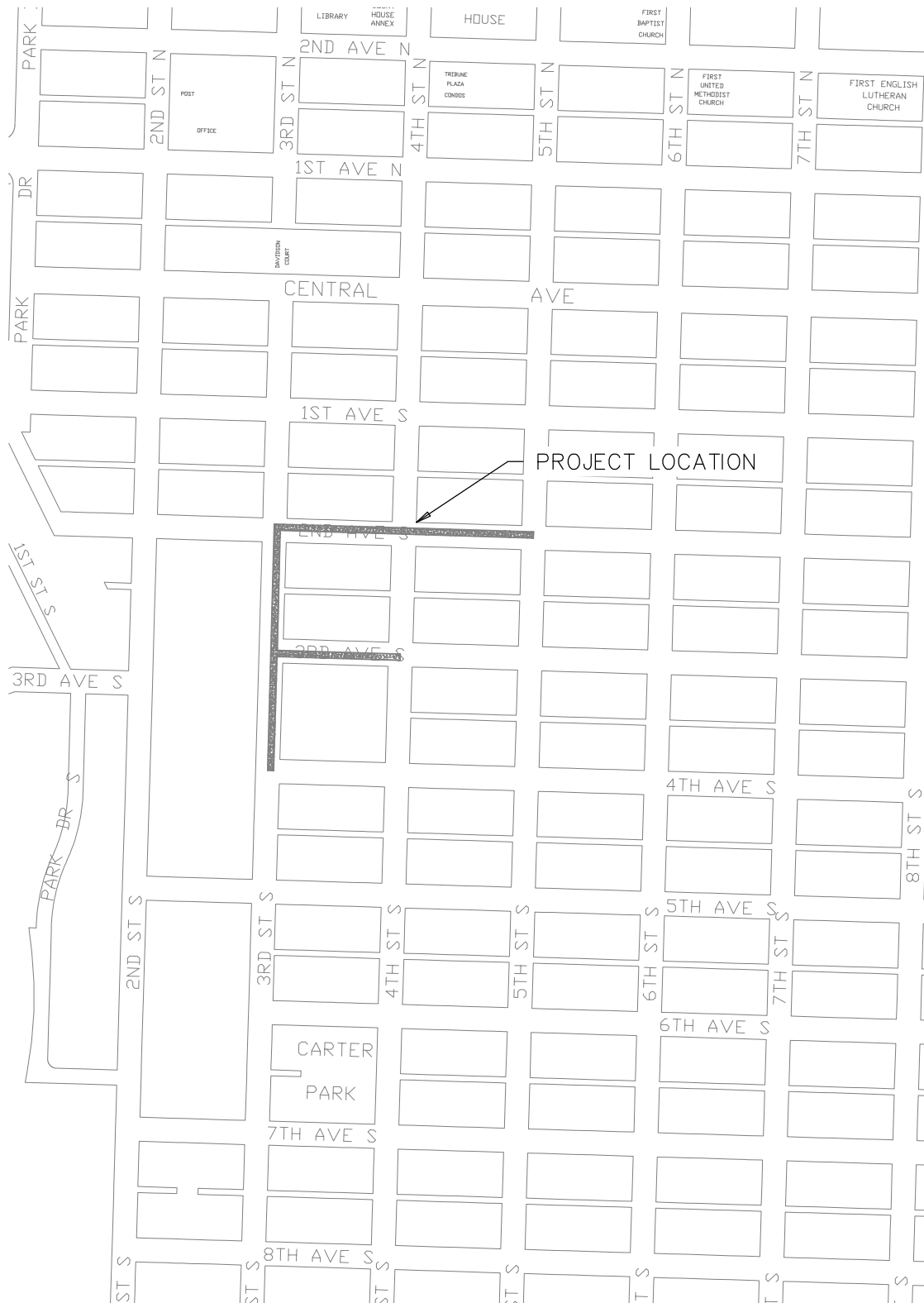
BID TABULATION SUMMARY

OF 1779.0 CENTRAL / 3RD STREET DRAINAGE IMPROVEMENTS PHASE I

BIDS TAKEN AT CIVIC CENTER  
 DATE: 18-OCT-22  
 TABULATED BY: ROSA HUGG

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	ACKNOWLEDGE ADD. #3	10% BID SECURITY	ADDIDAVIT OF NON-COLLUSION	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	CENTRAL PLUMBING & HEATING 3701 RIVER DRIVE NORTH ED BOLAND CONST.	X	X	X	X	X	X	X	\$1,487,693.00
2	PO BOX 7107 GREAT FALLS, MT 59406	X	X	X	X	X	X	X	\$1,483,052.00
3									
4									
5									
6									
7									
8									
9									
10									





P:\Engineering\inspector\Russell\1 - Projects\1779\_0-CentralAve-3rdst-Drainage-Improvements\1779\_017-Design Information-Engineering Reports\1779\_0-TIF-MAP.dwg



**CENTRAL AVE / 3RD STREET  
DRAINAGE IMPROVEMENTS PHASE 1**

**VICINITY  
MAP**

OF 1779.0

10-18-20