

ORDINANCE 3056

AN ORDINANCE AMENDING TITLE 17
OFFICIAL CODE OF THE CITY OF GREAT FALLS,
COMMONLY REFERRED TO AS
THE LAND DEVELOPMENT CODE,
TO PROVIDE MISCELLANEOUS
REVISIONS AND ADDITIONS

* * * * *

WHEREAS, on September 6, 2005, the City Commission of the City of Great Falls amended the Official Code of the City of Great Falls (OCCGF) to include new and updated land development regulations and City zoning map under "Title 17 – Land Development Code"; and,

WHEREAS, on March 6, 2007, the City Commission adopted Ordinance 2950 amending and refining numerous provisions in Title 17, OCCGF; and,

WHEREAS, over the last few years, staff has identified additional items and provisions warranting further amendment that can be primarily categorized as typographical corrections, minor housecleaning, clarification, and improvement and refinement of wording and definitions for better code application, interpretation and enforcement; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing on the proposed amendments and recommended the City Commission adopt Ordinance 3056; and,

WHEREAS, notice of amending the Land Development Code was published in the Great Falls Tribune, advising that a public hearing on these proposed amendments would be held on the 17th day of August, 2010, before final passage of said Ordinance herein.

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

Section 1. That OCCGF Title 17 pertaining to the Land Development Code be amended as depicted in Exhibit "A" which removes any language indicated by a strike-out and adds any language which is bolded.

Section 2. It is determined that the herein proposed amendments will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 3. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading July 20, 2010.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading August 17, 2010.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, 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 3056 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT “A”

TO

ORDINANCE 3056

AN ORDINANCE AMENDING TITLE 17
OFFICIAL CODE OF THE CITY OF GREAT FALLS,
COMMONLY REFERRED TO AS
THE LAND DEVELOPMENT CODE,
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Chapter 4
GENERAL PROVISIONS

17.4.080 Applicability of zoning regulations to public entities

A State or local agency may develop public land contrary to the zoning regulations contained in this Title. However, the agency shall notify the Director of the Planning **and Community Development** Department of its intent to do so and the Board of Adjustment shall hold a public hearing within 30 days of the date of such notice. The Board of Adjustment shall host the public hearing as a public forum for comment on the proposed use but shall have no power to deny the proposed use. (See 76-2-402, MCA) If a private developer develops land under contract for a State or local agency that is contrary to this Title, the property, including uses, buildings, and structures, shall conform to this Title when the State agency vacates the building.

17.4.100 Incorporation by reference

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

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

Chapter 8
INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

17.8.120 General definitions

“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.

“Community residential facility” means any one of the following as defined:

- a. “Community group home” means a family-oriented residence that is designed to provide residential services for 2 to 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 to 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 7 to 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 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)**
- f. ~~“Adult foster family care home” means a private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (Source: 52-3-302 MCA)~~

“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)

“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.**

“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. a diverse product line.** ~~The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.~~

“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.

“Retirement home” means a place and/or building, or portion thereof, that is used or is intended to provide ~~independent~~ living quarters, ~~either owned or rented, to~~ **for** individuals generally 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.**

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

~~“Specialty sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.~~

Chapter 12
ADMINISTRATIVE AND ENFORCEMENT BODIES

Article 1
PLANNING ADVISORY BOARD

17.12.1.070 Schedule of meetings

The board shall fix the time for holding regular meetings, but shall meet at least once ~~each month during the year~~ **in the months of January, April, July, and October.**

17.12.1.090 Voting and quorum

- A. **Requirements for quorum.** A quorum shall consist of 5 members.
- B. **Requirements for official action.** ~~No action of the board shall be official unless authorized by 5 or more members of the board at a regular or properly called special meeting.~~ **Each decision of the board shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.**
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
 - 6. The member has a direct financial interest in the outcome of the matter at issue; or
 - 7. The member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
 - 8. The member owns property within the area entitled to receive written notice; or
 - 9. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - 10. Other applicable law that applies.

17.12.1.050 Officers

- A. **Election.** At its first regular meeting in each calendar year, the board shall elect from its members a chairman and vice-chairman to serve for a period of one year. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of 3 members, elected by a majority vote of the board, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least 2 weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chairman, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chairman.** The chairman shall have all the rights and privileges of a board member.
- G. **Duties of chairman.** The chairman shall:
 - 1. preside at all meetings of the board,
 - 2. be an ex-officio member of all committees except the nominating committee,
 - 3. act as a liaison between the board and the **Planning and Community Development** Department,
 - 4. execute all legal documents on behalf of the board,
 - 5. authorize all financial transactions upon approval of a majority of members present,
 - 6. appoint the chair and members of all committees except the nominating committee,
 - 7. call special meetings as provided herein, and
 - 8. act as the public representative of the board or designate an alternate.

- H. **Duties of vice-chairman.** The vice-chairman shall perform the duties of the chairman in all cases in which the chairman is unable to serve or as otherwise directed by the chairman.
- I. **Duties of secretary.** The Director of the Planning **and Community Development** Department shall function as the secretary of the board. The secretary shall maintain the minutes and records of the board and issue calls and notices pertaining to the board, prepare and distribute the agenda for all regular meetings at least four days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.

17.12.1.140 Fiscal administration and budget

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

**Article 2
ZONING COMMISSION**

17.12.2.050 Officers

- A. **Election.** At its first regular meeting in each calendar year, the commission shall elect from its members a chairman and vice-chairman to serve for a period of one year. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chairman, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chairman.** The chairman shall have all the rights and privileges of a commission member.
- G. **Duties of chairman.** The chairman shall:
 1. preside at all meetings of the commission,
 2. act as a liaison between the commission and the Planning **and Community Development** Department,
 3. execute all legal documents on behalf of the commission,
 4. call special meetings as provided herein, and
 5. act as the public representative of the commission or designate an alternate.
- H. **Duties of vice-chairman.** The vice-chairman shall perform the duties of the chairman in all cases in which the chairman is unable to serve or as otherwise directed by the chairman.
- I. **Duties of secretary.** The Director of the Planning **and Community Development** Department shall function as the secretary of the commission. The secretary shall maintain the minutes and records of the commission and issue calls and notices pertaining to the commission, prepare and distribute the agenda for all regular meetings at least four days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.

**Article 3
DESIGN REVIEW BOARD**

17.12.3.040 Officers

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

- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chair.** The chair shall have all the rights and privileges of a board member.
- G. **Duties of chair.** The chair shall:
 1. preside at all meetings of the board,
 2. plan the agenda for the board,
 3. act as a liaison between the board and the **Planning and** Community Development Department,
 4. execute all legal documents on behalf of the board,
 5. call special meetings as provided herein, and
 6. act as the public representative of the board or designate an alternate.
- H. **Duties of vice-chair.** The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.
- I. **Duties of secretary.** The secretary shall:
 1. maintain the minutes and records of the board and issue calls and notices pertaining to the board,
 2. distribute the agenda for all regular and annual meetings at least one week prior to the meeting,
 3. keep a roll of membership and attendance, and
 4. supervise the balloting at all elections.
- J. **Delegation of duties.** The board may delegate the duties of the secretary to the **Planning and** Community Development Department by a majority vote.

Article 4

HISTORIC PRESERVATION ADVISORY COMMISSION

17.12.4.040 Officers

- A. **Election.** At its annual meeting, the commission shall elect a chair, vice-chair, and secretary from among its membership by majority vote. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of 3 members, elected by a majority vote of the commission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least 2 weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chair.** The chair shall have all the rights and privileges of a commission member.
- G. **Duties of chair.** The chair shall:
 1. preside at all meetings of the commission;
 2. plan the agenda for the commission;
 3. act as a liaison between the commission, ~~and the Planning and~~ **Planning and** Community Development Department, ~~and the Planning Department;~~
 4. execute all legal documents on behalf of the commission;
 5. call special meetings as provided herein; and
 6. act as the public representative of the commission or designate an alternate.
- H. **Duties of vice-chair.** The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.
- I. **Duties of secretary.** The secretary shall:
 1. maintain the minutes and records of the commission and issue calls and notices pertaining to the commission,
 2. distribute the agenda for all meetings at least one week prior to the meeting,

3. keep a roll of membership and attendance, and
 4. supervise the balloting at all elections.
- J. **Delegation of duties.** The commission may delegate the duties of the secretary to the **Planning and** Community Development Department /~~Planning Department~~ by a majority vote.

Article 5
BOARD OF ADJUSTMENT

17.12.5.040 Officers

- K. **Election.** At its annual meeting, the board shall elect a chair, vice-chair, and secretary from among its membership by majority vote. If there is more than one nominee for any office, voting shall be by secret ballot.
- L. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- A. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- B. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- C. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- D. **Rights of chair.** The chair shall have all the rights and privileges of a board member.
- E. **Duties of chair.** The chair shall:
1. preside at all meetings of the board,
 2. plan the agenda for the board,
 3. act as a liaison between the board and the **Planning and** Community Development Department,
 4. execute all legal documents on behalf of the board,
 5. call special meetings as provided herein, and
 6. act as the public representative of the board or designate an alternate.
- F. **Duties of vice-chair.** The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.
- G. **Duties of secretary.** The secretary shall:
1. maintain the minutes and records of the board and issue calls and notices pertaining to the board,
 2. distribute the agenda for all meetings at least one week prior to the meeting,
 3. keep a roll of membership and attendance, and
 4. supervise the balloting at all elections.
- H. **Delegation of duties.** The board may delegate the duties of the secretary to the **Planning and** Community Development Department by a majority vote.

Chapter 16
ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Article 7
ANNEXATION BY PETITION

17.16.7.030 Application and review procedure

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the Planning **and Community Development** Department to:
1. review applicable procedures;
 2. review applicable goals and objectives of the City's growth policy and applicable neighborhood plans, if any; and
 3. review the proposal.
- The pre-submittal meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, the applicant shall submit background information to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant may meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the Planning **and Community Development** Department along with the application fee as may be established by the City Commission.
- D. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- E. **Schedule date of review.** Following a determination of completeness, the director shall schedule a public hearing date to review the application allowing for proper public notice.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing.** The Planning Board shall conduct a public hearing to review the application and staff report.
- I. **Planning Board recommendation.** The Planning Board, after considering the comments and recommendations of the staff report, shall make a recommendation to the City Commission, based on the decision criteria contained in this article, to either:
1. approve the annexation,
 2. approve the annexation with conditions, or
 3. deny the annexation.
- J. **City commission decision.** The City Commission, after considering the comments and recommendation of the Planning Board and after reviewing the staff report, shall make a decision, based on the criteria contained in this article, to either:
1. approve the annexation,
 2. approve the annexation with conditions, or
 3. deny the annexation.

The decision shall be prepared consistent with the requirements contained in this article.

- K. **Annexation resolution.** City Commission approval shall be done through the adoption of a resolution officially annexing the subject property.
- L. **Compliance.** If the annexation is approved, the applicant shall comply with all the conditions, if any, of the approval.
- M. **Recording of resolution.** The City Clerk shall record the annexation resolution with the County Clerk and Recorder. (Ord. 2950, 2007)

Article 8 ZONING PERMIT

17.16.8.030 Application and review procedure

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 2 days of submittal, the Director of the **Planning and Community Development** Department shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall either issue or deny issuance of the permit based on the decision criteria established in this article.

Article 16 SIGN PERMIT

17.16.16.020 Application and review procedure

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department.
- B. **Determination of completeness.** Within 2 days of submittal, the Director of **Planning and Community Development** shall determine whether the submitted application is complete or incomplete and notify the applicant, of any deficiencies. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall approve the permit, approve it with conditions, or deny the permit based on the decision criteria established in this article.
- D. **Permit fee.** At the time of issuance of the permit, the applicant shall pay the applicable permit fee as may be established by the City Commission.

Article 17 LANDSCAPE DESIGN REVIEW

17.16.17.010 Application and review procedure

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 5 days of submittal, the Director of **Planning and Community Development** shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to

resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.

- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall approve the application, approve it with conditions, or deny the permit based on the decision criteria established in this article.
- D. **Resubmittal of application.** If the application is denied, the applicant has 20 days to submit another application or forfeit the original application fee.

Article 18 DESIGN REVIEW

17.16.18.010 Application and review procedure

- A. **Pre-submittal conference.** Before submitting an application, the applicant or the applicant's agent is encouraged to meet with the Director of **Planning and** Community Development to:
 - 1. review applicable regulations and procedures;
 - 2. review applicable goals and objectives of the City's growth policy, neighborhood plans, if any, and other plans, as appropriate; and
 - 3. review a concept drawing of the project.The pre-submittal conference may, at the discretion of the director and with concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, the concept drawing shall be submitted to the director.
- B. **Submittal of application.** The applicant shall submit an application, as described in this article, to the **Planning and** Community Development Department along with the application fee as may be established by the City Commission.
- C. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- D. **Schedule date of review.** Following a determination of completeness, the director shall schedule a meeting with the Design Review Board. Public notice shall be given of the date and time of the meeting.
- E. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Design Review Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the public meeting. He/she shall also provide a copy to interested people upon request.
- F. **Public hearing.** The board shall conduct a public hearing to review the application.
- G. **Board decision.** Within 10 days of the public meeting (unless the applicant consents in writing to an extension of the review period), the Design Review Board after considering the comments and recommendations of the staff report shall render a decision to:
 - 1. approve the application,
 - 2. approve the application with conditions, or
 - 3. deny the application.
- H. **Applicant notification of decision.** Within 5 days following the decision date, the director shall mail the board's decision to the applicant.

Article 19 OUTDOOR LIGHTING

17.16.19.020 Reviewing entity

- A. **Review.** When the Design Review Board reviews a project, it shall also review the proposed lighting, if any, to

ensure it complies with the lighting standards contained in this Title. The Design Review Board shall follow the review process and render a decision consistent with this article.

- B. **Administrative review.** When an outdoor lighting application is submitted and is not subject to any other review procedure, the Director of **Planning and** Community Development shall conduct the review and render a decision consistent with this article.

17.16.19.030 Application and review procedure for independent review

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and** Community Development Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 2 days of submittal, the Director of **Planning and** Community Development shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall approve the permit, approve it with conditions, or deny the permit based on the decision criteria established in this article.
- D. **Applicant notification.** Within 5 days following the decision, the director shall mail the applicant the original (signed) copy of the permit and retain a copy for the public record.

**Article 20
DESIGN WAIVER**

17.16.20.020 Application and review procedure

- A. **Submittal of application.** The applicant shall submit a completed application, as described in this article, to the **Planning and** Community Development Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the Director of **Planning and** Community Development or appropriate City department director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Decision.** Within 15 days after submittal, the director shall review the request and approve it, approve it with conditions, or deny it based on the decision criteria established in this article.
- D. **Applicant notification of decision.** Within 5 days following the decision, the director shall mail the decision to the applicant.
- E. **Ratification by reviewing authority.** The board, commission, or official responsible for a subsequent review shall ratify the issuance of the waiver or revoke the waiver if it was not issued in compliance with this article.

**Article 23
DEMOLITION PERMIT**

17.16.23.030 Application and review procedure

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and** Community Development Department.
- B. **Determination of completeness.** Within 10 days of submittal, the Director of **Planning and** Community Development shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application

- fee. The director shall take no further steps to process the application until it is deemed complete.
- C. **Determination of review** authority. In consultation with the Historic Preservation Officer, the Director shall determine if the building proposed for demolition is of historic value, meaning it is individually listed on the National Register of Historic Places, is eligible for listing, or is designated as a contributing or primary property to an existing historic district.
 - D. **Review if building is not of historic value.** If a determination is made that the building is not of historic value, the director shall issue a demolition permit provided the demolition complies with all other requirements of this Title and other laws and ordinances of the State of Montana and City of Great Falls as may apply.
 - E. **Review if building is of historic value.** If a determination is made that the building is of historic value, the applicant and the Historic Preservation Officer shall meet to discuss the proposed demolition. The Historic Preservation Officer shall discuss options for the property, such as alternative designs, grants, tax credits, tax abatements, purchase, land exchanges, and building relocation.
 - F. **Neighborhood council contact recommended.** The applicant may meet with representatives of the Neighborhood Council in which the project is located to discuss the proposed demolition and solicit feedback.
 - G. **Additional procedural steps.** If the permit is issued, the applicant shall work with the **Planning and Community Development** Department to ensure compliance with this part and other regulations that may apply. (Ord. 2950, 2007)
 - H. **Permit fee.** At the time of issuance of the permit, the applicant shall pay the applicable permit fee as may be established by the City Commission.

Article 26
SUBDIVISION – PRELIMINARY AND MINOR PLATS

17.16.26.010 Application and review procedure for a major subdivision (See: 76-3-601, MCA)

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the **Planning and Community Development** Department to:
 1. review applicable State laws and local regulations and procedures; and,
 2. review applicable goals and objectives of the City's growth policy; and,
 3. review the concept plat; and,
 4. create a list of the public utilities, agencies of local, State and federal government and other entities to be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies and other entities are given to respond.

The pre-application meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference within 30 days from the date the subdivider requests such a meeting. Prior to the conference, the concept plat shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission, within 6 months of the pre-application meeting referenced in A above.
- D. **Determination of completeness.** Within 5 working days of submittal, the director shall determine whether the proposed application contains all of the listed materials as required by section 17.16.26.080 of this Article, and notify the applicant of any deficiencies. The director has an additional 15 working days to determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under the provisions of this chapter and local regulations adopted pursuant to this chapter. If the application is incomplete, the applicant has 6 months to resubmit the application or

forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied. (See: 76-3-604 (1) and (2), MCA)

- E. **Schedule date of review.** Following a determination of completeness, the director shall notify the Planning Board of the application. If more than 2 majors are submitted in any given month, the Planning **and Community Development** Department, in consultation with the Planning Board president, may schedule separate meetings to consider them. Applications will be scheduled on a first-come first-serve basis.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing.** Allowing for proper public notice, the Planning Board shall conduct a public hearing to review the application. (See: 76-3-501(1)(n) and 76-3-605 (1), MCA)
- I. **Review session.** Allowing for proper notice, the Planning Board may conduct a review session to review the application. The purpose of this session is to allow the Planning Board members and the applicant to informally discuss the preliminary plat without making a formal recommendation.
- J. **Planning Board recommendation.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the Planning Board after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article to either:
 - 1. approve the preliminary plat; or,
 - 2. approve the preliminary plat with conditions; or,
 - 3. deny the preliminary plat. (See: 76-3-605 (4) and 76-1-107, MCA)
- K. **Consultation.** If the City Commission intends on imposing conditions of approval to mitigate negative impacts that are different than and/or in excess of those voluntarily included in the application of record by the applicant, the commission shall consult with the applicant and give due weight and consideration to the expressed preference of the applicant. (See: 76-3-608(5)(b), MCA)
- L. **Supplemental consideration.** If as a result of the consultation, the proposed subdivision is materially and substantially different than the original application, the City Commission may direct the Planning Board to conduct another public hearing to consider the application as may be changed by the anticipated mitigation.
- M. **City Commission decision.** Within 60 days of the determination of completeness (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Planning Board and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:
 - 1. approve the preliminary plat; or,
 - 2. approve the preliminary plat with conditions; or,
 - 3. deny the preliminary plat. (See: 76-3-604 (2), MCA)The preliminary plat decision shall be prepared consistent with the requirements contained in this article.

17.16.26.020 Application and review procedure for a minor subdivision or for a second or subsequent minor subdivision from a tract of record (See: 76-3-505 (2) and 76-3-609, MCA)

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the Planning **and Community Development** Department to:
 - 1. review applicable subdivision regulations and procedures; and,
 - 2. review applicable goals and objectives of the City's growth policy; and,
 - 3. review the concept plat; and,
 - 4. create a list of the public utilities, agencies of local, State and federal government and other entities to be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies and other entities are given to respond.

The pre-application meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference within 30 days from the date the subdivider requests such a meeting. Prior to the conference, the concept plat shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.

- B. Neighborhood **council contact recommended**. Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application**. The applicant shall submit an application, as described in this article, to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission, within 6 months of the pre-application meeting referenced in A above.
- D. **Determination of completeness**. Within 5 working days of submittal, the director shall determine whether the proposed application contains all of the listed materials as required by section 17.16.26.080 of this Article, and notify the applicant of any deficiencies. The director has an additional 15 working days to determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under the provisions of this chapter and local regulations adopted pursuant to this chapter. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied. (See: 76-3-604 (1) and (2), MCA)
- E. **Schedule date of review**. Following a determination of completeness, the director shall notify the Planning Board of the application. If more than 6 minors are submitted in any given month, the **Planning and Community Development** Department, in consultation with the Planning Board president, may schedule separate meetings to consider them. Applications will be scheduled on a first-come, first-serve basis.
- F. **Notice**. Consistent with Article 4 of this chapter, the director shall provide for, appropriate notification, depending upon whether the application involves a minor plat or a second or subsequent minor subdivision from a tract of record (See: 76-3-605 (3), MCA).
- G. **Staff report**. The director shall prepare a written staff report as described in this article and mail it to each member of the Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the date of Planning Board consideration. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing for a second or subsequent minor subdivision from a tract of record**. Allowing for proper public notice, the Planning Board shall conduct a public hearing to review the application for a second or subsequent minor subdivision from a tract of record. (See: 76-3-501(1) and 76-3-605 (1), MCA)
- I. **Planning Board recommendation**. Within 10 days of the public meeting (in the case of a minor plat) or the public hearing (in the case of a second or minor subdivision from a tract of record), (unless the applicant consents in writing to an extension of the review period), the Planning Board after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article, to either:
 - 1. approve the minor plat; or,
 - 2. approve the minor plat with conditions; or,
 - 3. deny the minor plat. (See: 76-3-505 (2)(b), MCA)
- J. **Consultation**. If the City Commission intends on imposing conditions of approval to mitigate negative impacts that are different than and/or in excess of those voluntarily included in the application of record by the applicant, the commission shall consult with the applicant and give due weight and consideration to the expressed preference of the applicant. (See: 76-3-608(5)(b), MCA)
- K. **City Commission decision**. Within 35 days of the determination of completeness (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Planning Board and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:
 - 1. approve the minor plat; or,

2. approve the minor plat with conditions; or,
3. deny the minor plat. (See: 76-3-604 (2), MCA)

The minor plat decision shall be prepared consistent with the requirements contained in this article.

- L. **Applicant notification of decision.** Within 5 days following the decision date, the City Commission decision on the minor plat shall be mailed to the applicant.

17.16.26.030 Extension of review period

- A. **Generally.** Prior to the final decision of the City Commission, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information. (See: 76-3-604 (2), MCA)
- B. **Procedure.** If the City Commission approves the extension, the Planning Board will rehear the amended application with appropriate notice. If the requested change in the application is minor, the Planning **and Community Development** Department shall simply notify the president of the Planning Board of the change.
- C. **Extension requirements.** Unless otherwise stated in writing, an extension request automatically extends the review period to 30 days beyond the date when the Planning Board hears the amended application.

Article 27

SUBDIVISION – FINAL PLAT

17.16.27.010 Application and review procedure

- A. **Submittal.** Following approval of the preliminary plat but before the expiration date of the original preliminary plat decision or the extension thereto, the applicant shall submit all of the items as specified in the preliminary plat decision to the Planning **and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Staff review.** Within 10 days of submittal, the Director of the Planning **and Community Development** Department shall examine the submitted items and recommend approval only when they conform to the preliminary plat decision, the Montana Subdivision and Platting Act, and this Title.
- C. **County treasurer review.** The County Treasurer shall certify that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid. (See: 76-3-611 (1) (b), MCA)
- D. **Clerk and recorder review.** The County Clerk and Recorder shall examine the final plat to ensure that it conforms to the Montana Subdivision and Platting Act. The County Clerk and Recorder shall refuse to accept any plat for record that is not in proper form.
- E. **City attorney review.** The City Attorney may review the title abstract or certificate of title and other elements of the final plat submittal as appropriate. (See: 76-3-612 (2), MCA)
- F. **Planning Board recommendation on majors.** The Planning Board shall review the final plat and provide a recommendation to the City Commission.
- G. **City Commission decision.** After considering the comments and recommendations of the Planning Board (only for majors), the City Commission shall review the final plat application and approve the plat or deny it based on the decision criteria as described in this part.
- H. **Resubmittal of final plat.** If the final plat is denied, the applicant may make the necessary corrections and resubmit the final plat for approval provided that it is resubmitted within the approval period of the preliminary plat.
- I. **Filing of final plat.** After approval of the final plat, the County Clerk and Recorder shall officially file the plat according to State law.

17.16.27.040 Final plat form and content (See: 76-3-504 (1)(c), MCA)

- A. **Preparation.** A professional land surveyor shall prepare the final plat. All engineering plans, specifications, and reports, when included as part of the plat shall be prepared and certified by a professional engineer.
- B. **Format.** The final plat shall be prepared consistent with the requirements of the preliminary plat.

- C. Required content. The final plat shall include, at a minimum, the information as listed in Appendix A, **together with a statement that all prospective purchasers are advised to consult with and obtain the recommendation of a geotechnical engineer before initiating construction.**
- D. **Consistency with approved preliminary plat.** The final plat shall conform to the preliminary plat decision.
- E. **Consistency with uniform standards.** The final plat shall comply with the Montana Uniform Standards for Final Subdivision Plats. (ARM 8.94.3003)

17.16.27.050 Application form and content (See: 76-3-504 (1)(c), MCA)

- A. **Generally.** The application shall include all those elements as required by the preliminary plat decision. This shall include the survey in a digital format as specified by the Director of the **Planning and Community Development** Department.
- B. **Final plat as a portion of preliminary plat.** The final plat may constitute a portion of the approved preliminary plat the subdivider wishes to file, provided that such portion conforms to all requirements of this Title and is approved by the City Commission in writing.

**Article 29
PLANNED UNIT DEVELOPMENT**

17.16.29.020 Application and review procedure

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the **Planning and Community Development** Department to:
 1. review applicable regulations and procedures;
 2. review applicable goals and objectives of the City's growth policy and the applicable neighborhood plan(s), if any; and
 3. review the proposal.
 The pre-submittal meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, any preliminary drawings and maps shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- D. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- E. **Schedule date of review.** Following a determination of completeness, the director shall schedule a public hearing with the Zoning Commission allowing for proper public notice.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing.** The Zoning Commission shall conduct a public hearing to review the application.
- I. **Zoning Commission/Planning Board recommendation.** Within 10 days of the public hearing (unless the

applicant consents in writing to an extension of the review period), the Zoning Commission after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article to either:

1. approve the planned unit development,
2. approve the planned unit development with conditions, or
3. deny the planned unit development.

J. **City Commission public hearing.** Allowing for proper public notice, the City Commission shall conduct a public hearing to consider the application.

K. **City Commission decision.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Zoning Commission and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:

1. approve the planned unit development,
2. approve the planned unit development with conditions, or
3. deny the planned unit development.

The decision shall be prepared consistent with the requirements contained in this article.

17.16.29.100 Changes in Planned Unit Development

A Planned Unit Development shall be developed only according to the approved final plan and all supporting data. The final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns, and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development as set forth therein.

- A. **Major Changes.** Major changes in the plan of development or supporting data similarly approved shall be considered the same as a new petition, and reapplication shall be made in accordance with the procedures for a new application. Major changes include increase in density, heights of buildings, change in location and types of nonresidential land uses, changes in road standards or alignment, changes in the location and/or amount of land devoted to open space, parks or other common facilities.
- B. **Minor Changes.** Minor changes may be approved by the zoning administrator or **Planning and Community Development** Director following approval of such change by the appropriate property owners' association if applicable. Minor changes are defined as any change not defined as a major change. (Ord. 2950, 2007)

Article 30

CERTIFICATE OF OCCUPANCY

17.16.30.020 Basis of decision

The Director of **Planning and** Community Development may withhold issuance of a certificate of occupancy when the available evidence shows the structure and associated development does not meet the standards and requirements of this Title, the current adopted edition of the International Building Code or other laws and ordinances of the City of Great Falls and State of Montana that may apply.

17.16.30.030 Issuance of a certificate when partially complete

The Director of **Planning and** Community Development may at his/her discretion issue a certificate of occupancy for that area of the building that has been completed, according to the current adopted edition of the International Building Code and other laws and ordinances of the City of Great Falls and State of Montana that may apply.

Article 32
VARIANCE

17.16.32.020 Application and review procedure for variances that do not relate to the subdivision regulations

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 10 days of submittal, the Director of **Planning and Community Development** shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, property owner notification, and agency notification.
- D. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Board of Adjustment, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- E. **DNRC notification of application.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the application to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- F. **Public hearing.** Allowing for proper notice, the Board of Adjustment shall hold a public hearing to review the application.
- G. **Decision.** Within 30 days of the determination of completeness, the Board of Adjustment shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.
- H. **DNRC notification of decision.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the decision to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- I. **Applicant notification.** Within 5 days following the decision, the director shall mail the applicant the original (signed) copy of the decision and retain a copy for the public record.
- J. **Additional procedural steps.** If the board grants the variance, the applicant shall then follow other review procedures as may be required.

17.16.32.030 Application and review procedure for variances that relate to the subdivision regulations

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application for subdivision as provided in Article 26 of this chapter. (Ord. 2950, 2007)
- B. **Procedure.** The application for variance shall be processed simultaneously and as a part of the application for subdivision as provided in Article 26 of this chapter including staff report, Planning Board recommendation and City Commission decision. (Ord. 2950, 2007)

17.16.32.070 Limitations on issuing a variance

The following actions shall not be allowed by a variance:

1. expansion of a nonconforming use
2. modification to lot or other requirements so as to increase the permitted density or intensity of use
3. any project within a floodway that increases flood velocities or elevations
4. continuation of an amortized sign
5. **establishment of a use not permitted based upon the zoning classification assigned to subject property**

Article 34
ADMINISTRATIVE APPEAL

17.16.34.020 Application and review procedure

- A. **Submittal of appeal.** The applicant shall submit a written appeal to the Director of **Planning and Community Development** within 2 months of the date of the decision being appealed.
- B. **Notification of appeal.** The director shall provide a copy of the appeal to the Board of Adjustment and the officer who made the decision being appealed or who allegedly failed to act as required.
- C. **Compilation and submittal of record.** The officer who made the decision being appealed or who allegedly failed to act as required shall compile a complete and accurate record relating to the same and submit it to the Board of Adjustment.
- D. **Public hearing.** Allowing for proper public notice and notice to the parties in interest, the board shall conduct a public hearing to hear the appeal and consider the written record and testimony as may be provided.
- E. **Decision.** Within 45 days of the public hearing, the board shall decide to affirm the administrative decision, set aside the decision, or modify the decision.
- F. **Notification of decision.** The board shall notify in writing both the applicant and the officer of its final decision.

Article 36
CONDITIONAL USE

17.16.36.020 Application and review procedure

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the **Planning and Community Development** Department to:
 - 1. review applicable regulations and procedures;
 - 2. review applicable goals and objectives of the City's growth policy and the applicable neighborhood plan(s), if any; and
 - 3. review the proposal.The pre-submittal meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, any preliminary drawings and maps shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- D. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- E. **Schedule date of review.** Following a determination of completeness, the director shall schedule a public hearing with the Zoning Commission allowing for proper public notice.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each

member of the Zoning Commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.

- H. **Public hearing.** The Zoning Commission shall conduct a public hearing to review the application.
- I. **Zoning commission recommendation.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the Zoning Commission after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article, to either:
 - 1. approve the conditional use permit,
 - 2. approve the conditional use permit with conditions, or
 - 3. deny the conditional use permit.
- J. **City commission public hearing.** Allowing for proper public notice, the City Commission shall conduct a public hearing to consider the application.
- K. **City commission decision.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Zoning Commission and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:
 - 1. approve the conditional use permit,
 - 2. approve the conditional use permit with conditions, or
 - 3. deny the conditional use permit.

The decision shall be prepared consistent with the requirements contained in this article.

17.16.36.110 Subsequent modifications and additions

If after establishment of a 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. 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.

Article 38 CODE INTERPRETATION

17.16.38.010 Responsibility for interpretation

In the event a question arises concerning any provision or the application of any provision of this Title, the following individuals shall be responsible for rendering a written interpretation for the specified provisions. Due to overlapping responsibilities, joint interpretation may be required for all other provisions of this Title.

- 1. Floodplain administrator – floodplain regulations
- 2. Historic preservation officer – regulations concerning historic structures and buildings
- 3. Director of Public Works – regulations concerning erosion control and stormwater management
- 4. Director of Planning **and Community Development** – regulations concerning land use, subdivision and platting, airport district, neighborhood district, **design review, parking, signs, outdoor lighting, and landscaping**
- 5. ~~Director of Community Development – regulations concerning design review, parking, hillside development, signs, outdoor lighting, landscaping~~

17.16.38.030 Application and review procedure

- A. **Submittal of question.** The individual requesting the interpretation shall submit the question in writing to the Director of the Planning **and Community Development** Department.
- B. **Decision.** The director shall determine the appropriate individual responsible for such interpretation and forward a copy of the question to that individual. The individual responsible for rendering the interpretation

shall make a written decision within 15 days of receiving the request. However, if an administrative fee has been established, payment may be required before an interpretation is rendered.

- C. **Notification of decision.** The individual responsible for rendering the interpretation shall send a copy of the interpretation to the individual requesting the interpretation and to any board, commission, employee, and official involved in the administration of this Title, as appropriate.
- D. **Permanent record.** The individual rendering the interpretation shall send a copy of the interpretation to the director who shall keep a written record of all interpretations and make them available for public inspection.

Article 40

AMENDMENT TO TITLE 17, RELATIVE TO SUBDIVISIONS AND/OR ZONING

17.16.40.020 Application and review procedure for map amendments

- A. **Submittal of application.** The applicant shall submit a complete application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 10 days of submittal, the Director of the **Planning and Community Development** Department shall determine whether the submittal is complete or incomplete and notify the applicant, in writing, of any deficiencies. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of review authority.** The director shall determine the appropriate review authority. If the amendment is intended to amend the text of this Title as it relates to the subdivision of land, the Planning Board shall hear the amendment and render a recommendation to the City Commission. The Zoning Commission shall hear all other amendments relating to zoning. (Ord. 2950, 2007)
- D. **Transmittal of application to Zoning Commission / Planning Board.** The director shall forward one copy of the application to each member of the Zoning Commission or the Planning Board as appropriate.
- E. **Notice for single-parcel map amendment.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- F. **Notice for multiple-parcel map amendment.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, and agency notification.
- G. **Notice for text amendment.** Consistent with Article 4 of this chapter, the director shall provide for public notice and agency notification.
- H. **Neighborhood council contact recommended.** If the amendment involves a change in zoning designation for a single parcel, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- I. **Interdepartmental/agency review.** The director shall forward one copy of the application to appropriate City personnel and other local units of government that would be directly affected by the proposed amendment.
- J. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Commission / Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the first public hearing. He/she shall also provide a copy to interested people upon request.
- K. **First public hearing.** Allowing for proper public notice, the Zoning Commission / Planning Board shall conduct a public hearing to review the application, written comments received from the interdepartmental/agency review, and the staff report and to accept public comment on the application.
- L. **Recommendation.** The Zoning Commission / Planning Board shall make a written recommendation to the City Commission to either: deny the proposed amendment; or approve the proposed amendment without revision; or approve the proposed amendment with revision(s) it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public meeting.
- M. **Second public hearing.** The City Commission shall hold a public hearing, allowing for proper public notice, to consider the proposed amendment.
- N. **City commission decision.** After reviewing the application, written comments received from the public, the

interdepartmental/agency review, the staff report, and the Zoning Commission's / Planning Board's recommendation, the City Commission shall make a decision to either: deny the proposed amendment; or approve the proposed amendment without revision; or approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.

Chapter 20
LAND USE

Article 2
ZONING DISTRICTS AND ZONING MAP

17.20.2.030 Official zoning map

- A. **Availability.** An official copy of the zoning map shall be on file in the City Clerk's office and available for public inspection upon request.
- B. **Title.** The official zoning map shall bear the title "Official Zoning Map - City of Great Falls, Montana".
- C. **Certification.** The official zoning map shall be identified by the signature of the mayor attested by the City Clerk.
- D. **Preparation of a new official zoning map.** In the event the official zoning map is damaged, lost, or destroyed, and after each amendment to the official zoning map, the Director of the Planning **and Community Development** Department shall prepare a new official zoning map and submit it to the City Clerk for certification.
- E. **History of amendment.** After the effective date of this Title, the official zoning map shall be accompanied by a descriptive history of each amendment that has been made, indicating the ordinance number and date of action.
- F. **Archive of superseded zoning maps.** Upon passage of this Title, the Director of the Planning **and Community Development** Department shall keep a copy of each superseded zoning map in a permanent archive for historical reference.
- G. **Amendment.** The amendment procedures in Chapter 16 of this Title shall be used to amend the zoning map.

17.20.2.040 Establishment and purpose of districts

- A. **Base districts.** Different areas of the City serve uniquely different functions. The narrative below describes each of the districts. Some of the districts may share similar characteristics, but they possess one or more uniquely different qualities that allow a distinction to be drawn between them. Although an area may not now possess each of the attributes in these descriptions, it is intended that as uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this Title and development limitations that may be present, including steep slopes, floodplains, wetlands, riparian areas, and other environmentally sensitive areas. The City is divided into the following base districts as shown on the official zoning map:
 - 1. **R-1 Single-family suburban.** This district is intended to accommodate comparatively low-density, single-family residential development on larger lots. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district.
 - 2. **R-2 Single-family medium density.** This district is intended to accommodate medium-density, single-family residential development on moderate-sized lots. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.
 - 3. **R-3 Single-family high density.** This district is intended to accommodate single-family residences at the highest urban density. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.
 - 4. **R-5 Multi-family residential medium density.** This district is intended to accommodate multi-family units not exceeding two-stories. Given the higher densities, these districts are typically close to work and leisure.
 - 5. **R-6 Multi-family residential high density.** This district is intended to accommodate multi-family units of the highest density allowed in the City. These districts are typically found close to work and

leisure, and are close to the downtown.

6. **R-9 Mixed residential.** This district contains a mix of housing types including single-family, two-family, and multi-family dwellings. **All permitted existing residential densities in the R-9 district are considered to be conforming and are allowed to be re-established, if damaged. Any increase in density shall only be permitted as a conditional use.** New projects developing under this classification must be at least 5 acres in size and include a mix of housing types consistent with a set of prescribed standards.
7. **R-10 Mobile home park.** This district is for the exclusive use and development of mobile home parks.
8. **C-1 Neighborhood commercial.** This district is found near established and developing residential areas and is intended to accommodate low intensity commercial activities that serve the nearby residential area. Development standards ensure the compatibility of this district to those residential districts that may adjoin.
9. **C-2 General commercial.** This district is primarily intended to accommodate high-traffic businesses that focus on vehicle traffic. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Current residential uses are not considered nonconforming. As such, current residential uses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged.
10. **C-3 Highway commercial.** This district is intended to accommodate those commercial activities that primarily cater to those traveling on the interstate. As such, this district is only found at interchanges.
11. **C-4 Central business core.** This district is intended to accommodate and create a high level of business and social activity from morning through the nighttime hours. This district hosts a wide range of employment and businesses. Retail operations and specialty stores are common on the street level along with professional offices. Residential uses can occur in this district primarily on the upper levels of buildings. Entertainment occurs in this district and helps to create a destination. Sidewalk cafes and food vendors are common during the warmer months of the year. Off-street parking is available, but occurs primarily in multi-level parking garages and on-street parking. Civic buildings help to build a critical mass of activity.
12. **C-5 Central business periphery.** This district is generally found around the core of the downtown. It is intended to serve as a buffer between the downtown area and the surrounding residential districts. Although commercial uses are allowed in this district, they are typically businesses with lower levels of traffic compared to those found in the downtown area. Buildings are smaller in this district to create a physical transition in building bulk from predominant residential uses and the intensely developed downtown area. Buildings have setbacks and landscaping requirements. Exterior storage or display is not allowed.
13. **M-1 Mixed-use.** The mixed-use district is intended to allow a balanced and harmonious mixture of commercial, residential, institutional uses, and public spaces. Employment opportunities are near a variety of living options. A mix of uses could occur within the same building or in separate buildings in close proximity to one another. The transportation system and buildings are designed with pedestrians in mind.
14. **M-2 Mixed-use transitional.** This district is intended to promote a transition over time to a predominately mixed-use land use pattern. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. Current industrial uses and warehouses are not considered nonconforming. As such, current industrial uses and warehouses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met. (See Chapter 28, Section 17.28.050.) Uses characteristic of this district are the same as those found in the previously described M-1 District.
15. **PLI Public lands and institutional.** This district is intended to include areas of significant public lands including public schools and significant public and quasi-public institutional uses or facilities.

16. **POS Parks and open space.** This district is intended to include lands that are undeveloped and unimproved, or are public parks or recreational areas.
 17. **PUD Planned unit development.** A planned unit development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval. (Ord. 2950, 2007)
 18. **GFIA Great Falls International Airport.** This district is intended to include all lands associated with the Great Falls International Airport including support uses and activities.
 19. **I-1 Light industrial.** This district is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations.
 20. **I-2 Heavy industrial.** This district is intended to accommodate those activities associated with processing raw materials or other activities with potentially significant off-site impacts. Typically, the uses found in this district are not compatible with most types of non-industrial uses.
- B. **Overlay districts.** In addition to the base districts enumerated above, the City is also divided into the following overlay districts as shown on the official zoning map to account for unique conditions or requirements as further described in subsequent chapters:
1. **Neighborhood conservation overlay districts.** This overlay district is intended to protect characteristics typically found in older neighborhoods. Design standards help to perpetuate the best features of the neighborhood as buildings are renovated, maintained, and potentially redeveloped. The provisions relating to this overlay district are contained in Chapter 58 of this Title.
 2. **Great Falls International Airport overlay districts.** Overlay districts are established around the Great Falls International Airport to limit the height of buildings and other obstructions near the airport. Noise zones are also established around Great Falls International Airport to ensure that land uses are compatible with the continued functioning of the airport with special consideration on noise compatibility. The provisions relating to these overlay districts are contained in Chapter 54 of this Title.
 3. **Floodplain overlay districts.** The floodplain overlay districts are based on flood studies conducted in the City and on approved floodplain maps. Each of the districts has unique development standards based on flooding characteristics. The provisions relating to these overlay districts are contained in Chapter 56 of this Title.
- C. **Unincorporated land.** Within the perimeter of the City limits there are a number of parcels that are not under the jurisdiction of the City. These are noted on the zoning map as “U”.
- D. **Malmstrom Air Force Base.** If property is sold or leased to a non-federal entity, the property may not be used for another use until such time the City Commission has assigned the property an appropriate zoning classification.

Article 3
ALLOWABLE USES

	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
Agricultural Uses																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
Residential Uses																				
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	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	47.20.6.030
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, condominiums	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	47.20.6.040
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	P	-	-	-	-	-	
Special Care Facilities																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	P	P	P	-	-	-	-	-	-	
Community residential facility, type II	C	C	C	GP	GP	GP	-	-	-	-	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	-	-	-	-	
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	-	-	-	-	
Overnight Accommodations																				
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-	
Food and Beverage Sales																				
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	17.20.6.080
General Sales																				
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Construction materials sales	-	-	-	-	-	-	-	-	P	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	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	
Specialty sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	-	-	
General Services																				
Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	17.20.6.090
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	
Financial services	-	-	-	-	-	-	-	P	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	P	
Professional services	-	-	-	-	-	C	C	-	P	P	-	P	P	P	-	-	P	-	-	17.20.6.100
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	17.20.6.110
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	

	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
Rental and General Repair																				
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	
Vehicle Trade and Service																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	17.20.6.120
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	-	

Utilities																				
Utility installation	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	-	P	P	-	
Heli-pad	-	-	-	-	-	-	-	-	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	
Parking structure	-	-	-	-	-	-	-	-	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	-	
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	-	
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	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																Specific				
	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	GFA	I-1	I-2	Standards
Agriculture, livestock	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.0180
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

- 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	Specific 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

**Article 6
SPECIAL STANDARDS FOR PRINCIPAL USES**

17.20.6.010 Mobile home park

- A. **Generally.** In addition to the other applicable design and improvement requirements contained in this Title, mobile home parks shall comply with the provisions of this part and applicable State law.
- B. **Applicability.** The design standards of this section shall apply during the establishment of new mobile home parks. (Ord. 2950, 2007)
- C. **Licensing requirements.** The mobile home park shall be licensed by the Montana Department of Public Health and Human Services consistent with State law.
- D. **Maintenance responsibility.** The owner of the mobile home park shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.
- E. **Adoption of State regulations.** The City adopts by reference the Montana State Department of Public Health and Human Services regulations titled, “Trailer Courts and Tourist Campgrounds”, Administrative Rules of Montana, Title 37, Chapter 111, Sub-Chapter 2. A copy of the above regulation will be filed with the City Clerk as the official code for travel trailer parks, campgrounds and mobile home parks.
- F. **Permitted uses.** Accessory buildings and uses customarily incidental thereto are permitted. No part of any park shall be used for nonresidential purposes, except such uses that are a direct service and for the well-being of the park residents, and for management and maintenance of the park.
- G. **License required.** Prior to the establishment of a mobile home park and before January 2 of each calendar year thereafter, the operator of the mobile home park shall obtain a license from the City.
- H. **Size.** No mobile home park shall be less than one acre in area, be less than 150 feet wide, or fewer than 10 mobile home sites.
- I. **Density.** The maximum density of mobile home parks shall be not more than 10 units per acre.
- J. **Access.** All mobile home parks shall have access to a public thoroughfare.
- K. **Permanent marking of each mobile home space.** The limits of each mobile home space shall be clearly marked on the ground with permanent markers. The location of mobile home spaces shall be approximately the same as shown on the approved site plan.
- L. **Width of mobile home space.** A mobile home space shall be at least 14 feet wide.
- M. **Shape of mobile home space.** Considering the orientation of principal windows in mobile homes, mobile home spaces should be arranged diagonally to the street (30 degrees from perpendicular).
- N. **Access.** Mobile home spaces shall be arranged to permit the safe and practical placement and removal of mobile homes from a private street internal to the development.
- O. **Mobile home pad.** There shall be a mobile home pad for each mobile home that meets the following

requirements:

4. The size of the pad shall be at least 14 feet wide and at least 70 feet long.
 5. The pad shall provide adequate support for the placement of a mobile home but in no case shall the pad consist of less than 6 inches of crushed gravel over a stabilized base.
- P. **Setbacks.** The placement of mobile homes, including attached structures (e.g., awnings and carports) and accessory structures shall meet the dimensions listed in Exhibit 20-5.

Exhibit 20-5. Setbacks for Mobile Homes and Accessory

Structures

	Mobile Home (feet)	Accessory Structure (feet)
From the property line of an arterial street or higher	50	25
From the property line of a collector street or local street	25	25
From a property boundary line when not a ROW	25	10
Between mobile homes	20	n/a

- Q. **Skirting.** Skirting, footings, and piers shall comply with Title 15, Chapter 15.05-10, OCCGF. Each mobile home shall be skirted within 30 days of placement on the pad.
- R. **Streets.** Street widths should be of adequate widths to accommodate expected traffic load, but in all cases shall meet the following minimum requirements:
1. Collector street with guest parking shall be 34 feet wide.
 2. Collector street with no parking shall be 22 feet wide.
 3. Minor street with no parking shall be 20 feet wide.
 4. All dead-end streets shall be limited to a maximum length of 300 feet and shall be provided with a cul-de-sac of at least 80 feet in diameter.
 5. Minimum width to each mobile home site shall be 14 feet.
- S. **Internal access.** There shall be a system of paved roadways (concrete or asphalt) to provide access from each and every trailer and automobile parking space within such mobile home park to the public street or highway.
- T. **Recreation area.** A minimum of 10 percent of the gross mobile home park area shall be reserved for park and recreational development. Such area shall be located in a central area of the mobile home park.
- U. **Common storage area.** The City Commission may require the provision of a common storage area for boats, trailers, recreational vehicles, and similar equipment. Such area shall be screened from view and shall not be considered part of the required common area.
- V. **Mail delivery.** An off-street area for central mail delivery shall be provided.
- W. **Solid waste collection.** An off-street area for the collection of solid waste shall be provided.
- X. **Utilities.** Utilities shall be provided in the following manner or by an alternative manner approved by the City:
1. All sanitary sewage utilities and water facilities, including connections provided to individual sites, shall meet the requirements of the City plumbing and mechanical codes.
 2. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
 3. Water shall be piped to each mobile home and the piping shall not be less than ¾ inch for each mobile home unit.
 4. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the mobile home park as well as the property owners adjacent to the park. A storm drainage plan must be submitted for approval to the Director of Public Works.
 5. All electric, telephone and other lines from supply poles to each mobile home lot shall be underground. When meters are installed, they shall be uniformly located.
 6. All fuel lines leading to mobile home lots shall be underground and so designed as to conform with the

- requirements of the City plumbing code.
7. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each mobile home park.
 8. Street and yard lights, attached to standards, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps.
 9. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a mobile home park shall conform to the most recently adopted codes of the City.
 10. All mobile home parks developed under this chapter shall comply with Montana Department of Public Health and Human Services regulations found in Title 24, Chapter 301, and Sub-Chapters 3 and 4, ARM or any amendment thereto concerning plumbing and electrical requirements.

17.20.6.250 Telecommunications facility

- A. **Purpose.** The provisions of this section are established to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities, and are intended to accomplish the following purposes, to the full extent permitted by law:
 1. protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation
 2. insure against the creation of visual blight within or along the City's scenic corridors and ridgelines
 3. retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives
 4. protect City residents from the possible adverse health effects associated with exposure to high levels of non-ionizing electromagnetic radiation (NIER)
 5. protect environmental resources
 6. insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided
 7. create and preserve telecommunication facilities that will serve as an important and effective part of the City's emergency response network
- B. **Applicability.** The provisions of this section apply to all telecommunication facilities, except City government owned or public service use/facility owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems, public education and transportation with heights not exceeding 35 feet. Additionally, the provisions of this section do not apply to single satellite dishes smaller than 10 inches in diameter. (Ord. 2950, 2007)
- C. **City licensing.** Telecommunications carriers and providers engaged in the business of transmitting, supplying, or furnishing of telecommunications originating or terminating in the City shall register with the City pursuant to Title 5, OCCGF. (Ord. 2950, 2007)
- D. **Other permitting and licensing.** Prior to issuance of a building permit, the applicant shall obtain other applicable permits/approvals from other governmental agencies which may have jurisdiction over the project.
- E. **FCC compliance.** Commercial telecommunication facilities and antennas shall comply at all times with FCC rules, regulations, and standards. In event of conflict between federal law and this chapter, federal law shall prevail.
- F. **Yard setbacks.** Facilities and antennas shall not be located in the required yard setback of the zoning district in which it is located.
- G. **Placement of satellite dish and parabolic antennas.** Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
- H. **Historic districts.** Commercial telecommunication facilities and antennas shall not be located in a historic district, unless fully concealed and not otherwise visible.

- I. **Structural requirements.** No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, located at a distance of less than 110 percent of its height from an inhabited area or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging, if any.
1. **Initial compliance.** Initial demonstration of compliance with this chapter shall be provided via submission of a report to the City Building Official prepared by a structural engineer licensed by the State that describes the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.
 2. **Continued compliance.** Proof of ongoing compliance shall be provided via submission to the City Building Official at least every 5 (self-supporting and guyed towers)/10 (monopoles) years of an inspection report prepared by a structural engineer licensed by the State indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the building official may require repair or, if a serious safety problem exists, removal of the tower.
- J. **Basic tower and building design.** All telecommunication facilities shall be designed to blend into the surrounding environment. To this end, all the following measures shall be implemented:
1. Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the City to be otherwise.
 2. Telecommunication towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Director of **Planning and** Community Development that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
 3. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence shows that this is not feasible.
 4. Telecommunication support facilities (e.g., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to the greatest extent possible.
 5. Telecommunication support facilities shall be no taller than 15 feet and shall be designed and constructed to look like a building or facility typically found in the area.
 6. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile.
 7. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that will minimize their visibility to the greatest extent feasible. Improvements which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.
 8. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective.
 9. The City shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).
 10. Antennas and supporting electrical/mechanical equipment installed on the rooftop or above a structure shall be screened, constructed, and/or colored to match the structure to which they are attached.

11. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
 12. No sign shall be placed on a tower.
 13. When a telecommunication facility is located in a residential zoning district, no employee shall be based at the site. Routine maintenance and monitoring is permissible.
- K. **Required setback.** Telecommunication towers shall be set back at least 25 percent of the tower height from all property lines. Guy wire anchors shall be set back at least 20 feet from any property line.
- L. **Maximum height.** Towers shall not exceed the heights listed in Exhibit 20-7. Notwithstanding the preceding, no tower shall exceed the height limitations described in Chapter 54 of this Title.

Exhibit 20-7. Maximum tower/antenna height

Maximum Height	
Residential zoning districts	35 feet
Commercial zoning districts	45 feet
Mixed use zoning districts	45 feet
Industrial zoning districts	100 feet, 50 additional feet may be added to accommodate co-location if the applicant submits information certifying the capacity of the tower for 2 additional providers and a letter of intent from the applicant indicating their intent to share space. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations.

- M. **Visibility.** All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunications facilities:
1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;
 2. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the Director of **Planning and Community Development** is submitted showing that this is the only technically feasible location for this facility;
 3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Interstate 15, a public trail, public park or other outdoor recreation area, or in property designated as a floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;
 4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half mile from another readily visible, un-camouflaged or unscreened, telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the Director of **Planning and Community Development** is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites;
 5. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Director of **Planning and Community Development** is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites; and
- N. **Lighting.** Lighting shall comply with the standards contained in Chapter 40 of this Title.
- O. **Vegetation protection and facility screening.** All telecommunications facilities shall be installed in such a

manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end, all of the following measures shall be implemented for all telecommunication facilities:

1. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to approval during the site plan review process.
 2. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
 3. All areas disturbed during project construction other than the access road and parking areas required under Chapter 36 of this Title shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Director of **Planning and** Community Development.
 4. Any existing trees or significant vegetation, on the site or along the affected access area that die shall be replaced with native trees and vegetation of a size and species acceptable to the Director of **Planning and** Community Development.
- P. **Fire prevention.** All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end, all of the following measures shall be implemented, when determined necessary by the Building Official:
1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
 2. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
 3. Rapid entry systems shall be installed.
- Q. **Environmental resource protection.** All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities:
1. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;
 2. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;
 3. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;
 4. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
- R. **Noise.** Telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails.
- S. **Use of backup generators.** Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If the facility is located within 100 feet of a residential dwelling, noise levels at the property boundary shall not exceed an Ldn (Day-Night Average Level) of 50 dB (decibels).
- T. **Visual compatibility.** Facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.
- U. **Visual analysis.** A visual analysis, which may include photo montage, field mock-up, or other techniques, shall be prepared by or on behalf of the applicant that identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private

residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant. The City may require the applicant to provide funding to the City to cover the cost of a second analysis if the analysis submitted by the applicant does not accurately or completely analyze the visual effects of the proposed project.

- V. **NIER (non-ionizing electromagnetic radiation) exposure.** No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the ANSI C95.1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, county, State, or the federal government.
1. **Initial compliance.** Initial compliance with this requirement shall be demonstrated for any facility within 400 feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80 percent of the NIER standard established by this Section, the applicant shall hire a qualified electrical engineer licensed by the State to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Director of **Planning and** Community Development. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis.
 2. **Ongoing compliance.** Every telecommunication facility within 400 feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every 5 years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Director of **Planning and** Community Development. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80 percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Director of **Planning and** Community Development within 5 years of facility approval and every 5 years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date said change becomes effective.
 3. **Failure to submit required reports.** Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.
- W. **Co-located and multiple-user facilities.** An analysis shall be prepared by or on behalf of the applicant, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the

relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

1. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when, in the determination of the Director of **Planning and** Community Development, this will minimize overall visual impact to the community.
 2. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City. Unresolved disputes may be mediated by the Board of Adjustment. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go off-line for a significant period of time.
 3. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.
- X. **Waiver.** The City Commission may grant a waiver to the requirements specified in this section when the waiver would not increase the visibility of the facility or decrease public safety. Tower setback requirements may be waived when:
1. the facility is proposed to be co-located onto an existing, legally-established telecommunication tower; or
 2. the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

Article 7 SPECIAL STANDARDS FOR ACCESSORY USES

17.20.7.010 Agriculture, livestock

- A. ~~**Enclosure required.** Horses and cattle shall be kept within fences or other enclosures.~~
- B. ~~**Building setbacks.** All buildings intended to house horses or cattle shall be located at least 50 feet from all property boundary lines.~~

Article 8 SPECIAL STANDARDS FOR TEMPORARY USES

17.20.8.020 Itinerant outdoor sales

- A. **Time limits.** Itinerant outdoor sales shall observe the following time limitations:
 1. Christmas trees November 15 through December 25
 2. Fireworks ~~June 30~~ **July 2** through July 4
 3. Other No more than 5 days in a month on a given parcel of land or more than 20 in a year
- B. **Removal and clean up.** All features associated with the sale shall be removed within 48 hours following the termination of the sale.
- C. **Access.** The premises hosting the itinerant outdoor sale shall have direct access to a collector street or a higher

street classification.

17.20.8.050 Sidewalk café

- A. **Generally.** The provisions of this section provide the opportunity for restaurants in identified areas of the City to use adjoining public sidewalks and other public rights-of-way (not to include those controlled by the State of Montana) for the purpose of providing outdoor seating.
- B. **Purpose.** The provisions of this section are intended to accomplish the following purposes:
 - 1. enhance the pedestrian ambiance of the City by promoting additional activity on City sidewalks and visual interest
 - 2. enhance the appropriate use of existing public spaces
 - 3. increase economic activity in the area
- C. **Location.** A sidewalk café shall be located directly in front of the restaurant with which it is associated and it shall be operated solely in conjunction with such restaurant.
- D. **Obstructions.** A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- E. **Pedestrian movement.** No portion of the sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement.
- F. **Planters.** Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
- G. **Lighting.** Lighting shall be limited to table top lamps of low intensity. The Director of **Planning and Community Development** may allow additional lighting to provide appropriate levels for safety.
- H. **Furnishings.** All furnishings shall fit the character of a public streetscape. Umbrellas over each table may be permitted if it does not create an obstruction.
- I. **Floor covering.** A floor covering may not be used in the sidewalk café.
- J. **Tables.** Round tables may not exceed 36 inches in diameter and square tables may not exceed 36 inches in width.
- K. **Food preparation.** All food shall be prepared within the restaurant.

17.20.8.060 Sidewalk food vendor

- A. **Vendor cart requirements.** Vendor carts shall be wheeled and mobile so that one individual can move and maneuver the cart along the sidewalk, but not motorized. Vendor carts, including all appurtenances, shall not be larger than 36 inches wide, 72 inches long, and 84 inches high.
- B. **Generally.** Vendor carts shall be located upon the sidewalk while in operation. When not in operation, vendor carts shall be stored on private property consistent with the remainder of this Title.
- C. **Limitations on location.** No vendor shall be located:
 - 1. within 250 feet of any premises selling the same commodity, unless the vendor is associated with said premises,
 - 2. within 100 feet of another vendor, or
 - 3. within 15 feet of a street intersection.
- D. **Trash and litter.** Vendors shall be responsible for maintaining the area around the cart in a neat, clean appearance. Vendors shall provide a trash receptacle and dispose of the refuse at an off-site location (not in public waste receptacles).
- E. **Posting of permits/licenses.** All permits/**license** necessary to operate the vendor cart shall be posted on the cart in plain view.

Chapter 24
SUBDIVISION AND PLATTING

17.24.160 — Street maintenance agreement

~~When a street within a subdivision is to remain under private ownership, a street maintenance agreement shall be prepared and recorded consistent with Chapter 32 of this Title.~~

Chapter 32
TRANSPORTATION FACILITIES

17.32.030 Street classification

- A. **Street types.** All existing and proposed streets in the City shall be classified as one of the following:
 - 1. principal arterial
 - 2. minor arterial
 - 3. collector
 - 4. local
- B. **Classification of existing streets.** Existing streets are classified as documented in the “Great Falls Area Transportation Plan —2003”, as may be amended from time to time.
- C. **Classification of proposed streets.** Proposed streets shall be classified based on function, anticipated traffic speed, and average daily traffic (ADT). The estimates for ADT shall be based on trip generation rates from the most current edition of "Trip Generation" (published by the Institute of Transportation Engineers). Trip generation rates from other sources may be used if it can be shown that the alternative source better reflects local conditions.

17.32.080 Street layout considerations

- A. **Consistency with growth policy and others.** All new streets shall be consistent with the City’s adopted growth policy, the document entitled the “Great Falls Area Transportation Plan —2003”, and neighborhood plans that may be adopted, all of which may be amended from time to time.
- B. **Avoidance of environmentally sensitive areas.** Streets shall be laid out to avoid environmentally sensitive areas, such as wetlands.
- C. **Through traffic.** Streets shall be laid out to encourage inter-neighborhood travel but discourage unrelated through travel and speeding.
- D. **Coordination with adjoining parcels.** Streets in a new development shall be connected to right-of-way in adjacent areas to allow for inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land. When topographic or other conditions make such continuation undesirable, and/or impractical, the Director of the Planning and Community Development Department, in consultation with the City Engineer, may waive or modify this requirement.
- E. **River crossings.** Where a street crosses a river or stream, the street shall intersect the waterbody at right angles, except where impracticable due to environmental damage, excessive construction costs, and other factors.
- F. **Divided streets.** The City Engineer may permit and may require divided streets to protect environmental features. For divided streets, the design standards shall be applied to the aggregate dimensions of the two segments.

17.32.090 Street design standards

- A. **Guardrails.** In areas of excessive fill or steep back slopes, roadside guardrail shall be installed consistent with the standards in **the latest version of “Roadside Design Guide” (January 1996)** as published by the American Association of State Highway and Transportation Officials (AASHTO).
- B. **Pavement design.** A pavement design report shall be prepared for all street projects by a registered professional engineer, or other qualified professional approved by the City Engineer, and submitted to the City Engineer for review and approval. The design shall be based on site characteristics

Exhibit 32-1. Standards for back slope and fill slope under normal conditions

Cut Depth	Allowable Back Slope
0 – 5 feet	5:1
5 – 10 feet	4:1
10 – 15 feet	3:1
15 – 20 feet	2:1
> 20 feet	1.5:1
Fill Height	Allowable Fill Slope
0 – 10 feet	6:1
10 – 20 feet	4:1
20 – 30 feet	3:1
> 30 feet	2:1

(e.g., soils) and based on at least a 20-year performance period traffic volume; however, the minimum design lane equivalent 18,000 pound single axle load (ESAL) used in the pavement design must not be less than 50,000 ESAL. Pavement thickness shall be consistent with the standards contained in the current AASHTO “Guide for Design of Pavement Structures” or the current Asphalt Institute Manual Series No. 1 (MS-1).

- C. **Cut and fill slopes.** Cut and fill slopes shall meet the standards in Exhibit 32-1. When these standards can not be met because of steep terrain, limited right-of-way, or other site constraint, a geotechnical report shall be prepared by a professional engineer and submitted to the City Engineer for review and approval. The geotechnical report shall contain, at a minimum, the following:
 1. An explanation of why the standards can not be met.
 2. A description of the soil types encountered at the site and their properties.
 3. An assessment of soil slope stability.
 4. A copy of any boring logs, if any were taken.
 5. A description of the recommended design, supported by design calculations.
 If other slope stabilization measures are necessary (e.g., soil pinning, retaining walls), the geotechnical report shall also include the following information:
 1. Settlement characteristics of the soil, including amount of settlement expected, time rate of settlement, surcharge or camber if required.
 2. Bearing capacity of the soil.
 3. Expected skin friction of the soil if piles or drilled shafts are proposed.
 4. Soil pressure, stability, and alternates (if a soil retaining wall is being considered).
- D. **Cul-de-sacs.** Cul-de-sacs must meet a 42½-foot radius from center of cul-de-sac to back of curb, a 55-foot radius on the right-of-way, and cannot be longer than 500 feet.
- E. **Temporary dead-end streets.** When a street terminates in the first phase of a multi-phase project or where it is intended that the street will continue into an adjoining vacant parcel when it develops, a temporary cul-de-sac shall be provided. Upon completion of the connection, the temporary cul-de-sac shall be removed and the street cross-section completed.
- F. **Street grades.** Street grades shall conform to the standards of Exhibit 32-2.

Exhibit 32-2. Street and alley standards

	Principal	Minor	Local		
	Arterial	Arterial	Collector	Street	Alley
Right-of-way width (feet)	110	100	80	60	20
Maximum grade (percent)	5	7	10	10	10
Minimum grade (percent)	0.5	0.5	0.5	0.5	0.5

- G. **Curved Streets.** Curved collector streets shall have a centerline radius of not less than two-hundred fifty feet. Curved local (minor) streets shall have a centerline radius of not less than one-hundred feet. (Ord. 2950, 2007)

17.32.170 Dedication of streets

- A. Streets shall be dedicated to the City upon ~~completion, inspection, and acceptance by the City Commission approval of the plat of the subdivision describing subject streets and filing of the plat in the Cascade County Clerk and Records Office.~~
- B. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards as provided for in this chapter, **and** a homeowner’s association is formed to own the parcel containing the streets ~~and a street maintenance agreement is filed as provided for in this chapter.~~

17.32.210 Sidewalks

- A. **When required.** Sidewalks shall be provided on both sides of public and private streets, but not alleys. In addition, sidewalks shall be constructed ~~within a development~~ when necessary to provide safe pedestrian access **to and circulation** within the project.
- B. **Location.** Sidewalks in residential areas shall be separated from the street by a boulevard area that is at least 6 feet in width. In areas where the topography or other physical feature prevents this type of placement, the City Engineer shall approve a suitable alternative.
- C. **Cross-walks within development projects.** When a sidewalk crosses a street internal to the project, a pedestrian crossing shall be constructed to provide for safe passage. Appropriate design features may include pavement treatments, signals, lighting, traffic-calming features, median-refuge areas, signs, and striping.
- D. **Access for physically handicapped persons.** Sidewalks shall be handicapped accessible consistent with federal, State, and local requirements.

Exhibit 32-6. Sizing for bridges and culverts

Storm Event	
Principal arterial	50-year
Minor arterial	50-year
Collector	25-year
Local	25-year
Driveway	10-year

17.32.240 Street name signs

- A. **Number and where required.** At least one street name sign shall be installed at a street intersection.
- B. **Sign appearance.** When the street is a public street, street name signs shall be consistent with City standards. When the street is private, the developer may install alternate signs, provided ~~the street maintenance agreement includes~~ **there is** a mechanism for maintenance of the signs and the design is consistent throughout the project.
- C. **Names.** Street names shall be approved by the Planning **and Community Development** Department.

Chapter 36
PARKING

Article 2
VEHICLE PARKING

17.36.2.010 General requirements

- A. **Location of parking.** All parking spaces provided pursuant to this article shall be on the same lot or an adjoining lot with the building, except that the Director of **Planning and** Community Development may permit the parking spaces to be on a lot within 400 feet of the lot served by the parking lot if he/she determines that it is impractical to provide parking on the same or adjoining lot.
- B. **Off-site parking agreements.** If required parking is to be provided off-site, the use of such a site for parking shall be secured with a long-term agreement acceptable to the City and recorded with the County Clerk and Recorder. The City shall be named in that agreement as one of the parties with rights of enforcement.
- C. **Change in use.** Any area once designated as required parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, in accordance with this article. (Ord. 2950, 2007)
- D. **Accessibility.** All parking spaces shall be accessible at all times, from a street, alley, or driveway intended to serve such parking. (Ord. 2950, 2007)
- E. **Use of parking spaces.** The required off-street parking shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited. In addition, the use of a parking lot for overnight camping, including recreational vehicle camping, is prohibited. (Ord. 2950, 2007)

17.36.2.040 Design requirements

- A. **Parking space dimensions.** Standard and compact parking spaces shall conform to the dimensions in Exhibit 36-2.
- B. **Service drive, when required.** Groups of 3 or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a public right of way, other than an alley, will be required.
- C. **Service drive, standards.** Service drives shall be designated and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress and maximum safety of pedestrian and vehicular traffic on the site, and meet the dimensional standards in Exhibit 36-2.
- D. **Drive-through stacking requirements.** Drive-through facilities shall have stacking room for at least six vehicles, including one vehicle at the window (or call box, etc.). Stacked vehicles shall not extend into any public street, road, alley or right-of-way, or required service drive. (Ord. 2950, 2007)

Exhibit 36-2. Dimensional standards for standard and compact parking spaces

Angle (a)	Parking Type	Stall Width (b)	Curb Length (c)	1-Way aisle Width (d)	2-Way aisle Width (d)	Stall Depth (e)
0°	Standard	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	9 ft.
	Compact	8 ft.	19 ft. 6 in.	12 ft.	24 ft.	8 ft.
30°	Standard	10 ft.	20 ft.	12 ft.	24 ft.	17 ft.
	Compact	8 ft.	15 ft. 6 in.	12 ft.	24 ft.	14 ft.
45°	Standard	10 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	8 ft.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	10 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	8 ft.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	10 ft.	9 ft. 6 in.	24 ft.	25 ft.	19 ft.
	Compact	8 ft.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

17.36.2.070 Accessible parking and passenger loading

- A. **Generally.** Accessible parking spaces shall be provided subject to this part, the Americans with Disabilities Act (ADA), “ADA Standards for Accessible Design” 28 CFR 36, revised as of July 1, 1994, and amendments thereto.
- B. **Number required.** If parking spaces are required, then accessible spaces shall be provided, inclusive of the required number of regular spaces, in the quantity as shown in Exhibit 36-4. One of 8 accessible parking spaces, but always at least one, must be van-accessible. (Ord. 2950, 2007)
- C. **Location.** Accessible spaces serving a particular building shall be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with nearby parking, accessible spaces shall be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible

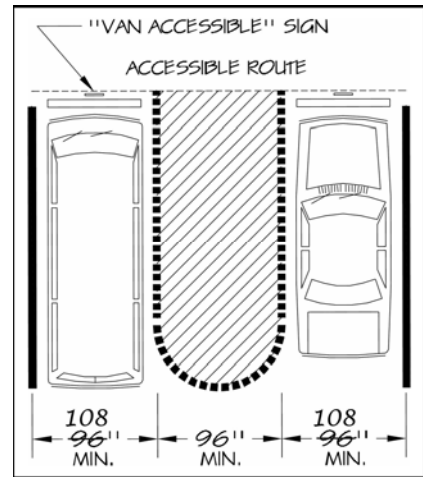
Exhibit 36-4. Minimum number of required accessible parking spaces

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

route of travel to an accessible pedestrian entrance of the parking facility.

- D. **Dimensions.** Accessible parking spaces shall be at least ~~96~~ **108** inches wide.
- E. **Vertical clearance.** For van-accessible parking spaces, a 98-inch high clearance shall be maintained above the space, access aisle, and on the route to and from the van-accessible space.
- F. **Maximum slope.** Accessible spaces and adjoining access aisles shall have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces shall be located on the most level surface close to the accessible building entrance.
- G. **Signage.** Each accessible space shall be so designated with a sign identified by the international symbol of accessibility mounted on a vertical pole. In addition, van-accessible spaces shall be so designated with a sign indicating "Van Accessible". Such signs shall be located so they cannot be obscured by a vehicle parked in the space (a minimum of 6 feet in height).
- H. **Pavement striping and markings.** The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.
- I. **Accessible route.** An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It must be at least 36 inches wide, without steps or curbs. It shall be paved and not contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual. (See Exhibit 36-5)
- J. **Access aisle.** An access aisle for an accessible space shall be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access aisle. (See Exhibit 36-5) An access aisle for a passenger loading zone shall be 60 inches wide and 20 feet long and adjacent and parallel to the space.

Exhibit 36-5. Layout of standard and van accessible parking spaces



17.36.2.050 Payment in lieu of parking

- A. **Generally.** In the central business core district the Director of **Planning and** Community Development may reduce the number of required parking spaces depending on the circumstances of the property and surrounding land uses.
- B. **Payment required.** If the number of required parking spaces is reduced, the applicant shall pay the City \$1,000 for each space reduced. These payments shall be used to provide, maintain, and improve parking areas that serve the central business core district as authorized by the City Commission.

17.36.2.060 Shared parking

There may be instances where 2 or more land uses could share the same parking facilities as shown in Exhibit 36-3. The Director of **Planning and** Community Development may, upon application, authorize the joint use of parking facilities required by said uses, provided that:

1. The applicant shows that there is no substantial conflict or overlap in the principal operating hours of the building or use for which the joint use of parking facilities is proposed; and,
2. The parking facility for which joint use is proposed shall be located within 400 feet of the building or use required to provide parking; and,
3. The parties concerned in the joint use of off-street parking facilities shall evidence their agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the County Clerk and Recorder and a copy filed with the **Planning and** Community Development

- Department; and,
- 4. directional signage is provided where appropriate; and,
- 5. pedestrian links are direct, clear, and safe; and,
- 6. Parking lots are located within the same zoning district as the use they serve.

**Article 3
BICYCLE PARKING**

17.36.3.010 Bicycle parking

A. **Generally.** Bicycle parking may be provided consistent with the recommended standards contained in Exhibit 36-6. When bicycle parking is provided, each such space may substitute for a vehicular parking space up to a maximum of 5 percent of the required number of vehicle parking spaces or 10 spaces, whichever is less. For example, if the standards as applied to a project call for 100 vehicle parking spaces, no more than 5 bicycle parking spaces may be provided if substituted for vehicle parking spaces (95 vehicle parking spaces and 5 bicycle parking spaces).

Exhibit 36-6. Recommended number of bicycle parking spaces

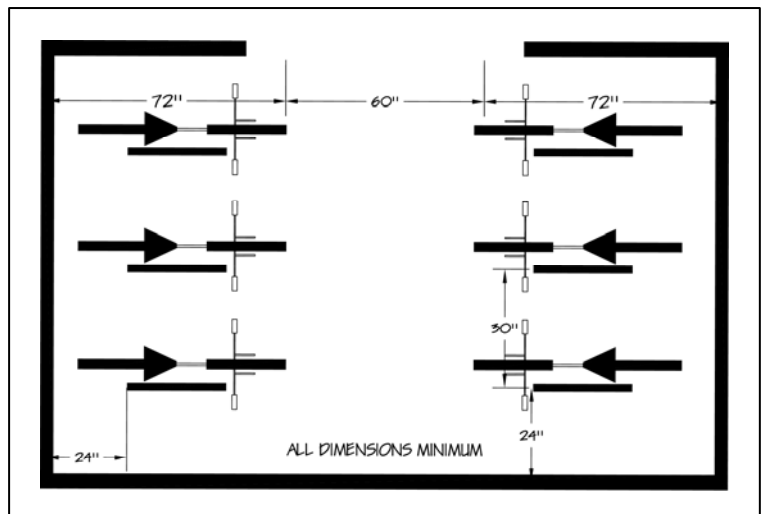
Land use	Number of recommended spaces
Multi-family	1 space per 2 apartments
Primary or secondary school	10% of the number of students, plus 3% of the number of employees
College or university	6% of the number of students, plus 3% of the number of employees
Dorms, fraternities, sororities	1 space per 3 students
Shopping mall	5% of the number of vehicle parking spaces
Office	5% of the number of vehicle parking spaces
Governmental	10% of the number of vehicle parking spaces
Movie theater	5% of the number of vehicle parking spaces
Restaurant	5% of the number of vehicle parking spaces
Manufacturing / industrial	3% of the number of vehicle parking spaces
Other	5% to 10% of the number of vehicle parking spaces

B. **Location.** Bicycle parking shall be located in visible and prominent locations near the building entrance and shall be as close or closer to the entrance than the nearest parking space. Under no circumstance should bicycle parking be more than 100 feet from the entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. If possible, racks should be protected from the elements by an awning, overhang, or similar covering. Racks should not be placed so they block the entrance or inhibit pedestrian flow in or out of the building.

C. **Design.** Bicycle parking areas should be incorporated into the overall building design, parking lot layout, and pedestrian circulation and coordinated with street furniture (e.g., benches, street lights, planters) when it is part of the overall project.

D. **Accessibility.** Each parking space shall be accessible without moving another bicycle - generally, allowing for 2 feet by 6 feet for

Exhibit 36-7. Layout of bicycle parking spaces



each bicycle parking space-~~and~~ providing an aisle at least 5 feet wide behind all bicycle parking to allow room for maneuvering.

- E. **Lighting.** Bicycle parking spaces shall have adequate lighting to promote security and avoid vandalism and theft.
- F. **Rack design.** Bicycle parking may be provided in floor, wall, or ceiling mounted racks. Racks shall meet the following requirements:
 1. Holds the bicycle frame, not just a wheel.
 2. Can be used with a U-shaped shackle lock.
 3. Accommodates a wide range of bicycle sizes, wheel sizes, and types.
 4. Is covered with material that will not chip the paint of a bicycle that leans against it.
 5. Does not have hazards, such as sharp edges.
 6. Is securely fastened to the ground.

Chapter 40 OUTDOOR LIGHTING

17.40.050 General standards

- A. **Illumination level at property boundary line.** When a commercial or industrial use abuts a residential use, lighting shall be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles. When a commercial or industrial use abuts a public right-of-way, or another commercial or industrial use, lighting shall be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles.
- B. **Lighting required.** Lighting shall be provided to illuminate sidewalks or other pedestrian paths, primary building entrances, and parking areas.
- C. **Pole-mounted luminaires.** Luminaires shall not be taller than 20 feet in residential zoning districts or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaires shall not be taller than 30 feet.
- D. **Building-mounted luminaires.** In non-residential zoning districts, building-mounted luminaires shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-pack luminaires is discouraged.
- E. **Overhead electrical lines prohibited.** For new installations, electrical lines for luminaires mounted on freestanding poles shall be placed underground between poles.
- F. **Material for light poles.** Light poles shall be anodized, painted or otherwise coated so as to minimize glare from the light source.
- G. **Placement in buffer areas.** Lights may not be placed in buffer areas that may be required by this Title, except for low-level lights for security purposes as approved by the City.
- H. **Continued maintenance.** Lighting installations shall be maintained in good repair to meet the provisions of this chapter on an on-going basis.
- I. **Lighting curfew.** For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more shall be reduced to 50 percent of permitted levels one hour after the business closing to one hour before the business opens. If lighting levels are already below 50 percent of permitted levels, no curfew adjustment is required.
- J. **Luminaire types.** Full-cutoff luminaires shall be used in parking areas, along internal streets, and along pedestrian ways. The City may allow cutoff luminaires or semi-cutoff luminaires in these locations when the overall uplight would be less than for full-cutoff luminaires. To promote a unified development theme, post top luminaires (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this chapter, all other luminaires shall be directed downward and the light source shall be shielded so that it is not visible from any adjacent property.
- K. **Maximum average lighting levels.** Average lighting levels shall not exceed the standards provided for in Exhibit 40-1. For those areas not specified, the Director of **Planning and** Community Development shall work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this chapter.
- L. **Maximum uniformity ratio.** In all parking areas and along sidewalks and other pedestrian walkways, an average to minimum uniformity ratio of 6:1 or better shall be maintained.

An example of a post top luminaire



- M. **Minimum color rendering index (CRI).** In all parking areas and along sidewalks and other pedestrian walkways, lighting shall meet or exceed the minimum color rendering index as provided for in Exhibit 40-2.

Exhibit 40-1. Maximum average light levels

Location	Foot-candles
At entries for residential, commercial, and industrial buildings	5.0
At loading areas (berths) associated with a commercial or industrial use	10.0
In parking areas for multi-family uses	3.0
In parking areas for non-residential uses	5.0
Along sidewalks and other pedestrian walkways	3.0
Under service station canopies	20.0
In general storage areas for commercial and industrial uses	8.0
In vehicular display areas	15.0

Exhibit 40-2. Minimum color rendering index for parking areas and pedestrian ways

	Minimum color rendering index (CRI)
Residential zoning districts	60
Central business core and central business periphery	60
Mixed-use zoning districts	60
Commercial zoning districts, except central business core and central business periphery	20
Industrial zoning districts	20

17.40.060 Special standards for specific applications

- A. **Flag poles, statues and similar monuments.** A flag pole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated, provided the following standards are met:
1. The luminaires shall be fully shielded.
 2. Upward aiming luminaires shall be placed as close to the base as possible.
 3. The luminaires shall not collectively exceed 40,000 mean lumens.
- Public statues, memorials or other similar monuments may also be lighted upon approval by the **Planning and Community Development Director**, provided the above standards are met.
- B. **Building façade lighting.** The exterior of a building may be lighted provided the following standards are met:
1. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
 2. The light shall only be directed onto the building façade and not spillover beyond the plane of the building.
 3. Upward aimed lighting shall not exceed 4,000 mean lumens per accent feature, shall be fully shielded, and mounted as flush to the wall as possible.
 4. Lighting exceeding 4,000 mean lumens per accent feature shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.
- C. **Sign lighting.** Signs may be lighted consistent with the following standards:
1. Ground signs that are less than 6 feet in height may be internally lit, lighted from above provided the luminaire is no taller than the top of the sign, or lighted with ground-mounted lights provided the lights are fully shielded and mounted as close to the sign base as possible.
 2. Ground signs 6 feet in height or taller may be internally lit or lighted from above provided the luminaire is no taller than the top of the sign.
 3. Wall signs may be internally lit or lighted with ground-mounted lights provided the lights are fully shielded and mounted as close to the wall as possible.
- D. **Canopy lighting.** Lighting associated with a canopy used for a vehicular shelter shall meet the following standards:
1. Luminaires beneath a canopy shall be either a full-cutoff luminaire or mounted so the luminaire or lens,

which ever is lower, does not project below the bottom of the canopy surface.

2. The sides or top of the canopy shall not be illuminated, except as permitted by the sign standards.
3. Lighting installed beneath a canopy shall be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.
4. Lighting beyond the perimeter of the canopy shall be consistent with the lighting standards for parking areas.

E. **Telecommunication facilities.** Telecommunication facilities shall be unlit, except for the following:

1. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night.
2. The minimum tower lighting required by the Federal Aviation Administration or other State or federal requirement.

Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

F. **Recreational facilities.** Lighting for outdoor athletic fields, courts, or tracks shall meet the following standards:

1. Lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
2. Light trespass and glare shall be reduced to the greatest extent possible given the illumination constraints of the design. When an outdoor athletic field abuts a residential district, lighting as a goal should be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.5 foot-candles.
3. Lighting used to illuminate the athletic surface shall be turned off within one hour after the last event of the night.
4. Events shall be scheduled to conclude no later than 10:30 p.m., while allowing for unusual circumstances such as rain delays.
5. Lighting shall be designed by a registered engineer having experience with lighting installations.

Chapter 56
FLOODPLAIN OVERLAY DISTRICTS

Article 1
GENERAL PROVISIONS

17.56.1.040 Floodplain administrator

- G. **Appointment.** The zoning technician with the **Planning and** Community Development Department is the designated floodplain administrator.
- H. **Administrative procedures.** The floodplain administrator shall adopt such administrative procedures as may be necessary to efficiently administer the provisions of these regulations.
- I. **Records.** The floodplain administrator shall maintain such files and records as may be necessary to document nonconforming uses, base flood elevation, floodproofing and elevation certification, fee receipts, the issuance of permits, agendas, minutes, records of public meetings, and any other matters related to floodplain management in the City of Great Falls. Such files and records shall be open for public inspection.

**Chapter 60
SIGN CODE**

Exhibit 60-6

<i>ON PREMISE SIGNAGE TABLE</i>					
	NEIGHBORHOOD COMMERCIAL M-1, C-1, C-5, PLI, POS	COMMERICAL/ INDUSTRIAL C-2, C-3, I-1, I-2, AI (non-Riverfront)	CENTRAL BUSINESS CORE DISTRICT C-4	RIVERFRONT CORRIDOR M-2	PREMISES EXCEEDING 50,000 S.F. IN AREA
TOTAL ALLOWANCE PER PREMISE (S.F.)	50	Wall signage allowance plus 200	Wall signage allowance plus 100	Wall signage allowance plus 100	Wall signage allowance plus 300
WALL Signs per Frontage Area	1 (max 2 signs) 32 S.F. per sign	10% of building wall area per frontage	10% of building wall area per frontage	10% of building wall area per frontage	10% of building wall area per frontage
FREE-STANDING POLE Signs per Frontage Area (S.F.)	1 32 /sign	1 1 S.F./linear foot of premise frontage	1 1 S.F./linear foot of premise frontage	1 1 S.F./ linear foot of premise frontage	1 1 per premise frontage
Height (FT)	6	Max. 200 25	Max. 100 20	Max. 100 20	Max. 300 25
PROJECTING Signs in Place of Wall or Free-standing Sign Maximum Area (S.F.)	32	32	32	32	32

Article 4
ON-PREMISE SIGNS

17.60.4.010 Residential, neighborhood commercial and central business periphery districts

The following on-premise signs are authorized for approved commercial uses in residential zoning districts (**R-1, R-2, R-3, R-5, R-6, R-9 and R-10**), neighborhood commercial (~~C-1~~) zoning districts (**C-1**), and central business periphery zoning districts (C-5), **mixed use zoning districts (M-1), public lands and institutional zoning districts (PLI) and parks and open space zoning districts (POS)**, subject to issuance of a sign permit. Home occupations, family day cares and the like, allowed in residential units are addressed in section 17.60.2.020.K of this Title and are not included in this section. Each commercial premise is limited to a maximum of fifty (50) square feet of total signage. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses.

- A. **Wall signs.** (See Exhibit 60-7 page 25 and Exhibit 60-1 page 20 of this chapter.)
 - 1. One (1) wall sign per premise frontage. No more than two (2) wall signs per premise.
 - 2. Maximum area per sign: thirty-two (32) square feet.
 - 3. Maximum projection – excluding awnings: twenty-four (24) inches.
 - 4. Wall signs may be placed no higher than six (6) inches below the top of the wall or parapet.
 - 5. Wall signs may not obstruct required windows and/or required exits.
- B. **Freestanding signs including pole signs, monument signs and low-profile signs.** (See Exhibit 60-8 page 26 of this chapter.)
 - 1. One (1) freestanding sign per premise frontage is allowed as long as there is a perimeter separation of 250 feet between any two signs. No more than two (2) signs per premise are allowed.
 - 2. Maximum area per sign: thirty-two (32) square feet.
 - 3. Height limit is six (6) feet above finished grade.
 - 4. Freestanding signs must be located entirely on private property.
 - 5. When a free standing sign structure is installed, the base of the sign must be landscaped. If the freestanding sign is located within a vehicular use area, the landscaped area must be designed to protect sign base supports from vehicular incursion. Support protection examples include bollards, stones or curbing. Such protection must be integrated with the landscaping. Landscaping may contain trees, shrubs, groundcovers, perennial or annual flowers, turf and organic or inorganic mulches. Living plant materials must cover at least 75% of the landscaped area.
 - 6. If a premise is subsequently subdivided after a freestanding sign allocation has been established for the premise, the subsequently created parcels shall share the freestanding sign allocation; shall share the same freestanding sign pole or monument; and, the owner/subdivider is responsible for allocating the freestanding signage amongst the separately created parcels at the time of each sale or lease.
- C. **Projecting signs.** Each business with frontage on a public right-of-way is allowed one (1) projecting sign along the public right-of-way. (See Exhibit 60-5 page 24 and Exhibit 60-9 page 27 of this chapter.)
 - 1. A projecting sign may be used instead of, but not in addition to, a freestanding sign.
 - 2. Projecting signs and wall signs advertising the same business may not occupy the same building frontage.
 - 3. Projecting signs are limited to sixteen (16) square feet plus one (1) additional square foot for each three (3) feet of linear building footage in excess of fifty (50) feet. Maximum allowance: thirty-two (32) square feet.
 - 4. Projecting signs must not project over public property.

17.60.4.020 Commercial and industrial districts

The following on-premise signs are authorized on property in ~~zoned~~ commercial zoning districts (**C-2 or C-3**), or industrial zoning districts (**I-1, I-2 or AI**) subject to a sign permit. Property contained within the central business core zoning district (**C-4**) is regulated by Section 17.60.4.030 of this chapter. The Riverfront Corridor District is regulated by Section 17.60.4.040. Premises exceeding 50,000 square feet are regulated by Section 17.60.4.050.

Maximum sign allocation for each commercial and/or industrial premise under this section equals the standard wall signage allocation plus two hundred (200) square feet maximum freestanding signage. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses.

- A. **Wall signs.** (See Exhibit 60-7 page 25, Exhibit 60-1 page 20, and Exhibit 60-10 page 28 of this chapter.)
1. A maximum of 10% of each frontage building wall, excluding service delivery areas and parapets, may be covered with wall signage.
 2. Each premise is allowed a minimum of twenty-four (24) square feet of wall signage.
 3. Maximum projection – excluding awnings: twenty-four (24) inches.
 4. Wall signs may be placed no higher than six (6) inches below the top of the wall or parapet.
 5. Wall signs may not obstruct required windows and/or required exits.
- B. **Freestanding signs including pole signs, monument signs and low-profile signs.** (See Exhibit 60-8 page 26 and Exhibit 60-11 page 29 of this chapter.)
1. One (1) freestanding sign per premise street frontage. A perimeter separation of two hundred and fifty (250) feet is required between any two freestanding signs on the premise. No more than two (2) signs are allowed per premise.
 2. A maximum area of one (1) square foot per linear foot of premise frontage facing one street or avenue is allowed. A maximum of two hundred (200) square feet of total freestanding signage per premise is allowed.
 3. Height limit is twenty-five (25) feet above finished grade of the lot.
 4. Freestanding signs must be located entirely on private property.
 5. Signs may not project over public property.
 6. When a freestanding sign structure is installed, the base of the sign must be landscaped. If the freestanding sign is located within a vehicular use area, the landscaped area must be designed to protect sign base supports from vehicular incursion. Support protection examples include bollards, stones or curbing that are integrated with the landscaping. Landscaping may contain trees, shrubs, groundcovers, perennial or annual flowers, turf and organic or inorganic mulches. Living plant materials must cover at least 75% of the landscaped area.
 7. A 20% increase in maximum freestanding sign area is granted when signage is entirely low-profile. (See Exhibit 60-5 page 24 of this chapter.)
 8. If a premise is subsequently subdivided after a freestanding sign allocation has been established for the premise, the subsequently created parcels shall share the freestanding sign allocation; shall share the same freestanding sign pole or monument; and, the owner/subdivider is responsible for allocating the freestanding signage amongst the separately created parcels at the time of each sale or lease.
- C. **Projecting signs.** Each business with frontage on a public right-of-way is allowed one projecting sign along the public right-of-way. A sign permit is required. (See Exhibit 60-5 page 24 and Exhibit 60-9 page 27 of this chapter.)
1. A projecting sign may be used instead of, but not in addition to, a freestanding sign.
 2. Projecting signs and wall signs advertising the same business may not occupy the same building frontage.
 3. A projecting sign is limited to sixteen (16) square feet plus one (1) additional square foot for each three (3) feet of linear building footage in excess of fifty (50) feet to a maximum of thirty-two (32) square feet.
 4. Projecting signs must not project over public property.

17.60.4.030 Central business core district

The following on-premise signs are authorized on property within the central business core **zoning** district (**C-4**). A sign permit is required.

A maximum of two (2) square feet of total signage for each linear foot of building frontage is permitted per premise to a maximum of two hundred (200) square feet. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses. The following types of signs are allowed:

A. Wall signs. (See Exhibit 60-7 page 25 and Exhibit 60-1 page 20 of this chapter.)

1. A maximum of 10% of frontage building wall, excluding service delivery areas and parapets, may be covered with wall signage.
2. Each premise is allowed at least twenty-four (24) square feet of wall signage.
3. No single wall sign may exceed one hundred (100) square feet.
4. Maximum projection – excluding awnings: twenty-four (24) inches.
5. Wall signs may be placed no higher than six (6) inches below the top of the wall or parapet.
6. Minimum vertical clearance allowances.
7. Alley: fourteen (14) feet.
 - g. Other public property: eight (8) feet.
 - h. Wall signs may not obstruct required windows and/or required exits.

B. Freestanding signs including monument signs and other low-profile signs. (See Exhibit 60-8 page 26 of this chapter.)

1. One (1) freestanding sign per premise street frontage. A perimeter separation of two hundred and fifty (250) feet is required between any two freestanding signs. No more than two (2) signs per premise will be permitted.
2. Area may not exceed one hundred (100) square feet.
3. Height limit is twenty (20) feet from finished grade of the lot.
4. Freestanding signs must be located entirely on private property and must not overhang public property.
5. A 20% increase in maximum freestanding sign area is granted when signage on the premise is entirely low-profile.
6. When a freestanding sign structure is installed, the base of the sign must be landscaped. If the freestanding sign is located within a vehicular use area, the landscaped area must be designed to protect sign base supports from vehicular incursion. Support protection examples include bollards, stones or curbing that are integrated with the landscaping. Landscaping may contain trees, shrubs, groundcovers, perennial or annual flowers, turf and organic or inorganic mulches. Living plant materials must cover at least 75% of the landscaped area.
7. If a premise is subsequently subdivided after a freestanding sign allocation has been established for the premise, the subsequently created parcels shall share the freestanding sign allocation; shall share the same freestanding sign pole or monument; and, the owner/subdivider is responsible for allocating the freestanding signage amongst the separately created parcels at the time of each sale or lease.

C. Projecting signs. Businesses with frontage on a public right-of-way are allowed one projecting sign along the public right-of-way. (See Exhibit 60-9 page 27 and Exhibit 60-12 page 30 of this chapter.)

1. Projecting signs may be used instead of, but not in addition to, a freestanding signs.
2. Projecting signs and wall signs advertising the same business may not occupy the same building frontage.
3. A projecting sign is limited to sixteen (16) square feet plus one (1) additional square foot for each three (3) feet of linear building footage in excess of fifty (50) feet to a maximum of thirty-two (32) square feet.
4. Projecting signs may extend no farther than six (6) feet over public property or more than two-thirds (2/3) the distance to the back of curb, whichever is less.
5. Signs may project no farther than one (1) foot into an alley.
6. Minimum vertical clearance allowances.
 - i. Alley: fourteen (14) feet.
 - j. Other public property: eight (8) feet.

D. Sandwich board signs. Temporary sandwich board signs may be placed on public property within the Central Business Core District only. This is the only district in which sandwich boards are allowed on public property. Such signs require an annual permit to occupy the public right-of-way.

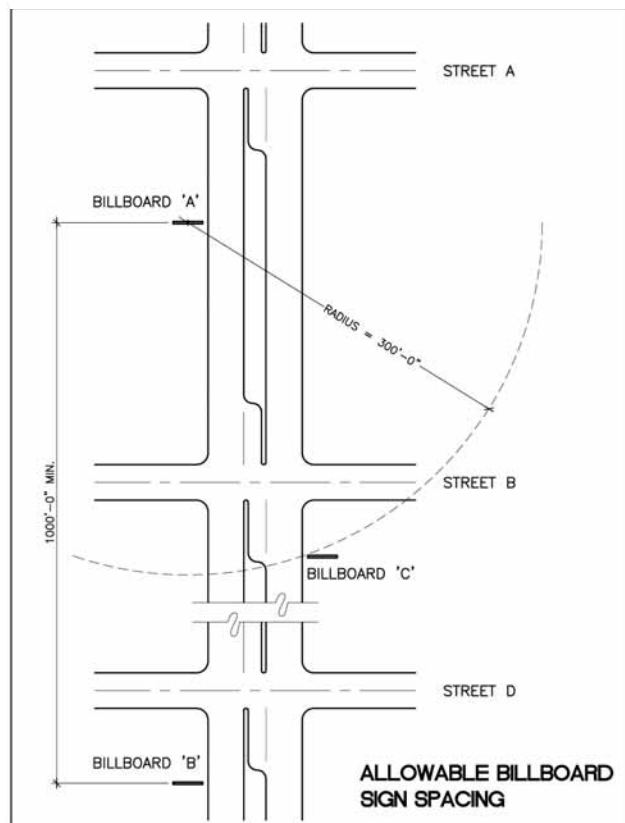
1. Sandwich board signs are limited to one (1) sign per business frontage and must conform to the following design standards:
 - a. Each sign may have a maximum of two (2) faces, not to exceed an aggregate total of twelve (12) square feet per sign. (See Exhibit 60-12 page 30 of this chapter.)
 - b. Each sign must be secured in place by no less than two (2) weights of not less than ten (10) pounds each, placed upon the base material.
 - c. Sign permits are issued only to holders of insurance equal to that required for a sign contractor Class B license.
 - d. The permit fee for each sandwich board sign is established by City Commission resolution.
 - e. A sandwich board sign must be placed so that the middle third of the sidewalk is clear. A minimum of five (5) feet of sidewalk width must be unobstructed. (See Exhibit 60-12 page 30 of this chapter.)
2. Sandwich board signs must be placed adjacent to or upon the permit-holding premises, may only be displayed during business hours of the advertised business and must be removed from public property during all other times.
3. Sandwich board signs may not be illuminated or energized.
4. The sign permit may be revoked at any time for lack of adequate maintenance or safety. The sandwich board sign will be removed by the sign owner upon notice of permit revocation. If not removed, the City may remove the sign. The sign becomes City property. The sign owner may reclaim the sign within ten (10) working days of the removal. After such time, the sign may be destroyed.

Article 5
OFF-PREMISE SIGNS

17.60.5.020 Billboards signs

- A. **Purpose.** The intent of this section is to regulate the visual impact of billboard signs; to improve the appearance of designated entryways and scenic corridors; and to encourage compatibility between billboard signs and neighboring property, e.g. parks, schools, places of worship, and residential areas.
- B. **Prohibited locations.** A billboard is an off-premise sign and may not be located on the same premise as that of the business advertised by the billboard. Billboard signs erected after the effective date of this ordinance shall comply with the following location limitations:
 1. Billboard signs may only be erected in C-2, C-3, I-1 and I-2 zoning districts.
 2. Billboard signs may not be erected within two hundred (200) feet of the edge of a roadway surface along the following entry and scenic corridors known as Billboard-free Areas:
 - a. 10th Avenue South from I-15 Exit #278 to the intersection of 10th Avenue South and 2nd Street South
 - b. Along 10th Avenue South from 54th Street to the eastern limit of the City
 - c. River Drive from the southernmost

Exhibit 60-14. Allowable Billboard Sign Spacing



City limits to 38th Street North

- d. Central Avenue West from 6th Street to the east bank of the Missouri River
 - e. Along the Old Havre Highway from the intersection of 15th Street to Smelter Avenue
3. Billboard signs are prohibited in the following areas:
- a. All zoning districts other than C-2, C-3, I-1 and I-2.
 - b. Within three hundred (300) feet in any direction of a public park, public or private school, college or university, church, cemetery, courthouse, Civic Center, or public museum.
 - c. Within one hundred and fifty (150) feet in any direction of any lot or parcel that is zoned residential or used as a primary residential use of any kind.
 - d. Within one thousand (1000) feet of any other billboard sign, measured on the same side of the street. (See Exhibit 60-14.)
 - e. Within three hundred (300) feet of any other billboard sign on a crossing street located on the same side of the street. (See Exhibit 60-14.)
4. Minimum spacing requirement shall not apply to two faces that share a support structure and face different directions.
- C. **Billboard standards.** Billboards established after the effective dates of this Code shall conform to the following standards:
1. The maximum sign display area for any one billboard face shall be two hundred and fifty (250) square feet. Billboards located within the interstate corridor are exempt from this standard.
 2. In the Interstate Corridor within the City of Great Falls, the maximum display area for any billboard face shall be four hundred and thirty-two (432) square feet.
 3. Billboards may be single-faced or double-faced, but no billboard shall contain more than one face on each side of the display. The surface display area may not exceed a total area of five hundred (500) square feet per structure.
 4. Billboard sign face limitations exclude border, trim, base or apron supports or other structural members, but include cut-outs, extensions or protrusions. Size limits apply to each sign face of a structure. Sign faces may be placed back-to-back with no more than one display per face.
 5. The maximum overall height of a billboard sign shall not exceed thirty (30) feet above the grade of the roadway to which the sign is oriented. However, if the sign is located in the Riverfront Corridor, it is limited to twenty (20) feet above the grade of the roadway to which the sign is oriented.
 6. Billboard structures must be located entirely on private property. No portion of any structure or sign face may overhang the public right-of-way.
- D. **Installation, appearance and maintenance.** All billboards must be kept in good repair and maintained according to the following standards:
1. During periods of repair, alteration or copy change the facing may be removed for a maximum of 48 consecutive hours.
 2. All billboard signs must have the owner's name firmly attached to the sign structure.
 3. Billboard structures must be single pole.
 4. Billboard structures may not be placed on the roof or wall of a building or structure.
 5. Sign structures must be painted, anodized or otherwise finished in earth tones of brown and green, including beige, mocha, forest and hunter green; but not teal or any fluorescent color. The paint or finish must not be peeling or obviously worn.
- E. **Maintenance and repair requirements.**
1. If the Director of **Planning and** Community Development finds that any billboard, except one that is nonconforming, is not maintained in good repair and has not deteriorated more than 50% of its replacement value, the Director of **Planning and** Community Development will notify the owner and order him to repair the billboard within a specified time allowing at least ten (10) calendar days.
 2. If the Director of **Planning and** Community Development finds that the billboard has deteriorated more than 50% of its replacement value, or is not repaired within the time specified in the repair notice,

the Director will notify the owner of the billboard and the owner of the real property that the billboard is to be removed from the property within a specified time.

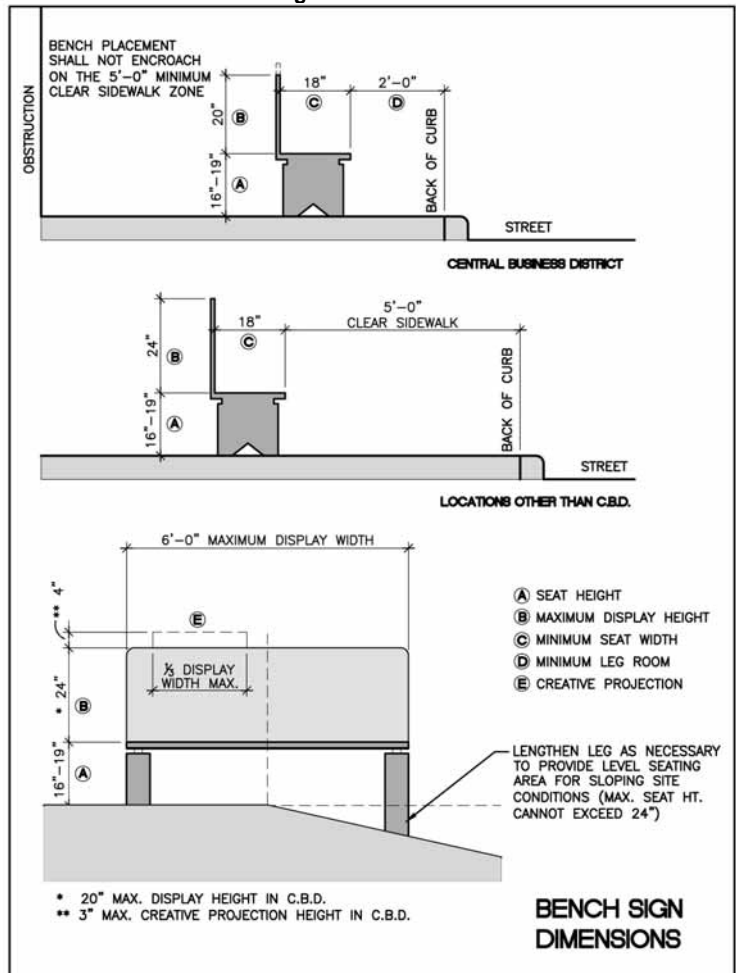
F. **Legal nonconforming billboards.** ~~Billboard signs that do not conform to the provisions of this Code, but that were legally constructed and permitted at the time of its installation are considered legally nonconforming and may remain subject to the following:~~

1. ~~Nonconforming billboards exceeding height and area limitations specified in the Code must be downsized to meet requirements of area and height specified in this Code by December 31, 2015, or be removed by the sign owner or the property owner. This does not apply to existing side-by-side faces.~~
2. ~~Any nonconforming billboard sign destroyed or damaged beyond 50% of its replacement value for any cause whatsoever will be reconstructed in compliance with all provisions of this Code or be removed by the sign owner or property owner.~~
3. ~~In no case may a billboard be repaired or maintained by substantially upgrading or replacing its structural supports. Substantial upgrading may include, but is not limited to, converting from wood to steel structure or a change from a multi-pole to a single-pole structure.~~
4. ~~A non-illuminated billboard may be illuminated provided the subject billboard is not nonconforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.210.B.~~
5. ~~Property annexed to the City of Great Falls after the effective date of this chapter is subject to all the provisions of this Code.~~

17.60.5.030 Bench/transit shelter signs

- A. Bench signs are defined as off-premise signs placed upon benches that are located on public property including sidewalks, surfaced boulevards and immediately adjacent private property. After the date of this ordinance bench signs in newly annexed areas will be limited to two per intersection.
- B. Transit shelter signs are defined as off-premise signs placed upon transit shelters. They are located upon public property including sidewalks, surfaced boulevards and immediately adjacent private property.
- C. Bench sign designs must be submitted in triplicate to the **Planning and Community Development Department**. Designs must be approved prior to permit issuance. Benches may be no longer than six (6) feet. They must be placed on concrete pads. A one-time design review fee as may be set by City Commission resolution for each bench design must be paid prior to permit issuance. (See Exhibit 60-15.)
- D. Bench signs in the Central Business Core District are limited to a total of fifty-six (56) and must be approved by the **Planning and Community Development Department** for compatibility with the streetscape program. A one-time design review fee as may be set by City Commission resolution for each bench sign design must be paid prior to permit issuance.

Exhibit 60-15. Bench Sign Dimensions



- E. Transit shelter signs are limited to a maximum of 50% of the square footage of walls exposed to vehicular traffic.
- F. Bench/transit shelter sign permits are issued only to holders of insurance equal to that required for a sign contractor Class B license.
- G. The permit fee for occupancy of public space by the bench/transit shelter sign is established by a resolution of the City Commission. The annual fee per sign is payable one year in advance and is due prior to permit issuance. The permit fee may be renewed annually by the permit holder by January 15th for the current year. Fees may be pro-rated for periods less than one year.
- H. The location of each bench/transit shelter sign must be approved by the Director of **Planning and** Community Development or designee. The bench may not be located closer than three (3) feet to a fire hydrant. A minimum of five (5) feet of sidewalk width must be left unobstructed. (See Exhibit 60-15)
- I. The owner, leaseholder of private property or authorized agent located nearest to the public property upon which the bench/transit shelter sign is proposed must approve the location by signing the permit application prior to permit issuance. The approval may be withdrawn at any time by contacting the **Planning and** Community Development Department.
- J. Bench/transit shelter signs are not permitted in districts of the City zoned residential unless the property has received an approved Conditional Use for offices, hospitals, medical clinics or colleges.
- K. Bench/transit shelter signs are permitted in the PLI district only with approval of the appropriate City department head or adjacent property owner if not a City-owned parcel.
- L. Bench/transit shelter signs placed in City parks by the Park and Recreation Department are exempt from the provisions of this section.
- M. The bench/transit shelter sign permit may be revoked at any time for lack of adequate maintenance or safety, after which the bench sign will be removed by the owner within seven days. If not removed, the City may remove the sign which becomes City property. The sign owner may reclaim the sign within ten (10) working days of removal by paying removal costs as may be set by City Commission resolution. After such time, the sign may be destroyed.
- N. Bench/transit shelter signs are limited to one bench or shelter per City block face not to exceed one bench or shelter per adjoining premise.

Article 7

PERMIT, INSPECTIONS AND LICENSES

17.60.7.010 Permit required

No sign may be erected, re-erected, constructed, altered or refaced until a sign permit has been issued by the Director of **Planning and** Community Development or an authorized representative. For exemptions to this section, see Section 17.60.2.020 of this Code.

17.60.7.020 Sign permit-application

- A. The **Planning and** Community Development Department takes applications for sign permits.
- B. Each application must contain the location by street address of the proposed sign structure as well as the name and address of the sign owner and sign contractor or erector.
- C. The Director of **Planning and** Community Development or designee may require submittal documents prepared and designed by a structural engineer licensed by the State when in his/her opinion such information is necessary to insure compliance with the Building Code for the following:
 1. Freestanding signs
 2. Billboard signs
 3. Awning signs
 4. Projecting signs
- D. A sign permit shall be issued only to a licensed sign contractor except as provided in Section 17.60.7.030.

- E. Posting requirements. It is the responsibility of the sign erector/contractor or owner of the sign to attach to the sign, in a manner visible from the ground, the owner's name and/or the name of the sign erector company, the date of installation and the permit number.

17.60.7.050 Inspection

- A. All signs requiring a permit are subject to the inspection of the Director of **Planning and** Community Development or designee. Signs erected without the required inspection will be taken down until the required inspection is complete at the cost of the sign installer.
- B. All signs containing electrical wiring are subject to the provisions of the current adopted edition of the National Electrical Code.
- C. All electrical signs, including neon signage and neon tubing, must be inspected while they are on the ground prior to installation for compliance with Article 600 of the National Electric Code.
- D. All electric signs must be inspected during sign face replacement or sign face redecoration. Inspections will be performed on site and in place with the sign face removed. All electric signs must meet current specifications in chapter 6, Article 600 before sign faces are reinstalled.
- E. All signs may be reinspected at the discretion of the Director of **Planning and** Community Development or designee when in his/her opinion inspection is required to ensure compliance with this Code.

17.60.7.060 Sign certificate required

- A. Any person engaged in the installation or repair of electrical signs, including outline and accent lighting commonly known as neon must have an individual sign electrician/journeyman's certificate, or be currently licensed as a master or journeyman electrician by the State of Montana and the City of Great Falls.
- B.** A sign erector certificate is required for persons doing work with non-electrical signs requiring permit except under section 17.60.7.030.
- C. Examination. Director of **Planning and** Community Development, or designee, will arrange for examination of the applicant's knowledge of sign installation, erection and/or wiring.
 - 1. A person desiring a sign electrician/journeyman's certificate must request, in writing, a qualification examination from the department.
 - a. Written requests must include proof of two (2) years experience prior to application and include the application fee.
 - b. Successful applicants must receive a score of 75% on the examination.
 - c. Unsuccessful applicants will be required to wait 90 days before applying for re-examination.
 - 2. Examination is required for each initial application. Examination is not required for license renewal unless more than 30 days have passed since the expiration.
 - 3. The Director of **Planning and** Community Development will authorize issuance of the appropriate certificate upon the applicant's successful completion of the examination.
- D. Certificate fees for sign electrician/journeyman, sign erector and examination fees are established by City Commission resolution.
- E. All certificates or special licenses expire on December 31st of the year in which the certificate or special license is issued, unless otherwise specified.
- F. Renewals may be obtained on or before the expiration date.

17.60.7.080 Insurance and bond

- A. Sign contractor's Class A license. Prior to receiving a Sign contractor's Class A license, an applicant must file a current commercial general liability insurance policy or written certificate issued by an insurance carrier authorized to do business in the State with the **Planning and** Community Development Department.
- B. Sign contractor's Class B license. An applicant for a Sign contractor's Class B license must file with the **Planning and** Community Development Department a commercial general liability insurance policy or written certificate with limits established by City Commission resolution and issued by an insurance carrier authorized

to do business in the State.

- C. Insurance must be kept in full force as a condition of licensure. In the event of insurance cancellation, the sign contractor's license automatically terminates.
- D. Payment is required of a license bond in an amount established by City Commission resolution.

17.60.7.090 Maintenance and repair

All signs, together with all types of supports including steel poles and structures, braces, guy wires, anchors, sign faces, sign cabinets, wood surfaces, plastic or sheet metal decorative trims and fasteners must be properly repaired and maintained.

- A. All painted surfaces must be free of rust, worn, loose and peeling paint.
- B. If the Director of **Planning and** Community Development finds that any sign is not maintained in good repair and has not deteriorated more than 50% of its replacement value, he/she shall notify the owner and order him to repair the sign within a specified time allowing at least 10 calendar days.
- C. If the Director of **Planning and** Community Development finds that the sign has deteriorated more than 50% of its replacement value, or is not repaired within the time specified in the repair notice, the official will notify the owner of the sign and the owner of the real property on which said sign is located to remove the sign from the property within a specified time
- D. Upon receipt of proper notification, sign removal is the responsibility of the sign owner or the property owner.
- E. Failure by the sign owner to comply with a removal/repair notice will result in removal of the sign by the direction of the Building Official. Removal costs will be assessed against the property.

Article 9

Nonconforming Signs

Sections:

17.60.090.010 Nonconforming Signs

17.60.090.020 Nonconforming Billboards

17.60.090.010 Nonconforming Signs

A. Compliance.

1. Except as otherwise provided in this chapter, all signs and supporting structures which do not conform to the provisions of this Code, but were constructed in compliance with previous regulations, shall be regarded as nonconforming. Nonconforming signs may remain until December 31, 2015, if such signs are properly repaired and maintained as required by Section 17.60.7.090.
2. The copy face of a sign may be changed or altered in any manner which does not require structural alteration, subject to the permit requirements of this Code, until December 31, 2012. After December 31, 2012, any sign change, including copy change, shall require compliance with the provisions of the Sign Code.
3. Any sign user may file for an exemption as set forth in subsection B below (“grandfather” exemption), and the provisions of that subsection B shall govern. However, neither this subsection nor subsection B provides any right of continuance after the adoption of the Sign Code of those types of signs specifically prohibited in Section 17.60.2.010, with the exception of roof signs. Grandfather exemptions will not be granted to freestanding signs that overhang or encroach into the public right-of-way or overhang or encroach upon adjoining property.

B. Grandfather exemption. Signs that have been granted a grandfather exemption by the City of Great Falls on or before July 1, 2006, may remain in perpetuity, provided the sign is properly maintained and is not changed in any manner, either structurally or copy changes. Any sign which is so changed shall be brought into immediate compliance with all provisions of this Code. Changes in the name of a tenant on a multi-tenant identification sign may be made without loss of the grandfather exemption.

C. Change of nonconforming sign. Any nonconforming sign that is structurally altered, relocated (on the

same or another lot) or replaced shall immediately comply with all provisions of this Code. Any sign that is accidentally damaged or destroyed may be repaired or replaced within sixty (60) days to the sign's original condition subject to the permit requirement of this Code.

- D. **Administrative authority.** The Director of Planning and Community Development is granted authority to perform an administrative review and make appropriate decisions to allow some flexibility in individual nonconforming situations where the strict interpretation and application of the code will be unworkable for the property owner and/or tenants. All decisions must be consistent with the overall goal of bringing nonconforming signage closer to compliance and should be consistently applied to similar circumstances.
- E. **Removal.** The Director of Planning and Community Development may order the removal of any sign, or sign structure, that is not in compliance with the provisions of this chapter.
 - 1. Removal is the responsibility of the owner of the sign or the property owner.
 - 2. Failure of the property owner or sign owner to comply with the removal notice will result in the removal of the sign by the City. Removal costs and administrative fees will be assessed against the property.

17.060.9.020 Nonconforming Billboards

Billboard signs that do not conform to the provisions of this code, but were legally constructed and permitted at the time of their installation shall be considered legally nonconforming and allowed to remain subject to the following:

- A. **Downsizing required.** Nonconforming billboards exceeding height and area limitations specified in this code must be downsized to meet requirements of area and height specified in this code by December 31, 2015, or be removed by the sign owner or the property owner. This is not intended to eliminate legally sanctioned side-by-side billboards.
- B. Any nonconforming billboard sign destroyed or damaged beyond fifty (50) percent of its replacement value for any cause whatsoever shall be reconstructed only in compliance with all provisions of this chapter or be removed by the sign owner or property owner.
- C. In no case may a billboard be repaired or maintained resulting in substantial upgrading or replacement of the structural support of the billboard that would extend the life of the structure. Substantial upgrading may include, but is not limited to, conversion from wood to steel support structure or a conversion from a multi-pole to a single-pole structure.
- D. A non-illuminated billboard may be illuminated provided it is not non-conforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.020.B.
- E. Any signs on property annexed to the City of Great Falls after the effective date of this chapter are subject to all the provisions of this code.

Exhibit 60-11 (ORIGINAL)

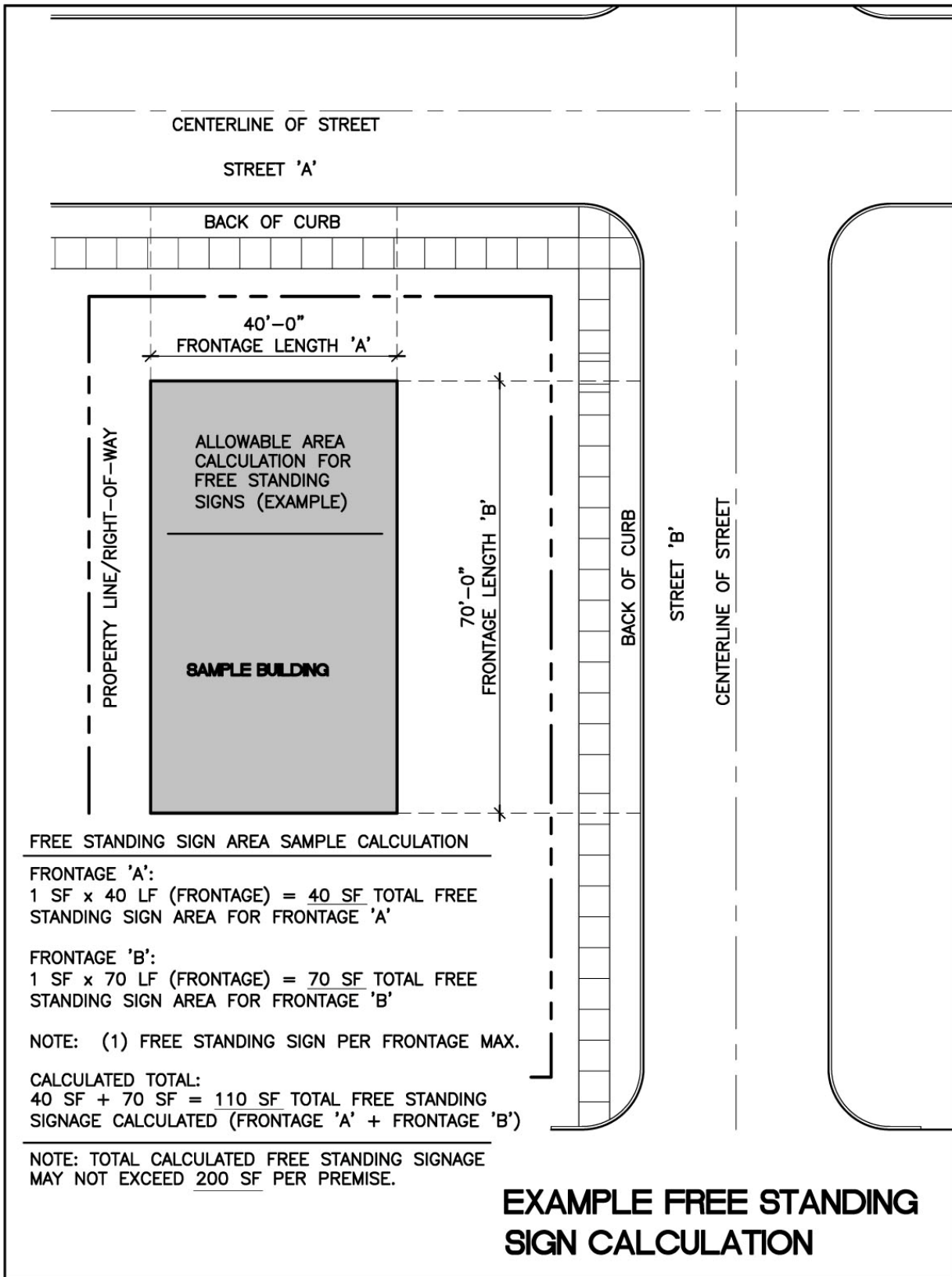
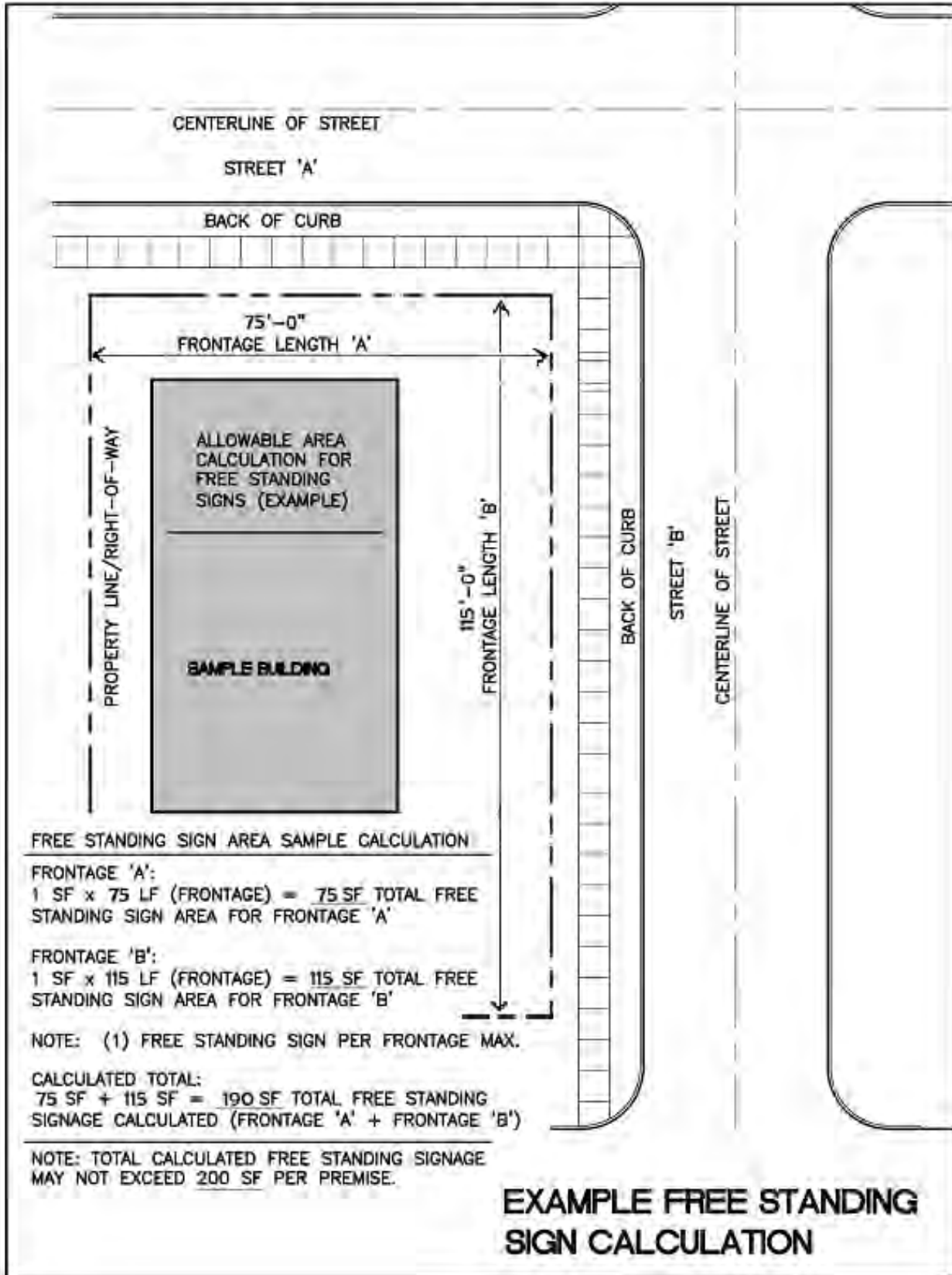


Exhibit 60-11 (CORRECTED)



Chapter 64
NONCONFORMITIES

17.64.020 Nonconforming uses

A. **Generally.** A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. **Change or expansion of nonresidential uses.**

a. A nonconforming nonresidential use may be changed to another nonconforming nonresidential use, or may be increased or expanded, if the **Planning and Community Development** Director determines the application for the proposed, expanded or increased use meets the following criteria, without requiring or requesting any dimensional, lighting, parking, landscaping or other similar variance:

1. The off-street parking and loading requirements for and traffic generated by the proposed, expanded or increased use do not exceed that of the existing or most recent use.
2. The proposed use is permitted in the same zoning district in which the existing or most recent use is first permitted in Table 20-4 of Chapter 20 to this Title. For the purposes of this Chapter, “first permitted” shall mean the first zoning district in Table 20-4 in which a “P” occurs, when reading the table from left to right.
3. The intensity of onsite and offsite impacts from noise, dust, smoke and other environmental impacts associated with the proposed, expanded or increased use is equal to or less than that associated with the existing or most recent use.

Such application may require a fee, as may be established by the City Commission. (Ord. 2950, 2007)

- b. Alternatively, a nonconforming, nonresidential use may also be changed to another nonconforming use, or may be increased or expanded, through a conditional use permit procedure as set forth in Chapter 16. (Ord. 2950, 2007)
2. **Expansion of residential uses.** The expansion of nonconforming residential dwellings is allowed, in compliance with applicable building codes, up to 20% of the existing total residential area, as long as the number of dwelling units on the lot is not increased.
3. **Change of location.** A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied at the effective date of this title or any amendment thereto which creates said nonconforming use.
4. **Discontinuance of use.** If a nonconforming use ceases for any reason for more than 24 months, any subsequent use shall conform with this Title.

17.64.030 Nonconforming structures

A. **Generally.** A nonconforming structure may continue so long as it remains otherwise lawful, subject to the following provisions:

1. **Change in extent.** A nonconforming structure shall not be enlarged or altered in a way to increase its nonconformity.
2. **Conformance required if moved.** If a nonconforming structure is moved for any reason for any distance, it shall thereafter conform with this Title.
3. A nonconforming structure that is removed, razed or damaged by fire or other cause **shall be rebuilt in conformance with this Title to the maximum extent feasible. If it is determined that it is not feasible for the structure to be rebuilt in conformance with this title the structure** may be rebuilt on the structure’s original foundation or on a new foundation in the same location. Construction must be completed within 24 months of the date of such damage, removal or razing. If repair or rehabilitation does not occur within 24 months, the structure shall be reconstructed only in conformance with this Title without resort to variance.

B. **Unsafe conditions, ordinary maintenance, and remodeling.** Nothing in this chapter shall be deemed to

prevent the strengthening or restoring to a safe condition of any structure or part thereof, ordinary repair and maintenance, or remodeling.

17.64.040 Nonconforming signs

A. Compliance.

1. Except as otherwise provided in this chapter, all signs and supporting structures which do not conform to the provisions of this Code, but were constructed in compliance with previous regulations, shall be regarded as nonconforming. Nonconforming signs may remain until December 31, 2015, if such signs are properly repaired and maintained as required by Section 17.60.7.090.
2. The copy face of a sign may be changed or altered in any manner which does not require structural alteration, subject to the permit requirements of this Code, until December 31, 2012. After December 31, 2012, any sign change, including copy change, shall require compliance with the provisions of the Sign Code.
3. Any sign user may file for an exemption as set forth in subsection B below (“grandfather” exemption), and the provisions of that subsection B shall govern. However, neither this subsection nor subsection B provides any right of continuance after the adoption of the Sign Code of those types of signs specifically prohibited in Section 17.60.2.010, with the exception of roof signs. Grandfather exemptions will not be granted to freestanding signs that overhang or encroach into the public right of way or overhang or encroach upon adjoining property.

B. Grandfather exemption.

1. Signs that exceed the code for size and/or height for which an exemption has been filed as set out below may remain in perpetuity, provided the sign is properly maintained and is not changed in any manner, either structurally or copy changes. Any sign which is so changed shall be brought into immediate compliance with all provisions of this Code. This code would allow a change in the name of a tenant on a multi-tenant identification sign without loss of the grandfather exemption.
2. A grandfather exemption may be obtained by the sign owner or user by filing for such an exemption with the Community Development Department on or before July 1, 2006, or as provided in subsections C below. Each application for exemption must be accompanied with a color photograph, dimensions and location of each sign for which the exemption is sought, and in such form as may be prescribed by the department. A fifty (50) dollar fee per premise plus ten (10) dollars per sign to be exempted, shall be levied for each application to help cover processing costs.

C. Change of nonconforming sign. Any nonconforming sign which is structurally altered, relocated (on the same or another lot) or replaced shall immediately comply with all provisions of this Code. Any signs, which is accidentally damaged or destroyed may be repaired or replaced within sixty (60) days to the sign’s original condition subject to the permit requirement of this Code.

D. Administrative authority. The Director of Community Development is granted authority to perform an administrative review and make appropriate decisions to allow some flexibility in individual nonconforming situations where the strict interpretation and application of the code will be unworkable for the property owner and/or tenants. All decisions must be consistent with the overall goal of bringing nonconforming signage closer to compliance and should be consistently applied to similar circumstances.

E. Removal. The Director of Community Development may order the removal of any sign, or sign structure, that is not in compliance with the provisions of this chapter.

3. Removal is the responsibility of the owner of the sign or the property owner.
4. Failure of the property owner or sign owner to comply with the removal notice will result in the removal of the sign by the City. Removal costs and administrative fees will be assessed against the property.

17.64.050 — Nonconforming billboards

Billboard signs that do not conform to the provisions of this code, but were legally constructed and permitted at the time of their installation shall be considered legally nonconforming and allowed to remain subject to the following:

- A. ~~Downsizing required. Nonconforming billboards exceeding height and area limitations specified in this code must be downsized to meet requirements of area and height specified in this code by December 31, 2015, or be removed by the sign owner or the property owner. This is not intended to eliminate legally sanctioned side-by-side billboards.~~
- B. ~~Any nonconforming billboard sign destroyed or damaged beyond fifty (50) percent of its replacement value for any cause whatsoever shall be reconstructed only in compliance with all provisions of this chapter or be removed by the sign owner or property owner.~~
- C. ~~In no case may a billboard be repaired or maintained resulting in substantial upgrading or replacement of the structural support of the billboard that would extend the life of the structure. Substantial upgrading may include, but is not limited to, conversion from wood to steel support structure or a conversion from a multi-pole to a single pole structure.~~
- D. ~~A non-illuminated billboard may be illuminated provided it is not non-conforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.210.~~
- E. ~~Any signs on property annexed to the City of Great Falls after the effective date of this chapter are subject to all the provisions of this code.~~

Chapter 68

TIMING OF IMPROVEMENTS, IMPROVEMENT AGREEMENTS, AND DEDICATIONS

17.68.040 Improvement agreements

- A. **City Attorney approval.** The improvement agreement and form of financial security shall be satisfactory to the City Attorney.
- B. **Amount of security.** The amount of the financial security shall be the total cost of the improvements subject to the agreement, as estimated by a registered professional engineer, or other qualified professional as appropriate, plus 35 percent. The City Engineer may require the developer to submit a second cost estimate from another source to verify the cost of the improvements.
- C. **Content.** An improvement agreement shall contain the following:
1. A list of all on-site and off-site improvements subject to the agreement.
 2. Detailed construction plans and cost estimates for the improvements subject to the agreement. A registered professional engineer shall prepare the plan and estimates for all work elements requiring engineering. Other professionals, as appropriate, shall prepare plans and estimates for those work elements not requiring engineering.
 3. A timetable for completing each of the improvements subject to the agreement.
 4. A description of the type of financial security used to secure the completion of the improvements subject to the agreement.
 5. A provision allowing the City to claim the financial security when the developer has not satisfactorily completed the improvements by the date specified in the agreement or has not otherwise complied with the terms of the agreement.
 6. The financial security shall be released in full only upon submission of as-built plans when required and written certification by a registered professional engineer, or other qualified professional, that the improvements have been installed in accordance with the development approval and other applicable provisions of this Title.
 7. A provision stating that the City may release a portion of the financial security in an amount equal to 135 percent of the estimated cost of the improvement that has been satisfactorily completed.
 8. A provision that the developer indemnifies, defends, and holds the City, its employees, agents and assigns harmless from and against any and all liabilities, loss, claims, causes of action, judgements and damages resulting from or arising out of the execution of the improvement agreement.
 9. A provision stating that if the developer has not satisfactorily completed the improvements by the date specified in the agreement, the City can use a portion of the security as reimbursement for time and expense in administering the installation and inspection of the improvements subject to the agreement,
 10. A provision stating that the City Engineer must inspect the improvements to verify compliance with the development approval and this Title before releasing the financial security, in whole or part.
 11. The term of the agreement.
 12. A provision allowing amendment with the written consent of all parties, provided the minimum requirements of this Title are satisfied.
 13. Any other provision deemed appropriate by the City to accomplish the purposes of this Title and to protect its interests.
 14. **A provision that the developer indemnifies and holds the City, its employees, agents, and assigns harmless for and against all claims, attorney fees, judgments, demands and/or liability of every kind and nature, arising out of, or attributable to soil conditions and/or groundwater associated with the property being developed.**

Appendix F LAND USE DEFINITIONS

“Residence, two-family” means a ~~single building~~ **or buildings** that is situated on one lot ~~and~~ that contains a **total of 2** dwelling units.

“Retirement home” means a place and/or building, or portion thereof, that is used or is intended to provide ~~independent~~ living quarters, ~~either owned or rented, to~~ **for** individuals generally 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.**

“**Adult foster care home**” means a private home or other facility that offers only light personal care or custodial care to four 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)

~~“Adult foster family care home” means a private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (Source: 52-3-302 MCA)~~

“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)

“Group day care home” means a private residence in which day care (meaning care is less than 24 hours per day) is provided to 7 to 12 children on a regular basis. **The operation may include pre-school services/activities.** (Source: 52-2-703, MCA)

“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.** ~~a diverse product line. The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.~~

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

~~“Specialty sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.~~

“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.

“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.

“Educational facility (K-12)” means a place and/or building, or portion thereof, that is used or is intended for use as a preschool, kindergarten, 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.**