

ORDINANCE 3205

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

* * * * *

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

WHEREAS, the City Commission wishes to establish and reserve Chapters 9 through 11 of OCCGF Title 17; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 17, Chapter 12, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

WHEREAS, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 12, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

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

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

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

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

Section 2. OCCGF Title 17, Chapter 12 is hereby repealed and replaced as depicted in Exhibit "A" attached hereto and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 17, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing October 1, 2019.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3205 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

Chapter 9 RESERVED

Chapter 10 RESERVED

Chapter 11 RESERVED

Chapter 12 ADMINISTRATIVE AND ENFORCEMENT BODIES

Articles:

Article 1 - PLANNING ADVISORY BOARD

Article 2 - ZONING COMMISSION

Article 3 - DESIGN REVIEW BOARD

Article 4 - HISTORIC PRESERVATION ADVISORY COMMISSION

Article 5 - BOARD OF ADJUSTMENT

Article 1 PLANNING ADVISORY BOARD

Sections:

17.12.1.010 Establishment.

17.12.1.020 Jurisdiction.

17.12.1.030 Duties, services and functions.

17.12.1.040 Composition and appointment of members.

17.12.1.050 Officers.

17.12.1.060 Board procedures.

17.12.1.070 Schedule of meetings.

17.12.1.080 Special meetings.

17.12.1.090 Voting and quorum.

17.12.1.100 Compensation and expenses.

17.12.1.110 Ethics.

17.12.1.120 Contracts and agreements.

17.12.1.130 Staff.

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~~17.12.1.140 Fiscal administration and budget.~~

17.12.1.010 Establishment.

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17.12.1.110 Contracts and agreements.

17.12.1.120 Staff.

17.12.1.130 Fiscal administration and budget.

17.12.1.140 Legal Representation.

17.12.1.010 Establishment.

The Great Falls Planning Advisory Board is established, **pursuant to and under the provisions of the Charter of the City of Great Falls**, to undertake the ~~responsibilities herein defined, pursuant to and under the provisions of the Charter of the City of Great Falls~~ **duties, services, and functions as identified in this Chapter.**

17.12.1.020 Jurisdiction.

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

17.12.1.030 Duties, services, and functions.

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

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

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

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1. ~~If requested by the City, initiate~~**1. Initiate**, prepare, review, and hear, **staff reports and presentations regarding the adoption or amendment of a growth policy and thereafter** make recommendations to the City Commission ~~on the adoption or amendment of a growth policy and such ordinances and resolutions necessary to implement the growth policy;~~; **and**
2. — Initiate, prepare, review, hear, **staff reports and presentations on the adoption or amendment of any planning documents designed to guide the orderly development of the community** and thereafter make recommendations to the City Commission ~~on the adoption or amendment of any planning documents designed to guide the orderly development of the community.~~
- C. — **Subdivision, and annexation, zoning and conditional use review.** The board shall have the authority and responsibility to review, hear, **staff reports and presentations** and make recommendations to the City Commission on subdivision applications and plats, annexations, zoning and rezoning petitions and conditional use permits.:
 1. **Subdivision applications and plats; and/or**
 2. **Annexations; and**
 3. **Thereafter make recommendations to the City Commission.**
- D. — **Transportation.** The board shall have the authority and responsibility to:
 1. ~~Review, prioritize, and recommend projects for use of Community Transportation Enhancement Program (CTEP) funds;~~
 2. ~~Sserve and perform all associated duties~~ as the Metropolitan Planning Organization (MPO) for the Great Falls Urbanized Area Transportation Planning Process, ~~including participation in said process.~~

17.12.1.040 Composition and appointment of members.

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

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17.12.1.050 Officers.

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

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4. **Supervise the balloting at all elections.**

(Ord. No. 3056, § 1, 8-17-2010)

17.12.1.060 Board procedures.

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

17.12.1.070 Schedule of meetings.

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

(Ord. No. 3056, § 1, 8-17-2010)

17.12.1.080 Special meetings.

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

17.12.1.090 Voting and quorum.

- A.— **Requirements for quorum.** A quorum shall consist of **four (4) members if the Board consists of seven (7) members and five (5) members if the Board consists of (8) or nine (9) members.**
- B.— **Requirements for official action.** Each decision of the ~~B~~**B**oard shall be approved by a majority vote of the members present ~~at a meeting in which a quorum is in attendance and voting.~~
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
 - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
 - 2.— The member has ~~such close a~~ personal ~~ties~~ **relationship** to the applicant, the project, or to a party opposing the application ~~that impacting the member cannot reasonably be expected to member's~~ exercise of sound judgment ~~in for~~ the public interest; ~~or~~
 - 3.— The member owns property within the area entitled to receive written notice; or
 - 4.— Participation in the matter ~~might could~~ violate ~~the letter or spirit~~ **a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.** ~~a member's code of professional responsibility; or~~
 - 5.— Other applicable law that applies.

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~~(Ord. No. 3056, § 1, 8-17-2010)~~

17.12.1.100 Compensation and expenses.

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

17.12.1.110 Ethics.

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

~~**17.12.1.120**~~ **Contracts and agreements.**

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

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

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

~~**17.12.1.130**~~ **120 Staff.**

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

~~**17.12.1.140**~~ **130 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. The Board shall be financed pursuant to the annual budget adopted by the City Commission.~~

17.12.1.140 Legal representation.

The City may appoint legal counsel to represent the Board when necessary.

~~(Ord. No. 3056, § 1, 8-17-2010)~~

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Article 2 ZONING COMMISSION

Sections:

~~17.12.2.010 Establishment.~~

~~17.12.2.020 Jurisdiction.~~

~~17.12.2.030 Authority.~~

~~17.12.2.040 Composition and appointment of members.~~

~~17.12.2.050 Officers.~~

~~17.12.2.060 Commission procedures.~~

~~17.12.2.070 Schedule of meetings.~~

~~17.12.2.080 Notice for special meetings.~~

~~17.12.2.090 Voting and quorum.~~

~~17.12.2.100 Compensation and expenses.~~

~~17.12.2.110 Ethics.~~

~~17.12.2.120 Joint airport zoning board.~~

17.12.2.010 Establishment.

17.12.2.020 Jurisdiction.

17.12.2.030 Authority.

17.12.2.040 Composition and appointment of members.

17.12.2.050 Officers.

17.12.2.060 Commission procedures.

17.12.2.070 Schedule of meetings.

17.12.2.080 Notice for special meetings.

17.12.2.090 Voting and quorum.

17.12.2.100 Compensation and expenses.

17.12.2.110 Legal representation.

17.12.2.010 Establishment.

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

17.12.2.020 Jurisdiction.

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

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17.12.2.030 Authority.

The commission shall have the authority to:

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

17.12.2.040 Composition and appointment of members.

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

17.12.2.050 Officers.

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 3056, § 1, 8-17-2010)

17.12.2.060 Commission procedures.

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

17.12.2.070 Schedule of meetings.

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

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

17.12.2.080 Notice for special meetings.

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

17.12.2.090 Voting and quorum.

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

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

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

~~1. The member has a direct financial interest in the outcome of the matter at issue; or~~

~~2. The member has such close personal ties to the applicant, the project, or to a party opposing the application that the member can not reasonably be expected to exercise sound judgment in the public interest; or~~

~~3. The member owns property within the area entitled to receive written notice; or~~

~~4. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or~~

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

17.12.2.100 Compensation and expenses.

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

17.12.2.110 Legal representation.

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

~~17.12.2.110 Ethics.~~

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

~~17.12.2.120 Joint airport zoning board.~~

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

Article 3 DESIGN REVIEW BOARD

Sections:

~~17.12.3.010 Establishment.~~

~~17.12.3.020 Authority.~~

~~17.12.3.030 Composition and appointment of members.~~

~~17.12.3.040 Officers.~~

~~17.12.3.050 Board procedures.~~

~~17.12.3.060 Schedule of meetings.~~

~~17.12.3.070 Voting and quorum.~~

~~17.12.3.080 Compensation and expenses.~~

~~17.12.3.090 Legal representation.~~

17.12.3.010 Establishment.

17.12.3.020 Authority.

17.12.3.030 Composition and appointment of members.

17.12.3.040 Officers.

17.12.3.050 Board procedures.

17.12.3.060 Schedule of meetings.

17.12.3.070 Voting and quorum.

17.12.3.080 Compensation and expenses.

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17.12.3.090 Legal representation.

17.12.3.010 Establishment.

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

17.12.3.020 Authority.

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

17.12.3.030 Composition and appointment of members.

A. — **Number and appointment.** The **B**oard shall consist of five (5) voting members appointed by the City Commission.

B. — ~~Considerations~~ **Consideration in making appointments.** Members shall be residents of the City. ~~The~~ **and qualified Montana electors.** City Commission shall make an effort to achieve a diversity of expertise, background, and interest. ~~Such diversity should preferably include two members and City staff may not be members of the Board.~~

C. **Preferred composition. The preferred Board composition includes:**

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

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

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

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

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

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17.12.3.040 Officers.

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

(Ord. No. 3056, § 1, 8-17-2010)

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17.12.3.050 Board procedures.

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

17.12.3.060 Schedule of meetings.

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

17.12.3.070 Voting and quorum.

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

17.12.3.080 Compensation and expenses.

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

17.12.3.090 Legal representation.

The City ~~Commission~~ may appoint legal counsel to represent the **B**oard when ~~it deems~~ necessary.

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Article 4 HISTORIC PRESERVATION ADVISORY COMMISSION

Sections:

~~17.12.4.010 Establishment.~~

~~17.12.4.020 Authority.~~

~~17.12.4.030 Composition and appointment of members.~~

~~17.12.4.040 Officers.~~

~~17.12.4.050 Commission procedures.~~

~~17.12.4.060 Schedule of meetings.~~

~~17.12.4.070 Voting and quorum.~~

~~17.12.4.080 Compensation and expenses.~~

~~17.12.4.090 Legal representation.~~

~~17.12.4.100 Staff.~~

17.12.4.010 Establishment.

17.12.4.020 Authority.

17.12.4.030 Composition and appointment of members.

17.12.4.040 Officers.

17.12.4.050 Commission procedures.

17.12.4.060 Schedule of meetings.

17.12.4.070 Voting and quorum.

17.12.4.080 Compensation and expenses.

17.12.4.090 Legal representation.

17.12.4.100 Staff.

17.12.4.010 Establishment.

- A.— **Commission.** In order to carry out the purpose of this ~~chapter~~**Chapter**, the Great Falls City/**Cascade** County Historical Preservation Advisory Commission is hereby ~~created~~**established**.
- B.— **Historic preservation program.** A local historic preservation program is hereby ~~created~~**established** to promote the preservation of historic ~~and prehistoric sites~~, **pre-historic** sites, structures, buildings, and districts through the identification, evaluation, and protection of historic resources within the County and City. This program is intended to promote the public interest and welfare by:
 - 1.— Enhancing the visual character of the City and County by encouraging preservation ideals;
 - 2.— Promoting ~~the tourist industry of~~ **tourism within** the City and County by encouraging the preservation of historically significant buildings and structures;

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- 3.— Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
- 4.— Integrating historic preservation into **the** local, State, and ~~federal~~**Federal** planning and decision-making processes; **and**
- 5.— Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history.

17.12.4.020 Authority.

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

- 1.—~~A.~~ **A.** Maintain a system for the survey and inventory of historic properties.~~The commission shall, maintain this~~**the** inventory of identified districts, sites and/or structures within the County and the City, and make this information available to the public;
- 2.—~~B.~~ **B.** Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;
- 3.—~~C.~~ **C.** Participate in the process of nominating to the National Register of Historic Places, according to procedures established for certified local governments.~~This includes, by reviewing and commenting on any National Register nominations of property within the County and City;~~
- 4.—~~D.~~ **D.** Consult with ~~the~~City, County, State, and ~~federal~~ Federal agencies on~~all~~:
 1. **All** applications,~~environmental~~;
 2. **Environmental** assessments,~~environmental~~;
 3. **Environmental** impact statements~~;~~; and ~~other~~
 4. **Other** similar documents pertaining to historic districts, landmark sites, landmarks or properties;
- 5.—~~E.~~ **E.** Review the ~~City's land development regulations~~**OCCGF** for their applicability to issues of historic preservation and make appropriate recommendations to the Planning **Advisory** Board and Zoning Commission concerning any changes or modifications to ~~the zoning~~**OCCGF** regulations and zoning district boundaries;
- 6.—~~F.~~ **F.** Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures.~~The commission shall, and~~ create design guidelines which will be made available to the public for assistance in preservation projects;
- 7.—~~G.~~ **G.** Provide ~~a means of informing owners of information to~~ property, ~~buildings~~**building**, and ~~structures~~**structure owners** of potential tax incentives and ~~federal~~**Federal** and/or State grants that might be obtained through the preservation of historic facilities;
- 8.—~~H.~~ **H.** Participate in, promote, and conduct public:
 1. **Informational**,~~educational~~;
 2. **Educational**; and ~~interpretive~~
 3. **Interpretive** programs pertaining to historic preservation; **and**
- 9.—~~I.~~ **I.** Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification~~;~~.

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~~10.—J. In e~~ Carrying out the listed powers and duties of the **Ceommission**, ~~the commission and~~ shall at all times ensure that any surveys, analyses, evaluations, reviews, or reports relating to any property or project within the City are completed within the current time frames for development. Should the **Ceommission** fail to complete any of the above actions in time to be included for final action of the City Commission or Board of County Commissioners, such failure shall not in any way impede the decision of the City Commission or Board of County Commissioners.

17.12.4.030 Composition and appointment of members.

A.— **Number and appointment.** The commission shall consist of nine (9) members appointed as follows:

- 1.— Four (4) members as appointed by the Board of County Commissioners;
- 2.— Four (4) members as appointed by the City Commission; **and**
- 3.— One (1) member who has professional architectural expertise as appointed by the commission by a majority vote.

B.— **Considerations in making appointments.** Members shall have expertise/qualifications in one (1) or more of the following areas: ~~history, planning, archaeology, architecture,~~

1. **History;**
2. **Planning;**
3. **Architecture and/or** architectural history;
4. **Archaeology; or**
5. **Other** ~~historic archaeology, or other history~~ preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.

C.— **Terms.** Each member shall be appointed to a three-year term. ~~During the initial round of appointments, two (2) members shall be appointed to one-year terms.~~

D.— **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the appropriate governing body. A member whose term expires may continue to serve until a successor is appointed and qualified.

E.— **Conditions for removal.** A member shall be removed from the **Ceommission** and the member's office declared vacant under the following conditions:

- ~~1.— The member fails to attend three (3) successive meetings without excused absences; or~~
- 2.— **1. Pursuant to OCCGF Title 2, Chapter 23, if the member was appointed by the City Commission;**
2. The member moves outside of the jurisdiction the member represents; or
- ~~3.— The governing body that appoints the member to the commission declares without notice and without assignment of~~ **3. The County Commission determines there is cause for the removal of a County appointed member.**

17.12.4.040 Officers.

A.— ~~Election.~~ **Elections.** At its annual meeting, the **Ceommission** shall elect a ~~chair, vice-chair~~ **Chairperson, Vice-Chairperson,** and ~~secretary~~ **a Secretary** from among its membership

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Exhibit "A"

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

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

(Ord. No. 3056, § 1, 8-17-2010)

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17.12.4.050 Commission procedures.

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

17.12.4.060 Schedule of meetings.

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

17.12.4.070 Voting and quorum.

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

17.12.4.080 Compensation and expenses.

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

17.12.4.090 Legal representation.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

17.12.4.100 Staff.

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

Article 5 BOARD OF ADJUSTMENT

Sections:

~~17.12.5.010 Establishment.~~

~~17.12.5.020 Authority.~~

~~17.12.5.030 Composition and appointment of members.~~

~~17.12.5.040 Officers.~~

~~17.12.5.050 Board procedures.~~

~~17.12.5.060 Schedule of meetings.~~

~~17.12.5.070 Voting and quorum.~~

~~17.12.5.080 Compensation and expenses.~~

~~17.12.5.090 Legal representation.~~

~~17.12.5.100 Board of Airport Hazard Adjustment.~~

17.12.5.010 Establishment.

17.12.5.020 Authority.

17.12.5.030 Composition and appointment of members.

17.12.5.040 Officers.

17.12.5.050 Board procedures.

17.12.5.060 Schedule of meetings.

17.12.5.070 Voting and quorum.

17.12.5.080 Compensation and expenses.

17.12.5.090 Legal representation.

17.12.5.100 Board of Airport Hazard Adjustment.

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Exhibit "A"

17.12.5.010 Establishment.

Pursuant to **Mont. Code Ann. § 76-2-321, MCA**, a Board of Adjustment is established to undertake the responsibilities herein defined **or as otherwise when the Board is acting as the Board of Appeals, as set forth by the City Commission in the Official Code of the City of Great Falls (OCCGF), Ordinance, or Resolution.**

17.12.5.020 Authority.

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

17.12.5.030 Composition and appointment of members.

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

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Exhibit "A"

17.12.5.040 Officers.

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

(Ord. No. 3056, § 1, 8-17-2010)

17.12.5.050 Board procedures.

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

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Exhibit "A"

17.12.5.060 Schedule of meetings.

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

17.12.5.070 Voting and quorum.

- A.— **Requirements for quorum. Unless provided by this Chapter, A** quorum shall consist of ~~four (4)~~**three (3)** voting members.
- B.— **Requirements for voting.** The concurring vote of four (4) members shall be necessary to grant a variance or overturn, in whole or part, an administrative decision, or interpretation. (See: ~~76-2-324, MCA~~).
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
 - 1.— The member has a direct financial interest in the outcome of the matter at issue; or
 - 2.— The member has ~~such close a~~ personal ~~ties~~ **relationship** to the applicant, the project, or to a party opposing the application ~~that the member can not reasonably be expected to~~ **impacting the member's** exercise sound judgment ~~in for~~ the public interest; or
 - 3.— The member owns property within the area entitled to receive written notice; or
 - 4.— Participation in the matter ~~might~~ **could** violate **a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.**
the letter or spirit of a member's code of professional responsibility; or
 - 5.— ~~Other applicable law that applies~~

17.12.5.080 Compensation and expenses.

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

17.12.5.090 Legal representation.

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

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Exhibit "A"

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

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

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

Chapter 9 RESERVED

Chapter 10 RESERVED

Chapter 11 RESERVED

Chapter 12 ADMINISTRATIVE AND ENFORCEMENT BODIES

Articles:

Article 1 - PLANNING ADVISORY BOARD

Article 2 - ZONING COMMISSION

Article 3 – DESIGN REVIEW BOARD

Article 4 - HISTORIC PRESERVATION ADVISORY COMMISSION

Article 5 - BOARD OF ADJUSTMENT

Article 1 PLANNING ADVISORY BOARD

Sections:

17.12.1.010 Establishment.

17.12.1.020 Jurisdiction.

17.12.1.030 Duties, services, and functions.

17.12.1.040 Composition and appointment of members.

17.12.1.050 Officers.

17.12.1.060 Board procedures.

17.12.1.070 Schedule of meetings.

17.12.1.080 Special meetings.

17.12.1.090 Voting and quorum.

17.12.1.100 Compensation and expenses.

17.12.1.110 Contracts and agreements.

17.12.1.120 Staff.

17.12.1.130 Fiscal administration and budget.

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Exhibit "B"

17.12.1.140 Legal Representation.

17.12.1.010 Establishment.

The Great Falls Planning Advisory Board is established, pursuant to and under the provisions of the Charter of the City of Great Falls, to undertake the duties, services, and functions identified in this Chapter.

17.12.1.020 Jurisdiction.

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

17.12.1.030 Duties, services, and functions.

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

17.12.1.040 Composition and appointment of members.

- A. **Number and appointment.** The Board shall consist of seven (7) to nine (9) members appointed by the City Commission, who:
 - 1. Are residents of the City of Great Falls;
 - 2. Are not City employees or elected officials; and

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Exhibit "B"

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

17.12.1.050 Officers.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

H. **Duties of Secretary.** The Director of the Planning and Community Development Department shall function as the Board Secretary. The Secretary shall:

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

17.12.1.060 Board procedures.

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

17.12.1.070 Schedule of meetings.

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

17.12.1.080 Special meetings.

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

17.12.1.090 Voting and quorum.

- A. **Requirements for quorum.** A quorum shall consist of four (4) members if the Board consists of seven (7) members and five (5) members if the Board consists of nine (9) members.
- B. **Requirements for official action.** Each decision of the Board shall be approved by a majority vote of the members present.
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
 1. The member has a direct financial interest in the outcome of the matter at issue;
 2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise of sound judgment for the public interest;
 3. The member owns property within the area entitled to receive written notice; or
 4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.1.100 Compensation and expenses.

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

17.12.1.110 Contracts and agreements.

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

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

17.12.1.120 Staff.

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

17.12.1.130 Fiscal administration and budget.

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

17.12.1.140 Legal representation.

The City may appoint legal counsel to represent the Board when necessary.

Article 2 ZONING COMMISSION

Sections:

17.12.2.010 Establishment.

17.12.2.020 Jurisdiction.

17.12.2.030 Authority.

17.12.2.040 Composition and appointment of members.

17.12.2.050 Officers.

17.12.2.060 Commission procedures.

17.12.2.070 Schedule of meetings.

17.12.2.080 Notice for special meetings.

17.12.2.090 Voting and quorum.

17.12.2.100 Compensation and expenses.

17.12.2.110 Legal representation.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.2.010 Establishment.

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

17.12.2.020 Jurisdiction.

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

17.12.2.030 Authority.

The commission shall have the authority to:

- A. Review and hear staff reports and presentations regarding conditional use permits and thereafter make recommendations to the City Commission;
- B. Prepare and submit an application to amend this Title;
- C. Review and hear staff reports and presentations regarding applications to amend this Title and thereafter make recommendations to the City Commission;
- D. Review and hear staff reports and presentations regarding zoning and rezoning petitions and thereafter make recommendations to the City Commission; and/or
- E. Review and hear other applications pursuant to this Title.

17.12.2.040 Composition and appointment of members.

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

17.12.2.050 Officers.

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

17.12.2.060 Commission procedures.

Unless otherwise specified in this Title, the Commission shall be guided by the most recent edition of "Robert's Rules of Order, Revised," in all applicable parliamentary procedures.

17.12.2.070 Schedule of meetings.

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

17.12.2.080 Notice for special meetings.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.2.090 Voting and quorum.

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

17.12.2.100 Compensation and expenses.

Members shall not be compensated for serving on the commission but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for Commission-approved attendance at conferences, workshops, training sessions, or meetings related to Commission membership.

17.12.2.110 Legal representation.

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

Article 3 DESIGN REVIEW BOARD

Sections:

17.12.3.010 Establishment.

17.12.3.020 Authority.

17.12.3.030 Composition and appointment of members.

17.12.3.040 Officers.

17.12.3.050 Board procedures.

17.12.3.060 Schedule of meetings.

17.12.3.070 Voting and quorum.

17.12.3.080 Compensation and expenses.

17.12.3.090 Legal representation.

17.12.3.010 Establishment.

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

17.12.3.020 Authority.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.3.030 Composition and appointment of members.

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

17.12.3.040 Officers.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- I. **Secretary.** The Secretary shall be a member of the City Planning and Community Development staff and shall:
 1. Maintain the minutes and records of the Board and issue calls and notices pertaining to the board;
 2. Distribute the agenda for all regular and annual meetings at least forty-eight (48) hours prior to the meeting;
 3. Keep a roll of membership and attendance; and
 4. Supervise the balloting at all elections.

17.12.3.050 Board procedures.

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

17.12.3.060 Schedule of meetings.

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

17.12.3.070 Voting and quorum.

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

17.12.3.080 Compensation and expenses.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.3.090 Legal representation.

The City may appoint legal counsel to represent the Board when necessary.

Article 4 HISTORIC PRESERVATION ADVISORY COMMISSION

Sections:

17.12.4.010 Establishment.

17.12.4.020 Authority.

17.12.4.030 Composition and appointment of members.

17.12.4.040 Officers.

17.12.4.050 Commission procedures.

17.12.4.060 Schedule of meetings.

17.12.4.070 Voting and quorum.

17.12.4.080 Compensation and expenses.

17.12.4.090 Legal representation.

17.12.4.100 Staff.

17.12.4.010 Establishment.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.4.020 Authority.

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

- A. Maintain a system for the survey and inventory of historic properties, maintain the inventory of identified districts, sites and/or structures within the County and the City, and make this information available to the public;
- B. Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;
- C. Participate in the process of nominating to the National Register of Historic Places, according to procedures established for certified local governments, by reviewing and commenting on any National Register nominations of property within the County and City;
- D. Consult with City, County, State, and Federal agencies on:
 1. All applications;
 2. Environmental assessments;
 3. Environmental impact statements; and
 4. Other similar documents pertaining to historic districts, landmark sites, landmarks or properties;
- E. Review the OCCGF for applicability to issues of historic preservation and make appropriate recommendations to the Planning Advisory Board and Zoning Commission concerning any changes or modifications to OCCGF regulations and zoning district boundaries;
- F. Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures, and create design guidelines which will be made available to the public for assistance in preservation projects;
- G. Provide information to property, building, and structure owners of potential tax incentives and Federal and/or State grants that might be obtained through the preservation of historic facilities;
- H. Participate in, promote, and conduct public:
 1. Informational;
 2. Educational; and
 3. Interpretive programs pertaining to historic preservation; and
- I. Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification.
- J. Carry out the listed powers and duties of the Commission, and shall at all times ensure that any surveys, analyses, evaluations, reviews, or reports relating to any property or project within the City are completed within the current time frames for development. Should the Commission fail to complete any of the above actions in time to be included for final action of the City Commission or Board of County Commissioners, such failure shall not in any way impede the decision of the City Commission or Board of County Commissioners.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.4.030 Composition and appointment of members.

- A. **Number and appointment.** The commission shall consist of nine (9) members appointed as follows:
 - 1. Four (4) members as appointed by the Board of County Commissioners;
 - 2. Four (4) members as appointed by the City Commission; and
 - 3. One (1) member who has professional architectural expertise as appointed by the commission by a majority vote.
- B. **Considerations in making appointments.** Members shall have expertise/qualifications in one (1) or more of the following areas:
 - 1. History;
 - 2. Planning;
 - 3. Architecture and/or architectural history;
 - 4. Archaeology; or
 - 5. Other historic preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.
- C. **Terms.** Each member shall be appointed to a three-year term.
- D. **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the appropriate governing body. A member whose term expires may continue to serve until a successor is appointed and qualified.
- E. **Conditions for removal.** A member shall be removed from the Commission and the member's office declared vacant under the following conditions:
 - 1. Pursuant to OCCGF Title 2, Chapter 23, if the member was appointed by the City Commission;
 - 2. The member moves outside of the jurisdiction the member represents; or
 - 3. The County Commission determines there is cause for the removal of a County appointed member.

17.12.4.040 Officers.

- A. **Elections.** At its annual meeting, the Commission shall elect a Chairperson, Vice-Chairperson, and a Secretary from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the Commission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least forty-eight (48) hours before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No Officer shall hold the same elective office for more than three (3) consecutive terms.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of Chairperson.** The Chairperson shall have all the rights and privileges of a Commission member.
- G. **Duties of Chairperson.** The Chairperson shall:
 - 1. Preside at all meetings of the Commission;
 - 2. Plan the agenda for the Commission;
 - 3. Act as a liaison between the Commission, the Planning and Community Development Department, and the City and County Commissions;
 - 4. Execute all legal documents on behalf of the Commission;
 - 5. Call special meetings as provided herein; and
 - 6. Act as the public representative of the Commission or designate an alternate.
- H. **Duties of Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unable to serve or as otherwise directed by the Chairperson.
- I. **Duties of Secretary.** The Secretary shall be a member of the City Planning and Community Development staff and shall:
 - 1. Maintain the minutes and records of the commission and issue calls and notices pertaining to the Commission;
 - 2. Distribute the agenda for all meetings at least forty-eight (48) hours prior to the meeting;
 - 3. Keep a roll of membership and attendance, and
 - 4. Supervise the balloting at all elections.

17.12.4.050 Commission procedures.

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

17.12.4.060 Schedule of meetings.

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

17.12.4.070 Voting and quorum.

- A. **Requirements for quorum.** A quorum shall consist of five (5) voting members.
- B. **Requirements for voting.** Each decision of the Commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue, if any of the following circumstances apply:
1. The member has a direct financial interest in the outcome of the matter at issue;
 2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise of sound judgment for the public interest;
 3. The member owns property within the area entitled to receive written notice; or
 4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

17.12.4.080 Compensation and expenses.

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

17.12.4.090 Legal representation.

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

17.12.4.100 Staff.

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

Article 5 BOARD OF ADJUSTMENT

Sections:

17.12.5.010 Establishment.

17.12.5.020 Authority.

17.12.5.030 Composition and appointment of members.

17.12.5.040 Officers.

17.12.5.050 Board procedures.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.5.060 Schedule of meetings.

17.12.5.070 Voting and quorum.

17.12.5.080 Compensation and expenses.

17.12.5.090 Legal representation.

17.12.5.010 Establishment.

Pursuant to Mont. Code Ann. § 76-2-321, a Board of Adjustment is established to undertake the responsibilities herein defined or as otherwise when the Board is acting as the Board of Appeals, as set forth by the City Commission in the Official Code of the City of Great Falls (OCCGF), Ordinance, or Resolution.

17.12.5.020 Authority.

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

17.12.5.030 Composition and appointment of members.

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

- E. **Removal.** The City Commission may remove a member pursuant to OCCGF Title 2, Chapter 23.

17.12.5.040 **Officers.**

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

17.12.5.050 **Board procedures.**

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

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

17.12.5.060 Schedule of meetings.

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

17.12.5.070 Voting and quorum.

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

17.12.5.080 Compensation and expenses.

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

17.12.5.090 Legal representation.

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

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