

ORDINANCE 3215

AN ORDINANCE REPEALING TITLE 17, CHAPTER 12, ARTICLE 3, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GREAT FALLS DESIGN REVIEW BOARD.

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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 established OCCGF Title 17, Chapter 12, Article 3 establishing and regulating The Great Falls Design Review Board; and

WHEREAS, after numerous suspensions of the Design Review Board meetings and review requirements, the City Commission adopted Resolution 10336 dissolving the Design Review Board; and

WHEREAS, Resolution 10336 directed City Staff to present OCCGF amendments consistent with the intent of Resolution 10336; and

WHEREAS, at its regularly scheduled May 12, 2020 meeting, the Great Falls Planning Advisory Board recommended that the City Commission adopt Ordinance 3215.

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

Section 1. OCCGF Title 17, Chapter 12, Article 3, is hereby repealed as depicted in Exhibit "A" attached hereto and by reference incorporated herein, with deleted language identified by ~~strike through~~ and inserted language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 June 2, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading June 16, 2020.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Joseph Cik, Assistant 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 3215 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 12 ADMINISTRATIVE AND ENFORCEMENT BODIES

Article 3 DESIGN REVIEW BOARD REPEALED

(Ord. 3215, 2020)

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 herein defined.~~

~~**17.12.3.020 — Authority.**~~

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

~~**17.12.3.030 — Composition and appointment of members.**~~

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

~~B. **Considerations in making appointments.** Members shall be residents of the City. The City Commission shall make an effort to achieve a diversity of expertise, background, and interest. Such diversity should preferably include two (2) architects and three (3) individuals chosen for their demonstrated interest in and 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. **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.~~

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 12 ADMINISTRATIVE AND ENFORCEMENT BODIES

- ~~D. **Vacancies.** When a position becomes vacant before the end of the term, the City Commission shall make an appointment. 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 board and the member's office declared vacant under the following conditions:~~
- ~~1. The member fails to attend three (3) successive regular meetings without excused absences; or~~
 - ~~2. The member moves outside of the City; or~~
 - ~~3. The City Commission declares without notice and without assignment of cause the removal of a member.~~

~~17.12.3.040 **Officers.**~~

- ~~A. **Election.** At its annual meeting, the board shall elect a chair and vice chair 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 chair.** The chair shall have all the rights and privileges of a board member.~~
- ~~G. **Duties of chair.** The chair shall:~~
- ~~1. Preside at all meetings of the board,~~
 - ~~2. Plan the agenda for the board,~~
 - ~~3. Act as a liaison between the board and the Planning and Community Development Department,~~
 - ~~4. Execute all legal documents on behalf of the board,~~
 - ~~5. Call special meetings as provided herein, and~~
 - ~~6. Act as the public representative of the board or designate an alternate.~~
- ~~H. **Duties of vice chair.** The vice chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.~~
- ~~I. **Duties of secretary.** The secretary shall:~~
- ~~1. Maintain the minutes and records of the board and issue calls and notices pertaining to the board,~~
 - ~~2. Distribute the agenda for all regular and annual meetings at least one (1) week prior to the meeting,~~
 - ~~3. Keep a roll of membership and attendance, and~~
 - ~~4. Supervise the balloting at all elections.~~

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Chapter 12 ADMINISTRATIVE AND ENFORCEMENT BODIES

~~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)~~

~~**17.12.3.050 Board procedures.**~~

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

~~**17.12.3.060 Schedule of meetings.**~~

~~A. **Annual meeting.** The board shall meet at least once a year in January to elect officers and for such other business as may arise.~~

~~B. **Regular meeting.** The board shall schedule meetings to review applications for which it has authority to review.~~

~~C. **Special meeting.** Special meetings may be called by the chair or 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 quorum.** A quorum shall consist of three (3) voting members.~~

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

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

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

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

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

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

~~5. Other applicable law that applies.~~

~~**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.~~

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Chapter 12 ADMINISTRATIVE AND ENFORCEMENT BODIES

~~17.12.3.090 — Legal representation.~~

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