

Appendix A: Cascade County Zoning Regulations (CCZR) List of Changes

Multiple non-substantive changes have been made throughout the document related to spelling, formatting, or grammatical corrections. This list of changes does not call out all minor, non-substantive modifications that do not change content or interpretation of the regulations. Page numbers, formatting, and the Table of Contents will be updated and finalized prior to adoption.

Title Page: Minor revisions to the adoption statement on the title page. Metalanguage convention used to clarify meaning.

Section 1.3: Explicit statement of permissive code added to provide clarity.

Cascade County Zoning Regulations:

Designated a spot for a new resolution. Table of contents section information and page numbers to be adjusted according to revisions.

Regulatory paragraph on adoption modified to reflect edits by the Attorney's Office.

Table of Contents:

Minor formatting and date updates only.

Section 1:

Minor formatting and grammatical updates.

Section 2 Definitions:

Added structure through the addition of two subsections for clarity and added language that the specific takes precedence over the general when specific terms are also captured by more general ones.

Agricultural Commodity: This definition has been added to clarify what an agricultural commodity is, since the term is used extensively throughout the Zoning Regulations.

Agricultural Use: This definition has been shortened and adjusted for clarity to include broader aspects of agricultural use rather than having specific call-outs in the definition.

Alcohol Distillery: This definition has been added to clarify the difference between a distillery intended for consumption and sales as opposed to an industrial distillery which does not capture the type of use a local distillery/tasting room would entail.

Animal, Domestic: Removed and replaced by the term Domestic Non-livestock Animal.

Animal Feeding Operation (AFO): This definition has been added to support the CAFO and Commercial Feedlot definitions. Not all feedlots will qualify as CAFOs under state and federal requirements.

Animal Production: This definition has been added to support the revised definition for “Agricultural Use.”

Apiculture: This definition has been added to support the definition for “Agricultural Use” and “Animal Production.”

Aquaculture: This definition has been added to support the revised definition for “Agricultural Use.”

Artisan Shop: Taxidermy has been added to this definition to expand the possible locations for this type of business. Planning staff believes this is in line with other uses captured by this definition.

Bed and Breakfast: MCA citation modified to the correct format.

Butcher Shop: This definition has been added to define the scope of this use in the Zoning Regulations.

Crop Production: This definition has been added to support the revised definition of “Agricultural Use.”

Commercial Feedlot: This definition has been revised in a way that distinguishes open pasture feeding and raising operations (Agricultural Use) from dense feedlot operations that qualify as AFOs but not CAFOs.

Commodity: This definition has been added to define a specific term used extensively throughout the Zoning Regulations.

Concession Stand: This definition has been added for a use that is commonplace at arenas and other similar venues but which has not been captured by zoning regulations to date.

Domestic Non-livestock animal: This definition has been adapted from Domestic Animal and modified to support the Veterinary Clinic, Small Animal and Small Domestic Non-livestock Animal definitions.

Entoculture: This definition has been added to support the revised definition of “Agricultural Use” and the definition for “Animal Production.”

Equine Production: This definition has been added to support the revised definition of “Agricultural Use.”

Establishment: This definition has been added to clarify the multiple uses of “establishment” throughout the regulations.

Event Center: This definition has been added to define the scope of this use in the Zoning Regulations.

Facility: This definition has been added to clarify the multiple uses of “facility” throughout the regulations.

Forestry: This definition has been added to support the revised definition of “Agricultural Use” and define this use as relevant to other sections of the Zoning Regulations.

Game Animal: This definition has been added to support Wild Game Processing Facility and addresses the special regulations around these animals.

Game Fish: This definition has been added to support Wild Game Processing Facility and addresses the special regulations around these animals.

Garage, Private: This definition has been adjusted for grammar and to clarify scope of ownership.

Guest Ranch: This definition has been adjusted to more closely match the definition provided in § 50-51-102, MCA.

Home Occupation: “Urban” was removed from this definition as it is superfluous and suggests that this type of permit is only obtainable in the Urban Residential District, which is inaccurate.

Industrial, Light: This definition was altered for clarity and to remove unnecessary language and open-ended statements that could be used to validate a use that would otherwise run contrary to permissible uses laid out in these regulations.

Industrial Uses: This definition was re-worked to be more descriptive and capture the nature of what an industrial use is, rather than simply referring back to the regulatory document.

Indoor Sports and Recreation (also Outdoor Sports and Recreation): Language added to allow for spectators.

Livestock: This definition was adjusted for grammar.

Livestock, Large: This definition was modified to remove the “and the like” language while retaining a capacity to capture unconventional livestock choices by using an industry standard metric Animal Unit (AU) that relates animal weights and their consumption habits to the land.

Livestock, Small: This definition was modified to remove the “and the like” language while retaining a capacity to capture unconventional livestock choices by using an industry standard metric Animal Unit (AU) that relates animal weights and their consumption habits to the land.

Medical Marijuana Registered Premises: This definition has been added to mirror Montana Code Annotated and remove any confusion regarding medical marijuana facilities of all types.

Meat Packing Plant: This definition has been removed as the use is defined elsewhere in more detail.

Medical Marijuana Testing Facility: This definition has been added to define a potential use associated with the Montana Medical Marijuana Act that matches Montana Code Annotated.

Medical Marijuana Dispensary: This definition has been removed because it is outdated and does not appropriately reflect the current laws regarding medical marijuana in the state of Montana.

Medical Marijuana Provider: This definition has been removed because it is outdated and does not appropriately reflect the current laws regarding medical marijuana in the state of Montana.

Micro-Brewery: This definition has been adjusted to capture all aspects of the micro-brewery industry in the state and clarify what constitutes said business.

Migratory Game Bird: This definition has been added to support Wild Game Processing Facility and addresses the special regulations around these animals.

Motor Vehicle Wrecking Facility: Minor grammatical and semantic changes were made.

On-Premise Sign: This definition was added to delineate the inverse of “Off-Premise Sign.”

Planning Board: Definition was given more detail.

Retirement Home: This definition was added to define a use that is brought up elsewhere in the regulations.

Sexually-oriented Business: clarified first sentence.

Slaughterhouse: This definition was reworked for clarity and to remove the language addressing the confinement of live animals on site.

Small Domestic Non-livestock Animal: Modified to support Veterinary Clinic definitions.

Storm Water: Revised to match ARM 17.30.1102(27).

Storm Water Runoff: Deleted due to redundancy with “Storm Water.”

Value-Added Agricultural Commodity Processing Facility: This definition was added to address a use specifically called out in the regulations.

Value-Added Agricultural Product: This definition was bolstered for clarity and to support the definition for “Value-Added Agricultural Commodity Processing Facility.”

Wild Animal: Added to replace Exotic Animal definition and support Livestock and Domestic Non-livestock animal definitions.

Wild Game Processing Facility: This definition has been added to address a use that has been included in this proposed draft of the zoning regulations.

Zoning Administrator: This definition has been added to clarify who is capable of administering the regulations and engaging in enforcement actions with regards to the regulations.

Section 3:

District names and page numbers were updated to reflect proposed zoning regulation changes.

General description and purpose of districts were added to explain the character of the districts.

Section 4:

The three maps have been updated to reflect proposed zoning district changes to Black Eagle and parcels currently zoned Agricultural. Existing maps have been replaced by three updated maps and one new map showing a close-up view of Black Eagle. The Black Eagle map is included to better portray the area's lots and roads. The rezoning of Black Eagle to Mixed Use reduces the number of non-conforming uses, better aligns with existing land use patterns, and allows additional flexibility in uses than the current Urban Residential zoning. The updated replacement maps reflect the addition of new Black Eagle MU zoning and the change from Agricultural to Mixed Use-20 and Mixed Use-40 zoning. The Agricultural change better reflects the existing uses in the county and recognizes the different uses in community areas and along transportation routes compared with more traditional agricultural uses on large acreages. Conformity with Growth Policy goals of preserving agricultural land and uses is reflected. Further description of the methodology employed in designating the MU-20 and MU-40 zones can be found in Appendix B.

Section 5:

No changes.

Section 6:

No substantive changes.

Section 7:

Intent statements were added for each district.

Section 7.1.11: Minimum lot requirement for MU added (6,400 ft²) to correspond with a general minimum lot size requirement.

Section 7.1.1.3: Minimum lot width and minimum lot size were reduced from 60 feet to 50 feet and 6,400 ft², respectively.

“Private Power Plant (up to 50kW)” added as an accessory use for C, MU-20 and MU-40 and “Private Power Plant” added as an accessory use in I-1 and I-2. “Private Power Plant (greater than 50 kW) added to Special Use for C, MU-20 and MU-40.

7.1.0 Removed language to conform to formatting.

7.1.0.3 Proposed UR District front yard setback be reduced to 20 feet to reflect development patterns present in this district.

7.1.0.4 Proposed addition of impervious surfaces to lot coverage.

7.1.1.3 Proposal to allow for facilities with nine or more residents in RR-5 as an SUP.

7.2 Proposed replacement of Agricultural (A) Districts with Mixed Use – 20 (MU-20) and Mixed Use – 40 (MU-40) Districts. The move to two large acreage districts began with incorporating the same criteria for A Districts and allowed modification to better align with development patterns and the growth policy. Lot coverages were converted to table format for ease. Permitted principal uses were expanded. 7.2 A became 7.2 MU-20 and 7.3 MU-40. For a more detailed explanation see Appendix B.

7.2.3 (3) Added “Concession stand, where a legally permitted principal land use of any of the following exists: Motorized Sports Entertainment, Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

7.3.3 (3) Added “Concession stand, where a legally permitted principal land use of any of the following exists: Motorized Sports Entertainment, Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

7.3.5 Added paved parking language to reference modified language in 8.18.2.5.

7.3.8 Added Hotel and Motel, Alcohol Distillery, Butcher Shop, Event Center, and Wild Game Processing to permitted uses. These proposed additional uses conform with commercial districts.

7.3.10 Modified Agricultural Facility to Agricultural Commodity Storage Facility to fit modified definition. Added Federal Firearm Retailers, Dealers, Repairers; and Contractor Yard, Large to SUP uses. These proposed additional uses conform with commercial districts as SUP uses.

7.3.11 Modified Medical Marijuana Provider definition to reflect current MCA terms and align with new proposed definitions in these regulations. New listed prohibited uses are Medical Marijuana Registered Premises and Testing Facility.

7.4.1.9 (2) Changed (2) to read Industrial Uses to align with new definition. Operational restrictions from (2) modified and moved to newly added 8.20 section.

7.4.2.2 Added section to address medical marijuana. Added language stating medical marijuana registered premises or testing facilities are only allowed in I-2. Moved language regarding 1,000 foot buffer without text amendment from 8.19 to group medical marijuana requirements.

7.4.9 (5) Added “Concession stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

7.5 No changes.

7.6 No changes.

7.7 No changes.

7.8.8 Added Butcher Shop, moved Casino to SUP, added Convenience Sales, added Alcohol Distillery, moved Vehicle Repair to SUP, and added Wild Game Processing to better align uses.

7.8.10 Added Garage, Private; Casino, Federal Firearm Retailers, Dealers, Repairers; Multi-family Dwelling; Event Center; Contractor Yard, Large; and Vehicle Repair uses to SUP to better align uses.

7.8.11 (1) Modified Medical Marijuana Provider definition to reflect current MCA terms and align with new proposed definitions in these regulations. New listed prohibited uses are Medical Marijuana Registered Premises and Testing Facility.

7.9.9 (7) Added “Concession stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

Section 8

8.1.1 Sign requirements changed to table format for ease of use. Some sign quantities were added to fill gaps and align with comparable zoning districts.

8.1.3.2 Political sign section split into two parts. Political signs remain one category, with directional signs separated into a distinct section (8.1.3.3). Proposed reduction in time to remove political signs post-election to mirror state law in ARM 18.6.246. The Public Works Department authorized is to remove illegal signs.

8.1.5 I-2 changed to I-1 to follow SUP requirements. I-2 does not have SUP uses.

8.1.6 Agricultural zoning removed and replaced with MU-20 and MU-40.

8.2.5 L/C Permit language added for clarity on when one is required and woven fencing is addressed.

8.2.5.1 Fence section broken out into constituent parts for clarity. Residential districts are listed.

8.2.5.2 Electrical fencing locations and type are further defined. Requirements added to avoid dangerous or deadly fence types.

8.2.5.4 Wildlife-friendly fencing specifications added. Specifications align with state requirements for this fencing type. This fencing aligns with the objectives of the Growth Policy and Goal 10 specifically.

8.5 ‘Commercial’ stricken to ensure site plan requirements for all buildings or uses. This aligns with current permit practice and language in Section 9.2 pertaining to L/C Permits. Subpart (j) added to require compliance with Circular DEQ 8 for storm water if compliance is applicable.

8.15.1 & 8.5.2 Redundant language removed.

8.16 Modified language to address home occupations in all residential settings.

8.18.1 Clarifying language added to broaden application and further inhibit noxious weeds and invasive plants. Planning removed from plant list as no list formally exists.

8.18.2.1 Clarification added to prevent multiple interpretations of landscaping requirements.

8.18.2.3 Clarification added to prevent multiple interpretations of landscaping requirements.

8.18.2.5 Modified parking lot requirements to allow for a choice between paved and unpaved without regard to number of stalls.

8.19 Existing 8.19 removed from Section 8. Exact language moved to the I-2 section (7.4.2) as Registered Premises. The ‘existing residence’ and ‘residential district’ portions have been deemed unenforceable per November 13, 2018 County legal opinion. Full strikethrough and reinstatement will allow continued enforcement of this provision in whole.

8.20 Section renumbered following move of previous section. A new Section 8.20 added for I-1 operational restrictions relocated from 7.4.1.9 (2). Operational restrictions will now apply to all allowed I-1 uses. Subpart (g) modified to continue to allow gravel pits as permitted uses in I-1. Subpart (i) added to restrict operations to the hours between 7 AM and 7 PM.

Section 9:

This entire section has been restructured and revised to clarify when a permit is needed, options pertaining to approved permits, specific instructions on application and permit expirations, and more.

9.1: The Zoning Administrator is not an appointed position, so this superfluous language has been stricken. Other change is a minor grammatical fix.

9.2: Minor grammatical and formatting changes.

9.3: Language specifically quantifying fees in the regulations has been replaced in favor of a reference to a Fee Schedule document. This will allow the Planning Division and Commission to adjust fees and fines without going through the full Zoning Amendment process.

9.5: Language referring to specific fees has been removed, and all instances of “Director” have been replaced with “Administrator.”

Section 10:

10.1: Specific fees have been removed in favor of a Fee Schedule reference.

10.2: Item (h) has been added to the Special Use Permit process to allow the Planning Division to coordinate with DEQ regarding larger projects that may have an impact on drainage and storm

water discharge. A requirement for a signed Use Statement Form is included which refers to the existing checklist for use during pre-application meetings.

10.4: A full paragraph has been added to set time limits on applicant driven amendments to Special Use Permit applications. This will require applications to be submitted and processed in a timely manner and will prevent applications from being submitted and put on hold indefinitely. The other change is a minor grammatical one.

10.7: Minor grammatical changes.

Section 11:

No changes.

Section 12:

12.3.1: References to specific fees have been removed in favor of a reference to the fee schedule. “Municipality” was replaced with “County” to more accurately reflect the jurisdictional area.

12.3.2: Minor grammatical changes.

12.3.5.2: “Realtor’s” has been replaced with “party’s” to more accurately reflect who may appeal a decision of the Zoning Board of Adjustment.

Section 13:

Section title changed from “Violations and Penalties” to “Enforcement” and entirely re-written to describe what constitutes a violation, the enforcement process, possible enforcement actions, and clarification of liable parties. A section on administrative penalty and fees has been added.

Section 14:

14.1.1 (7): A reference to a specific fee has been removed in favor of a reference to the fee schedule.

Section 15:

15.1: Minor grammatical change.

15.1.8: Referential error corrected.

Section 16:

No changes.

Section 17:

17.4 A formatting change has been made that creates the illusion of more substantial changes, this is not the case and this section remains materially unaltered.

Section 18:

One reference to a specific fee has been replaced in favor of a reference to the fee schedule. This section remains otherwise unaffected.

