

EXHIBIT A

Flood Road Zoning District

SECTION ONE TITLE, CREATION AND ADOPTION

Pursuant to Section 76-2-201, Montana Code Annotated (MCA), the Board of County Commissioners for Cascade County, having adopted a growth policy for its entire jurisdictional area pursuant to Title 76, Chapter 1, Montana Code Annotated, is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with Title 76, Chapter 2, Montana Code Annotated.

In accordance with Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners for Cascade County herein adopts this Flood Road Zoning Resolution for zoning regulation in the Flood Road Zoning District which has been duly created by Resolution No. 00-07 of the Board of Cascade County Commissioners.

The Cascade County Planning Board, having been duly created pursuant to Title 76, Chapter 1, Montana Code Annotated, there shall be no separate Zoning Commission appointed as otherwise provided for by Section 76-2-220, MCA. The Cascade County Planning Board shall have all the powers given to it by the laws of the State of Montana and as otherwise expressly provided for herein.

SECTION TWO PURPOSE

The purpose of the zoning is to:

- 1) Help guide development in the area,
- 2) Maintain the rural character of the area, prevent overcrowding, and allow for development that is compatible with the existing pattern of growth,
- 3) Avoid impacts on surrounding residents associated with future industrial development,
- 4) Preserve property values and amenities,
- 5) Protect scenic values, traditional viewsapes and open space,
- 6) Preserve air and water quality and minimize soil erosion,
- _7) Secure safety from fire, and
- _8) Facilitate the protection of groundwater.

SECTION THREE BOUNDARY

The boundary ***and sub-boundaries*** of the Flood Road Zoning District is shown on the attached map dated January 2000.

The original Flood Road Zoning Map shall be kept on file in the office of the Cascade County Clerk and Recorder and shall be referred to as the official map for the Flood Road Zoning District.

SECTION FOUR ESTABLISHMENT OF DISTRICT

The jurisdiction of the Flood Road Zoning District is one district, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Resolution.

Certificate

The Official Map shall be available in the Cascade County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairman of the Board of County Commissioners attested by the County Clerk and the date of adoption of this Resolution. The Certificate should read as follows:

This is to certify that this is the Official Zoning Map referred to in Section Four of the Flood Road Zoning District Resolution.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested

Date of Adoption

If any changes to the map are made by amendment of this Resolution in accordance with Section Fourteen, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the County Clerk and Recorder shall be the final authority as to the current zoning status of the land and water area, buildings, and other developments in the zoning district.

SECTION FIVE

DEFINITIONS

- A. **Agricultural Use**
Any management of any land for agriculture; including, but not limited to, harvesting of crops and rearing and management of cows, horses; tillage; husbandry; farming; and horticulture. However any agricultural use shall not violate the provisions of Section Seven, C.15. Agricultural use does not include large commercial hog or poultry operations, slaughterhouses, rendering plants, commercial feed lots, or mink or fur farms, which for the purpose of these regulations shall be considered industrial uses.
- B. **Accessory Building**
A subordinate structure not used for permanent occupancy on the same lot as the principal or main dwelling and the structure is devoted to a use secondary or incidental to the principal use or structure. Accessory buildings for the purpose of home occupations shall not exceed 2,500 square feet.
- C. **Commercial Dog Kennel**
Any lot, building, or structure where more than 4 dogs or cats of sexual maturity are kept and maintained for the purposes of breeding and selling for financial gain.
- D. **Conditional Use**
Following a public hearing, the Zoning Board may authorize a use, upon a finding that it is compatible with surrounding land uses and will comply with all conditions and standards for location, design, and operation of such uses.
- E. **Home Occupation**
_____ Any occupation carried on entirely within a residence or accessory building by the occupants thereof, which activity is clearly incidental to the use of said property as a primary residence. Home occupations may involve the sale of goods and services, but must not change the residential character of the district, and must be conducted in such a manner as to not infringe upon the rights of the neighboring residents to enjoy a peaceful occupancy of their homes.

- F. Industrial Use
Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, freight handling or similar operations; and the use of land or buildings for any purposes other than those allowed by these regulations.
- G. Legally Existing
The use is in full compliance with all applicable laws, rules, and regulations, including but not limited to possession of and compliance with any permit, license, lease, or other approval required under Federal, State or Local regulations.
- H. Livestock
Livestock shall mean farm animals including but not limited to llamas, goats, horses, cows, bulls, sheep, pigs, and domesticated wild animals.
- I. Permit
Written authorization issued by the Zoning Officer on behalf of Cascade County or by the Zoning Board pursuant to these regulations. Includes written authorization by Federal, State or Local authorities to approve specific, regulated activities.
- J. Permitted Uses
A use or activity which is allowed by the district regulations for which a permit may be required.
- K. Prohibited Use
A use or activity which is not allowed within the zoning district.
- L. Temporary structure
Temporary structures include factory assembled structure(s), other than a manufactured home (as defined in Section 17.09.364, Great Falls City Code as of November 5, 1992) built on a permanent chassis for transportation to a site for installation and used as a dwelling with or without a permanent foundation (i.e. house trailer or mobile home).
- M. Variance
Relief afforded a landowner by the Zoning Board of Adjustment from the standards contained in these regulations in accordance with 76-2-223 MCA. Variances will not be granted because of mere inconvenience or a desire to make more money.

SECTION SIX APPLICATION OF DISTRICT REGULATIONS

Upon passage of these regulations, no new nonconforming uses shall be allowed, as defined in Section Eight.

SECTION SEVEN DISTRICT REGULATIONS

- A. Intent
The intent of regulations within the District is to maintain the open and rural residential and agricultural character of the area and facilitate development that is consistent and compatible with the existing pattern of growth.
- B. Permitted Uses
 - 1. Agriculture and pasturing/raising of livestock
 - 2. Selling or subdividing property (within existing subdivision laws or as specified herein)
 - 3. Residential uses: two (2) acre minimum lot size
 - 4. Private landing strip

5. Home Occupation and accessory buildings
6. Pasturing or boarding of livestock for fee
7. Rural fire station
8. Sand and gravel removal on a 40-hour per week basis, however, said operations must be conducted between the hours of 7:00 a.m. and 5:00 p.m.

C. Prohibited Uses

1. Commercial trailer courts
2. Individual open lagoon waste-water treatment systems
3. Apartment buildings, condominiums and multiple-family dwellings
4. Commercial storage units
5. Junk and scrap yards
6. Commercial feedlots, large commercial hog or poultry operations, commercial mink or fur farm, slaughterhouse or rendering plant
7. Any industrial operations, with the exception of sand and gravel removal
8. Commercial marinas
9. Storage of more than 1,000 gallons of flammable liquids, other than propane storage tanks
10. Commercial strip malls or outlet malls
11. New or used car lots
12. Commercial dog kennels
13. Temporary structures beyond a one-year period during the construction of a permanent dwelling
14. More than two head of livestock per acre of land on a permanent or temporary basis

D. Other Requirements

1. Minimum lot size shall be one acre
2. Owners shall control nuisance and noxious weeds on their property as defined in the Cascade County weed control district regulations. The Zoning Administrator shall address nuisance and noxious weeds.
3. Landowners shall take measures to control soil erosion on their property. Soil erosion and penalties are defined by Cascade County Conservation District standards. If erosion is suspect, the Zoning Administrator shall be notified to determine corrective action.

Interpretation of Uses – If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Zoning Administrator shall determine the appropriate classification for that use.

In interpreting use classification, the Zoning Administrator shall consider all relevant facts and circumstances, including, but not limited to:

1. The use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located;
2. The use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located; and
3. The intent of this Resolution nor the intent of the district will be abrogated by such classification.

SECTION EIGHT

NONCONFORMING USES

Intent – The lawful use of a premise existing at the time of the adoption of this Resolution may be continued, although such use does not conform with the provisions of the Resolution. It is the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming Uses of Land – Where, pursuant to Section 76-2-208, M.C.A., at the time of passage of this Resolution, lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than permitted at the effective date of adoption or amendment of this Resolution.
2. Any nonconforming use that is discontinued or ceases in operation for a period of 365 days or longer shall then be deemed a prohibited use and shall not be reestablished, except as allowed by this Resolution.

Conditional Uses – Conditional uses shall not be deemed a nonconforming use.

SECTION NINE

HOME OCCUPATIONS

Home Occupations are permitted in the district. Home Occupations are determined to have no effect on the neighborhood. Home Occupations shall be required to obtain a zoning compliance permit. There will be no charge for a home occupation permit.

Home Occupation

1. Work on the premises shall be carried on wholly within the principal building, or accessory building not to exceed 2,500 square feet unless a variance is obtained from the Zoning Board of Adjustment.
2. Not more than two (2) people who are not a member of the applicants' immediate family and who are not a resident of the applicants' home may be employed onsite.
3. Home occupations will be prohibited from creating visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit.
4. There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.
5. The primary unit shall remain a residential structure.
6. No sign greater than 5 square feet shall be attached to a primary residence and no sign greater than 10 square feet shall be attached to an accessory structure. Signs shall not be illuminated. Signs shall be of material compatible with the structure to which they are attached. Free standing signs shall be allowed; said freestanding signs to be no greater in height than five feet from the ground to the top of the sign, and no greater in area than 10 square feet.

SECTION TEN

CONDITIONAL USES

Intent – The intent of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate under certain safeguards or conditions.

Conditional Use Requirements – No structure or land may be used for any purpose in any district where such use is not a permitted use, unless approval for that use is obtained through the proper procedure.

Conditional use permits shall be granted only by the Zoning Board when their findings are that:

1. The use conforms to the objectives of The Flood Road Zoning District and the intent of this Resolution, and;
2. Such use will not adversely affect nearby properties or their occupants, and;
3. Such use meets all other requirements of the district in which it is to be located, unless otherwise provided for in this resolution, and;
4. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

Conditional Use Procedure

1. All applications for conditional use permits shall be filed with the Zoning Board accompanied with a \$200.00 filing fee.
2. Notice of public hearing for conditional use permits shall be published twice in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing. Adjacent property owners shall be notified by certified mail.
3. The Zoning Board shall then designate the Zoning Administrator to review the facts of the application and determine if the application is consistent with the intent and purpose of this Resolution.
4. The Zoning Board shall hold a public hearing to gather facts from all interested parties. The Zoning Board may continue such hearing to take additional information. The Zoning Board shall either approve, conditionally approve or deny the application. Written findings of fact shall be sent to the applicant within fifteen (15) days of the Zoning Board's decision.
5. Conditional use permits must be renewed annually. Applications must be submitted to the Zoning Administrator by January 31st of each year and must be accompanied by a \$50.00 filing fee.
6. The Zoning Administrator will inspect permitted conditional uses on an annual basis.
7. If a permitted conditional use ceases or is discontinued for a period of 90 days or longer, a new application must be made to re-initiate said use.

Conditional Approval – The Zoning Board may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to conform with the zoning code and preserve the character of the area.

Security – The Zoning Board may require guarantees in the form of bonds, cash deposits and/or other evidences of compliance in order to secure compliance with conditions imposed.

Revocation or Modification of Permit – Upon notice of public hearing, conditional use permits may be revoked or modified by the Zoning Board.

1. If the person holding this permit or variance has not engaged in the authorized use, or
2. If the person holding the permit or variance has not complied with conditions upon which it was issued. Modification or revocation may only be had after following the same formal procedure for notice and hearing required for the granting of a permit or variance in the first instance. Appeals from modification or revocation shall be as set forth in the Resolution.

SECTION ELEVEN

BOARD OF ADJUSTMENT

Authorization to Grant or Deny Variances – A Board of Adjustment may authorize a variance from the requirements of this Resolution under the terms of MCA 76-2-223 when it can be shown that because of special and unusual circumstances related to a specific piece of property, strict application of the Resolution would cause an undue or unnecessary hardship. In Cascade County, the Zoning Board shall also function as the Board of Adjustment. Said Zoning Board and Board of Adjustment are those persons duly appointed to the Cascade County Planning Board by the Cascade County Commissioners. In granting a variance, the Board of Adjustment may attach conditions it finds necessary to achieve compliance with the criteria of this Resolution. Actions of the Board are regulated by the regulations contained herein as well as those sections of the Montana Code Annotated pertaining to county zoning.

SECTION TWELVE

ADMINISTRATION

Employees and Officers – Subject to the Board of County Commissioners budgetary and supervisory control and in accordance with Section 76-2-210, MCA, the Flood Road Planning and Zoning Board is hereby authorized to appoint and hire such employees and officers as shall be deemed necessary to carry out the provisions of this regulation, including a Zoning Administrator.

The Zoning Administrator shall be the Cascade County Planning Director and shall perform duties hereunder without remuneration in excess of his/her regular salary. The Zoning Administrator may appoint a representative to carry out the duties of the Zoning Administrator.

If the Zoning Administrator, or his/her designated representative, finds that provisions of this Resolution are being violated with respect to zoning requirements, the Zoning Administrator shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and requesting that action be taken to correct it. The Zoning Administrator shall request discontinuance of illegal use of land, buildings, or structures, illegal additions, alterations; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or prevent violation of its provisions.

Conformance – No permit of any type shall be allowed unless in conformance with the regulations contained within this Resolution. Permits issued on the basis of plan and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction.

Conditional use permits and variances approved by the Zoning Board shall be considered to be in conformance with this Resolution.

Duties of the Zoning Administrator – It shall be the duty of the Zoning Administrator, or his/her designated representative, to administer and enforce these regulations, and to review all applications submitted to the Board of Adjustment for variances, rezoning requests and amendments to the Resolution. The Zoning Administrator and staff shall work for the Zoning Board and be in an advisory capacity making recommendations on all requests.

The Zoning Administrator, or his/her designated representative, shall have the authority to address and determine a course of action in matters regarding nuisance noise, weed control, soil erosion, junk and scrap yards and other complaints. The Zoning Administrator and staff shall also investigate any possible violations to the zoning Resolution.

Appeals – Appeals from the decision of the Zoning Administrator concerning interpretation of this Resolution may be taken in writing to the Board of Adjustment. Such an appeal from the decision of the Zoning Administrator must be taken within thirty (30) days in writing to the Board of Adjustment.

A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this Resolution to be decided after holding a public hearing. Such hearing shall be held in accordance with this Resolution and Sections 76-2-226 and 76-2-227, MCA.

Schedule of Fees, Charges and Expenses – The Zoning Board shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals and other matters pertaining to this Resolution. The schedule of fees listed below shall be effective and may be altered or amended only by the Zoning Board.

No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Zoning Board, unless or until preliminary charges and fees have been paid in full.

